

MCCOOK CITY COUNCIL  
October 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; Interim City Manager Potthoff; Interim City Manager/City Clerk-Treasurer Doak.

Absent: None.

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on October 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 - STEVE BALES, 1<sup>ST</sup> CONGREGATION CHURCH.

No one was present for the invocation.

(2) CITIZEN'S FORUM.

No one was present for Citizen's Forum.

(3) MAYOR'S ANNOUNCEMENTS & RECOGNITIONS.

City Attorney Schneider informed the Council that the McCook Library Foundation is moving forward with demolition of the home on the property to the north of the Public Library which they plan to gift to the City. He will continue to work with Jason Loop, who represents the Foundation.

(4) APPROVE THE PROCLAMATION DESIGNATING MONTH OF OCTOBER 2011 AS "DOMESTIC VIOLENCE AWARENESS MONTH" AND AUTHORIZE THE MAYOR TO SIGN.

Upon a motion by Councilmember Calvin, seconded by Councilmember Kircher, the Council voted to approve the proclamation designating the month October 2011 as "Domestic Violence Awareness Month" 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 PUBLIC HEARING - REQUEST TO AMEND THE SPECIAL EXCEPTION APPROVED ON JUNE 19, 2006 TO CONSTRUCT A MULTI-FAMILY

DWELLING OF FOURTEEN (14) OR LESS LIVING UNITS, CONDO, AND OR APARTMENTS IN A RESIDENTIAL MEDIUM DENSITY (RM) DISTRICT, TO A SPECIAL EXCEPTION TO ALLOW A MULTI-FAMILY DWELLING OF FIFTEEN (15) UNITS DESIGNATED AS ELDERLY IN A RESIDENTIAL MEDIUM DENSITY (RM) DISTRICT, LOCATED IN BLOCK TWENTY-SIX (26), LOTS ONE (1) THROUGH SIX (6), SECOND ADDITION TO THE CITY OF MCCOOK, RED WILLOW COUNTY, NEBRASKA.

Upon a motion by Councilmember Kircher, seconded by Councilmember Calvin, the Council voted to recess as a City Council and convene a public hearing for the purpose of receiving public comment on the request to amend the special exception approved on June 19, 2006 to construct a multi-family dwelling of fourteen (14) or less living units, condo, and or apartments in a Residential Medium Density (RM) District, to a special exception to allow a multi-family dwelling of fifteen (15) units designated as elderly in a Residential Medium Density (RM) District, located in Block Twenty-six (26), Lots One (1) through Six (6), Second Addition to the City of McCook, Red Willow County, 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, Exhibit #2 - the Ownership List for mailing of notices; and Exhibit #3 - the Land Use Application and all attachments - 18 pages.

There being no one present to comment, upon a motion by Councilmember Gonzales, 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 TO AMEND THE SPECIAL EXCEPTION APPROVED ON JUNE 19, 2006 TO CONSTRUCT A MULTI-FAMILY DWELLING OF FOURTEEN (14) OR LESS LIVING UNITS, CONDO, AND OR APARTMENTS IN A RESIDENTIAL MEDIUM DENSITY(RM) DISTRICT, TO A SPECIAL EXCEPTION TO ALLOW A MULTI-FAMILY DWELLING OF FIFTEEN (15) UNITS DESIGNATED AS ELDERLY IN A RESIDENTIAL MEDIUM DENSITY (RM) DISTRICT; LOCATED IN BLOCK TWENTY-SIX (26), LOTS ONE (1) THROUGH SIX (6), SECOND ADDITION TO THE CITY OF MCCOOK, RED WILLOW COUNTY, NEBRASKA; PROJECT SPONSOR/DEVELOPER - WILLOW VALLEY HOUSING CORPORATION, OPERATING MEMBER OF EAST WARD VILLAGE, LLC; LAND OWNER - EAST WARD VILLAGE, LLC; 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 to amend the special exception approved on June 19, 2006 to construct a multi-family dwelling of fourteen (14) or less living units, condo, and or apartments in a Residential Medium Density(RM) District, to a special exception to allow a multi-family dwelling of fifteen (15) units designated as elderly in a Residential Medium Density (RM) District; located in Block Twenty-six (26), Lots One (1) through Six (6), Second Addition to the City of McCook, Red Willow County, Nebraska; Project Sponsor/Developer - Willow Valley Housing Corporation, Operating Member of East Ward Village, LLC; Land Owner - East Ward Village, LLC; 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 Hilker and passed by the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

ITEM C PUBLIC HEARING - CONSIDER THE PLANNED DEVELOPMENT DISTRICT TO BE KNOWN AS "EAST WARD VILLAGE", FOR BLOCK TWENTY-SIX (26), LOTS ONE (1) THROUGH SIX (6), SECOND ADDITION; BLOCK THREE (3), LOTS ONE (1) THROUGH SIX (6), FOURTH ADDITION; TOGETHER WITH THE VACATED ALLEY BETWEEN SAID BLOCKS, ALL IN THE CITY OF MCCOOK, RED WILLOW COUNTY, NEBRASKA.

Upon a motion by Councilmember Hilker, 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 Planned Development District to be known as "East Ward Village", for Block Twenty-six (26), Lots One (1) through Six (6), Second Addition; Block Three (3), Lots One (1) through Six (6), Fourth Addition; together with the vacated alley between said blocks, all in the City of McCook, Red Willow County, 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, Exhibit #2 - the Ownership List for mailing of notices; Exhibit #3 - the Land Use Application and all attachments - containing 14 pages and a map; Exhibit #4 - Letter from Craig Bennett, Miller and Associates, Planning and Development Consultant; and Exhibit #5 - proposed Ordinance No. 2011-2868.

There being no one present to comment, upon a motion by Councilmember Gonzales, 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 D INTRODUCE AND APPROVE ORDINANCE NO. 2011-2868 APPROVING THE PLANNED DEVELOPMENT DISTRICT TO BE KNOWN AS "EAST WARD VILLAGE", FOR BLOCK TWENTY-SIX (26), LOTS ONE (1) THROUGH SIX (6), SECOND ADDITION; BLOCK THREE (3), LOTS ONE (1) THROUGH SIX (6), FOURTH ADDITION; TOGETHER WITH THE VACATED ALLEY BETWEEN SAID BLOCKS, ALL IN THE CITY OF MCCOOK, RED WILLOW COUNTY, NEBRASKA.

Councilmember Kircher introduced Ordinance No. 2011-2868 entitled:

AN ORDINANCE PROVIDING FOR THE AMENDMENT OF MCCOOK ZONING ORDINANCE NO. 1580 BY DESIGNATING A TRACT OF LAND AS A PLANNED DEVELOPMENT DISTRICT; 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 Calvin, 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.

The motion was made by Councilmember Calvin that the statutory rule requiring reading on three different days be suspended. Councilmember Gonzales seconded the motion to suspend the rule and upon roll call vote the following Councilmembers voted YEA: Berry, Gonzales, Calvin, Hilker. NAY: Kircher. The motion to suspend the rule was adopted by three-fourths of the Council and the statutory rule was declared suspended for consideration of said Ordinance.

Said Ordinance was then read by title only and thereafter Councilmember Calvin moved for final passage of the Ordinance, which was seconded by Councilmember Hilker. The Mayor then stated the question: "Shall Ordinance No. 2011-2868 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 all members of the Council, the Mayor declared the Ordinance adopted and the Mayor, in the presence of the Council, 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 Calvin, seconded by Councilmember Hilker, the Council voted to publish Ordinance No. 2011-2868, 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.

(6) CONSENT AGENDA:

Councilmember Calvin requested that Item F be removed from the Consent Agenda and placed on the Regular Agenda.

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

Upon a motion by Mayor Berry, seconded by Councilmember Hilker, the Council voted to approve

the minutes of the October 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 THE APPLICATION FOR A SPECIAL DESIGNATED LIQUOR LICENSE SUBMITTED BY MO DOUGH LLC, DBA "SEHNERT'S BAKERY AND BIEROC CAFÉ", LICENSE #IK-57785, FOR "THE NIGHT FOR HOSPICE" TO BE HELD AT THE FOX THEATER, 412 NORRIS AVENUE, ON NOVEMBER 19, 2011, FROM 2:00 P.M. TO 1:00 A.M.

Upon a motion by Mayor Berry, seconded by Councilmember Hilker, the Council voted to approve the application for a Special Designated Liquor License submitted by Mo Dough LLC, dba "Sehnert's Bakery and Bieroc Café", License # IK-57785, for "The Night for Hospice" to be held at the Fox Theater, 412 Norris Avenue, on November 19, 2011, from 2:00 P.M. to 1:00 A.M. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

ITEM C APPROVE THE APPLICATION FOR A SPECIAL DESIGNATED LIQUOR LICENSE SUBMITTED BY MO DOUGH LLC, DBA "SEHNERT'S BAKERY AND BIEROC CAFÉ", LICENSE # IK-57785, FOR "THE NIGHT FOR HOSPICE" TO BE HELD AT THE KEYSTONE BUSINESS CENTER, 402 NORRIS AVENUE, ON NOVEMBER 19, 2011, FROM 2:00 P.M. TO 1:00 A.M.

Upon a motion by Mayor Berry, seconded by Councilmember Hilker, the Council voted to approve the application for a Special Designated Liquor License submitted by Mo Dough LLC, dba "Sehnert's Bakery and Bieroc Café", License # IK-57785, for "The Night for Hospice" to be held at the Keystone Business Center, 402 Norris Avenue, on November 19, 2011, from 2:00 P.M. to 1:00 A.M. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

ITEM D APPROVE THE APPLICATION FOR A SPECIAL DESIGNATED LIQUOR LICENSE SUBMITTED BY MO DOUGH LLC, DBA "SEHNERT'S BAKERY AND BIEROC CAFÉ", LICENSE #IK-57785, FOR A BUSINESS CHRISTMAS PARTY AT THE NEBRASKA NATIONAL GUARD/ARMY RESERVE BUILDING, 38709 EAST HIGHWAY 6 & 34, ON DECEMBER 9 AND 10, 2011, FROM 1:00 P.M. TO 1:00 A.M. EACH DAY.

Upon a motion by Mayor Berry, seconded by Councilmember Hilker, the Council voted to approve the application for a Special Designated Liquor License submitted by Mo Dough LLC, dba "Sehnert's Bakery and Bieroc Café", License #IK-57785, for a Business Christmas Party at the Nebraska National Guard/Army Reserve Building, 38709 East Highway 6 & 34, on December 9 and 10, 2011, from 1:00 P.M. to 1:00 A.M. each day. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

ITEM E APPROVE THE APPLICATION FOR A SPECIAL DESIGNATED LIQUOR LICENSE SUBMITTED BY MO DOUGH LLC, DBA "SEHNERT'S BAKERY AND BIEROC CAFÉ", LICENSE #IK-57785, FOR A BUSINESS CHRISTMAS PARTY AT THE NEBRASKA GUARD/ARMY RESERVE BUILDING, 38709 EAST HIGHWAY 6 & 34, ON DECEMBER 16 AND 17, 2011, FROM 1:00 P.M. TO 1:00 A.M. EACH DAY.

Upon a motion by Mayor Berry, seconded by Councilmember Hilker, the Council voted to approve the application for a Special Designated Liquor License submitted by Mo Dough LLC, dba

"Sehnert's Bakery and Bieroc Café", License #IK-57785, for a Business Christmas Party at the Nebraska Guard/Army Reserve Building, 38709 East Highway 6 & 34, on December 16 and 17, 2011, from 1:00 P.M. to 1:00 A.M. each day. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

ITEM G ACCEPT THE PUBLIC WATER SYSTEM SECURITY SUBGRANT FROM THE NEBRASKA DEPARTMENT OF HEALTH AND HUMAN SERVICES AND AUTHORIZE THE MAYOR TO SIGN THE AGREEMENT.

Upon a motion by Mayor Berry, seconded by Councilmember Hilker, the Council voted to accept the Public Water System Security Subgrant from the Nebraska Department of Health and Human Services and authorize the Mayor to sign the agreement. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

ITEM H APPROVE THE AGREEMENT BETWEEN THE CITY OF MCCOOK AND J BAR J LANDFILL, INC., A NEBRASKA CORPORATION, D/B/A WASTE CONNECTIONS OF NEBRASKA, INC. FOR THE DEPOSIT OF SOLID WASTE COLLECTED AT THE CITY'S TRANSFER STATION INTO SAID LANDFILL AND AUTHORIZE THE MAYOR TO SIGN.

Upon a motion by Mayor Berry, seconded by Councilmember Hilker, the Council voted to approve the agreement between the City of McCook and J Bar J Landfill, Inc., a Nebraska Corporation, d/b/a Waste Connections of Nebraska, Inc. For the deposit of solid waste collected at the city's Transfer Station into said landfill and authorize the Mayor to sign. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

ITEM I APPROVE THE REQUEST FROM MCCOOK NATIONAL BANK TO CLOSE OFF THE ALLEY BETWEEN NORRIS AVENUE AND WEST FIRST STREET, FROM WEST "B" STREET TO WEST "C" STREET, ON OCTOBER 29, 2011, FROM 3:00 P.M. TO 12:00 MIDNIGHT, FOR THEIR ANNUAL HALLOWEEN HAUNTED BANK TOUR.

Upon a motion by Mayor Berry, seconded by Councilmember Hilker, the Council voted to approve the request from McCook National Bank to close off the alley between Norris Avenue and West First Street, from West "B" Street to West "C" Street, on October 29, 2011, from 3:00 P.M. to 12:00 midnight, for their Annual Halloween Haunted Bank Tour. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

ITEM J APPROVE AND AUTHORIZE THE MAYOR TO SIGN THE LETTER OF AGREEMENT BETWEEN THE STATE OF NEBRASKA, DEPARTMENT OF ROADS, AND THE CITY OF MCCOOK.

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

ITEM K ADOPT RESOLUTION NO. 2011-19 APPROVING THE EXECUTION OF A STATE AGREEMENT FOR PROJECT NO. 3-31-0052-12-2011, TO BE SUBMITTED TO THE DEPARTMENT OF AERONAUTICS OF THE STATE OF NEBRASKA TO OBTAIN STATE FINANCIAL AID IN THE AMOUNT OF \$5,434.00 TO ASSIST WITH THE CONSTRUCTION OF A WILDLIFE

FENCE AT MCCOOK BEN NELSON REGIONAL AIRPORT AND AUTHORIZE THE MAYOR TO SIGN THE AGREEMENT.

Upon a motion by Mayor Berry, seconded by Councilmember Hilker, the Council voted to adopt Resolution No. 2011-19 approving the execution of a State Agreement for Project No. 3-31-0052-12-2011, to be submitted to the Department of Aeronautics of the State of Nebraska to obtain state financial aid in the amount of \$5,434.00 to assist with the construction of a Wildlife Fence at McCook Ben Nelson Regional Airport and authorize the Mayor to sign the agreement. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

ITEM L RECEIVE AND FILE THE MINUTES OF THE OCTOBER 10, 2011 PLANNING COMMISSION MEETING.

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

ITEM M APPROVE RESOLUTION NO. 2011-20 PROVIDING FOR THE ACCEPTANCE OF THE 2011 LOCAL EMERGENCY OPERATIONS PLAN.

Upon a motion by Mayor Berry, seconded by Councilmember Hilker, the Council voted to approve Resolution No. 2011-20 providing for the acceptance of the 2011 Local Emergency Operations Plan. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

**REGULAR AGENDA**

ITEM 6F APPROVE THE REQUEST FOR AMENDMENT TO EECBG AID AGREEMENT, GRANT NO. 09/10-E111 WITH THE NEBRASKA ENERGY OFFICE, FOR INSTALLATION OF INSULATION AND WINDOWS AT THE CITY SHOP AND AUTHORIZE THE MAYOR TO SIGN.

Upon a motion by Councilmember Calvin, seconded by Councilmember Hilker, the Council voted to approve the Request for Amendment to EECBG Aid Agreement, Grant No. 09/10-E111 with the Nebraska Energy Office, for installation of insulation and windows at the City Shop and authorize the Mayor to sign. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

(7) DISCUSSION REGARDING THE PROCESS OF INTRODUCING AND APPROVING ORDINANCES.

Discussion was held regarding the process of introducing and approving ordinances.

It was the consensus of the Council to proceed as follows:

First reading - The ordinance is introduced by a member of the Council and the Clerk reads the title. A motion is made stating that the ordinance has been introduced and read by title and to move to approve upon its first reading. The steps of voting on the introduction and the title have been removed.

Second reading - The title of the ordinance will be read by the clerk for the second time. A member of the Council moves to approve the ordinance upon its second reading.

Third reading - The title of the ordinance is read for a third time by the clerk. A member of the Council moves to approve the ordinance upon its third and final reading. The step of voting to publish has been removed.

Approval under suspension of the rule - The ordinance is introduced by a member of the Council and the Clerk reads the title. A motion is made stating that the ordinance has been introduced and read by title and to move to suspend the rules. A motion is then made to approve the ordinance. The steps of voting on the introduction, the title, and to publish have been removed.

(8) MUNICIPAL FACILITIES UPDATE.

Councilmember Gonzales updated the Council regarding the facility project. The concrete, rebar, steel and its erection is scheduled to bid on November 15, 2011 and some dirt work should begin the week of October 31.

(10) CONSIDER APPROVAL OF THE CITY MANAGER EMPLOYMENT AGREEMENT WITH J. JEFF HANCOCK AND IF APPROVED, AUTHORIZE THE MAYOR TO SIGN.

Upon a motion by Councilmember Calvin, seconded by Councilmember Kircher, the Council voted to approve the City Manager Employment Agreement with J. Jeff Hancock and authorize the Mayor to sign. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

(11) INTRODUCE AND APPROVE UNDER SUSPENSION OF THE RULE ORDINANCE NO. 2011-2869 SETTING THE SALARY AND COMPENSATION OF J. JEFF HANCOCK, CITY MANAGER OF THE CITY OF MCCOOK.

Councilmember Hilker introduced Ordinance No. 2011-2869 entitled:

AN ORDINANCE OF THE CITY OF MCCOOK, NEBRASKA SETTING THE SALARY AND COMPENSATION OF THE CITY MANAGER OF THE CITY OF MCCOOK; REPEALING ALL ORDINANCES IN CONFLICT HERewith; AND PROVIDING A TIME AND DATE FROM AND AFTER WHICH THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE.

The motion was made by Councilmember Hilker, seconded by Councilmember Kircher, 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.

The motion was made by Councilmember Calvin that the statutory rule requiring reading on three different days be suspended. Councilmember Hilker seconded the motion to suspend the rule and upon roll call vote the following Councilmembers voted YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None. The motion to suspend the rule was adopted by three-fourths of the Council and the statutory rule was declared suspended for consideration of said Ordinance.

Said Ordinance was then read by title only and thereafter Councilmember Calvin moved for final passage of the Ordinance, which was seconded by Councilmember Kircher. The Mayor then stated the question: "Shall Ordinance No. 2011-2869 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 all members of the Council, the Mayor declared the Ordinance adopted and the Mayor, in the presence of the Council, 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 Gonzales, the Council voted to publish Ordinance No. 2011-2869, 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.

(9) COUNCIL COMMENTS.

Councilmember Kircher stated that he was glad to have Mr. Hancock on board as City Manager.

The Council thanked the city law enforcement, city staff, and all other agencies involved, with the peaceful resolution to the recent incident.

(12) AN EXECUTIVE SESSION MAY BE HELD UPON A MAJORITY VOTE OF THE COUNCIL FOR A STRATEGY SESSION WITH RESPECT TO A POTENTIAL REAL ESTATE PURCHASE FOR THE CATION WASTE DISPOSAL SYSTEM.

Upon a motion by Councilmember Kircher, seconded by Councilmember Hilker, the Council voted to move into an executive session for a strategy session with respect to a potential real estate purchase for the cation waste disposal system at 8:35 P.M. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

The Mayor then stated for the record at this time, pursuant to the Nebraska Open Meetings Act, a closed session will be held for the purpose of a strategy session with respect to a potential real estate purchase for the cation waste disposal system. The Council will reconvene in public session following this closed session.

Upon a motion by Councilmember Calvin, seconded by Councilmember Gonzales, the Council voted to move out of executive session at 8:49 P.M. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

(13) AUTHORIZE THE CITY ATTORNEY TO BEGIN THE NEGOTIATION PROCESS WITH RESPECT TO A POTENTIAL REAL ESTATE PURCHASE FOR THE CATION WASTE DISPOSAL SYSTEM.

Upon a motion by Councilmember Calvin, seconded by Councilmember Gonzales, the Council voted to authorize the City Attorney to begin the negotiation process with respect to a potential real estate purchase for the cation waste disposal system. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

(14) ADJOURNMENT.

There being no further business to come before the Council, Mayor Berry declared the meeting adjourned at 8:50 P.M.

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Dennis Berry, Mayor

ATTEST:

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Lea Ann Doak, City Clerk-Treasurer