

MCCOOK CITY COUNCIL  
November 16, 2015  
6:30 P.M.

A MEETING OF THE MAYOR AND COUNCIL OF THE CITY OF MCCOOK, NEBRASKA convened in open, regular, and public session at 6:30 o'clock P.M. in the City Council Chambers.

Present: Mayor Gonzales, Councilmembers Hepp, Calvin, McDowell, Weedn.

Absent: None.

City Officials present: City Manager Schneider, City Attorney Mustion, City Clerk Doak, Police Chief Brown (arrived at 7:01 P.M.), Utilities Director Dutcher, Fire Chief Harpham, and Public Works Director Potthoff.

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on November 12, 2015, 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 Gonzales announced that a copy of the Open Meetings Act was posted by the entrance to the Council Chambers and available for public review. Following the Pledge of Allegiance to the flag of the United States of America, Mayor Gonzales called the meeting to order.

**1. Citizen's comments.**

No one was present for citizen's comments.

**2. Announcements & Recognitions.**

There were no announcements or recognitions.

**3. Public Hearings.**

- A. Public Hearing - request for a special exception to allow a storage building for personal or commercial use in an Agricultural (AG) District located within the two mile extra-territorial jurisdiction of the City of McCook; A part of the NW1/4 NW1/4 of Section 25, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska; a tract of land containing approximately 5 acres more or less located on the south side of what would be "J" Street extended west; Project Sponsor/Developer - Ron Friehe, Ryan Peters, and Brian Esch; Land owner - Norris Institute.

Upon a motion by Councilmember Calvin, 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 storage building for personal or commercial use in an Agricultural (AG) District located within the two mile extra-territorial

jurisdiction of the City of McCook; A part of the NW1/4 NW1/4 of Section 25, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska; a tract of land containing approximately 5 acres more or less located on the south side of what would be "J" Street extended west; Project Sponsor/Developer - Ron Friehe, Ryan Peters, and Brian Esch; Land owner - Norris Institute with the City Attorney to act as hearing officer. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedon. NAY: None.

The City Attorney offered and received into evidence Exhibit #1 - the City Manager's Report prepared for the November 16, 2015 City Council meeting (2 pages); Exhibit #2 - Notice of Hearing published (1 page); Exhibit #3 - Ownership List for mailing (1 page); Exhibit #4 - Land Use Action Request Form filed by the applicants (8 pages); Exhibit #5 - Real Estate Contract (4 pages); and Exhibit #6 - Planning Commission minutes dated November 9, 2015.

The following was presented in the City Manager's Report: "An application for a special exception has been submitted by Ron Friehe, Ryan Peters and Brian Esch to allow for a storage building in the Agricultural (AG) District. The property is located west of Spyglass Street and south of Road 716 ("J" Street extended). It is owned by the Norris Institute. A purchase agreement has been completed and the sale of the land to the co-sponsors is contingent upon the granting of a special exception. On review of the Article 7 special exceptions provision, it is stated that the City Council may permit storage buildings for mobile homes, campers, boats, motor vehicles, motorized equipment and accessories in the AG District. There is no distinction made in this provision between commercial and private purposes. Pursuant to the application, the co-sponsors are making the request to construct a building for agricultural and other consumer item storage. It appears that the co-sponsors are contemplating utilizing the building for purposes permitted pursuant to the ordinance. The City Council has had similar special exception requests in the past and have approved them with regard to storage facilities in the AG District. Reviewing the site, it appears that the location would be appropriate for such a building as it is not adjacent to an improved street and it is located far enough away from other residential properties that it may not be an attractive site for residential builds. Further, it doesn't appear that it is in an area that would be developed agriculturally. It will require some grading in order to put a storage building at the requested site, but my discussions with the co-sponsors indicate a willingness to invest in order to develop the project. At the Planning Commission on November 9, 2015, a question was asked whether this would curtail potential residential development west of McCook. This was a consideration during the request processing. The property is south of Road 716 ("J" Street extended) and that has not been part of the planning discussions with respect to residential development. Up to this point, the property owned by the Bishop Trust (north of Road 716) has been the area where it is felt residential development may be best suited. Staff does not want to see storage buildings or other types of structures north of Road 716 and that was made part of the agreement with the Bishop Trust when a minor subdivision was completed in 2014. The area at issue in this request was not contemplated for residential development during those discussions."

Ron Friehe, applicant, addressed the request with the Council. The applicants have a Real Estate Contract with the Norris Institute for the purchase of the parcel contingent upon approval of the special exception. The size of the building will depend upon the number of interested landowners in the Highland Subdivision. It will be a condominium type arrangement with individual ownership. The current estimation is a building being 50' to 60' wide and 100' to 150' long. The building will be constructed on a flat pad in the western ½ of the parcel. Most of the drainage will be to the south.

There being no one else present to comment, upon a motion by Councilmember Calvin, seconded by Councilmember Weedon, 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: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

- B. Approve the request for a special exception to allow a storage building for personal or commercial use in an Agricultural (AG) District located within the two mile extra-territorial jurisdiction of the City of McCook; A part of the NW1/4 NW1/4 of Section 25, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska; a tract of land containing approximately 5 acres more or less located on the south side of what would be "J" Street extended west; Project Sponsor/Developer - Ron Friehe, Ryan Peters, and Brian Esch; Land owner - Norris Institute; 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 - i.

Councilmember Hepp introduced a motion to approve the Special Exception request from Ron Friehe, Ryan Peters, and Brian Esch to allow a storage building for personal or commercial use in an Agricultural (AG) District located within the two mile extra-territorial jurisdiction of the City of McCook; A part of the NW1/4 NW1/4 of Section 25, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska; a tract of land containing approximately 5 acres more or less located on the south side of what would be "J" Street extended west; Land owner - Norris Institute; that the Council is empowered to grant this special exception; that the granting of the special exception will not adversely affect the public interest; and that satisfactory provisions and arrangements have been made by the applicant concerning the following issues:

- a) ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;
- b) off-street parking and loading areas where required, with particular attention to the items in (a) above, and the economic, noise, glare or odor effects of the special exception on adjoining properties and properties generally in the district;
- c) refuse and service areas, with particular reference to the items in (a) and (b) above;
- d) utilities, with reference to locations, availability and compatibility;
- e) screening and buffering with reference to type, dimensions and character;
- f) signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district;
- g) required yards and other open space;
- h) general compatibility with adjacent properties and other property in the district.
- i) compatibility with the existing and future land use plans in the McCook Comprehensive Plan.

The motion was seconded by Councilmember McDowell, and passed by the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

- C. Public Hearing - Consider Clary Subdivision Replat No. 3, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10,

Block 1, Lots 1, 2, 3, 4, 5, 6, and 7, Block 2, and West 9<sup>th</sup> Street, a Replat of Part of Lot 2, Block 1, Clary Subdivision, and Lot 2B, a Replat of Part of Lot 1, Block 1, Clary Subdivision; Excepting the East 60 Feet of Lot 2B, Which has been dedicated as West 8 ½ Street to the City of McCook with the Recording of Clary Subdivision Replat No. 2, all in the City of McCook, Red Willow County, Nebraska.

Upon a motion by Councilmember Calvin, seconded by Councilmember Weedon, the Council voted to recess as a City Council and convene a public hearing for the purpose of receiving public comment on the proposed Clary Subdivision Replat No. 3, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10, Block 1, Lots 1, 2, 3, 4, 5, 6, and 7, Block 2, and West 9<sup>th</sup> Street, a Replat of Part of Lot 2, Block 1, Clary Subdivision, and Lot 2B, a Replat of Part of Lot 1, Block 1, Clary Subdivision; Excepting the East 60 Feet of Lot 2B, Which has been dedicated as West 8 ½ Street to the City of McCook with the Recording of Clary Subdivision Replat No. 2, all in the City of McCook, Red Willow County, Nebraska with the City Attorney to act as hearing officer. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedon. NAY: None.

The City Attorney offered and received into evidence Exhibit #1 - City Manager's Report prepared for the November 16, 2015 City Council meeting (2 pages); Exhibit #2 - Notice of Public Hearing (1 page); Exhibit #3 - Property Owners Notified of Public Hearing (2 pages); Exhibit #4 - proposed Subdivision Agreement for Quillan Courts, L.L.C. Subdivision Replat No. 3 (21 pages); and Exhibit #5 - minutes of the November 9, 2015 Planning Commission meeting.

The following information was presented in the City Manager's Report: "At the October 19, 2015 City Council meeting, the Quillan Courts Redevelopment Plan was presented and approval was made by the City Council. As part of the project, it is necessary to properly subdivide the property in order to build and locate the single family and duplex structures. An application has been presented asking for the City to consider Replat No. 3, attached to your packets. This particular issue is different from a major subdivision because the Clary Village is in existence and a replat is necessary in order to meet City zoning and subdivision requirements. Along with the approval of the Replat No. 3, it is necessary to enter into a subdivision agreement in order to set the duties and responsibilities of the parties to this project. A preliminary subdivision agreement is submitted to the Planning Commission for consideration. There are several items included in the agreement. First, the parties are in agreement that West 9<sup>th</sup> Street will be accepted by the City as a conforming street. Second, the parties will incorporate the Planned Unit Development Agreement into the Subdivision Agreement. Third, all existing sidewalks will be allowed to remain as is. New sidewalks on the east side of both blocks will be required to follow City of McCook Subdivision requirements. The north side of Block 1 shall have paved sidewalk, but due to drainage concerns, it will be located directly behind the street curb. There will not be a sidewalk on the west side of Block 1 as detention ponds will not allow for sidewalk development. The lack of a sidewalk should not interfere with the residents of Quillan Courts as there are no structures located on the west side of the Block 1. Staff feels it is important that there is a through sidewalk on the east side of Block 2 to provide one continuous sidewalk from West "R" Street to West "Q" Street. ADA approved crosswalks will be part of the project. Fourth, as mentioned, detention ponds are required as part of this project. The ponds will be located on the west side of Block 1. These detention ponds were considered when the Clary Village project was being proposed. The ponds should slow drainage coming from the new construction. The drainage will still be directed to the end of developed West 10<sup>th</sup> Street, but there should be no increase in the amount of runoff at this location. Fifth, water and sewer will be part of the project, with it being noted that the water line will run along the east side of Block 2 and the water line will run along the west side of Block 1. One fire hydrant will have to be located at the corner of West Q Street and West 9<sup>th</sup> Street. Sixth, the Developer will be

responsible for providing street light as outlined in our regulations."

Councilmember Calvin inquired if the area to the west is adequate for fire fighters should the need arise – there is a total of four proposed fire hydrants in the subdivision and fire fighters would be able to attack a fire from the west.

There being no one else present to comment, upon a motion by Councilmember Calvin, seconded by Councilmember Hepp, 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: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

- D. Approve the requested creation of Clary Subdivision Replat No. 3, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10, Block 1, Lots 1, 2, 3, 4, 5, 6, and 7, Block 2, and West 9<sup>th</sup> Street, a Replat of Part of Lot 2, Block 1, Clary Subdivision, and Lot 2B, a Replat of Part of Lot 1, Block 1, Clary Subdivision; Excepting the East 60 Feet of Lot 2B, which has been dedicated as West 8½ Street to the City of McCook with the Recording of Clary Subdivision Replat No. 2, all in the City of McCook, Red Willow County, Nebraska.

Upon a motion by Councilmember Calvin, seconded by Councilmember Hepp, the Council voted to approve the requested creation of Clary Subdivision Replat No. 3, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10, Block 1, Lots 1, 2, 3, 4, 5, 6, and 7, Block 2, and West 9<sup>th</sup> Street, a Replat of Part of Lot 2, Block 1, Clary Subdivision, and Lot 2B, a Replat of Part of Lot 1, Block 1, Clary Subdivision; Excepting the East 60 Feet of Lot 2B, which has been dedicated as West 8½ Street to the City of McCook with the Recording of Clary Subdivision Replat No. 2, all in the City of McCook, Red Willow County, Nebraska. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

- E. Approve the Preliminary Subdivision Agreement for Clary Subdivision Replat No. 3 between the City of McCook, the McCook Economic Development Corporation and Quillan Courts, L.L.C.

Upon a motion by Councilmember Calvin, seconded by Councilmember Weedin, the Council voted to approve the Preliminary Subdivision Agreement for Clary Subdivision Replat No. 3 between the City of McCook, the McCook Economic Development Corporation and Quillan Courts, L.L.C. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

- F. Public Hearing - Consider the Preliminary Planned Development District to be known as Quillan Courts Planned Development District, said District to be located between West 10<sup>th</sup> Street and West 8 ½ Street and West R Street and West Q Street (as diagramed in Proposed Replat Clary Subdivision Replat No. 3, Clary Subdivision to the City of McCook, Red Willow County, Nebraska).

Upon a motion by Councilmember Calvin, seconded by Councilmember Weedin, the Council voted to recess as a City Council and convene a public hearing for the purpose of receiving public comment on the Preliminary Planned Development District to be known as Quillan Courts Planned Development District, said District to be located between West 10<sup>th</sup> Street and West 8 ½ Street and West R Street and West Q Street (as diagramed in Proposed Replat Clary Subdivision Replat No. 3, Clary Subdivision to the City of McCook, Red Willow County, Nebraska) with the City Attorney to act as hearing officer. The motion passed upon the following roll call vote: YEA: Gonzales,

Hepp, Calvin, McDowell, Weed. NAY: None.

The City Attorney offered and received into evidence Exhibit #1 - the City Manager's Report prepared for the November 16, 2015 City Council meeting (2 pages); Exhibit #2 - Notice of Hearing published (1 page); Exhibit #3 - Property Owners Notified of hearing (2 pages); Exhibit #4 - McCook Planning Commission Resolution PC2015-07 (1 page); Exhibit #5 - Preliminary Planned Unit Development Agreement for Quillan Courts Project (2 pages); and Exhibit #6 - minutes of the November 8, 2015 Planning Commission meeting (8 pages).

Information presented in the City Manager's Report included: "This agenda item refers to a preliminary zoning issue, not a final zoning issue. The location of this project is in the Clary Subdivision to the City of McCook. The City is running this request simultaneous to a Subdivision request from the developer, Quillan Courts, L.L.C. As such, the designations used for this report will refer to Proposed Clary Subdivision Replat No. 3. Clary Subdivision is in the Residential Medium (RM) District. The developer wishes to construct six residential buildings on Proposed Block 1 and four residential buildings on Proposed Block 2 in Proposed Clary Subdivision Replat No. 3. Diagrams depicting the location of the units are included with this report. The Planned Development District includes improvements such as sanitary sewer, water, sidewalk, and drainage improvements. No streets are being considered as part of this project. The City has been petitioned by the Economic Development Corporation to find that West 9<sup>th</sup> Street meets City standards. After review, the City has found and that West 9<sup>th</sup> Street between West "R" and West "Q" Streets meets City standards. The need for the Planned Unit Development District is due to the nature of the proposed residential structures and the proposed lots located on this site. The developer is proposing that the duplex units be placed on individual lots as opposed to one lot for each of the two units. The request would violate lot size and setback requirements. The only practical way to achieve the desired development is to create a Planned Unit Development District. By creating a Planned Unit Development, exceptions can be made to the Residential Medium Density District zoning requirements, assuring enough flexibility to construct the duplexes. A Planned Unit Development District agreement will need to be completed. A draft is attached to this report. A final agreement will be brought back to the Planning Commission and City Council when there is a finalized Planned Unit Development to be reviewed. The draft has been reviewed by the Planning Commission and a recommendation was made for the Council to approve it on November 9, 2015. The planned unit development would be consistent with the proposed future land use of the Comprehensive Plan."

City Manager Schneider informed the Council that the preliminary Planned Unit Development Agreement addresses five zoning issues: the narrower lot sizes; side yard setback requirements; backyard setback requirements; maximum lot coverage requirements; and the request for a 10 foot utility easement.

There being no one else present to comment, upon a motion by Councilmember Calvin, seconded by Councilmember McDowell, 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: Gonzales, Hepp, Calvin, McDowell, Weed. NAY: None.

G. Approve the Preliminary Planned Development District to be known as Quillan Courts Planned Development District (as diagramed in Proposed Replat Clary Subdivision Replat No. 3, Clary Subdivision to the City of McCook, Red Willow County, Nebraska).

Upon a motion by Councilmember Calvin, seconded by Councilmember Hepp, the Council voted to approve the Preliminary Planned Development District to be known as Quillan Courts Planned

Development District (as diagramed in Proposed Replat Clary Subdivision Replat No. 3, Clary Subdivision to the City of McCook, Red Willow County, Nebraska). The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

It was the consensus of the Council to have the 10 foot utility easement indicated on the replat.

H. Public Hearing - Consider a modification to Article 12, Central Business District (CB), of the McCook Zoning Ordinance, adding funeral homes, funeral chapels, and funeral services as permitted principal uses and structures in the CB District.

Upon a motion by Councilmember Weedin, 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 a proposed modification to Article 12, Central Business District (CB), of the McCook Zoning Ordinance, adding funeral homes, funeral chapels, and funeral services as permitted principal uses and structures in the CB District with the City Attorney to act as hearing officer. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

The City Attorney offered and received into evidence Exhibit #1 - City Manager's Report prepared for the November 16, 2015 City Council meeting (2 pages); Exhibit #2 - Notice of Hearing published (1 page); Exhibit #3 - proposed Ordinance No. 2015-2925 (3 pages); Exhibit #4 - Current Article 12 of McCook Zoning Ordinance No. 2013-2897 (4 pages); Exhibit #5 - Planning Commission minutes of the November 9, 2015 meeting (8 pages); Exhibit #6 - Official Zoning Map (1 page).

Information presented in the City Manager's Report included: "In the Spring/Summer of 2015, Tim Daum, owner of Carpenter-Breland Funeral Home, Inc., approached the City regarding possible expansion of his business through the addition of a crematorium at its current site or a site across the alley from their current buildings. When reviewing the request, Staff discovered that the 2013 Zoning Regulations changed the boundary of the CB District to include the Carpenter-Breland property located at 305 West "C" Street. It was also found that Herrmann Jones Funeral Chapel was also located in the CB District. After reviewing the CB District permitted principal uses and structures and special exception uses, it was noted that the ordinance fails to include funeral homes, funeral chapels and funeral services as allowable structures within the CB District. In relation to Staff's discussion with Mr. Daum, there is concern that the two funeral homes would be considered non-conforming properties and prohibited from expanding or modifying their existing structures. Staff does not believe it was the intent of the new zoning ordinance to "zone out" the two funeral home businesses. Our guess is it was unintentionally left out of the permitted principle uses and structures provision. Be that as it may, Staff recommends that funeral homes, funeral chapels and funeral services be included as permitted principal uses and structures in the CB District. We are not including cemeteries as an additional use in the CB District, as Staff does not believe a cemetery should be located in the CB District (although the likelihood of this happening in the future is very slim). If this item is approved by the City Council, Carpenter-Breland would consider moving their crematorium from it's current location on West 17<sup>th</sup> Street to the 305 West "C" Street property. Staff has discussed the crematorium with Mr. Daum and it is our understanding that crematoriums are closely regulated by the State of Nebraska. Environmental concerns are addressed through these regulations and should not impact the neighbors located around the Carpenter-Breland property. It is our understanding that the location would be on the current mortuary grounds, not across the alley next to residences.

There being no one else present to comment, upon a motion by Councilmember Weedin, seconded

by Councilmember Hepp, 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: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

- I. Introduce and approved Ordinance No. 2015-2925 providing for the modification of Article 12, Central Business District, of the McCook Zoning Ordinance, adding funeral homes, funeral chapels, and funeral services as permitted principal structures in the Central Business District (CB).

Mayor Gonzales introduced Ordinance No. 2015-2925 by title. The Clerk read the Ordinance by title:

AN ORDINANCE OF THE CITY OF MCCOOK, NEBRASKA PROVIDING FOR THE AMENDMENT OF MCCOOK ZONING ORDINANCE NO. 2013-2897, ARTICLE 12 - CENTRAL BUSINESS DISTRICT (CB), SECTION 1202 - PERMITTED PRINCIPAL USES AND STRUCTURES, ADDING FUNERAL HOMES, FUNERAL CHAPELS, AND FUNERAL SERVICES; PROVIDING FOR THE REPEAL OF ANY AND ALL OTHER ORDINANCES IN CONFLICT HERewith; AND PROVIDING A TIME AND DATE FROM AND AFTER WHICH THIS ORDINANCE SHALL TAKE EFFECT AND BE ENFORCED.

Ordinance No. 2015-2925 was introduced and read by title only. Motion was made by Councilmember Weedin, seconded by Councilmember McDowell, to approve Ordinance No. 2015-2925 on its first reading. Upon roll call vote the following Councilmembers voted YEA: Gonzales, Calvin, Hepp, McDowell, Weedin. NAY: None. Motion carried. Whereupon the Mayor declared said Ordinance No. 2015-2925 approved on its first reading.

#### **4. Consent Agenda.**

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

- A. Approve the minutes of the November 2, 2015 regular City Council meeting and the November 5, 2015 special City Council meeting.

Upon a motion by Mayor Gonzales, seconded by Councilmember McDowell, the Council voted to approve the minutes of the November 2, 2015 regular City Council meeting and the November 5, 2015 special City Council meeting. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

- B. Award the bid for two new Special Services Vehicles for use by the Police Department to Wagner Ford-Mercury-Toyota in the amount of \$50,794.

Upon a motion by Mayor Gonzales, seconded by Councilmember McDowell, the Council voted to award the bid for two new Special Services Vehicles for use by the Police Department to Wagner Ford-Mercury-Toyota in the amount of \$50,794. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

- D. Receive and file the claims for the month of October 2015 as published November 12, 2015.

Upon a motion by Mayor Gonzales, seconded by Councilmember McDowell, the Council voted to

receive and file the claims for the month of October 2015 as published November 12, 2015. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedon. NAY: None.

- E. Approve the bid specifications for one (1) new Four Wheel Drive Rubber-Tired Loader for the City of McCook Transfer Station and set the date to receive bids as December 8, 2015 at 2:00 P.M.

Upon a motion by Mayor Gonzales, seconded by Councilmember McDowell, the Council voted to approve the bid specifications for one (1) new Four Wheel Drive Rubber-Tired Loader for the City of McCook Transfer Station and set the date to receive bids as December 8, 2015 at 2:00 P.M. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedon. NAY: None.

## **5. Regular Agenda.**

- 4C. Receive and file the minutes of the November 9, 2015 Planning Commission meeting.

Upon a motion by Councilmember McDowell, seconded by Councilmember Calvin, the Council voted to receive and file the minutes of the November 9, 2015 Planning Commission meeting. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedon. NAY: None.

Councilmember McDowell noted that the street name in John Allen's testimony should be "R" Street not "F" Street.

- A. Review and discuss Ordinance No. 113-02(3), Location of Trailers: Zoning Requirements.

Discussion was held regarding Section No. 113-02(3), Location of Trailers: Zoning Requirements of the City of McCook's Code of Ordinances.

Discussion included less restrictions on owners of oversized recreational vehicles; should recreational vehicles be allowed on front driveways year round, current ordinance prohibits parking of such vehicles on front driveways, except April 1 to November 1; why those months were established; if it is not that big of an issue during those months, why is an issue between November 2 and March 31; the need for less government intrusion; and forcing citizens to use private business for storage of their recreational vehicles.

Police Chief Brown informed the Council that he believed the seasonality of the ordinance was intended to line up with when the recreational vehicles are being used, it allows them to park in their front driveways when getting them ready for use without violating the law; aesthetics and snow removal are also a concern; from a practical standpoint the Police Department's interpretation has been that driveways installed for motor homes are okay as long as they are even with the front of the house; and that they are managed on a case by case basis.

- B. Council Comments.

There were no Council Comments.

- **Adjournment.**

There being no further business to come before the Council, Mayor Gonzales declared the meeting adjourned at 7:35 P.M.

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Michael D. Gonzales, Mayor

ATTEST:

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Lea Ann Doak, City Clerk