

MCCOOK CITY COUNCIL  
September 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 Gonzales, Calvin, Hepp (arrived 7:35 P.M.), McDowell.

Absent: None.

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

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on August 29, 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 - RICK STAPP - FIRST CHURCH OF THE NAZARENE.

Mrs. Zapp, representing the First Church of the Nazarene 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.

Jerry Reitz, 808 West 4<sup>th</sup> Street, requested that the Council consider setting aside \$50,000 for adding a second story to the concession stand at the Jaycee Complex.

(4) MAYOR'S ANNOUNCEMENTS & RECOGNITIONS.

City Manager Hancock reviewed his recent City Manager's Newsletter and informed the Council that the updated Comprehensive Plan is available on the City's website and that the Planning Commission will be holding a hearing on the plan at their meeting of September 9, 2013.

(5) CONSENT AGENDA:

Councilmember Calvin requested that Item B be removed from the Consent Agenda and placed on the Regular Agenda.

ITEM A APPROVE THE MINUTES OF THE AUGUST 19, 2013 REGULAR CITY COUNCIL MEETING.

Upon a motion by Mayor Berry, seconded by Councilmember McDowell, the Council voted to approve the minutes of the August 19, 2013 regular City Council meeting. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

ITEM C RATIFY THE MAYOR'S APPOINTMENTS TO THE:

- BOARD OF HEALTH - JEFF HANCOCK, CITY MANAGER; ISAAC BROWN, CHIEF OF POLICE; DENNIS BERRY, MAYOR; DR. RICHARD KLUG; AND MARY BETH EISENMENGER - TERMS EXPIRE JUNE 2014,
- HOUSING AGENCY - BARB OSTRUM TO REPLACE SHANE HILKER - TERM EXPIRES NOVEMBER 2018,
- PARKS ADVISORY BOARD - APPOINT BILL LARRINGTON TO REPLACE TRACY LOKER - TERM EXPIRES MAY 2016,
- PLANNING COMMISSION - APPOINT ADAM WOLFORD TO REPLACE MICHAEL EKLUND (EXTRA TERRITORIAL REPRESENTATIVE) - TERM EXPIRES SEPTEMBER 2016,
- TREE ADVISORY BOARD - APPOINT SARAH KNUTSON TO REPLACE JERRY VAP - TERM EXPIRES APRIL 2018,
- BOARD OF ZONING ADJUSTMENT - REAPPOINT TAMMIE HILKER (PLANNING COMMISSION REPRESENTATIVE) AND KEITH DELANO - TERMS EXPIRE SEPTEMBER 2016.

Upon a motion by Mayor Berry, seconded by Councilmember McDowell, the Council voted to ratify the Mayor's appointments to the Board of Health - Jeff Hancock, City Manager; Isaac Brown, Chief of Police; Dennis Berry, Mayor; Dr. Richard Klug; and Mary Beth Eisenmenger - terms expire June 2014; Housing Agency - Barb Ostrum to replace Shane Hilker - term expires November 2018; Parks Advisory Board - appoint Bill Larington to replace Tracy Loker - term expires May 2016; Planning Commission - appoint Adam Wolford to replace Michael Eklund (Extra Territorial Representative) - term expires September 2016; Tree Advisory Board - appoint Sarah Knutson to replace Jerry Vap - term expires April 2018; Board of Zoning Adjustment - reappoint Tammie Hilker (Planning Commission Representative) and Keith Delano - terms expire September 2016. 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 THE MCCOOK AREA CHAMBER OF COMMERCE FOR THE HERITAGE DAYS MIXER TO BE HELD AT MCCOOK NATIONAL BANK, 220 NORRIS AVENUE, ON WEDNESDAY, SEPTEMBER 25, 2013 FROM 5:30 P.M. TO 7:30 P.M.

Upon a motion by Mayor Berry, seconded by Councilmember McDowell, the Council voted to approve the application for a Special Designated Liquor License submitted by the McCook Area Chamber of Commerce for the Heritage Days mixer to be held at McCook National Bank, 220 Norris Avenue, on Wednesday, September 25, 2013 from 5:30 P.M. to 7:30 P.M. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

ITEM E APPROVE THE APPLICATION FOR A SPECIAL DESIGNATED LIQUOR LICENSE SUBMITTED BY THE MCCOOK AREA CHAMBER OF COMMERCE

FOR A MIXER TO BE HELD AT VK ELECTRONICS, 606 WEST "B" STREET, ON THURSDAY, SEPTEMBER 26, 2013 FROM 5:30 P.M. TO 7:30 P.M.

Upon a motion by Mayor Berry, seconded by Councilmember McDowell, the Council voted to approve the application for a Special Designated Liquor License submitted by the McCook Area Chamber of Commerce for a mixer to be held at VK Electronics, 606 West "B" Street, on Thursday, September 26, 2013 from 5:30 P.M. to 7:30 P.M. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

ITEM F APPROVE THE BID SPECIFICATIONS FOR TWO (2) NEW REFUSE TRANSPORT TRAILERS FOR THE CITY OF MCCOOK TRANSFER STATION AND SET THE DATE TO RECEIVE BIDS AS SEPTEMBER 25, 2013 AT 2:30 P.M.

Upon a motion by Mayor Berry, seconded by Councilmember McDowell, the Council voted to approve the bid specifications for two (2) new Refuse Transport Trailers for the City of McCook Transfer Station and set the date to receive bids as September 25, 2013 at 2:30 P.M. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

ITEM G RECEIVE AND FILE THE MINUTES OF THE MAY 23, 2013 PARKS ADVISORY BOARD MEETING.

Upon a motion by Mayor Berry, seconded by Councilmember McDowell, the Council voted to receive and file the minutes of the May 23, 2013 Parks Advisory Board meeting. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

### **REGULAR AGENDA**

ITEM 5B APPROVE THE MCCOOK AREA CHAMBER OF COMMERCE HERITAGE DAYS REQUEST FOR THE USE OF NORRIS PARK AND THE BANDSHELL ON SEPTEMBER 26, 28 - 29, 2013; FOR THE CLOSING OF NORRIS AVENUE FROM "G" STREET TO "H" STREET - AFTER THE PARADE ON SATURDAY UNTIL SUNDAY EVENING; THE CLOSING OF THE 100 BLOCK OF EAST "G" STREET BEGINNING AT 3:00 P.M. ON FRIDAY, SEPTEMBER 27<sup>TH</sup> UNTIL SUNDAY EVENING; THE CLOSING OF THE 700 BLOCK OF EAST 1<sup>ST</sup>, THE 100 BLOCK OF EAST "H" STREETS BEGINNING AT 5:00 A.M. SEPTEMBER 28, 2013 UNTIL SUNDAY EVENING; THE CLOSING OF THE 100 BLOCK OF WEST "G" STREET FROM 5:00 A.M. ON SATURDAY, SEPTEMBER 28, 2013 UNTIL AFTER THE PARADE; THE CLOSING OF THE 200 BLOCK OF EAST "H" STREET FROM 5:00 A.M. TO 4:00 P.M. ON SEPTEMBER 28<sup>TH</sup> FOR CAR SHOW, (IF NEEDED); TO ALLOW OVERNIGHT PARKING FOR VENDORS AROUND NORRIS PARK; TO CONDUCT THEIR PARADE ON PUBLIC STREETS ON SEPTEMBER 28, 2013; THE USE OF CITY STREETS AROUND NORRIS PARK FROM THE CONCLUSION OF THE PARADE UNTIL 4:00 P.M. ON SEPTEMBER 28, 2013 FOR A CAR SHOW; AND TO ALLOW FOR THE UNITED WAY FUN RUN ON CITY STREETS.

Councilmember Calvin introduced a motion to approve the McCook Area Chamber of Commerce Heritage Days request for the use of Norris Park and the bandshell on September 26, 28 - 29, 2013;

for the closing of Norris Avenue from "G" Street to "H" Street - after the parade on Saturday until Sunday evening; the closing of the 100 block of East "G" Street beginning at 3:00 p.m. on Friday, September 27 until Sunday evening; the closing of the 700 block of East 1<sup>st</sup>, the 100 block of East "H" Streets beginning at 5:00 A.M. September 28, 2013 until Sunday evening; the closing of the 100 block of West "G" street from 5:00 a.m. on Saturday, September 28, 2013 until after the parade; the closing of the 200 block of East "H" Street from 5:00 A.M. to 4:00 P.M. on September 28 for car show, (IF NEEDED); to allow overnight parking for vendors around Norris Park; to conduct their parade on public streets on September 28, 2013; the use of City Streets around Norris Park from the conclusion of the parade until 4:00 P.M. on September 28, 2013 for a Car Show; and to allow for the United Way Fun Run on City streets. Mayor Berry seconded the motion.

Upon a motion by Councilmember Calvin, seconded by Councilmember Hepp, the Council voted to strike the request for use of Norris Park on September 26, 2013. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

The Mayor then stated the question: "Shall the motion on the floor be approved as amended?" Upon roll call vote the following Councilmembers voted YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None. Motion carried.

(6) APPROVE ORDINANCE NO. 2013-2892 PROVIDING FOR THE ADOPTION OF THE BUDGET FOR FY 2013/2014 UPON ITS THIRD AND FINAL READING.

Ordinance No. 2013-2892 entitled,

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.

now comes up for third and final reading.

Councilmember Gonzales introduced a motion to approve Ordinance No. 2013-2892 providing for the adoption of the budget for FY 2013/2014 upon its third and final reading. Councilmember Calvin seconded the motion.

Upon a motion by Councilmember Gonzales, seconded by Mayor Berry, the Council voted to take \$70,000 from the Community Betterment Fund for financing of the trash trailer for the Solid Waste Fund. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

A motion made by Councilmember Calvin to remove the \$25,700 for a vehicle and equipment from the Police Department and use that amount to fund CALEA. Mayor Berry seconded the motion. After discussion the motion was withdrawn.

Councilmember Calvin introduced a motion to place \$25,700 for Police Capital Equipment in Council contingency to allow for evaluation of CALEA, before decision is made on use of those funds. Councilmember Hepp seconded that motion.

Upon a motion by Councilmember Gonzales, seconded by Councilmember McDowell, the Council voted to amend the motion by striking \$25,700 and inserting \$20,500. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

The Mayor then stated the question: "Shall the motion on the floor be approved as amended?"

Upon roll call vote the following Councilmembers voted YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None. Motion carried.

Councilmember Hepp introduced a motion to take the funding for two Fire Department employees from the Community Betterment Fund. Councilmember McDowell seconded the motion.

Councilmembers expressed concerns with the budgeting of the two additional positions in the future.

Mayor Berry stated that he was not in support of an increase in property tax, adding that he felt Council had committed that there would be no increase in property tax due to the construction of the municipal center.

Upon a motion by Councilmember Gonzales, seconded by Mayor Berry, the Council voted to strike "two Fire Department employees" and insert "one Fire Department employee". The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Hepp, McDowell. NAY: Calvin.

The Mayor then stated the question: "Shall the motion on the floor be approved as amended?" Upon roll call vote the following Councilmembers voted YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None. Motion carried.

Upon a motion by Councilmember Gonzales, seconded by Councilmember Calvin, the Council voted to transfer \$75,000 to the General Fund Reserve. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

Upon a motion by Councilmember Gonzales, seconded by Councilmember McDowell, the Council voted to use Community Betterment Funds to cover the costs of the use of the auditorium for the Toy Box and Coat Closet charity events. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

Aaron Kircher, McCook citizen, encouraged the Council to budget funds for the purchase of the St. Catherine's property.

The Mayor then stated the question: "Shall Ordinance No. 2013-2892 be passed and adopted, as amended?" 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.

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

Ordinance No. 2013-2893 entitled,

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.

now comes up for third and final reading.

Councilmember Gonzales moved for final passage of the Ordinance No. 2013-2893, which motion was seconded by Councilmember Hepp. The Mayor then stated the question: "Shall Ordinance No. 2013-2893 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.

(8) APPROVE ORDINANCE NO. 2013-2894 PROVIDING FOR THE AMENDMENT OF APPENDIX F, SOLID WASTE COLLECTION FEES, OF THE CITY OF MCCOOK CODE OF ORDINANCES UPON ITS SECOND READING.

Ordinance No. 2013-2894 entitled,

AN ORDINANCE PROVIDING FOR THE AMENDMENT OF APPENDIX F, SOLID WASTE COLLECTION FEES, OF THE CITY OF MCCOOK, NEBRASKA CODE OF ORDINANCES; PROVIDING FOR A RATE TO BE CHARGED FOR SOLID WASTE COLLECTION AND DISPOSAL; PROVIDING FOR THE REPEAL OF ORDINANCE NO. 2009-2829 AND ANY AND ALL ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM AND FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

now comes up on its second reading.

Councilmember Calvin moved that the statutory rule requiring reading on three different days be suspended. Councilmember Gonzales seconded the motion to suspend the rule and upon roll call vote the following Councilmembers voted YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None. 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.

Councilmember Calvin moved for final passage of the Ordinance, which was seconded by Councilmember Gonzales. The Mayor then stated the question: "Shall Ordinance No. 2013-2894 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 all members of the Council, the Mayor declared the Ordinance lawfully passed and adopted upon publication as required by law.

(9) COUNCIL COMMENTS.

Councilmember Hepp stated that she has received some concerns that activity is still occurring on the St. Catherine's property. Council discussion was had regarding securing some of the windows on the second floor.

Councilmember Calvin proposed a need for a crosswalk at the intersection of West 5<sup>th</sup> and "J" Streets.

Mayor Berry complimented City Staff on a job well done in regards to preparation of the annual budget.

(10) EXECUTIVE SESSION FOR A STRATEGY SESSION WITH RESPECT TO COLLECTIVE BARGAINING WITH THE FRATERNAL ORDER OF POLICE LODGE 57.

Councilmember Calvin introduced a motion to move into executive session for a strategy session with respect to collective bargaining with the Fraternal Order of Police Lodge 57 at 9:18 P.M. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

Mayor Berry stated at this time, pursuant to the Nebraska Open Meetings Act, a closed session will be held for the purpose of a strategy session with respect to collective bargaining with the Fraternal Order of Police Lodge 57. The Council will reconvene in public session following this closed session.

Upon a motion by Councilmember Calvin, seconded by Councilmember Gonzales, the Council voted to move out of executive session at 9:30 P.M. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

(11) ADJOURNMENT.

There being no further business to come before the Council, Mayor Berry declared the meeting adjourned at 9:30 P.M.

---

Dennis Berry, Mayor

ATTEST:

---

Lea Ann Doak, City Clerk