

MCCOOK CITY COUNCIL
December 21, 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 Calvin, McDowell, Weedon.

Absent: Councilmember Hepp.

City Officials present: City Manager Schneider, City Attorney Mustion, City Clerk Doak, Police Chief Brown, 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 December 17, 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. Invocation was provided by Brad Brauer, pastor of the Our Savior Lutheran Church and St. Alban's Episcopal Church. 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 commercial well business in an Agricultural (AG) District located within the two mile extra-territorial jurisdiction of the City of McCook; a part of Willow Grove Precinct 7-3-29 Part of the NW1/4 of the NW1/4, Red Willow County, Nebraska; a tract of land containing 8.53 acres more or less located at 38404 Road 719; Project Developer - Rick & Lisa Wilcox, Wilcox Well Drilling; Land owner - Joe & Julie Gillespie, Gillespie Veterinary Service, with the City Attorney to act as Hearing Officer.

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 commercial well business in an Agricultural (AG) District located within the two mile extra-territorial jurisdiction of the City of McCook; a part of Willow Grove Precinct 7-3-29 Part of the NW1/4 of the NW1/4, Red Willow

County, Nebraska; a tract of land containing 8.53 acres more or less located at 38404 Road 719; Project Developer - Rick & Lisa Wilcox, Wilcox Well Drilling; Land owner - Joe & Julie Gillespie, Gillespie Veterinary Service, with the City Attorney to act as Hearing Officer. The motion passed upon the following roll call vote: YEA: Gonzales, Calvin, McDowell, Weedon. NAY: None. ABSENT: Hepp.

The City Attorney offered and received into evidence Exhibit #1 - City Manager's Report dated December 21, 2015 (2 pages); Exhibit #2 - Notice of Hearing published (1 page); Exhibit #3 - Ownership list for mailing advanced Notice of Hearing (1 page); Exhibit #4 - Land Use Action Request Form and attachments (6 pages); and Exhibit #5 - minutes of the December 14, 2015 Planning Commission (6 pages).

The following information was presented in the City Manager's Report dated December 21, 2015: "An application for a special exception has been submitted by Wilcox Well Drilling to allow for a commercial business in the AG District. Upon review of the application, it was not specifically stated what the exact business would be. Staff contacted the applicant's real estate agent, Golden Plains Realty, and were informed that the business was a commercial well service business. Essentially, the applicant would be moving their operation from their current location, which is located in the AG District, to the requested location. On review of the Article 7 special exceptions provision, it is stated that the City Council may specially permit commercial uses for a number of purposes. While a well service business is not specifically mentioned, the ordinance does contain a clause which allows for additional commercial businesses to be considered. At the December 14, 2015 Planning Commission, the Commission voted to recommend approval of the special exception. During the Planning Commission meeting, questions were asked about the special exception considerations. Planning Commission members wanted to know what the applicants' plans were for buffering and ingress/egress. The applicants were not present at the meeting to answer the questions due to a family event. It is believed the applicants will be present at the Council meeting to answer special exception questions specific to the application."

Rick Wilcox, Project Developer, addressed the request with the Council. The drive extends to the north to the county road, no traffic will enter directly onto Highway 83; to address buffering, they do not plan to store any equipment along the highway and plan to build a large building to the east for storage, keeping things out of sight; that he had visited with adjacent property owners Tim Walter and Rod Cappel and they had no objections; before making any future changes he would visit with the adjacent property owners to make sure they are okay with them; and that he does not want anything visible to the highway because of security issues.

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

- B. Approve the request for a special exception to allow a commercial well business in an Agricultural (AG) District located within the two mile extra-territorial jurisdiction of the City of McCook; a part of Willow Grove Precinct 7-3-29 Part of the NW1/4 of the NW1/4, Red Willow County, Nebraska; a tract of land containing 8.53 acres more or less located at 38404 Road 719; Project Developer - Rick & Lisa Wilcox, Wilcox Well Drilling; Land owner - Joe & Julie Gillespie, Gillespie Veterinary Service; 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 McDowell introduced a motion to approve the Special Exception request from Project Developer - Rick & Lisa Wilcox, Wilcox Well Drilling; Land owner - Joe & Julie Gillespie, Gillespie Veterinary Service to allow a commercial well business in an Agricultural (AG) District located within the two mile extra-territorial jurisdiction of the City of McCook; a part of Willow Grove Precinct 7-3-29 Part of the NW1/4 of the NW1/4, Red Willow County, Nebraska; a tract of land containing 8.53 acres more or less located at 38404 Road 719; 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 Calvin, and passed by the following roll call vote: YEA: Gonzales, Calvin, McDowell, Weedin. NAY: None. ABSENT: Hepp.

- C. Public Hearing - Consider Clary Subdivision Replat No.3, Lots 1 - 10, Block 1, Lots 1 - 7, Block 2, and West 9th 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.

Upon a motion by Mayor Gonzales, 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 Clary Subdivision Replat No.3, Lots 1 - 10, Block 1, Lots 1 - 7, Block 2, and West 9th 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, Calvin, McDowell, Weedin. NAY: None. ABSENT: Hepp.

The City Attorney offered and received into evidence Exhibit #1 - the City Manager's Report dated December 21, 2015 (2 pages); Notice of Public Hearing published (1 page); Exhibit #3 - listing of property owners notified of the Public Hearing (2 pages); Exhibit #4 - Resolution No. 2015-24 (1 page); Exhibit #5 - proposed Clary Subdivision Replat No. 3 (1 page); Exhibit #6 - Clary Subdivision Replat No. 3 indicating utilities (1 page); Exhibit #7 - proposed Subdivision Agreement for Quillan Courts, L.L.C. Subdivision Replat No. 3 (8 pages); Exhibit #8 - minutes of the December 14, 2015 Planning Commission meeting.

The following information was presented in the City Manager's Report dated December 21, 2015: "At the Planning Commission meeting in October, the Quillan Courts Redevelopment Plan was presented and approval was recommended and made to and by the City Council. The City Council approved the Plan at its second October meeting. At the November Planning Commission meeting a Preliminary Subdivision Replat and Preliminary Subdivision Agreement was presented and approved for recommendation. The City Council approved both items in November. As part of this 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 final subdivision agreement is included with this item to the Plan for the Planning Commission's consideration. There are several items included in the agreement. First, the parties are in agreement that West 9th 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 sidewalk on the west side of Block 1 as detention ponds will not allow for sidewalk development. The lack of 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 the drainage coming from the new construction. The drainage will still be directed to the end of developed West 10th Street, but there should be no increase in the amount of runoff at this location. The Agreement stipulates that the City will not be responsible for the upkeep of the ponds. It also stipulates that no future development will occur on the drainage ponds. 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 sewer 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 9th Street. Sixth, the Developer will be responsible for providing street light as outlined in our regulations."

City Manager Schneider reviewed the proposed Clary Subdivision Replat No. 3 plat and the Final Subdivision Agreement for Clary Subdivision Replat No. 3 and also the Planned Unit Development District to be known as Quillan Courts.

Craig Christner, owner of property to the north of North Pointe expressed concerns with drainage onto his property.

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

- D. Adopt Resolution No. 2015-24 providing for the creation of Clary Subdivision Replat No.3, Lots 1 - 10, Block 1, Lots 1 - 7, Block 2, and West 9th Street, all in the City of McCook, Red Willow County, Nebraska.

Upon a motion by Councilmember Calvin, seconded by Councilmember McDowell, the Council voted to adopt Resolution No. 2015-24 providing for the creation of Clary Subdivision Replat No.3, Lots 1 - 10, Block 1, Lots 1 - 7, Block 2, and West 9th Street, all in the City of McCook, Red Willow County, Nebraska. The motion passed upon the following roll call vote: YEA: Gonzales, Calvin, McDowell, Weedin. NAY: None. ABSENT: Hepp.

It was clarified that the retention ponds would be installed during project construction.

- E. Approve the Final 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 McDowell, the Council voted to approve the Final 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, Calvin, McDowell, Weedin. NAY: None. ABSENT: Hepp.

- 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 10th 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.

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 the Preliminary Planned Development District to be known as Quillan Courts Planned Development District, said District to be located between West 10th 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, Calvin, McDowell, Weedin. NAY: None. ABSENT: Hepp.

The City Attorney offered and received into evidence Exhibit #1 - the City Manager's Report dated December 21, 2015 (2 pages); Exhibit #2 - Notice of Hearing published (1 page); Exhibit #3 - ownership listing of those receiving advanced Notice of Hearing (2 pages); Exhibit #4 - proposed Ordinance No. 2015-2926 (1 page); Exhibit #5 - Planning Commission Resolution No. PC2015-08 (1 page); Exhibit #6 - Planned Unit Development Agreement for Quillan Courts Project (5 pages); and Exhibit #7 - minutes of the December 14, 2015 Planning Commission meeting (6 pages).

The following information was presented in the City Manager's Report dated December 21, 2015: "This agenda item refers to a final zoning issue necessary to accommodate the Quillan Courts project. The location of this project is in the Clary Subdivision to the City of McCook. The City is running this request simultaneous to a Replat and Subdivision request from the developer, Quillan Courts, L.L.C. As such, the designations used for this report will refer to 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 9th Street meets City standards. After review, the City has found that West 9th Street between West R and West Q Streets meets City standards. The need for the Planned Unit Development District is necessary due to the nature of the 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 is attached. The preliminary agreement was reviewed and approved by the Planning Commission on November 9, 2015. The City Council approved the preliminary agreement on November 16, 2015. The final agreement was reviewed and recommended for approval on December 14, 2015 by the Planning Commission. The planned unit development would be consistent with the proposed future land use of the Comprehensive Plan."

City Manager Schneider reviewed the Planned Unit Development District agreement and noted that Lot 9 in Block 1 should be included in Subsection a of Section 1.

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

G. Introduce and approve Ordinance No. 2015-2926 approving the Final Planned Development District to be known as Quillan Courts Planned Development District (as diagrammed in Proposed Replat Clary Subdivision Replat No. 3, Clary Subdivision to the City of McCook, Red Willow County, Nebraska).

Mayor Gonzales introduced Ordinance No. 2015-2926 by title. The Clerk read the Ordinance by title:

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 2013-2897 BY DESIGNATING A TRACT OF LAND AS A PLANNED DEVELOPMENT DISTRICT TO BE KNOWN AS "QUILLAN COURTS"; REPEALING CONFLICTING ORDINANCES OR PARTS OF ORDINANCES; AND PROVIDING FOR A TIME AND DATE FROM AND AFTER WHICH THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE.

Ordinance No. 2015-2926 was introduced and read by title only. Motion was made by Mayor Gonzales, seconded by Councilmember Calvin, to approve Ordinance No. 2015-2926 on its first reading and that Lot 9 in Block 1 be included in Subsection a, Section 1 of the Planned Unit Development Agreement. Upon roll call vote the following Councilmembers voted YEA: Gonzales, Calvin, McDowell, Weedon. NAY: None. ABSENT: Hepp. Motion carried. Whereupon the Mayor declared said Ordinance No. 2015-2926 approved on its first reading.

4. Consent Agenda.

A. Approve the minutes of the December 7, 2015 regular City Council meeting.

Upon a motion by Councilmember Calvin, seconded by Councilmember McDowell, the Council voted to approve the minutes of the December 7, 2015 regular City Council meeting. The motion passed upon the following roll call vote: YEA: Gonzales, Calvin, McDowell, Weedin. NAY: None. ABSENT: Hepp.

- B. Award the bid for one (1) new 4-wheel drive rubber-tired loader, to be used at the Transfer Station, to Nebraska Machinery in the amount of \$132,225.00, it being the lowest responsible bid.

Upon a motion by Councilmember Calvin, seconded by Councilmember McDowell, the Council voted to award the bid for one (1) new 4-wheel drive rubber-tired loader, to be used at the Transfer Station, to Nebraska Machinery in the amount of \$132,225.00, it being the lowest responsible bid. The motion passed upon the following roll call vote: YEA: Gonzales, Calvin, McDowell, Weedin. NAY: None. ABSENT: Hepp.

- C. Approve the recommendation of the Fuel Contract Advisory Committee to continue the Fuel Purchase Agreement, for Calendar Year 2016, with Frenchman Valley Cooperative, Inc. to purchase fuel for government vehicles.

Upon a motion by Councilmember Calvin, seconded by Councilmember McDowell, the Council voted to approve the recommendation of the Fuel Contract Advisory Committee to continue the Fuel Purchase Agreement, for Calendar Year 2016, with Frenchman Valley Cooperative, Inc. to purchase fuel for government vehicles. The motion passed upon the following roll call vote: YEA: Gonzales, Calvin, McDowell, Weedin. NAY: None. ABSENT: Hepp.

- D. Approve the application for a Special Designated Liquor License submitted by Schmick's Market, Inc., Liquor License #IDK-084561, for a Rotary Dance/Reception to be held at the McCook Municipal Auditorium, 302 West 5th Street, on February 13, 2016 from 4:00 P.M. to 11:59 P.M.

Upon a motion by Councilmember Calvin, seconded by Councilmember McDowell, the Council voted to approve the application for a Special Designated Liquor License submitted by Schmick's Market, Inc., Liquor License #IDK-084561, for a Rotary Dance/Reception to be held at the McCook Municipal Auditorium, 302 West 5th Street, on February 13, 2016 from 4:00 P.M. to 11:59 P.M. The motion passed upon the following roll call vote: YEA: Gonzales, Calvin, McDowell, Weedin. NAY: None. ABSENT: Hepp.

- E. Approve the application for a Special Designated Liquor License submitted by Schmick's Market, Inc., Liquor License #IDK-084561, for a reception to be held at the McCook Municipal Auditorium, 302 West 5th Street, on June 18, 2016 from 4:00 P.M. to 11:59 P.M.

Upon a motion by Councilmember Calvin, seconded by Councilmember McDowell, the Council voted to approve the application for a Special Designated Liquor License submitted by Schmick's Market, Inc., Liquor License #IDK-084561, for a reception to be held at the McCook Municipal Auditorium, 302 West 5th Street, on June 18, 2016 from 4:00 P.M. to 11:59 P.M. The motion passed upon the following roll call vote: YEA: Gonzales, Calvin, McDowell, Weedin. NAY: None. ABSENT: Hepp.

- F. Approve the application for a Special Designated Liquor License submitted by the McCook Area Chamber of Commerce for their Annual Banquet to be held at the Kiplinger Arena, 1412 West 5th Street, on January 30, 2016 from 12:00 A.M. to 11:59 P.M.

Upon a motion by Councilmember Calvin, seconded by Councilmember McDowell, the Council voted to approve the application for a Special Designated Liquor License submitted by the McCook Area Chamber of Commerce for their Annual Banquet to be held at the Kiplinger Arena, 1412 West 5th Street, on January 30, 2016 from 12:00 A.M. to 11:59 P.M. The motion passed upon the following roll call vote: YEA: Gonzales, Calvin, McDowell, Weedin. NAY: None. ABSENT: Hepp.

G. Approve the renewal of Maintenance Agreement No. 17 between the Nebraska Department of Roads and the Municipality of McCook and authorize the Mayor to sign.

Upon a motion by Councilmember Calvin, seconded by Councilmember McDowell, the Council voted to approve the renewal of Maintenance Agreement No. 17 between the Nebraska Department of Roads and the Municipality of McCook and authorize the Mayor to sign. The motion passed upon the following roll call vote: YEA: Gonzales, Calvin, McDowell, Weedin. NAY: None. ABSENT: Hepp.

H. Authorize the Mayor to sign the Certificate of Compliance for the 2015 Maintenance Agreement between the City of McCook and the Nebraska Department of Roads.

Upon a motion by Councilmember Calvin, seconded by Councilmember McDowell, the Council voted to authorize the Mayor to sign the Certificate of Compliance for the 2015 Maintenance Agreement between the City of McCook and the Nebraska Department of Roads. The motion passed upon the following roll call vote: YEA: Gonzales, Calvin, McDowell, Weedin. NAY: None. ABSENT: Hepp.

I. Approve the automatic renewal of all current retail liquor licenses in the City of McCook for the year 2016 and instruct the City Clerk to publish individual notice of the right of automatic renewal of each license.

Upon a motion by Councilmember Calvin, seconded by Councilmember McDowell, the Council voted to approve the automatic renewal of all current retail liquor licenses in the City of McCook for the year 2016 and instruct the City Clerk to publish individual notice of the right of automatic renewal of each license. The motion passed upon the following roll call vote: YEA: Gonzales, Calvin, McDowell, Weedin. NAY: None. ABSENT: Hepp.

J. Receive and file the minutes of the December 14, 2015 Planning Commission meeting.

Upon a motion by Councilmember Calvin, seconded by Councilmember McDowell, the Council voted to receive and file the minutes of the December 14, 2015 Planning Commission meeting. The motion passed upon the following roll call vote: YEA: Gonzales, Calvin, McDowell, Weedin. NAY: None. ABSENT: Hepp.

K. Adopt Resolution No. 2015-23 approving an amendment to the City of McCook Employee Retirement Plan.

Upon a motion by Councilmember Calvin, seconded by Councilmember McDowell, the Council voted to adopt Resolution No. 2015-23 approving an amendment to the City of McCook Employee Retirement Plan. The motion passed upon the following roll call vote: YEA: Gonzales, Calvin, McDowell, Weedin. NAY: None. ABSENT: Hepp.

L. Receive and file the claims for the month of November 2015 as published on December 18, 2015.

Upon a motion by Councilmember Calvin, seconded by Councilmember McDowell, the Council voted to receive and file the claims for the month of November 2015 as published on December 18, 2015. The motion passed upon the following roll call vote: YEA: Gonzales, Calvin, McDowell, Weedin. NAY: None. ABSENT: Hepp.

5. Regular Agenda.

- A. Accept BSB Construction, Inc. bid of \$373,877.25 as the lowest responsible bidder for the City of McCook Community Development Block Grant Downtown Improvement Project and authorize the Mayor to execute the necessary paperwork to award the contract subject to approval by the Nebraska Department of Economic Development.

Upon a motion by Councilmember Calvin, seconded by Councilmember McDowell, the Council voted to accept BSB Construction, Inc. bid of \$373,877.25 as the lowest responsible bidder for the City of McCook Community Development Block Grant Downtown Improvement Project and authorize the Mayor to execute the necessary paperwork to award the contract subject to approval by the Nebraska Department of Economic Development. The motion passed upon the following roll call vote: YEA: Gonzales, Calvin, McDowell, Weedin. NAY: None. ABSENT: Hepp.

- B. Approve 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) upon its third and final reading.

Ordinance No. 2014-2925 361 entitled, "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", was considered upon its third and final reading.

Ordinance No. 2014-2925 was read by title only and thereafter Councilmember Weedin moved for final passage of the Ordinance, which motion was seconded by Councilmember McDowell. The Mayor then stated the question: "Shall Ordinance No. 2014-2925 be passed and adopted?" Upon roll call vote the following Councilmembers voted YEA: Gonzales, Calvin, McDowell, Weedin. NAY: None. ABSENT: Hepp. Motion carried. The passage and adoption of said Ordinance having been concurred in by a majority of the Council, the Mayor declared the Ordinance lawfully passed and adopted upon publication as required by law.

- C. Approve the Memorandum of Understanding between McCook Clinic, Community Hospital of McCook, and the City of McCook Fire Department to allow the City of McCook Fire Department to participate in a Community Paramedic Program and authorize the Mayor to sign.

Upon a motion by Councilmember Calvin, seconded by Councilmember McDowell, the Council voted to approve the Memorandum of Understanding between McCook Clinic, Community Hospital of McCook, and the city of McCook Fire Department to allow the City of McCook Fire Department to participate in a Community Paramedic Program and authorize the Mayor to sign. The motion passed upon the following roll call vote: YEA: Gonzales, Calvin, McDowell, Weedin. NAY: None. ABSENT: Hepp.

D. Receive and file information regarding the activities and successes of the City of McCook Problem Resolution Team.

Police Chief Brown presented and update regarding the activities and successes of the City of McCook Problem Resolution Team.

E. Council Comments.

Councilmembers wished all a safe and wonderful Holiday Season.

Mayor Gonzales suggested that staff prepare progress report or listing of what has happened within the City in 2015.

▪ **Adjournment.**

There being no further business to come before the Council, Mayor Gonzales declared the meeting adjourned at 8:00 P.M.

Michael D. Gonzales, Mayor

ATTEST:

Lea Ann Doak, City Clerk