

MCCOOK CITY COUNCIL  
June 3, 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.

Present: Mayor Berry, Councilmembers Calvin, Hepp, McDowell.

Absent: Councilmember Gonzales.

City Officials present: City Manager Hancock, City Attorney Schneider, City Clerk-Treasurer Doak, Police Chief Isaac Brown, Senior Services Director Sue Chipman, Utilities Director Jesse Dutcher, Fire Chief Marc Harpham, Public Works Director Kyle Potthoff.

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on May 30, 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 - STEVE BALES - 1<sup>ST</sup> CONGREGATIONAL CHURCH.

No one 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.

Utilities Director Dutcher informed the Council that the 500 block of Norris Avenue will have only one lane of traffic for approximately one week. The contractor for the new jail facility will be connecting to the 6" main located in the middle of the street.

City Manager Hancock reviewed highlights of his recent Newsletter. In regards to the moving of trailers (mobile homes) along "Q" Street, he reiterated that #1 – the City is not involved in anyway; #2 - correspondence has been from the developer; and #3 - the City will not be participating in relocation of the trailers.

Mr. Hancock reminded all of the Budget Retreat scheduled for June 11, from 4:00 P.M. to 7:00, in

the Municipal Center Training Room.

(5) CONSENT AGENDA:

ITEM A APPROVE THE MINUTES OF THE MAY 20, 2013 REGULAR CITY COUNCIL MEETING.

Upon a motion by Councilmember Calvin, seconded by Councilmember McDowell, the Council voted to approve the minutes of the May 20, 2013 regular City Council meeting. The motion passed upon the following roll call vote: YEA: Berry, Calvin, Hepp, McDowell. NAY: None. ABSENT: Gonzales.

ITEM B APPROVE AND AUTHORIZE THE MAYOR TO SIGN THE CONTRACT WITH THE WEST CENTRAL NEBRASKA AREA AGENCY ON AGING (WCNA AAA) FOR THE PURPOSE OF DEFINING AND SPECIFYING THE SEPARATE AND MUTUAL RESPONSIBILITIES OF EACH IN THE MANAGEMENT, OPERATION, SUPPORT, MONITORING, AND EVALUATION OF THE MCCOOK HERITAGE SENIOR CENTER.

Upon a motion by Councilmember Calvin, seconded by Councilmember McDowell, the Council voted to approve and authorize the Mayor to sign the contract with the West Central Nebraska Area Agency on Aging (WCNA AAA) for the purpose of defining and specifying the separate and mutual responsibilities of each in the management, operation, support, monitoring, and evaluation of the McCook Heritage Senior Center. The motion passed upon the following roll call vote: YEA: Berry, Calvin, Hepp, McDowell. NAY: None. ABSENT: Gonzales.

ITEM C RECOMMEND APPROVAL TO THE NEBRASKA LIQUOR CONTROL COMMISSION THE APPLICATION FOR MANAGER SUBMITTED BY HERITAGE HILLS GOLF COURSE, 6000 CLUBHOUSE DRIVE, WHICH HOLDS LICENSE #IB-010450, THE APPLICANT BEING BRIAN PRIMAVERA.

Upon a motion by Councilmember Calvin, seconded by Councilmember McDowell, the Council voted to recommend approval to the Nebraska Liquor Control Commission the Application for Manager submitted by Heritage Hills Golf Course, 6000 Clubhouse Drive, which holds License #IB-010450, the applicant being Brian Primavera. The motion passed upon the following roll call vote: YEA: Berry, Calvin, Hepp, McDowell. NAY: None. ABSENT: Gonzales.

ITEM D RECEIVE AND FILE THE MINUTES OF THE DECEMBER 15, 2012 PARKS ADVISORY BOARD MEETING.

Upon a motion by Councilmember Calvin, seconded by Councilmember McDowell, the Council voted to receive and file the minutes of the December 15, 2012 Parks Advisory Board meeting. The motion passed upon the following roll call vote: YEA: Berry, Calvin, Hepp, McDowell. NAY: None. ABSENT: Gonzales.

**REGULAR AGENDA**

(6) WATER SYSTEM IMPROVEMENTS FUNDING:

ITEM A INTRODUCE AND APPROVE ORDINANCE NO. 2013-2890, UNDER

SUSPENSION OF THE RULE, AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF A \$2,086,810 AGGREGATE PRINCIPAL AMOUNT WATER REVENUE BOND, SERIES 2013, IN THE FORM OF A PROMISSORY NOTE OF THE CITY, TO PAY THE COSTS OF ACQUIRING, CONSTRUCTING, IMPROVING, EXTENDING, EQUIPPING AND FURNISHING IMPROVEMENTS TO THE CITY'S WATER WORKS PLANT AND WATER SYSTEM; APPROVING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT WITH THE NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY (NDEQ PROJECT NO. D311560); PRESCRIBING THE FORM AND DETAILS OF THE BOND AND COVENANTS AND AGREEMENTS TO PROVIDE FOR THE PAYMENT AND SECURITY THEREOF; PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE; AND AUTHORIZING CERTAIN ACTIONS AND DOCUMENTS AND PRESCRIBING OTHER MATTERS RELATING THERETO.

Mayor Berry introduced Ordinance No. 2013-2890 by title. The Clerk read the Ordinance by title:

AN ORDINANCE OF THE CITY OF MCCOOK, NEBRASKA AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF A \$2,086,810 PRINCIPAL AMOUNT WATER REVENUE BOND, SERIES 2013, IN THE FORM OF A PROMISSORY NOTE OF THE CITY, TO PAY THE COSTS OF ACQUIRING, CONSTRUCTING, IMPROVING, EXTENDING, EQUIPPING AND FURNISHING IMPROVEMENTS TO THE CITY'S WATER WORKS PLANT AND WATER SYSTEM; APPROVING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT WITH THE NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY (NDEQ PROJECT NO. D311560); PRESCRIBING THE FORM AND DETAILS OF THE BOND AND THE COVENANTS AND AGREEMENTS TO PROVIDE FOR THE PAYMENT AND SECURITY THEREOF; PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE; AND AUTHORIZING CERTAIN ACTIONS AND DOCUMENTS AND PRESCRIBING OTHER MATTERS RELATING THERETO.

Ordinance No. 2013-2890 was introduced and read by title only. Councilmember McDowell moved that the statutory rule requiring reading on three different days be suspended. Councilmember Calvin seconded the motion to suspend the rule and upon roll call vote the following Councilmembers voted YEA: Berry, Calvin, Hepp, McDowell. NAY: None. ABSENT: Gonzales. The motion to suspend the rule was adopted by three-fourths of the Council and the statutory rule was declared suspended for consideration of said Ordinance.

Mayor Berry moved for final passage of the Ordinance, which was seconded by Councilmember Hepp. The Mayor then stated the question: "Shall Ordinance No. 2013-2890 be passed and adopted?" Upon roll call vote the following Councilmembers voted YEA: Berry, Calvin, Hepp, McDowell. NAY: None. ABSENT: Gonzales. Motion carried. The passage and adoption of said Ordinance, having been concurred in by a majority of all members of the Council, the Mayor declared the Ordinance lawfully passed and adopted upon publication as required by law.

ITEM B ADOPT RESOLUTION NO. 2013-17 AUTHORIZING THE MAYOR, CITY CLERK, CITY ATTORNEY, AND UTILITIES DIRECTOR TO SIGN ALL NECESSARY DOCUMENTS, TO FURNISH SUCH ASSURANCE TO THE STATE OF NEBRASKA AS MAY BE REQUIRED BY LAW OR REGULATIONS TO FACILITATE LOAN PAYMENTS TO THE CITY FOR PROJECT NO. 0311560.

Upon a motion by Councilmember Calvin, seconded by Councilmember McDowell, the Council

voted to adopt Resolution No. 2013-17 authorizing the Mayor, City Clerk, City Attorney, and Utilities Director to sign all necessary documents, to furnish such assurance to the State of Nebraska as may be required by law or regulations to facilitate loan payments to the city for Project No. 0311560. The motion passed upon the following roll call vote: YEA: Berry, Calvin, Hepp, McDowell. NAY: None. ABSENT: Gonzales.

- (7) ADOPT RESOLUTION NO. 2013-18 DIRECTING THAT A PUBLIC HEARING BE HELD ON JUNE 17, 2013 REGARDING A REDEVELOPMENT PLAN PREPARED FOR NORTH POINTE PROPERTIES, LLC AND DIRECTING THAT PUBLIC NOTICE BE MADE ACCORDING TO THE NEBRASKA COMMUNITY DEVELOPMENT LAW.

Upon a motion by Councilmember Calvin, seconded by Councilmember McDowell, the Council voted to adopt Resolution No. 2013-18 directing that a Public Hearing be held on June 17, 2013 regarding a Redevelopment Plan prepared for North Pointe Properties, LLC and directing that public notice be made according to the Nebraska Community Development Law. The motion passed upon the following roll call vote: YEA: Berry, Calvin, Hepp, McDowell. NAY: None. ABSENT: Gonzales.

- (8) COUNCIL COMMENTS.

Utilities Director Dutcher informed the Council that staff has reviewed the possibility of refinancing some of the Utility SRF loans with Jenny Blankenship of Public Financial Management, the City's financial advisor. With the City receiving 25% and 50% on new SRF loans, staff desires to get those loan documents completed before working on the refinancing of others.

Mayor Berry complimented the contractor of the East "H" Street paving project, they are moving right along with the first phase scheduled to be opened this week. He also noted the replacement of trees damaged by the hail storm in Memorial Park Cemetery. The trees were replaced through grant funds.

- (9) ADJOURNMENT.

There being no further business to come before the Council, Mayor Berry declared the meeting adjourned at 8:10 P.M.

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Dennis Berry, Mayor

ATTEST:

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Lea Ann Doak, City Clerk