

MCCOOK CITY COUNCIL
March 19, 2012
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, Calvin, Hepp, McDowell; City Attorney Schneider; City Manager Hancock; City Clerk-Treasurer Doak.

Absent: None.

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on March 15, 2012, 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 - BRUCE LESTER, EVANGELICAL FREE CHURCH.

Bruce Lester, pastor of the Evangelical Free Church, was present for the invocation.

(2) CITIZEN'S FORUM.

John Hubert requested that the Pledge of Allegiance to the United States be included at the beginning of each meeting along with the prayer.

(3) MAYOR'S ANNOUNCEMENTS & RECOGNITIONS.

City Manager Hancock reviewed highlights of his recent newsletter. The Choice Gas selection period is April 13 through the 26 and he encouraged everyone to review the rates and make a selection. He noted that the Fire Department will provide the first round of National Incident Management System (NIMS) training in April, with Administration and Council scheduled for the first week. This training or lack of, could potentially affect future disaster relief to the City. A team from the Committee on Accreditation of Education Programs for the Emergency Medical Services Professions (CoAEMSP) recently visited the Fire Department as part of their process to assist the Paramedic program at McCook Community College in gaining national accreditation. The Commission on Accreditation of Allied Health Education Programs (CAAHEP) will make an official decision on the Accreditation in May. Currently, only two other Paramedic Programs in Nebraska have CAAHEP Accreditation: Creighton Paramedic Program and Metropolitan Community College, both located in Omaha. Rick Province, Solid Waste Superintendent, and Kyle Potthoff, Director of Public Works, have been certified as erosion and sediment control inspectors through the Nebraska Department of Roads.

(4) PUBLIC HEARINGS:

ITEM A PUBLIC HEARING - CONSIDER WHETHER THE REAL ESTATE DESCRIBED AS REDEVELOPMENT AREA #1 OF THE CITY OF MCCOOK SHOULD BE REAFFIRMED TO BE SUBSTANDARD AND BLIGHTED, PURSUANT TO THE NEBRASKA COMMUNITY DEVELOPMENT LAW.

Upon a motion by Councilmember McDowell, 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 whether the real estate described as Redevelopment Area #1 of the City of McCook should be reaffirmed to be substandard and blighted, pursuant to the Nebraska Community Development Law with the City Attorney to act as hearing officer. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

The City Attorney offered and received into evidence Exhibit #1 - the City Manager's Report prepared for the March 19, 2012 City Council meeting; Exhibit #2 - Notice of Public Hearing published; Exhibit #3 - map indicating Redevelopment Area #1; Exhibit #4 - proposed Resolution No. 2012-07; and Exhibit #5 - copies of the letter mailed to the McCook Community College, ESU #15, the Middle Republican NRD, the Red Willow County Commissioners, and the McCook School District.

No one from the public presented comment.

Rex Nelson, MEDC Director, stated that the blighted and substandard designation helps to attract private investment in an area that is getting older. An example of funding would be Tax Increment Financing (TIF). The improvements increase the property value. The property owners are then able to capture (use) the property tax increase to help finance their investments.

City Manager Hancock stated that the MEDC has agreed to pay for a grant administrator to apply for CDBG funds for a Downtown Planning grant. If approved, the City would be eligible for additional grants in the future for downtown infrastructure. In order to complete this application a reaffirmation of the designation of the Downtown Blighted Area needs to take place. The last designation took place in 1999. The grant application deadline is March 30. The designated area does include streets and alleys.

City Attorney Schneider read the blighted and substandard definition in the Nebraska Revised Statutes.

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

ITEM B ADOPT RESOLUTION NO. 2012-07 DECLARING A CERTAIN AREA DESCRIBED AS REDEVELOPMENT AREA #1 OF THE CITY OF MCCOOK TO BE BLIGHTED AND SUBSTANDARD AND IN NEED OF REDEVELOPMENT PURSUANT TO THE COMMUNITY DEVELOPMENT LAW, CHAPTER 18, ARTICLE 21, REISSUE REVISED STATUTES OF NEBRASKA, AS AMENDED.

Upon a motion by Councilmember Calvin, seconded by Councilmember Hepp, the Council voted to adopt Resolution No. 2012-07 declaring a certain area described as Redevelopment Area #1 of the City of McCook to be blighted and substandard and in need of redevelopment pursuant to the Community Development Law, Chapter 18, Article 21, Reissue Revised Statutes of Nebraska, as amended. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin,

Hepp, McDowell. NAY: None.

ITEM C PUBLIC HEARING - REQUEST TO REZONE THE N 100' OF LOT NINE (9) AND ALL OF LOT TEN (10), BLOCK ELEVEN (11), WEST MCCOOK ADDITION TO THE CITY OF MCCOOK, RED WILLOW COUNTY, NEBRASKA FROM INDUSTRIAL LIGHT (IL) TO BUSINESS COMMERCIAL (BC); LAND OWNER, MCCORKLE MOTORS, 109 WEST 8TH STREET.

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 to rezone the N 100' of Lot Nine (9) and all of Lot Ten (10), Block Eleven (11), West McCook Addition to the City of McCook, Red Willow County, Nebraska from Industrial Light (IL) to Business Commercial (BC); Land Owner, McCorkle Motors, 109 West 8th Street with the City Attorney to act as hearing officer. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

The City Attorney offered and received into evidence Exhibit #1 - the City Manager's Report prepared for the March 19, 2012 City Council meeting; Exhibit #2 - Notice of Public Hearing published; Exhibit #3 - ownership listing of those receiving notice of hearing; Exhibit #4 - Land Use Action Request form; Exhibit #5 - Red Willow County Assessor Parcel Details; Exhibit # 6 - area zoning map; and Exhibit #7 - proposed Ordinance No. 2012-2871.

City Manager Hancock stated that this retail auto sales facility has been in business for quite some time, major portions of the land that this business is located on are zoned Industrial Light. The use of this area as an auto sales facility in an Industrial Light area is a non-conforming use. In order for the business to expand as desired, the area should be rezoned to Business Commercial. This zoning is consistent to the Business Commercial zone to the north. City Staff recommends approval of the requested zone change. At their meeting of March 12, 2012 the Planning Commission unanimously recommended approval of this requested zone change.

City Attorney Schneider stated that Lot 11 is currently zoned Business Commercial. Only Lot 10 and the N 100' of Lot 9 need to be rezoned.

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

ITEM D INTRODUCE AND APPROVE UNDER SUSPENSION OF THE RULE ORDINANCE NO. 2012-2871 AMENDING ORDINANCE NO. 1580 BY CHANGING THE ZONING CLASSIFICATION OF THE NORTH 100' OF LOT NINE (9) AND LOT TEN (10), BLOCK ELEVEN (11), WEST MCCOOK ADDITION TO THE CITY OF MCCOOK, RED WILLOW COUNTY, NEBRASKA, FROM INDUSTRIAL LIGHT DISTRICT (IL) TO BUSINESS COMMERCIAL DISTRICT (BC).

Mayor Berry introduced Ordinance No. 2012-2871 by title. The Clerk read the Ordinance by title:

AN ORDINANCE OF THE CITY OF MCCOOK, NEBRASKA AMENDING ORDINANCE NO. 1580 BY CHANGING THE ZONING CLASSIFICATION OF THE N 100' OF LOT NINE (9) AND ALL OF LOT TEN (10), BLOCK ELEVEN (11), WEST MCCOOK ADDITION TO THE CITY OF MCCOOK, RED WILLOW COUNTY, NEBRASKA FROM

INDUSTRIAL LIGHT DISTRICT (IL) TO BUSINESS COMMERCIAL DISTRICT (BC); PROVIDE FOR THE REPEAL OF ANY OTHER CONFLICTING ORDINANCES; AND PROVIDING A TIME AND DATE FROM AND AFTER WHICH THIS ORDINANCE SHALL TAKE EFFECT AND BE ENFORCED.

Ordinance No. 2012-2871 was introduced and read by title only. Councilmember Gonzales moved that the statutory rule requiring reading on three different days be suspended. Councilmember Calvin seconded the motion to suspend the rule and upon roll call vote the following Councilmembers voted YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None. 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.

Councilmember Gonzales moved for final passage of the Ordinance, which was seconded by Councilmember McDowell. The Mayor then stated the question: "Shall Ordinance No. 2012-2871 be passed and adopted?" Upon roll call vote the following Councilmembers voted YEA: Berry, Gonzales, Calvin, Hepp, McDowell. 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 lawfully passed and adopted upon publication as required by law.

ITEM E CONDUCT A PUBLIC HEARING IN REGARDS TO DOWNTOWN REVITALIZATION PLANNING GRANT FUNDS; DISCUSS THE PROJECT BUDGET AND THE TIMELINE FOR PHASE I OF THE PROJECT; AND LISTEN TO AND ADDRESS ANY PUBLIC COMMENTS REGARDING THE GRANT PROJECT.

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 proposed Downtown Revitalization Planning Grant funds; discuss the Project budget and the timeline for Phase I of the Project; and listen to and address any public comments regarding the Grant Project with the City Attorney to act as hearing officer. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

The City Attorney offered and received into evidence Exhibit #1 - the City Manager's Report prepared for the March 19, 2012 City Council meeting; Exhibit #2 - the Application for Downtown Revitalization (DTR) Community Development Block Grant (CDBG); Exhibit #3 - Notice of Public Hearing on Application for Community Development Block Grant Program published; Exhibit #4 - Proposed Resolution No. 2012-08; Exhibit #5 - Applicant's Statement of Assurances and Certifications; and Exhibit #6 - the Residential Antidisplacement and Relocation Assistance Plan.

Jacque Haupt, Grant Administrator, presented the Grant Application to the Council. The Downtown Revitalization Program is a funding category within the Community Development Block Grant Program funded and developed by the Nebraska Department of Economic Development. This grant is available for local governments to plan for and finance redevelopment in traditional downtown districts. The program is split into two Phases; Planning and construction/implementation. The City is requesting \$30,000 for Phase I Planning Downtown Revitalization activities. The \$30,000 of CDBG funds will include \$27,900 for Planning (Activity 0630) and \$2,100 for general administration (Activity 0181). The estimated amount of funds to benefit low-to-moderate income persons is \$14,229 for Activity 0630 and \$1,071 for Activity 0181. Matching funds in the amount of \$9,300 will come from the McCook Economic Development Corporation, which brings the total cost of the project to \$39,300. No persons will be displaced as a result of CDBG assisted activities. Staff will submit a request to apply for Phase II of the project, construction, upon successful completion of Phase I. Maximum funding request for Phase II is \$350,000, with a cash match

of \$112,000. Last year five grant applications were submitted and all five were funded. This year the State only has funding for four projects. If approved, commitment of funds for Phase II will not occur until approximately three years out.

Rex Nelson, MEDC Director, reviewed preliminary results of an online survey delivered to every business in downtown McCook. With 83% responding, overall they are in support of improvements to the downtown area. The grant will dovetail the Comprehensive Plan and the Housing Plan together for the City.

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

ITEM F ADOPT RESOLUTION NO. 2012-08 AUTHORIZING THE MAYOR TO SIGN AN APPLICATION AND ALL NECESSARY DOCUMENTATION FOR A DOWNTOWN REVITALIZATION (DTR) COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG).

Upon a motion by Councilmember Gonzales, seconded by Councilmember Hepp, the Council voted to adopt Resolution No. 2012-08 authorizing the Mayor to sign an application and all necessary documentation for a Downtown Revitalization (DTR) Community Development Block Grant (CDBG). The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

(5) CONSENT AGENDA:

ITEM A APPROVE THE MINUTES OF THE MARCH 5, 2012 REGULAR CITY COUNCIL MEETING.

Upon a motion by Councilmember Gonzales, seconded by Councilmember Calvin, the Council voted to approve the minutes of the March 5, 2012 regular City Council meeting. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

ITEM B RECEIVE AND FILE MINUTES OF PARKS ADVISORY BOARD DATED OCTOBER 13, 2011, THE SENIOR CENTER ADVISORY BOARD DATED FEBRUARY 7, 2012, AND THE PLANNING COMMISSION DATED MARCH 12, 2012.

Upon a motion by Councilmember Gonzales, seconded by Councilmember Calvin, the Council voted to receive and file minutes of Parks Advisory Board dated October 13, 2011, the Senior Center Advisory Board dated February 7, 2012, and the Planning Commission dated March 12, 2012. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

ITEM C APPROVE THE APPLICATION FOR PUBLIC TRANSPORTATION ASSISTANCE FROM THE FEDERAL TRANSIT ACT FOR THE CITY OF MCCOOK FY 2012/2013.

Upon a motion by Councilmember Gonzales, seconded by Councilmember Calvin, the Council voted to approve the application for Public Transportation Assistance from the Federal Transit Act

for the City of McCook FY 2012/2013. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

ITEM D ADOPT RESOLUTION NO. 2012-09 CERTIFYING THAT THE CITY OF MCCOOK IS CONSIDERED TO BE CAPABLE OF PROVIDING PUBLIC TRANSPORTATION FOR ITS CITIZENS.

Upon a motion by Councilmember Gonzales, seconded by Councilmember Calvin, the Council voted to adopt Resolution No. 2012-09 certifying that the City of McCook is considered to be capable of providing public transportation for its citizens. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

ITEM E APPROVE THE APPLICATION FOR A SPECIAL DESIGNATED LIQUOR LICENSE SUBMITTED BY THE ALLIANCE FOR THE ENCOURAGEMENT OF THE VISUAL AND PERFORMING ARTS FOR A FUND RAISER TO BE HELD AT THE FOX THEATRE, 412 NORRIS AVENUE, ON APRIL 14, 2012, FROM 5:00 P.M. TO 10:00 P.M.

Upon a motion by Councilmember Gonzales, seconded by Councilmember Calvin, the Council voted to approve the application for a Special Designated Liquor License submitted by the Alliance for the Encouragement of the Visual and Performing Arts for a fund raiser to be held at the Fox Theatre, 412 Norris Avenue, on April 14, 2012, from 5:00 P.M. to 10:00 P.M. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

ITEM F APPROVE THE APPLICATION FOR A SPECIAL DESIGNATED LIQUOR LICENSE SUBMITTED BY THE MCCOOK FRATERNAL ORDER OF EAGLES, LICENSE # I-03700, FOR A DANCE, RECEPTION, FUND RAISER, SAMPLING/TASTING, AND BEER GARDEN EVENT TO BE HELD AT THE EAGLES CLUB, 805 EAST "B" STREET, ON JUNE 23, 2012, FROM 6:00 P.M. TO 12:00 MIDNIGHT.

Upon a motion by Councilmember Gonzales, seconded by Councilmember Calvin, the Council voted to approve the application for a Special Designated Liquor License submitted by the McCook Fraternal Order of Eagles, License # I-03700, for a dance, reception, fund raiser, sampling/tasting, and beer garden event to be held at the Eagles Club, 805 East "B" Street, on June 23, 2012, from 6:00 P.M. to 12:00 Midnight. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

ITEM G AWARD BID AND APPROVE THE PURCHASE OF ONE (1) NEW 2012 4-WHEEL DRIVE SPECIAL SERVICES VEHICLE TO DEVENY CHRYSLER JEEP DODGE OF MCCOOK, WHO SUBMITTED THE LOWEST RESPONSIBLE BID IN THE AMOUNT OF \$19,268.

Pursuant to instruction given by the City Council, a Notice to Bidders was published asking for sealed bids for one (1) new 2012 4-wheel drive Special Services Vehicle for the Fire Department. The following bids were received:

Wagner Ford - McCook, Nebraska
2012 Ford Expedition
Bid Price \$27,007.00, less trade-in \$3,000.00
Total Bid Price - \$24,997.00

Wagner Chevrolet - McCook, Nebraska
2012 Chevrolet Tahoe
Bid Price \$28,007.00, less trade-in \$3,000.00
Total Bid Price - \$25,007.00

Janssen Chrysler Dodge Jeep - North Platte, Nebraska
2012 Ram Special Services Vehicle
Bid Price \$22,771.00, less trade-in \$300.00
Total Bid Price - \$22,471.00

Gene Steffy Chrysler - Fremont, Nebraska
2012 Ram Special Services Vehicle
Bid Price \$23,776.00, less trade-in \$.00
Total Bid Price - \$23,776.00

Deveny Motors - McCook, Nebraska
2012 Ram 1500 Special Services Package
Bid Price \$22,168.00, less trade-in \$2,900.00
Total Bid Price - \$19,268.00
2012 Ram Crew Cab 4 x 4, 4.7 V8
Bid Price \$20,420.00, less trade-in \$2,900.00
Total Bid Price - \$17,520.00
2012 Quad Cab 4 Door, 5.7 Hemi V8
Bid Price \$21,898.00, less trade-in \$2,900.00
Total Bid Price - \$18,998.00
2012 Quad Cab 4 Door, 4.7 V8
Bid Price \$19,979.00, less trade-in \$2,900.00
Total Bid Price - \$17,079.00

Upon a motion by Councilmember Gonzales, seconded by Councilmember Calvin, the Council voted to award bid and approve the purchase of one (1) new 2012 4-wheel drive Special Services Vehicle to Deveny Chrysler Jeep Dodge of McCook, who submitted the lowest responsible bid in the amount of \$19,268. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

ITEM H RECEIVE AND FILE CLAIM FOR DAMAGES FROM JOE AND ALANNA MOROSIC AND INSTRUCT THAT IT BE SUBMITTED TO THE CITY'S INSURANCE CARRIER FOR REVIEW AND APPROPRIATE ACTION.

Upon a motion by Councilmember Gonzales, seconded by Councilmember Calvin, the Council voted to receive and file claim for damages from Joe and Alanna Morosic and instruct that it be submitted to the City's insurance carrier for review and appropriate action. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

ITEM I RECEIVE AND FILE THE CLAIMS FOR THE MONTH OF FEBRUARY 2012 AS PUBLISHED ON MARCH 14, 2012.

Upon a motion by Councilmember Gonzales, seconded by Councilmember Calvin, the Council voted to receive and file the claims for the month of February 2012 as published on March 14, 2012. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

REGULAR AGENDA

(6) MUNICIPAL FACILITIES UPDATE.

Councilmember Gonzales stated that the steel has begun to arrive and they began putting it up today. Staff has been working with the Architect and the Construction Manager on keying of the building.

City Manager Hancock noted that work continues on Construction, Change, Directive Number 2. Staff is going over the proposed changes with a fine-toothed comb to insure cost cuts are saving dollars, not efficiency.

(7) CONSIDER PROPOSED FY 2012/2013 BUDGET CALENDAR AND CONFIRMATION OF STRATEGIC PLANNING SESSION AND BUDGET RETREAT DATES.

City Manager Hancock reviewed the proposed FY 2012/2013 Budget Calendar which is just a draft at this time. The process includes a strategic planning session and a budget retreat which helps to provide the input from the Council before the budget document is completed.

Councilmember Gonzales supported the idea of having Council input before the Budget Hearing and before reading of the ordinance for approval of the budget. Having Council input first would help eliminate last minute revisions.

The Council set April 10, 2012 at 4:00 P.M. at the Heritage Senior Center for a Strategic Planning Session.

(8) COUNCIL COMMENTS.

Councilmember McDowell noted that he attended the new facility construction meeting last week. It was quite detailed as staff continues review of the Construction, Change, Directive Number 2. He was very impressed with the process.

Councilmember Hepp stated that she recently met with Rebecca Dutcher, Director of the McCook Housing Agency to have her explain its process and services to her. She thanked Ms. Dutcher for making time for her and thanked her for all that she does for the community.

It was the consensus of the Council to begin the practice of having the Pledge of Allegiance on the Council agenda.

(9) ADJOURNMENT.

There being no further business to come before the Council, Mayor Berry declared the meeting adjourned at 8:35 P.M.

Dennis Berry, Mayor

ATTEST:

Lea Ann Doak, City Clerk