

MCCOOK CITY COUNCIL  
January 17, 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 January 13, 2011, 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 - LANCE CLAY - UNITED METHODIST CHURCH.

Lance Clay, pastor of the United Methodist Church, was present for the invocation.

(2) CITIZEN'S FORUM.

No one was present for Citizen's Forum.

(3) MAYOR'S ANNOUNCEMENTS & RECOGNITIONS.

There were no Mayor's announcements or recognitions.

(4) PUBLIC HEARINGS:

ITEM A PUBLIC HEARING - SPECIAL EXCEPTION REQUEST FOR A MINING OPERATION OF SAND AND GRAVEL IN AN AGRICULTURAL (AG) DISTRICT, LOCATED WITHIN THE TWO MILE EXTRA-TERRITORIAL JURISDICTION OF THE CITY OF MCCOOK ON ROAD 714 ALONG THE REPUBLICAN RIVER; A TRACT OF LAND WITHIN THE PERRY PRECINCT 35-3-30, LOTS 5 & 6 (PT NE/4) AND (PT SE/4), RED WILLOW COUNTY, NEBRASKA; PROJECT SPONSOR/ DEVELOPER - HANCOCK GRAVEL; LAND OWNER - DOAK CONSTRUCTION, INC.

Upon a motion by Councilmember Kircher, seconded by Councilmember Gonzales, the Council voted to recess as a City Council and convene a public hearing for the purpose of receiving public

comment on the special exception request for a mining operation of sand and gravel in an Agricultural (AG) District, located within the two mile extra-territorial jurisdiction of the City of McCook on Road 714 along the Republican River; a tract of land within the Perry Precinct 35-3-30, Lots 5 & 6 (PT NE/4) and (PT SE/4), Red Willow County, Nebraska; Project Sponsor/ Developer - Hancock Gravel; Land Owner - Doak Construction, Inc. 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; Exhibit #2 - the Ownership list for mailing; Exhibit #3 - the Findings and Determinations of the City Council; Exhibit #4- the City Manager's Report prepared for the January 10, 2011 Planning Commission meeting; Exhibit #5 - November 22, 2010 letter of request from Hancock Gravel & Ready-Mix Inc.; Exhibit #6 - December 6, 2010 letter from Hancock Gravel & Ready-Mix Inc.; Exhibit #7 - USDA Plat Map dated October 26, 2010; Exhibit #8 - Pumping Agreement between Doak construction, Inc. & Hancock Gravel & Ready-Mix, Inc. dated November 1, 2010; and Exhibit #9 - the Land Use Action Request for the Special Exception.

City Manager Fritsch stated that the mining operation is an existing operation that is lawfully operating within the two mile jurisdiction of the City of McCook. The necessity for a special exception is due to the expansion of the operation onto adjacent property owned by Sid and Susan Doak. The extent of the new area to be mined is on the eastern boundary of the property. The operation will not expand hours, noise or traffic beyond what is already in existence. The property, while in the flood plain, is not located in a wetland designated area. The size of area to be mined is 40 acres. The applicants included a copy of their lease agreement which defines specifically how the property is to be managed. The terms of the lease are initially for a three year time period with an additional three year option. City Staff have no objection to the request and the Planning Commission unanimously recommended approval of the request.

Jay Hancock, current owner of Hancock Gravel, was present to address questions from the Council. He stated that his current operation will be expanded west onto the Doak property. The Doak's plan to use the ponds for recreational purposes in the future. They will generate the same traffic, same number of trucks, and the same number of loads per day. No new roads will be constructed. They will continue to use the road by their office. As provided in their agreement, the ponds will not be connected when completed.

City Manager Fritsch noted that there will be no issues with the Municipal Water Well Field that is located further to the east on Mr. Hancock's property.

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** APPROVE THE REQUEST FOR A SPECIAL EXCEPTION FOR A MINING OPERATION OF SAND AND GRAVEL IN AN AGRICULTURAL (AG) DISTRICT, LOCATED WITHIN THE TWO MILE EXTRA-TERRITORIAL JURISDICTION OF THE CITY OF MCCOOK ON ROAD 714 ALONG THE REPUBLICAN RIVER; A TRACT OF LAND WITHIN THE PERRY PRECINCT 35-3-30, LOTS 5 & 6 (PT NE/4) AND (PT SE/4), RED WILLOW COUNTY, NEBRASKA; PROJECT SPONSOR/DEVELOPER - HANCOCK

GRAVEL; LAND OWNER - DOAK CONSTRUCTION, INC.; THAT THE COUNCIL IS EMPOWERED TO GRANT THIS SPECIAL EXCEPTION; THAT THE GRANTING OF THE SPECIAL EXCEPTION WILL NOT ADVERSELY AFFECT THE PUBLIC INTEREST; AND THAT SATISFACTORY PROVISIONS AND ARRANGEMENTS HAVE BEEN MADE BY THE APPLICANT CONCERNING SPECIAL EXCEPTION CONSIDERATIONS A - H.

Councilmember Kircher introduced a motion to approve the Special Exception request from Project Sponsor/Developer - Hancock Gravel and Land Owner - Doak Construction, Inc. for a mining operation of sand and gravel in an Agricultural (AG) District, located within the two mile extra-territorial jurisdiction of the City of McCook on Road 714 along the Republican River; a tract of land within the Perry Precinct 35-3-30, Lots 5 & 6 (PT NE/4) and (PT SE/4), Red Willow County, Nebraska; that the Council is empowered to grant this special exception; that the granting of the special exception will not adversely affect the public interest; and that satisfactory provisions and arrangements have been made by the applicant concerning the following issues:

- a) ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;
- b) off-street parking and loading areas where required, with particular attention to the items in (a) above, and the economic, noise, glare or odor effects of the special exception on adjoining properties and properties generally in the district;
- c) refuse and service areas, with particular reference to the items in (a) and (b) above;
- d) utilities, with reference to locations, availability and compatibility;
- e) screening and buffering with reference to type, dimensions and character;
- f) signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district;
- g) required yards and other open space;
- h) general compatibility with adjacent properties and other property in the district.

The motion was seconded by Councilmember Calvin and passed by the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

ITEM C PUBLIC HEARING - PROPOSED CHANGES TO ZONING ORDINANCE NO. 1580, BY AMENDING ARTICLE 7, AGRICULTURAL DISTRICT (AG), SECTION 704, SPECIAL EXCEPTIONS, TO ALLOW INDIVIDUAL DOMESTIC WIND TURBINES IN THE AGRICULTURE DISTRICT.

Upon a motion by Councilmember Kircher, seconded by Councilmember Gonzales, the Council voted to recess as a City Council and convene a public hearing for the purpose of receiving public comment on the proposed changes to Zoning Ordinance No. 1580, by amending Article 7, Agricultural District (AG), Section 704, Special Exceptions, to allow individual domestic wind turbines in the Agriculture District 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 - proposed Ordinance No. 2011-2850.

City Manager Fritsch stated that Staff reviewed the use of domestic use wind turbines for inclusion within the City and its jurisdiction and found that jurisdictions throughout the country are allowing these uses but in large part, predominantly agriculture zones, where setbacks, visibility issues, and noise to neighbors are of lesser concern. With the industry still in its infancy, staff recommends allowing domestic wind turbines only in the Agriculture Zone on the minimum lot standard for the zone with a Special Exception Permit. Height restrictions of fifty five (55') feet shall continue to apply unless adequate data is provided by a manufacturer regarding necessity for additional height and its safety provisions. Wind turbines would not be allowed within the City limits.

Councilmember Gonzales stated that he had received a copy of the recently amended ordinance for City of Grand Island regarding their wind systems. They have a formula that defines the size of the tower based on the acreage of their property so that it does not harm their neighbors.

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

ITEM D INTRODUCE AND APPROVE UPON ITS FIRST READING ORDINANCE NO. 2011-2850 PROVIDING FOR THE AMENDMENT OF ZONING ORDINANCE NO. 1580, BY AMENDING ARTICLE 7, AGRICULTURAL DISTRICT (AG), SECTION 704, SPECIAL EXCEPTIONS, TO ALLOW INDIVIDUAL DOMESTIC WIND TURBINES IN THE AGRICULTURE DISTRICT.

Councilmember Kircher introduced Ordinance No. 2011-2850 entitled:

AN ORDINANCE PROVIDING FOR THE AMENDMENT OF MCCOOK ZONING ORDINANCE NO. 1580, ARTICLE 7, AGRICULTURAL DISTRICT (AG), SECTION 703 - SPECIAL EXCEPTIONS, TO ALLOW INDIVIDUAL DOMESTIC WIND TURBINES; PROVIDING FOR THE REPEAL OF ANY AND ALL OTHER ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR A TIME AND DATE FROM AND AFTER WHICH THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE.

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

Ordinance No. 2011-2850 was read by title only. Motion was made by Councilmember Kircher, seconded by Councilmember Hilker, to approve Ordinance No. 2011-2850 on its first reading. Upon roll call vote the following Councilmembers voted YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None. Motion carried. Whereupon the Mayor declared said Ordinance No. 2011-2850 approved on its first reading.

(5) CONSENT AGENDA:

Councilmember Kircher requested that Item C be removed from the Consent Agenda and placed on the Regular Agenda

ITEM A APPROVE THE MINUTES OF THE JANUARY 3, 2011 REGULAR CITY COUNCIL MEETING.

Upon a motion by Councilmember Gonzales, seconded by Councilmember Calvin, the Council voted to approve the minutes of the January 3, 2011 regular City Council meeting. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

ITEM B APPROVE AND AUTHORIZE THE MAYOR TO SIGN THE CONTRACT BETWEEN THE CITY OF MCCOOK AND PROCHASKA & ASSOCIATES FOR ARCHITECTURAL SERVICES FOR THE CONSTRUCTION OF THE CITY OF MCCOOK MUNICIPAL FACILITY; THE PROJECT INCLUDES A FIRE STATION, POLICE STATION AND CITY OFFICES.

Upon a motion by Councilmember Gonzales, seconded by Councilmember Calvin, the Council voted to approve and authorize the Mayor to sign the contract between the City of McCook and Prochaska & Associates for architectural services for the construction of the City of McCook Municipal Facility; the Project includes a Fire Station, Police Station and City Offices. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

ITEM D RECEIVE AND FILE THE MINUTES OF THE JANUARY 10, 2011 PLANNING COMMISSION MEETING.

Upon a motion by Councilmember Gonzales, seconded by Councilmember Calvin, the Council voted to receive and file the minutes of the January 10, 2011 Planning Commission meeting. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

ITEM E AUTHORIZE THE MAYOR TO SIGN THE CERTIFICATE OF COMPLIANCE FOR THE 2010 MAINTENANCE AGREEMENT BETWEEN THE CITY OF MCCOOK AND THE NEBRASKA DEPARTMENT OF ROADS.

Upon a motion by Councilmember Gonzales, seconded by Councilmember Calvin, the Council voted to authorize the Mayor to sign the Certificate of Compliance for the 2010 Maintenance Agreement between the City of McCook and the Nebraska Department of Roads. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

ITEM F RECEIVE AND FILE THE FINANCIAL REPORT FOR THE QUARTER ENDING DECEMBER 31, 2010.

Upon a motion by Councilmember Gonzales, seconded by Councilmember Calvin, the Council voted to receive and file the Financial Report for the quarter ending December 31, 2010. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

## REGULAR AGENDA

ITEM 5C ACCEPT AND FILE THE REPORT REGARDING THE APPLICATION OF A NEIGHBORHOOD STABILIZATION PROGRAM 3 COMMUNITY DEVELOPMENT BLOCK GRANT SUBMISSION BY THE CITY ON BEHALF OF THE MCCOOK HOUSING AGENCY FOR THE REHABILITATION OF THE EAST WARD VILLAGE PROJECT.

Councilmember Kircher stated that he would abstain from the vote on this item due to a possible conflict of interest.

Upon a motion by Mayor Berry, seconded by Councilmember Gonzales, the Council voted to accept and file the report regarding the application of a Neighborhood Stabilization Program 3 Community Development Block Grant submission by the City on behalf of the McCook Housing Agency for the rehabilitation of the East Ward Village Project. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hilker. NAY: None. ABSTAIN: Kircher.

Mayor Berry requested that consideration of Item 6 be moved further down in the agenda when the City's Auditor is present to address.

(7) INTRODUCE AND APPROVE ORDINANCE NO. 2011-2851 AUTHORIZING THE SALE OF REPLATTED LOT 3A, BLOCK 3, REPLAT NO. 2 FIRST BISON ADDITION TO THE CITY OF MCCOOK, RED WILLOW COUNTY, NEBRASKA TO THE MCCOOK HOUSING CORPORATION, D/B/A MCCOOK HOUSING AGENCY.

Councilmember Kircher introduced Ordinance No. 2011-2851 entitled:

AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN REAL ESTATE OWNED BY THE CITY OF MCCOOK, NEBRASKA AND LOCATED IN REPLATTED LOT 3A, BLOCK 3, REPLAT NO. 2 FIRST BISON ADDITION TO THE CITY OF MCCOOK, RED WILLOW COUNTY, NEBRASKA; PRESCRIBING THE TERMS AND CONDITIONS OF SUCH SALE; AUTHORIZING THE MAYOR TO EXECUTE A PURCHASE AGREEMENT; REPEALING ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM AND FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

Councilmember Hilker asked if he would have any conflict of interest since he is a member of the Housing Agency Board.

City Attorney Schneider stated that he would not as there would be no financial benefit to him.

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

Ordinance No. 2011-2851 was read by title only. Motion was made by Councilmember Kircher, seconded by Councilmember Calvin, to approve Ordinance No. 2011-2851 on its first reading.

Upon a motion by Councilmember Kircher, seconded by Councilmember Hilker, the Council voted

to amend in the presented ordinance in Section 2(d) by striking “real estate for 2009” and inserting “real estate for 2010” and by striking “calendar year 2010” and inserting “calendar year 2011”. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

Councilmember Kircher noted that these changes would need to reflect in the purchase agreement with the Housing Agency.

The Mayor then stated the question: "Shall Ordinance No. 2011-2851 be approved on its first reading as amended?" Upon roll call vote the following Councilmembers voted YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None. Motion carried.

(8) ACCEPT AND FILE THE REPORT OF THE ARCHITECTS FOR THE MUNICIPAL FACILITIES COMPLEX.

Steve Riley, of Prochaska & Associates, presented a proposed Project Schedule for construction of the new Municipal Facility. They hope to have the bid process completed by the end of July with construction to begin in August. They are still in the process of finalizing floor plans and will have a schematic completed for presentation to the Council at the February 7 meeting.

Mr. Riley presented information regarding the Construction Management at Risk process. The Nebraska Legislature passed the Political Subdivision Construction Alternatives Act in 2008 which authorizes political subdivisions to enter into a design-build or a construction management at risk contract for a public project. He explained the differences between Design-Bid-Build (the traditional method), Design-Build, and Construction Management at Risk (CM@R). The CM@R offers the best of all worlds for the City. It gets the builders involved early on in the process and you know the guaranteed maximum price up front, assuring that the project is within the budget. The process would require that the City adopt a resolution stating they plan to use CM@R for construction of the new Municipal Facility.

Mayor Berry requested that this item be placed on the Agenda for the February 7 meeting.

(6) ACCEPT THE FINANCIAL STATEMENTS AND SUPPLEMENTAL INFORMATION FOR FISCAL YEAR ENDING SEPTEMBER 30, 2010 PREPARED BY ALMQUIST, MALTZAHN, GALLOWAY, & LUTH, CERTIFIED PUBLIC ACCOUNTANTS.

Councilmember Kircher introduced a motion to accept the Financial Statements and Supplemental Information for Fiscal Year ending September 30, 2010 prepared by Almquist, Maltzahn, Galloway, & Luth, Certified Public Accountants. Councilmember Calvin seconded the motion.

Terry Galloway of Almquist, Maltzahn, Galloway, & Luth presented the Financial Statements to the Council for the Fiscal Year ending September 30, 2010, stating that it was a clean, unqualified opinion which is becoming harder to obtain.

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.

(9) ADOPTION AND APPROVAL OF RESOLUTION NO. 2011-01 OF THE MAYOR AND COUNCIL OF THE CITY OF MCCOOK, NEBRASKA RATIFYING AND APPROVING

OF THE FORMATION OF THE CITY OF MCCOOK LEASING CORPORATION (THE "CORPORATION") AND THE ASSISTANCE BY THE CORPORATION IN PROVIDING FOR THE ACQUISITION, CONSTRUCTION, FURNISHING AND EQUIPPING OF A NEW MUNICIPAL FIRE, POLICE AND ADMINISTRATIVE FACILITY (THE "PROJECT") FOR USE BY THE CITY; AUTHORIZING AND APPROVING THE ISSUANCE BY THE CORPORATION OF ITS LEASE RENTAL REVENUE BONDS, SERIES 2011, IN AN AGGREGATE AMOUNT NOT TO EXCEED \$3,750,000; AUTHORIZING AND DIRECTING THE MAYOR OR THE VICE PRESIDENT OF THE CITY COUNCIL TO APPROVE THE FINAL TERMS AND CONDITIONS OF THE BONDS; AUTHORIZING AND APPROVING THE EXECUTION AND/OR DELIVERY OF CERTAIN DOCUMENTS RELATING TO THE OFFER, SALE AND ISSUANCE OF SUCH BONDS; PRESCRIBING THE FORM AND DETAILS OF SUCH BONDS; AND RELATED MATTERS.

Paul Grieger, of D.A. Davidson, was present to address the Council. The presented resolution provides for the formation of the City of McCook Leasing Corporation and provides for the assistance by the Corporation in the issuance of Lease Rental Revenue Bonds in an aggregate amount not to exceed \$3,750,000 for funding of the Municipal Facility housing the Fire Department, Police Department, and City Offices.

Upon a motion by Councilmember Kircher, seconded by Councilmember Calvin, the Council adopted and approved Resolution No. 2011-01 of the Mayor and Council of the City of McCook, Nebraska ratifying and approving of the formation of the City of McCook Leasing Corporation (the "Corporation") and the assistance by the Corporation in providing for the acquisition, construction, furnishing and equipping of a new municipal fire, police and administrative facility (the "Project") for use by the City; authorizing and approving the issuance by the Corporation of its Lease Rental Revenue Bonds, Series 2011, in an aggregate amount not to exceed \$3,750,000; authorizing and directing the Mayor or the Vice President of the City Council to approve the final terms and conditions of the Bonds; authorizing and approving the execution and/or delivery of certain documents relating to the offer, sale and issuance of such Bonds; prescribing the form and details of such Bonds; and related matters. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

(10) INTRODUCE AND APPROVE ORDINANCE NO. 2011-2852 AMENDING SECTION 6, SUB-SECTION 5 AND SECTION 8 OF THE CITY OF MCCOOK ECONOMIC DEVELOPMENT PLAN CLARIFYING THE MEMBERSHIP REQUIREMENTS FOR THE LOAN COMMITTEE PER THE MCCOOK ECONOMIC DEVELOPMENT PLAN.

Councilmember Kircher introduced Ordinance No. 2011-2852 entitled:

AN ORDINANCE OF THE CITY OF MCCOOK, NEBRASKA, AMENDING SECTION SIX (6), SUB-SECTION FIVE (5) AND SECTION EIGHT (8) OF THE CITY OF MCCOOK ECONOMIC DEVELOPMENT PLAN CLARIFYING THE MEMBERSHIP REQUIREMENTS FOR THE LOAN COMMITTEE PER THE MCCOOK ECONOMIC DEVELOPMENT PLAN; TO PROVIDE FOR THE REPEAL OF ANY ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING A TIME AND DATE FROM AND AFTER WHICH THIS ORDINANCE SHALL TAKE EFFECT AND BE ENFORCED.

The motion was made by Councilmember Kircher, seconded by Councilmember Calvin, that the number and title of said Ordinance be approved. Upon roll call vote the following Councilmembers

voted YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

Ordinance No. 2011-2852 was read by title only. Motion was made by Councilmember Kircher, seconded by Councilmember Gonzales, to approve Ordinance No. 2011-2852 on its first reading. Upon roll call vote the following Councilmembers voted YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None. Motion carried. Whereupon the Mayor declared said Ordinance No. 2011-2852 approved on its first reading.

- (11) 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 THIRD AND FINAL READING.

Ordinance No. 2011-2848 now came up for third and final reading. Ordinance No. 2011-2848 was read by title only and thereafter Councilmember Kircher moved for final passage of the Ordinance, which motion was seconded by Councilmember Gonzales. The Mayor then stated the question: "Shall Ordinance No. 2011-2848 be passed and adopted?" Upon roll call vote the following Councilmembers voted YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None. Motion carried. The passage and adoption of said Ordinance having been concurred in by a majority of the Council, the Mayor 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 Mayor Berry, the Council voted to publish Ordinance No. 2011-2848 in the McCook Daily Gazette, a legal newspaper, one time as required by law. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

- (12) COUNCIL COMMENTS.

Councilmember Calvin congratulated City Staff on receiving the unqualified audit report and for maintaining good cash management practices throughout the year.

- (13) ADJOURNMENT.

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

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Dennis Berry, Mayor

ATTEST:

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Lea Ann Doak, City Clerk