

MCCOOK CITY COUNCIL
August 5, 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 Gonzales, Calvin, Hepp, McDowell.

Absent: None.

City Officials present: City Attorney Schneider, City Manager Hancock, City Clerk-Treasurer Doak, Police Chief Isaac Brown, Utilities Director Jesse Dutcher, and Fire Chief Marc Harpham.

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on August 1, 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 - KYLE DELLEVOET, A "MINISTER OF DISCIPLESHIP".

Kyle Dellevoet, a "Minister of Discipleship" 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.

John Hanson expressed concerns with the utility payment drop box, it is not very user friendly. He also asked for an update regarding hauling of the Solid Waste.

- (4) MAYOR'S ANNOUNCEMENTS & RECOGNITIONS.

City Manager Hancock reviewed highlights of his recent City Manager's Newsletter.

- (5) RECEIVE AND FILE THE ANNUAL CASHFLOW ANALYSES FOR THE WATER AND SEWER UTILITY FUNDS, AS PREPARED BY PUBLIC FINANCIAL MANAGEMENT, INC.

A telephone conference call was held with Jenny Blankenship, CPA for Public Financial Management (PFM) for review of the cashflow analyses for the Water and Sewer Utility funds. No rate increases for either water or sewer was proposed.

Upon a motion by Councilmember Gonzales, seconded by Councilmember Hepp, the Council voted to receive and file the Annual Cashflow Analyses for the Water and Sewer Utility Funds, as prepared by Public Financial Management, Inc. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

(6) ADVERTIZED PUBLIC HEARINGS:

- FY 2013/2014 Annual Budget
Request from "Build McCook a Skateboard Park"

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 on the proposed FY 2013/2014 Annual Budget 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, Exhibit #2 - the City Manager's Report prepared for the FY 2013/2014 Annual Budget hearing, and Exhibit #3 - the City Manager's Report prepared for the request from "Build McCook a Skateboard Park" group.

Christian Olson, William Vrbas, Brigham Larington, Matt Smith, Mindy Spatz, Rex Nelson, Aaron Kircher, Devlyn Strunk, Bill Larington, John Hanson, Fred Petsch, Craig Christner, Maggie Repass, and John Hubert spoke in support of the request for funding of a skateboard park.

Maggie Repass presented a request regarding the installation of sun sails in Norris Park. The estimated cost is around \$3,500 each.

John Hanson expressed concerns with longevity pay. It should be removed.

Aaron Kircher comments regarded that the non-union employees should receive the actual COLA of 1.2%, the required lifts should be installed at the pool, and that sales tax has been proven to increase annually and the Council should budget to use all of it.

Wayne Michaelis commented on merit pay.

There being no one else present to comment, upon a motion by Councilmember Gonzales, seconded by Councilmember Calvin, 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.

- SET FINAL TAX REQUEST AT A DIFFERENT AMOUNT THAN THE PRIOR YEAR

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 on setting the final tax request at a different amount than the prior year 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 and Exhibit #2 - the City Manager Report prepared for the public hearing.

There being no one else present to comment, upon a motion by Councilmember Gonzales, seconded by Councilmember Calvin, 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.

(7) INTRODUCE AND APPROVE ORDINANCE NO. 2013-2892 PROVIDING FOR THE ADOPTION OF THE BUDGET FOR FY 2013/2014 UPON ITS FIRST READING.

Mayor Berry introduced Ordinance No. 2013-2892 by title. The Clerk read the Ordinance by title:

AN ORDINANCE TO ADOPT THE BUDGET STATEMENT TO BE TERMED THE ANNUAL APPROPRIATION BILL; TO APPROPRIATE SUMS FOR NECESSARY EXPENSES AND LIABILITIES; TO PROVIDE FOR AN EFFECTIVE DATE.

Ordinance No. 2013-2892 was introduced and read by title only. Motion was made by Mayor Berry, seconded by Councilmember Gonzales, to approve Ordinance No. 2013-2892 on its first reading.

Council discussion regarded the need for the two presented requests, funding for a skateboard park and sun sails for Norris, to come back to the Council after review by the Parks Advisory Board, possible uses for the uncommitted sales tax dollars.

Upon roll call vote the following Councilmembers voted YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None. Motion carried. Whereupon the Mayor declared said Ordinance No. 2013-2892 approved on its first reading.

(8) INTRODUCE AND APPROVE ORDINANCE NO. 2013-2893 PROVIDING FOR THE ADOPTION OF THE 2013/2014 FISCAL YEAR EMPLOYEE CLASSIFICATION PAY PLAN UPON ITS FIRST READING.

Mayor Berry introduced Ordinance No. 2013-2893 by title. The Clerk read the Ordinance by title:

AN ORDINANCE OF THE CITY OF MCCOOK, NEBRASKA PROVIDING FOR THE ADOPTION OF THE 2013/2014 FISCAL YEAR EMPLOYEE CLASSIFICATION AND PAY PLAN; PROVIDING FOR AN EFFECTIVE DATE FOR THE IMPLEMENTATION OF THE CLASSIFICATION AND PAY PLAN; REPEALING ANY AND ALL OTHER ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR A TIME AND DATE FROM AND AFTER WHICH THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE.

Ordinance No. 2013-2893 was introduced and read by title only. Motion was made by Councilmember Gonzales, seconded by Councilmember McDowell, to approve Ordinance No. 2013-2893 on its first reading.

Discussion occurred regarding merit pay, how many employees receive merit pay, what it was based on; the proposed cost of living adjustment of 2% for all employee and 2.5% for those in the Fire Union; establishing a policy for the non-union employees to be treated in the same manner as the union employees regarding the cost of living adjustment; and the need for review of the City's Personnel Policy.

Upon roll call vote the following Councilmembers voted YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None. Motion carried. Whereupon the Mayor declared said Ordinance No. 2013-2893 approved on its first reading.

(9) APPROVE INCREASE OF RESTRICTED FUNDS LIMIT BY AN ADDITIONAL 1% FOR UNUSED RESTRICTED FUNDS AUTHORITY.

Upon a motion by Councilmember McDowell, seconded by Councilmember Gonzales, the Council voted to approve the increase of Restricted Funds Limit by an additional 1% for Unused Restricted Funds Authority. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

(10) CONSENT AGENDA:

Mayor Berry requested that Item G be removed from the Consent Agenda and placed on the Regular Agenda.

ITEM A APPROVE THE MINUTES OF THE JULY 15, 2013 REGULAR CITY COUNCIL MEETING AND THE JULY 29, 2013 SPECIAL CITY COUNCIL MEETING.

Upon a motion by Mayor Berry, seconded by Councilmember Calvin, the Council voted to approve the minutes of the July 15, 2013 regular City Council meeting and the July 29, 2013 special 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 CHANGE ORDER NO. 2 FOR PROJECT NO. URB-6154(1), CONTROL NO. 71135 IN THE AMOUNT OF \$2,590.00 FOR THE INSTALLATION OF A TEAM VALVE INSTEAD OF AN INSTAVALVE ON THE EAST "H" STREET PAVING PROJECT.

Upon a motion by Mayor Berry, seconded by Councilmember Calvin, the Council voted to receive and file Change Order No. 2 for Project No. URB-6154(1), Control No. 71135 in the amount of \$2,590.00 for the installation of a team valve instead of an instavalve on the East "H" Street paving project. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

ITEM C RATIFY THE MAYOR'S REAPPOINTMENT OF KENT KILPATRICK TO THE ECONOMIC DEVELOPMENT PLAN LOAN COMMITTEE - TERM EXPIRES MARCH 2017.

Upon a motion by Mayor Berry, seconded by Councilmember Calvin, the Council voted to ratify the Mayor's reappointment of Kent Kilpatrick to the Economic Development Plan Loan Committee - term expires March 2017. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

ITEM D APPROVE THE APPLICATION FOR A SPECIAL DESIGNATED LIQUOR LICENSE SUBMITTED BY MCCOOK EAGLES FRATERNAL ORDER #2769, LICENSE #I-03700, 805 EAST "B" STREET, FOR AN OUTDOOR BEER GARDEN/FUND RAISER/DANCE IN THEIR PARKING LOT ON AUGUST 24, 2013 FROM 5:00 P.M. TO 11:00 P.M.

Upon a motion by Mayor Berry, seconded by Councilmember Calvin, the Council voted to approve the application for a Special Designated Liquor License submitted by McCook Eagles Fraternal Order #2769, License #I-03700, 805 East "B" Street, for an outdoor Beer Garden/Fund Raiser/Dance in their parking lot on August 24, 2013 from 5:00 P.M. to 11:00 P.M. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

ITEM E RECEIVE AND FILE THE CLAIMS FOR THE MONTH OF JUNE 2013 AS PUBLISHED ON JULY 19, 2013.

Upon a motion by Mayor Berry, seconded by Councilmember Calvin, the Council voted to receive and file the claims for the month of June 2013 as published on July 19, 2013. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

ITEM F RECEIVE AND FILE THE MINUTES OF THE JULY 2, 2013 SENIOR CENTER ADVISORY BOARD MEETING.

Upon a motion by Mayor Berry, seconded by Councilmember Calvin, the Council voted to receive and file the minutes of the July 2, 2013 Senior Center Advisory Board meeting. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

REGULAR AGENDA

ITEM 10G RECEIVE AND FILE NOTICE OF CANCELLATION OF THE BID SPECIFICATIONS FOR TWO (2) NEW REFUSE TRANSPORT TRAILERS.

Upon a motion by Mayor Berry, seconded by Councilmember Calvin, the Council voted to receive and file notice of cancellation of the bid specifications for two (2) new Refuse Transport Trailers. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

(11) COUNCIL COMMENTS.

Councilmember Gonzales noted the progress on the Library renovations. The vestibule is formed and soon the mountain of dirt will be leaving.

Councilmember Hepp showed one of the downtown banners that they have worked to redesign in hopes of address wind issues. The cost per banner would be about \$10 and there are 40-50 banners.

Councilmember McDowell thanked all that showed up to address the request for a skateboard park.

(12) ADJOURNMENT.

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

Dennis Berry, Mayor

ATTEST:

Lea Ann Doak, City Clerk