

MCCOOK CITY COUNCIL
December 20, 2010
7:30 P.M.

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

Present: Mayor Berry; Councilmembers Kircher, Calvin, Gonzales, Hilker; City Attorney Schneider; City Manager Fritsch; City Clerk-Treasurer Doak.

Absent: None.

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on December 16, 2010, the designated method of giving notice, a copy of the proof of publication being attached to these minutes. Advance notice of the meeting was also given to the Mayor and members of the City Council and a copy of the Acknowledgment of Receipt of such notice is attached to these minutes. Availability of the agenda was communicated in the advance notice to the Mayor and Council. All proceedings hereafter shown were taken while the meeting was open to the attendance of the public.

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

- (1) INVOCATION - THE MCCOOK MINISTERIAL ASSOCIATION - STEVE BALES, 1ST CONGREGATIONAL CHURCH.

No one was present for the invocation.

- (2) CITIZEN'S FORUM.

Delores Graff, Dixie Lorentz, Marvin Lorentz, and Jean Parry, representatives of the McCook Recyclers, Inc., informed the Council that they were donating to the City all of their equipment leased to the City in 1997. They thanked the City for their continued support of the recycling program.

- (3) MAYOR'S ANNOUNCEMENTS & RECOGNITIONS.

There were no Mayor's announcements or recognitions.

- (4) PUBLIC HEARINGS:

ITEM A PUBLIC HEARING - REGARDING THE FORMER DAUGHTERS OF THE AMERICAN REVOLUTION (DAR) BUILDING LOCATED IN KELLEY PARK NEAR THE INTERSECTION OF EAST "M" STREET AND EAST 3RD STREET, WHICH IS SCHEDULED TO BE MOVED TO ANOTHER LOCATION WITHIN THE PARK; DISCUSS THE ADVERSE EFFECTS THAT MAY OCCUR TO THE BUILDING THROUGH RELOCATION OF IT AND WHY SUCH EFFECTS TO THE BUILDING ARE OCCURRING WITH THE CITY ATTORNEY TO ACT AS HEARING OFFICER.

Upon a motion by Councilmember Gonzales, seconded by Councilmember Hilker, the Council

voted to recess as a City Council and convene a public hearing for the purpose of receiving public comment regarding the former Daughters of the American Revolution (DAR) building located in Kelley Park near the intersection of East "M" Street and East 3rd Street, which is scheduled to be moved to another location within the Park; discuss the adverse effects that may occur to the building through relocation of it and why such effects to the building are occurring with the City Attorney to act as Hearing Officer. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

The City Attorney offered and received into evidence Exhibit #1 - Notice of Hearing published.

Dr. Richard Tubbs, Vice President of McCook Community College, and Darrin Morgan, Facilities Director, spoke on behalf of the College. Dr. Tubbs stated that this is the final required public hearing being held pursuant to Section 106 of the National Historic Preservation Act of 1966. This hearing is to discuss the adverse effects that may occur to the building through relocation of it. The building is being moved approximately 200 feet as part of the proposed Events Center that the College hopes to begin construction of early in 2011. The relocation project will aid in preservation of the building with a new roof, windows, doors and foundation pad. They have been working closely with the Nebraska State Historic Preservation Office (SHPO), as well as the Advisory Council on Historic Preservation (ACHP). SHPO favors the proposed location as it ties it in with the bathhouse and the shelter house which is of similar construction. Notification has been received from the ACHP stating that they do not believe that their participation in the consultation to resolve adverse effects regarding the moving of this building is required. Dr. Tubbs closed by stating that the College is committed to maintaining the heritage of McCook and Kelley Park and will work closely with the City and SHPO to insure that is done.

There being no one else present to comment, upon a motion by Councilmember Hilker, seconded by Councilmember Kircher, the Council voted to adjourn the public hearing and to reconvene as a City Council. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

ITEM B INTRODUCE AND APPROVE UNDER SUSPENSION OF THE RULE ORDINANCE NO. 2011-2849 PROVIDING FOR THE AMENDMENT OF CITY OF MCCOOK ORDINANCE NO. 2006-2783 WHICH AUTHORIZED THE SALE OF CERTAIN REAL ESTATE OWNED BY THE CITY OF MCCOOK AND LOCATED IN THE KELLEY PARK TO MID-PLAINS COMMUNITY COLLEGE AREA AND AUTHORIZING THE MAYOR TO EXECUTE THE ADDENDUM TO THE PURCHASE AGREEMENT SIGNED OCTOBER 16, 2006.

Councilmember Kircher introduced Ordinance No. 2011-2849 entitled:

AN ORDINANCE PROVIDING FOR THE AMENDMENT OF CITY OF MCCOOK ORDINANCE NO. 2006-2783 WHICH AUTHORIZED THE SALE OF CERTAIN REAL ESTATE OWNED BY THE CITY OF MCCOOK AND LOCATED IN THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 3 NORTH, RANGE 30 WEST OF THE 6TH P.M., RED WILLOW COUNTY, NEBRASKA TO MID-PLAINS COMMUNITY COLLEGE AREA; AUTHORIZING THE MAYOR TO EXECUTE THE ADDENDUM TO PURCHASE AGREEMENT SIGNED ON THE 16TH DAY OF OCTOBER, 2006; 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.

The motion was made by Councilmember Kircher, seconded by Councilmember Calvin, that the

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

Ordinance No. 2011-2849 was read by title only. Motion was made by Councilmember Kircher to approve Ordinance No. 2011-2849 on its first reading. Motion died for lack of a second.

The motion was made by Mayor Berry that the statutory rule requiring reading on three different days be suspended. Councilmember Gonzales seconded the motion to suspend the rule.

Councilmember Kircher expressed concerns with approval under suspension of the rule stating that he would prefer giving the public the opportunity to comment.

Dr. Tubbs stated that the College must have all Section 106 requirements addressed by the end of the year and the DAR building is part of the original purchase agreement. He addressed the proposed amendments noting that Bolles Canyon Road has been closed by the City and a walking trail has been built up to the Event Center property and that the College agrees to connecting the trail to "M" Street during construction; that the College abandoned their plan to build parking in Bolles Canyon and the City cleaned the area as part of another drainage project; that tennis courts have been built by the High School eliminating the need for additional courts; and that the College agrees to add diagonal parking spaces along the north side of "M" Street. Dr. Tubbs added that some funding might be lost if the project is delayed.

Public Works Director Kyle Potthoff stated that the construction of the basketball court in the new Russell Park eliminated the City's need for replacement of the tennis courts, adding that they have not been used as such for a number of years.

Councilmember Gonzales stated that he did not see any items in the proposed agreement that would affect the City or its citizens.

Jerry Reitz asked if public comment would change the Council's decision; would it change how you vote? He suggested that the Council vote in favor of suspension of the rule so that the College can move forward with a project that benefits McCook and the surrounding area.

The Mayor then stated the question: " Shall the statutory rule requiring reading on three different days be suspended.?" Upon roll call vote the following Councilmembers voted YEA: Berry, Gonzales, Calvin, Hilker. NAY: Kircher. The motion to suspend the rule was adopted by three-fourths of the Council and the statutory rule was declared suspended for consideration of said Ordinance.

Mayor Berry moved for final passage of the Ordinance, which was seconded by Councilmember Gonzales. The Mayor then stated the question: "Shall Ordinance No. 2011-2849 be passed and adopted?" Upon roll call vote the following Councilmembers voted YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None. Motion carried. The passage and adoption of said Ordinance, having been concurred in by a majority of all members of the Council, the Mayor declared the Ordinance adopted and the Mayor, in the presence of the Council, 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 Councilmember Calvin, the Council voted to publish Ordinance No. 2011-2849, 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, Gonzales, Kircher, Calvin, Hilker. NAY: None.

ITEM C CONDUCT A PUBLIC HEARING ON THE APPLICATION OF CASEY'S RETAIL COMPANY; DBA "CASEY'S GENERAL STORE 2984", FOR A CLASS "D" - (BEER, WINE & DISTILLED SPIRITS, OFF SALE ONLY) LICENSE UNDER THE NEBRASKA LIQUOR CONTROL COMMISSION, TO BE LOCATED AT 204 WEST "B" STREET, MCCOOK, NEBRASKA WITH THE CITY ATTORNEY TO ACT AS HEARING OFFICER.

Upon a motion by Councilmember Gonzales, 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 application of Casey's Retail Company; dba "Casey's General Store 2984", for a Class "D" - (Beer, Wine & Distilled Spirits, Off Sale Only) License under the Nebraska Liquor Control Commission, to be located at 204 West "B" Street, McCook, Nebraska with the City Attorney to act as Hearing Officer. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

The City Attorney offered and received into evidence Exhibit #1 - Notice of Hearing published; Exhibit #2 - the Police Department Liquor Application Report (1 - 6 pages); and Exhibit #3 - Application and letter from the Nebraska Liquor Control Commission (1 - 40 pages).

There being no one present to comment, upon a motion by Councilmember Hilker, 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: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

ITEM D RECOMMEND APPROVAL TO THE NEBRASKA LIQUOR CONTROL COMMISSION THE APPLICATION OF CASEY'S RETAIL COMPANY; DBA "CASEY'S GENERAL STORE 2984", FOR A CLASS "D" - (BEER, WINE & DISTILLED SPIRITS, OFF SALE ONLY) LICENSE UNDER THE NEBRASKA LIQUOR CONTROL COMMISSION, TO BE LOCATED AT 204 WEST "B" STREET, MCCOOK, NEBRASKA.

Upon a motion by Councilmember Kircher, seconded by Councilmember Gonzales, the Council voted to recommend approval to the Nebraska Liquor Control Commission the application of Casey's Retail Company; dba "Casey's General Store 2984", for a Class "D" - (Beer, Wine & Distilled Spirits, Off Sale Only) License under the Nebraska Liquor Control Commission, to be located at 204 West "B" Street, McCook, Nebraska. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

ITEM E PUBLIC HEARING - PROPOSED CHANGES TO ZONING ORDINANCE NO. 1580, AMENDING ARTICLE 13, BUSINESS COMMERCIAL DISTRICT (BC), SECTION 1302 AND ARTICLE 16, INDUSTRIAL LIGHT DISTRICT (IL), SECTION 1602 TO ALLOW EXISTING STICK BUILT HOMES AS PERMITTED PRINCIPAL USES AND STRUCTURES WITH THE CITY ATTORNEY TO ACT AS HEARING OFFICER.

Upon a motion by Councilmember Kircher, 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 proposed changes to Zoning Ordinance No. 1580, amending Article 13, Business Commercial District (BC), Section 1302 and Article 16, Industrial Light District (IL), Section 1602 to allow existing stick built homes as Permitted Principal Uses and Structures, with the City Attorney to act as Hearing Officer. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

The City Attorney offered and received into evidence Exhibit #1 - Notice of Hearing published; Exhibit #2 - proposed Ordinance No. 2011-2848 (pages 1 - 30); Exhibit #3 - the City Manager's Report prepared for the December 20, 2010 City Council meeting; and Exhibit #4 - the minutes of the December 13, 2010 Planning Commission meeting.

City Manager Fritsch stated that the Planning Commission unanimously recommended approval of the proposed changes. The City has a couple hundred homes impacted by the existing zoning ordinance which prohibits expansion and improvements to those properties located in the Business Commercial and Industrial Light Districts. In addition, when destroyed by a catastrophic event such as fire or weather, if they are damaged by more than 50%, they may not be rebuilt. This has created a hardship from a financing and insurance standpoint. Many of these homes are not able to be sold as lenders will not allow financing for homes that may not be rebuilt. Staff believes that by allowing permanent use of these homes and by establishing this in the zoning ordinance, we may create both a sense of equity for these homeowners and the encouragement of neighborhood improvement revitalization. The proposed change would only impact existing stick built structures and would not impact mobile or modular homes. The change would allow up to 50% improvement measured in either valuation or square footage to a home. The change does not allow construction of homes on vacant lots as the underlying zoning remains in place.

Jerry Reitz, owner of property on East 11th Street, spoke in support of the proposed change. He has made significant changes to the home located on this property, but prospective buyers are unable to obtain financing and insurance because of zoning restrictions. With these current restrictions in place, properties in these areas continue to degrade.

There being no one else present to comment, upon a motion by Councilmember Kircher, 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: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

ITEM F INTRODUCE AND APPROVE UPON ITS FIRST READING ORDINANCE NO. 2011-2848 PROVIDING FOR THE AMENDMENT OF MCCOOK ZONING ORDINANCE NO. 1580, ARTICLE 13, BUSINESS COMMERCIAL DISTRICT (BC), SECTION 1302 AND ARTICLE 16, INDUSTRIAL LIGHT DISTRICT (IL), SECTION 1602 TO ALLOW EXISTING STICK BUILT HOMES AS PERMITTED PRINCIPAL USES AND STRUCTURES.

Councilmember Kircher introduced Ordinance No. 2011-2848 entitled:

AN ORDINANCE PROVIDING FOR THE AMENDMENT OF MCCOOK ZONING ORDINANCE NO. 1580, ARTICLE 13, BUSINESS COMMERCIAL DISTRICT (BC), SECTION 1302 AND ARTICLE 16, INDUSTRIAL LIGHT DISTRICT (IL), SECTION 1602 TO ALLOW EXISTING STICK BUILT HOMES AS PERMITTED PRINCIPAL USES AND STRUCTURES, PROVIDING FOR THE REPEAL OF ANY AND ALL OTHER 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 Hilker, that the number and title of said Ordinance be approved. Upon roll call vote the following Councilmembers voted YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

Ordinance No. 2011-2848 was read by title only. Motion was made by Councilmember Kircher, seconded by Councilmember Calvin, to approve Ordinance No. 2011-2848 on its first reading.

Upon a motion by Councilmember Kircher, seconded by Councilmember Calvin, the Council voted to amend the presented ordinance in Section 1302(27) and Section 1602(7) by striking “50% of valuation or square footage, whichever is greater” and inserting “50% of valuation based on the County Assessor’s current assessed valuation for the year in which improvements have been commenced or the square footage as of the date of this ordinance, which ever is greater.” The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

The Mayor then stated the question: "Shall Ordinance No. 2011-2848 be approved upon its first reading as amended?" Upon roll call vote the following Councilmembers voted YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None. Motion carried.

ITEM G PUBLIC HEARING - REQUEST FROM REBECCA PATTERSON TO MOVE A STRUCTURE FROM 509 NORRIS AVENUE TO 38644 ROAD 705 LOCATED OUTSIDE THE LIMITS OF THE CITY OF MCCOOK WITH THE CITY ATTORNEY TO ACT AS HEARING OFFICER.

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 from Rebecca Patterson to move a structure from 509 Norris Avenue to 38644 Road 705 located outside the limits of the City of McCook with the City Attorney to act as Hearing Officer. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

The City Attorney offered and received into evidence Exhibit #1 - Notice of Hearing published and Exhibit #2 - the application received from Ms. Patterson.

Ms. Patterson was present to address questions from the Council. The home is located north of the Methodist Church and was where her grandmother was raised. It has been in the family for over 100 years. She and the mover have been working with the Department of Roads and various utilities getting the route approved.

Councilmember Calvin expressed concerns with coordinating the move so that it is a less burden to the City; questioning what is the best time and the best route?

There being no one else present to comment, upon a motion by Councilmember Kircher, 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: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

ITEM G APPROVE THE REQUEST FROM REBECCA PATTERSON TO MOVE A STRUCTURE FROM 509 NORRIS AVENUE TO 38644 ROAD 705 LOCATED OUTSIDE THE LIMITS OF THE CITY OF MCCOOK.

Upon a motion by Councilmember Kircher, seconded by Councilmember Gonzales, the Council voted to approve the request from Rebecca Patterson to move a structure from 509 Norris Avenue to 38644 Road 705 located outside the limits of the City of McCook subject to all applicable ordinance requirements. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

(5) CONSENT AGENDA:

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

Councilmember Gonzales requested that Item F be removed from the Consent Agenda and placed on the Regular Agenda.

ITEM A APPROVE THE MINUTES OF THE DECEMBER 6, 2010 REGULAR CITY COUNCIL MEETING.

Upon a motion by Mayor Berry, seconded by Councilmember Calvin, the Council voted to approve the minutes of the December 6, 2010 regular City Council meeting. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

ITEM B APPROVE THE AUTOMATIC RENEWAL OF ALL CURRENT RETAIL LIQUOR LICENSES IN THE CITY OF MCCOOK FOR THE YEAR 2011 AND INSTRUCT THE CITY CLERK TO PUBLISH INDIVIDUAL NOTICE OF THE RIGHT OF AUTOMATIC RENEWAL OF EACH LICENSE.

Upon a motion by Mayor Berry, seconded by Councilmember Calvin, the Council voted to approve the automatic renewal of all current retail liquor licenses in the City of McCook for the year 2011 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: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

ITEM C RECEIVE AND FILE THE MINUTES OF THE SENIOR CENTER ADVISORY BOARD DATED NOVEMBER 9, 2010 AND DECEMBER 7, 2010 AND THE PLANNING COMMISSION DATED DECEMBER 13, 2010.

Upon a motion by Mayor Berry, seconded by Councilmember Calvin, the Council voted to receive and file the minutes of the Senior Center Advisory Board dated November 9, 2010 and December 7, 2010 and the Planning Commission dated December 13, 2010. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

ITEM E APPROVE THE APPLICATION FOR A SPECIAL DESIGNATED LIQUOR LICENSE SUBMITTED BY JUSTIN J. BILBY - ROCK 'N HORSE LOUNGE, LICENSE NUMBER CK-77614, FOR A RECEPTION TO BE HELD AT THE RED WILLOW COUNTY COMMUNITY BUILDING, 1408 WEST 5TH STREET, ON JANUARY 8, 2011 FROM 12:00 P.M. TO 1:00 A.M.

Upon a motion by Mayor Berry, seconded by Councilmember Calvin, the Council voted to approve the application for a Special Designated Liquor License submitted by Justin J. Bilby - Rock 'N Horse Lounge, License Number CK-77614, for a reception to be held at the Red Willow County Community Building, 1408 West 5th Street, on January 8, 2011 from 12:00 P.M. to 1:00 A.M. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

ITEM G RATIFY THE MAYOR'S APPOINTMENT OF LINDA CRANDALL TO THE LIBRARY BOARD TO FILL THE UNEXPIRED TERM OF CANDACE HAVELY - TERM EXPIRES JUNE, 2013.

Upon a motion by Mayor Berry, seconded by Councilmember Calvin, the Council voted to ratify the Mayor's appointment of Linda Crandall to the Library Board to fill the unexpired term of

Candace Havelly - term expires June, 2013. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

REGULAR AGENDA

ITEM 5D ADOPT RESOLUTION NO. 2010-31 REPEALING RESOLUTION NO. 2009-02 WHICH PROVIDED THAT ABSENCES DUE TO HEALTH CONCERNS FOR MAYOR DENNIS BERRY FROM REGULAR AND SPECIAL CITY COUNCIL MEETINGS BE EXCUSED DURING THE PERIOD OF NOVEMBER 1, 2008 THROUGH THE PRESENT.

Upon a motion by Councilmember Kircher, seconded by Councilmember Calvin, the Council voted to adopt Resolution No. 2010-31 repealing Resolution No. 2009-02 which provided that absences due to health concerns for Mayor Dennis Berry from regular and special City Council meetings be excused during the period of November 1, 2008 through the present. The motion passed upon the following roll call vote: YEA: Gonzales, Kircher, Calvin, Hilker. NAY: None. ABSTAIN: Berry.

ITEM 5F AUTHORIZE AND APPROVE THE ROUTE FOR A FUN WALK/RUN ON NEW YEARS EVE SPONSORED BY THE YMCA ON DECEMBER 31, 2010 FROM 5:00 P.M. TO 7:00 P.M.

Upon a motion by Councilmember Calvin, seconded by Councilmember Hilker, the Council voted to authorize and approve the route for a Fun Walk/Run on New Years Eve sponsored by the YMCA on December 31, 2010 from 5:00 P.M. to 7:00 P.M. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Calvin, Hilker. NAY: None. ABSTAIN: Gonzales.

(6) **ADOPT RESOLUTION NO. 2010-32 DESIGNATING THE REPRESENTATIVES OF THE CITY OF MCCOOK TO THE PUBLIC ALLIANCE FOR COMMUNITY ENERGY (ACE) BOARD OF DIRECTORS.**

Upon a motion by Councilmember Kircher, seconded by Councilmember Gonzales, the Council voted to adopt Resolution No. 2010-32 designating the representatives of the City of McCook to the Public Alliance for Community Energy (ACE) Board of Directors, with Kurt Fritsch as the City's representative and Jerry Calvin as the City's alternate representative. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

(7) **ADOPT RESOLUTION NO. 2010-33 DESIGNATING THE REPRESENTATIVES OF THE CITY OF MCCOOK TO THE MCCOOK ECONOMIC DEVELOPMENT CORPORATION BOARD OF DIRECTORS.**

Upon a motion by Councilmember Kircher, seconded by Councilmember Calvin, the Council voted to adopt Resolution No. 2010-33 designating the representatives of the City of McCook to the McCook Economic Development Corporation Board of Directors, with Shane Hilker being the City's Automatic Director and Jerry Calvin the City's Ex-officio Director. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

(8) **COUNCIL COMMENTS.**

The Council wished all a Merry Christmas and Happy New Year and encouraged all to purchase

their buttons for the 1st Night event.

(9) ADJOURNMENT.

There being no further business to come before the Council, Mayor Berry declared the meeting adjourned at 9:00 P.M.

Dennis Berry, Mayor

ATTEST:

Lea Ann Doak, City Clerk