

MCCOOK CITY COUNCIL
December 3, 2012
7:30 P.M.

A MEETING OF THE MAYOR AND COUNCIL OF THE CITY OF MCCOOK, NEBRASKA convened in open, regular, and public session at 7:30 o'clock P.M. in the City Council Chambers.

Present: Mayor Berry, Councilmembers Gonzales, Calvin, Hepp, McDowell; City Manager Hancock; City Attorney Schneider; City Clerk-Treasurer Doak.

Absent: None.

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on November 29, 2012, the designated method of giving notice, a copy of the proof of publication being attached to these minutes. Advance notice of the meeting was also given to the Mayor and members of the City Council and a copy of the Acknowledgment of Receipt of such notice is attached to these minutes. Availability of the agenda was communicated in the advance notice to the Mayor and Council. All proceedings hereafter shown were taken while the meeting was open to the attendance of the public.

Mayor Berry announced that a copy of the Open Meetings Act was posted by the entrance to the Council Chambers and available for public review.

(1) INVOCATION - THE MCCOOK MINISTERIAL ASSOCIATION - CLARK BATES - MCCOOK CHRISTIAN CHURCH.

Clark Bates, pastor of the McCook Christian Church was present for the invocation.

(2) PLEDGE OF ALLEGIANCE.

Mayor Berry lead the Council and audience in the Pledge of Allegiance.

(3) ADMINISTER OATH OF OFFICE FOR THE NEW ELECTED COUNCILMEMBERS JERRY CALVIN, JANET HEPP, AND BRUCE MCDOWELL.

City Clerk Doak administered the oath of office to the newly elected Councilmembers Jerry Calvin, Janet Hepp, and Bruce McDowell.

(4) REORGANIZATION OF THE CITY COUNCIL:

– Election of Mayor

City Attorney Schneider called for nominations from the Council for the office of Mayor (President) of the Council. Mike Gonzales nominated Dennis Berry. Janet Hepp seconded the nomination. There being no further nominations, the nominations were declared closed. Upon roll call vote of the Council, Dennis Berry, Jerry Calvin, Mike Gonzales, Janet Hepp, and Bruce McDowell voted yea. City Attorney Schneider thereupon declared Dennis Berry to be elected as Mayor and he assumed the chair at that time.

– Election of Vice President of the Council

Mayor Berry called for nominations from the Council for the office of Vice President of the Council. Jerry Calvin nominated Mike Gonzales. Bruce McDowell seconded the nomination. There being no further nominations, the nominations were declared closed. Upon roll call vote of the Council, Dennis Berry, Jerry Calvin, Mike Gonzales, Janet Hepp, and Bruce McDowell voted yea. Mayor Berry thereupon declared Mike Gonzales to be elected as Vice President of the Council.

(5) DETERMINATION OF SEATING ORDER.

Based on the policy set by previous Council, the Councilmembers at this time chose their seats by seniority. The seating order for this Council shall be:

Councilmember McDowell, Councilmember Calvin, Mayor Berry, Councilmember Gonzales, Councilmember Hepp, City Clerk Doak, City Manager Hancock, City Attorney Schneider.

(6) CITIZEN'S FORUM.

No one was present for Citizen's Forum.

(7) MAYOR'S ANNOUNCEMENTS & RECOGNITIONS.

City Manager Hancock informed the Council of a Housing Listening Session to be held at the Keystone Business Center on December 10, 2012 and the Chamber and Great Lakes will have an open house at the Airport on December 12, 2012 from 7:00 A.M. until 9:00 A.M. Representatives from Great Lakes will be available to discuss the new flight schedule and promote the airline.

(8) PUBLIC HEARING - TO RECEIVE INPUT CONCERNING COMMUNITY DEVELOPMENT BLOCK GRANTS RECEIVED IN 2010 AND 2012; THE CITY OF MCCOOK WAS FUNDED FOR A TOURISM PROJECT UNDER GRANT NUMBER 10-TD-006 AND A DOWNTOWN REVITALIZATION PROJECT UNDER GRANT NUMBER 12-DTR-005.

Upon a motion by Councilmember Calvin, seconded by Councilmember Gonzales, the Council voted to recess as a City Council and convene a public hearing for the purpose of receiving public comment concerning Community Development Block Grants received in 2010 and 2012; the City of McCook was funded for a tourism project under grant number 10-TD-006 and a downtown revitalization project under grant number 12-DTR-005 with the City Attorney to act as hearing officer. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

The City Attorney offered and received into evidence Exhibit #1 - Notice of Hearing published.

Eric Hellriegel, representing Miller & Associates, stated that the City of McCook was funded for a tourism project under grant number 10-TD-006 and a downtown revitalization project under grant number 12-DTR-005.

Grant number 10-TD-006 was for \$254,300 of Tourism Development Funds for the construction of ADA restrooms. Its budget was for Architectural Barriers in the amount of \$242,300 and General Administration, \$12,000. Matching funds were contributed to this project from the Fox Theatre Foundation. The community should be incredibly proud of this project. The grant made possible a lot of ADA improvements for the theatre and goes hand-in-hand with the second grant which is being used for revitalization of downtown McCook.

Grant number 12-DTR-005 for \$30,000 of Downtown Revitalization (DTR) Funds for a downtown strategy plan. It's budget is for Planning in the amount of \$27,900 and General Administration, \$2,100. The McCook Economic Development Corporation has contributed \$9,300 as a match. DTR happens in phases. Phase I is the planning part, which is currently in process. Phase II uses the plan developed in Phase I for development of the downtown area.

No persons were displaced as a result of these CDBG assisted activities.

There being no one else present to comment, upon a motion by Councilmember Calvin, seconded by Councilmember McDowell, the Council voted to adjourn the public hearing and to reconvene as a City Council. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

(9) CONSENT AGENDA:

ITEM A APPROVE THE MINUTES OF THE NOVEMBER 19, 2012 REGULAR CITY COUNCIL MEETING.

Upon a motion by Councilmember Gonzales, seconded by Councilmember McDowell, the Council voted to approve the minutes of the November 19, 2012 regular City Council meeting. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

ITEM B APPROVE THE APPLICATION FOR A SPECIAL DESIGNATED LIQUOR LICENSE SUBMITTED BY SCHMICK'S MARKET, INC., LICENSE #ID-86907, FOR A RECEPTION TO BE HELD AT THE RED WILLOW COUNTY FAIRGROUNDS COMMUNITY BUILDING, 1412 WEST 5TH STREET, ON JANUARY 5, 2013 FROM 5:00 P.M. TO 11:59 P.M.

Upon a motion by Councilmember Gonzales, seconded by Councilmember McDowell, the Council voted to approve the application for a Special Designated Liquor License submitted by Schmick's Market, Inc., License #ID-86907, for a reception to be held at the Red Willow County Fairgrounds Community Building, 1412 West 5th Street, on January 5, 2013 from 5:00 P.M. to 11:59 P.M. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

ITEM C RECEIVE AND FILE THE MINUTES OF THE SENIOR CENTER ADVISORY BOARD DATED NOVEMBER 13, 2012, THE BUILDING CODE REVIEW COMMITTEE DATED SEPTEMBER 26, 2012, AND THE LIBRARY ADVISORY BOARD DATED MAY 9, 2012 AND OCTOBER 10, 2012.

Upon a motion by Councilmember Gonzales, seconded by Councilmember McDowell, the Council voted to receive and file the minutes of the Senior Center Advisory Board dated November 13, 2012, the Building Code Review Committee dated September 26, 2012, and the Library Advisory Board dated May 9, 2012 and October 10, 2012. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

ITEM D AWARD THE BID, INCLUDING ALTERNATES #3, #4, AND #5, FOR ONE (1) NEW 4-WHEEL DRIVE RUBBER-TIRED LOADER TO BE USED IN THE STREET DEPARTMENT TO NEBRASKA MACHINERY, IN THE AMOUNT OF \$123,944.00 FOR A CATERPILLAR 924K FRONT END LOADER, IT BEING THE LOWEST RESPONSIBLE BID.

Public Works Director Potthoff stated that on Tuesday, November 27, 2012 sealed bids for one new 4-wheel drive rubber-tired loader for the Street Department were opened. The bids were submitted based on a specification which included the following alternate items:

- 1) Right hand steps, platform and ergonomic hand holds.
- 2) Vendor to supply additional warranty options other than the specified 5 yr/3,500 hours
- 3) 60" wide by 60" length forks
- 4) Two(2) additional quick connect attachment blanks equal to brand provided on bucket
- 5) Factory installed rearview camera system
- 6) Dual left and right brake pedals

City Staff reviewed all three bids and recommend including alternates #3, #4 and #5 in the award of bid. With the inclusion of these three alternates, staff recommends awarding the bid to Nebraska Machinery in the amount of \$123,944.00. This machine will include a 5 year/5,000 hour warranty. The other two bids which also include alternates #3, #4, and #5 were from Murphy Tractor in the amount of \$127,440.00 and Fairbanks International in the amount of \$128,204.00.

Upon a motion by Councilmember Gonzales, seconded by Councilmember McDowell, the Council voted to award the bid, including Alternates #3, #4, and #5, for one (1) new 4-wheel drive rubber-tired loader to be used in the Street Department to Nebraska Machinery, in the amount of \$123,944.00 for a Caterpillar 924K Front End Loader, it being the lowest responsible bid. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

ITEM E AWARD THE BID FOR CONCESSIONS AT FELLING FIELD TO NANCY COLLINS, IN THE AMOUNT OF \$701.00 PER YEAR, FOR CALENDAR YEARS 2013-2015.

Upon a motion by Councilmember Gonzales, seconded by Councilmember McDowell, the Council voted to award the bid for concessions at Felling Field to Nancy Collins, in the amount of \$701.00 per year, for calendar years 2013-2015. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

ITEM F AWARD THE BID FOR CONCESSIONS AT THE JAYCEES BALL COMPLEX TO CONSOLIDATED MANAGEMENT CO, IN THE AMOUNT OF \$1,605.00 PER YEAR, FOR THE CALENDAR YEARS 2013-2015.

Upon a motion by Councilmember Gonzales, seconded by Councilmember McDowell, the Council voted to award the bid for concessions at the Jaycees Ball Complex to Consolidated Management Co, in the amount of \$1,605.00 per year, for the calendar years 2013-2015. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

ITEM G ADOPT RESOLUTION NO. 2012-15 AUTHORIZING THE STREET SUPERINTENDENT TO SUBMIT A REQUEST FOR DESIGN RELAXATION OF THE RULES AND REGULATIONS OF THE BOARD OF PUBLIC ROADS CLASSIFICATIONS AND STANDARDS, TITLE 428 OF THE NEBRASKA ADMINISTRATION CODE FOR THE EAST 7TH STREET PROJECT FROM EAST "H" STREET TO PARK AVENUE.

Upon a motion by Councilmember Gonzales, seconded by Councilmember McDowell, the Council voted to adopt Resolution No. 2012-15 authorizing the Street Superintendent to submit a request for Design Relaxation of the Rules and Regulations of the Board of Public Roads Classifications and

Standards, Title 428 of the Nebraska Administration Code for the East 7th Street Project from East "H" Street to Park Avenue. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

REGULAR AGENDA

- (10) APPROVE ORDINANCE NO. 2012-2887 AMENDING CHAPTER 114, TELEPHONE COMPANIES, OF THE CITY OF MCCOOK, NEBRASKA CODE OF ORDINANCES, SECTION 114.01, OCCUPATION TAX IMPOSED; EXCEPTIONS; REDUCING THE OCCUPATION TAX TO THE CITY FROM 3% TO 1½% OF GROSS RECEIPTS UPON ITS THIRD AND FINAL READING.

Ordinance No. 2012-2887 came up for third and final reading and was read by title only and thereafter Councilmember Gonzales moved for final passage of the Ordinance, which motion was seconded by Councilmember Hepp. The Mayor then stated the question: "Shall Ordinance No. 2012-2887 be passed and adopted?" Upon roll call vote the following Councilmembers voted YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None. Motion carried. The passage and adoption of said Ordinance having been concurred in by a majority of the Council, the Mayor declared the Ordinance lawfully passed and adopted upon publication as required by law.

- (11) CONSIDER AND AWARD THE BID FOR ASBESTOS ABATEMENT AT THE MCCOOK PUBLIC LIBRARY.

Josh Silvers, representing Miller & Associates, presented the following tabulation of bids received:

Great Plains Asbestos Control, Inc. - Kearney, Nebraska
Base Bid - \$88,810.00
Alternate Bid - \$103,300.00
Completion Date - 28 days

McGill Asbestos - Omaha, Nebraska
Base Bid - \$92,000.00
Alternate Bid - \$94,000.00
Completion Date - 02/03/13

Environmental Services, Inc. - Norfolk, Nebraska
Base Bid - \$99,000.00
Alternate Bid - \$109,500.00
Completion Date - 01/15/13

ESA, Inc. - Omaha, Nebraska
Base Bid - \$108,530.00
Alternate Bid - \$158,000.00
Completion Date - 01/18/13

Environmental Direct, Inc. - Grand Island, Nebraska
Base Bid - \$112,000.00
Alternate Bid - \$112,000.00
Completion Date - Basement - 10 days; 1st half first floor - 10 days, 2nd half - 10 days

Wheeler Contracting, Inc. - Omaha, Nebraska
Base Bid - \$119,000.00
Alternate Bid - \$126,000.00
Completion Date - 01/31/13

Bockmann Inc. - Lincoln, Nebraska
Base Bid - \$155,747.00
Alternate Bid - NO BID
Completion Date - 03/01/13

Mr. Silvers stated that Miller & Associates recommends the award to Great Plains Asbestos Control, Inc. in the amount of \$88,810.00 as the lowest responsible and because of their willingness to work with the Library to keep it open during the process. They plan to complete the basement first so that staff can move their office downstairs and continue to work. They estimate that the office will need to be closed to the public approximately sixteen days.

Library Director Crocker noted that the cost is below the \$125,000 that the Library Foundation had estimated for the project.

Upon a motion by Councilmember Calvin, seconded by Councilmember Gonzales, the council voted to award the bid for asbestos abatement at the McCook Public Library to Great Plains Asbestos Control of Kearney, Nebraska in the amount of \$88,810, that being the lowest responsible bid. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

(12) RECEIVE AND FILE THE CONFIRMATION OF THE PURCHASE BY THE CITY OF AN 80KW GENERATOR FOR THE MCCOOK MUNICIPAL CENTER.

Upon a motion by Councilmember Gonzales, seconded by Mayor Berry, the Council voted to receive and file the confirmation of the purchase by the City of an 80kW Generator for the McCook Municipal Center from NWC, Inc. in the amount of \$29,793.00. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

(13) MUNICIPAL CENTER UPDATE.

City Staff, along with personnel from Nebraska Public Power (NPPD), were able to lower the electric line on the east of the property to a depth of six feet, which exceeds the depth required by NPPD. Redesign of the drives is now in process. It is hoped to get this part of the project done, along with all sidewalks, and parking before the weather turns.

(14) ADOPT AND AUTHORIZE THE MAYOR TO SIGN RESOLUTION NO. 2012-19 APPROVING THE TERMS AND CONDITIONS OF THE PURCHASE AGREEMENT BETWEEN THE CITY OF MCCOOK AND SEVIM OZALP RANDEL FOR THE PURCHASE OF A TRACT OF LAND LOCATED IN THE NW1/4 OF SECTION 33, TOWNSHIP 3 NORTH, RANGE 29 WEST OF THE 6TH P.M. IN RED WILLOW COUNTY, NEBRASKA; TOTAL PURCHASE PRICE OF THIRTY FIVE THOUSAND DOLLARS (\$35,000.00).

Upon a motion by Councilmember Calvin, seconded by Councilmember McDowell, the Council voted to adopt and authorize the Mayor to sign Resolution No. 2012-19 approving the terms and conditions of the Purchase Agreement between the City of McCook and Sevim Ozalp Randel for the purchase of a tract of land located in the NW1/4 of Section 33, Township 3 North, Range 29

West of the 6th P.M. in Red Willow County, Nebraska; total purchase price of Thirty Five Thousand Dollars (\$35,000.00). The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

(15) COUNCIL COMMENTS.

There were no council comments.

(16) ADJOURNMENT.

There being no further business to come before the Council, Mayor Berry declared the meeting adjourned at 8:15 P.M.

Dennis Berry, Mayor

ATTEST:

Lea Ann Doak, City Clerk