

MCCOOK CITY COUNCIL
March 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, Gonzales; 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 March 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 - BRUCE LESTER, EVANGELICAL FREE CHURCH.

Bruce Lester, pastor of the Evangelical Free Church, was present for the invocation.

(2) CITIZEN'S FORUM.

No one was present for Citizen's Forum.

(3) MAYOR'S ANNOUNCEMENTS & RECOGNITIONS.

City Manager Fritsch informed the Council of the following changes to the Consent Agenda:

Item 4E needs to be removed. It is listed on the Consent Agenda as Item 5G and should be considered at that time.

The property of 508 East 2nd needs to be removed from Item 5B. Approval from the property owner has not yet been received. The property listed as 310 East 2nd Street should be 301 East 2nd Street.

(4) PUBLIC HEARING:

ITEM A PUBLIC HEARING CONCERNING AN APPLICATION TO THE DEPARTMENT OF ECONOMIC DEVELOPMENT FOR A GRANT UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT ("CDBG") PROGRAM; THE CITY IS REQUESTING \$505,000 FOR THE 21ST CENTURY SYSTEMS, INC. (21CSI) MCCOOK EXPANSION PROJECT AT

THE KEYSTONE BUSINESS CENTER, \$500,000 FOR DIRECT FINANCIAL ASSISTANCE TO FOR-PROFIT BUSINESS ACTIVITY AND \$5,000 FOR GENERAL ADMINISTRATION ACTIVITY.

Upon a motion by Councilmember Kircher, seconded by Councilmember Anderson, the Council voted to recess as a City Council and convene a public hearing for the purpose of receiving public comment on the application to the Department of Economic Development for a grant under the Community Development Block Grant ("CDBG") program; the City is requesting \$505,000 for the 21st Century Systems, Inc. (21CSI) McCook Expansion Project at the Keystone Business Center, \$500,000 for direct financial assistance to for-profit business activity and \$5,000 for general administration activity with the City Attorney to act as hearing officer. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Calvin, Gonzales. NAY: None.

The City Attorney stated that the public hearing was for the purpose of receiving public comment on the application to the Department of Economic Development for a grant under the Community Development Block Grant ("CDBG") program; the City is requesting \$505,000 for the 21st Century Systems, Inc. (21CSI) McCook Expansion Project at the Keystone Business Center, \$500,000 for direct financial assistance to for-profit business activity and \$5,000 for general administration activity and he offered and received into evidence Exhibit #1 - Notice of Hearing published and Exhibit #2 - the Application for Economic Development Category - Community Development Block Grant - Nebraska Department of Economic Development Number 09-ED-012.

Rex Nelson, McCook Economic Development Corporation Executive Director, presented the application to the Council. The application is for \$505,000 for the 21st Century Systems, Inc. McCook Expansion Project at the Keystone Business Center; \$500,000 for direct financial assistance to for-profit business activity and \$5,000 for general administration activity. They will rent approximately 5,600 square feet of space presently being renovated by McCook Economic Development Corporation at the Keystone and will, at their expense, build out a 970 square foot data center in the basement of the building. These actions are in direct support of their plan to expand existing operations, plus add two entirely new enterprises, to include the establishment of a satellite imagery processing and storage business unit. To accommodate the physical and enterprise expansion, the company will invest over \$1.2 million which will pay for: (1) (\$400,000) equipping and furnishing an entire floor in the Keystone to allow for expansion of current operations; (2) (\$300,000) build out of a separate data center in support of the new imagery operations; and (3) (\$500,000) purchase and install imagery support hardware. Expansion of current operations combined with the establishment of the new business unit will result in the creation of 21 new positions over three years while retaining the seven positions currently located in McCook. Mr. Nelson clarified that there are seven positions currently in McCook, not the 10 as indicated in the proposed resolution and the notice of public hearing. All the CDBG funds will be used for activities that will meet the national objective of benefitting low to moderate income persons. The CDBG funded activities are unlikely to result in the residential displacement of people, and should such displacement occur, it will be minimized and resolved pursuant to the City of McCook's antidisplacement and relocation plans.

As outlined in the Memorandum of Understanding, the \$500,000 loan consists of two components. One half of the total loan bears no interest and is forgivable upon meeting certain conditions with respect to job creation, job retention, job maintenance, and LMI benefit. If the requisite conditions for forgiveness are not met, the principal is repayable in full. The remaining

\$250,000 bears no interest and is to be repaid in 36 monthly payments with the first payment being due 60 days following the Release of Funds.

The project is scheduled to be substantially complete in June of this year.

No one was present to speak in support or in opposition of the proposed 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, Gonzales. NAY: None.

ITEM B APPROVE APPLICATION NUMBER 09-ED-012 TO THE NEBRASKA DEPARTMENT OF ECONOMIC DEVELOPMENT (DED) FOR THE ECONOMIC DEVELOPMENT CATEGORY COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ON BEHALF OF 21ST CENTURY SYSTEMS INC, IN THE AMOUNT OF \$505,000 OF WHICH \$300,000 WILL BE USED FOR BUILD OUT OF DATA CENTER, \$200,000 FOR EQUIPMENT AND FURNISHINGS FOR THE DATA CENTER, AND \$5,000 FOR GENERAL ADMINISTRATION.

Upon a motion by Councilmember Kircher, seconded by Councilmember Calvin, the Council voted to approve Application Number 09-ED-012 to the Nebraska Department of Economic Development (DED) for the Economic Development Category Community Development Block Grant (CDBG) on behalf of 21st Century Systems Inc, in the amount of \$505,000 of which \$300,000 will be used for build out of data center, \$200,000 for equipment and furnishings for the data center, and \$5,000 for general administration. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Calvin, Gonzales. NAY: None.

Upon a motion by Councilmember Kircher, seconded by Mayor Berry, the Council amended the application to clarify that the bank-financed equipment with a first lien position will be separate equipment from the CDBG-financed equipment. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Calvin, Gonzales. NAY: None.

ITEM C APPROVE THE MEMORANDUM OF UNDERSTANDING ENTERED INTO AMONG THE STATE OF NEBRASKA, DEPARTMENT OF ECONOMIC DEVELOPMENT (DED); THE CITY OF MCCOOK; 21ST CENTURY SYSTEMS, INC.; FIRST NEBRASKA BANK; JEFFERY HICKS AND PLAMEN PETROV, AS INDIVIDUALS GUARANTORS; WITH RESPECT TO A CDBG AWARD OF \$505,000 FROM DED TO THE CITY, \$5,000 OF WHICH IS FOR THE CITY'S COSTS OF ADMINISTRATION OF THE GRANT, AND \$500,000 OF WHICH IS TO BE LOANED TO 21ST CENTURY SYSTEMS, INC. FOR LEASEHOLD IMPROVEMENTS, EQUIPMENT, AND FURNISHINGS ASSOCIATED WITH THEIR FACILITY LOCATED IN THE KEYSTONE BUSINESS CENTER; AND ESTABLISHES THE VARIOUS JOB REQUIREMENTS THEY MUST SATISFY.

Upon a motion by Councilmember Calvin, seconded by Councilmember Gonzales, the Council voted to approve the Memorandum of Understanding entered into among the State of Nebraska, Department of Economic Development (DED); the City of McCook; 21st Century Systems, Inc.;

First Nebraska Bank; Jeffery Hicks and Plamen Petrov, as individuals guarantors; with respect to a CDBG award of \$505,000 from DED to the City, \$5,000 of which is for the City's costs of administration of the grant, and \$500,000 of which is to be loaned to 21st Century Systems, Inc. for leasehold improvements, equipment, and furnishings associated with their facility located in the Keystone Business Center; and establishes the various job requirements they must satisfy. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Calvin, Gonzales. NAY: None.

ITEM D ADOPT RESOLUTION NO. 2010-03 AUTHORIZING THE MAYOR TO SIGN ALL GRANT RELATED DOCUMENTS FOR FUNDS DISTRIBUTED BY THE DEPARTMENT OF ECONOMIC DEVELOPMENT THROUGH THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR THE 21ST CENTURY SYSTEMS, INC. MCCOOK EXPANSION PROJECT AT THE KEYSTONE BUSINESS CENTER.

Councilmember Kircher introduced a motion to adopt Resolution No. 2010-03 authorizing the Mayor to sign all grant related documents for funds distributed by the Department of Economic Development through the Community Development Block Grant program for the 21st Century Systems, Inc. McCook Expansion Project at the Keystone Business Center. Councilmember Calvin seconded the motion.

Upon a motion by Councilmember Kircher, seconded by Mayor Berry, the Council voted to amend the presented resolution at the end of the second paragraph by striking "10 positions" and inserting "7 positions". The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Calvin, Gonzales. NAY: None.

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, Gonzales. NAY: None. Motion carried.

(5) CONSENT AGENDA:

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

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

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

ITEM B OFFER A CONTRACT TO JERRY HILL CONSTRUCTION OF KEARNEY, NEBRASKA, WITH A BID OF \$7,940.00 FOR 1003 EAST "C" STREET; TO WEAVER TREE SERVICE OF WELLFLEET, NEBRASKA, WITH A BID OF \$5,000.00 FOR 508 EAST 2ND STREET; AND TO P & G EXCAVATING OF MCCOOK, NEBRASKA, WITH A BID OF \$19,400.00 FOR 301 EAST 2ND STREET, \$7,600.00 FOR 206 WEST 7TH STREET, \$8,500.00 FOR 1303 EAST "B" STREET, \$8,500.00 FOR 203 EAST 6TH STREET, \$7,400.00 FOR 410

SOUTH STREET, AND \$6,000.00 FOR 102 WEST 3RD STREET, FOR A TOTAL BID OF \$57,400.00; AS EACH ARE THE LOWEST RESPONSIBLE BIDDERS FOR DEMOLITION OF THE RESIDENTIAL/COMMERCIAL STRUCTURES AT THE VARIOUS LOCATIONS FOR THE MCCOOK NEIGHBORHOOD STABILIZATION PROGRAM (NSP) AND AUTHORIZE THE MAYOR TO EXECUTE THE NECESSARY PAPER WORK TO AWARD THE CONTRACTS.

On February 26, 2010 the City received the following seven bids for the demolition of eight residential/commercial properties for the City's NSP Grant:

BIDDER	Jerry Hill Construction, Inc.	Weaver Tree Service	Myers Construction, Inc.	Anderson Excavating, Co.
301 East 2 nd Street (house, tank, garage)	\$47,590.00	\$30,000.00	\$37,000.00	\$16,800.00
206 West 7 th Street (house, garage)	\$9,450.00	\$8,000.00	\$12,500.00	\$8,400.00
1303 East "B" Street (house)	\$8,950.00	\$10,000.00	\$15,800.00	\$8,600.00
203 East 6 th Street (house)	\$16,625.00	\$10,000.00	\$23,000.00	\$8,600.00
508 East 2 nd Street (house)	NO BID	\$5,000.00	\$12,750.00	\$8,400.00
410 South Street (house)	\$8,940.00	\$10,000.00	\$17,500.00	\$8,600.00
1003 East "C" Street (house)	\$7,940.00	\$10,000.00	\$19,000.00	\$9,200.00
102 West 3 rd Street (Commercial)	\$12,440.00	\$20,000.00	\$12,350.00	\$18,000.00
OPTIONAL Bid for all 8 structures	NO BID	\$103,000.00	\$149,900.00	\$86,600.00

BIDDER	P & G Excavating	EAD Constructors	RTS Shearing, LLC	
301 East 2 nd Street (house, tank, garage)	\$19,400.00	\$26,885.00	NO BID	
206 West 7 th Street (house, garage)	\$7,600.00	\$12,283.00	NO BID	
1303 East "B" Street (house)	\$8,500.00	\$9,788.00	NO BID	
203 East 6 th Street (house)	\$8,500.00	\$10,173.00	NO BID	
508 East 2 nd Street (house)	\$6,000.00	\$7,400.00	NO BID	

410 South Street (house)	\$7,400.00	\$12,378.00	NO BID	
1003 East "C" Street (house)	\$8,300.00	\$10,883.00	NO BID	
102 West 3 rd Street (Commercial)	\$6,000.00	\$8,490.00	NO BID	
OPTIONAL Bid for all 8 structures	\$71,700.00	\$88,888.88	\$138,750.00	

All proposals were reviewed and the apparent low bidders were all contacted to confirm they would accept the award, since three of them were low bidders on only one site each. One contractor, Anderson Excavating Company of Omaha, declined to accept the bid. The next lowest bidders was P & G Excavating and that bid amount was added in their total bid award.

As stated previously by City Manager Fritsch, the property at 508 East 2nd was removed from consideration at this time as approval from the property owner has not yet been received.

Upon a motion by Mayor Berry, seconded by Councilmember Gonzales, the Council voted to offer a contract to Jerry Hill Construction of Kearney, Nebraska, with a bid of \$7,940.00 for 1003 East "C" Street and to P & G Excavating of McCook, Nebraska, with a bid of \$19,400.00 for 301 East 2nd Street, \$7,600.00 for 206 West 7th Street, \$8,500.00 for 1303 East "B" Street, \$8,500.00 for 203 East 6th Street, \$7,400.00 for 410 South Street, and \$6,000.00 for 102 West 3rd Street, for a total bid of \$57,400.00; as each are the lowest responsible bidders for demolition of the residential/commercial structures at the various locations for the McCook Neighborhood Stabilization Program (NSP) and authorize the Mayor to execute the necessary paper work to award the contracts. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Calvin, Gonzales. NAY: None.

ITEM C APPROVE THE LETTER TO THE NEBRASKA DEPARTMENT OF ECONOMIC DEVELOPMENT REQUESTING TO AMEND THE CONTRACT AND THE CERTIFICATION OF CONTINUED ENVIRONMENTAL COMPLIANCE FOR THE CITY OF MCCOOK'S NEIGHBORHOOD STABILIZATION FUNDS (NSP) COMMUNITY DEVELOPMENT BLOCK GRANT NUMBER 094ND45 AND AUTHORIZE THE CITY MANAGER TO SIGN.

Upon a motion by Mayor Berry, seconded by Councilmember Gonzales, the Council voted to approve the letter to the Nebraska Department of Economic Development requesting to amend the contract and the Certification of Continued Environmental Compliance for the City of McCook's Neighborhood Stabilization Funds (NSP) Community Development Block Grant Number 094ND45 and authorize the City Manager to sign. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Calvin, Gonzales. NAY: None.

ITEM E APPROVE THE APPLICATION FOR A SPECIAL DESIGNATED LIQUOR LICENSE SUBMITTED BY MO DOUGH, LLC, LICENSE #IK-57785, TO CATER A WEDDING RECEPTION AT THE RED WILLOW COUNTY FAIRGROUNDS COMMUNITY BUILDING, 1408 WEST 5TH STREET, ON MAY 22, 2010 FROM 10:00 A.M. TO 1:00 A.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 MO Dough, LLC, License #IK-57785, to cater a wedding reception at the Red Willow County Fairgrounds Community Building, 1408 West 5th Street, on May 22, 2010 from 10:00 A.M. to 1:00 A.M. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Calvin, Gonzales. NAY: None.

ITEM FRECEIVE AND FILE THE MINUTES OF THE SENIOR CENTER ADVISORY BOARD DATED FEBRUARY 2, 2010.

Upon a motion by Mayor Berry, seconded by Councilmember Gonzales, the Council voted to receive and file the minutes of the Senior Center Advisory Board dated February 2, 2010. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Calvin, Gonzales. NAY: None.

ITEM G APPROVE THE REQUEST FOR PROPOSALS FOR ASBESTOS ABATEMENT OF A COMMERCIAL STRUCTURE LOCATED AT 204 NORRIS AVENUE USING FUNDS IN THE CITY OF MCCOOK'S NEIGHBORHOOD STABILIZATION PROGRAM (NSP) COMMUNITY DEVELOPMENT BLOCK GRANT AND SET THE DATE TO RECEIVE PROPOSALS AS MARCH 30, 2010 AT 2:00 P.M.

Upon a motion by Mayor Berry, seconded by Councilmember Gonzales, the Council voted to approve the Request for Proposals for Asbestos Abatement of a Commercial Structure located at 204 Norris Avenue using funds in the City of McCook's Neighborhood Stabilization Program (NSP) Community Development Block Grant and set the date to receive proposals as March 30, 2010 at 2:00 P.M. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Calvin, Gonzales. NAY: None.

REGULAR AGENDA

ITEM 5D RECEIVE AND FILE INFORMATION REGARDING CHANGING THE DATE WATER METERS ARE READ FROM THE 1ST OF THE MONTH TO THE 15TH OF EACH MONTH.

Upon a motion by Mayor Berry, seconded by Councilmember Kircher, the Council voted to receive and file information regarding changing the date water meters are read from the 1st of the month to the 15th of each month. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Calvin, Gonzales. NAY: None.

(6) INTRODUCE AND APPROVE ON FIRST READING ORDINANCE NO. 2010-2835 AMENDING CHAPTER 3, ARTICLE 1, SECTION 127 OF THE MCCOOK MUNICIPAL CODE TO EXEMPT THE TESTING OF BACKFLOW PROTECTION DEVICES USED ON LAWN SPRINKLER SYSTEMS WHEN THE SPRINKLER SYSTEM IS NOT USED TO APPLY CHEMICALS.

Mayor Berry introduced Ordinance No. 2010-2835 entitled:

AN ORDINANCE OF THE CITY OF MCCOOK, NEBRASKA, AMENDING CHAPTER 3, ARTICLE 1, SECTION 127 - MUNICIPAL WATER DEPARTMENT; UNSAFE PHYSICAL CONNECTION TO WATER DISTRIBUTION SYSTEM; PROHIBITED; POTENTIAL BACKFLOW

HAZARDS; CUSTOMER ASSESSMENT, TO EXEMPT THE TESTING OF BACKFLOW PROTECTION DEVICES USED ON LAWN SPRINKLER SYSTEMS WHEN THE SPRINKLER SYSTEM IS NOT USED TO APPLY CHEMICALS; 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 Mayor Berry, seconded by Councilmember Anderson, that the number and title of said Ordinance be approved. Upon roll call vote the following Councilmembers voted YEA: Berry, Kircher, Anderson, Calvin, Gonzales. NAY: None.

Ordinance No. 2010-2835 was read by title only. Motion was made by Councilmember Calvin, seconded by Councilmember Gonzales, to approve Ordinance No. 2010-2835 on its first reading. Upon roll call vote the following Councilmembers voted YEA: Berry, Kircher, Anderson, Calvin, Gonzales. NAY: None. Motion carried. Whereupon the Mayor declared said Ordinance No. 2010-2835 approved on its first reading.

- (7) CONSIDER AMENDING THE CITY OF MCCOOK MUNICIPAL CODE BY ALLOWING ALCOHOL IN THE CITY AUDITORIUM AND DIRECT STAFF TO RETURN WITH FORMAL AMENDMENTS TO THE MUNICIPAL CODE ADDRESSING ALCOHOL USE IN THE CITY AUDITORIUM.

City Manager Fritsch presented his report prepared for the meeting. At the March 1 meeting City Council directed staff to return with parameters in which alcohol may be requested and served in the City Auditorium. Several other communities were contacted and copies of their codes were included in the Council packet. City staff recommends increasing the fees to use the Auditorium in general and increase cleaning and damage deposits. These fees should be consistent with what other public sectors are charging. Staff also requests that a licensed caterer be used on city property, and that security be provided and approved by the City Police Department.

The following are the recommendations from City Staff. To increase the use fee of the auditorium for all users regardless of alcohol use from \$ 75 to \$150; increase the cleaning fee from \$200 to \$400; and increase the damage deposit for dance/alcohol from \$300 to \$500. At least two security personnel shall be provided with approval of Police Chief. Licensed caterers shall be the only persons allowed to serve alcohol in the auditorium. All deposits are to be in the form of cash or a cashiers check as is currently required. All Special Liquor Licenses and such uses shall continue to be approved by the City Council.

City Manager Fritsch stressed that the City was not equipped and cannot compete with private business, but we charge less than private businesses or the County. Higher fees are not just for cleanup and damage costs, but to encourage people not to create the damage in the first place.

If Council allows alcohol consumption in the auditorium, it is further recommended that the City cover the wooden floor with a carpet of some type to preserve the original flooring.

He further read a statement from the City's insurance provider regarding any liquor liability issues that should be addressed. "Whoever has the event, the City needs to have them submit a hold harmless agreement. Need to insure that they (either the event holder or caterer) have insurance coverage on the event or a Liquor Liability on their Policy and add the City as an additional insured. Need to insure we have copy of this prior to the event. The Host or Caterer needs to be responsible for security and insuring that all individuals drinking are checked to insure proper age and that they are not over serving. Need to

have something in writing that this will be done. This information could be added to the form that is completed when reserving the building."

Discussion followed regarding what fees should be increased, possibly combining the cleanup and damage deposit, setting the cleanup and damage deposits higher to encourage responsible use of the facility, concerns with setting the fees so high that some users are eliminated, how security personal would be handled and selected.

Mark Friehe and Cloyd Clark spoke in support of allowing alcohol in the facility, if done appropriately, encouraging responsibility.

Tony Spilinek, representing the Knights of Columbus Hall, was not against the proposal but was concerned if allowing alcohol at the auditorium would affect private businesses.

It was the consensus of the Council to have the required ordinances presented at the April 5, 2010 meeting to provide for allowance of alcohol in the auditorium and a recommended fee structure for use of the auditorium.

(8) COUNCIL COMMENTS.

Mayor Berry stated that recently the City received another letter from the Nebraska Historical Society stating the likelihood that the City would not be able to receive federal funds for the West Ward project because their office has deemed the West Ward School eligible for listing in the National Register of Historic Places. Their determination has already cost the City \$150,000 in federal funding for demolition.

He also noted that on Saturday, April 24 a city-wide cleanup project will take place. The 2009 McCook Leadership class will serve as the coordinators and main contracts for the project.

Mayor Berry encourage all to complete their 2010 Census form. For each person that does not complete their form, it is estimated to cost a community \$1,100 per year.

The Council wish Councilmember Anderson a very happy 69th birthday.

(9) EXECUTIVE SESSION FOR A STRATEGY SESSION WITH RESPECT TO POTENTIAL LITIGATION REGARDING THE BARNETT PARK QUIET TITLE ACTION.

Upon a motion by Mayor Berry, seconded by Councilmember Gonzales, the Council voted to move into executive session for a strategy session with respect to potential litigation regarding the Barnett Park Quiet Title action at 8:50 P.M. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Calvin, Gonzales. NAY: None.

The Mayor then stated for the record that 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 potential litigation regarding the Barnett Park Quiet Title action. The Council will reconvene in public session following this closed session.

Upon a motion by Councilmember Gonzales, seconded by Councilmember Calvin, the Council voted to move out executive session at 9:13 P.M. The motion passed upon the following roll call vote: YEA:

Berry, Kircher, Anderson, Calvin, Gonzales. NAY: None.

(10) ADJOURNMENT.

There being no further business to come before the Council, Mayor Berry declared the meeting adjourned at 9:15 P.M.

Dennis Berry, Mayor

ATTEST:

Lea Ann Doak, City Clerk