

MCCOOK CITY COUNCIL
Special Meeting
October 25, 2010
7:00 P.M.

A MEETING OF THE MAYOR AND COUNCIL OF THE CITY OF MCCOOK, NEBRASKA convened in open, special, and public session at 7:00 o'clock P.M. at the Heritage Senior Center.

Present: Mayor Berry; Councilmembers Kircher, Anderson, Calvin, Gonzales; 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 October 21, 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 Senior Center and available for public review.

(1) TOWN HALL MEETING - MUNICIPAL FACILITIES ELECTION.

City Manager Fritsch, Fire Chief Marc Harpham, and Police Chief Ike Brown gave a short presentation on the proposed facility and funding of the facility. The bond for the proposed facility will be paid for using sales tax funds over a period of seven years. No new tax will be required. The City's property tax request will not go up if approved or down if not approved.

Rick Metcalf, President of the McCook Professional Firefighters Association Local 2100 read a letter of support for the new facilities.

Kevin Hodgson, President of the McCook Professional Law Enforcement Officers Association FOP Lodge #57 read a letter of support for the proposed new facilities.

Kathleen Bills stated she would prefer to see the facility outside of town, expressing concerns with having all three facilities in one location.

Jerry Reitz, a taxpayer, business person, and former Councilmember, stated that there is some misconception out there about misuse of the sales tax funds. The ballot language was specific in stating that the funds are to be used for major infrastructure projects. It is then the Council's responsibility to prioritize the projects. These new facilities were part of the Council's discussion at that time. He has seen the condition of the existing facilities. The City has been behind the eight ball for years. The Council now has the ability to address these issues and are is so responsibly.

Brett Schmidt spoke in support of the project. It is not just about McCook or about now, it is about the surrounding area and fifty years from now.

Shane Smith spoke in support of the project.

Councilmember Kircher stated now is the time. The entire \$5,250,000 project can be paid off in seven years, the same amount of time that some pay off a loan for a vehicle. We need to take care of things before it is a crisis, we are almost to that point. Those in the future don't need the problems we have left them.

Jerry Nieman expressed concerns with a property tax increase.

Vickie Drake spoke in support of renovation of the West Ward building.

Pauletta Gerver asked why a couple of jail cells were not included in the proposed project.

Mayor Berry replied that the jails were a County issue and repeated that the County has the option to utilize the City's current 96-hour facility if the choose to. He also noted that the County was invited to participate in the proposed facility and chose not to.

Wayne Brunswick, property owner across the street from the proposed facility, asked what impact the new facility would have on his property tax.

(2) PUBLIC HEARING - REGARDING THE MITIGATION EFFORTS OF THE CITY WITH RESPECT TO THE WEST WARD SCHOOL PROJECT.

Upon a motion by Councilmember Kircher, seconded by Councilmember Anderson, the Council voted to recess as a City Council and convene a public hearing for the purpose of receiving public comment regarding the mitigation efforts of the City with respect to the West Ward School project with the City Attorney to act as hearing officer. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Calvin, Gonzales. NAY: None.

Whereupon the following proceedings were had:

MAYOR BERRY: Nate.

CITY ATTORNEY SCHNEIDER: Thank you. This is a public hearing regarding mitigation efforts the city plans on taking, or has already taken, with respect to the West Ward School building. This is being done in concert, and as a result of Section 106 of the National Historic Preservation Act. There is one exhibit. Exhibit #1 is a published notice on October 18, 2010 on this particular hearing. Exhibit #1 is offered and accepted at this time. I guess with respect to what they are referring to with Section 106 is regarding with respect to the mitigation efforts the City of McCook, pursuant to the terms of Section 106, is required to take steps in order to lessen whatever the impact maybe with respect to the removal, demolition of the old west ward school building. As part of the mitigation efforts, we have contracted with Berggren Architects out of Lincoln who is doing a recordation. A recordation includes a number of different things. One of the things that they are doing right now, and may have already done, is to compile and submit drawings to the State Historical Preservation Society with respect to the building itself. The drawings will have the representations of the building, the dimensions, etc. Those then will be on file with the State Historical Preservation Society in perpetuity. Also pictures will be taken. Historical documentation of the property is being made right now and that will be on file with the State Historical Preservation Society. One of the things with respect to this hearing, there is a third, this is the third public hearing. There are three public hearings that are required by Section 106 of the National Historic Preservation Act. This portion will focus not only on the mitigation efforts the city is currently taking but also gives an opportunity for the residents of the city

and the Council to discuss where we are going, what the project is going to be, or what it is going to look like, and what is going to happen with West Ward School building. These are the things that can be discussed at this time. We have already had, like we mentioned, two public hearings, Section 106 requirements. This is the third and final public hearing. Is there anybody that wishes to speak at this time with respect to the Section 106 hearing?

JERRY REITZ: Hi – Jerry Reitz again. In regards to West Ward from a professional standpoint. For starters I understand the heartfelt attachment a great number of people have for this building. None probably became more evident than the day they actually had the auction at the school. A very wonderful lady, by the name of Kay Flaska, taught at that school for a great number of years. With all of the equipment, the computers, the desks, everything sitting outside, she focused on what was interestingly enough the biggest piece of crap I have ever seen on a playground in my life, meant more to her than anything, the old drinking fountain, a lot of you might remember it. It looked like one of the old big culligan media tanks that had been cut in half and some galvanized pipe ran through it, some legs welded to the bottom of it and was actually concreted into the ground and she was standing beside it looking at it and I jokingly said “Kay are you going to buy that” and she said that if there is anyway that I knew I could get that out of the ground I sure would. Unfortunately for her the auctioneer heard her say it and I was standing there and I said well Kay, if that’s the problem, I can run over to my van and get my sawsall and cut the legs off and you can take it home with you and the auctioneer said the next item up for bid will be the drinking fountain. Well I thought well this will be good. She will get it and take it home and when the bidding hit \$200 between her and another teacher, you know it became very evident as to the attachment that some of these people had for that building. Ah, she could do nothing more than picture the number of kids she taught over the years running over to that piece of crap to get a drink of water and you know those kinds of memories are attached to that building so I understand it. On the other side of things, as a business man and owning a plumbing company, two of the former owners who had purchased the building with the intent of doing renovations and turning that building into something had called and wanted me to come through, and you know here is the idea and here is what we want to do with the structure the way that it is, the way things are in the place, and they wanted to know if things were possible. Well, anything is possible with a building, you can do anything. The question is, should you. Okay. And by the time we got through all of the processes to do what those previous owners had wanted to do with that building, what they were going to spend was not only with the plumbing side, but the electrical side, the heating side, they ultimately ended up reselling the building. So my kids went there, we loved it, the teachers there were great, the building has a history that is fantastic, but it was time to go. It is not a 65 mustang fastback, it is a 69 Buick Century. You know, sometimes you can save something and make something worthwhile out of it and sometimes you are just airing up the tires to make it go down the road a little further, and honestly the correct decision is being made by taking the school down and spending the money wisely to put in a new structure. If it was, if it was even a matter of tearing that building down and building another one exactly like it, would be preferable than trying to renovate the one that is there. I know there’s people out there saying that it could be done cheaper, I can guarantee you that it can’t, not with construction costs the way that they are, things the way that they are now. It could be torn down and rebuilt new just like it is cheaper than trying to renovate and move anything in that building. So I truly believe that the right thing is being done. I, I have been through it with previous owners and that is why it ultimately wound up in your hands. So carry on

MAYOR BERRY: Thank you Jerry. Other comments?

DALE COTTON: Yeah, I am Dale Cotton and a we are continuing our petition drive. We feel that, that building when it is rehabed it will do the same things as that picture you had up

there. The engineers will make sure of that. We have touched base with the County Clerk regarding petition drives and we know where we stand on that. We turn our petitions in to the City Clerk and we have touched base with the Secretary of State on petition drives, we have talked to some Mayor forms of governments about petition drives, and we have asked the ACLU questions about petition drives, the State Bar Association, and better business bureau so that is kind of where we are at on our petition drive and we think that this needs to be delayed until after the election, this destruction. Okay, well thank you.

MAYOR BERRY: Thank you Mr. Cotton. Are there other comments?

CITY ATTORNEY SCHNEIDER: Seeing there are no further additional comments, Council do you have any thing you would like to say on the subject?

COUNCILMEMBER KIRCHER: As far as being delayed after the election, I'm pretty sure that we still have some things to do before we can move forward on a lot of this stuff anyway. Some of the asbestos removal, from what I have heard, is already being done, so we have already started our work on it.

CITY ATTORNEY SCHNEIDER: I am not going to get into the legal ramifications at this point in time about the filing of petitions. Needless to say there are deadline requirements that need to be met and whether that have been met or not. The State Statutes need to be followed with respect to the determination as far as to whether these filing requirements were met. You have got to follow along with what the statues have said, as far as the dates. So, that is all I have to say about that.

GENE MORRIS: Hi, I am Gene Morris and I am with Heritage Nebraska what I would like to address, Nate, is that particular point you made in that the Council has conferred with this before about petitions and you stated the petition law as it relates to recall elections and in that case you are right. According to Mr. Bob Puschendorf of the State Historical Preservation Office on Section 106 the same rules do not apply. All that is required in a Section 106 petition is an expression from the public which is presented to the City. So I think that was done Mr., as I understand what Mr. Cotton said that he has presented to each of you as members of the Council and you might check with Mr. Puschendorf. But I think that it is sufficient. So it is not the same as a normal petition process for a recall election. So you might check that out just for future reference

CITY ATTORNEY SCHNEIDER: And I appreciate that. Whether or not that this has anything to do with Section 106, we are here in respect to municipalities. Whether or not that has anything to do with the Section 106 requirements, I don't know whether the two go hand and hand together, Gene.

GENE MORRIS: But, well there were two separate discussions tonight on the petition that was presented, upon was on, I would just want you check that out to be certain of what the requirements are about Section 106

CITY ATTORNEY SCHNEIDER: Okay.

COUNCILMEMBER KIRCHER: It might be a good idea to look into that but, I am sure that they are going to follow the same initiative and referendum rules, you think about if that was actually the case then one person could sign the petition and stop the demolition.

CITY ATTORNEY SCHNEIDER: You are exactly right, the rules are fairly straight forward with respect to what is required. Requirements, up to this point in time have not been met

with respect to the state requirements.

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

(3) ADJOURNMENT.

There being no further business to come before the Council, Mayor Berry declared the meeting adjourned at 8:20 P.M.

-s- Dennis Berry, Mayor

ATTEST:

-s- Lea Ann Doak, City Clerk