

MINUTE BOOK

AGENDA

MCCOOK CITY COUNCIL

REGULAR MEETING

Monday - November 16, 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 - Allen Jackson, First Baptist 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 2, 2009 regular City Council meeting.

ITEM B Contingent to the City Attorney's approval of Section 48CFR 552.270-13 and 552.270-14, approve and authorize the Mayor to sign Lease Agreement Number GS-06P-90033 and Supplemental Lease Agreement Number 1 to such lease between the City of McCook and the U.S. General Services Administration for Space at McCook Regional airport being used by the Transportation Security Administration.

ITEM C Award the bid for One New Police Package Vehicle to Wagner Chevrolet of McCook in the amount of \$19,865.00, that being the lowest responsible bid.

ITEM D Adopt Resolution No. 2009-21 approving the Easement Agreement between the City of McCook and Donald D. Klein, president Klein's Motor and Electric Company, as prepared by the city attorney for design of the south street water main replacement.

ITEM E Receive and file the 2009/2010 Council Radio Show Schedule.

ITEM F Ratify the Mayor's appointments to the:

- City/County Airport Zoning Board - appoint Steve Keene to fill the remaining term of Brenda McMurtrey and Bruce McDowell to fill the remaining term of Carl Philo - terms expire September, 2011.
- Housing Agency - Shane Hilker to fill the remaining term of Colleen Grant - term expires November, 2013.

ITEM G Award the bid for one (1) new Heavy Duty Pitless Truck Scale to Fairbanks Scales in the amount of \$51,895.00, that being the lowest responsible bid that met bid specifications.

ITEM H Approve the McCook Area Chamber of Commerce request to conduct the Annual Christmas Light Parade at 6:00 P.M. on December 5, 2009, the closing of Norris Avenue and "C" Street intersection immediately following the parade, the flying in of Santa Claus at McCook Regional Airport at 10:00 A.M., and the use of a fire truck for Santa's transportation in the parade at 6:00 P.M.

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- ITEM I Reject all bids for two (2) new 2009 or 2010 3/4 Ton 4-Wheel Drive Pickup Trucks that were opened on Monday, November 9, 2009 due to all being over budget.
- ITEM J Approve the Bid Specifications for two (2) New 2009 or 2010 3/4 Ton 4-Wheel Drive Pickup Trucks for the Street and Recycling Departments and set the date to receive bids as November 25, 2009 at 2:00 P.M.
- ITEM K Receive and file the minutes of the October 13, 2009 Senior Center Advisory Board meeting.

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- ITEM NO. 5 Consider request from the McCook Youth League for the "First Night" event to be held on New Years Eve.
- ITEM NO. 6 Receive update and consider the abatement of nuisances at 305 East 12th Street, property owned by Dotti Park.
- ITEM NO. 7 Council Comments.
- ITEM NO. 8 Executive session for a strategy session with respect to pending litigation regarding the Romanoff Building - Bison Properties LLC located at 204 Norris Avenue.
- *If the motion to close passes, then the presiding officer shall announce immediately prior to the closed session:
"At this time, pursuant to the Nebraska Open Meetings Act, a closed session will be held for the purpose of [restate the entire motion]. We will reconvene in public session following this closed session."*
- ITEM NO. 9 Executive session for a strategy session with respect to pending litigation regarding Terry Jessen property located at 301 East 2nd Street.
- *If the motion to close passes, then the presiding officer shall announce immediately prior to the closed session:
"At this time, pursuant to the Nebraska Open Meetings Act, a closed session will be held for the purpose of [restate the entire motion]. We will reconvene in public session following this closed session."*
- ITEM NO. 10 Adjournment.

MINUTES

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

Absent: Councilmember Calvin.

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on November 12, 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 - EMMANUEL REINHOLD, FIRST NAZARENE CHURCH.

Emmanuel Reinhold, pastor of the First Nazarene Church, was present for the invocation.

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(2) CITIZEN'S FORUM.

No one was present for Citizen's Forum.

(3) MAYOR'S ANNOUNCEMENTS & RECOGNITIONS.

City Manager Fritsch announced that Library Director Patty Hall would be retiring on November 30, 2009; she has served the City for over twenty-four years.

(4) CONSENT AGENDA:

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

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

ITEM A APPROVE THE MINUTES OF THE NOVEMBER 2, 2009 REGULAR CITY COUNCIL MEETING.

Upon a motion by Mayor Berry, seconded by Councilmember Gonzales, the Council voted to approve the minutes of the November 2, 2009 regular City Council meeting. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Gonzales. NAY: None. ABSENT: Calvin.

ITEM B CONTINGENT TO THE CITY ATTORNEY'S APPROVAL OF SECTION 48CFR 552.270-13 AND 552.270-14, APPROVE AND AUTHORIZE THE MAYOR TO SIGN LEASE AGREEMENT NUMBER GS-06P-90033 AND SUPPLEMENTAL LEASE AGREEMENT NUMBER 1 TO SUCH LEASE BETWEEN THE CITY OF MCCOOK AND THE U.S. GENERAL SERVICES ADMINISTRATION FOR SPACE AT MCCOOK REGIONAL AIRPORT BEING USED BY THE TRANSPORTATION SECURITY ADMINISTRATION.

Upon a motion by Mayor Berry, seconded by Councilmember Gonzales, the Council voted to approve and authorize the Mayor to sign Lease Agreement Number GS-06P-90033 and Supplemental Lease Agreement Number 1 to such lease between the City of McCook and the U.S. General Services Administration for Space at McCook Regional Airport being used by the Transportation Security Administration, contingent to the City Attorney's approval of Section 48CFR 552.270-13 and 552.270-14. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Gonzales. NAY: None. ABSENT: Calvin.

ITEM C AWARD THE BID FOR ONE (1) NEW POLICE PACKAGE VEHICLE TO WAGNER CHEVROLET OF MCCOOK IN THE AMOUNT OF \$19,865.00, THAT BEING THE LOWEST RESPONSIBLE BID.

Pursuant to instruction given by the City Council on October 19, 2009, a Notice to Bidders was published asking for sealed bids for One (1) New Police Package Vehicle. The following bids were received:

Wagner Chevrolet Buick Pontiac Cadillac - McCook, Nebraska
\$19,865.00

Wagner Ford-Mercury-Toyota - McCook, Nebraska
\$22,351.00

Upon a motion by Mayor Berry, seconded by Councilmember Gonzales, the Council voted to award the bid for One New Police Package Vehicle to Wagner Chevrolet of McCook in the amount of \$19,865.00, that being the lowest responsible bid. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Gonzales. NAY: None. ABSENT: Calvin.

ITEM D ADOPT RESOLUTION NO. 2009-21 APPROVING THE EASEMENT AGREEMENT BETWEEN THE CITY OF MCCOOK AND DONALD D. KLEIN, PRESIDENT OF KLEIN'S MOTOR AND ELECTRIC COMPANY, AS PREPARED BY THE CITY ATTORNEY FOR DESIGN OF THE SOUTH STREET WATER MAIN REPLACEMENT.

Upon a motion by Mayor Berry, seconded by Councilmember Gonzales, the Council voted to adopt Resolution No. 2009-21 approving the Easement Agreement between the City of McCook and Donald D. Klein, President of Klein's Motor and Electric Company, as prepared by the City Attorney for design

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of the South Street water main replacement. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Gonzales. NAY: None. ABSENT: Calvin.

ITEM E RECEIVE AND FILE THE 2009/2010 COUNCIL RADIO SHOW SCHEDULE.

Upon a motion by Mayor Berry, seconded by Councilmember Gonzales, the Council voted to receive and file the 2009/2010 Council Radio Show Schedule. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Gonzales. NAY: None. ABSENT: Calvin.

ITEM F RATIFY THE MAYOR'S APPOINTMENTS TO THE:

- CITY/COUNTY AIRPORT ZONING BOARD - APPOINT STEVE KEENE TO FILL THE REMAINING TERM OF BRENDA MCMURTREY AND BRUCE MCDOWELL TO FILL THE REMAINING TERM OF CARL PHILO - TERMS EXPIRE SEPTEMBER, 2011.
- HOUSING AGENCY BOARD - SHANE HILKER TO FILL THE REMAINING TERM OF COLLEEN GRANT - TERM EXPIRES NOVEMBER, 2013.

Upon a motion by Mayor Berry, seconded by Councilmember Gonzales, the Council voted to ratify the Mayor's appointments to the City/County Airport Zoning Board - appoint Steve Keene to fill the remaining term of Brenda McMurtrey and Bruce McDowell to fill the remaining term of Carl Philo - terms expire September, 2011, and to the Housing Agency Board - Shane Hilker to fill the remaining term of Colleen Grant - term expires November, 2013. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Gonzales. NAY: None. ABSENT: Calvin.

ITEM H APPROVE THE MCCOOK AREA CHAMBER OF COMMERCE REQUEST TO CONDUCT THE ANNUAL CHRISTMAS LIGHT PARADE AT 6:00 P.M. ON DECEMBER 5, 2009, THE CLOSING OF NORRIS AVENUE AND "C" STREET INTERSECTION IMMEDIATELY FOLLOWING THE PARADE, THE FLYING IN OF SANTA CLAUS AT MCCOOK REGIONAL AIRPORT AT 10:00 A.M., AND THE USE OF FIRE TRUCK FOR SANTA'S TRANSPORTATION IN THE PARADE AT 6:00 P.M.

Upon a motion by Mayor Berry, seconded by Councilmember Gonzales, the Council voted to approve the McCook Area Chamber of Commerce request to conduct the Annual Christmas Light Parade at 6:00 P.M. on December 5, 2009, the closing of Norris Avenue and "C" Street intersection immediately following the parade, the flying in of Santa Claus at McCook Regional Airport at 10:00 A.M., and the use of a fire truck for Santa's transportation in the parade at 6:00 P.M. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Gonzales. NAY: None. ABSENT: Calvin.

ITEM K RECEIVE AND FILE THE MINUTES OF THE OCTOBER 13, 2009 SENIOR CENTER ADVISORY BOARD MEETING.

Upon a motion by Mayor Berry, seconded by Councilmember Gonzales, the Council voted to receive and file the minutes of the October 13, 2009 Senior Center Advisory Board meeting. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Gonzales. NAY: None. ABSENT: Calvin.

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ITEM 4G AWARD THE BID FOR ONE (1) NEW HEAVY DUTY PITLESS TRUCK SCALE TO FAIRBANKS SCALES IN THE AMOUNT OF \$51,895.00, THAT BEING THE LOWEST RESPONSIBLE BID THAT MET BID SPECIFICATIONS.

Pursuant to instruction given by the City Council on October 19, 2009, a Notice to Bidders was published asking for sealed bids for one (1) new Heavy Duty Pitless Truck Scale. The following bids were received:

First Shot Scale Service - Sutherland, Nebraska

Bid Price	\$45,928.00
Less Trade	\$ 4,500.00
NET BID PRICE	\$41,428.00

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Fairbanks Scales - Omaha, Nebraska

Bid Price	\$51,895.00
Less Trade	.00
NET BID PRICE	\$51,895.00

Public Works Director Potthoff informed the Council that the Fairbanks bid met or exceeded all of the minimum specifications with a total cost of \$51,895.00 to be delivered 30 - 45 days after receipt of order.

The First Shot Scale Service bid was incomplete and did not meet specifications. The bid states that they will utilize the existing scale indicator. In the bid specification, it clearly states that the bid shall include all necessary electronic equipment including readout and software equipment. Their bid also is incomplete as it does not state the brand name, model number or include the specifications of the scale being bid as required by the bid specifications. The bid amount was \$45,928.00 less \$4,500.00 trade-in for a net bid price of \$41,428.00.

Since the First Shot Scale Service bid did not meet specifications and was incomplete, City Staff recommends that the bid be rejected and that the Council award the bid to Fairbanks Scales in the amount of \$51,895.00. This is well under the estimated cost of \$70,000.00 that is included in the budget for fiscal year 2009-2010. The only other expense for this project will be some concrete work to be performed by City Staff on the approaches to the new scale. The completed project is estimated to be \$15,000.00 under budget.

Upon a motion by Councilmember Anderson, seconded by Councilmember Kircher, the Council voted to award the bid for one (1) new Heavy Duty Pitless Truck Scale to Fairbanks Scales in the amount of \$51,895.00, that being the lowest responsible bid that met bid specifications. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Gonzales. NAY: None. ABSENT: Calvin.

ITEM 4I REJECT ALL BIDS FOR TWO (2) NEW 2009 OR 2010 3/4 TON 4-WHEEL DRIVE PICKUP TRUCKS THAT WERE OPENED ON MONDAY, NOVEMBER 9, 2009 DUE TO ALL BEING OVER BUDGET.

Pursuant to instruction given by the City Council on October 19, 2009, a Notice to Bidders was published asking for sealed bids for two (2) new 2009 or 2010 3/4 Ton 4-Wheel Drive Pickup Trucks for the Street and Recycling Departments. The following bids were received:

Janssen & Sons Ford - Holdrege, Nebraska
\$45,136.64

Wagner Chevrolet - McCook, Nebraska
\$44,754.32

Wagner Ford - McCook, Nebraska
\$43,594.64

Public Works Director Potthoff informed the Council that the Janssen bid was \$21,797.32 per vehicle, the Wagner Chevrolet bid was \$22,377.16 per vehicle, and the Wagner Ford bid was \$21,797.32 per vehicle and that the two lowest bids were received after the deadline. He added that \$21,000.00 was budgeted for each vehicle. It is City Staff's recommendation that all bids be rejected due to being over budget.

Upon a motion by Councilmember Kircher, seconded by Mayor Berry, the Council voted to reject all bids for two (2) new 2009 or 2010 3/4 Ton 4-Wheel Drive Pickup Trucks that were opened on Monday, November 9, 2009, due to all being over budget. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Gonzales. NAY: None. ABSENT: Calvin.

ITEM 4J APPROVE THE BID SPECIFICATIONS FOR TWO (2) NEW 2009 OR 2010 3/4 TON 4-WHEEL DRIVE PICKUP TRUCKS FOR THE STREET AND RECYCLING DEPARTMENTS AND SET THE DATE TO RECEIVE BIDS AS NOVEMBER 25, 2009 AT 2:00 P.M.

Upon a motion by Councilmember Kircher, seconded by Councilmember Anderson, the Council voted to approve the Bid Specifications for two (2) New 2009 or 2010 3/4 Ton 4-Wheel Drive Pickup Trucks for the Street and Recycling Departments and set the date to receive bids as November 25, 2009 at 2:00 P.M. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Gonzales. NAY: None. ABSENT: Calvin.

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(5) CONSIDER REQUEST FROM THE MCCOOK YOUTH LEAGUE FOR THE "FIRST NIGHT" EVENT TO BE HELD ON NEW YEARS EVE.

City Manager Fritsch informed the Council that Staff had met with Sue Shane and Shane Hilker regarding the group's request. The dance has been moved to the City parking lot located at East 1st & "D" Streets, two Police Department personnel will provide security and will be paid at their overtime rate, that the group will reimburse the City for the wages paid, the Sheriffs Department may be able to supply three or four posse members for security, and they are requesting that Norris Avenue be closed from 11:30 P.M. on December 31, 2009 to 12:30 A.M. on January 1, 2010.

The group informed the Council that they have changed their name to McCook Young Leaders to better reflect their interests.

Upon a motion by Councilmember Kircher, seconded by Councilmember Anderson, the Council voted to allow the McCook Young Leaders to use the City parking lot located at East 1st & "D" Streets for their "First Night" event dance and that Norris Avenue be closed in the 400 Block (between "D" Street and "E" Street) from 11:30 P.M. on December 31, 2009 to 12:30 A.M. on January 1, 2010 for the ball drop. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Gonzales. NAY: None. ABSENT: Calvin.

(6) RECEIVE UPDATE AND CONSIDER THE ABATEMENT OF NUISANCES AT 305 EAST 12TH STREET, PROPERTY OWNED BY DOTTI PARK.

Ms. Park presented a copy of the agreement that she has with Lonny Carfield to have demolition of the mobile home started by November 21, 2009. The underground shed will follow when the mobile home demolition is completed, then the house will be removed.

Upon a motion by Mayor Berry, seconded by Councilmember Gonzales, the Council voted to receive update and consider the abatement of nuisances at 305 East 12th Street, property owned by Dotti Park. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Gonzales. NAY: None. ABSENT: Calvin.

(7) COUNCIL COMMENTS.

Mayor Berry reminded all of the Source Gas Public Hearing on their rate increase proposal, to be held at the Heritage Senior Center on November 19, 2009 at 1:30 P.M.

(8) EXECUTIVE SESSION FOR A STRATEGY SESSION WITH RESPECT TO PENDING LITIGATION REGARDING THE ROMANOFF BUILDING - BISON PROPERTIES LLC LOCATED AT 204 NORRIS AVENUE.

Upon a motion by Councilmember Kircher, seconded by Councilmember Anderson, the Council voted to move into executive session for a strategy session with respect to pending litigation regarding the Romanoff Building - Bison Properties LLC located at 204 Norris Avenue at 7:51 P.M. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Gonzales. NAY: None. ABSENT: Calvin.

The Mayor then stated for the record that at this time, pursuant to the Nebraska Open Meetings Act, a closed session will be held for the purpose of a strategy session with respect to pending litigation regarding the Romanoff Building - Bison Properties LLC located at 204 Norris Avenue. Council will reconvene in public session following this closed session.

Upon a motion by Councilmember Gonzales, seconded by Councilmember Anderson, the Council voted to move out of executive session at 8:04 P.M. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Gonzales. NAY: None. ABSENT: Calvin.

(9) EXECUTIVE SESSION FOR A STRATEGY SESSION WITH RESPECT TO PENDING LITIGATION REGARDING TERRY JESSEN PROPERTY LOCATED AT 301 EAST 2ND STREET.

Upon a motion by Mayor Berry, seconded by Councilmember Gonzales, the Council voted to move into executive session for a strategy session with respect to pending litigation regarding Terry Jessen property located at 301 East 2nd Street at 8:04 P.M. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Gonzales. NAY: None. ABSENT: Calvin.

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The Mayor then stated for the record that at this time, pursuant to the Nebraska Open Meetings Act, a closed session will be held for the purpose of a strategy session with respect to pending litigation regarding Terry Jessen property located at 301 East 2nd Street. The Council will reconvene in public session following this closed session.

Upon a motion by Councilmember Gonzales, seconded by Councilmember Anderson, the Council voted to move out of executive session at 8:06 P.M. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Gonzales. NAY: None. ABSENT: Calvin.

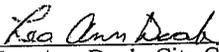
(10) ADJOURNMENT.

There being no further business to come before the Council, Mayor Berry declared the meeting adjourned at 8:07 P.M.



Dennis Berry, Mayor

ATTEST:



Lea Ann Doak, City Clerk