

MCCOOK CITY COUNCIL

April 5, 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: Councilmembers Kircher, Anderson, Calvin, Gonzales; City Attorney Schneider; City Manager Fritsch; City Clerk-Treasurer Doak.

Absent: Mayor Berry.

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on April 1, 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.

Council Vice President Kircher 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 - JON ALBRECT, MCCOOK HARVEST CHURCH.

Jon Albrect, pastor of the McCook Harvest 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 introduced Jody Crocker as the new Library Director. She has been with the City for six years, currently serving as the Children's Librarian.

Police Chief Ike Brown informed the Council of a recent update of the E911 mapping system through funding from the Public Service Commission. The maps are much more detailed, easier to read, and the process of faxing the information out to other emergency systems will happen while paging the call, expediting the process.

(4) PROCLAMATIONS:

ITEM A APPROVE THE PROCLAMATION DESIGNATING THE WEEK OF APRIL 10 - 17, 2010 AS "NATIONAL TELECOMMUNICATOR'S WEEK" AND AUTHORIZE THE MAYOR TO SIGN.

Upon a motion by Councilmember Anderson, seconded by Councilmember Calvin, the Council voted to

approve the proclamation designating the week of April 10-17, 2010 as “National Telecommunicator’s Week” and authorize the Mayor to sign. The motion passed upon the following roll call vote: YEA: Kircher, Anderson, Calvin, Gonzales. NAY: None. ABSENT: Berry.

ITEM B APPROVE THE PROCLAMATION DESIGNATING THE MONTH OF APRIL 2010 AS “SEXUAL ASSAULT AWARENESS MONTH” AND “CHILD ABUSE PREVENTION MONTH” AND AUTHORIZE THE MAYOR TO SIGN.

Upon a motion by Councilmember Anderson, seconded by Councilmember Calvin, the Council voted to approve the proclamation designating the month of April 2010 as “Sexual Assault Awareness Month” and “Child Abuse Prevention Month” and authorize the Mayor to sign. The motion passed upon the following roll call vote: YEA: Kircher, Anderson, Calvin, Gonzales. NAY: None. ABSENT: Berry.

ITEM C APPROVE THE PROCLAMATION DESIGNATING THE WEEK OF APRIL 11 - 17, 2010 AS “NATIONAL LIBRARY WEEK” AND AUTHORIZE THE MAYOR TO SIGN.

Upon a motion by Councilmember Anderson, seconded by Councilmember Calvin, the Council voted to approve the proclamation designating the week of April 11 - 17, 2010 as “National Library Week” and authorize the Mayor to sign. The motion passed upon the following roll call vote: YEA: Kircher, Anderson, Calvin, Gonzales. NAY: None. ABSENT: Berry.

(5) PUBLIC HEARING:

ITEM A PUBLIC HEARING - REQUEST FOR A SPECIAL EXCEPTION TO ALLOW A DAYCARE CENTER IN A RESIDENTIAL MEDIUM DENSITY (RM) DISTRICT, LOCATED IN BLOCK 4, LOT 1B, EGAN PARK ADDITION TO THE CITY OF MCCOOK, RED WILLOW COUNTY, NEBRASKA; APPLICANT - GLEN AND KIM TIETZ, 409 WEST “Q” STREET.

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 request for a special exception to allow a daycare center in a Residential Medium Density (RM) District, located in Block 4, Lot 1B, Egan Park Addition to the City of McCook, Red Willow County, Nebraska; Applicant - Glen and Kim Tietz, 409 West “Q” Street with the City Attorney to act as hearing officer. The motion passed upon the following roll call vote: YEA: Kircher, Anderson, Calvin, Gonzales. NAY: None. ABSENT: Berry.

The City Attorney offered and received into evidence Exhibit #1 - City Manager’s Report prepared for the March 22, 2010 Planning Commission meeting; Exhibit #2 - Notice of Hearing published; Exhibit #3 - listing of property owner’s receiving Notice of Public Hearing; Exhibit #4 - the Land Use Application Request Form (five pages) from the applicant; and Exhibit #5 - the minutes of the March 22, 2010 Planning Commission meeting.

Glen and Kim Tietz addressed their request with the Council and reviewed the proposed site plan.

Mrs. Tietz presented two letters of reference. One from Karen Roland, Resource Development, Nebraska Department of Health and Human Services and the other from Christina Walker, Parent Advocate, Partners in Parenting.

Christina Walker, Parent Advocate for Partners in Parenting, spoke in support of the request. She feels that there is a need for high quality daycare in McCook, the location is great because of its close proximity to the elementary school, and that the Tietz's are the right people to provide this high quality service. It can only be a plus for the community.

City Manager Fritsch noted that the Planning Commission unanimously recommended approval of the special exception with the following conditions:

- 1) That all children are to be unloaded and loaded in the parking lot for the daycare or on West 4<sup>th</sup> Street,
- 2) the children are to be escorted across "Q" Street to and from school by personnel from the daycare,
- 3) the daycare shall be approved for up to 45 children, any increase shall require additional review and approval by the City,
- 4) the play area shall be fenced with a 6 foot privacy fence, and
- 5) all structural interior work be coordinated with the Building Inspector and the State Fire Marshall.

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

ITEM B APPROVE, WITH CONDITIONS, THE REQUEST FOR A SPECIAL EXCEPTION TO ALLOW A DAYCARE CENTER IN A RESIDENTIAL MEDIUM DENSITY (RM) DISTRICT, LOCATED IN BLOCK 4, LOT 1B, EGAN PARK ADDITION TO THE CITY OF MCCOOK, RED WILLOW COUNTY, NEBRASKA; APPLICANT - GLEN AND KIM TIETZ, 409 WEST "Q" STREET; 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 Glen and Kim Tietz to allow a daycare center in a Residential Medium Density (RM) District, located in Block 4, Lot 1B, Egan Park Addition to the City of McCook, Red Willow County, Nebraska known as 409 West "Q" Street; that the Council is empowered to grant this special exception; that the granting of the special exception will not adversely affect the public interest; 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,

and that the special exception is granted subject to the following stipulations:

- 1) That all children are to be unloaded and loaded in the parking lot for the daycare, no children are to be dropped off on “Q” Street;
- 2) the children are to be escorted across “Q” Street to and from McCook Elementary by personnel from the daycare;
- 3) the daycare shall be approved for up to 45 children, any increase shall require additional review and approval by the City; and
- 4) the play area shall be fenced with a 6 foot privacy fence.

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

- (6) RECEIVE AND FILE AN UPDATE FROM PROCHASKA AND ASSOCIATES REGARDING SQUARE FOOTAGE REQUIREMENTS FOR CITY ADMINISTRATION AND THE POLICE DEPARTMENT AND AN ANALYSIS REGARDING RENOVATION OF THE ARMORY BUILDING.

Jim Classe, Prochaska and Associates, reviewed the costs of renovating the armory building via a conference call. The following comments regarding the existing structure were outlined in their Cost Projections Report to the Council for renovation of the existing armory building to Police and City offices.

Their total project cost (hard costs and soft costs) was \$3,363,742, plus \$400,000 for an additional second level. The building may not be available for up to four years to allow for the removal of the lead contamination in the fire range.

- 1) Based on the original construction drawings, the armory square footage is 19,141 gross square feet (gsf), prior to adding new furring and insulation. The upper floor contains 12,883 gsf and the lower floor (including an intermediate level) contains 6,258 gsf. The proposed Program of Spaces for the Police Station/City Offices requires 17,352 square feet (sf) plus a 900 sf training room, a 900 sf fitness room, and approximately 200 sf for an elevator and machine room (totaling 19,352 sf).
- 2) The building has two means of egress on the upper floor, one of which is accessed from an intermediate stair landing (with a third door that does not qualify as an exit since it swings in the

wrong direction and passes through a kitchen). The egress stair does not meet current code in numerous ways: it is not enclosed with fire rated barriers, its risers are too high, its treads are too narrow, and its handrails are not compliant. The lower level has access to two means of egress, one from the garage area and one from the non-compliant stair. These means of egress are also too close together to qualify as the two required exits per current code.

- 3) Using the original blueprint pavement layout, it appears the existing site would accommodate approximately 47 vehicle parking spaces. It is anticipated that 16 spaces may be available for public use adjacent to the upper floor main entrance and about 31 would be possible for staff and police vehicles on the lower level. (It is expected that a canopy will be built to cover eight police vehicles on the lower parking area, reducing the parking count to 24 for police/city office staff.) However, much of the originally proposed parking area is not currently paved, and chainlink fencing surrounds portions as well. Site work would most likely include removal of the fencing, some re-grading, and paving.
- 4) The building has two existing overhead garage doors on the lower level and one on the upper level, making it possible to park vehicles within the facility. It would be possible to park the eight police vehicles on the building's lower floor in a tandem fashion or diagonally. This would require the addition of proper mechanical ventilation to remove vehicle exhaust from the building. The square footage needed to park the vehicles within the building would need to be replaced on the upper floor by the installation of a mezzanine level within the former gymnasium space, although this would be an additional cost. If police vehicles are to be parked externally, a carport/canopy could be constructed to partially shelter these parking spaces. The cost of this canopy is not currently included in the estimate for the sake of comparison with previous estimates.
- 5) There are numerous interior bearing walls within the building. On the upper floor, most of the wall area surrounding the gymnasium space provides structural support for laminated wood beams framing the gymnasium and also for roof framing at the gym's perimeter. It is anticipated that these walls would remain in place during a renovation of the building and that a circulation path would be planned within its perimeter. On the lower floor, interior bearing walls are enclosing the former rifle range, stair and boiler room.
- 6) The 1955 building appears to be structurally sound, as no evidence of major structural issues was noted (such as masonry cracks, racking of door frames, etc.). Exterior retaining walls should be periodically inspected.
- 7) Original windows appear to have been replaced with aluminum frame units, some with hopper operable sections. This estimate does not include replacement of the existing windows.
- 8) It is assumed that additional insulation is needed for the roof assembly, and the cost of a new roof has been included in this estimate. It is also assumed that the existing roof can remain in place and be covered with recovery board, 4" of rigid insulation, and a single ply membrane.
- 9) An elevator is planned to provide access to each building level, however, the intermediate level may prove challenging to access by the elevator. Storage may need to be considered on this level of the building. The elevator may also be considered as an external addition, along with a new stair.
- 10) The existing building is not equipped with a fire extinguishing system (sprinklers). This is not necessarily required, but sets a good example and provides an additional level of safety for this

facility in an emergency. It also often reduces code requirements for other elements in the design and can provide savings on building insurance.

- 11) If hazardous materials exist and are not abated by the previous owner, a site assessment and scope of work for testing/remediation/abatement should be performed by a professional specializing in this documentation.

Councilmembers expressed concerns with parking issues in the area and the length of time before the building is available, making it hard to budget for because of the unknown rate of inflation.

Councilmember Gonzales asked how heating and cooling costs would compare with a new structure. Mr. Classe responded that their estimates are for taking the existing building and making it fairly equivalent to new construction.

Councilmember Kircher questioned some of the proposed square footages for various offices and conference rooms. He identified the eight areas of concern.

Dale Cotton of the West Ward Committee presented pictures to the Council of a school in Hastings and a hospital in North Platte that have been converted to new uses. He also stated that the committee has a petition that asked that the rehabilitation of West Ward be considered an option and that it be brought to the vote of the citizens. When asked by Councilmember Gonzales who was serving on this committee, Mr. Cotton would not offer any names at this time.

(7) CONSENT AGENDA:

Councilmember Kircher requested that Item D, Item G, Item H, Item I, and Item J be removed from the Consent Agenda and placed on the Regular Agenda.

ITEM A APPROVE THE MINUTES OF THE MARCH 15, 2010 REGULAR CITY COUNCIL MEETING.

Upon a motion by Councilmember Kircher, seconded by Councilmember Anderson, the Council voted to approve the minutes of the March 15, 2010 regular City Council meeting. The motion passed upon the following roll call vote: YEA: Kircher, Anderson, Calvin, Gonzales. NAY: None. ABSENT: Berry.

ITEM B APPROVE REQUEST FROM TERRY SITZMAN TO CLOSE "C" STREET FROM NORRIS AVENUE TO FIRST STREET WEST AND FROM NORRIS AVENUE TO FIRST STREET EAST ON MAY 1, 2010 FROM 8:00 A.M. TO 3:00 P.M. FOR A BENEFIT CAR SHOW FOR BAYLIE SIMMONDS.

Upon a motion by Councilmember Kircher, seconded by Councilmember Anderson, the Council voted to approve request from Terry Sitzman to close "C" Street from Norris Avenue to First Street West and from Norris Avenue to First Street East on May 1, 2010 from 8:00 A.M. to 3:00 P.M. for a Benefit Car Show for Baylie Simmonds. The motion passed upon the following roll call vote: YEA: Kircher, Anderson, Calvin, Gonzales. NAY: None. ABSENT: Berry.

ITEM C AWARD THE BID TO ENVIRONMENTAL SERVICES, INC. OF NORFOLK, NEBRASKA IN THE AMOUNT OF \$29,500.00 FOR ASBESTOS ABATEMENT OF A

COMMERCIAL STRUCTURE LOCATED AT 204 NORRIS AVENUE, THAT BEING THE LOWEST RESPONSIBLE BID.

The following three proposals were received for the abatement of asbestos in the commercial structure located at 204 Norris Avenue:

Environmental Services, Inc. - \$29,500  
Norfolk, Nebraska

Great Plains Asbestos Control - \$38,816  
Kearney, Nebraska

Contracting Specialties, Inc. - \$56,130  
Omaha, Nebraska

Upon a motion by Councilmember Kircher, seconded by Councilmember Anderson, the Council voted to award the bid to Environmental Services, Inc. of Norfolk, Nebraska in the amount of \$29,500.00 for Asbestos Abatement of a Commercial Structure located at 204 Norris Avenue, that being the lowest responsible bid. The motion passed upon the following roll call vote: YEA: Kircher, Anderson, Calvin, Gonzales. NAY: None. ABSENT: Berry.

ITEM E ADOPT RESOLUTION NO. 2010-04 CERTIFYING THAT THE CITY OF MCCOOK IS CONSIDERED TO BE CAPABLE OF PROVIDING PUBLIC TRANSPORTATION FOR ITS CITIZENS.

Upon a motion by Councilmember Kircher, seconded by Councilmember Anderson, the Council voted to adopt Resolution No. 2010-04 certifying that the City of McCook is considered to be capable of providing public transportation for its citizens. The motion passed upon the following roll call vote: YEA: Kircher, Anderson, Calvin, Gonzales. NAY: None. ABSENT: Berry.

ITEM F APPROVE THE APPLICATION FOR PUBLIC TRANSIT ASSISTANCE FOR THE CITY OF MCCOOK FY 2010/2011.

Upon a motion by Councilmember Kircher, seconded by Councilmember Anderson, the Council voted to approve the Application for Public Transit Assistance for the City of McCook FY 2010/2011. The motion passed upon the following roll call vote: YEA: Kircher, Anderson, Calvin, Gonzales. NAY: None. ABSENT: Berry.

ITEM K ADOPT RESOLUTION NO. 2010-05 GRANTING A WAIVER OF PAYMENT IN LIEU OF TAXES TO THE MCCOOK HOUSING AGENCY.

Upon a motion by Councilmember Kircher, seconded by Councilmember Anderson, the Council voted to adopt Resolution No. 2010-05 granting a Waiver of Payment in Lieu of Taxes to the McCook Housing Agency. The motion passed upon the following roll call vote: YEA: Kircher, Anderson, Calvin, Gonzales. NAY: None. ABSENT: Berry.

REGULAR AGENDA

ITEM 7D AUTHORIZE STAFF TO NEGOTIATE A CONTRACT WITH CIVICPLUS OF MANHATTAN, KS FOR THE CITY OF MCCOOK WEBSITE REDESIGN AND AUTHORIZE THE MAYOR TO SIGN SUCH CONTRACT.

Pursuant to instruction given by the City Council on February 1, 2010, a Notice to Bidders was published asking for proposals for the City of McCook Website Redesign. The following proposals were received:

Media One Pro - Proposed Price \$3,595  
Las Vegas, NV

CivicPlus - Proposed Price - \$14,994  
Manhattan, KS

Vision Internet - Proposed Price - \$28,615  
Santa Monica, CA

Upon a motion by Councilmember Kircher, seconded by Councilmember Gonzales, the Council voted to authorize staff to negotiate a contract with CivicPlus of Manhattan, KS for the City of McCook Website Redesign and authorize the Mayor to sign such contract. The motion passed upon the following roll call vote: YEA: Kircher, Anderson, Calvin, Gonzales. NAY: None. ABSENT: Berry.

ITEM 7G RECEIVE AND FILE THE MINUTES OF THE FEBRUARY 11, 2009 AIRPORT ADVISORY COMMISSION MEETING, THE MARCH 2, 2010 SENIOR CENTER ADVISORY BOARD MEETING, AND THE MARCH 22, 2010 PLANNING COMMISSION MEETING.

Upon a motion by Councilmember Kircher, seconded by Councilmember Anderson, the Council voted to receive and file the minutes of the February 11, 2009 Airport Advisory Commission meeting, the March 2, 2010 Senior Center Advisory Board meeting, and the March 22, 2010 Planning Commission meeting. The motion passed upon the following roll call vote: YEA: Kircher, Anderson, Calvin, Gonzales. NAY: None. ABSENT: Berry.

ITEM 7H APPROVE THE PLANS AND SPECIFICATIONS FOR THE WEST HIGHWAY 6 & 34 SIDEWALK AND SET THE TIME AND DATE TO RECEIVE BIDS AS 2:30 P.M. ON APRIL 26, 2010.

Upon a motion by Councilmember Kircher, seconded by Councilmember Anderson, the Council voted to approve the plans and specifications for the West Highway 6 & 34 Sidewalk and set the time and date to receive bids as 2:30 P.M. on April 26, 2010. The motion passed upon the following roll call vote: YEA: Kircher, Anderson, Calvin, Gonzales. NAY: None. ABSENT: Berry.

ITEM 7I APPROVE THE PLANS AND SPECIFICATIONS FOR THE 2010 STREET IMPROVEMENTS AND SET THE TIME AND DATE TO RECEIVE BIDS AS 2:30 P.M. ON APRIL 26, 2010.

Councilmember Kircher introduced a motion to approve the plans and specifications for the 2010 Street Improvements and set the time and date to receive bids as 2:30 P.M. on April 26, 2010. Motion was seconded by Councilmember Anderson.

Upon a motion by Councilmember Kircher, seconded by Councilmember Anderson, the Council voted to amend the presented specifications by changing 2009 to 2010 on page 3 of the Instructions to Bidders. The motion passed upon the following roll call vote: YEA: Kircher, Anderson, Calvin, Gonzales. NAY: None. ABSENT: Berry.

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

ITEM 7J APPROVE THE PLANS AND SPECIFICATIONS FOR THE 2010 ARMOR COATING AND SET THE TIME AND DATE TO RECEIVE BIDS AS 2:30 P.M. ON APRIL 26, 2010.

Upon a motion by Councilmember Kircher, seconded by Councilmember Anderson, the Council voted to approve the plans and specifications for the 2010 Armor Coating and set the time and date to receive bids as 2:30 P.M. on April 26, 2010. The motion passed upon the following roll call vote: YEA: Kircher, Anderson, Calvin, Gonzales. NAY: None. ABSENT: Berry.

(8) APPROVE 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 UPON ITS SECOND READING.

Upon a motion by Councilmember Gonzales, seconded by Councilmember Calvin, the Council voted to approve 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 upon its second reading. The motion passed upon the following roll call vote: YEA: Kircher, Anderson, Calvin, Gonzales. NAY: None. ABSENT: Berry.

(9) INTRODUCE AND APPROVE UNDER SUSPENSION OF THE RULE ORDINANCE NO. 2010-2836 AMENDING CHAPTER 3, ARTICLE 9, SECTIONS 901 - 912, OF THE MCCOOK MUNICIPAL CODE; REGARDING THE CITY AUDITORIUM AND ITS USE; ALLOWING THE USE OR POSSESSION OF ALCOHOLIC BEVERAGES ON SAID PREMISES UPON APPROVAL OF A SPECIAL DESIGNATED LIQUOR LICENSE BY THE CITY COUNCIL.

Councilmember Kircher introduced Ordinance No. 2010-2836 entitled:

AN ORDINANCE OF THE CITY OF MCCOOK, NEBRASKA, AMENDING CHAPTER 3, ARTICLE 9, SECTIONS 901 - 912, OF THE MCCOOK MUNICIPAL CODE; REGARDING THE CITY AUDITORIUM AND ITS USE; ALLOWING THE USE OR POSSESSION OF ALCOHOLIC BEVERAGES ON SAID PREMISES UPON APPROVAL OF A SPECIAL DESIGNATED LIQUOR LICENSE BY THE CITY COUNCIL; 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 Anderson, that the number and title of said Ordinance be approved. Upon roll call vote the following Councilmembers

voted YEA: Kircher, Anderson, Calvin, Gonzales. NAY: None. ABSENT: Berry.

Ordinance No. 2010-2836 was read by title only. Motion was made by Councilmember Kircher, seconded by Councilmember Anderson, to approve Ordinance No. 2010-2836 on its first reading.

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

Upon a motion by Councilmember Kircher, seconded by Councilmember Calvin, the Council voted to amend the presented ordinance in the last sentence of Section 3-908 by striking "event holder" and inserting "Special Designated Liquor License holder" and in the last sentence of Section 9-906 by striking "resolution" and inserting "ordinance". The motion passed upon the following roll call vote: YEA: Kircher, Anderson, Calvin, Gonzales. NAY: None. ABSENT: Berry.

Mark Friehe expressed concerns with the requirement that the Special Designated Liquor License holder shall have insurance coverage on the event or a Liquor Liability on their policy and that the City should be added as an additional insured. He felt that it was too costly and maybe not necessary in Nebraska.

The Council Vice President then stated the question: "Shall Ordinance No. 2010-2836 be approved upon its first reading as amended?" Upon roll call vote the following Councilmembers voted YEA: Kircher, Anderson, Calvin, Gonzales. NAY: None. ABSENT: Berry. Motion carried. Whereupon the Council Vice President declared said Ordinance No. 2010-2836 approved on its first reading.

(10) APPROVE REQUEST FROM MARK FRIEHE FOR A WEDDING RECEPTION SERVING ALCOHOL TO BE HELD IN THE CITY AUDITORIUM AND THAT ALL REQUIREMENTS OF A SPECIAL DESIGNATED LIQUOR LICENSE BE MET BEFORE EVENT DATE.

Upon a motion by Councilmember Gonzales, seconded by Councilmember Kircher, the Council voted to postpone consideration of this item until the April 10, 2010 meeting. The motion passed upon the following roll call vote: YEA: Kircher, Anderson, Calvin, Gonzales. NAY: None. ABSENT: Berry.

(11) INTRODUCE AND APPROVE UPON ITS FIRST READING ORDINANCE NO. 2010-2837 PROVIDING FOR THE AMENDMENT OF SECTION A OF APPENDIX IV OF THE MCCOOK MUNICIPAL CODE, 1981 REVISED; SETTING THE BUILDING USE FEES FOR THE CITY AUDITORIUM.

Councilmember Kircher introduced Ordinance No. 2010-2837 entitled:

AN ORDINANCE PROVIDING FOR THE AMENDMENT OF SECTION A OF APPENDIX IV OF THE MCCOOK MUNICIPAL CODE, 1981 REVISED; SETTING THE BUILDING USE FEES FOR THE CITY AUDITORIUM; PROVIDING FOR THE REPEAL OF ANY AND ALL 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 Anderson, that the

number and title of said Ordinance be approved. Upon roll call vote the following Councilmembers voted YEA: Kircher, Anderson, Calvin, Gonzales. NAY: None. ABSENT: Berry.

Ordinance No. 2010-2837 was read by title only. Motion was made by Councilmember Kircher, seconded by Councilmember Calvin, to approve Ordinance No. 2010-2837 on its first reading. Upon roll call vote the following Councilmembers voted YEA: Kircher, Anderson, Calvin, Gonzales. NAY: None. ABSENT: Berry. Motion carried. Whereupon the Council Vice President declared said Ordinance No. 2010-2837 approved on its first reading.

(12) COUNCIL COMMENTS.

All wished the Mayor a speedy return.

(13) EXECUTIVE SESSION FOR A STRATEGY SESSION REGARDING POTENTIAL LAND ACQUISITION FOR CEMETERY USE.

Upon a motion by Councilmember Kircher, seconded by Councilmember Calvin, the Council voted to move into executive session for a strategy session regarding potential land acquisition for cemetery use at 9:45 P.M. The motion passed upon the following roll call vote: YEA: Kircher, Anderson, Calvin, Gonzales. NAY: None. ABSENT: Berry.

Council Vice President Kircher 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 regarding potential land acquisition for cemetery use. The Council will reconvene in public session following this closed session.

City Manager Fritsch, City Attorney Schneider, City Clerk Doak, Public Works Director Kyle Potthoff, and John Hubert were included in the executive session.

Upon a motion by Councilmember Kircher, seconded by Councilmember Anderson, the Council voted to move out of executive session at 10:10 P.M. The motion passed upon the following roll call vote: YEA: Kircher, Anderson, Calvin, Gonzales. NAY: None. ABSENT: Berry.

(14) DIRECT STAFF REGARDING POTENTIAL LAND ACQUISITION FOR CEMETERY USE.

John Hubert stated that he had offered to sell to the City approximately 3.9 acres of land north of Riverview Cemetery for \$80,000, which is \$15,000 less than the County appraised value.

Upon a motion by Councilmember Kircher, seconded by Councilmember Calvin, the Council directed staff to proceed with the purchase of Block 3, First Bison Addition from John Hubert for cemetery expansion for the purchase price of \$80,000. The motion passed upon the following roll call vote: YEA: Kircher, Anderson, Calvin, Gonzales. NAY: None. ABSENT: Berry.

(15) ADJOURNMENT.

There being no further business to come before the Council, Council Vice-President Kircher declared the meeting adjourned at 10:15 P.M.

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Aaron Kircher  
Council Vice President

ATTEST:

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Lea Ann Doak, City Clerk