

MCCOOK CITY COUNCIL
February 15, 2010
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 Kircher, Anderson, Calvin; City Attorney Schneider; City Manager Fritsch; City Clerk-Treasurer Doak.

Absent: Councilmember Gonzales.

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on February 11, 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.

Emmanuel Reinbold, pastor of the First Nazarene 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 HEARING:

ITEM A CONDUCT A PUBLIC HEARING ON THE APPLICATION OF A & N RESTAURANT, LLC; DBA "COPPERMILL RESTAURANT & LOUNGE", FOR A CLASS "I" - (BEER, WINE & DISTILLED SPIRITS, ON SALE ONLY) LICENSE UNDER THE NEBRASKA LIQUOR CONTROL COMMISSION, TO BE LOCATED AT HWY 83 & COPPERMILL STREET, MCCOOK, 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 application of A & N Restaurant, LLC; dba "Coppermill Restaurant & Lounge", for a Class "I" - (Beer, Wine & Distilled Spirits, On Sale Only) License under the Nebraska Liquor Control Commission, to be located at Hwy 83 & Coppermill Street, McCook, Nebraska with the City Attorney to act as hearing

officer. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Calvin. NAY: None. ABSENT: Gonzales.

The City Attorney offered and received into evidence Exhibit #1 - Notice of Hearing published and Exhibit #2 - the Liquor Application 1 - 67 pages.

Adam Siegfried, representing the applicants, presented their request to the Council. He and Nicholas Nothnagel are buying the existing restaurant known as the Coppermill Restaurant and Lounge and plan to operate the business much the same as the previous owner has for several years.

No one spoke in opposition of the application.

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

ITEM B RECOMMEND APPROVAL TO THE NEBRASKA LIQUOR CONTROL COMMISSION THE APPLICATION OF A & N RESTAURANT, LLC; DBA "COPPERMILL RESTAURANT & LOUNGE", FOR A CLASS "I" - (BEER, WINE & DISTILLED SPIRITS, ON SALE ONLY) LICENSE UNDER THE NEBRASKA LIQUOR CONTROL COMMISSION, TO BE LOCATED AT HWY 83 & COPPERMILL STREET, MCCOOK, NEBRASKA.

Upon a motion by Councilmember Kircher, seconded by Councilmember Anderson, the Council voted to recommend approval to the Nebraska Liquor Control Commission the application of A & N Restaurant, LLC; dba "Coppermill Restaurant & Lounge", for a Class "I" - (Beer, Wine & Distilled Spirits, On Sale Only) License under the Nebraska Liquor Control Commission, to be located at Hwy 83 & Coppermill Street, McCook, Nebraska. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Calvin. NAY: None. ABSENT: Gonzales.

(5) CONSENT AGENDA:

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

ITEM A APPROVE THE MINUTES OF THE FEBRUARY 1, 2010 REGULAR CITY COUNCIL MEETING.

Upon a motion by Mayor Berry, seconded by Councilmember Kircher, the Council voted to approve the minutes of the February 1, 2010 regular City Council meeting. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Calvin. NAY: None. ABSENT: Gonzales.

ITEM D RECEIVE AND FILE REQUEST FOR DEMOLITION OF RESIDENTIAL AND COMMERCIAL STRUCTURES UNDER THE NEIGHBORHOOD STABILIZATION PROGRAM (NSP).

Upon a motion by Mayor Berry, seconded by Councilmember Kircher, the Council voted to receive and file request for demolition of residential and commercial structures under the Neighborhood Stabilization

Program (NSP). The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Calvin. NAY: None. ABSENT: Gonzales.

REGULAR AGENDA

ITEM 5B APPROVE PAYMENT USING SALES TAX FUNDS IN THE AMOUNT OF \$42,400 TO THE NEBRASKA DEPARTMENT OF ROADS FOR WATER SERVICE LINES WHICH WERE INSTALLED IN THE SECOND PHASE OF THE "J" STREET RESURFACING PROJECT.

Councilmember Anderson introduced a motion to approve payment using sales tax funds in the amount of \$42,400 to the Nebraska Department of Roads for water service lines which were installed in the second phase of the "J" Street Resurfacing Project. Motion was seconded by Councilmember Kircher.

Councilmember Kircher introduced a motion to postpone consideration of this item to allow for further review of current regulations concerning stimulus funded projects. Motion died for lack of a second.

The Mayor then stated the question: "Shall the motion on the floor be approved?" Upon roll call vote the following Councilmembers voted YEA: Berry, Anderson, Calvin. NAY: Kircher. ABSENT: Gonzales.

ITEM 5C APPROVE AND AUTHORIZE THE CITY MANAGER TO SIGN A PROFESSIONAL ENGINEERING AGREEMENT WITH MILLER & ASSOCIATES, CONSULTING ENGINEERS, P.C., FOR THE DESIGN AND CONSTRUCTION INSPECTION OF THE KARRER PARK LIFT STATION FORCE MAIN UPGRADE.

Upon a motion by Councilmember Anderson, seconded by Councilmember Calvin, the council voted to approve and authorize the City Manager to sign a Professional Engineering Agreement with Miller & Associates, Consulting Engineers, P.C., for the Design and Construction Inspection of the Karrer Park Lift Station Force Main Upgrade. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Calvin. NAY: None. ABSENT: Gonzales.

(6) DIRECT CITY STAFF TO ABATE THE NUISANCES LOCATED AT 305 EAST 12TH STREET.

Upon a motion by Mayor Berry, seconded by Councilmember Calvin, the Council directed City Staff to abate the nuisances located at 305 East 12th Street. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Calvin. NAY: None. ABSENT: Gonzales.

(7) DISCUSS OPTIONS FOR PARK ROAD ON THE SOUTH SIDE OF THE LOWER SHELTER HOUSE IN KELLEY PARK.

Two options for the park road on the south side of the lower shelter house in Kelley Park were discussed. One would be to eliminate the road as a through street and construct some type of cul-de-sac which would include parking for the activities in the park and would enter off of East 5th Street. In the last several years, the foot traffic in this area has increased with the addition of the disc golf course and the recently completed walking trail. Eliminating the through road should reduce the speed at which automobiles travel in this area, in return, reducing the risk to pedestrians. The other option would be to improve the

road with new asphalt in its current alignment.

It was the consensus of the Council to have this item placed on the agenda of the next regular meeting for selection of the preferred option.

- (8) CONSIDER THE REQUEST FROM SOUTHWEST NEBRASKA HABITAT FOR HUMANITY TO WAIVE OR DISCOUNT DUMPING FEES AT THE CITY OF MCCOOK TRANSFER STATION FOR HABITAT FOR HUMANITY PROJECTS.

Councilmember Kircher introduced a motion to approve the request from the Southwest Nebraska Habitat for Humanity to waive or discount dumping fees at the City of McCook Transfer Station for Habitat for Humanity projects. Councilmember Anderson seconded the motion.

Upon a motion by Councilmember Kircher, seconded by Mayor Berry, the Council voted to amend the motion to state "to discount dumping fees to reflect City of McCook actual costs for Southwest Nebraska Habitat for Humanity projects." The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Calvin. NAY: None. ABSENT: Gonzales.

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

- (9) COUNCIL COMMENTS.

There were no council comments.

- (10) ADJOURNMENT.

There being no further business to come before the Council, Mayor Berry declared the meeting adjourned at 8:55 P.M.

Dennis Berry, Mayor

ATTEST:

Lea Ann Doak, City Clerk