

MCCOOK CITY COUNCIL
April 7, 2014
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, Co-Interim City Manager/Public Works Director Potthoff; Co-Interim City Manager/City Clerk-Treasurer Doak, Police Chief Isaac Brown, Library Director Jody Crocker, Utilities Director Jesse Dutcher, Fire Chief Marc Harpham, Senior Services Director Beth Siegfried.

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on March 27, 2014, 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 - WAYNE VOGEL, CHURCH OF CHRIST.

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 COMMENTS.

Tony Spilinek expressed concerns to the Council regarding vicious dogs within the City, something needs to be done before someone is seriously injured or dies. He encouraged the Council to consider banning pit bulls.

(4) MAYOR'S ANNOUNCEMENTS & RECOGNITIONS.

Interim City Manager Potthoff noted that the Choice Gas Period is April 11 -24 and encouraged all to make their selection.

Utilities Director Dutcher informed the Council that the Consumer Confidence Water Quality Report will be ran in the newspaper in the very near future and noted that the City had no violations, all were

below the required limits.

(5) PROCLAMATIONS:

ITEM A APPROVE THE PROCLAMATION DESIGNATING THE MONTH OF APRIL AS "SEXUAL ASSAULT AWARENESS MONTH" AND AUTHORIZE THE MAYOR TO SIGN.

Upon a motion by Councilmember Calvin, seconded by Councilmember Gonzales, the Council voted to approve the proclamation designating the month of April as "Sexual Assault 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.

ITEM B APPROVE THE PROCLAMATION DESIGNATING THE WEEK OF APRIL 13 - 19, 2014 AS "NATIONAL PUBLIC SAFETY TELECOMMUNICATORS WEEK" AND AUTHORIZE THE MAYOR TO SIGN.

Upon a motion by Councilmember Calvin, seconded by Councilmember McDowell, the Council voted to approve the proclamation designating the week of April 13 - 19, 2014 as "National Public Safety Telecommunicators Week" 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 MARCH 17, 2014 REGULAR CITY COUNCIL MEETING, THE MARCH 17, 2014 SPECIAL CITY COUNCIL MEETING, AND THE MARCH 25, 2014 SPECIAL JOINT CITY COUNCIL/AIRPORT ADVISORY COMMISSION MEETING.

Upon a motion by Mayor Berry, seconded by Councilmember Gonzales, the Council voted to approve the minutes of the March 17, 2014 regular City Council meeting, the March 17, 2014 special City Council meeting, and the March 25, 2014 special joint City Council/Airport Advisory Commission meeting. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

ITEM B APPROVE THE REQUEST FROM TERRY SITZMAN TO CLOSE WEST "C" STREET BETWEEN NORRIS AVENUE AND WEST 1ST STREET ON SATURDAY, MAY 3, 2014 FROM 6:00 A.M. TO 4:00 P.M. FOR HIS ANNUAL CAR SHOW.

Upon a motion by Mayor Berry, seconded by Councilmember Gonzales, the Council voted to approve the request from Terry Sitzman to close West "C" Street between Norris Avenue and West 1st Street on Saturday, May 3, 2014 from 6:00 A.M. to 4:00 P.M. for his annual car show. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

ITEM C APPROVE POLICE CHIEF ISAAC BROWN AS THE CITY'S REPRESENTATIVE FOR THE NATIONWIDE PUBLIC SAFETY BROADBAND NETWORK THAT FIRSTNET IS CHARGED WITH BUILDING UNDER THE AUTHORITY OF THE MIDDLE CLASS TAX RELIEF AND JOB CREATION

ACT OF 2012.

Upon a motion by Mayor Berry, seconded by Councilmember Gonzales, the Council voted to approve Police Chief Isaac Brown as the City's representative for the Nationwide Public Safety Broadband Network that FirstNet is charged with building under the authority of the Middle Class Tax Relief and Job Creation Act of 2012. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

ITEM D ADOPT RESOLUTION NO. 2014-04 GRANTING A WAIVER OF PAYMENT IN LIEU OF TAXES TO THE MCCOOK HOUSING AGENCY.

Upon a motion by Mayor Berry, seconded by Councilmember Gonzales, the Council voted to adopt Resolution No. 2014-04 granting a Waiver of Payment in Lieu of Taxes to the McCook Housing Agency. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

ITEM E APPROVE THE PLANS AND SPECIFICATIONS FOR THE 2014 ARMOR COATING AND SET THE DATE AND TIME TO RECEIVE BIDS AS APRIL 23, 2014 AT 2:30 P.M.

Upon a motion by Mayor Berry, seconded by Councilmember Gonzales, the Council voted to approve the plans and specifications for the 2014 Armor Coating and set the date and time to receive bids as April 23, 2014 at 2:30 P.M. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

ITEM F APPROVE THE REQUEST FROM THE WORK ETHIC CAMP EMPLOYEE ACTIVITY COMMITTEE TO HOST THEIR 5K/1MILE RUN/WALK UTILIZING CITY STREETS ON SATURDAY, MAY 10, 2014 FROM 9:00 A.M. TO NOON.

Upon a motion by Mayor Berry, seconded by Councilmember Gonzales, the Council voted to approve the request from the Work Ethic Camp Employee Activity Committee to host their 5K/1mile run/walk utilizing city streets on Saturday, May 10, 2014 from 9:00 A.M. to noon. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

ITEM G AUTHORIZE GREAT PLAINS COMMUNICATIONS TO OCCUPY CITY RIGHT OF WAY FOR THE INSTALLATION OF UNDERGROUND CABLE AND AUTHORIZE THE MAYOR TO SIGN THE APPLICATION TO OCCUPY RIGHT OF WAY.

Upon a motion by Mayor Berry, seconded by Councilmember Gonzales, the Council voted to authorize Great Plains Communications to occupy city right of way for the installation of underground 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 H AUTHORIZE GOODWILL INDUSTRIES TO PERIODICALLY PARK A COLLECTION TRAILER WITHIN THE CORPORATE CITY LIMITS OF MCCOOK FOR THE PURPOSE OF COLLECTING DONATIONS OF CLOTHING, SMALL HOUSEWARES, AND RESIDENTIAL COMPUTER

EQUIPMENT.

Upon a motion by Mayor Berry, seconded by Councilmember Gonzales, the Council voted to authorize Goodwill Industries to periodically park a collection trailer within the corporate city limits of McCook for the purpose of collecting donations of clothing, small housewares, and residential computer equipment. 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 LOOP BREWING CO., LLC, LICENSE # I-093350, FOR A RECEPTION TO BE HELD AT THE MCCOOK CITY AUDITORIUM, 302 WEST 5TH STREET, ON MAY 3, 2014 FROM 5:00 P.M. TO 12:00 A.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 Loop Brewing Co., LLC, License # I-093350, for a reception to be held at the McCook City Auditorium, 302 West 5th Street, on May 3, 2014 from 5:00 P.M. to 12:00 A.M. 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 LOOP BREWING CO., LLC, LICENSE # I-093350, FOR A RECEPTION TO BE HELD AT THE KIPLINGER ARENA, 1412 WEST 5TH STREET, ON MAY 12, 2014 FROM 1:00 P.M. TO 1:00 A.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 Loop Brewing Co., LLC, License # I-093350, for a reception to be held at the Kiplinger Arena, 1412 West 5th Street, on May 12, 2014 from 1:00 P.M. to 1:00 A.M. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

ITEM K APPROVE THE APPLICATION FOR A SPECIAL DESIGNATED LIQUOR LICENSE SUBMITTED BY LOOP BREWING CO., LLC, LICENSE # I-093350, FOR A RECEPTION TO BE HELD AT THE MCCOOK CITY AUDITORIUM, 302 WEST 5TH STREET, ON JUNE 28, 2014 FROM 5:00 P.M. TO 1:00 A.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 Loop Brewing Co., LLC, License # I-093350, for a reception to be held at the McCook City Auditorium, 302 West 5th Street, on June 28, 2014 from 5:00 P.M. to 1:00 A.M. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

REGULAR AGENDA

- (7) INTRODUCE AND APPROVE UPON ITS FIRST READING ORDINANCE NO. 2014-2901 AUTHORIZING THE SALE OF LOTS ONE (1) AND TWO (2), BLOCK TWO (2), FAIR ACRES ADDITION TO THE CITY OF MCCOOK, RED WILLOW COUNTY, NEBRASKA TO ROBERT B. AND/OR SHARON K. HARVEY.

Mayor Berry introduced Ordinance No. 2014-2901 by title. The Clerk read the Ordinance by title:

AN ORDINANCE OF THE CITY OF MCCOOK, NEBRASKA, AUTHORIZING AND DIRECTING THE SALE AND CONVEYANCE OF REAL ESTATE HEREINAFTER DESCRIBED TO ROBERT B. AND/OR SHARON K. HARVEY; TO PROVIDE FOR PUBLICATION OF NOTICE OF SALE AND CONVEYANCE AND THE TERMS THEREOF; TO PROVIDE FOR THE RIGHT TO FILE A REMONSTRANCE AGAINST THE CONVEYANCE; AND TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM BY AUTHORITY OF THE CITY COUNCIL AND EFFECTIVE DATE OF THIS ORDINANCE.

Ordinance No. 2014-2901 was introduced and read by title only. Motion was made by Councilmember Calvin, seconded by Councilmember McDowell, to approve Ordinance No. 2014-2901 on its first reading. 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. 2014-2901 approved on its first reading.

- (8) ADOPT THE POLICY ALLOWING FOR POLITICAL SIGN SIZE UP TO 32 SQUARE FEET IN INDUSTRIAL LIGHT, HIGHWAY COMMERCIAL, AND BUSINESS COMMERCIAL ZONES, ALONG US HIGHWAYS 6, 34, AND 83 LOCATED WITHIN THE CITY OF MCCOOK, CONTINGENT UPON SUCH POLITICAL SIGNS SHALL NOT BE PLACED ON ANY CITY OR STATE RIGHT-OF-WAY WITHIN THE CITY LIMITS OF MCCOOK, HAVE A FRONT, SIDE AND REAR PROPERTY LINE SETBACK OF 15 FEET OR MORE, AND NOT PROHIBIT VISION AT ANY INTERSECTION.

Upon a motion by Councilmember Gonzales, seconded by Councilmember Calvin, the Council voted to not adopt the proposed policy for political signs. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

- (9) COUNCIL COMMENTS.

It was the consensus of the Council to have staff review what other communities do regarding banning certain breeds of dogs.

The Council recognized City Clerk Doak for her recent honor as Clerk of the Year for communities of the First Class and Larger.

- (10) AN EXECUTIVE SESSION MAY BE HELD UPON A MAJORITY VOTE OF THE COUNCIL FOR THE PREVENTION OF NEEDLESS INJURY TO THE REPUTATION OF THE CITY MANAGER APPLICANTS AND SUCH APPLICANTS HAVE NOT REQUESTED A PUBLIC MEETING.

Upon a motion by Councilmember Calvin, seconded by Councilmember Gonzales, the Council voted to move into executive session for the prevention of needless injury to the reputation of the city manager applicants and such applicants have not requested a public meeting at 7:53 P.M. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

Mayor Berry stated for the record that at this time, pursuant to the Nebraska Open Meetings Act, a closed session will be held for the prevention of needless injury to the reputation of the city manager

applicants and such applicants have not requested a public meeting. The Council will reconvene in public session following this closed session.

The Council moved to the upstairs Training Room. Included in the executive session were Interim City Managers Potthoff and Doak, Consultant Bill Podraza, and Department Heads, Brown, Crocker, Dutcher, Harpham, Siegfried.

Upon a motion by Councilmember Gonzales, seconded by Councilmember McDowell, the Council voted to move out of executive session at 9:47 P.M.

(11) ADJOURNMENT.

There being no further business to come before the Council, Mayor Berry declared the meeting adjourned at 9:47 P.M.

Dennis Berry, Mayor

ATTEST:

Lea Ann Doak, City Clerk