

MCCOOK CITY COUNCIL
April 21, 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 April 17, 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 - DOUG GRIGER, UNITED METHODIST CHURCH.

Doug Griger, pastor of the United Methodist 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 COMMENTS.

No one was present for Citizen's Comments.

(4) MAYOR'S ANNOUNCEMENTS & RECOGNITIONS.

There were no Mayor's announcements or recognitions.

(5) APPROVE THE PROCLAMATION DESIGNATING APRIL 30, 2014 AS "ARBOR DAY" IN THE CITY OF MCCOOK AND AUTHORIZE THE MAYOR TO SIGN.

Upon a motion by Councilmember McDowell, seconded by Councilmember Hepp, the Council voted to approve the proclamation designating April 30, 2014 as "Arbor Day" in the City of McCook 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 APRIL 7, 2014 REGULAR CITY COUNCIL MEETING.

Upon a motion by Mayor Berry, seconded by Councilmember McDowell, the Council voted to approve the minutes of the April 7, 2014 regular City Council meeting. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

ITEM B ADOPT RESOLUTION NO. 2014-05, CERTIFYING THAT THE CITY OF MCCOOK IS CONSIDERED TO BE CAPABLE OF PROVIDING PUBLIC TRANSPORTATION FOR ITS CITIZENS.

Upon a motion by Mayor Berry, seconded by Councilmember McDowell, the Council voted to adopt Resolution No. 2014-05, certifying that the City of McCook is considered to be capable of providing public transportation for its citizens. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

ITEM C RECEIVE AND FILE THE CLAIMS FOR THE MONTH OF MARCH 2014 AS PUBLISHED ON APRIL 21, 2014.

Upon a motion by Mayor Berry, seconded by Councilmember McDowell, the Council voted to receive and file the claims for the month of March 2014 as published on April 21, 2014. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

ITEM D AWARD THE BID FOR ONE (1) NEW 2014 VEHICLE FOR USE BY THE POLICE DEPARTMENT TO WAGNER FORD-MERCURY-TOYOTA FOR ONE NEW TOYOTA CAMRY IN THE AMOUNT OF \$18,831, THAT BEING THE LOWEST RESPONSIBLE BID.

Upon a motion by Mayor Berry, seconded by Councilmember McDowell, the Council voted to award the bid for one (1) new 2014 Vehicle for use by the Police Department to Wagner Ford-Mercury-Toyota for one new Toyota Camry in the amount of \$18,831, that being the lowest responsible bid. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

ITEM E RECEIVE AND FILE THE FINANCIAL REPORT FOR THE QUARTER ENDING MARCH 31, 2014.

Upon a motion by Mayor Berry, seconded by Councilmember McDowell, the Council voted to receive and file the Financial Report for the quarter ending March 31, 2014. 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 FEBRUARY 12, 2014 LIBRARY ADVISORY BOARD MEETING AND THE NOVEMBER 6, 2013 TREE ADVISORY BOARD MEETING.

Upon a motion by Mayor Berry, seconded by Councilmember McDowell, the Council voted to receive and file the minutes of the February 12, 2014 Library Advisory Board meeting and the November 6, 2013 Tree Advisory Board meeting. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

REGULAR AGENDA

- (7) APPROVE UPON ITS SECOND READING, AND CONSIDER SUSPENDING THE RULES REQUIRING THREE DIFFERENT READINGS, 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 FOR THE SUM OF \$5,000.00.

Ordinance No. 2014-2901 entitled:

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,

was considered upon its second reading.

Motion was made by Councilmember Gonzales, seconded by Councilmember Calvin, to approve Ordinance No. 2014-2901 on its second reading.

Councilmember McDowell 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.

The Mayor then stated the question: "Shall Ordinance No. 2014-2901 be passed and adopted, under suspension of the rule, upon its second reading?" 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.

- (8) INTRODUCE AND APPROVE UPON ITS FIRST READING, AND CONSIDER SUSPENDING THE RULES REQUIRING THREE DIFFERENT READINGS, ORDINANCE NO. 2014-2902 AUTHORIZING THE SALE OF LOTS NINE (9) AND TEN (10), BLOCK FIVE (5), FAIR ACRES ADDITION TO THE CITY OF MCCOOK, RED WILLOW COUNTY, NEBRASKA TO OLVIDO DAVILA FOR THE SUM OF \$4,500.00.

Mayor Berry introduced Ordinance No. 2014-2902 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 OLVIDO DAVILA; 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. 2014-2902 was introduced and read by title only. Councilmember Gonzales moved that the statutory rule requiring reading on three different days be suspended. Councilmember McDowell 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 McDowell moved for final passage of the Ordinance, which was seconded by Councilmember Gonzales. The Mayor then stated the question: "Shall Ordinance No. 2014-2902 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) RECEIVE AND FILE AN UPDATE OF THE DOWNTOWN REVITALIZATION GRANT FOR THE CITY OF MCCOOK AND AUTHORIZE MILLER AND ASSOCIATES TO FILE AN AMENDED APPLICATION WITH THE NEBRASKA DEPARTMENT OF ECONOMIC DEVELOPMENT.

Eric Hellreigel with Miller and Associates was present to give an update on the progress of the downtown revitalization grant. Updated conceptual drawings as well as cost estimates for the project were presented.

Upon a motion by Councilmember Gonzales, seconded by Councilmember McDowell, the council voted to receive and file an update of the Downtown Revitalization Grant for the City of McCook and authorize Miller and Associates to file an amended application with the Nebraska Department of Economic Development. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

(10) APPROVE THE CITY OF MCCOOK RECREATIONAL/SWIMMING POOL SURVEY AND AUTHORIZE ITS CIRCULATION IN ORDER TO GATHER DATA ON THE WANTS AND NEEDS FOR RECREATIONAL OPPORTUNITIES WITHIN THE COMMUNITY.

Upon a motion by Councilmember Calvin, seconded by Councilmember McDowell, the Council voted to approve the City of McCook Recreational/Swimming Pool survey, with the addition of shooting sports, and authorize its circulation in order to gather data on the wants and needs for recreational opportunities within the community. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

(11) COUNCIL COMMENTS.

Councilmember Gonzales noted that while walking the walking trail he has been amazed at the number of people utilizing the disc golf course.

Councilmember McDowell noted that CASA will be hosting their 1st Annual Night Disc Golf Tournament in Kelley Park on May 10, 2014.

Mayor Berry noted that with the passage of LB 1098 the Nebraska Natural Resources Commission would be reconstructed by adding eleven members to be appointed by the Governor. He encouraged local citizens to apply to represent municipal users of public water systems.

- (12) 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 McDowell, 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 8:08 P.M. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

The Mayor then 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 Administration Conference Room. Included in the executive session were Interim City Managers Potthoff and Doak, and Department Heads, Brown, Crocker, Dutcher, Harpham, and Siegfried.

The Council returned to the City Council Chambers.

Upon a motion by Councilmember Gonzales, seconded by Councilmember Calvin, the Council voted to move out of executive session at 8:40 P.M.

- (13) ADJOURNMENT.

There being no further business to come before the Council, Mayor Berry declared the meeting adjourned at 8:40 P.M.

Dennis Berry, Mayor

ATTEST:

Lea Ann Doak, City Clerk