

MCCOOK CITY COUNCIL
January 3, 2011
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 Gonzales, Kircher, Calvin, Hilker; 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 31, 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 - EMMANUEL REINBOLD - FIRST NAZARENE CHURCH.

No one was present for the invocation.

- (2) CITIZEN'S FORUM.

No one was for Citizen's Forum.

- (3) MAYOR'S ANNOUNCEMENTS & RECOGNITIONS.

There were no Mayor's announcements or recognitions.

- (4) APPROVE THE PROCLAMATION DESIGNATING THE MONTH OF JANUARY 2011 AS "OFFICIAL NATIONAL RADON ACTION MONTH IN MCCOOK" AND AUTHORIZE THE MAYOR TO SIGN.

Myra Stoney, Executive Director of the Southwest Nebraska Public Health Department, stated that radon is the second leading cause of lung cancer and the number one cause among non-smokers. Radon is a colorless, odorless, naturally occurring radioactive gas that may threaten the health of our citizens and their families. Any home in McCook may have elevated levels of radon even if other homes in the same neighborhood do not. Ms. Stoney encouraged the testing of radon in homes every other year.

Upon a motion by Councilmember Kircher, seconded by Councilmember Hilker, the Council voted to approve the proclamation designating the month of January 2011 as "Official National Radon Action Month in McCook" and authorize the Mayor to sign. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

(5) PUBLIC HEARINGS:

ITEM A CONDUCT A PUBLIC HEARING ON THE APPLICATION OF ESTANISLAO LLC; DBA "LA COCINA MEXICAN FOOD", FOR A CLASS "IB" - (BEER, WINE & DISTILLED SPIRITS, ON SALE ONLY AND BEER, OFF SALE ONLY) LICENSE UNDER THE NEBRASKA LIQUOR CONTROL COMMISSION, TO BE LOCATED AT 110 - 112 WEST 1ST STREET, MCCOOK, NEBRASKA WITH THE CITY ATTORNEY TO ACT AS HEARING OFFICER.

Upon a motion by Councilmember Gonzales, seconded by Councilmember Kircher, the Council voted to recess as a City Council and convene a public hearing for the purpose of receiving public comment on the application of Estanislao LLC; dba "La Cocina Mexican Food", for a Class "IB" - (Beer, Wine & Distilled Spirits, On Sale Only and Beer, Off Sale Only) License under the Nebraska Liquor Control Commission, to be located at 110 - 112 West 1st Street, McCook, Nebraska with the City Attorney to act as Hearing Officer. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

The City Attorney offered and received into evidence Exhibit #1 - Notice of Hearing published and Exhibit #2 - the Application for Liquor License and Police Report, pages 1 - 52.

There being no one else present to comment, upon a motion by Councilmember Kircher, seconded by Councilmember Hilker, 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, Gonzales, Kircher, Calvin, Hilker. NAY: None.

ITEM B RECOMMEND APPROVAL TO THE NEBRASKA LIQUOR CONTROL COMMISSION THE APPLICATION OF ESTANISLAO LLC; DBA "LA COCINA MEXICAN FOOD", FOR A CLASS "IB" - (BEER, WINE & DISTILLED SPIRITS, ON SALE ONLY AND BEER, OFF SALE ONLY) LICENSE UNDER THE NEBRASKA LIQUOR CONTROL COMMISSION, TO BE LOCATED AT 110 - 112 WEST 1ST STREET, MCCOOK, NEBRASKA.

Upon a motion by Councilmember Kircher, seconded by Councilmember Hilker, the Council voted to recommend approval to the Nebraska Liquor Control Commission the application of Estanislao LLC; dba "La Cocina Mexican Food", for a Class "IB" - (Beer, Wine & Distilled Spirits, On Sale Only and Beer, Off Sale Only) License under the Nebraska Liquor Control Commission, to be located at 110 - 112 West 1st Street, McCook, Nebraska. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

REGULAR AGENDA

(6) APPROVE THE MINUTES OF THE DECEMBER 20, 2010 REGULAR CITY COUNCIL MEETING.

Upon a motion by Councilmember Gonzales, seconded by Councilmember Calvin, the Council voted to approve the minutes of the December 20, 2010 regular City Council meeting. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

(7) AWARD THE BID FOR REHABILITATION WORK ON THE NORRIS PARK BAND SHELL TO MCCOOK CONTRACTING, LLC IN THE AMOUNT OF \$156,754.

Mayor Berry introduced a motion to award the bid for rehabilitation work on the Norris Park Band Shell to McCook Contracting, LLC in the amount of \$156,754. Councilmember Gonzales seconded the motion.

City Manager Fritsch stated that the City received only one bid for the rehabilitation of the Norris Park Band Shell. The bid was from McCook Contracting, LLC in the amount of \$210,000 and far exceeded the anticipated amount of the project. Berggren and Associates, architects for the project, were directed to negotiate with the lone bidder to determine if costs could be reduced and certain elements of the bid eliminated from the scope. They feel that the base bid encompasses the overall goal of the project, to stabilize the band shell and repair/replace the elements that are allowing the most damage to occur to the structure. They also recommend other items be included to prevent damage to the structure in the near future. Their reduced scope of work consists of the Base Bid - \$141,179; less Option 1 - (\$8,425); plus Option 2c - \$9,580; plus Option 3 - \$5,860; plus Option 8 - \$8,560 for a total bid of \$156,754. City Staff proposes that \$100,000 be used from the Community Betterment Fund (Keno), \$35,000 from the ACE Revenue Sharing Fund; and \$25,000 be used from Sales Tax revenues for payment of the improvements. He noted that Jerry Berggren is available via teleconference should the Council have any questions.

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

(8) APPROVE ORDINANCE NO. 2011-2848 PROVIDING FOR THE AMENDMENT OF MCCOOK ZONING ORDINANCE NO. 1580, ARTICLE 13, BUSINESS COMMERCIAL DISTRICT (BC), SECTION 1302 AND ARTICLE 16, INDUSTRIAL LIGHT DISTRICT (IL), SECTION 1602 TO ALLOW EXISTING STICK BUILT HOMES AS PERMITTED PRINCIPAL USES AND STRUCTURES UPON ITS SECOND READING.

Councilmember Kircher introduced a motion to approve Ordinance No. 2011-2848 providing for the amendment of McCook Zoning Ordinance No. 1580, Article 13, Business Commercial District (BC), Section 1302 and Article 16, Industrial Light District (IL), Section 1602, to allow existing stick built homes as Permitted Principal Uses and Structures upon its second reading. Motion was seconded by Councilmember Gonzales.

Upon a motion by Councilmember Gonzales, seconded by Councilmember Calvin, the Council voted to amend the presented ordinance in Section 1302(27) and Section 1602(7) by striking everything but the first sentence, leaving only "Existing stick built constructed homes." The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

The Mayor then stated the question: "Shall Ordinance No. 2011-2848 be approved upon its second reading as amended?" Upon roll call vote the following Councilmembers voted YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None. Motion carried.

(9) COUNCIL COMMENTS.

Councilmember Gonzales asked if there were any issues with New Years fireworks. Police Chief Brown and Fire Chief Harpham stated that there were none.

Councilmember Kircher noted that the 1st Night Celebration was a success. He suggested that a letter be written to Dale Cotton of the McCook Group documenting the requirements of a petition.

(10) ADJOURNMENT.

There being no further business to come before the Council, Mayor Berry declared the meeting adjourned at 7:50 P.M.

Dennis Berry, Mayor

ATTEST:

Lea Ann Doak, City Clerk