

MCCOOK CITY COUNCIL
Monday, July 20, 2009
7:30 P.M. - City Council Chambers

Call to Order and Roll Call.

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, Grant, Rogers; City Attorney Schneider; City Manager Fritsch; City Clerk Doak.

Absent: None.

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on July 16, 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.

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.

ITEM NO. 1 INVOCATION - THE MCCOOK MINISTERIAL ASSOCIATION - EMMANUEL REINBOLD - FIRST NAZARENE CHURCH.

Steve Bales, pastor of the 1st Congregational Church, was present to give the invocation.

ITEM NO. 2 CITIZEN'S FORUM.

No one was present for Citizen's Forum.

ITEM NO. 3 MAYOR'S ANNOUNCEMENTS & RECOGNITIONS.

There were no Mayor's announcements or recognitions.

ITEM NO. 4 CONSENT AGENDA:

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

ITEM A

APPROVE THE MINUTES OF THE JULY 6, 2009 REGULAR CITY COUNCIL MEETING AND THE JULY 13, 2009 SPECIAL CITY COUNCIL MEETING.

Upon a motion by Mayor Berry, seconded by Councilmember Anderson, the Council voted to approve the minutes of the July 6, 2009 regular City Council meeting and the July 13, 2009 special City Council meeting. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Grant, Rogers. NAY: None.

ITEM B

APPROVE THE CONTRACT AGREEMENT WITH W DESIGN ASSOCIATES FOR CONSTRUCTION ENGINEERING SERVICES FOR STREET IMPROVEMENT PROJECT NO. URB-6156(2), CN: 71069, WEST "J" STREET FROM WEST 10TH STREET TO NORRIS AVENUE, AND AUTHORIZE THE MAYOR TO SIGN.

Upon a motion by Mayor Berry, seconded by Councilmember Anderson, the Council voted to approve the Contract Agreement with W Design Associates for construction engineering services for Street Improvement Project No. URB-6156 (2), CN: 71069, West "J" Street from West 10th Street to Norris Avenue, and authorize the Mayor to sign. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Grant, Rogers. NAY: None.

ITEM C

APPROVE SUPPLEMENTAL AGREEMENT NO. 1 BETWEEN THE NEBRASKA DEPARTMENT OF ROADS AND THE CITY OF MCCOOK FOR PROJECT NO. URB-6156(2), CN: 71069, THE WEST "J" STREET PROJECT FROM WEST 10TH STREET TO NORRIS AVENUE, AND AUTHORIZE THE MAYOR TO SIGN.

Upon a motion by Mayor Berry, seconded by Councilmember Anderson, the Council voted to approve Supplemental Agreement No. 1 between the Nebraska Department of Roads and the City of McCook for Project No. URB-6156(2), CN: 71069, the West "J" Street Project from West 10th Street to Norris Avenue, and authorize the Mayor to sign. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Grant, Rogers. NAY: None.

ITEM D

APPROVE RESOLUTION NO. 2009-13 APPROVING THE AWARD OF BID FOR PROJECT NO. URB-6156(2), CN: 71069, REPAVING OF WEST "J" STREET

FROM WEST 10TH STREET TO NORRIS AVENUE TO PAULSEN INC. IN THE AMOUNT OF \$944,038.85, AND AUTHORIZE THE MAYOR TO SIGN SUCH RESOLUTION IN ADDITION TO THE CONSTRUCTION CONTRACT WITH PAULSEN INC.

Upon a motion by Mayor Berry, seconded by Councilmember Anderson, the Council voted to approve Resolution No. 2009-13 approving the award of bid for Project No. URB-6156(2), CN: 71069, Repaving of West "J" Street from West 10th Street to Norris Avenue to Paulsen Inc. in the amount of \$944,038.85, and authorize the Mayor to sign such resolution in addition to the Construction Contract with Paulsen Inc. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Grant, Rogers. NAY: None.

ITEM F

RECEIVE AND FILE THE MINUTES OF THE JUNE 10, 2009 PARKS ADVISORY BOARD MEETING.

Upon a motion by Mayor Berry, seconded by Councilmember Anderson, the Council voted to receive and file the minutes of the June 10, 2009 Parks Advisory Board meeting. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Grant, Rogers. NAY: None.

ITEM H

APPROVE THE REQUEST FROM THE RELAY FOR LIFE OF SOUTHWEST NEBRASKA TO USE NORRIS PARK ON JULY 24, 2009 FROM 5:00 P.M. THROUGH 7:00 A.M. JULY 25, 2009; TO CLOSE EAST "G" STREET FROM NORRIS AVENUE TO FIRST STREET EAST; AND TO CLOSE FIRST STREET EAST FROM EAST "G" STREET TO EAST "H" STREET FROM 3:00 P.M. ON JULY 24, 2009 THROUGH 8:00 A.M. JULY 25, 2009.

Upon a motion by Mayor Berry, seconded by Councilmember Anderson, the Council voted to approve the request from the Relay for Life of Southwest Nebraska to use Norris Park on July 24, 2009 from 5:00 P.M. through 7:00 A.M. July 25, 2009; to close East "G" Street from Norris Avenue to First Street East; and to close first Street East from East "G" Street to East "H" Street from 3:00 P.M. on July 24, 2009 through 8:00 A.M. July 25, 2009. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Grant, Rogers. NAY: None.

REGULAR AGENDA

ITEM 4E

APPROVE THE ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE CITY OF MCCOOK AND THE MCCOOK AREA CHAMBER OF COMMERCE (CHAMBER) AND AUTHORIZE THE MAYOR TO SIGN.

Upon a motion by Councilmember Kircher, seconded by Councilmember Grant, the Council voted to approve the Economic Development Agreement between the City of McCook and the McCook Area Chamber of Commerce (Chamber) and authorize the Mayor to sign. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Grant, Rogers. NAY: None.

ITEM 4G

REJECT ALL BIDS AND PURCHASE ONE (1) NEW 2009 FORD F150 RC XLT ½ TON REGULAR CAB 4 X 4 PICKUP TRUCK FOR THE AMOUNT OF \$18,990.00 USING THE STATE OF NEBRASKA CONTRACT WITH ANDERSON FORD LINCOLN MERCURY MAZDA OF LINCOLN, NEBRASKA.

Pursuant to instruction given by the City Council on June 15, 2009, a Notice to Bidders was published asking for sealed bids for one (1) new ½ Ton - Full Size, Regular Cab, 4 x 4 Pickup Truck. The following bids were received:

Wagner Chevrolet - McCook, Nebraska
1B - \$21,460.00
2B - \$22,131.00

Wagner Ford - McCook, Nebraska
1A - \$20,416.00
2A - \$20,993.00

Sid Dillon Chevrolet - Wahoo, Nebraska
\$19,997.00

Deveny Motors - McCook, Nebraska
\$20,961.00

Upon a motion by Councilmember Kircher, seconded by Councilmember Rogers, the Council voted to award the bid for one (1) new ½ Ton - Full Size, Regular Cab, 4 x 4 Pickup Truck to Sid Dillon Chevrolet of Wahoo, Nebraska, in the amount of \$19,997.00, that being the lowest responsible bid received. The motion passed upon the following roll call vote: YEA: Kircher, Anderson, Rogers. NAY: Berry, Grant.

ITEM NO. 5 INTRODUCE AND APPROVE UPON ITS FIRST READING, ORDINANCE

NO. 2009-2826, AMENDING CHAPTER 6, ARTICLE 1, OF THE MUNICIPAL CODE OF THE CITY OF MCCOOK, NEBRASKA RELATING TO DOGS, CATS, AND HYBRID ANIMALS.

Councilmember Grant introduced Ordinance No. 2009-2826 entitled:

AN ORDINANCE OF THE CITY OF MCCOOK, NEBRASKA, AMENDING CHAPTER 6, ARTICLE 1, OF THE MUNICIPAL CODE OF THE CITY OF MCCOOK, NEBRASKA RELATING TO DOGS, CATS, HYBRID ANIMALS; REPEALING ALL OTHER CONFLICTING ORDINANCES OR PARTS OF ORDINANCES; AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM AND FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

The motion was made by Mayor Berry, 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, Grant, Rogers. NAY: None.

Ordinance No. 2009-2826 was read by title only. Motion was made by Councilmember Kircher, seconded by Councilmember Rogers, to approve Ordinance No. 2009-2826 on its first reading.

Councilmember Grant noted that the presented Ordinance did not include provision to prohibit the training of dogs to fight. City Attorney Schneider stated that it was an oversight and that the appropriate language would be included in the Ordinance for consideration on its second reading.

Councilmember Kircher expressed concerns that an individual could be cited if they took care of a friend's dog at their home and with their own dogs, violated the maximum number of dogs allowed. He did not want to penalize people who are simply doing a favor for a friend.

The Mayor then stated the question: "Shall Ordinance No. 2009-2826 be approved on its first reading?" Upon roll call vote the following Councilmembers voted YEA: Berry, Kircher, Anderson, Grant, Rogers. NAY: None. Motion carried.

ITEM NO. 6 APPROVE ORDINANCE NO. 2009-2825, AMENDING SECTION 5-308, SPEED LIMITS; SPECIAL, OF THE MCCOOK MUNICIPAL CODE; ESTABLISHING THE SPEED LIMIT AT 25 MILES PER HOUR BETWEEN THE 900 BLOCK AND THE 1200 BLOCK OF EAST "H" STREET UPON ITS SECOND READING.

Councilmember Grant introduced a motion to approve Ordinance No. 2009-2825, amending Section 5-308, Speed Limits; Special, of the McCook Municipal Code; establishing the speed limit at 25 miles per hour between the 900 Block and the 1200 Block of East "H" Street upon its second reading. Councilmember Anderson seconded the motion.

Councilmember Kircher introduced a motion to establish the speed limit at 30 miles per hour rather than the proposed 25 miles per hour. Mayor Berry

seconded the motion. The motion failed to pass upon the following roll call vote:
YEA: Kircher. NAY: Berry, Anderson, Grant, Rogers.

The Mayor then stated the question: "Shall Ordinance No. 2009-2825 be approved on its second reading?" Upon roll call vote the following Councilmembers voted YEA: Berry, Anderson, Grant, Rogers. NAY: Kircher. Motion carried.

ITEM NO. 7 FY 2009/2010 BUDGET WORKSHOP.

City Manager Fritsch informed the Council that previous requests of \$44,816 to implement the findings of the Salary Comparability Study; \$15,000 for upgrade of the City's Website; \$3,000 for Vision McCook; and \$5,000 for Barnett Park electricity will be included in the proposed budget and reduce the ending fund balance to \$90,633.

It was the consensus of the Council to utilize Contingency Funds during FY 2009/2010 to purchase turf conditioner for the Jaycee Complex, if the right solution is found.

It was the consensus of the Council to reallocate sales tax funds earmarked for "J" Street Improvements to the following street improvement projects; East "H" Street from Norris to 11th - \$163,000, West 5th from "B" to "J" - \$192,000, and Norris Avenue from Park Avenue to the City Limits - \$106,000 and to use \$50,000 from the non-committed for the Kelley Park Water Main replacement.

ITEM NO. 8 COUNCIL COMMENTS.

Councilmember Kircher stated that he was glad to see that the new playground equipment in Norris Park is being greatly enjoyed by children and many citizens like the lighted fountains in Barnett Park, adding sometimes it is the little things that are the most rewarding.

Councilmember Grant agreed, stating that visible things mean a lot, whether they are large or small.

Mayor Berry reminded all of the Relay for Life event to be held this coming weekend in Norris Park. He stated that the City's budget looks good compared to other communities who are struggling financially, adding that the City of North Platte is predicting a \$1.3 million shortfall with a property tax levy of .56 cents. McCook is in good shape with no proposed property tax increase or bonded debt and the City's tax levy remains at .319044, the same since 2001/02.

ITEM NO. 9 ADJOURNMENT.

There being no further business to come before the Council, Mayor Berry declared the meeting adjourned at 9:10 P.M.

Dennis Berry, Mayor

ATTEST:

Lea Ann Doak, City Clerk

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