

## MINUTES

### MCCOOK CITY COUNCIL

Monday, December 21, 2009

7:30 P.M. - City Council Chambers

Call to Order and Roll Call

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 Auditorium.

Present: Mayor Berry, Councilmembers Kircher, Anderson, Calvin, Gonzales; City Attorney Schneider; City Manager Fritsch; City Clerk-Treasurer Doak.

Absent: None.

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on December 17, 2009, 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.

ITEM NO. 1      INVOCATION - THE MCCOOK MINISTERIAL ASSOCIATION - BRUCE  
LESTER, EVANGELICAL FREE CHURCH.

Jon Albrect, pastor of the McCook Harvest Church, was present for the invocation.

ITEM NO. 2 Citizen's Forum.

Dick Trail, Manager of the Maplewood Housing Complex, reported that two street lights were out at 719 and 721 West 14<sup>th</sup> Street.

ITEM NO. 3 Mayor's Announcements & Recognitions.

Police Chief Ike Brown introduced Justin Davis, Randy Bauman, and Josh Palmer, three new Patrol Officers for the City of McCook and congratulated them for their successful completion of training at the Nebraska Law Enforcement Training Center in Grand Island.

ITEM NO. 4 CONSENT AGENDA:

Councilmember Kircher requested that Item F be removed from the Consent Agenda and placed on the Regular Agenda.

ITEM A APPROVE THE MINUTES OF THE DECEMBER 7, 2009 REGULAR CITY COUNCIL MEETING.

Upon a motion by Councilmember Anderson, seconded by Councilmember Calvin, the Council voted to approve the minutes of the December 7, 2009 regular City Council meeting. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Calvin, Gonzales. NAY: None.

ITEM B APPROVE THE BID SPECIFICATIONS FOR ONE (1) NEW SOLID WASTE COLLECTION VEHICLE AND SET THE DATE TO RECEIVE BIDS AS JANUARY 12, 2010 AT 2:30 P.M.

Upon a motion by Councilmember Anderson, seconded by Councilmember Calvin, the Council voted to approve the bid specifications for one (1) new Solid Waste Collection Vehicle and set the date to receive bids as January 12, 2010 at 2:30 P.M. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Calvin, Gonzales. NAY: None.

ITEM C

APPROVE THE APPLICATION FOR A SPECIAL DESIGNATED LIQUOR LICENSE SUBMITTED BY THE MCCOOK AREA CHAMBER OF COMMERCE FOR THEIR ANNUAL BANQUET TO BE HELD AT THE RED WILLOW COUNTY FAIRGROUNDS COMMUNITY BUILDING, 1408 WEST 5<sup>TH</sup> STREET, ON FEBRUARY 6, 2010 FROM 6:00 P.M. TO 11:59 P.M.

Upon a motion by Councilmember Anderson, seconded by Councilmember Calvin, the Council voted to approve the application for a Special Designated Liquor License submitted by the McCook Area Chamber of Commerce for their Annual Banquet to be held at the Red Willow County Fairgrounds Community Building, 1408 West 5<sup>th</sup> Street, on February 6, 2010 from 6:00 P.M. to 11:59 P.M. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Calvin, Gonzales. NAY: None.

ITEM D

APPROVE DRAWINGS AND SPECIFICATIONS FOR WATER MAIN REPLACEMENT ALONG SOUTH STREET AND PROVIDE A LOOPING MAIN ALONG KELLEY PARK DRIVE FROM BOLLES CANYON ROAD TO PARK STREET AND SET DATE TO RECEIVE BIDS FOR JANUARY 21, 2010 AT 2:00 P.M.

Upon a motion by Councilmember Anderson, seconded by Councilmember Calvin, the Council voted to approve drawings and specifications for Water Main Replacement along South Street and provide a Looping Main along Kelley Park Drive from Bolles Canyon Road to Park Street and set the date to receive bids for January 21, 2010 at 2:00 P.M. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Calvin, Gonzales. NAY: None.

ITEM E

APPROVE AMENDED LEASE AGREEMENT NO. GS-06P-90033 WITH THE GENERAL SERVICES ADMINISTRATION WHICH ELIMINATES THE P.O. BOX NUMBER FROM THE ADDRESS AND AUTHORIZE THE MAYOR TO SIGN.

Upon a motion by Councilmember Anderson, seconded by Councilmember Calvin, the Council voted to approve amended Lease Agreement No. GS-06P-

90033 with the General Services Administration which eliminates the P.O. Box number from the address and authorize the Mayor to sign. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Calvin, Gonzales. NAY: None.

ITEM G

APPROVE THE RECOMMENDATION OF THE FUEL CONTRACT ADVISORY COMMITTEE TO CONTINUE THE FUEL PURCHASE AGREEMENT, FOR CALENDAR YEAR 2010, WITH FRENCHMAN VALLEY COOPERATIVE, INC. TO PURCHASE FUEL FOR GOVERNMENT VEHICLES.

Upon a motion by Councilmember Anderson, seconded by Councilmember Calvin, the Council voted to approve the recommendation of the Fuel Contract Advisory Committee to continue the Fuel Purchase Agreement, for calendar year 2010, with Frenchman Valley Cooperative, Inc. to purchase fuel for government vehicles. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Calvin, Gonzales. NAY: None.

ITEM 4F

**REGULAR AGENDA**

ITEM 4F

APPROVE SUPPLEMENTAL AGREEMENT WITH MARTHA PEDIGREE REGARDING THE WORK OF ART ENTITLED "ON MY HONOR" TO ALLOW FOR PAYMENT AFTER EACH SCULPTURE HAS BEEN BRONZED.

Upon a motion by Councilmember Anderson, seconded by Councilmember Gonzales, the Council voted to approve Supplemental Agreement with Martha Pettigrew regarding the work of art entitled "On My Honor" to allow for payment after each sculpture has been bronzed. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Calvin, Gonzales. NAY: None.

ITEM NO. 5 APPROVE ORDINANCE NO. 2009-2834 PROVIDING FOR THE VACATION OF THE DEDICATED ALLEY IN BLOCK TWO (2), OF THE COUNTRY SIDE ESTATES HENSON'S FIRST ADDITION, RED WILLOW COUNTY, NEBRASKA; TO PROVIDE FOR REVERSION OF SAID ALLEY TO TITLE HOLDERS OF RECORD; AND TO PROVIDE FOR FILING OF THIS ORDINANCE IN THE OFFICE OF THE REGISTER OF DEEDS OF RED WILLOW COUNTY, NEBRASKA UPON ITS SECOND READING.

Ordinance No. 2009-2834 now came up for second reading.

The motion was made by Councilmember Calvin that the statutory rule requiring reading on three different days be suspended. Councilmember Anderson seconded the motion to suspend the rule and upon roll call vote the following Councilmembers voted YEA: Berry, Anderson, Calvin, Gonzales. NAY: Kircher. 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.

Said Ordinance was then read by title only and thereafter Councilmember Calvin moved for final passage of the Ordinance, which was seconded by Councilmember Anderson. The Mayor then stated the question: "Shall Ordinance No. 2009-2834 be passed and adopted?" Upon roll call vote the following Councilmembers voted YEA: Berry, Kircher, Anderson, Calvin, Gonzales. 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 adopted and the Mayor, in the presence of the Council, signed and approved the Ordinance and the Clerk attested the passage and approval of the same and affixed her signature thereto.

Upon a motion by Councilmember Calvin, seconded by Councilmember Anderson, the Council voted to publish Ordinance No. 2009-2834, in the McCook Daily Gazette, a legal newspaper, one time as required by law. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson,

Calvin, Gonzales. NAY: None.

ITEM NO. 6 RECEIVE UPDATE AND CONSIDER THE ABATEMENT OF NUISANCES AT  
305 EAST 12<sup>TH</sup> STREET, PROPERTY OWNED BY DOTTY PARK.

Ms. Park explained that the gentleman she had contracted with for removal of the mobile home discovered a live electrical wire on the premise. The wire has been removed and they will continue the removal of the structure.

Councilmember Calvin encouraged Ms. Park to focus on the entire property and address other problems while waiting for the trailer to be torn down, such as the removal of the broken branches, debris, and other structures. He did not want a precedent being set by allowing so much time to resolve the issue.

ITEM NO. 7 COUNCIL COMMENTS.

Councilmember Calvin and Mayor Berry complimented City Staff for the quick removal of snow during the recent storm. They had received many positive comments from the public.

The Council extended Season Greetings to all.

ITEM NO. 8 ADJOURNMENT.

There being no further business to come before the Council, Mayor Berry declared the meeting adjourned at 8:10 P.M.

Dennis Berry, Mayor

ATTEST:

Lea Ann Doak, City Clerk