

MCCOOK CITY COUNCIL
March 18, 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 Gonzales, Calvin, Hepp, McDowell; City Manager Hancock; City Attorney Schneider; City Clerk-Treasurer Doak.

Absent: None.

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on March 14, 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 - MARY HENDRICKS - ST. ALBAN'S EPISCOPAL CHURCH.

Mary Hendricks, pastor of the St. Alban's Episcopal 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.

Gene Morris expressed concerns with the Downtown Grant, stating that it does not appear that a lot of planning went into it and that he did not understand why we would spend money for the City's match for this grant when we have higher priority projects. He also spoke in opposition of the proposed Civic Center Grant application.

Ron Nielson, stated that watering of trees in the downtown area is not necessary, we need to conserve water.

(4) MAYOR'S ANNOUNCEMENTS & RECOGNITIONS.

City Manager Hancock reminded the Council that a meeting of the Planning Steering Committee will be held this coming Thursday at 5:15 P.M., at the Heritage Senior Center.

(5) PUBLIC HEARINGS:

ITEM A CONDUCT A PUBLIC HEARING REGARDING SCHMICK'S MARKET INC., DBA "SCHMICK'S MARKET", WHO HAS FILED A CATERING

APPLICATION FOR THEIR CURRENT CLASS "ID" LICENSE NUMBER 84561 UNDER THE NEBRASKA LIQUOR CONTROL COMMISSION, LOCATED AT 212 WESTVIEW PLAZA, MCCOOK, NEBRASKA.

Upon a motion by Councilmember Calvin, seconded by Councilmember Hepp, the Council voted to recess as a City Council and convene a public hearing for the purpose of receiving public comment regarding Schmick's Market Inc., dba "Schmick's Market", who has filed a catering application for their current Class "ID" License Number 84561 under the Nebraska Liquor Control Commission, located at 212 Westview Plaza, McCook, Nebraska 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 - Notice of Hearing published and Exhibit #2 - the Nebraska Liquor Control Commission documentation containing the verification of receipt of application, the Recommendation of the Nebraska Liquor Control Commission dated February 27, 2013, and the Application for Liquor License Catering License filed by the applicant.

There being no one else present to comment, upon a motion by Councilmember Calvin, seconded by Councilmember Gonzales, 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 RECOMMEND APPROVAL TO THE NEBRASKA LIQUOR CONTROL COMMISSION THE CATERING APPLICATION FILED BY SCHMICK'S MARKET INC., DBA "SCHMICK'S MARKET", FOR THEIR CURRENT CLASS "ID" LICENSE NUMBER 84561 UNDER THE NEBRASKA LIQUOR CONTROL COMMISSION, LOCATED AT 212 WESTVIEW PLAZA, MCCOOK, NEBRASKA.

Upon a motion by Councilmember Calvin, seconded by Councilmember McDowell, the Council voted to recommend approval to the Nebraska Liquor Control Commission the catering application filed by Schmick's Market Inc., dba "Schmick's Market", for their current Class "ID" License Number 84561 under the Nebraska Liquor Control Commission, located at 212 Westview Plaza, McCook, Nebraska. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

(6) CONSENT AGENDA:

ITEM A APPROVE THE MINUTES OF THE MARCH 4, 2013 REGULAR CITY COUNCIL MEETING.

Upon a motion by Councilmember Gonzales, seconded by Councilmember Calvin, the Council voted to approve the minutes of the March 4, 2013 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 CLAIM FOR DAMAGES FROM DAVID SANDMAN 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 David Sandman 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 C RECOMMEND APPROVAL TO THE NEBRASKA LIQUOR CONTROL COMMISSION THE APPLICATION OF SMOKERS OUTLET INC., DBA "SMOKERS OUTLET 1", FOR AN ADDITION TO THEIR LICENSE, CHANGING THEIR DESCRIPTION FROM A "ONE STORY BUILDING APPROXIMATELY 24' X 57'" TO A "ONE STORY BUILDING APPROXIMATELY 24' X 80'", LOCATED AT 1111 WEST "B" STREET, MCCOOK, NEBRASKA.

Upon a motion by Councilmember Gonzales, seconded by Councilmember Calvin, the Council voted to recommend approval to the Nebraska Liquor Control Commission the application of Smokers Outlet Inc., dba "Smokers Outlet 1", for an addition to their license, changing their description from a "One story building approximately 24' x 57'" to a "One story building approximately 24' x 80'", located at 1111 West "B" Street, McCook, Nebraska. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

ITEM D APPROVE RESOLUTION NO. 2013-12 ACQUIRING TEMPORARY ACCESS EASEMENTS FROM ARLYN E. CURL AND AARON AND MISTY SCHMIDT FOR THE PURPOSE OF GAINING ACCESS ACROSS THEIR PROPERTY OFF OF EAST 10TH STREET FOR THE DRAINAGE IMPROVEMENTS THAT ARE SCHEDULED TO BE MADE NEAR THE INTERSECTION OF EAST 9TH AND "G" STREETS AND AUTHORIZE THE MAYOR TO SIGN.

Upon a motion by Councilmember Gonzales, seconded by Councilmember Calvin, the Council voted to approve Resolution No. 2013-12 acquiring Temporary Access Easements from Arlyn E. Curl and Aaron and Misty Schmidt for the purpose of gaining access across their property off of East 10th Street for the drainage improvements that are scheduled to be made near the intersection of East 9th and "G" Streets and authorize the Mayor to sign. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

ITEM E RECEIVE AND FILE CLAIM FOR DAMAGES FROM STEVE FRITZ, PRESIDENT FRITZ TRUCKING, INC. 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 Steve Fritz, President Fritz Trucking, Inc. 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 F RECEIVE AND FILE THE MINUTES OF THE MAY 30, 2012 TREE ADVISORY BOARD, THE FEBRUARY 12, 2013 SENIOR CENTER ADVISORY BOARD, AND THE MARCH 5, 2013 SENIOR CENTER ADVISORY BOARD MEETINGS.

Upon a motion by Councilmember Gonzales, seconded by Councilmember Calvin, the Council voted to receive and file the minutes of the May 30, 2012 Tree Advisory Board, the February 12, 2013 Senior Center Advisory Board, and the March 5, 2013 Senior Center Advisory Board meetings. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

ITEM G RECEIVE AND FILE THE CLAIMS FOR THE MONTH OF FEBRUARY 2013
AS PUBLISHED ON MARCH 19, 2013.

Upon a motion by Councilmember Gonzales, seconded by Councilmember Calvin, the Council voted to receive and file the claims for the month of February 2013 as published on March 19, 2013. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

REGULAR AGENDA

(7) ACCEPT THE FINANCIAL STATEMENTS AND SUPPLEMENTAL INFORMATION FOR FISCAL YEAR ENDING SEPTEMBER 30, 2012 PREPARED BY ALMQUIST, MALTZAHN, GALLOWAY, & LUTH, CERTIFIED PUBLIC ACCOUNTANTS.

Councilmember Calvin introduced a motion to accept the Financial Statements and Supplemental Information for Fiscal Year ending September 30, 2012 prepared by Almquist, Maltzahn, Galloway, & Luth, Certified Public Accountants. Councilmember Gonzales seconded the motion.

Terry Galloway of Almquist, Maltzahn, Galloway, & Luth presented the Financial Statements to the Council for the Fiscal Year ending September 30, 2012, stating that it was a clean, unqualified opinion which is becoming hard to obtain.

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

(8) AUTHORIZE THE MAYOR TO SIGN A FINAL APPLICATION FOR A GRANT FROM THE NEBRASKA CIVIC AND COMMUNITY FINANCING FUND.

Councilmember Gonzales introduced a motion to authorize the Mayor to sign the Final Application for a grant from the Nebraska Civic and Community Financing Fund. Councilmember Hepp seconded the motion.

Ashley Carfield and her mother Chris expressed concerns with the proposed application. Ms. Carfield stated that a new city-owned convention center would remove opportunity for her. She had hoped to return to McCook to pursue her goal of operating an events center. If the City had their own, she would be unable to compete. They did feel that there was a need for an event center in McCook.

Rex Nelson, McCook Economic Development Corporation (MEDC) Executive Director, stated that the application provides information to the Nebraska Department of Economic Development to help them score McCook based on economic value. It does not obligate the city to anything. The proposed facility must be city-owned, but the city usually does not operate it. The MEDC has been approached by three different hotel developers. The City's match would be provided by Tax Increment Financing (TIF) captured from the project.

City Manager Hancock stated that the final application is to be completed and returned to the NDED no later than Friday, March 20, 2013. The grant cycle is annual. Representatives of NDED have indicated that this project must meet a regional need and be shovel ready. It is anticipated that within 60 days, both MEDC and the City should know if the hotel/convention project, currently

being reviewed by developer, is feasible.

John E. Hanson, Gene Morris, Dennis Kofler, and Ron Nielson spoke in opposition of the application.

Discussion was held regarding the need for an event center, should the City be in the business of operating an event center, had the developers reviewed the occupancy rate – the City is not trying to run someone out of business, applying for something that was not a concrete project, and if the City were awarded the grant – we are under no obligation to accept it.

Dale Dueland, a member of the MEDC Board and the McCook Planning Commission spoke in support of the application and encouraged the Council to proceed with its approval.

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: Gonzales. Motion carried.

(9) UPDATE ON THE DOWNTOWN COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION.

City Manager Hancock provided an update on the Downtown Community Development Block Grant application. Based on comment received at the March 4, 2013 meeting and continued review of costs and design, it was discovered that if the alignment is changed for the ADA ramps, the crosswalks would be moved and that would put cars in the crosswalks to look for oncoming traffic. This would make crossing even more troubling than it is currently. The need to move storm water collection facilities and light poles make the concept cost prohibitive. Thus the ADA ramps portion has been removed from the plan. The plan includes Item A - Water service and meter from existing hydrant and improve landscaping; Item B - new monument sign; Item C - Stained/stamped concrete crossings; Item D - new landscaped areas; Item E - Parking facility redesign; and Item F - Trash enclosure. Mr. Hancock noted that the proposed plan was the end result of a process that was started in October that engaged over 100 persons, including members of the Downtown Planning Steering Committee.

John E. Hanson spoke in opposition of proposed plan and that it was ludicrous to put any money into it.

(10) COUNCIL COMMENTS.

Councilmember Gonzales thanked all Department Heads and Staff for the excellent job that they do monitoring their budgets as was evident during the presentation of the audit. Almost all departments had expenditures in 2012 that were lower than the budgeted amounts.

Mayor Berry stated that he too was pleased with the audit report and the spending practices of City Staff.

Councilmember McDowell stated that the Downtown Revitalization plan was not developed by the five Councilmembers, it was the result of several open public input sessions, meetings of the Downtown Plan Steering Committee, and the consultant team. It is a good place to start and as a Council we should be accepting of input from our citizens.

(11) ADJOURNMENT.

There being no further business to come before the Council, Mayor Berry declared the meeting adjourned at 8:55 P.M.

Dennis Berry, Mayor

ATTEST:

Lea Ann Doak, City Clerk