

MCCOOK CITY COUNCIL
February 4, 2013
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 in the new McCook Municipal Center.

Present: Mayor Berry, Councilmembers Gonzales, Calvin, Hepp; City Manager Hancock; City Attorney Schneider; City Clerk-Treasurer Doak.

Absent: Councilmember McDowell.

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on January 31, 2013, 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 - LANCE CLAY - UNTIED METHODIST CHURCH.

Lance Clay, pastor of the United Methodist Church was present for the invocation.

(2) PLEDGE OF ALLEGIANCE.

Boy Scouts attending the meeting for a Merit Badge, led the Council and audience in the Pledge of Allegiance.

(3) CITIZEN'S FORUM.

Kathy Kautz, addressing the article in the newspaper regarding the proposed blighted areas, as an owner in the area she expressed concerns with the designation and that the use of eminent domain is under handed and wrong.

(4) MAYOR'S ANNOUNCEMENTS & RECOGNITIONS.

Police Chief Ike Brown introduced Austin Kelley, a new patrol officer of the Police Department.

(5) CONSENT AGENDA:

Councilmember Hepp requested that Item B be removed from the Consent Agenda and placed on the Regular Agenda.

ITEM A APPROVE THE MINUTES OF THE JANUARY 21, 2013 REGULAR CITY COUNCIL MEETING.

Upon a motion by Mayor Berry, seconded by Councilmember Gonzales, the Council voted to approve the minutes of the January 21, 2013 regular City Council meeting. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp. NAY: None. ABSENT: McDowell.

ITEM C RECEIVE AND FILE THE MINUTES OF THE JANUARY 8, 2013 SENIOR CENTER ADVISORY BOARD, THE DECEMBER 12, 2012 LIBRARY ADVISORY BOARD, THE NOVEMBER 26, 2012 BUILDING CODE REVIEW COMMITTEE, AND THE DECEMBER 12, 2011 BOARD OF ZONING ADJUSTMENT MEETINGS.

Upon a motion by Mayor Berry, seconded by Councilmember Gonzales, the Council voted to receive and file the minutes of the January 8, 2013 Senior Center Advisory Board, the December 12, 2012 Library Advisory Board, the November 26, 2012 Building Code Review Committee, and the December 12, 2011 Board of Zoning Adjustment meetings. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp. NAY: None. ABSENT: McDowell.

REGULAR AGENDA

ITEM 5B AUTHORIZE THE MAYOR TO SIGN A PRELIMINARY APPLICATION FOR A GRANT FROM THE NEBRASKA CIVIC AND COMMUNITY FINANCING FUND.

City Manager Hancock stated that this a preliminary application. At this time the City has no firm project, there has recently been some interest by private parties for a hotel development where these funds might be apply.

Upon a motion by Councilmember Hepp, seconded by Councilmember Calvin, the Council voted to authorize the Mayor to sign a Preliminary Application for a grant from the Nebraska Civic and Community Financing Fund. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp. NAY: None. ABSENT: McDowell.

(6) APPROVE THE RECOMMENDATION OF THE PARKS ADVISORY BOARD TO ALLOW THE INSTALLATION OF DONATED BENCHES, WHICH MAY INCLUDE ADVERTISING, IN VARIOUS LOCATIONS WITHIN THE CITY OF MCCOOK.

Public Works Director Kyle Potthoff and Jeremy Bain reviewed the request with the Council.

At the December 18, 2012 Parks Advisory Board meeting, Mr. Bain with JLB Welding, presented a program that would allow for the City of McCook to acquire benches for various locations within the City through donations from businesses, organizations and individuals. These benches would be constructed of solid steel and be manufactured here in McCook. The reason for bringing this to the City Council is that some of the benches may have advertising on them. Staff feels that this is very similar to the disc golf course where businesses, organizations and individuals were able to sponsor a hole and as part of the sponsorship an advertising plaque was placed at the tee box of the hole being sponsored. The plan that was discussed at the Parks Board meeting was to identify 12 locations within the City including parks and the walking trail as well as other possible locations where these benches could be placed. The benches would be purchased by the sponsoring entity from JLB Welding and then donated to the City of McCook. This would be on a first come first

serve basis. These benches would be installed on a concrete pad similar to other locations within the City. The concrete will be paid for by the City, as this has been the approach by the City on previously donated benches.

Mr. Bain stated that he is concentrating on highly visible areas and that the School has committed to twelve benches and the County has committed to twenty-two. So far he has six spots filled. The estimated cost of each bench is \$800. The benches will be very sturdy, should stand up to vandalism, and will be painted with a high quality implement type black paint. The center plate is the only removal part on the bench.

Upon a motion by Councilmember Calvin, seconded by Councilmember Hepp, the Council voted to approve the recommendation of the Parks Advisory Board to allow the installation of donated benches, which may include advertising, in various locations within the City of McCook. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp. NAY: None. ABSENT: McDowell.

- (7) APPROVE RESOLUTION NO. 2013-02 DIRECTING THAT A STUDY, MADE TO DETERMINE WHETHER AN AREA QUALIFIES AS BLIGHTED AND SUBSTANDARD PURSUANT TO THE NEBRASKA COMMUNITY DEVELOPMENT LAW, BE FORWARDED TO THE PLANNING COMMISSION FOR ITS RECOMMENDATION AND THAT A PUBLIC HEARING ON WHETHER THE AREA DESCRIBED IS BLIGHTED AND SUBSTANDARD ACCORDING TO THE ACT SHALL BE HELD AT 7:30 P.M. ON FEBRUARY 18, 2013, IN THE COUNCIL CHAMBERS AT THE MCCOOK MUNICIPAL CENTER.

Councilmember Gonzales introduced a motion to approve Resolution No. 2013-02 directing that a study, made to determine whether an area qualifies as blighted and substandard pursuant to the Nebraska Community Development Law, be forwarded to the Planning Commission for its recommendation and that a public hearing on whether the area described is blighted and substandard according to the act shall be held at 7:30 P.M. on February 18, 2013, in the Council Chambers at the McCook Municipal Center. Councilmember Hepp seconded the motion.

City Manager Hancock gave a brief review of the process and study. The City already has two other redevelopment areas. Within the City Council 2012-2013 Strategic Plan, one of the goals of the City Council was to "Create, Enhance, and Maintain the Economic Vitality of McCook." Within that goal are specific Action Steps for housing and economic development and the use of Tax Increment Financing (TIF).

The proposed resolution developed by attorney Mike Bacon would begin the process to expand the areas for redevelopment and ultimately use the Tax Increment Financing tool for expanded housing and neighborhood economic and community redevelopment and development. The Blight Study has been developed by the consultant firm of Hanna:Keelan. The resolution forwards the study to the Planning Commission to review and make recommendations back to the Council. The public hearing is scheduled for the February 18 City Council meeting. Mr. Hancock suggested that maybe the Landfill area should be removed because of the City's agreement with the Nebraska Department of Economic Development that does not allow any development on it until 2026.

The City of Gothenburg has used TIF for a number of years. Their tax levy has lowered and the number of building permits has increased.

City Manager Hancock stated he is convinced that we will need the Tax Increment Financing tool to grow McCook and expand our housing opportunities. The previously mentioned process of

identifying additional areas for redevelopment will help the community and meet the goal of "Create, Enhance, and Maintain the Economic Vitality of McCook," as included with the City Council's Strategic Plan.

City Manager Hancock explained that the blighted designation has been used successfully in McCook previously and last year, the downtown area designation was reaffirmed. In regards to the use of eminent domain, he contacted attorney Mike Bacon, 200 TIF projects, only one of them had involved eminent domain.

Rex Nelson, MEDC Executive Director, stated that the designation should increase property values because it would give the property access to TIF that could be used for improvements. The use of TIF should stimulate new investments and attract a private developer to build housing in an older part of town. Those funds could be used for needed City infrastructure improvements, demolition, and site preparation.

Don Fout, Jr., Steve Fritz, and John Hubert expressed concerns with the blight and substandard designation, it appears to be a slap in the face, and what are the criteria used to determine this designation.

The Mayor then stated the question: "Shall the motion on the floor be approved as stated?" Upon roll call vote the following Councilmembers voted YEA: Berry, Gonzales, Calvin, Hepp. NAY: None. ABSENT: McDowell. Motion carried.

(8) SET DATE AND TIME FOR AN OPEN HOUSE FOR THE PUBLIC TO REVIEW AND TOUR THE NEW MUNICIPAL CENTER.

Upon a motion by Mayor Berry, seconded by Councilmember Gonzales, the Council set the date of March 5, 2013 from 3:00 P.M. to 7:00 P.M. for an open house for the public to review and tour the new Municipal Center. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp. NAY: None. ABSENT: McDowell.

(9) PUBLIC COMMENT REGARDING THE FUTURE USE OF THE CITY OF MCCOOK MUNICIPAL AUDITORIUM.

Ron Nielsen, Steve Fritz, John Hubert, Mary Petersen, spoke in support of keeping the facility open, to continue renting out for events, and possibly renting out the office space.

Phyllis Clapp requested that it remain open for walkers, even if it is only for a couple of hours a day. Her husband's sight is not good and it is much safer for him to walk indoors.

Discussion occurred regarding its designation as a Veterans Memorial. Does ownership revert back to a veterans organization?

(10) COUNCIL COMMENTS.

Councilmember Calvin noted that in a recent article in the Omaha World Herald, the Southwest Nebraska Leadership Institute was ranked among the top three for Nebraska. This is a very high compliment and all involved locally should be proud.

(11) 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