

MCCOOK CITY COUNCIL
September 16, 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, 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 September 12, 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.

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.

There were no Mayor's announcements or recognitions.

(5) PUBLIC HEARINGS:

ITEM A PUBLIC HEARING - PROPOSED COMMUNITY COMPREHENSIVE PLAN FOR THE CITY OF MCCOOK.

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 Community Comprehensive Plan for the City of McCook 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 - City Manager's Report prepared for the September 16, 2013 Council meeting; Exhibit #2 - proposed Resolution No. 2013-27; Exhibit #3 - minutes of the September 9, 2013 Planning Commission meeting; and Exhibit #4 - the proposed McCook, Nebraska 2013-2023 Comprehensive Plan.

City Manager Hancock reviewed the proposed plan with the Council.

Alan Bishop, presented a map indicating an area south of Drive 716 and east of Road 383 that he would like to see changed from Residential to Light Industrial, stating that this would be a good area for future development of smaller business sites. The cost of highway access to the sites that are indicated along the highway corridor is too expensive for the smaller business.

Gary Dicenta indicated that the Industrial Light designation would allow new business development in the area without the need of a special exception. He requested that this area be indicated on the Future Land Use Map and the Zoning Map as Industrial Light. To address the Council's previous concerns of having residential next to industrial/commercial, Mr. Dicenta presented pictures of areas with the City that this already exists.

Rex Nelson, Executive Director of the McCook Economic Development Corporation, stated that it does take a significant investment to develop a business site along the highway corridor, there is some merit to their suggestions.

City Manager Hancock explained that the proposed Future Land Use of this area is Residential and that the area has the Agricultural designation on the proposed zoning map.

Discussion included the cost of the development of drive access off of the highway and that only frontage road access may be allowed.

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.

ITEM B APPROVE RESOLUTION NO. 2013-27 PROVIDING FOR THE ADOPTION OF THE COMMUNITY COMPREHENSIVE PLAN FOR THE CITY OF MCCOOK.

Councilmember Calvin introduced a motion to approve Resolution No. 2013-27 providing for the adoption of the Community Comprehensive Plan for the City of McCook. Councilmember McDowell seconded the motion.

Discussion included concerns of not having to approve business by special exception if the area was changed to Industrial Light as requested and concerns with making a decision without having reviewed the differences between Agricultural and Industrial Light.

Motion was withdrawn upon approval of the second.

(6) CONSENT AGENDA:

Councilmember McDowell requested that Item E be removed from the Consent Agenda and placed on the Regular Agenda.

Utilities Director Dutcher requested that Item D be removed from the Consent Agenda and placed on the Regular Agenda.

ITEM A APPROVE THE MINUTES OF THE SEPTEMBER 3, 2013 REGULAR CITY COUNCIL MEETING.

Upon a motion by Mayor Berry, seconded by Councilmember Calvin, the Council voted to approve the minutes of the September 3, 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 THE CLAIMS FOR THE MONTH OF AUGUST 2013 AS PUBLISHED ON SEPTEMBER 9, 2013.

Upon a motion by Mayor Berry, seconded by Councilmember Calvin, the Council voted to receive and file the claims for the month of August 2013 as published on September 9, 2013. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

ITEM C AUTHORIZE CENTURY LINK TO OCCUPY CITY RIGHT OF WAY FOR THE INSTALLATION OF UNDERGROUND FIBER OPTIC CABLE AND AUTHORIZE THE MAYOR TO SIGN THE APPLICATION TO OCCUPY RIGHT OF WAY.

Upon a motion by Mayor Berry, seconded by Councilmember Calvin, the Council voted to authorize Century Link to occupy city right of way for the installation of underground fiber optic cable and authorize the Mayor to sign the Application to occupy Right of Way. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

ITEM F AUTHORIZE THE ISSUANCE OF A CONTRACT TO MYERS CONSTRUCTION WITH A BID OF \$545,781.00, AS THE LOWEST RESPONSIBLE BIDDER, FOR A 16" WATER TRANSMISSION MAIN REPLACEMENT AND AUTHORIZE THE MAYOR TO EXECUTE THE NECESSARY PAPER WORK TO AWARD THE CONTRACT.

Upon a motion by Mayor Berry, seconded by Councilmember Calvin, the Council voted to authorize the issuance of a contract to Myers Construction with a bid of \$545,781.00, as the lowest responsible bidder, for a 16" water transmission main replacement and authorize the Mayor to execute the necessary paper work to award the contract. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

ITEM G APPROVE THE BID SPECIFICATIONS AND DRAWINGS FOR NEW RESTROOMS AT KELLEY PARK AND KARRER PARK AND SET THE DATE TO RECEIVE BIDS AS OCTOBER 8, 2013 AT 2:30 P.M.

Upon a motion by Mayor Berry, seconded by Councilmember Calvin, the Council voted to approve the bid specifications and drawings for new restrooms at Kelley Park and Karrer Park and set the date to receive bids as October 8, 2013 at 2:30 P.M. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

ITEM H ADOPT RESOLUTION NO. 2013-26 RATIFYING THE EXECUTION OF THE MEMORANDUM OF UNDERSTANDING EXTENDING THE EXISTING COLLECTIVE BARGAINING AGREEMENT WITH THE FRATERNAL ORDER

OF POLICE LODGE 57 FOR THE PERIOD OF OCTOBER 1, 2011 - SEPTEMBER 30, 2013 FOR ONE (1) YEAR, TO EXPIRE SEPTEMBER 30, 2014.

Upon a motion by Mayor Berry, seconded by Councilmember Calvin, the Council voted to adopt Resolution No. 2013-26 ratifying the execution of the Memorandum of Understanding extending the existing Collective Bargaining Agreement with the Fraternal Order of Police Lodge 57 for the period of October 1, 2011 - September 30, 2013 for one (1) year, to expire September 30, 2014. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

ITEM I APPROVE AND ADOPT AMENDMENTS TO THE CITY OF MCCOOK NOTICE OF PRIVACY PRACTICES POLICY.

Upon a motion by Mayor Berry, seconded by Councilmember Calvin, the Council voted to approve and adopt amendments to the City of McCook Notice of Privacy Practices policy. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

ITEM J APPROVE THE APPLICATION FOR A SPECIAL DESIGNATED LIQUOR LICENSE SUBMITTED BY JUSTIN J. BILBY, DBA "ROCK N HORSE LOUNGE", LICENSE # CK-77614, FOR THE FARM & RANCH EXPO TO BE HELD AT THE KIPLINGER AREA, 1412 W 5TH STREET, ON NOVEMBER 20, 2013 FROM 9:00 A.M. TO 1:00 A.M. AND NOVEMBER 21, 2013 FROM 9:00 A.M. TO 7:00 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 Justin J. Bilby, dba "Rock N Horse Lounge", License # CK-77614, for the Farm & Ranch Expo to be held at the Kiplinger Area, 1412 W 5th Street, on November 20, 2013 from 9:00 A.M. to 1:00 A.M. and November 21, 2013 from 9:00 A.M. to 7:00 P.M. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

ITEM K ADOPT RESOLUTION NO. 2013-28 SETTING THE PROPERTY TAX REQUEST FOR FY 2013/2014 AT A DIFFERENT AMOUNT THAN THE PROPERTY TAX REQUEST FOR THE PRIOR YEAR.

Upon a motion by Mayor Berry, seconded by Councilmember Calvin, the Council voted to adopt Resolution No. 2013-28 setting the property tax request for FY 2013/2014 at a different amount than the property tax request for the prior year. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

ITEM L ADOPT RESOLUTION NO. 2013-29 PROVIDING FOR THE AMENDMENT OF THE CITY OF MCCOOK POLICE DEPARTMENT EMPLOYEE RETIREMENT PLAN AND TRUST; CHANGING THE PARTICIPANTS CONTRIBUTIONS TO 6½% EFFECTIVE OCTOBER 1, 2013 AND TO 7% EFFECTIVE OCTOBER 1, 2015; AND SETTING THE CITY'S MATCH AT AN AMOUNT EQUAL TO 100% OF THE PARTICIPANTS CONTRIBUTIONS EFFECTIVE OCTOBER 1, 2013.

Upon a motion by Mayor Berry, seconded by Councilmember Calvin, the Council voted to adopt Resolution No. 2013-29 providing for the amendment of the City of McCook Police Department Employee Retirement Plan and Trust; changing the Participants contributions to 6½% effective

October 1, 2013 and to 7% effective October 1, 2015; and setting the City's match at an amount equal to 100% of the Participants contributions effective October 1, 2013. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

ITEM M RECEIVE AND FILE THE MINUTES OF THE SEPTEMBER 9, 2013 PLANNING COMMISSION MEETING.

Upon a motion by Mayor Berry, seconded by Councilmember Calvin, the Council voted to receive and file the minutes of the September 9, 2013 Planning Commission meeting. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

ITEM N DECLARE A 2008 CHEVROLET IMPALA, VIN# 2G1WS583881260204 AND A 2007 DODGE CHARGER, VIN# 2B3KA43G67H770409, AND A 1980 FORD TRUCK VIN# E38EHHJ7989 AS SURPLUS PROPERTY TO BE DISPOSED OF IN THE APPROPRIATE LEGAL MANNER.

Upon a motion by Mayor Berry, seconded by Councilmember Calvin, the Council voted to declare a 2008 Chevrolet Impala, VIN# 2G1WS583881260204 and a 2007 Dodge Charger, VIN# 2B3KA43G67H770409, and a 1980 Ford Truck VIN# E38EHHJ7989 as surplus property to be disposed of in the appropriate legal manner. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

ITEM O APPROVE THE AMFIRST BANK REQUEST TO UTILIZE KELLEY PARK, THE WALKING TRAIL, AND THE FORMER BROKEN TEE GOLF COURSE BETWEEN THE HOURS OF 5:30 P.M. AND 10:00 P.M. ON OCTOBER 19, 2013 TO CONDUCT A 5K ROAD RACE.

Upon a motion by Mayor Berry, seconded by Councilmember Calvin, the Council voted to approve the Amfirst Bank request to utilize Kelley Park, the Walking Trail, and the former Broken Tee Golf Course between the hours of 5:30 P.M. and 10:00 P.M. on October 19, 2013 to conduct a 5K Road Race. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

REGULAR AGENDA

ITEM 6D REJECT BIDS FOR EAST GOLF COURSE LIFT STATION INVOLVING THE REPLACEMENT OF THE EXISTING DRY PIT PUMPS, VALVES AND PIPING, CONTROLS AND ELECTRICAL SYSTEM SITE WORK, CONCRETE SLAB, AND RELATED APPURTENANCES AND SET A NEW BID DATE OF OCTOBER 15, 2013 AT 2:00 P.M.

Upon a motion by Mayor Berry, seconded by Councilmember Gonzales, the Council voted to reject bids for East Golf Course Lift Station involving the replacement of the existing dry pit pumps, valves and piping, controls and electrical system site work, concrete slab, and related appurtenances and set a new bid date of October 15, 2013 at 2:00 P.M. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

ITEM 6E AUTHORIZE THE ISSUANCE OF A CONTRACT TO MYERS CONSTRUCTION WITH A BID OF \$836,436.00, AS THE LOWEST RESPONSIBLE BIDDER, FOR RENOVATION OF PIPING AT THE WATER

TREATMENT PLANT TO SEPARATE THE WASTE STREAM FLOWS AND CONSTRUCT CATION STORAGE LAGOONS AT THE WASTEWATER TREATMENT FACILITY AND AUTHORIZE THE MAYOR TO EXECUTE THE NECESSARY PAPER WORK TO AWARD THE CONTRACT, CONTINGENT UPON SRF APPROVAL.

Upon a motion by Councilmember McDowell, seconded by Councilmember Calvin, the Council voted to authorize the issuance of a contract to Myers Construction with a bid of \$836,436.00, as the lowest responsible bidder, for renovation of piping at the Water Treatment Plant to separate the waste stream flows and construct cation storage lagoons at the Wastewater Treatment Facility and authorize the Mayor to execute the necessary paper work to award the contract, contingent upon SRF approval. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

- (7) CONSIDER REQUEST FROM "BUILD MCCOOK A SKATE PARK", AUTHORIZE AN APPLICATION FOR A MCCOOK COMMUNITY FOUNDATION GRANT FOR SKATE PARK FUNDING, AND APPOINT THE CITY MANAGER AND CITY CLERK TO SERVE ON AN ACCOUNT COMMITTEE.

Upon a motion by Councilmember Gonzales, seconded by Councilmember Hepp, the Council voted to authorize an application for a McCook Community Foundation Grant for Skate Park funding, and appoint the City Manager and City Clerk to serve on an Account Committee. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

- (8) COUNCIL COMMENTS.

There were no Council comments.

- (9) ADJOURNMENT.

There being no further business to come before the Council, Mayor Berry declared the meeting adjourned at 8:45 P.M.

Dennis Berry, Mayor

ATTEST:

Lea Ann Doak, City Clerk