

MCCOOK CITY COUNCIL
February 1, 2010
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 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 January 28, 2010, 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 - STEVE BALES, 1ST CONGREGATIONAL CHURCH.

Lance Clay, pastor of the United Methodist Church, was present for the invocation.

- (2) CITIZEN'S FORUM.

Dale Cotton requested that he be given the opportunity to speak when the Council addresses the West Ward building.

- (3) MAYOR'S ANNOUNCEMENTS & RECOGNITIONS.

Southwest Public Schools FBLA President Jordan Brooks presented a donation to Public Works Director Kyle Potthoff for the City of McCook Recycling Center. Her group had initiated a Go Green recycling project this last fall and felt that since these items were brought to McCook, a donation to the center would be appropriate.

- (4) APPROVE THE PROCLAMATION DESIGNATING THE MONTH OF MARCH 2010 AS "GAMBLING AWARENESS MONTH" AND AUTHORIZE THE MAYOR TO SIGN.

Upon a motion by Councilmember Anderson, seconded by Councilmember Gonzales, the Council voted to approve the proclamation designating the month of March 2010 as "Gambling Awareness Month" and authorize the Mayor to sign. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Calvin, Gonzales. NAY: None.

- (5) ACCEPT THE FINANCIAL STATEMENTS AND SUPPLEMENTAL INFORMATION FOR

FISCAL YEAR ENDING SEPTEMBER 30, 2009 PREPARED BY ALMQUIST, MALTZAHN, GALLOWAY, & LUTH, CERTIFIED PUBLIC ACCOUNTANTS.

Mayor Berry introduced a motion to accept the Financial Statements and Supplemental Information for Fiscal Year ending September 30, 2009 prepared by Almquist, Maltzahn, Galloway, & Luth, Certified Public Accountants. Councilmember Gonzales seconded the motion.

Terry Galloway of Almquist, Maltzahn, Galloway, & Luth presented the Financial Statements to the Council for the Fiscal year ending September 30, 2009, stating that it was a clean, unqualified opinion.

The Mayor then stated the question: "Shall the motion on the floor be approved?" Upon roll call vote the following Councilmembers voted YEA: Berry, Kircher, Anderson, Calvin, Gonzales. NAY: None. Motion carried.

(6) PUBLIC HEARINGS:

ITEM A Public Hearing - proposed 2010 One and Six Year Street Improvement Plan.

Upon a motion by Councilmember Kircher, seconded by Councilmember Anderson, the Council voted to recess as a City Council and convene a public hearing for the purpose of receiving public comment on the proposed 2010 One and Six Year Street Improvement Plan with the City Attorney to act as hearing officer.

The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Calvin, Gonzales. NAY: None.

The City Attorney offered and received into evidence Exhibit #1 - Notice of Hearing published; Exhibit #2 - the proposed 2010 One and Six Year Plan of Street Improvements; and Exhibit #3 - Plat of City indicating proposed projects.

City Street Engineer Chris Miller and Public Works Director Kyle Potthoff reviewed the proposed 2010 One and Six Year Street Improvement Plan with the Council.

Projects completed in the last fiscal year and removed from the plan were the West "J" Street paving projects, the two Downtown Parking Lots project, the asphalt paving project on West "I", "K", and "L" Streets, and the "M" Street Storm Sewer Project.

There are nine projects listed on the One Year Plan. The Wal-Mart sidewalk project and the Elizabeth Lane reclamation project were delayed from last year's One Year Plan and moved to this year's plan. Also planned, and included in the budget for this fiscal year, are four asphalt paving projects. These projects include the reconstruction of short segments on West "F", "I", and Sunset, the reconstruction of a segment of West "M", the reconstruction of Park Road, and the reconstruction of a segment on Norris Avenue.

Councilmember Calvin express concerns with pedestrian traffic crossing the four lanes of traffic at the junction of Highways 6 & 34 & 83 as proposed in the Wal-Mart sidewalk project. He suggested that safer alternatives be considered.

Dale Cotton, McCook resident, spoke in support of placement of the sidewalk on the south side of Highway 6 & 34 as proposed.

The remaining three projects in the One Year Plan are the reconstruction of the Downtown Parking Lot on

the south side of "B" Street, an asphalt overlay on an eight block section of West 5th Street, and a storm sewer repair project north of "L" Street and east of East 1st Street, near Weiland Field. The West 5th Street project, as proposed, is a maintenance project consisting of milling 2" and laying a 2" asphalt overlay. An alternative of delaying this project and programming it for total reconstruction as a Federal Aid Project has been considered.

There are seven projects shown in the Six Year Plan. Four of the projects were carried over from last year's Six Year Plan. These include two concrete paving projects on East "H" Street, the asphalt paving project on Seminole Drive, and the asphalt paving on segments of West "D", "G", and "H" Streets. The H Street project, beginning at East 11th Street, has been extended to Airport Road.

Three projects were added to the Six Year Plan this year. These include the asphalt paving project on Marsh, West 1st and "P" Streets, the asphalt paving project on East "O" Street and Kelly Park Drive, and the concrete paving project on East "J" Street.

There being no one else present to comment, upon a motion by Councilmember Kircher, seconded Councilmember Anderson, 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, Kircher, Anderson, Calvin, Gonzales. NAY: None.

ITEM B ADOPT RESOLUTION NO. 2010-01 PROVIDING FOR THE ADOPTION OF THE 2010 ONE AND SIX YEAR STREET IMPROVEMENT PLAN.

Upon a motion by Councilmember Kircher, seconded by Councilmember Anderson, the Council voted to adopt Resolution No. 2010-01 providing for the adoption of the 2010 One and Six Year Street Improvement Plan. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Calvin, Gonzales. NAY: None.

ITEM C CONDUCT A PUBLIC HEARING ON THE APPLICATION OF TASTE OF TEXAS BBQ INC., DBA "TASTE OF TEXAS BBQ", LIQUOR LICENSE #I-54088, FOR THE ADDITION OF A CATERING LICENSE FOR THEIR BUSINESS LOCATED AT 112 WEST 11TH STREET.

Upon a motion by Councilmember Anderson, seconded by Councilmember Calvin, the Council voted to recess as a City Council and convene a public hearing for the purpose of receiving public comment on the application of Taste of Texas BBQ Inc., dba "Taste of Texas BBQ", Liquor License #I-54088, for the addition of a Catering License for their business located at 112 West 11th Street with the City Attorney to act as hearing officer. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Calvin, Gonzales. NAY: None.

The City Attorney offered and received into evidence Exhibit #1 - Notice of Hearing published; Exhibit #2 - letter from the Nebraska Liquor Control Commission dated January 11, 2010; Exhibit #3 - Catering Application Recommendation; Exhibit #4 - the Application for Liquor License, the Police Department Report dated January 22, 2010, and the Administrative Report from Chief of Police Isaac Brown.

There being no one present to comment, upon a motion by Councilmember Kircher, seconded by Councilmember Anderson, 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, Kircher, Anderson, Calvin, Gonzales. NAY: None.

ITEM D RECOMMEND APPROVAL TO THE NEBRASKA LIQUOR CONTROL COMMISSION THE APPLICATION OF TASTE OF TEXAS BBQ INC., DBA "TASTE OF TEXAS BBQ", LIQUOR LICENSE #1-54088, FOR THE ADDITION OF A CATERING LICENSE FOR THEIR BUSINESS LOCATED AT 112 WEST 11TH STREET.

Upon a motion by Councilmember Kircher, seconded by Councilmember Anderson, the Council voted to recommend approval to the Nebraska Liquor Control Commission the application of Taste of Texas BBQ Inc., dba "Taste of Texas BBQ", Liquor License #1-54088, for the addition of a Catering License for their business located at 112 West 11th Street. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Calvin, Gonzales. NAY: None.

(7) CONSENT AGENDA:

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

ITEM A APPROVE THE MINUTES OF THE JANUARY 18, 2010 REGULAR CITY COUNCIL MEETING AND THE JANUARY 25, 2010 SPECIAL CITY COUNCIL MEETING.

Upon a motion by Mayor Berry, seconded by Councilmember Anderson, the Council voted to approve the minutes of the January 18, 2010 regular City Council meeting and the January 25, 2010 special City Council meeting. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Calvin, Gonzales. NAY: None.

ITEM D ADOPT RESOLUTION NO. 2010-02 PROVIDING FOR THE LEVY OF SPECIAL ASSESSMENTS FOR COST OF DEMOLITION TO ABATE NUISANCES.

Upon a motion by Mayor Berry, seconded by Councilmember Anderson, the Council voted to adopt Resolution No. 2010-02 providing for the levy of special assessments for cost of demolition to abate nuisances. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Calvin, Gonzales. NAY: None.

ITEM E OFFER A CONTRACT TO BSB CONSTRUCTION INC. OF CURTIS, NEBRASKA, WITH A BID OF \$148,856.00, AS THE LOWEST RESPONSIBLE BIDDER, FOR FURNISHING AND INSTALLING WATER MAIN REPLACEMENT AND EXTENSION FOR THE SOUTH STREET AND KELLEY CREEK WATER MAINS AND AUTHORIZE THE MAYOR TO EXECUTE THE NECESSARY PAPER WORK TO AWARD THE CONTRACT.

Pursuant to instruction given by the City Council on December 21, 2009, a Notice to Bidders was published asking for sealed bids for Furnishing and Installing Water Main Replacement and Extension for the South Street and Kelley Creek Water Mains. The following bids were received:

BSB Construction, Inc. - Curtis, Nebraska
\$148,856.00

Interstate Irrigation, Inc. - Yuma, Colorado

\$164,869.00

Myers Construction, Inc. - Broken Bow, Nebraska
\$198,692.00

Midlands Contracting, Inc. - Kearney, Nebraska
\$209,448.00

Maris General Construction, LLC - McCook, Nebraska
\$219,778.92

Upon a motion by Mayor Berry, seconded by Councilmember Anderson, the Council voted to offer a contract to BSB Construction Inc. of Curtis, Nebraska, with a bid of \$148,856.00, as the lowest responsible bidder, for furnishing and installing water main replacement and extension for the South Street and Kelley Creek Water Mains 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, Kircher, Anderson, Calvin, Gonzales. NAY: None.

ITEM FRECEIVE AND FILE THE MINUTES OF THE LIBRARY ADVISORY BOARD MEETING DATED NOVEMBER 11, 2009 AND SENIOR CENTER ADVISORY BOARD MEETINGS DATED DECEMBER 1, 2009 AND JANUARY 5, 2010.

Upon a motion by Mayor Berry, seconded by Councilmember Anderson, the Council voted to receive and file the minutes of the Library Advisory Board meeting dated November 11, 2009 and Senior Center Advisory Board meetings dated December 1, 2009 and January 5, 2010. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Calvin, Gonzales. NAY: None.

REGULAR AGENDA

ITEM 7B APPROVE THE REQUEST FOR PROPOSALS FOR CITY OF MCCOOK WEB SITE RE-DESIGN AND SET THE DATE TO RECEIVE PROPOSALS AS FEBRUARY 22, 2010 AT 4:00 P.M.

Councilmember introduced a motion to approve the Request for Proposals for City of McCook Web Site Re-design and set the date to receive proposals as February 22, 2010 at 4:00 P.M. Councilmember Gonzales seconded the motion.

Upon a motion by Councilmember Kircher, seconded by Mayor Berry, the Council voted to amend Section 3(d) by adding "Compatibility with audio and video files and live streaming video and audio." The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Calvin, Gonzales. NAY: None.

The Mayor then stated the question: "Shall the Request for Proposals for City of McCook Web Site Re-design be approved as amended?" Upon roll call vote the following voted YEA: Berry, Kircher, Anderson, Calvin, Gonzales. NAY: None. Motion carried.

ITEM 7C AWARD THE BID FOR A NEW SOLID WASTE COLLECTION VEHICLE FOR THE

TRANSFER STATION TO NEBRASKA TRUCK CENTER, NORTH PLATTE, NEBRASKA, IN THE AMOUNT OF \$162,291.00, THAT BEING THE LOWEST RESPONSIBLE BID.

Pursuant to instruction given by the City Council on December 21, 2009, a Notice to Bidders was published asking for sealed bids for One (1) New Solid Waste Collection Vehicle. The following bids were received:

Nebraska Truck Center - North Platte, Nebraska
\$162,291.00

Southwestern Equipment - Justin, Texas
\$163,500.00

The City Manager's Report prepared by Public Works Director Potthoff stated that \$160,000 was included in the FY2009/2010 Budget for purchase of this vehicle, which leaves a difference of \$2, 291.00. Staff recommends the reallocation of \$2,291.00 from the \$26,000.00 budgeted for Trash Containers.

Councilmember Kircher asked if the City could rebid for this vehicle since it was over budget.

Upon a motion by Councilmember Kircher, seconded by Councilmember Anderson, the Council voted to award the bid for a new Solid Waste Collection Vehicle for the Transfer Station to Nebraska Truck Center, North Platte, Nebraska, in the amount of \$162,291.00, that being the lowest responsible bid. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Calvin, Gonzales. NAY: None.

(8) RECEIVE AN UPDATE ON THE PROGRESS OF ABATEMENT OF NUISANCES AT 305 EAST 12TH STREET.

Dotti Park informed the Council that the gentleman that she had contracted with to remove the mobile home and other buildings on her property will not return calls to her. She would like more time to remove personal items and to cleanup the property. She acknowledged that the City has worked with her.

It was the consensus of the Council to have an item placed on the agenda of the February 15 meeting to begin the legal process of getting this nuisance abated.

(9) APPROVE AUTHORIZATION OF PAYMENT FOR \$10,000.00 TO TERRY L. JESSEN FOR THE 301 E. 2ND STREET PROPERTY.

Upon a motion by Mayor Berry, seconded by Councilmember Calvin, the Council voted to approve the authorization of payment for \$10,000.00 to Terry L. Jessen for the 301 E. 2nd Street property. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Calvin, Gonzales. NAY: None.

(10) APPROVE AND AUTHORIZE CITY STAFF TO MOVE FORWARD TO SECURE BIDS FOR THE DEMOLITION OF WEST WARD SCHOOL.

It was the consensus of the Council to remove rehabilitation of the West Ward building as an option for police/administration offices.

Dale Cotton and Jerry Neiman spoke in support of rehabilitation of the West Ward building and to preserve as a historic building. Mr. Neiman also read a letter of support from Bill Fraiser.

The Council took no action regarding the demolition of the West Ward building.

(11) UPDATE AND CONTINUE DISCUSSION ON THE DEVELOPMENT OF THE WEST WARD SITE FOR MUNICIPAL PURPOSES.

City Manager Fritsch informed the Council that the cost for Prochaska & Associates to do the Additional Preliminary Design Services for a new facility for the Police/City Offices would be in the range of \$2,570 to \$2,850, not to exceed \$2,850. The Armory Evaluation for the Police/City Offices would be in the range of \$3,710 to \$4,090, not to exceed \$4,090. He added that he has received information that the National Guard plans to be out of the armory by September 2011 and that it will take 12 - 24 months after for the lead mitigation. The building would not be available until late 2013 or 2014.

It was the consensus of the Council that they were not interested in proceeding with any evaluation of renovating the current public safety facility for a police station.

(12) COUNCIL COMMENTS.

Mayor Berry complimented city staff, department heads, and employees for their fiscal responsibility, he added that the City's debt is less than one percent and that sales tax has allowed the City to maintain property taxes at the same rate since 2002.

Councilmember Gonzales noted that City Clerk Doak was recognized for her 35 years of service to the City at the Employee Recognition Banquet. He also stated that he appreciates receiving input from the public regarding the Public Safety Center, adding, that if they want him to take them seriously, they must sign their letter. He does not appreciate the anonymous letters.

(13) ADJOURNMENT.

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

Dennis Berry, Mayor

ATTEST:

Lea Ann Doak, City Clerk