

MCCOOK CITY COUNCIL  
March 7, 2011  
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 Gonzales, Kircher, Calvin, 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 March 3, 2011, 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 - MARY HENDRICKS - ST. ALBAN'S EPISCOPAL CHURCH.

Mary Hendricks, pastor of the St. Alban's Episcopal Church, was present for the invocation.

(2) CITIZEN'S FORUM.

No one was present for Citizen's Forum.

(3) MAYOR'S ANNOUNCEMENTS & RECOGNITIONS.

City Manager Fritsch informed the Council that LB165 regarding the occupation tax on telecommunications has made it to Select File. The bill, as it is now, will allow for a telecommunications occupation tax up to 6¼% beginning in January 2013. Currently ours is at 3% and is on land lines only. Telecommunication occupation tax across the state now ranges from 3% to 5%.

(4) CONSENT AGENDA:

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

ITEM A APPROVE THE MINUTES OF THE FEBRUARY 21, 2011 REGULAR CITY COUNCIL MEETING.

Upon a motion by Mayor Berry, seconded by Councilmember Gonzales, the Council voted to approve the minutes of the February 21, 2011 regular City Council meeting. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

ITEM B RATIFY THE APPOINTMENT OF KENT CRAW AND DOUG SKILES - TERMS EXPIRE MARCH 2015, DALE DUELAND AND JASON GRIGG - TERMS EXPIRE MARCH 2014, AND KENT KILPATRICK - TERM EXPIRES MARCH 2013 TO THE CITY OF MCCOOK ECONOMIC DEVELOPMENT PLAN LOAN COMMITTEE.

Upon a motion by Mayor Berry, seconded by Councilmember Gonzales, the Council voted to ratify the appointment of Kent Craw and Doug Skiles - terms expire March 2015, Dale Dueland and Jason Grigg - terms expire March 2014, and Kent Kilpatrick - term expires March 2013 to the City of McCook Economic Development Plan Loan Committee. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

ITEM C APPROVE THE SUBRECIPIENT AGREEMENT BETWEEN THE CITY OF MCCOOK AND THE ALLIANCE FOR THE ENCOURAGEMENT OF THE VISUAL AND PERFORMING ARTS.

Upon a motion by Mayor Berry, seconded by Councilmember Gonzales, the Council voted to approve the subrecipient agreement between the City of McCook and the alliance for the Encouragement of the Visual and Performing Arts. 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 MO DOUGH, LLC, LICENSE #IK-57785, FOR THE BULL RIDING EVENT TO BE HELD AT THE RED WILLOW COUNTY FAIRGROUNDS KIPLINGER ARENA, 1408 WEST 5<sup>TH</sup> STREET, ON MARCH 26, 2011 FROM NOON TO 1:00 A.M.

Upon a motion by Mayor Berry, seconded by Councilmember Gonzales, the Council voted to approve the application for a Special Designated Liquor License submitted by MO Dough, LLC, License #IK-57785, for the Bull Riding Event to be held at the Red Willow County Fairgrounds Kiplinger Arena, 1408 West 5<sup>th</sup> Street, on March 26, 2011 from Noon to 1:00 A.M. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

### REGULAR AGENDA

ITEM 4D APPROVE THE ADDENDUM TO THE OIL AND GAS LEASE TO BE ENTERED INTO BETWEEN THE CITY OF MCCOOK AND CREDO PETROLEUM.

City Attorney Schneider informed the Council that the agreement contains the same information as the first one presented at the February 21, 2011 meeting. Item 28, a "Force Majeure" clause and Item 29 addressing an optional pooling agreement have been added.

Upon a motion by Kircher, seconded by Hilker, the Council voted to approve the Addendum to the Oil and Gas Lease to be entered into between the City of McCook and Credo Petroleum. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

ITEM 4F Adopt Resolution No. 2011-06 providing for the amendment of Appendix XII,

Telecommunication Fee Schedule, of the McCook Municipal Code.

Utilities Director Jesse Dutcher addressed the Council regarding the proposed rate increase. Verizon has made a request to increase their installation from three antennas that use six runs of coax cable to six antennas that use twelve runs of coax cable, using the same control building. The existing fee schedule does not consider the number of antennas. Staff is requesting that language be added to allow for additional fees when a user has more than three antennas, more than six runs of coax cable, or more than one control building.

Upon a motion by Councilmember Kircher, seconded by Councilmember Calvin, the Council voted to adopt Resolution No. 2011-06 providing for the amendment of Appendix XII, Telecommunication Fee Schedule, of the McCook Municipal Code. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

(6) ACCEPT THE REPORT FROM A CITIZEN COMMITTEE RECOMMENDING IMPROVEMENTS TO THE NORTHEAST CORNER OF "B" STREET AND NORRIS AVENUE AND DIRECT STAFF ACCORDINGLY.

Doug Joyce and Rex Nelson presented a report outlining the findings and recommendations of a group of Citizens concerned about the redevelopment of the site formerly know as the Romanoff Building. They determined that the project needed to be attractive, adaptable, and affordable and that it should: 1) complement the east side of the intersection; 2) work with what is there, and; 3) stay within the budget of the Main Street contribution of \$17,245. Numerous ideas and designs have been put forth over the years, including suggestions for public restrooms, visitor center, information kiosk, *trompe l'oeil*, murals, water features, and landscaping. The designs considered by the group included the following:

- ▶ Norris & "B" Street Vacant Lot Concept by Jennifer Morgan
- ▶ Water Feature Concept by Gavin Harsh
- ▶ Bricks and Stamped Concrete Concept by Susan Harris-Broomfield, and
- ▶ Native Grasses Concept by Nebraska Arboretum, submitted by Bruce Hoffman

The group recommended the following guidelines as the City continues development at the intersection of Norris Avenue and "B" Street:

1. Landscape the lot in the northwest quadrant of the intersection so as to complement that of the northeast quadrant, using a combination of native grasses and other vegetation, brickwork, and/or stamped concrete to create a visually appealing sidewalk area that will invite drivers to look up Norris Avenue as they approach the intersection. The design should be adaptable such that it can accommodate statuary or other features at a later date.
2. Leave the newly renovated wall as it is until such time as the community finds an attractive concept-which may be achieved by hiring a professional mural artist or hosting a design competition-as well as the means to fund it.
3. These recommendations are based on the McCook Main Street donation of \$17,245, but the project need not be limited to that amount. If the City would like to contribute additional funds, the committee would be pleased to make further proposals.

Upon a motion by Mayor Berry, seconded by Councilmember Calvin, the Council voted to accept the report from the citizen committee recommending improvements to the northeast corner of "B" Street and Norris Avenue and directed staff to proceed with their recommendation. The motion

passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

Mayor Berry thanked the citizens for all of their time and effort put in on their recommended development of this lot.

(7) MUNICIPAL FACILITIES UPDATE.

City Manager Fritsch informed the Council that staff had no updates at this time.

(8) APPROVE ORDINANCE NO. 2011-2854 APPROVING THE REZONE OF LOTS ONE (1), TWO (2), AND THREE (3), FAIRACRES ADDITION TO THE CITY OF MCCOOK, RED WILLOW COUNTY, NEBRASKA FROM RESIDENTIAL MEDIUM DENSITY MOBILE HOME DISTRICT (RM-M) TO BUSINESS COMMERCIAL DISTRICT (BC) UPON ITS SECOND READING.

Upon a motion by Councilmember Kircher, seconded by Councilmember Calvin, the Council voted to approve Ordinance No. 2011-2854 approving the rezone of Lots One (1), Two (2), and Three (3), Fairacres Addition to the City of McCook, Red Willow County, Nebraska from Residential Medium Density Mobile Home District (RM-M) to Business Commercial District (BC) upon its second reading. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

(9) COUNCIL COMMENTS.

Councilmember Kircher informed the Council that the Clapp family withdrew their request for a proclamation in memory of their daughter Kailee.

Councilmember Calvin again thanked the members of the citizens committee for their efforts in the recommended design of the lot at the corner Norris Avenue and "B" Street.

(10) ADJOURNMENT.

There being no further business to come before the Council, Mayor Berry declared the meeting adjourned at 7:55 P.M.

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Dennis Berry, Mayor

ATTEST:

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Lea Ann Doak, City Clerk