

MCCOOK CITY COUNCIL
October 1, 2012
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, Calvin, Hepp, McDowell; City Manager Hancock; City Attorney Schneider; City Clerk-Treasurer Doak.

Absent: None.

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on September 27, 2012, 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) PLEDGE OF ALLEGIANCE.

Mayor Berry led the Council and audience in the Pledge of Allegiance.

(3) CITIZEN'S FORUM.

No one was present for Citizen's Forum.

(4) MAYOR'S ANNOUNCEMENTS & RECOGNITIONS.

City Manager Hancock thanked all who were involved with the Heritage Days parade and events this past weekend. It was a very well organized event. He commended the Police Department, the Public Works Department, McCook Area Chamber of Commerce, and all others who help with making this event successful.

Mr. Hancock recognized Administrative Assistant Tracy Burkey and City Clerk Doak for all that they have done with the planning of the new Municipal Center.

He reminded the Council that the Downtown Planning Steering Committee is scheduled to meet on October 2 with a public forum to be held on October 3, the City Wide Steering Committee for update of the Comprehensive Plan and Housing Study are scheduled to meet on October 18, and a Design Studio and Public Presentation are scheduled for October 23 and 24 for Downtown Revitalization.

(5) PROCLAMATIONS:

ITEM A APPROVE THE PROCLAMATION DESIGNATING THE MONTH OF OCTOBER 2012 AS “DOMESTIC VIOLENCE AWARENESS MONTH” AND AUTHORIZE THE MAYOR TO SIGN.

Upon a motion by Councilmember Calvin, seconded by Councilmember Hepp, the Council voted to approve the proclamation designating the month of October 2012 as “Domestic Violence Awareness Month” and authorize the Mayor to sign. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

ITEM B APPROVE THE PROCLAMATION DESIGNATING OCTOBER 7 - 13, 2012 AS “FIRE PREVENTION WEEK” AND AUTHORIZE THE MAYOR TO SIGN.

Upon a motion by Councilmember Calvin, seconded by Councilmember Hepp, the Council voted to approve the proclamation designating October 7 - 13, 2012 as “Fire Prevention Week” and authorize the Mayor to sign. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

(6) CONSENT AGENDA:

Councilmember Hepp requested that Item B be removed from the Consent Agenda and placed on the Regular Agenda.

ITEM A APPROVE THE MINUTES OF THE SEPTEMBER 17, 2012 REGULAR CITY COUNCIL MEETING.

Upon a motion by Mayor Berry, seconded by Councilmember Gonzales, the Council voted to approve the minutes of the September 17, 2012 regular City Council meeting. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

ITEM C APPROVE THE APPLICATION FOR A SPECIAL DESIGNATED LIQUOR LICENSE SUBMITTED BY THE MCCOOK AREA CHAMBER OF COMMERCE FOR A MIXER TO BE HELD AT WAGNER CHEVROLET, 201 EAST “B” STREET, ON OCTOBER 10, 2012 FROM 5:30 P.M. TO 7:00 P.M.

Upon a motion by Mayor Berry, seconded by Councilmember Gonzales, the Council voted to approve the application for a Special Designated Liquor License submitted by the McCook Area Chamber of Commerce for a mixer to be held at Wagner Chevrolet, 201 East “B” Street, on October 10, 2012 from 5:30 P.M. to 7:00 P.M. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

ITEM D APPROVE THE REQUEST FROM MCCOOK NATIONAL BANK TO CLOSE OFF THE ALLEY BETWEEN NORRIS AVENUE AND FIRST STREET WEST FROM WEST “B” STREET TO WEST “C” STREET ON OCTOBER 27, 2012 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 Gonzales, the Council voted to approve the request from McCook National Bank to close off the alley between Norris Avenue and First Street West from West “B” Street to West “C” Street on October 27, 2012 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, Calvin, Hepp, McDowell. NAY: None.

ITEM E APPROVE THE MCCOOK ROTARY CLUB REQUEST TO UTILIZE THE CITY STREETS AND WALKING TRAIL BEGINNING AT 8:30 A.M. ON OCTOBER 27, 2012 TO CONDUCT A 5K ROAD RACE.

Upon a motion by Mayor Berry, seconded by Councilmember Gonzales, the Council voted to approve the McCook Rotary Club request to utilize the city streets and Walking Trail beginning at 8:30 A.M. on October 27, 2012 to conduct a 5K Road Race. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

ITEM F APPROVE THE REQUEST FROM AMFIRST BANK TO UTILIZE KELLEY PARK, THE WALKING TRAIL, AND THE FORMER BROKEN TEE GOLF COURSE BETWEEN THE HOURS OF 5:30 P.M. AND 10:00 P.M. ON OCTOBER 20, 2012 TO CONDUCT A 5K ROAD RACE.

Upon a motion by Mayor Berry, seconded by Councilmember Gonzales, the Council voted to approve the request from AmFirst Bank to utilize Kelley Park, the Walking Trail, and the former Broken Tee Golf Course between the hours of 5:30 P.M. and 10:00 P.M. on October 20, 2012 to conduct a 5K Road Race. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

ITEM G AUTHORIZE CENTURY LINK TO OCCUPY CITY RIGHT OF WAY FOR THE INSTALLATION OF UNDERGROUND FIBER OPTIC CABLE AND AUTHORIZE THE MAYOR TO SIGN THE APPLICATION TO OCCUPY RIGHT OF WAY.

Upon a motion by Mayor Berry, seconded by Councilmember Gonzales, the Council voted to authorize Century Link to occupy City Right of Way for the installation of underground fiber optic cable and authorize the Mayor to sign the application to Occupy Right of Way. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

ITEM H DECLARE THE LISTED ABANDONED AND UNCLAIMED VEHICLES AND PROPERTY AS SURPLUS CITY PROPERTY TO BE DISPOSED OF IN THE APPROPRIATE LEGAL MANNER.

Upon a motion by Mayor Berry, seconded by Councilmember Gonzales, the Council voted to declare the listed abandoned and unclaimed vehicles and property as Surplus City Property to be disposed of in the appropriate legal manner. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

ITEM I RECEIVE AND FILE THE MINUTES OF THE AIRPORT ADVISORY COMMISSION DATED APRIL 10, 2012 AND THE BUILDING CODE REVIEW COMMITTEE DATED AUGUST 22, 2012.

Upon a motion by Mayor Berry, seconded by Councilmember Gonzales, the Council voted to receive and file the minutes of the Airport Advisory Commission dated April 10, 2012 and the Building Code Review Committee dated August 22, 2012. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

ITEM J APPROVE RESOLUTION NO. 2012-17 AMENDING THE RATES FOR THE AMBULANCE SERVICE OPERATED BY THE CITY OF MCCOOK,

NEBRASKA.

Upon a motion by Mayor Berry, seconded by Councilmember Gonzales, the Council voted to approve Resolution No. 2012-17 amending the rates for the ambulance service operated by the City of McCook, Nebraska. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

ITEM K APPROVE THE BID SPECIFICATIONS FOR THREE (3) NEW CARDIAC MONITOR/ DEFIBRILLATORS AND SET THE DATE TO RECEIVE BIDS AS OCTOBER 24, 2012 AT 2:00 P.M., THIS RECOMMENDATION IS CONTINGENT UPON THE PASSING OF RESOLUTION NO. 2012-17, AMENDING AMBULANCE BASE RATES FOR AMBULANCE SERVICE OPERATED BY THE CITY OF MCCOOK, NEBRASKA.

Upon a motion by Mayor Berry, seconded by Councilmember Gonzales, the Council voted to approve the bid specifications for three (3) new Cardiac Monitor/ Defibrillators and set the date to receive bids as October 24, 2012 at 2:00 P.M., this recommendation is contingent upon the passing of Resolution No. 2012-17, amending ambulance base rates for ambulance service operated by the City of McCook, Nebraska. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

ITEM L RECEIVE AND FILE CLAIM FOR DAMAGES FROM LARRY SIEBRANDT AND KAREN SIEBRANDT AND INSTRUCT THAT IT BE SUBMITTED TO THE CITY'S INSURANCE CARRIER FOR REVIEW AND APPROPRIATE ACTION.

Upon a motion by Mayor Berry, seconded by Councilmember Gonzales, the Council voted to receive and file claim for damages from Larry Siebrandt and Karen Siebrandt 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: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

REGULAR AGENDA

ITEM 6B RECEIVE AND FILE THE CONFIRMATION OF AN EMERGENCY PURCHASE OF TWO (2) 2006 FREIGHTLINER SEMI TRACTORS FOR THE TRANSFER STATION, AT A COST OF \$34,900.00 EACH, DUE TO THE RECENT BUILD UP OF TRASH CAUSING AN INTERRUPTION OF THE NORMAL ADMINISTRATION OF CITY SERVICES, THEREBY JEOPARDIZING THE LIFE, HEALTH, OR CONVENIENCE OF CITIZENS.

Councilmember Hepp introduced a motion to receive and file the confirmation of an emergency purchase of two (2) 2006 Freightliner Semi Tractors for the Transfer Station, at a cost of \$34,900.00 each, due to the recent build up of trash causing an interruption of the normal administration of city services, thereby jeopardizing the life, health, or convenience of citizens. Councilmember Gonzales seconded the motion.

City Manager Hancock stated that was not a decision that was made lightly and stemmed from the City's responsibility to ensure trash service. Through the City's Emergency Purchase policy the City Manager has the authority to make this purchase. This purchase was made due to concerns with the excessive buildup of trash as the Transfer Station over the last couple of months. In late

August and early September, the Transfer Station was one unexpected load away from having to shut down. This would have caused no trash to be dumped at the facility for a period of time, causing a backlog of trash and adding additional expense and inconvenience to the citizens, commercial haulers and city staff. On September 10, the Transfer Station floor was cleaned, due to extra efforts by both the City Staff and the hauler. Unfortunately, at the end of that week, the hauler was back to only having one trailer available, causing the trash to again build on the floor. In order to protect the City and its rate payers, due to concerns whether the hauler would be able to continue hauling, the decision was made on Wednesday, September 19, to make this purchase in order to have a back up plan in place that was ready to go, if the trash continued to accumulate.

John Hanson questioned the purchase, the City's failure to inform the citizens or councilors of what was happening, if another possible hauler had been contacted, and if the City would delay another budgeted item due to this emergency purchase.

City Manager Hancock stated that the Council had been notified of the situation during executives sessions at September Council meetings.

Mr. Steve Fritz, current hauler for the City, asked what happened at the former landfill when it was closed when it was too windy – it was never the end of the world. He realized that the Transfer Station had been full, but it was never necessary for it to be closed. He did not feel that the emergency purchase was warranted.

Public Works Director Potthoff, stated that on July 18, 2012, City Staff had their first meeting with Mr. Fritz. They discussed a plan to get the floor clean, the City agreed to using overtime to load trucks in order to get four loads per day out, the City began loading after hours, and Mr. Fritz was told that if he was proposing a rate increase, that he needed to get something in to the City in writing. As of today's meeting we have yet to receive any type of proposed increase in writing from Mr. Fritz. On July 25, 2012, the City loaded ten dump trucks with trash in order to make room for customers inside the Transfer Station to be able to dump. On September 14, 2012, Mr. Fritz was down to one truck. His second truck returned on September 22, 2012. On September 19, 2012, the City purchased two freightliner semi tractors. Reasons for the purchase were that Mr. Fritz was back down to one truck. The City had just went through several weeks of having the Transfer Station full. At times the City was only able to unload one vehicle at a time. With trash piled approximately 15 feet high inside the Transfer Station, staff had serious concerns about the safety of both its employees, as well as customers who were unloading their vehicles. Also, the Transfer Station was one unexpected load from being completely full, which would have made it necessary to close the Transfer Station, which would eliminate any dumping at the facility and would have caused the City and its customers, which includes a large part of SW Nebraska, to directly haul trash to another facility, which would have added cost and time and would have likely caused trash to not be collected in a timely fashion causing trash to build up in alleys and in front yards, potentially causing a health issue. With Mr. Fritz down to one truck and trailer, trash began to build inside the facility once again, and to try and avoid another crisis inside of the Transfer Station, the decision was made to make the emergency purchase.

Mr. Potthoff acknowledged Mr. Fritz's statement that in the past the old landfill had to be closed and didn't know what the difference would be. Mr. Potthoff explained that the difference was that a Transfer Station has limited space, compared to a landfill.

Councilmember Hepp asked if the City would have any other uses for these vehicles.

Public Works Director Potthoff responded that staff has been considering the possible purchase of

a side-dump trailer so the semi trucks could be used during snow removal and that it would allow the City to purchase salt via rail for the Water Treatment Plant.

City Attorney Schneider read the definition for an emergency from the City of McCook Code of Ordinances; an "EMERGENCY shall be defined as any event that interrupts the normal administration of city services, thereby jeopardizing the life, health or convenience of citizens."

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

- (7) CONSIDER AN AMENDMENT TO THE WASTE HAULING CONTRACT BETWEEN FRITZ TRUCKING AND THE CITY OF MCCOOK TO AMEND THE CONTRACT PRICE FROM \$13.50/TON TO \$16.50/TON AND IF APPROVED, AUTHORIZE THE MAYOR TO SIGN.

Councilmember Gonzales introduced a motion to approve an amendment to the Waste Hauling Contract between Fritz Trucking and the City of McCook amending the contract price from \$13.50/ton to \$16.50/ton and if approved, authorize the Mayor to sign. Councilmember McDowell seconded the motion.

Councilmember McDowell stated he had concerns with approving a change in the middle of a contract that had been bid out. He did not feel that is fair to the bidding process and asked if there ever was a tonnage guarantee.

Public Works Director Potthoff stated that the contract with Mr. Fritz states:

"The CITY makes no guarantee or representations as to any tonnage that will be received by the City Transfer Station for any period of time or for the term of the contract."

and that the bid specifications contain the following language:

"The City of McCook will **not** guarantee any tonnage on a daily, weekly, or yearly basis."

Mr. Fritz stated that he was the hauler for the City for an eight-year period and was outbid for the next contract and is now in this third year of a five-year contract and that he has never asked for a rate increase before. He noted that the previous hauler was granted the addition of a fuel surcharge several months into the contract and a rate increase at a later date. The business has really changed over the last few years. He is making considerably more trips than was previously required and the weight per load has consistently decreased. This is partly due to the amount of construction material which is bulkier, takes up more room, but weighs less. He had been told if he did not feel a load was heavy enough that he could reject that load, which he recently did.

Public Works Director Potthoff acknowledged that Mr. Fritz rejected a load and that there was difference of opinion what makes a reject load. That issue has been addressed.

Mr. Potthoff stated that on August 27, 2012, during a meeting with Mr. Fritz, City Manager Hancock, and Solid Waste Superintendent Rick Province, Mr. Fritz verbally gave the City three proposals for a rate increase; 1) \$2.00 increase plus 25 ton guarantee, 2) \$4.00 increase with no guaranteed tonnage, and a 27 ton guarantee with no increase per ton. Mr. Fritz was told that if he

had the floor cleaned by September 11th that a proposal of \$2.00 per ton and a 25 ton guarantee would be taken to the Council. After reviewing his proposal it was determined that the City could not guarantee Mr. Fritz an illegal load and City Staff did not feel that a guaranteed tonnage would be good for the rate payers, as they would be paying for tonnage that was not being hauled.

On September 12, 2012, City Staff again met with Mr. Fritz and explained the proposed \$2.00/ton increase going to the City Council. Mr. Fritz wanted to know why there was no guaranteed tonnage. Mr. Potthoff explained that he was not comfortable committing the rate payers to paying for tonnage that was not being hauled plus we could not guarantee an illegal load. At that time Mr. Fritz stated that there was no reason to take this proposal to Council as it would not work for him. Mr. Fritz was told that if he had another proposal that might work for him, to please let the City know in writing.

Mayor Berry asked Mr. Fritz if, in terms of the contract, he had met the requirements. Did we have two truck and two trailers available daily?

Mr. Fritz acknowledged the \$300 per day penalty for not meeting these requirements and that he had not met the terms as required, adding that provision is made for maintenance. Mr. Fritz explained the maintenance issues that were ongoing for a week with a transmission.

Councilmember Gonzales stated that he was not comfortable with the proposed \$3.00 per ton increase, that is a 22% increase. He asked that if in the future when less construction material is being hauled and the loads go back to be less bulkier and weigh more, will the rate be decreased at that time?

The Mayor then stated the question: "Shall the motion on the floor for be approved as stated?" Upon roll call vote the following Councilmembers voted YEA: None. NAY: Berry, Gonzales, Calvin, Hepp, McDowell. Motion failed.

(8) HEAR THE APPEAL BY LARSON GROUP, LLC TO REVERSE THE DECISION OF THE ZONING ADMINISTRATOR TO DENY AN APPLICATION FOR A LOT SPLIT AT 1604 WEST "J" STREET AND EITHER AFFIRM OR REVERSE THE ZONING ADMINISTRATOR'S DECISION.

City Manager Hancock stated that an application by the Larson Group LLC for an Administrative Lot Split at 1604 West J Street was denied by the Zoning Administrator on September 13, 2012. Reasons for denial were:

- Administrative lot splits can be only be done if "each lot created...has at least 50 feet of frontage on an adjacent "public street." and at least 30 feet of frontage on any adjacent alley or a 10-foot wide utility easement along the rear property line if no alley adjoins the lot.
- A roadway is defined as: "the portion of a street right-of-way developed for vehicular traffic and comprising the distance between property lines measured at right angles to the center line of the street."
- A street is: "the entire width between the boundary lines of every way which provides for public uses for the purpose of vehicular and pedestrian traffic and the placement of utilities.
- Public access is: "the length of the property abutting on one side of a street measured along the dividing line between the property and the street.

City Ordinance notes that denials of an Administrative Subdivision (Lot Split) by the Zoning Administrator can be appealed to the City Council. The City Council may affirm or reverse the

Zoning Administrator's decision.

A denial of an administrative lot split does not eliminate the ability of an applicant to subdivide as desired, it results in the applicant moving to a higher level of subdividing by providing to the City a Minor Subdivision Plat that would be reviewed by the Planning Commission and then forwarded to the City Council for approval or denial.

A letter was received from the applicant Larson Group, LLC, and supplemental information from the Real Estate Broker, Melanie Goodenberger, Dan Miller representative for the Larson Group, LLC, and Sid and Sue Doak potential purchasers of the property requesting that the Council review the denial and agree to reverse the decision made by the City Manager.

The City's Subdivision Regulations do not grant the Zoning Administrator the authority to approve the request since the request does not meet the zoning and subdivision ordinance requirements as outlined in the September 13 denial letter, if the administrative lot split was approved, there may not be the necessary public improvements in place for a building permit to be issued on the south lot. Without the proper improvements (street, drainage, etc.) to the proposed new lot, building and development on the lot could negatively impact the surrounding neighborhood.

Dan Miller, representing the seller, the Larson Group, LLC, presented the proposed Lot Split with a 60' street access to the property via West "I" Street from the east, presented pictures showing a similar property allowed to be developed with only the 60' end of street access on West "F" Street, plat maps of both locations in question. Both locations only have access at the end of the street, and the subject property has access on both the East and West sides whereas the West "F" Street property only has end of street access on the east side. Neither property has street frontage as described in the denial letter from City Manager Hancock. Mr. Miller stated that the seller did not feel it was their responsibility to provide for improvements to the property before selling. They were wanting to split the parcel off to be sold and felt that the purchaser should be responsible for providing necessary improvements when developed. Not knowing what the parcel would be used for in the future, they had nothing to gain by investing in improvements to the property.

Sue Doak, potential buyer questioned do we have 50' of paved front footage.

City Attorney Schneider clarified that it must have at least 50' of frontage on an adjacent public street.

Upon a motion by Councilmember Gonzales, seconded by Councilmember Hepp, the Council voted to affirm the decision of the Zoning Administrator to deny the application by the Larson Group, LLC for a Lot Split at 1604 West "J" Street. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

- (9) INTRODUCE AND APPROVE UNDER SUSPENSION OF THE RULE, ORDINANCE NO. 2012-2885 AMENDING CHAPTER 35, CITY ORGANIZATIONS, OF THE CITY OF MCCOOK, NEBRASKA CODE OF ORDINANCES, BY ADDING SECTION 35.035, TREE ADVISORY BOARD, PROVIDING FOR THE CREATION OF A TREE ADVISORY BOARD.

Mayor Berry introduced Ordinance No. 2012-2885 by title. The Clerk read the Ordinance by title:

AN ORDINANCE OF THE CITY OF MCCOOK, NEBRASKA AMENDING CHAPTER 35, CITY ORGANIZATIONS, OF THE CITY OF MCCOOK, NEBRASKA CODE OF ORDINANCES, BY ADDING SECTION 35.035, TREE ADVISORY BOARD; PROVIDING

FOR THE CREATION OF A TREE ADVISORY BOARD; PROVIDING FOR THE REPEAL OF ANY AND ALL ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM AND FOR A TIME AND DATE FROM AND AFTER WHICH THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE.

Ordinance No. 2012-2885 was introduced and read by title only. Mayor Berry moved 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, Hepp, McDowell. 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.

Councilmember Calvin moved for final passage of the Ordinance, which was seconded by Councilmember McDowell. The Mayor then stated the question: "Shall Ordinance No. 2012-2885 be passed and adopted?" Upon roll call vote the following Councilmembers voted YEA: Berry, Gonzales, Calvin, Hepp, McDowell. 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 lawfully passed and adopted upon publication as required by law.

(10) MUNICIPAL FACILITIES UPDATE.

City Staff gave an update regarding the construction of the Municipal Center.

(11) COUNCIL COMMENTS.

The Council congratulated the City crews and the McCook Area Chamber of Commerce on the successful Heritage Days event help this past weekend.

(12) ADJOURNMENT.

There being no further business to come before the Council, Mayor Berry declared the meeting adjourned at 8:45 P.M.

Dennis Berry, Mayor

ATTEST:

Lea Ann Doak, City Clerk