

MINUTES

MCCOOK CITY COUNCIL

Monday, October 5, 2009

7:30 P.M. - City Council Chambers

Call to Order and Roll Call

A MEETING OF THE MAYOR AND COUNCIL OF THE CITY OF MCCOOK, NEBRASKA convened in open, regular, and public session at 7:30 o'clock P.M. in the City Council Chambers.

Present: Mayor Berry, Councilmembers Kircher, Anderson, Grant; City Attorney Schneider; City Manager Fritsch; City Clerk Doak.

Absent: None.

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on October 1, 2009, the designated method of giving notice, a copy of the proof of publication being attached to these minutes. Advance notice of the meeting was also given to the Mayor and members of the City Council and a copy of the Acknowledgment of Receipt of such notice is attached to these minutes. Availability of the agenda was communicated in the advance notice to the Mayor and Council. All proceedings hereafter shown were taken while the meeting was open to the attendance of the public.

Mayor Berry announced that a copy of the Open Meetings Act was posted by the entrance to the Council Chambers and available for public review.

ITEM NO. 1 INVOCATION - THE MCCOOK MINISTERIAL ASSOCIATION - CLARK BATES, MCCOOK CHRISTIAN CHURCH.

Clark Bates, pastor of the McCook Christian Church, was present for the invocation.

ITEM NO. 2 CITIZEN'S FORUM.

No one was present for Citizen's Forum.

ITEM NO. 3 Mayor's Announcements & Recognitions.

There were no Mayor's announcements or recognitions.

ITEM NO. 4 RATIFY THE MAYOR'S APPOINTMENT OF A REPLACEMENT TO FILL THE VACANCY CAUSED BY THE RESIGNATION OF FORMER COUNCILMEMBER JACK ROGERS FROM NOW UNTIL DECEMBER 6, 2010.

Mayor Berry introduced a motion to ratify the appointment of Jerry Calvin to fill the vacancy on the Council caused by the resignation of former Councilmember Jack Rogers, from now until December 6, 2010. Motion was seconded by Councilmember Anderson.

Letters of interest to fill the vacancy on the Council were received from Jerry Calvin, Shane Hilker, and Andrew Yeager. Each gave a short presentation and answered questions from the Council.

The Mayor then stated the question: "Shall the Mayor's appointment of Jerry Calvin to fill the vacancy on the Council, from now until December 6, 2010, be ratified?" The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Grant. NAY: None.

ITEM NO. 5 ADMINISTER THE OATH OF OFFICE FOR THE NEWLY APPOINTED COUNCILMEMBER.

The City Clerk administered the Oath of Office for newly appointed Councilmember Jerry Calvin.

ITEM NO. 6 PROCLAMATIONS:

ITEM A Upon a motion by Councilmember Kircher, seconded by Councilmember Grant,

the Council voted to approve the proclamation designating October 4 - October 10, 2009 as "Fire Prevention Week" and authorize the Mayor to sign. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Grant, Calvin. NAY: None.

ITEM B APPROVE THE PROCLAMATION DESIGNATING THE MONTH OF OCTOBER 2009 AS "AMERICAN HUMANE'S ADOPT-A-DOG MONTH" AND AUTHORIZE THE MAYOR TO SIGN.

Upon a motion by Councilmember Grant, seconded by Councilmember Anderson, the Council voted to approve the proclamation designating the month of October 2009 as "American Humane's Adopt-A-Dog Month" and authorize the Mayor to sign. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Grant, Calvin. NAY: None.

ITEM C APPROVE THE PROCLAMATION DESIGNATING THE MONTH OF OCTOBER 2009 AS "DOMESTIC VIOLENCE AWARENESS MONTH" AND AUTHORIZE THE MAYOR TO SIGN.

Upon a motion by Councilmember Grant, seconded by Councilmember Kircher, the Council voted to approve the proclamation designating the month of October 2009 as "Domestic Violence Awareness Month" and authorize the Mayor to sign. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Grant, Calvin. NAY: None.

ITEM NO. 7 CONSENT AGENDA:

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

ITEM A APPROVE THE MINUTES OF THE SEPTEMBER 21, 2009 REGULAR CITY COUNCIL MEETING.

Upon a motion by Mayor Berry, seconded by Councilmember Anderson, the Council voted to approve the minutes of the September 21, 2009 regular City

Council meeting. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Grant, Calvin. NAY: None.

ITEM E RECOMMEND APPROVAL TO THE NEBRASKA LIQUOR CONTROL COMMISSION THE APPLICATION FROM OLD SARGE'S BAR INC., DBA OLD SARGE'S BAR, LOCATED AT 114 WEST 1ST STREET, FOR AN ADDITION TO LIQUOR LICENSE #IB-42757 OF A BEER GARDEN APPROXIMATELY 24' X 10' TO BE LOCATED AT THE BACK OF THE BUILDING.

Upon a motion by Mayor Berry, seconded by Councilmember Anderson, the Council voted to recommend approval to the Nebraska Liquor Control Commission the application from Old Sarge's Bar Inc., dba Old Sarge's Bar, located at 114 West 1st Street, for an addition to Liquor License #IB-42757 of a Beer Garden approximately 24' X 10' to be located at the back of the building. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Grant, Calvin. NAY: None.

REGULAR AGENDA

ITEM 7B RECEIVE AND FILE THE CITY OF MCCOOK SNOW AND ICE CONTROL AND REMOVAL OPERATION PROCEDURES AND POLICI ES.

Upon a motion by Councilmember Kircher, seconded by Mayor Berry, the Council voted to receive and file the City of McCook Snow and Ice Control and Removal Operation Procedures and Policies. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Grant, Calvin. NAY: None.

ITEM 7C APPROVE MILLER AND ASSOCIATES AS THE GENERAL ADMINISTRATOR OF THE COMMUNITY DEVELOPMENT BLOCK GRANT FOR FUNDING A PORTION OF 21ST CENTURY SYSTEMS, INC. (21CSI) EXPANSION AND DATA CENTER AT THE KEYSTONE HOTEL

Upon a motion by Councilmember Kircher, seconded by Councilmember Grant, the Council voted to approve Miller and Associates as the General Administrator of the Community Development Block Grant for funding a portion of 21st Century Systems, Inc. (21CSI) Expansion and Data Center at the Keystone Hotel. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Grant, Calvin. NAY: None.

ITEM 7D APPROVE THE FRENCHMAN VALLEY MUTUAL AID ASSOCIATION
INTERLOCAL AGREEMENT AND AUTHORIZE THE MAYOR TO SIGN.

Upon a motion by Councilmember Kircher, seconded by Councilmember Anderson, the Council voted to approve the Frenchman Valley Mutual Aid Association Interlocal Agreement and authorize the Mayor to sign. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Grant, Calvin. NAY: None.

ITEM NO. 8 INTRODUCE AND APPROVE UPON ITS FIRST READING ORDINANCE

NO. 2009-2833 PROVIDING FOR THE AMENDMENT OF CHAPTER 7,

ARTICLE 4, SECTION 409 OF THE MCCOOK MUNICIPAL CODE –

DISCHARGE OF FIREWORKS GENERALLY, CLARIFYING HOURS OF SALE.

Mayor Berry introduced Ordinance No. 2009-2833 entitled:

AN ORDINANCE OF THE CITY OF MCCOOK, NEBRASKA, AMENDING CHAPTER 7, ARTICLE 4, SECTION 409 - DISCHARGE OF FIREWORKS GENERALLY, CLARIFICATION OF HOURS OF SALE; 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 Grant, that the number and title of said Ordinance be approved. Upon roll call vote the following Councilmembers voted YEA: Berry, Kircher, Anderson, Grant, Calvin. NAY: None.

Ordinance No. 2009-2833 was read by title only. Motion was made by Mayor Berry, seconded by Councilmember Kircher, to approve Ordinance No. 2009-2833 on its first reading. Upon roll call vote the following Councilmembers voted YEA: Berry, Kircher, Anderson, Grant, Calvin. NAY: None. Motion carried. Whereupon the Mayor declared said Ordinance No. 2009-2833 approved on its first reading.

ITEM NO. 9 APPROVE ORDINANCE NO. 2009-2830 AMENDING CHAPTER 6, ARTICLE 2, OF THE MUNICIPAL CODE OF THE CITY OF MCCOOK, NEBRASKA RELATING TO IMMUNIZATION AGAINST RABIES UPON ITS THIRD AND FINAL READING.

Ordinance No. 2009-2830 now came up for third and final reading. Ordinance No. 2009-2830 was read by title only and thereafter Councilmember Kircher moved for final passage of the Ordinance, which motion was seconded by Councilmember Anderson. The Mayor then stated the question: "Shall Ordinance No. 2009-2830 be passed and adopted?" Upon roll call vote the following Councilmembers voted YEA: Berry, Kircher, Anderson, Grant, Calvin. NAY: None. Motion carried. The passage and adoption of said Ordinance having been concurred in by a majority of the Council, the Mayor signed and approved the Ordinance and the Clerk attested the passage and approval of the same and affixed her signature thereto.

Upon a motion by Councilmember Kircher, seconded by Mayor Berry, the Council voted to publish Ordinance No. 2009-2830 in the McCook Daily Gazette, a legal newspaper, one time as required by law. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Grant, Calvin. NAY: None.

ITEM NO. 10 COUNCIL COMMENTS.

The Council welcomed Jerry and thanked Shane Hilker and Andrew Yeager for submitting their letter of interest to fill the vacancy on the Council.

ITEM NO. 11 ADJOURNMENT.

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

Dennis Berry, Mayor

ATTEST:

Lea Ann Doak, City Clerk