

MCCOOK CITY COUNCIL
May 17, 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. at the Heritage Senior Center.

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 May 14, 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 meeting room and available for public review.

- (1) INVOCATION - THE MCCOOK MINISTERIAL ASSOCIATION - CLARK BATES, MCCOOK CHRISTIAN CHURCH.

No one was present for the invocation.

- (2) CITIZEN'S FORUM.

No one was present for citizen's forum.

- (3) MAYOR'S ANNOUNCEMENTS & RECOGNITIONS.

Mayor Berry presented a \$400.00 check to members of Boy Scout Troop 132 from the Public Alliance for Community Energy as a donation for placing "Door Hangers" announcing the annual Choice Gas Selection Period and promoting ACE.

- (4) APPROVE THE PROCLAMATION DESIGNATING THE WEEK OF MAY 16-22, 2010 AS "EMERGENCY MEDICAL SERVICES WEEK" 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 week of May 16-22, 2010 as "Emergency Medical Services Week" and authorize the Mayor to sign. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Calvin, Gonzales. NAY: None.

- (5) CONSENT AGENDA:

Councilmember Gonzales requested that Item C be removed from the Consent Agenda and placed on the

Regular Agenda.

Councilmember Anderson requested that Item I be removed from the Consent Agenda and placed on the Regular Agenda.

ITEM A APPROVE THE MINUTES OF THE MAY 3, 2010 REGULAR CITY COUNCIL MEETING AND THE APRIL 29, 2010 SPECIAL CITY COUNCIL MEETING.

Upon a motion by Mayor Berry, seconded by Councilmember Calvin, the Council voted to approve the minutes of the May 3, 2010 regular City Council meeting and the April 29, 2010 special City Council meeting. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Calvin, Gonzales. NAY: None.

ITEM B RECOMMEND APPROVAL TO THE NEBRASKA LIQUOR CONTROL COMMISSION THE APPLICATION FOR MANAGER SUBMITTED BY A & N RESTAURANTS, L.L.C., DBA "THE COPPERMILL RESTAURANT & LOUNGE", LOCATED AT NORTH HIGHWAY 83 & COPPERMILL STREET, PENDING LICENSE #88659, THE APPLICANT BEING ADAM SIEGFRIED.

Upon a motion by Mayor Berry, seconded by Councilmember Calvin, the Council voted to recommend approval to the Nebraska Liquor Control Commission the Application for Manager submitted by A & N Restaurants, L.L.C., dba "The Coppermill Restaurant & Lounge", located at North Highway 83 & Coppermill Street, pending License #88659, the applicant being Adam Siegfried. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Calvin, Gonzales. NAY: None.

ITEM D RECEIVE AND FILE THE MINUTES OF THE JULY 27, 2009 AND THE OCTOBER 29, 2009 ECONOMIC DEVELOPMENT PLAN CITIZEN'S ADVISORY REVIEW COMMITTEE MEETINGS, THE OCTOBER 1, 2009 TREE ADVISORY BOARD MEETING, AND THE OCTOBER 8, 2009 PARK ADVISORY BOARD MEETING.

Upon a motion by Mayor Berry, seconded by Councilmember Calvin, the Council voted to receive and file the minutes of the July 27, 2009 and the October 29, 2009 Economic Development Plan Citizen's Advisory Review Committee meetings, the October 1, 2009 Tree Advisory Board meeting, and the October 8, 2009 Park Advisory Board meeting. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Calvin, Gonzales. NAY: None.

ITEM E APPROVE AND AUTHORIZE THE MAYOR TO SIGN THE CONTRACT BETWEEN THE CITY OF MCCOOK AND THE STATE OF NEBRASKA DEPARTMENT OF ECONOMIC DEVELOPMENT FOR COMMUNITY DEVELOPMENT BLOCK GRANT NO. 09-ED-012 INVOLVING A SPECIAL ECONOMIC DEVELOPMENT ACTIVITY WITH 21ST CENTURY SYSTEMS, INC. AS THE BENEFITTED BUSINESS, TOTAL AMOUNT OF CDBG FUNDS RECEIVED IS \$505,000.

Upon a motion by Mayor Berry, seconded by Councilmember Calvin, the Council voted to approve and authorize the Mayor to sign the contract between the City of McCook and the State of Nebraska Department of Economic Development for Community Development Block Grant No. 09-ED-012 involving a special economic development activity with 21st Century Systems, Inc. as the benefitted business, the total amount of CDBG funds received is \$505,000. The motion passed upon the following

roll call vote: YEA: Berry, Kircher, Anderson, Calvin, Gonzales. NAY: None.

ITEM F APPROVE THE APPLICATION FOR A SPECIAL DESIGNATED LIQUOR LICENSE SUBMITTED BY BULL'S BAR & GRILL, LICENSE #ID-78079, FOR A WEDDING RECEPTION TO BE HELD AT THE RED WILLOW COUNTY FAIRGROUNDS COMMUNITY BUILDING, 1408 WEST 5TH STREET, ON JUNE 5, 2010 FROM 4:00 P.M. TO 1:15 A.M.

Upon a motion by Mayor Berry, seconded by Councilmember Calvin, the Council voted to approve the application for a Special Designated Liquor License submitted by Bull's Bar & Grill, License #ID-78079, for a wedding reception to be held at the Red Willow County Fairgrounds Community Building, 1408 West 5th Street, on June 5, 2010 from 4:00 P.M. to 1:15 A.M. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Calvin, Gonzales. NAY: None.

ITEM G APPROVE THE APPLICATION FOR A SPECIAL DESIGNATED LIQUOR LICENSE SUBMITTED BY MO DOUGH LLC, DBA "SEHNERT'S BAKERY AND BIEROC CAFE", LICENSE #IK-57785, TO CATER THE 1960'S REUNION TO BE HELD AT THE RED WILLOW COUNTY FAIRGROUNDS COMMUNITY BUILDING, 1408 WEST 5TH STREET, ON JULY 3, 2010 FROM 10:00 A.M. TO 1:00 A.M.

Upon a motion by Mayor Berry, seconded by Councilmember Calvin, the Council voted to approve the application for a Special Designated Liquor License submitted by MO Dough LLC, dba "Sehnert's Bakery and Bieroc Cafe", License #IK-57785, to cater the 1960's Reunion to be held at the Red Willow County Fairgrounds Community Building, 1408 West 5th Street, on July 3, 2010 from 10:00 A.M. to 1:00 A.M. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Calvin, Gonzales. NAY: None.

ITEM H APPROVE THE APPLICATION FOR A SPECIAL DESIGNATED LIQUOR LICENSE SUBMITTED BY MO DOUGH LLC, DBA "SEHNERT'S BAKERY AND BIEROC CAFE", LICENSE #IK-57785, TO CATER A WEDDING RECEPTION AT THE MCCOOK CITY AUDITORIUM, 302 WEST 5TH STREET, ON JUNE 26, 2010 FROM 10:00 A.M. TO 1:00 A.M.

Upon a motion by Mayor Berry, seconded by Councilmember Calvin, the Council voted to approve the application for a Special Designated Liquor License submitted by MO Dough LLC, dba "Sehnert's Bakery and Bieroc Cafe", License #IK-57785, to cater a wedding reception at the McCook City Auditorium, 302 West 5th Street, on June 26, 2010 from 10:00 A.M. to 1:00 A.M. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Calvin, Gonzales. NAY: None.

REGULAR AGENDA

ITEM 5C REJECT ALL BIDS RECEIVED ON APRIL 26, 2010 FOR THE ELIZABETH LANE COLD IN PLACE RECYCLING PROJECT AND DIRECT THE STAFF TO RE-ADVERTISE FOR NEW BIDS TO BE RECEIVED AT 2:30 P.M. ON JUNE 1, 2010.

Upon a motion by Councilmember Gonzales, seconded by Mayor Berry, the Council voted to reject all

bids received on April 26, 2010 for the Elizabeth Lane Cold In Place Recycling Project and direct the staff to re-advertise for new bids to be received at 2:30 P.M. on June 1, 2010. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Calvin, Gonzales. NAY: None.

ITEM 5I ADOPT RESOLUTION NO. 2010-11 PROVIDING FOR THE AMENDMENT OF SECTION 5.5 - LEAVE - E. SICK LEAVE, OF THE CITY OF MCCOOK, NEBRASKA EMPLOYEE HANDBOOK, ALLOWING EMPLOYEES TO CONTRIBUTE SICK LEAVE TIME TO A POOL TO BE SET UP FOR A CATASTROPHIC LEAVE ACCOUNT.

Councilmember Gonzales introduced a motion to adopt Resolution No. 2010-11 providing for the amendment of Section 5.5 - Leave - E. Sick Leave, of the City of McCook, Nebraska Employee Handbook, allowing employees to contribute Sick Leave Time to a pool to be set up for a Catastrophic Leave Account. Mayor Berry seconded the motion.

Upon a motion by Councilmember Kircher, seconded by Councilmember Calvin, the Council voted to amend the presented resolution by striking in last sentence of the third paragraph from the end "their own sick leave" and inserting "all their own leave". 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 motion on the floor be approved as amended?" Upon roll call vote the following Councilmembers voted YEA: Berry, Kircher, Anderson, Calvin, Gonzales. NAY: None. Motion carried.

(6) CONSIDER MAKING THE HERITAGE SENIOR CENTER THE LOCATION FOR ALL REGULAR MEETINGS OF THE MCCOOK CITY COUNCIL.

It was the consensus of the Council to have staff create a resolution for changing the location of the meetings to be brought back at the next meeting for consideration.

(7) CONTINUED MUNICIPAL FACILITIES UPDATE AND DISCUSSION.

City Manager Fritsch informed the Council that eleven or twelve attended the open house and tours of the Public Safety Center last Thursday night. He reminded the Council of the meeting scheduled with Prochaska & Associates, architects for the project, on May 26, 2010 at 4:00 P.M. The purpose of the meeting is to refine costs and needs for the facilities. Councilmembers Anderson and Gonzales plan to attend. If other Councilmembers wish to attend, staff could post as a meeting if necessary. He noted that bid specifications will be brought before the Council at the June 7 meeting for demolition of the West Ward building.

City Manager Fritsch was directed to contact bond counsel regarding the following possible methods of funding a bond; (1) the use of \$630,000 sales tax dollars, plus \$290,000 property tax dollars annually, and (2) the use of \$500,000 sales tax dollars, plus \$290,000 property tax dollars annually; with a term of five or seven years.

(8) COUNCIL COMMENTS.

Mayor stated that he has heard only good things about the appointment of Jody Crocker to the Library Director position from citizens and from the Library Advisory Board.

(9) ADJOURNMENT.

There being no further business to come before the Council, Mayor Berry declared the meeting adjourned at 8:25 P.M.

Dennis Berry, Mayor

ATTEST:

Lea Ann Doak, City Clerk