

MCCOOK CITY COUNCIL  
March 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.

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

Absent: Councilmember Gonzales.

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on February 28, 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 - KC HARRYMAN - 1<sup>ST</sup> ASSEMBLY OF GOD CHURCH.

KC Harryman, pastor of the 1<sup>st</sup> Assembly of God Church, was present for the invocation.

(2) PLEDGE OF ALLEGIANCE.

Mayor Berry led the Council and audience in the Pledge of Allegiance.

(3) CITIZEN'S FORUM.

No one was present for Citizen's Forum.

(4) MAYOR'S ANNOUNCEMENTS & RECOGNITIONS.

City Manager Hancock reminded all of the Municipal Center Open House tomorrow from 3:00 P.M. to 7:00 P.M. with a Ribbon Cutting to be at 3:00 P.M.

Mr. Hancock informed the Council that the City has closed on the Randel property that will be used for cation waste lagoons; received a member distribution in the amount of \$10,428 from the Public Alliance for Community Energy; received approval on the preliminary Civic Center Grant application; and that a group of interested individuals met recently to discuss the possibility of enhanced Japanese tourism and overall tourism via the Denver airport and our Ben Nelson McCook Airport.

(5) PUBLIC HEARINGS:

ITEM A PUBLIC HEARING - APPLICATION TO THE NEBRASKA DEPARTMENT OF

ECONOMIC DEVELOPMENT FOR A COMMUNITY DEVELOPMENT BLOCK GRANT IN THE AMOUNT OF \$350,000 FOR DOWNTOWN REVITALIZATION ACTIVITIES.

Upon a motion by Councilmember Calvin, seconded by Councilmember McDowell, the Council voted to recess as a City Council and convene a public hearing for the purpose of receiving public comment on the application to the Nebraska Department of Economic Development for a Community Development Block Grant in the amount of \$350,000 for downtown revitalization activities with the City Attorney to act as hearing officer. The motion passed upon the following roll call vote: YEA: Berry, Calvin, Hepp, McDowell. NAY: None. ABSENT: Gonzales.

The City Attorney offered and received into evidence Exhibit #1 - Notice of Hearing published; Exhibit #2 - the Downtown Revitalization Master Concept Map; Exhibit #3 - proposed Resolution No. 2013-09; and Exhibit #4 - the application for Downtown Revitalization (DTR) Community Development Block Grant (CDBG), Nebraska Department of Economic Development (DED) - pages 1 - 18.

Eric Hellriegel, Miller & Associates Consulting Engineers, reviewed the grant application for Downtown Revitalization - Phase II. The purpose of the hearing is to introduce concept to the Council, gain public comment and feedback, discuss formally what CDBG funding will allow with the project, and identify key parties moving forward to finalize the plan. The City is requesting \$350,000 for downtown revitalization, with a city match of \$111,700, for a total project of \$461,700. He noted that these numbers were incorrect in the original published notice. A revised notice was published on March 1, 2013.

The results of the Downtown survey were: 69.4% wanted to see additional greenspace, 86% of businesses surveyed see increased foot traffic as a benefit from Downtown improvements, most folks expressed a combination approach.

Goals identified were: Improved vehicular and pedestrian circulation; improved crosswalks, ADA ramp improvements and streetscapes; improved landscaping and aesthetics; potential for future historic and tourism activities; and encouragement to the traveler to visit a highlighted Downtown.

Conceptual plans for improvements of the "B" Street corridor were presented. They include the redesign of intersections at Norris Avenue, West 1<sup>st</sup> and East 1<sup>st</sup> Streets, along with additional landscaped areas, parking facility redesign, new monument sign and additional signage, and ADA ramp upgrades.

Pro's of the project area include: High visibility for travelers, consumers, and local traffic; can serve as a gateway to Downtown; possibility of private investment in future phases due to visibility; unlimited opportunity - very few times can a community use leveraged funds to make a statement like this in a key business district.

Con's of the project area include: Along a major highway, which means the City does not have full control; will need to invest money in pedestrian access and traffic calming pieces; and this is a very visible portion of Downtown, whatever is done, the community will need to maintain at a high-level.

Councilmember Hepp expressed concerns with the cost of tearing out the existing crosswalks and asked if a concrete stain could be used.

Councilmember Calvin preferred the signage placement on an archway constructed over "B" Street, adding that he felt drivers would be more apt to read something above, not something placed on the

corner.

Mayor Berry asked what the proposed project would do to the number of downtown parking spaces.

Mr. Hellriegel stated that they did not want any fewer and were not interested in losing any of the very critical parking in the Downtown area. They were more interested in improving the ingress and egress of the areas.

Mayor Berry questioned whether or not the project was the best use of City funds. Utilizing \$111,700 for matching funds for a project that did not increase parking and addressed very little of the City's goals outlined in the Strategic Plan.

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

ITEM B APPROVE RESOLUTION NO. 2013-09 AUTHORIZING THE MAYOR TO SIGN AN APPLICATION AND ALL NECESSARY DOCUMENTATION TO THE NEBRASKA DEPARTMENT OF ECONOMIC DEVELOPMENT FOR A COMMUNITY DEVELOPMENT BLOCK GRANT IN THE AMOUNT OF \$350,000 FOR DOWNTOWN REVITALIZATION ACTIVITIES.

Councilmember McDowell introduced a motion to approve Resolution No. 2013-09 authorizing the Mayor to sign an application and all necessary documentation to the Nebraska Department of Economic Development for a Community Development Block Grant in the amount of \$350,000 for downtown revitalization activities. Councilmember Hepp seconded the motion.

Mayor Berry questioned whether or not the project was the best use of City funds. Utilizing \$111,700 for matching funds for a project that did not increase parking and addressed very little of the City's goals outlined in the Strategic Plan.

Mayor Berry stated that he was not opposed to the project, but wanted the Council to consider whether it was the best use of the funds. It will be taking funding away from other needed items for the City, such as street improvements, buying down of the utility debt, and large equipment replacement.

Councilmember Calvin too expressed concerns and requested that all other avenues of funding be checked out before utilizing sales tax dollars.

City Manager Hancock stated that the City may be able to split the project costs over two to three budget years.

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, Calvin, Hepp, McDowell. NAY: None. ABSENT: Gonzales. Motion carried.

Councilmember Hepp stated that she had been approached with the suggestion of making "C" Street one-way from West 5<sup>th</sup> Street to Norris Avenue.

(6) CONSENT AGENDA:

ITEM A APPROVE THE MINUTES OF THE FEBRUARY 18, 2013 REGULAR CITY COUNCIL MEETING.

Upon a motion by Mayor Berry, seconded by Councilmember Hepp, the Council voted to approve the minutes of the February 18, 2013 regular City Council meeting. The motion passed upon the following roll call vote: YEA: Berry, Calvin, Hepp, McDowell. NAY: None. ABSENT: Gonzales.

ITEM B RECEIVE AND FILE THE MINUTES OF THE FEBRUARY 6, 2013 BUILDING CODE REVIEW COMMITTEE MEETING.

Upon a motion by Mayor Berry, seconded by Councilmember Hepp, the Council voted to receive and file the minutes of the February 6, 2013 Building Code Review Committee meeting. The motion passed upon the following roll call vote: YEA: Berry, Calvin, Hepp, McDowell. NAY: None. ABSENT: Gonzales.

ITEM C ADOPT RESOLUTION NO. 2013-08 CERTIFYING THAT THE CITY OF MCCOOK IS CONSIDERED TO BE CAPABLE OF PROVIDING PUBLIC TRANSPORTATION FOR ITS CITIZENS.

Upon a motion by Mayor Berry, seconded by Councilmember Hepp, the Council voted to adopt Resolution No. 2013-08 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, Calvin, Hepp, McDowell. NAY: None. ABSENT: Gonzales.

ITEM D APPROVE THE APPLICATION FOR PUBLIC TRANSPORTATION ASSISTANCE FOR THE CITY OF MCCOOK FY 2013/2014.

Upon a motion by Mayor Berry, seconded by Councilmember Hepp, the Council voted to approve the Application for Public Transportation Assistance for the City of McCook FY 2013/2014. The motion passed upon the following roll call vote: YEA: Berry, Calvin, Hepp, McDowell. NAY: None. ABSENT: Gonzales.

ITEM E ADOPT RESOLUTION NO. 2013-10 APPROVING OLD SARGE'S BAR, LLC AS A SALES OUTLET LOCATION FOR THE OPERATION OF A KENO-TYPE LOTTERY PURSUANT TO THE CONTRACT WITH MCCOOK KENO, LLC.

Upon a motion by Mayor Berry, seconded by Councilmember Hepp, the Council voted to adopt Resolution No. 2013-10 approving Old Sarge's Bar, LLC as a Sales Outlet location for the operation of a Keno-type Lottery pursuant to the contract with McCook Keno, LLC. The motion passed upon the following roll call vote: YEA: Berry, Calvin, Hepp, McDowell. NAY: None. ABSENT: Gonzales.

ITEM F ADOPT RESOLUTION NO. 2013-11 APPROVING LOOP BREWING COMPANY, LLC AS A SALES OUTLET LOCATION FOR THE OPERATION OF A KENO-TYPE LOTTERY PURSUANT TO THE CONTRACT WITH MCCOOK KENO, LLC.

Upon a motion by Mayor Berry, seconded by Councilmember Hepp, the Council voted to adopt Resolution No. 2013-11 approving Loop Brewing Company, LLC as a Sales Outlet location for the operation of a Keno-type Lottery pursuant to the contract with McCook Keno, LLC. The motion passed upon the following roll call vote: YEA: Berry, Calvin, Hepp, McDowell. NAY: None.

ABSENT: Gonzales.

## REGULAR AGENDA

- (7) DISCUSSION REGARDING THE FUTURE USE OF THE MCCOOK MUNICIPAL AUDITORIUM, PROVIDE DIRECTION REGARDING THE DEVELOPMENT OF A REQUEST FOR PROPOSAL FROM INTERESTED PARTIES ON THE POTENTIAL LEASE OF THE FACILITY AND IF THE COUNCIL DESIRES, TO ALLOW WALKERS TO IMMEDIATELY RETURN TO USE OF THE FACILITY.

City Manager Hancock stated that after receiving public comment it appears to be a consensus that they do not want the facility to be demolished and that they want the City to continue operating the facility. Other than a comment about potentially renting out the facility, there were no comments on how to pay for the existing operating deficit. He recommended that City staff develop a Request for Proposals from interested parties on the potential lease of the facility.

Upon a motion by Mayor Berry, seconded by Councilmember McDowell, the Council voted to authorize City staff to develop a Request for Proposal from interested parties on the potential lease of the facility for all or any part of it. The motion passed upon the following roll call vote: YEA: Berry, Calvin, Hepp, McDowell. NAY: None. ABSENT: Gonzales.

- (8) DISCUSSION REGARDING DOWNTOWN PARKING AND PARKING ENFORCEMENT.

Councilmember Calvin stated that the City ordinance was clear and would like to see it enforced on a regular basis, not just by complaint only. He did not feel it was necessary to assign an officer dedicated to parking, but scheduled would be preferred. He questioned if it is possible to exclude the handicap parking areas from the two-hour limit.

Discussion continued on Councilmember Hepp's suggestion of making "C" Street one-way. City Staff will get measurements of the street to see if it would be a possibility.

Police Chief Ike Brown stated that his department receives very few complaints about downtown parking and that the majority of the time, finding a parking space is not a problem. He believes that most of the issues are the result of employees of businesses wanting to park in front that business, or at least not having to walk more than a block. He also feels that more input is needed from downtown businesses, is this a problem perceived by a lot of people or just one or two.

Kevin Grooms, representing a business located in the 200 block of East 1<sup>st</sup> street, stated that they had experienced parking problems for years and have tried unsuccessfully to resolve it with their neighbors. The business owner and Police Department were quick to respond when he complained and had the parking area cleared within twenty minutes. Since then, he believes it has gotten worse and neighboring business were intentionally parking in an area he utilized for loading and unloading of items. The situation was negatively impacting their business and asked about the possibility of adding a fifteen minute loading/unloading zone.

- (9) DISCUSSION OF STATUS REPORT REGARDING THE CITY'S 2012-2013 STRATEGIC PLAN.

City Manager Hancock reviewed the City's 2012-2013 Strategic Plan with the Council.

Mayor Berry noted the progress that has been made by the Council and Staff. Possible ways of increasing revenue needs to be addressed. He noted that the process regarding the renewal of the sales tax issues should begin in the near future. Those dollars have allowed the City to complete several large projects, the buy down of utility debt, annual street improvements, and construction of the Municipal Center, as well as maintaining the City's levy. The additional ½% was added with ½ of the proceeds to be used for infrastructure improvements and the remaining ½ to be used for funding of an LB840 plan. Those funds go to the McCook Economic Development Corporation (MEDC) for economic development, the creation of new jobs and to enhance housing. Has our contribution helped the MEDC, has there been a good return on the investment. He noted that the City has many areas on the outskirts of the city limits that receive the same benefits from the City as our residents, but are not paying for it. Most of them cannot leave their property without driving on a city street. He suggested that the Staff should look at annexation, purely as a fairness issue.

Councilmember McDowell asked about the possibility of a paperless agenda and felt that staff needs to address ways of creating additional revenue.

Councilmember Calvin too felt that revenues need to be increased. The City has maintained a stable levy since 2002, we are robbing Peter to pay Paul. Now may be the time we need to get realistic on how we are going to raise revenues, should the levy be increased?

(10) COUNCIL COMMENTS.

All were reminded of the Municipal Center Open House to be held tomorrow, March 5, from 3:00 P.M. to 7:00 P.M. with a Ribbon Cutting to be at 3:00 P.M.

Councilmember McDowell thanked the City for allowing him to attend the League of Municipalities Mid-Winter conference. It again was very beneficial, a lot of great information was presented.

(11) ADJOURNMENT.

There being no further business to come before the Council, Mayor Berry declared the meeting adjourned at 9:05 P.M.

---

Dennis Berry, Mayor

ATTEST:

---

Lea Ann Doak, City Clerk