

MCCOOK CITY COUNCIL
October 7, 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 Sergeant Kevin Darling, 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 October 3, 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, MCCOOK EVANGELICAL FREE CHURCH.

Bruce Lester, pastor of the McCook 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 he, the City Attorney, and City Clerk will be attending the Nebraska League of Municipalities Conference this next week in LaVista, that the County has requested to block off ten parking spaces along Norris Avenue in front of the new jail facility for a short period of time, and that Senior Services Director Sue Chipman will be retiring on December 31, 2013.

Sergeant Darling introduced Officer Austin Kelley who recently graduated from the Nebraska Training Center and new Officer Ashley Donovan.

(5) PROCLAMATIONS:

ITEM A APPROVE THE PROCLAMATION DESIGNATING OCTOBER 6 - 12, 2013 AS "FIRE PREVENTION WEEK" AND AUTHORIZE THE MAYOR TO SIGN.

Upon a motion by Councilmember Calvin, seconded by Councilmember Gonzales, the Council voted to approve the proclamation designating October 6 - 12, 2013 as "Fire Prevention Week" and authorize the Mayor to sign. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

ITEM B APPROVE THE PROCLAMATION DESIGNATING THE MONTH OF OCTOBER 2013 AS "DOMESTIC VIOLENCE AWARENESS MONTH" AND AUTHORIZE THE MAYOR TO SIGN.

Upon a motion by Councilmember Calvin, seconded by Councilmember Hepp, the Council voted to approve the proclamation designating the month of October 2013 as "Domestic Violence Awareness Month" and authorize the Mayor to sign. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

(6) CONSENT AGENDA:

ITEM A APPROVE THE MINUTES OF THE SEPTEMBER 16, 2013 REGULAR CITY COUNCIL MEETING.

Upon a motion by Mayor Berry, seconded by Councilmember Gonzales, the Council voted to approve the minutes of the September 16, 2013 regular City Council meeting. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

ITEM B AWARD THE BID FOR TWO (2) NEW REFUSE TRANSPORT TRAILERS TO IMCO TRAILERS IN THE AMOUNT OF \$144,262.00, WHICH INCLUDES ALTERNATES 1A - WEDGE DESIGN AND 1C - REAR LIFT AXLE, THAT BEING THE LOWEST RESPONSIBLE BID.

Upon a motion by Mayor Berry, seconded by Councilmember Gonzales, the Council voted to award the bid for two (2) new refuse transport trailers to IMCO Trailers in the amount of \$144,262.00, which includes Alternates 1A - Wedge Design and 1C - Rear Lift Axle, that being the lowest responsible bid. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

ITEM C DECLARE THE LISTED VEHICLES AND ADDITIONAL ITEMS AS SURPLUS CITY PROPERTY TO BE DISPOSED OF IN THE APPROPRIATE LEGAL MANNER.

Upon a motion by Mayor Berry, seconded by Councilmember Gonzales, the Council voted to declare the listed vehicles and additional items as surplus city 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 D ADOPT RESOLUTION NO. 2013-30 APPROVING SUPPLEMENTAL AGREEMENT NUMBER 2 BETWEEN W DESIGN ASSOCIATES AND THE CITY OF MCCOOK FOR PROJECT NO. URB-6158(1), STATE CONTROL NO. 71151, EAST 7TH/SEMINOLE, EAST "H" STREET TO PARK AVENUE AND AUTHORIZE THE MAYOR TO SIGN.

Upon a motion by Mayor Berry, seconded by Councilmember Gonzales, the Council voted to adopt Resolution No. 2013-30 approving Supplemental Agreement Number 2 between W Design Associates and the City of McCook for Project No. URB-6158(1), State Control No. 71151, East 7th/Seminole, East "H" Street to Park Avenue 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 ADOPT RESOLUTION NO. 2013-31 APPROVING A FIXED ASSET CAPITALIZATION POLICY FOR THE CITY OF MCCOOK.

Upon a motion by Mayor Berry, seconded by Councilmember Gonzales, the Council voted to adopt Resolution No. 2013-31 approving a Fixed Asset Capitalization Policy for the City of McCook. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

ITEM F RECEIVE AND FILE THE CITY OF MCCOOK SNOW AND ICE CONTROL AND REMOVAL OPERATION PROCEDURES AND POLICIES.

Upon a motion by Mayor Berry, seconded by Councilmember Gonzales, the Council voted to receive and file the City of McCook Snow and Ice Control and Removal Operation Procedures and Policies. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

ITEM G APPROVE THE REQUEST FROM MCCOOK NATIONAL BANK TO CLOSE OFF THE ALLEY BETWEEN NORRIS AVENUE AND WEST FIRST STREET FROM WEST "B" TO WEST "C" ON OCTOBER 26, 2013 FROM 3:00 P.M. TO 12:00 MIDNIGHT FOR THEIR ANNUAL HALLOWEEN HAUNTED BANK TOUR.

Upon a motion by Mayor Berry, seconded by Councilmember Gonzales, the Council voted to approve the request from McCook National Bank to close off the alley between Norris Avenue and West First Street from West "B" to West "C" on October 26, 2013 from 3:00 P.M. to 12:00 Midnight for their annual Halloween Haunted Bank Tour. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

ITEM H APPROVE THE APPLICATION FOR A SPECIAL DESIGNATED LIQUOR LICENSE SUBMITTED BY THE MCCOOK AREA CHAMBER OF COMMERCE FOR A MIXER TO BE HELD AT RED WILLOW AVIATION, 1900 AIRPORT ROAD, ON OCTOBER 30, 2013 FROM 5:30 P.M. TO 7:30 P.M.

Upon a motion by Mayor Berry, seconded by Councilmember Gonzales, 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 Red Willow Aviation, 1900 Airport Road, on October 30, 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 I APPROVE THE APPLICATION FOR A SPECIAL DESIGNATED LIQUOR LICENSE SUBMITTED BY THE MCCOOK AREA CHAMBER OF COMMERCE FOR A MIXER TO BE HELD AT WAGNER CHEVROLET, 201 EAST "B" STREET, ON OCTOBER 16, 2013 FROM 5:30 P.M. TO 7:00 P.M.

Upon a motion by Mayor Berry, seconded by Councilmember Gonzales, 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 Wagner Chevrolet, 201 East "B" Street, on October 16, 2013 from 5:30 P.M. to 7:00 P.M. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

ITEM J RECEIVE AND FILE THE MINUTES OF THE TREE ADVISORY BOARD DATED MAY 30, 2012, OF THE SENIOR CENTER ADVISORY BOARD DATED AUGUST 13, 2013, OF THE PARKS ADVISORY BOARD DATED AUGUST 15, 2013, AND THE SENIOR CENTER ADVISORY BOARD DATED SEPTEMBER 3, 2013.

Upon a motion by Mayor Berry, seconded by Councilmember Gonzales, the Council voted to receive and file the minutes of the Tree Advisory Board dated May 30, 2012, of the Senior Center Advisory Board dated August 13, 2013, of the Parks Advisory Board dated August 15, 2013, and the Senior Center Advisory Board dated September 3, 2013. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

REGULAR AGENDA

(7) APPROVE RESOLUTION NO. 2013-27 PROVIDING FOR THE ADOPTION OF THE COMMUNITY COMPREHENSIVE PLAN FOR THE CITY OF MCCOOK.

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

Gary Dicenta and Alan Bishop requested that the area along the south side of county road Drive 716 be designated as Industrial Light. There is a need to concentrate on providing an area for new smaller, younger businesses, an area that does not require a lot of startup capital.

City Manager Hancock noted that the Future Land Use of this area is proposed as residential and the actual zoning is Agricultural.

Council discussion included the need to maintain some control of development in that area by special exception, the need for lots of at least one acre in that area, the need to look at extending water and sewer to this area, as well as annexation of the area, what the requirements are regarding connection to water and sewer when annexed, and whether there was a need for additional areas for residential development.

Lonnie Dickson, of Hanna:Keelan Associates was available by phone to answer questions from the Council.

City Attorney Schneider stated that procedurally the Comprehensive Plan could be amended at a later date to change the designation of this area to Industrial Light.

Councilmember Calvin introduced a motion to amend the proposed plan by changing the future land use designation of the land south of Drive 716 and east of Road 383 from Residential to Agricultural. Councilmember Hepp seconded the motion.

Discussion occurred regarding the size of the area to have this designation.

Motion was withdrawn upon consent of the second.

The Mayor then stated the question: "Shall the motion on the floor be approved as stated?" Upon roll call vote the following Councilmembers voted YEA: Berry, Gonzales, Calvin, McDowell. NAY: Hepp. Motion carried.

- (8) INTRODUCE AND APPROVE, UNDER SUSPENSION OF THE RULE, ORDINANCE NO. 2013-2895 PROVIDING FOR THE REPEAL OF ORDINANCE NO. 2000-2552 WHICH CREATED THE VOLUNTEER SERVICE AWARD BENEFIT PROGRAM FOR ACTIVE VOLUNTEER FIREFIGHTERS, RESCUE SQUAD, AND EMERGENCY RESPONDERS.

Mayor Berry introduced Ordinance No. 2013-2895 by title. The Clerk read the Ordinance by title:

AN ORDINANCE TO REPEAL ORDINANCE NO. 2000-2552 OF THE CITY OF MCCOOK NEBRASKA; AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM AND FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

Ordinance No. 2013-2895 was introduced and read by title only. Mayor Berry 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 McDowell. The Mayor then stated the question: "Shall Ordinance No. 2013-2895 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 McDowell recognized the need to find land for small business development. Getting the road hard surfaced in the Industrial Park could be money well spent.

Mayor Berry questioned what we are looking for. Originally the Council was told that we had a high need for residential lots, now the need is for industrial lots. He noted that McCook was rated at number seven in the best towns in Nebraska to raise a family in.

- (10) ADJOURNMENT.

There being no further business to come before the Council, Mayor Berry declared the meeting adjourned at 8:35 P.M.

Dennis Berry, Mayor

ATTEST:

Lea Ann Doak, City Clerk
