

MINUTE BOOK

AGENDA

MCCOOK CITY COUNCIL

REGULAR MEETING

Monday - December 7, 2009
7:30 P.M. - City Council Chambers

Call to Order and Roll Call.

**A copy of the Open Meetings Act is posted by the entrance to the Council Chambers and is available for public review.*

- ITEM NO. 1 Invocation - the McCook Ministerial Association - Bruce Lester, Evangelical Free Church.
- ITEM NO. 2 Citizen's Forum.
**The Council welcomes your input. You may address the Council at this time on items that are not on tonight's agenda.*
- ITEM NO. 3 Mayor's Announcements & Recognitions.
- ITEM NO. 4 Consent Agenda:
**The Consent Agenda is approved on one motion. Any item listed on the Consent Agenda may, by the request of any single Councilmember or public in attendance, be considered as a separate item under the Regular Agenda.*
- ITEM A Approve the minutes of the November 16, 2009 regular City Council meeting.
- ITEM B Approve the automatic renewal of all current retail liquor licenses in the City of McCook for the year 2010 and instruct the City Clerk to publish individual notice of the right of automatic renewal of each license.
- ITEM C Award the bid for two (2) new 2010 3/4 Ton 4-Wheel Drive Pickup Trucks to Wagner Ford in the amount of \$43,494.64
- ITEM D Approve the Supplemental Agreement with the Nebraska Department of Roads, allowing for an extension of time to November 30, 2007, to have completed the preparation of plans and specifications for NDOR Project No. STPB-73(19), Control No. 71050, the First Phase of the Kelley Park Walking Trail and authorize the Mayor to sign.
- ITEM E Award the bid for concessions at the Jaycee Ball Complex to Consolidated Management Co. in the amount of \$1,525.00 per year for the Calendar Years 2010 - 2012.
- ITEM F Award the bid for concessions at Felling Field to Nancy Collins in the amount of \$826.00 per year for the Calendar Years 2010 - 2012.
- ITEM G Ratify the Mayor's appointment to the:
- Community Redevelopment Authority Advisory Board - appoint Cloyd Clark to fill the remaining term of Randall Datus - term expires November, 2012.
- ITEM H Adopt Resolution No. 2009-22 providing for the continued appointment of Lonnie Anderson as the City's Automatic Director and the appointment of Jerry Calvin as the City's Ex-officio Director to the McCook Economic Development Corporation Board of Directors.
- ITEM I Receive and file the minutes of the Senior Center Advisory Board meeting dated November 10, 2009 and the Library Advisory Board meeting dated October 14, 2009.

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- ITEM NO. 5 Introduce and approve, under suspension of the rule, Ordinance No. 2009-2834 providing for the vacation of the dedicated alley in Block Two (2), of the Country Side Estates Henton'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.
- ITEM NO 6 Approve the YMCA request to host their 1st Annual New Year's Eve Resolution Run/Walk to be held on Thursday, December 31, 2009, starting at Norris Avenue and "F" Street and move north on Norris Avenue to the City Limits and conclude at Norris Avenue and "E" Street.
- ITEM NO. 7 Authorize City Staff to ask the Nebraska Department of Roads to de-obligate funding for the Inner Loop Phase of the Walking Trail and begin planning to build a five foot (5') wide sidewalk in the same location using 100% City Funds.
- ITEM NO. 8 Receive and file information regarding the activities and successes of the City of McCook Problem Resolution Team.
- ITEM NO. 9 Council Comments.
- ITEM NO. 10 Adjournment.

MINUTES

December 7, 2009
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 December 3, 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.

- (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.

City Manager Fritsch noted the picture of the McCook Carnegie Library on the cover of the League of Nebraska Municipalities November Nebraska Municipal Review.

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(4) CONSENT AGENDA:

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

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

ITEM B APPROVE THE AUTOMATIC RENEWAL OF ALL CURRENT RETAIL LIQUOR LICENSES IN THE CITY OF MCCOOK FOR THE YEAR 2010 AND INSTRUCT THE CITY CLERK TO PUBLISH INDIVIDUAL NOTICE OF THE RIGHT OF AUTOMATIC RENEWAL OF EACH LICENSE.

Upon a motion by Mayor Berry, seconded by Councilmember Anderson, the Council voted to approve the automatic renewal of all current retail liquor licenses in the City of McCook for the year 2010 and instruct the City Clerk to publish individual notice of the right of automatic renewal of each license. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Calvin, Gonzales. NAY: None.

ITEM D APPROVE THE SUPPLEMENTAL AGREEMENT WITH THE NEBRASKA DEPARTMENT OF ROADS, ALLOWING FOR AN EXTENSION OF TIME TO NOVEMBER 30, 2007, TO HAVE COMPLETED THE PREPARATION OF PLANS AND SPECIFICATIONS FOR NDOR PROJECT NO. STPB-73(19), CONTROL NO. 71050, THE FIRST PHASE OF THE KELLEY PARK WALKING TRAIL AND AUTHORIZE THE MAYOR TO SIGN.

Upon a motion by Mayor Berry, seconded by Councilmember Anderson, the Council voted to approve the Supplemental Agreement with the Nebraska Department of Roads, allowing for an extension of time to November 30, 2007, to have completed the preparation of plans and specifications for NDOR Project No. STPB-73(19), Control No. 71050, the First Phase of the Kelley Park Walking Trail 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 RATIFY THE MAYOR'S APPOINTMENT TO THE:

- COMMUNITY REDEVELOPMENT AUTHORITY ADVISORY BOARD - APPOINT CLOYD CLARK TO FILL THE REMAINING TERM OF RANDALL DATUS - TERM EXPIRES NOVEMBER, 2012.

Upon a motion by Mayor Berry, seconded by Councilmember Anderson, the Council voted to ratify the Mayor's appointment of Cloyd Clark to the Community Redevelopment Authority Advisory Board, to fill the remaining term of Randall Datus - term expires November, 2012. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Calvin, Gonzales. NAY: None.

ITEM H ADOPT RESOLUTION NO. 2009-22 PROVIDING FOR THE CONTINUED APPOINTMENT OF LONNIE ANDERSON AS THE CITY'S AUTOMATIC DIRECTOR AND THE APPOINTMENT OF JERRY CALVIN AS THE CITY'S EX-OFFICIO DIRECTOR TO THE MCCOOK ECONOMIC DEVELOPMENT CORPORATION BOARD OF DIRECTORS.

Upon a motion by Mayor Berry, seconded by Councilmember Anderson, the Council voted to adopt Resolution No. 2009-22 providing for the continued appointment of Lonnie Anderson as the City's Automatic Director and the appointment of Jerry Calvin as the City's Ex-officio Director to the McCook Economic Development Corporation Board of Directors. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Calvin, Gonzales. NAY: None.

ITEM I RECEIVE AND FILE THE MINUTES OF THE SENIOR CENTER ADVISORY BOARD MEETING DATED NOVEMBER 10, 2009 AND THE LIBRARY ADVISORY BOARD MEETING DATED OCTOBER 14, 2009.

Upon a motion by Mayor Berry, seconded by Councilmember Anderson, the Council voted to receive and file the minutes of the Senior Center Advisory Board meeting dated November 10, 2009 and the Library Advisory Board meeting dated October 14, 2009. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Calvin, Gonzales. NAY: None.

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ITEM 4A APPROVE THE MINUTES OF THE NOVEMBER 16, 2009 REGULAR CITY COUNCIL MEETING.

Councilmember Kircher introduced a motion to approve the minutes of the November 16, 2009 regular City Council meeting. Councilmember Anderson seconded the motion.

Upon a motion by Councilmember Calvin, seconded by Mayor Berry, the Council voted to amend the presented minutes in Section (5) by changing 11:30 A.M. to 11:30 P.M. in the first and last paragraph. 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 minutes of the November 16, 2009 regular City Council meeting be approved as amended?" The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Calvin, Gonzales. NAY: None.

ITEM 4C AWARD THE BID FOR TWO (2) NEW 2010 3/4 TON 4-WHEEL DRIVE PICKUP TRUCKS TO WAGNER FORD IN THE AMOUNT OF \$43,494.64

Pursuant to instruction given by the City Council on November 16, 2009, a Notice to Bidders was published asking for sealed bids for two (2) new 2010 3/4 Ton 4-Wheel Drive Pickup Trucks for the Recycling/Street Departments. The following bid was received:

Wagner Ford - McCook, Nebraska
Base Bid - \$20,822.32
Option A: Electric Windows, locks, and mirrors - \$ 800.00
Option B: Sliding rear window - \$ 125.00
Total Bid - \$21,747.32 per vehicle

Upon a motion by Councilmember Kircher, seconded by Councilmember Anderson, the Council voted to award the bid for two (2) new 2010 3/4 Ton 4-Wheel Drive Pickup Trucks for the Recycling/Street Departments to Wagner Ford for the base bid of \$20,822.32 per vehicle, plus Option B - \$125.00 per vehicle, for the total amount of \$41,894.64. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Calvin, Gonzales. NAY: None.

ITEM 4E AWARD THE BID FOR CONCESSIONS AT THE JAYCEE BALL COMPLEX TO CONSOLIDATED MANAGEMENT CO. IN THE AMOUNT OF \$1,525.00 PER YEAR FOR THE CALENDAR YEARS 2010 - 2012.

Pursuant to instruction given by the City Council on November 2, 2009, a Notice to Bidders was published asking for sealed bids for Concessions at the Jaycee Ball Complex. The following bid was received:

Consolidated Management Services, Jamie Mockry - McCook, Nebraska
\$1,525.00 per year for calendar years 2010-2012

Councilmember Calvin noted that to avoid any appearance of impropriety he would abstain from the vote on this item due to the fact that his employer currently has the soft drink contract for this facility.

Upon a motion by Mayor Berry, seconded by Councilmember Kircher, the Council voted to award the bid for concessions at the Jaycee Ball Complex to Consolidated Management Co. in the amount of \$1,525.00 per year for the Calendar Years 2010 - 2012. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Gonzales. NAY: None. ABSTAIN: Calvin.

ITEM 4F AWARD THE BID FOR CONCESSIONS AT FELLING FIELD TO NANCY COLLINS IN THE AMOUNT OF \$826.00 PER YEAR FOR THE CALENDAR YEARS 2010 - 2012.

Pursuant to instruction given by the City Council on November 2, 2009, a Notice to Bidders was published asking for sealed bids for Concessions at Felling Field. The following bids were received:

Nancy Collins - McCook, Nebraska
\$826.00 per year for calendar years 2010-2012

James Pleinis - McCook, Nebraska
\$800.00 per year for calendar years 2010-2012

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Councilmember Calvin noted that to avoid any appearance of impropriety he would abstain from the vote on this item due to the fact that his employer would be a prospective provider of soft drinks for this facility.

Upon a motion by Councilmember Kircher, seconded by Councilmember Anderson, the Council voted to award the bid for concessions at Felling Field to Nancy Collins in the amount of \$826.00 per year for the Calendar Years 2010 - 2012. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Gonzales. NAY: None. ABSTAIN: Calvin.

- (5) INTRODUCE AND APPROVE, UNDER SUSPENSION OF THE RULE, ORDINANCE NO. 2009-2834 PROVIDING FOR THE VACATION OF THE DEDICATED ALLEY IN BLOCK TWO (2), OF THE COUNTRY SIDE ESTATES HENTON'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.

Councilmember Kircher introduced Ordinance No. 2009-2834 entitled:

AN ORDINANCE TO VACATE THE DEDICATED ALLEY IN BLOCK TWO (2), OF THE COUNTRY SIDE ESTATES HENTON'S FIRST ADDITION, RED WILLOW COUNTY, NEBRASKA; TO PROVIDE FOR REVERSION OF SAID ALLEY TO TITLE HOLDERS OF RECORD; TO PROVIDE FOR FILING OF THIS ORDINANCE IN THE OFFICE OF THE REGISTER OF DEEDS OF RED WILLOW COUNTY, NEBRASKA; AND TO PROVIDE FOR A TIME AND DATE FROM AND AFTER WHICH THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE AND EFFECT.

The motion was made by Councilmember Kircher, seconded by Councilmember Calvin, that the number and title of said Ordinance be approved. Upon roll call vote the following Councilmembers voted YEA: Berry, Kircher, Anderson, Calvin, Gonzales. NAY: None.

Ordinance No. 2009-2834 was read by title only. Motion was made by Councilmember Kircher, seconded by Councilmember Calvin, to approve Ordinance No. 2009-2834 on its first reading. Upon roll call vote the following Councilmembers voted YEA: Berry, Kircher, Anderson, Calvin, Gonzales. NAY: None. Motion carried. Whereupon the Mayor declared said Ordinance No. 2009-2834 approved on its first reading.

- (6) APPROVE THE YMCA REQUEST TO HOST THEIR 1ST ANNUAL NEW YEAR'S EVE RESOLUTION RUN/WALK TO BE HELD ON THURSDAY, DECEMBER 31, 2009, STARTING AT NORRIS AVENUE AND "F" STREET AND MOVE NORTH ON NORRIS AVENUE TO THE CITY LIMITS AND CONCLUDE AT NORRIS AVENUE AND "E" STREET.

Upon a motion by Mayor Berry, seconded by Councilmember Anderson, the Council voted to approve the YMCA request to host their 1st Annual New Year's Eve Resolution Run/Walk to be held on Thursday, December 31, 2009, starting at Norris Avenue and "F" Street and move north on Norris Avenue to the City Limits and conclude at Norris Avenue and "E" Street. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Calvin. NAY: None. ABSTAIN: Gonzales.

- (7) AUTHORIZE CITY STAFF TO ASK THE NEBRASKA DEPARTMENT OF ROADS TO DE-OBLIGATE FUNDING FOR THE INNER LOOP PHASE OF THE WALKING TRAIL AND BEGIN PLANNING TO BUILD A FIVE FOOT (5') WIDE SIDEWALK IN THE SAME LOCATION USING 100% CITY FUNDS.

Councilmember Anderson introduced a motion to authorize City Staff to ask the Nebraska Department of Roads to de-obligate funding for the Inner Loop Phase of the Walking Trail and begin planning to build a five foot (5') wide sidewalk in the same location using 100% City Funds. Councilmember Gonzales seconded the motion.

Public Works Director Kyle Potthoff and City Engineer Greg Wolford addressed the Council regarding this item. In 2007, the City of McCook was awarded \$60,942 in grant funding for the construction of the Inner Loop Trail which would lead to the west edge of town along Highways 6 and 34. This grant would have paid 60% of the original estimated total cost of \$101,570. The remaining \$40,628 would have been paid by the City. Since the award of the grant, the estimated cost of the project has increased to approximately \$150,000, primarily due to increased preliminary engineering requirements, increased Local Public Agency oversight, and inflation. On November 3, 2009 staff held a phone conference with Jen Bolen of Sinclair Hille, who has been hired by the Nebraska Department of Roads to oversee their Transportation Enhancement Program, to discuss options to address the increase cost of the Inner Loop

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Trail. A number of important questions were asked to try and determine how the City could address the increase in cost. Would it be possible to apply for additional funding to cover the additional cost; what would be the City's responsibility if additional grant funding were to be awarded; what would be the time frame for construction if additional funding were to be awarded; if the City were to turn back the grant funding, what kind of black eye would the City receive?

It would be possible for the City to ask for additional funding. There would be a decent chance of receiving additional funding for the added expense for preliminary engineering because the requirements have changed since the grant was awarded. As far as additional funding for the actual construction cost, we could apply, but it would be unlikely to receive the additional funding because the scope of the project has not changed. If in fact additional funding were to be received for the extra construction costs, the additional funding would be split identically to the original break down with the grant covering 60% and the City covering 40%. This would add an extra \$20,000 to the City cost bringing the total cost the City would be responsible for to \$60,628. In addition to the extra cost, the project would more than likely not be completed for an additional one to two years. Ms. Bolen did not feel that this would give the City a black eye at all. She said that de-obligation of grant funds happens each year.

It is estimated that the City could build a five foot wide sidewalk to the west edge of town for approximately \$60,000. These funds are currently included in the 2009-2010 budget, with construction beginning in the spring or early summer of 2010. City Staff believes that time is of the essence, as the most important reason for the walkway is the safety of our citizens. On many occasions you see citizens walking, riding bikes and even pushing baby strollers along the shoulder of the highway. By constructing the sidewalk using 100% City funds, construction could be moved up by at least a year, if not two.

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

(8) RECEIVE AND FILE INFORMATION REGARDING THE ACTIVITIES AND SUCCESSES OF THE CITY OF MCCOOK PROBLEM RESOLUTION TEAM.

City Manager Fritsch and Police Chief Ike Brown gave an update regarding the activities and successes of the City's Problem Resolution Team (PRT). Since its inception in March 2008, the PRT has worked with property owners to address quality of life issues within the City, and occasionally, within the two mile zoning area. They have worked with owners to address issues on properties that have become unsafe, unsightly, and/or uninhabitable due to the existence of nuisances on those properties. In most instances, nuisance issues have been successfully resolved with the owners resulting in the demolition, renovation, or clean up of properties that brought them into compliance with city ordinances. On two occasions the McCook Board of Health convened at the request of the PRT to address several properties on which they were not successful in gaining the compliance of property owners. A short power point presentation of before and after photos, showed some of the successes of the PRT in addressing approximately 45 properties.

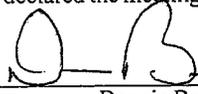
Upon a motion by Mayor Berry, seconded by Councilmember Calvin, the Council voted to receive and file information regarding the activities and successes of the City of McCook Problem Resolution Team. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Calvin, Gonzales. NAY: None.

(9) COUNCIL COMMENTS.

Mayor Berry noted that the Masonic Lodge plans to rededicate the cornerstone of the Temple Building this Saturday, December 12, at 1:30 P.M. Last year, the Lodge celebrated the 100th anniversary of the original laying of the cornerstone and opened the copper box at that time.

(10) 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