

MCCOOK CITY COUNCIL

August 2, 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 July 29, 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 - MARY HENDRICKS, ST. ALBAN'S EPISCOPAL CHURCH.

Mary Hendricks, pastor of the St. Alban's Episcopal Church, was present for the invocation.

(2) CITIZEN'S FORUM.

Jerie Qunity read a statement on behalf of Tea Party Patriots SWNEB to give observations of and objections against the Preliminary Budget Proposal for 2010-2011. Their recommendations supported the Tea Party principles, Limited Government, Free Markets and Fiscal responsibility.

(3) MAYOR'S ANNOUNCEMENTS & RECOGNITIONS.

Utilities Director Jesse Dutcher informed the Council of the new format for utility bills sent out August 1.

(4) ADVERTISED PUBLIC HEARINGS:

➤ FY 2010/2011 ANNUAL BUDGET

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 FY 2010/2011 Annual Budget, 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 July 28,

2010.

City Manager Fritsch presented information regarding the total tax levy for the City of McCook, the history of the General Fund total budget, and Expenditure Analysis of the total proposed budget of \$26,003,397, and the General Fund by Discipline.

There being no one else 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.

➤ SET FINAL TAX REQUEST AT A DIFFERENT AMOUNT THAN THE PRIOR YEAR

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 setting the Final Tax request at a different amount than the prior year, 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 July 28, 2010.

There being no one present to comment, upon a motion by Councilmember Calvin, seconded by Councilmember Kircher, 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.

(5) INTRODUCE AND APPROVE ORDINANCE NO. 2010-2839 PROVIDING FOR THE ADOPTION OF THE BUDGET FOR FY 2010/2011 UPON ITS FIRST READING.

Councilmember Kircher introduced Ordinance No. 2010-2839 entitled:

AN ORDINANCE TO ADOPT THE BUDGET STATEMENT TO BE TERMED THE ANNUAL APPROPRIATION BILL; TO APPROPRIATE SUMS FOR NECESSARY EXPENSES AND LIABILITIES; TO PROVIDE FOR AN EFFECTIVE DATE.

The motion was made by Councilmember Kircher, seconded by Councilmember Anderson, 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. 2010-2839 was read by title only. Motion was made by Councilmember Kircher, seconded by Councilmember Anderson, to approve Ordinance No. 2010-2839 on its first reading.

Upon a motion by Councilmember Kircher, seconded by Mayor Berry, the Council voted to place \$4,300 in General Fund/Council/Main Street Improvements and remove the proposed \$50,000 for Main Street Improvements from Sales Tax. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Calvin, Gonzales. NAY: None.

Upon a motion by Councilmember Kircher, seconded by Mayor Berry, the Council designated \$77,350.83

of Sales Tax revenue to pay off the first Sewer SRF loan three years early. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Calvin, Gonzales. NAY: None.

Upon a motion by Councilmember Kircher, seconded by Mayor Berry, the Council designated \$47,646.17 of Sales Tax revenue be applied to the Water \$9.9 SRF loan. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Calvin, Gonzales. NAY: None.

Upon a motion by Councilmember Kircher, seconded by Councilmember Anderson, the Council voted to reduce the Cost of Living Adjustment from 4.5% to 2.1%. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Calvin, Gonzales. NAY: None.

Mayor Berry introduced a motion to make the proposed increase in employee health insurance contribution from City funds. Councilmember Calvin seconded the motion.

Councilmember Kircher introduced a motion to postpone. Motion died for lack of a second.

The Mayor then stated the question: "Shall the motion on the floor be approved?" Upon roll call vote the following Councilmembers voted YEA: Berry, Anderson, Calvin, Gonzales. NAY: Kircher. Motion carried.

The Mayor then stated the question: "Shall Ordinance No. 2010-2839 be approved as amended upon 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. 2010-2839 approved on its first reading.

(6) INTRODUCE AND APPROVE ORDINANCE NO. 2010-2840 PROVIDING FOR THE ADOPTION OF THE 2010/2011 FISCAL YEAR EMPLOYEE CLASSIFICATION PAY PLAN UPON ITS FIRST READING.

Upon a motion by Councilmember Kircher, seconded by Mayor Berry, the Council voted to postpone consideration of this item until the August 16, 2010 meeting. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Calvin, Gonzales. NAY: None.

(7) APPROVE INCREASE OF RESTRICTED FUNDS LIMIT BY AN ADDITIONAL 1% FOR UNUSED RESTRICTED FUNDS AUTHORITY.

Upon a motion by Mayor Berry, seconded by Councilmember Anderson, the Council voted to approve an increase of Restricted Funds Limit by an additional 1% for Unused Restricted Funds Authority. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Calvin, Gonzales. NAY: None.

(8) CONSENT AGENDA:

ITEM A APPROVE THE MINUTES OF THE JULY 19, 2010 REGULAR CITY COUNCIL MEETING.

Upon a motion by Councilmember Gonzales, seconded by Councilmember Kircher, the Council voted to approve the minutes of the July 19, 2010 regular City Council meeting. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Calvin, Gonzales. NAY: None.

ITEM B APPROVE AND AUTHORIZE THE MAYOR TO SIGN THE NEBRASKA ENERGY OFFICE - FINANCIAL AID AGREEMENT, AWARD #09/10-E111 IN THE AMOUNT OF \$84,726.00, FROM THE ENERGY EFFICIENCY AND CONVERSATION BLOCK GRANT PROGRAM.

Upon a motion by Councilmember Gonzales, seconded by Councilmember Kircher, the Council voted to approve and authorize the Mayor to sign the Nebraska Energy Office - Financial Aid Agreement, Award #09/10-E111 in the amount of \$84,726.00, from the Energy Efficiency and Conversation Block Grant Program. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Calvin, Gonzales. NAY: None.

ITEM C APPROVE THE PLANS AND SPECIFICATIONS FOR THE SOUTH CITY PARKING LOT REPAIR AND SET THE TIME AND DATE TO RECEIVE BIDS AS 2:00 P.M. ON AUGUST 26, 2010.

Upon a motion by Councilmember Gonzales, seconded by Councilmember Kircher, the Council voted to approve the plans and specifications for the South City Parking Lot Repair and set the time and date to receive bids as 2:00 P.M. on August 26, 2010. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Calvin, Gonzales. NAY: None.

ITEM D APPROVE THE ST. PATRICK CATHOLIC CHURCH REQUEST TO CLOSE EAST 4<sup>TH</sup> STREET FROM EAST "F" STREET TO EAST "G" STREET AND EAST "G" STREET FROM EAST 3<sup>RD</sup> STREET TO EAST 4<sup>TH</sup> STREET AND TO UTILIZE CITY TRASH CONTAINERS, BARRICADE CONES, AND PARK BENCHES FOR THEIR ANNUAL FALL FESTIVAL ON SEPTEMBER 18 AND 19, 2010.

Upon a motion by Councilmember Gonzales, seconded by Councilmember Kircher, the Council voted to approve the St. Patrick Catholic Church request to close East 4<sup>th</sup> Street from East "F" Street to East "G" Street and East "G" Street from East 3<sup>rd</sup> Street to East 4<sup>th</sup> Street and to utilize City trash containers, barricade cones, and park benches for their Annual Fall Festival on September 18 and 19, 2010. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Calvin, Gonzales. NAY: None.

ITEM E RECEIVE AND FILE THE MINUTES OF THE JULY 6, 2010 SENIOR CENTER ADVISORY BOARD MEETING AND THE JANUARY 25, 2010 AND THE APRIL 26, 2010 ECONOMIC DEVELOPMENT PLAN CITIZEN'S ADVISORY REVIEW COMMITTEE MEETINGS.

Upon a motion by Councilmember Gonzales, seconded by Councilmember Kircher, the Council voted to receive and file the minutes of the July 6, 2010 Senior Center Advisory Board meeting and the January 25, 2010 and the April 26, 2010 Economic Development Plan Citizen's Advisory Review Committee meetings. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Calvin, Gonzales. NAY: None.

ITEM FAWARD THE BID FOR PAINTING THE CITY OF MCCOOK MUNICIPAL POOL TO J.M. STEVENS PAINTING IN THE AMOUNT OF \$23,460.00, IT BEING THE LOWEST RESPONSIBLE BID.

Upon a motion by Councilmember Gonzales, seconded by Councilmember Kircher, the Council voted to

award the bid for painting the City of McCook Municipal Pool to J.M. Stevens Painting in the amount of \$23,460.00, it being the lowest responsible bid. 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 THE KNIGHT'S OF COLUMBUS, LICENSE #I-03702, 309 EAST 9TH STREET, FOR A WEDDING RECEPTION/BEER GARDEN TO BE HELD ON AUGUST 28, 2010 FROM 5:00 P.M. TO 1:00 A.M.

Upon a motion by Councilmember Gonzales, seconded by Councilmember Kircher, the Council voted to approve the application for a Special Designated Liquor License submitted by the Knight's of Columbus, License #I-03702, 309 East 9th Street, for a Wedding Reception/Beer Garden to be held on August 28, 2010 from 5:00 P.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 AWARD DEMOLITION CONTRACTS FOR RESIDENTIAL STRUCTURES TO P & G EXCAVATING FOR FOUR (4) ADDRESSES, [1416 WEST FAIRACRES DRIVE, 1418 WEST FAIRACRES DRIVE, 1403 WEST 14<sup>TH</sup> STREET, AND 101 SOUTH STREET], IN THE AMOUNT OF \$7,800.00 CONTINGENT ON NEBRASKA DEPARTMENT OF ECONOMIC DEVELOPMENT (NDED) AND STATE HISTORIC PRESERVATION OFFICE (SHPO).

Upon a motion by Councilmember Gonzales, seconded by Councilmember Kircher, the Council voted to award Demolition Contracts for residential structures to P & G Excavating for four (4) addresses, [1416 West Fairacres Drive, 1418 West Fairacres Drive, 1403 West 14<sup>th</sup> Street, and 101 South Street], in the amount of \$7,800.00 contingent on Nebraska Department of Economic Development (NDED) and State Historic Preservation Office (SHPO). The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Calvin, Gonzales. NAY: None.

### REGULAR AGENDA

(9) APPROVE ORDINANCE NO. 2010-2838 AMENDING ARTICLE 3, DEFINITIONS, OF MCCOOK ZONING ORDINANCE NO. 1580 UPON ITS SECOND READING.

Upon a motion by Councilmember Kircher, seconded by Councilmember Calvin, the Council voted to approve Ordinance No. 2010-2838 amending Article 3, Definitions, of McCook Zoning Ordinance No. 1580 upon its second reading. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Calvin, Gonzales. NAY: None.

(10) SELECT A REAL ESTATE AGENCY TO MARKET CITY OF MCCOOK PROPERTIES.

Upon a motion by Councilmember Anderson, seconded by Councilmember Kircher, the Council voted to select Golden Plains Realty to market City of McCook properties. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Calvin, Gonzales. NAY: None.

(11) CONTINUED MUNICIPAL FACILITIES UPDATE.

City Staff had no new information to present regarding the proposed Municipal Facilities.

(12) COUNCIL COMMENTS.

There were no Council Comments.

(13) AN EXECUTIVE SESSION MAY BE HELD UPON A MAJORITY VOTE OF THE COUNCIL FOR THE PROTECTION OF PUBLIC INTEREST FOR A STRATEGY SESSION WITH RESPECT TO COLLECTIVE BARGAINING - MCCOOK PROFESSIONAL FIREFIGHTERS ASSOCIATION LOCAL 2100.

Upon a motion by Mayor Berry, seconded by Councilmember Calvin, the Council voted to move into executive session for the protection of public interest for a strategy session with respect to collective bargaining - McCook Professional Firefighters Association Local 2100 at 9:15 P.M. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Calvin, Gonzales. NAY: None.

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 protection of public interest for a strategy session with respect to collective bargaining - McCook Professional Firefighters Association Local 2100. The Council will reconvene in public session following this closed session.

Upon a motion by Councilmember Kircher, seconded by Councilmember Calvin, the Council voted to move out of executive session at 9:25 P.M. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Calvin, Gonzales. NAY: None.

(14) ADJOURNMENT.

There being no further business to come before the Council, Mayor Berry declared the meeting adjourned at 9:27 P.M.

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Mayor Berry, Mayor

ATTEST:

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Lea Ann Doak, City Clerk