

MCCOOK CITY COUNCIL

June 7, 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 June 3, 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 - BRUCE LESTER, EVANGELICAL FREE CHURCH.

Bruce Lester, pastor of the Evangelical Free Church, was present for the invocation.

(2) CITIZEN'S FORUM.

No one was present for citizen's forum.

(3) MAYOR'S ANNOUNCEMENTS & RECOGNITIONS.

Police Chief Ike Brown informed the Council that the Secure our Schools Grant that the City worked with the McCook Schools on, was chosen as one of the 28 sites nationwide to be visited by the Department of Justice. The selection was based on good planning and implementation of the grant. He added that it is a positive when two entities partner for the benefit of the youth in our area.

Police Chief Brown gave an update to the Council on the Problem Resolution Team (PRT) which was created March 2008. The PRT has worked with more than fifty McCook and area property owners to address quality of life issues within the City of McCook and, occasionally, within the two mile zoning area around the City of McCook. A third meeting of the McCook Board of Health has been scheduled for June 17, 2010 to address nuisance issues on four properties on which the PRT has not been able to bring into compliance with City Ordinances. The PRT/City has worked cooperatively with six property owners in utilizing Nebraska Stabilization Funds to demolish seven (7) properties during the first round of demolition of properties utilizing grant funds. The second round is scheduled to begin shortly and in which six to twelve new properties will be demolished, in most instances with the cooperation of property owners. Property owners are currently working with the PRT/City to complete the demolition of six

properties on South Street, which will dramatically improve the value and appearance of properties in that neighborhood.

John Hubert inquired if anything is being done about the growing number of unlicensed vehicles. Chief Brown responded that those are being handled on the complaint basis.

(4) RECEIVE A PRESENTATION FROM HAYS COMPANIES TO PROVIDE INSURANCE AUDITING AND ADVISORY SERVICES AND AUTHORIZE THE CITY MANAGER TO PREPARE A CONTRACT AND AGREEMENT WITH THE FIRM.

Erik Templin and Joe Long, from Hay Companies, gave a short presentation on the services that they provide. They believe they can save the City approximately \$70,000 initially on medical insurance costs. Their proposed \$30,000 annual consulting fee would not be paid to them until after the savings has been realized.

City Manager Fritsch stated that with the continuing escalation of medical insurance costs, it makes sense for the City to take a closer look at the costs of services being provided. In order to do this, it is necessary to bring an outside party in that has the experience and knowledge of the insurance industry to best investigate the costs. City Staff recommends the Hays Companies to serve in an auditing and advisory capacity to review the City's third party agreement and all associated medical insurance contracts. Their costs will be funded out of any savings they can provide and identify to the City. If they are unable to save the City any funds, there will be no charge to the City for their services.

Upon a motion by Councilmember Calvin, seconded by Councilmember Anderson, the Council voted to a contract and agreement with the firm of Hays Companies to provide insurance auditing and advisory services to the City. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Calvin, Gonzales. NAY: None.

(5) CONSENT AGENDA:

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

Councilmember Calvin requested that Item F, Item G, and Item J be removed from the Consent Agenda and placed on the Regular Agenda.

ITEM A APPROVE THE MINUTES OF THE MAY 17, 2010 REGULAR CITY COUNCIL MEETING.

Upon a motion by Mayor Berry, seconded by Councilmember Gonzales, the Council voted to approve the minutes of the May 17, 2010 regular City Council meeting. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Calvin, Gonzales. NAY: None.

ITEM C RECEIVE AND FILE THE MINUTES OF THE LIBRARY ADVISORY BOARD MEETINGS DATED MARCH 9, 2010 AND APRIL 13, 2010 AND THE SENIOR CENTER ADVISORY BOARD MEETING DATED MAY 11, 2010.

Upon a motion by Mayor Berry, seconded by Councilmember Gonzales, the Council voted to receive and file the minutes of the Library Advisory Board meetings dated March 9, 2010 and April 13, 2010 and the

Senior Center Advisory Board meeting dated May 11, 2010. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Calvin, Gonzales. NAY: None.

ITEM D APPROVE THE APPLICATION FOR A SPECIAL DESIGNATED LIQUOR LICENSE SUBMITTED BY FRATERNAL ORDER OF EAGLES, 805 EAST "B" STREET, LICENSE #I-07000, FOR AN OUTDOOR DANCE/FUND RAISER/BEER GARDEN IN THEIR PARKING LOT ON AUGUST 21, 2010 FROM 6:00 P.M. TO 11:00 P.M., WITH AN ALTERNATE DATE OF AUGUST 28, 2010.

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 Fraternal Order of Eagles, 805 East "B" Street, License #I-07000, for an Outdoor Dance/Fund Raiser/Beer Garden in their parking lot on August 21, 2010 from 6:00 P.M. to 11:00 P.M., with an alternate date of August 28, 2010. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Calvin, Gonzales. NAY: None.

ITEM E AWARD OF BID AND APPROVE THE PURCHASE OF THREE (3) BATTERY POWERED AMBULANCE COTS AND ONE (1) STAIR CHAIR TO FERNO-WASHINGTON, INC., THAT BEING THE LOWEST RESPONSIBLE BID IN THE AMOUNT OF \$29,712.50.

Pursuant to instruction given by the City Council on May 3, 2010, a Notice to Bidders was published asking for sealed bids three (3) Battery Powered Ambulance Cots and one (1) Stair Chair. The following bids were received:

Stryker, Inc. - \$32,414.30
Monster Medic - \$31,650.00
Ferno-Washington, Inc. - \$29,712.50

Upon a motion by Mayor Berry, seconded by Councilmember Gonzales, the Council voted to award of bid and approve the purchase of three (3) battery powered ambulance cots and one (1) stair chair to Ferno-Washington, Inc., that being the lowest responsible bid in the amount of \$29,712.50. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Calvin, Gonzales. NAY: None.

ITEM H ADOPT RESOLUTION NO. 2010-12 PROVIDING FOR FREE PUBLIC ADMISSION TO THE MCCOOK MUNICIPAL SWIMMING POOL ON JULY 3, 2010.

Upon a motion by Mayor Berry, seconded by Councilmember Gonzales, the Council voted to adopt Resolution No. 2010-12 providing for free public admission to the McCook Municipal Swimming Pool on July 3, 2010. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Calvin, Gonzales. NAY: None.

ITEM I APPROVE THE MCCOOK COMMUNITY FOUNDATION REQUEST TO CLOSE THE WEST SIDE OF THE 600 BLOCK OF NORRIS AVENUE BETWEEN 11:15 A.M. AND 12:15 P.M. ON JULY 3, 2010 FOR THE DEDICATION OF THE NELSON FAMILY SCULPTURE.

Upon a motion by Mayor Berry, seconded by Councilmember Gonzales, the Council voted to approve the McCook Community Foundation request to close the west side of the 600 Block of Norris Avenue between

11:15 A.M. and 12:15 P.M. on July 3, 2010 for the dedication of the Nelson Family Sculpture. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Calvin, Gonzales. NAY: None.

ITEM K RATIFY THE MAYOR'S APPOINTMENTS TO THE:

- BOARD OF HEALTH - REAPPOINT KURT FRITSCH, IKE BROWN, DENNIS BERRY, DR. RICHARD KLUG, AND MARY BETH EISENMENGER - TERMS EXPIRE JUNE, 2011.
- ECONOMIC DEVELOPMENT PLAN CITIZEN'S ADVISORY REVIEW COMMITTEE - REAPPOINT LEON KUHLIN AND FLORA LUNDBERG - TERMS EXPIRE JULY, 2013.

Upon a motion by Mayor Berry, seconded by Councilmember Gonzales, the Council voted to ratify the Mayor's appointments to the Board of Health, reappointing Kurt Fritsch, Ike Brown, Dennis Berry, Dr. Richard Klug, and Mary Beth Eisenmenger - terms expire June, 2011 and to the Economic Development Plan Citizen's Advisory Review Committee, reappointing Leon Kuhlen and Flora Lundberg - terms expire July, 2013. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Calvin, Gonzales. NAY: None.

ITEM L APPROVE AND AUTHORIZE THE MAYOR TO SIGN THE CONTRACT WITH THE WEST CENTRAL NEBRASKA AREA AGENCY ON AGING (WCNAAA) FOR THE PURPOSE OF DEFINING AND SPECIFYING THE SEPARATE AND MUTUAL RESPONSIBILITIES OF EACH IN THE MANAGEMENT, OPERATION, SUPPORT, MONITORING, AND EVALUATION OF THE MCCOOK HERITAGE SENIOR CENTER.

Upon a motion by Mayor Berry, seconded by Councilmember Gonzales, the Council voted to approve and authorize the Mayor to sign the contract with the West Central Nebraska Area Agency on Aging (WCNAAA) for the purpose of defining and specifying the separate and mutual responsibilities of each in the management, operation, support, monitoring, and evaluation of the McCook Heritage Senior Center. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Calvin, Gonzales. NAY: None.

ITEM M APPROVE AND AUTHORIZE THE MAYOR TO SIGN THE NEBRASKA DEPARTMENT OF HEALTH AND HUMAN SERVICES (DHHS) CONTRACT FOR CONGREGATE MEALS, HOME DELIVERED MEALS AND TRANSPORTATION SERVICES FOR PERSONS UNDER 60 YEARS OF AGE AND OVER 60 YEARS OF AGE; SUCH CONTRACT SHALL BE REVIEWED AFTER JULY 1, 2010 BY DHHS TO DETERMINE IF A RATE INCREASE FOR HOME DELIVERED AND CONGREGATE MEALS WILL BE GIVEN.

Upon a motion by Mayor Berry, seconded by Councilmember Gonzales, the Council voted to approve and authorize the Mayor to sign the Nebraska Department of Health and Human Services (DHHS) contract for congregate meals, home delivered meals and transportation services for persons under 60 years of age and over 60 years of age; such contract shall be reviewed after July 1, 2010 by DHHS to determine if a rate increase for home delivered and congregate meals will be given. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Calvin, Gonzales. NAY: None.

ITEM N APPROVE RESOLUTION NO. 2010-13 ADOPTING AND SETTING THE SUGGESTED

DONATION FOR INDIVIDUALS 60 AND OVER WHO RECEIVE CONGREGATE AND HOME-DELIVERED MEALS AND SET THE FEE FOR INDIVIDUALS UNDER 60 WHO RECEIVE CONGREGATE AND HOME-DELIVERED MEALS AT THE CITY OF MCCOOK SENIOR CENTER.

Upon a motion by Mayor Berry, seconded by Councilmember Gonzales, the Council voted to approve Resolution No. 2010-13 adopting and setting the suggested donation for individuals 60 and over who receive congregate and home-delivered meals and set the fee for individuals under 60 who receive congregate and home-delivered meals at the City of McCook Senior Center. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Calvin, Gonzales. NAY: None.

ITEM O AUTHORIZE GREAT PLAINS COMMUNICATION TO OCCUPY CITY RIGHT-OF-WAY FOR THE INSTALLATION OF UNDERGROUND FIBER OPTIC CABLE AND AUTHORIZE THE MAYOR TO SIGN THE APPLICATION.

Upon a motion by Mayor Berry, seconded by Councilmember Gonzales, the Council voted to authorize Great Plains Communication to occupy City right-of-way for the installation of underground fiber optic cable and authorize the Mayor to sign the application. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Calvin, Gonzales. NAY: None.

ITEM PAWARD THE CONTRACT TO MYERS CONSTRUCTION, INC, OF BROKEN BOW, NEBRASKA IN THE AMOUNT OF \$188,530.00, THAT BEING THE LOWEST RESPONSIBLE BID FOR BUILDING DEMOLITION OF THE STRUCTURE AT 204 NORRIS AVENUE AND AUTHORIZE THE MAYOR TO EXECUTE THE NECESSARY PAPERWORK TO AWARD THE CONTRACT.

Pursuant to instruction given by the City Council on May 3, 2010, a Notice to Bidders was published asking for sealed bids for Building Demolition of the structure at 204 Norris Avenue. The following bids were received:

Myers Construction Inc. - Broken Bow, Nebraska
\$185,530.00

Anderson Excavating Co. - Omaha, Nebraska
\$282,800.00

RTS Shearing, LLC - Jamestown, North Dakota
\$323,800.00

Upon a motion by Mayor Berry, seconded by Councilmember Gonzales, the Council voted to award the contract to Myers Construction, Inc, of Broken Bow, Nebraska in the amount of \$188,530.00, that being the lowest responsible bid for Building Demolition of the structure at 204 Norris Avenue and authorize the Mayor to execute the necessary paperwork to award the contract. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Calvin, Gonzales. NAY: None.

REGULAR AGENDA

ITEM 5B APPROVE THE BID SPECIFICATIONS FOR BUILDING DEMOLITION, WEST WARD SCHOOL, 304 WEST 4TH STREET, AND SET THE DATE TO RECEIVE BIDS AS JUNE 29, 2010 AT 2:00 P.M.

Upon a motion by Councilmember Calvin, seconded by Councilmember Anderson, the Council voted to approve the bid specifications for Building Demolition, West Ward School, 304 West 4th Street, and set the date to receive bids as June 29, 2010 at 2:00 P.M. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Calvin, Gonzales. NAY: None.

Councilmember Calvin highly encouraged staff to transplant any or all of the existing trees on the West Ward property.

ITEM 5F OFFER A CONTRACT TO BSB CONSTRUCTION, INC. IN THE AMOUNT OF \$44,082.75, THAT BEING THE LOWEST RESPONSIBLE BID FOR FURNISHING AND INSTALLING THE KARRER PARK LIFT STATION FORCE MAIN AND AUTHORIZE THE MAYOR TO EXECUTE THE NECESSARY PAPERWORK TO AWARD THE CONTRACT.

Pursuant to instruction given by the City Council on May 3, 2010, a Notice to Bidders was published asking for sealed bids for Furnishing and Installing the Karrer Park Lift Station Force Main. The following bids were received:

BSB Construction - Curtis, Nebraska
Base Bid - \$46,657.75
Total Optional Bid - \$44,082.75

General Excavating - Lincoln, Nebraska
Base Bid - No Bid
Total Optional Bid - \$57,855.00

Midlands Contracting - Kearney, Nebraska
Base Bid - \$60,465.00
Total Optional Bid - \$60,290.00

Myers Construction, Inc. - Broken Bow, Nebraska
Base Bid - \$68,097.00
Total Optional Bid - \$65,131.00

Interstate Irrigation - Yuma, Colorado
Base Bid - \$74,180.00
Total Optional Bid - \$65,905.00

Councilmember Calvin noted staff's concern of contract completion with the award of bid to BSB Construction. BSB Construction was awarded the South Street Water Main project on February 1, 2010. That contract had a 75-day construction period with work to be completed by July 30. BSB has not yet initiated work on the water main project. Staff does feel that there is still sufficient time to complete the water main project and the force main project on time if the proper allocation of equipment and labor is provided by BSB. Staff also noted that the City has had completion dates missed by this contractor in the past.

Upon a motion by Councilmember Calvin, seconded by Councilmember Anderson, the Council voted to offer a contract to BSB Construction, Inc. in the amount of \$44,082.75, that being the lowest responsible bid for furnishing and installing the Karrer Park Lift Station Force Main and authorize the Mayor to execute the necessary paperwork to award the contract. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Calvin, Gonzales. NAY: None.

ITEM 5G APPROVE THE GRANT OF LICENSE BETWEEN THE CITY OF MCCOOK AND MIKE DEVENY MOTORS, INC. FOR A PORTION OF THE CITY RIGHT-OF-WAY TO BE USED FOR OFF-STREET PARKING.

Upon a motion by Councilmember Calvin, seconded by Councilmember Anderson, the Council voted to approve the Grant of License between the City of McCook and Mike Deveny Motors, Inc. for a portion of the City right-of-way to be used for off-street parking. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Calvin, Gonzales. NAY: None.

Councilmember Calvin suggested that staff evaluate the need for the area on the northeast corner of the intersection by Deveny Motors be designated as no parking.

ITEM 5J APPROVE RESOLUTION NO. 2010-15 ESTABLISHING THE PARKING ON BOTH THE NORTH AND SOUTH SIDES OF WEST "D" STREET BETWEEN NORRIS AVENUE AND WEST 1ST STREET AS 2-HOUR PARKING.

Upon a motion by Mayor Berry, seconded by Councilmember Gonzales, the Council voted to approve Resolution No. 2010-15 establishing the parking on both the north and south sides of West "D" Street between Norris Avenue and West 1st Street as 2-Hour Parking. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Calvin, Gonzales. NAY: None.

(6) AWARD THE BID FOR ELIZABETH LANE COLD IN PLACE RECYCLING TO HALL BROTHERS RECYCLING, INC. OF SALINA, KANSAS IN THE AMOUNT OF \$136,595.00, THAT BEING THE LOWEST RESPONSIBLE BID.

Pursuant to instruction given by the City Council on May 17, 2010, a Notice to Bidders was published asking for sealed bids for the Elizabeth Lane Cold in Place Recycling project. The following bids were received:

Hall Brothers Recycling, Inc. - Salina, Kansas
Total Base Bid - \$136,595.00

Sta-Bilt Construction Co. - Harlan, Iowa
Total Base Bid - \$174,250.00

Greg Wolford, City Engineer for this project, noted that the purpose of this project was to serve as a pilot project to repair a typical asphalt street which has large shrinkage cracks for a lower cost than a full reconstruction. The City has streets that fit this condition all over the reservation area, in the area south of the hospital and in the Stern's First Addition in west McCook. Elizabeth Lane was chosen as the pilot project because it is a fairly long stretch of road that fits the before mentioned typical condition. If the City were to complete a full reconstruction of this section of road in the same manner as is currently being done elsewhere, the cost would be approximately \$208,720.00, using the same bid prices received this

spring. This low bid results in a savings over reconstruction of \$72,000.00

Upon a motion by Councilmember Kircher, seconded by Councilmember Anderson, the Council voted to award the bid for Elizabeth Lane Cold in Place Recycling to Hall Brothers Recycling, Inc. of Salina, Kansas in the amount of \$136,595.00, that being the lowest responsible bid. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Calvin, Gonzales. NAY: None.

(7) CONTINUED MUNICIPAL FACILITIES UPDATE AND DISCUSSION.

- Establish a budget amount for the proposed municipal facilities.
- Determine the funding source or sources to be used for the construction of municipal facilities.
- Develop ballot language to be put forth to voters in the November election.

City Manager Fritsch informed the Council that the architect for the project, Prochaska and Associates, has been directed to look at constructing the facility as one building. It is expected that costs will be reduced due to one mechanical system being required, shared public restrooms and common walls.

- Establish a budget amount for the proposed municipal facilities.

It was the consensus of the Council to establish a budget for construction of the proposed municipal facilities at \$5,000,000 and at \$5,250,000.

- Determine the funding source or sources to be used for the construction of municipal facilities.

It was the consensus of the Council to use sales tax for funding of the proposed project.

- Develop ballot language to be put forth to voters in the November election.

Councilmember Gonzales stated that the ballot language should be kept simple, too much complicates the issue. He suggested "Do you approve using Sales Tax for funding of the project?" The Council felt that the term and amount funded should also be included. Proposed ballot language will be brought back to the Council for their consideration at a future date.

(8) SET TIMES FOR THE BUDGET WORKSHOPS SCHEDULED ON JULY 6, 12, AND 19, 2010.

Upon a motion by Councilmember Kircher, seconded by Councilmember Calvin, the Council set July 6, 12, and 19, 2010 as dates for Budget Workshops at 7:30 P.M. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Calvin, Gonzales. NAY: None.

(9) CONSIDER RESOLUTION NO. 2010-14 ESTABLISHING THE HERITAGE SENIOR CENTER AS THE LOCATION FOR MEETINGS OF THE MCCOOK CITY COUNCIL.

Councilmember Kircher introduced a motion to approve Resolution No. 2010-14 establishing the Heritage Senior Center as the location for meetings of the McCook City Council. Motion was seconded by Councilmember Anderson. Upon roll call vote the following Councilmembers voted YEA: Kircher. NAY: Berry, Anderson, Calvin, Gonzales. Motion failed.

The next regular meeting of the City Council will be held in the Council Chambers.

(10) COUNCIL COMMENTS.

Councilmember Kircher stated that he has set up a facebook site on which he will post various council issues.

Mayor noted the successful John Mullen Pro-Am Golf Tournament held this past weekend and reminded all of the Buffalo Commons Storytelling event to be held the weekend of June 11.

Councilmember Anderson noted that due to a lack of volunteers, McCook would not have a Relay for Life Event, but will join in with the event held in Arapahoe.

(11) ADJOURNMENT.

There being no further business to come before the Council, Mayor Berry declared the meeting adjourned at 9:00 P.M.

Dennis Berry, Mayor

ATTEST:

Lea Ann Doak, City Clerk