

MCCOOK CITY COUNCIL  
January 21, 2013  
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 in the new McCook Municipal Center.

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 January 17, 2013, 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 - BRUCE LESTER - EVANGELICAL FREE CHURCH.

Bruce Lester, pastor of the Evangelical Free Church was present for the invocation.

(2) PLEDGE OF ALLEGIANCE.

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

(3) CITIZEN'S FORUM.

No one was present for Citizen's Forum.

(4) MAYOR'S ANNOUNCEMENTS & RECOGNITIONS.

City Manager Hancock informed the Council that work continues on the update to the City's Comprehensive Plan with proposed zoning, subdivision, and development tools; the Housing Plan with the final housing study to be presented and discussed on February 21, 2013; proposed Redevelopment Area #3 that can be used for Tax Increment Financing "TIF" for new housing and development; and that the Building Code Review Committee is meeting the first and third Monday of each month to expedite that process.

(5) CONSENT AGENDA:

ITEM A APPROVE THE MINUTES OF THE JANUARY 7, 2013 REGULAR CITY COUNCIL MEETING.

Upon a motion by Mayor Berry, seconded by Councilmember Calvin, the Council voted to approve the minutes of the January 7, 2013 regular City Council meeting. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

ITEM B RECEIVE AND FILE CLAIM FOR DAMAGES FROM STEVE FRITZ, PRESIDENT OF FRITZ TRUCKING, INC., AND INSTRUCT THAT IT BE SUBMITTED TO THE CITY'S INSURANCE CARRIER FOR REVIEW AND APPROPRIATE ACTION.

Upon a motion by Mayor Berry, seconded by Councilmember Calvin, the Council voted to receive and file claim for damages from Steve Fritz, President of Fritz Trucking, Inc., and instruct that it be submitted to the City's insurance carrier for review and appropriate action. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

ITEM C RECEIVE AND FILE CLAIM FOR DAMAGES FROM ASHLEY WEIR AND INSTRUCT THAT IT BE SUBMITTED TO THE CITY'S INSURANCE CARRIER FOR REVIEW AND APPROPRIATE ACTION.

Upon a motion by Mayor Berry, seconded by Councilmember Calvin, the Council voted to receive and file claim for damages from Ashley Weir and instruct that it be submitted to the City's insurance carrier for review and appropriate action. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

ITEM D ADOPT RESOLUTION NO. 2013-01 APPROVING THE LEASE AGREEMENT WITH WELLS FARGO BANK FOR FINANCING OVER FIVE YEARS THE CATERPILLAR 924K FRONT END LOADER FOR THE STREET DEPARTMENT WITH A RATE OF 2.44% AND AUTHORIZE THE MAYOR TO SIGN.

Upon a motion by Mayor Berry, seconded by Councilmember Calvin, the Council voted to adopt Resolution No. 2013-01 approving the lease agreement with Wells Fargo Bank for financing over five years the Caterpillar 924K front end loader for the Street Department with a rate of 2.44% and authorize the Mayor to sign. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

ITEM E APPROVE THE LEASE AGREEMENT WITH FIRST CENTRAL BANK IN THE AMOUNT OF \$81,303.35 FOR THE PURCHASE OF THREE (3) NEW CARDIAC MONITOR/DEFIBRILLATOR/ PACEMAKERS AND AUTHORIZE THE MAYOR TO SIGN.

Upon a motion by Mayor Berry, seconded by Councilmember Calvin, the Council voted to approve the lease agreement with First Central Bank in the amount of \$81,303.35 for the purchase of three (3) new cardiac monitor/defibrillator/ pacemakers and authorize the Mayor to sign. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

ITEM F RECEIVE AND FILE THE CLAIMS FOR THE MONTH OF DECEMBER 2012 AS PUBLISHED ON JANUARY 17, 2013.

Upon a motion by Mayor Berry, seconded by Councilmember Calvin, the Council voted to receive and file the claims for the month of December 2012 as published on January 17, 2013. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp,

McDowell. NAY: None.

## REGULAR AGENDA

### (6) MUNICIPAL CENTER UPDATE.

Staff informed the Council that we are in the new facility and still have some trouble with e-mails, faxes, and voice mail, but are pretty much now in the business to serve.

The Council requested that consideration of setting a date of an open house of the facility be scheduled for the next meeting.

### (7) REVIEW, DISCUSS, AND PROVIDE DIRECTION REGARDING THE FUTURE USE OF THE CITY OF MCCOOK MUNICIPAL AUDITORIUM AND THE REQUEST FOR THE CONTINUED USE BY MORNING WALKERS AT THE AUDITORIUM.

City Manager Hancock informed the Council that when the City opened the new facility for business on January 8, 2013 the old facility was closed to morning walkers, the heat was turned down, and will be used only for rented occasions. Some comment has been received from the small group of morning walkers requesting that the auditorium remain opened on a daily basis for their use. The current budget for the auditorium is approximately \$20,000 with an estimated annual revenue of \$2,800. The City's insurance broker strongly suggests that the City cease and desist the practice of open walking without supervision. Before any action is taken on use of the Auditorium, the Council has communicated that in January or early 2013 City Staff would schedule an opportunity for community citizens to comment on the future use of the facility. Mr. Hancock noted that he has been contacted by realtors and others interested in the available office space and that a tour is scheduled for this coming Thursday with a group.

Discussion was held regarding allowing the walkers use of the building during an established time daily, cleaning of the facility, security of the facility, and the possibility of adding a kitchen.

Councilmember Calvin did not share the concern of additional liability by having the facility unsupervised. The City is dealt with liability on a daily basis. He supported a key checkout scenario. Similar to what is in place for use of the city-owned pistol and rifle range near the airport. He praised the building and stated that he would like to see the building used as much as possible.

Mayor Berry supported the decision to close the facility for now until public input was received regarding their preference of renting, renovating, or selling the building.

It was the consensus of the Council to receive public input at the next two meetings before deciding the future use of the facility.

### (8) COUNCIL COMMENTS.

Councilmembers stated that they were glad to be in the new facility and that it is very nice and peaceful.

### (9) ADJOURNMENT.

There being no further business to come before the Council, Mayor Berry declared the meeting

adjourned at 8:05 P.M.

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Dennis Berry, Mayor

ATTEST:

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Lea Ann Doak, City Clerk