

MCCOOK CITY COUNCIL
September 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. in the City Council Chambers.

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

Absent: Mayor Berry.

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on September 2, 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.

Council Vice President Kircher 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 - STEVE BALES, 1ST CONGREGATIONAL CHURCH.

No one was present to give the invocation.

(2) CITIZEN'S FORUM.

Members of the McCook Humane Society requested \$3,000 of additional funds annually for FY2010/2011 and to have the amount increased to \$5,000 for the next fiscal year. The funds will be used for general budget needs and daily operating expenses.

Kathleen Bills expressed concerns with the 3% Occupation Tax that is on all telephone bills. She asked that the Council do whatever it takes to have it removed.

(3) MAYOR'S ANNOUNCEMENTS & RECOGNITIONS.

Public Works Director Kyle Potthoff noted that JL Construction had started work on the Highway 6 & 34 Sidewalk.

City Manager Fritsch informed the Council that the City's health insurance renewal has come in much better than expected. Working with the Hays Company has already reduced the administrative fees significantly. The quotes received from the various insurance providers have increases ranging from a high of 8.0% to a low of 1.5% and will offer a better health care program to our employees.

(4) CONSENT AGENDA:

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

ITEM A APPROVE THE MINUTES OF THE AUGUST 16, 2010 REGULAR CITY COUNCIL MEETING.

Upon a motion by Councilmember Gonzales, seconded by Councilmember Calvin, the Council voted to approve the minutes of the August 16, 2010 regular City Council meeting. The motion passed upon the following roll call vote: YEA: Kircher, Anderson, Calvin, Gonzales. NAY: None. ABSENT: Berry.

ITEM B AWARD THE BID FOR THE SOUTH CITY PARKING LOT REPAIR TO BSB CONSTRUCTION, INC. IN THE AMOUNT OF \$59,027.70, THAT BEING THE LOWEST BEST BID.

Pursuant to instruction given by the City Council, a Notice to Bidders was published asking for sealed bids for the South City Parking Lot Repair. The following bids were received:

BSB Construction, Inc. - Curtis, Nebraska
Total Base Bid - \$59,027.70

Gerih Concrete Construction LLC - McCook, Nebraska
Total Base Bid - \$60,753.50

Upon a motion by Councilmember Gonzales, seconded by Councilmember Calvin, the Council voted to award the bid for the South City Parking Lot Repair to BSB Construction, Inc. in the amount of \$59,027.70, that being the lowest best bid. The motion passed upon the following roll call vote: YEA: Kircher, Anderson, Calvin, Gonzales. NAY: None. ABSENT: Berry.

ITEM C RECEIVE AND FILE CLAIM FOR DAMAGES FROM BEVERLY SPILINEK AND INSTRUCT THAT IT BE SUBMITTED TO THE CITY'S INSURANCE CARRIER FOR REVIEW AND APPROPRIATE ACTION.

Upon a motion by Councilmember Gonzales, seconded by Councilmember Calvin, the Council voted to receive and file claim for damages from Beverly Spilinek and instruct that it be submitted to the City's insurance carrier for review and appropriate action. The motion passed upon the following roll call vote: YEA: Kircher, Anderson, Calvin, Gonzales. NAY: None. ABSENT: Berry.

ITEM E RECEIVE AND FILE THE CONTRACTUAL MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF MCCOOK AND THE MCCOOK PROFESSIONAL FIREFIGHTERS ASSOCIATION LOCAL 2100.

Upon a motion by Councilmember Gonzales, seconded by Councilmember Calvin, the Council voted to receive and file the contractual Memorandum of Understanding between the City of McCook and the McCook Professional Firefighters Association Local 2100. The motion passed upon the following roll call vote: YEA: Kircher, Anderson, Calvin, Gonzales. NAY: None. ABSENT: Berry.

ITEM F APPROVE THE APPLICATION FOR A SPECIAL DESIGNATED LIQUOR LICENSE SUBMITTED BY MO DOUGH LLC, LICENSE *IK-57785, FOR THE NORRIS INSTITUTE NEW RURAL ENERGY SYMPOSIUM TO BE HELD AT THE KEYSTONE BUSINESS CENTER, 402 NORRIS AVENUE, ON SEPTEMBER 27, 2010 FROM 4:00 P.M. TO 8:00 P.M.

Upon a motion by Councilmember Gonzales, seconded by Councilmember Calvin, the Council voted to approve the application for a Special Designated Liquor License submitted by MO Dough LLC, License *IK-57785, for the Norris Institute New Rural Energy Symposium to be held at the Keystone Business Center, 402 Norris Avenue, on September 27, 2010 from 4:00 P.M. to 8:00 P.M. The motion passed upon the following roll call vote: YEA: Kircher, Anderson, Calvin, Gonzales. NAY: None. ABSENT: Berry.

REGULAR AGENDA

ITEM 4D APPROVE THE APPLICATION FOR A SPECIAL DESIGNATED LIQUOR LICENSE SUBMITTED BY HOWARD G. JOHNSON, "HO JO'S HIDEAWAY", LICENSE NUMBER CK-69997, FOR THE MULE DEER FOUNDATION FUND RAISER TO BE HELD AT THE MCCOOK MUNICIPAL AUDITORIUM, 302 WEST 5TH STREET, ON OCTOBER 9, 2010 FROM 3:00 P.M. UNTIL MIDNIGHT.

Upon a motion by Councilmember Anderson, seconded by Councilmember Kircher, the Council voted to approve the application for a Special Designated Liquor License submitted by Howard G. Johnson, "Ho Jo's Hideaway", License Number CK-69997, for the Mule Deer Foundation Fund Raiser to be held at the McCook Municipal Auditorium, 302 West 5th Street, on October 9, 2010 from 3:00 P.M. until midnight. The motion passed upon the following roll call vote: YEA: Kircher, Anderson, Calvin, Gonzales. NAY: None. ABSENT: Berry.

(5) JENNY BLANKENSHIP PRESENTATION OF THE WATER AND SEWER ENTERPRISE FUND FINANCIAL AND CAPITAL PLANNING MODELS AS PREPARED BY PUBLIC FINANCIAL MANAGEMENT.

Jenny Blankenship, of Public Financial Management, reviewed the Water and Sewer Enterprise Fund Financial and Capital Planning Models with the Council. The models use projected revenues versus projected expenses to establish the rates necessary for the City to cover general operation and maintenance, infrastructure improvements, debt payments, and to maintain the required cash balance. No rate increase was proposed for water and a \$1.00 per month increase to the ready-to-serve fee was proposed for the sewer fund.

(6) APPROVE ORDINANCE NO. 2010-2840 PROVIDING FOR THE AMENDMENT OF APPENDIX II, SEWER DEPARTMENT RATES AND FEE, OF THE MCCOOK MUNICIPAL CODE, UPON ITS SECOND READING.

Upon a motion by Councilmember Anderson, seconded by Councilmember Kircher, the Council voted to approve Ordinance No. 2010-2840 providing for the amendment of Appendix II, Sewer Department Rates and Fee, of the McCook Municipal Code, upon its second reading. The motion passed upon the

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

- (7) 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.

Upon a motion by Councilmember Kircher, seconded by Councilmember Calvin, the Council voted to move in executive session for the protection of public interest for a strategy session with respect to collective bargaining at 8:25 P.M. The motion passed upon the following roll call vote: YEA: Kircher, Anderson, Calvin, Gonzales. NAY: None. ABSENT: Berry.

Council Vice President Kircher announced 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. The Council will reconvene in public session following this closed session.

Upon a motion by Councilmember Kircher, seconded by Councilmember Gonzales, the Council voted to move out of executive session at 8:44 P.M. The motion passed upon the following roll call vote: Kircher, Anderson, Calvin, Gonzales. NAY: None. ABSENT: Berry.

- (8) APPROVE ORDINANCE NO. 2010-2839 PROVIDING FOR THE ADOPTION OF THE BUDGET FOR FY 2010/2011 UPON ITS THIRD AND FINAL READING.

Ordinance No. 2010-2839 now came up for third and final reading. Ordinance No. 2010-2839 was read by title only and thereafter Councilmember Kircher moved for final passage of the Ordinance, which motion was seconded by Councilmember Anderson.

Upon a motion by Councilmember Gonzales, seconded by Councilmember Kircher, the Council voted to take \$3,000 from the ending balance for the Humane Society and not to address their \$5,000 request until consideration of the next fiscal years budget. The motion passed upon the following roll call vote: YEA: Kircher, Anderson, Calvin, Gonzales. NAY: None. ABSENT: Berry.

The Council Vice President then stated the question: "Shall Ordinance No. 2010-2839 be passed and adopted as amended?" Upon roll call vote the following Councilmembers voted YEA: Kircher, Anderson, Calvin, Gonzales. NAY: None. ABSENT: Berry. Motion carried. The passage and adoption of said Ordinance having been concurred in by a majority of the Council, the Council Vice President signed and approved the Ordinance and the Clerk attested the passage and approval of the same and affixed her signature thereto.

Upon a motion by Councilmember Kircher, seconded by Councilmember Calvin, the Council voted to publish Ordinance No. 2010-2839 in the McCook Daily Gazette, a legal newspaper, one time as required by law. The motion passed upon the following roll call vote: YEA: Kircher, Anderson, Grant, Rogers. NAY: None. ABSENT: Berry.

- (9) APPROVE ORDINANCE NO. 2010-2841 PROVIDING FOR THE ADOPTION OF THE 2010/2011 FISCAL YEAR EMPLOYEE CLASSIFICATION PAY PLAN UPON ITS SECOND READING.

Upon a motion by Councilmember Kircher, seconded by Councilmember Calvin, the Council voted to approve Ordinance No. 2010-2841 providing for the adoption of the 2010/2011 Fiscal Year Employee Classification Pay Plan upon its second reading. The motion passed upon the following roll call vote: YEA: Kircher, Anderson, Calvin, Gonzales. NAY: None. ABSENT: Berry.

(10) ORDINANCES PROVIDING FOR THE SALE OF CITY PROPERTIES:

ITEM A INTRODUCE AND APPROVE UPON ITS FIRST READING ORDINANCE NO. 2010-2842 AUTHORIZING THE SALE OF PART OF LOT ONE (1), BLOCK ONE (1), WEST MCCOOK ADDITION AND A PORTION OF MISCELLANEOUS MCCOOK, ALL IN THE CITY OF MCCOOK, RED WILLOW COUNTY, NEBRASKA TO HOWARD R. MUSGRAVE AND BARBARA J. MUSGRAVE FOR THE SUM OF \$5,000.00.

Councilmember Gonzales introduced Ordinance No. 2010-2842 entitled:

AN ORDINANCE OF THE CITY OF MCCOOK, NEBRASKA, AUTHORIZING AND DIRECTING THE SALE AND CONVEYANCE OF REAL ESTATE HEREINAFTER DESCRIBED TO HOWARD R. MUSGRAVE AND BARBARA J. MUSGRAVE; TO PROVIDE FOR PUBLICATION OF NOTICE OF SALE AND CONVEYANCE AND THE TERMS THEREOF; TO PROVIDE FOR THE RIGHT TO FILE A REMONSTRANCE AGAINST THE CONVEYANCE; TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM BY AUTHORITY OF THE CITY COUNCIL; AND EFFECTIVE DATE OF THIS ORDINANCE.

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

Ordinance No. 2010-2842 was read by title only. Motion was made by Councilmember Kircher, seconded by Councilmember Anderson, to approve Ordinance No. 2010-2842 on its first reading. Upon roll call vote the following Councilmembers voted YEA: Kircher, Anderson, Calvin, Gonzales. NAY: None. ABSENT: Berry. Motion carried. Whereupon the Mayor declared said Ordinance No. 2010-2842 approved on its first reading.

ITEM B INTRODUCE AND APPROVE UPON ITS FIRST READING ORDINANCE NO. 2010-2843 AUTHORIZING THE SALE OF LOT THIRTY-NINE (39), BLOCK TWO (2), SOUTH MCCOOK ADDITION TO THE CITY OF MCCOOK, RED WILLOW COUNTY, NEBRASKA TO PAUL J. MONZON FOR THE SUM OF \$6,000.00.

Councilmember Kircher introduced Ordinance No. 2010-2843 entitled:

AN ORDINANCE OF THE CITY OF MCCOOK, NEBRASKA, AUTHORIZING AND DIRECTING THE SALE AND CONVEYANCE OF REAL ESTATE HEREINAFTER DESCRIBED TO PAUL J. MONZON; TO PROVIDE FOR PUBLICATION OF NOTICE OF SALE AND CONVEYANCE AND THE TERMS THEREOF; TO PROVIDE FOR THE RIGHT TO FILE A REMONSTRANCE AGAINST THE CONVEYANCE; TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM BY AUTHORITY OF THE CITY COUNCIL; AND EFFECTIVE DATE OF THIS ORDINANCE.

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: Kircher, Anderson, Calvin, Gonzales. NAY: None. ABSENT: Berry.

Ordinance No. 2010-2843 was read by title only. Motion was made by Councilmember Kircher, seconded by Councilmember Calvin, to approve Ordinance No. 2010-2843 on its first reading. Upon roll call vote the following Councilmembers voted YEA: Kircher, Anderson, Calvin, Gonzales. NAY: None. ABSENT: Berry. Motion carried. Whereupon the Mayor declared said Ordinance No. 2010-2843 approved on its first reading.

- (11) AUTHORIZE STAFF TO MOVE FORWARD WITH RECOMMENDED DEPARTMENT OF ECONOMIC DEVELOPMENT CONDITIONS IN ORDER TO USE NSP FUNDS TO DEMOLISH THE WEST WARD BUILDING PROVIDED A REASONABLE SCHEDULE MAY BE MAINTAINED IN ORDER TO ACCOMPLISH ALL CONSTRUCTION GOALS.

Upon a motion by Councilmember Kircher, seconded by Councilmember Calvin, the Council voted to authorize staff to move forward with recommended Department of Economic Development conditions in order to use NSP funds to demolish the West Ward building provided a reasonable schedule may be maintained in order to accomplish all construction goals. The motion passed upon the following roll call vote: YEA: Kircher, Anderson, Calvin, Gonzales. NAY: None. ABSENT: Berry.

- (12) COUNCIL COMMENTS.

Councilmember Calvin recognized the Public Works Department for their assistance with traffic control this past week when the roof was blown off of the Kildare Lumber Building.

City Manager Fritsch noted that the third floor of the Romanoff building has been removed with very little interruption to vehicle or pedestrian traffic.

- (13) ADJOURNMENT.

There being no further business to come before the Council, Mayor Berry declared the meeting adjourned at 9:20 P.M.

Dennis Berry, Mayor

ATTEST:

Lea Ann Doak, City Clerk