

MCCOOK CITY COUNCIL
July 1, 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.

Absent: City Attorney Schneider.

City Officials present: City Manager Hancock, City Clerk-Treasurer Doak, Police Chief Isaac Brown, Fire Chief Marc Harpham, and Public Works Director Kyle Potthoff.

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on June 27, 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, 1ST ASSEMBLY OF GOD CHURCH.

KC Harryman, pastor of the 1st 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 informed the Council of the NIFA FFC luncheon for discussion of housing needs and resources is to be held at the Keystone Business Center on Thursday, July 11, 2013 from 11:00 A.M. to 1:00 P.M. He reminded the Council of the special meeting to be held July 29, 2013 for budget review.

(5) PUBLIC HEARINGS:

ITEM A PUBLIC HEARING - REQUEST TO CONSIDER CLARY SUBDIVISION (PRELIMINARY) REPLAT NO. 1 WITH THE CITY ATTORNEY TO ACT AS HEARING OFFICER.

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 on the proposed Clary Subdivision (Preliminary) Replat No. 1 with the City Manager to act as hearing officer. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None. ABSENT: Berry.

The City Manager offered and received into evidence Exhibit #1 - City Manager's Report prepared for the July 1, 2013 City Council meeting; Exhibit #2 - City Manager Report prepared for the June 27, 2013 Planning Commission meeting; Exhibit #3 - Notice of Public Hearing published on June 17, 2013; Exhibit #4 - listing of adjoining property owners receiving Notice of Public Hearing; Exhibit #5 - applicant's Land Use Action Request Form; Exhibit #6 - proposed North Pointe LLC Properties Subdivision Agreement; Exhibit #7 - minutes of the June 27, 2013 Planning Commission meeting; and Exhibit #7 - plat indicating area for zoning change; Exhibit #8 - Clary Subdivision Replat No. 1 (Preliminary); Exhibit #9 - Clary Subdivision Replat No. 1 (Preliminary) with topography and infrastructure improvements indicated; Exhibit #10 - Clary Subdivision Replat No. 1 (Preliminary) indicating proposed storm sewer placement.

City Manager Hancock stated that the Planning Commission has reviewed the preliminary plat and unanimously recommended its approval to the Council. Some of their discussion was in regards to the property on proposed "T" Street and the trees that are to remain north of that street. Who will maintain the trees. Because of these concerns the developer provided a proposed replat that had two cul-de-sacs instead of "T" Street. The City's TIF attorney expressed concern that the proposed replat was a significant change and the process would have to start over. The developer has decided to proceed with the original preliminary Replat No. 1. The proposed "R" Street access meets Fire Department requirements.

Gary Dicenta, Miller & Associates, reviewed the proposed replat and addressed questions from the Council. Mr. Dicenta stated that what is being presented is preliminary. They are seeking a nod of approval of the proposed layout of lots and streets. They will then proceed with the final design of water, sewer, streets, and storm sewer. Storm drainage is proposed to the north to the Henton's Addition, and two go to the west. The plat has been developed to get the most lots and the most cost effective infrastructure for the developer. Proposed "T" Street is approximately 90' wide and will be built to the south of the tree line. The trees will not be removed. No contact has been made with adjacent property owners in regards to storm water drainage. Contact will be made after direction has been received from the Planning Commission and the City Council. Most of the drainage occurs in Lots 26 & 27. During Phase I a sewer main will be installed to connect the entire project to the City's sewer system. "R" Street will be extended to the east to meet with West 7th Street. During Phase II paving, curb and gutter, with sewer, water and electrical connections will be installed on a portion of West 9th Street and West 8th Street and "S" Street. Phase III will extend West 8th and West 9th Streets and "T" Street. Easements are provided for instead of alleys. This saves the developer the cost of alley paving.

John Nothnagel, property owner to the north and east of the proposed replat, stated he is not against the development. He read a letter from him and his wife, Betty, addressing their concerns. The letter was received into evidence as Exhibit #11. Because of their concerns they requested the Council to not approve the plat until the issues are addressed. Their primary issues were storm drainage from the development that is proposed to be diverted onto their property and the tree line on the north of the property.

Craig Christner expressed concerns with the proposal to move the storm water to the west across Lots 26 & 27 to Kelley Creek.

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 B APPROVAL OF CLARY SUBDIVISION (PRELIMINARY) REPLAT NO. 1.

Mayor Berry introduced a motion to not approve the Clary Subdivision (Preliminary) Replat No. 1 until the drainage and tree issues are addressed. Councilmember Calvin seconded the motion.

Discussion occurred regarding various options of addressing the storm water drainage, maintenance of the trees, and the extension of "R" Street.

Rex Nelson, McCook Economic Development Executive Director, encouraged the Council to approve the preliminary plat with the stipulation that the drainage issues are resolved. Approval of the preliminary plat at this point is vital so that the developer has direction on how to proceed with the final plat.

Greg Wolford, W Design Associates, also encouraged the Council to approve the preliminary plat with stipulations that drainage and the trees are addressed. That is how the process is to work. That provides direction to the developer regarding what the City wants in the final plat. The final plat can be brought back as many times as it takes until it received approval of the Council.

The motion on the floor was withdrawn by Mayor Berry.

Upon a motion by Mayor Berry, seconded by Councilmember Calvin, the Council voted to approve the Clary Subdivision (Preliminary) Replat No. 1 with the stipulation that storm water drainage issues, maintenance of the trees along the northern property line, and that the extension of "R" street east to West 7th Street be addressed in the final plat. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

ITEM C PUBLIC HEARING - PROPOSED REDEVELOPMENT PLAN OF NORTH POINTE REDEVELOPMENT AREA 2013 AS TO ITS CONFORMITY WITH THE GENERAL PLAN FOR THE DEVELOPMENT OF THE CITY AS A WHOLE WITH THE CITY ATTORNEY TO ACT AS HEARING OFFICER.

Upon a motion by Councilmember Gonzales, 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 on the request to consider the proposed Redevelopment Plan of North Pointe Redevelopment Area 2013 as to its conformity with the general plan for the development of the City as a whole with the City Manager to act as hearing officer. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

The City Manager offered and received into evidence Exhibit #1 - City Manager's Report prepared for the July 1, 2013 City Council meeting; Exhibit #2 - Notice of Public Hearing published; Exhibit #3 - listing of notices mailed to and copies of notices; Exhibit #4 - proposed Resolution No. 2013-23; and Exhibit #5 - proposed Redevelopment Plan.

Craig Christner, property owner in Countryside Estates, encouraged the Council to look at the entire picture when evaluating the plan as to its conformity with the development plan of the City because of its close proximity to rural development areas. Storm water drainage has already created a canyon through his property. He cautioned that increasing the flow in the area could destroy ten lots

that could be developed.

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 D ADOPT RESOLUTION NO. 2013-23 APPROVING A REDEVELOPMENT PLAN OF THE CITY OF MCCOOK, NEBRASKA, APPROVING A REDEVELOPMENT PROJECT OF THE CITY OF MCCOOK, NEBRASKA; AND APPROVAL OF RELATED ACTIONS FOR THE PURPOSE OF THE DEVELOPMENT OF THE 2013 NORTH POINTE REDEVELOPMENT AREA.

Upon a motion by Councilmember Gonzales, seconded by Councilmember Calvin, the Council voted to adopt Resolution No. 2013-23 approving a Redevelopment Plan of the City of McCook, Nebraska, approving a Redevelopment Project of the City of McCook, Nebraska; and approval of related actions for the purpose of the development of the 2013 North Pointe Redevelopment Area. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

(6) CONSENT AGENDA:

Councilmember Gonzales requested that Item A be removed from the Consent Agenda and placed on the Regular Agenda.

ITEM B RECEIVE AND FILE THE MINUTES OF THE MAY 1, 2013 BUILDING CODE REVIEW COMMITTEE, THE JUNE 4, 2013 SENIOR CENTER ADVISORY BOARD, AND THE JUNE 11, 2013 PLANNING COMMISSION MEETINGS.

Upon a motion by Mayor Berry, seconded by Councilmember Calvin, the Council voted to receive and file the minutes of the May 1, 2013 Building Code Review Committee, the June 4, 2013 Senior Center Advisory Board, and the June 11, 2013 Planning Commission meetings. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

ITEM C ADOPT RESOLUTION NO. 2013-22 APPROVING SUPPLEMENTAL AGREEMENT NUMBER 1 BETWEEN W DESIGN ASSOCIATES AND THE CITY OF MCCOOK FOR PROJECT NO. URB-6158(1), STATE CONTROL NO. 71151, EAST 7TH/SEMINOLE, EAST "H" STREET TO PARK AVENUE AND AUTHORIZE THE MAYOR TO SIGN.

Upon a motion by Mayor Berry, seconded by Councilmember Calvin, the Council voted to adopt Resolution No. 2013-22 approving Supplemental Agreement Number 1 between W Design Associates and the City of McCook for Project No. URB-6158(1), State Control No. 71151, East 7th/Seminole, East "H" Street to Park Avenue and authorize the Mayor to sign. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

ITEM D APPROVE THE APPLICATION FOR A SPECIAL DESIGNATED LIQUOR LICENSE SUBMITTED BY LOOP BREWING COMPANY, LLC, LICENSE # LK-093351, FOR A WEDDING RECEPTION AND DANCE TO BE HELD AT THE MUNICIPAL AUDITORIUM, 302 WEST 5TH STREET, ON JULY 26, 2013 FROM 4:00 P.M. TO 1:00 A.M.

Upon a motion by Mayor Berry, seconded by Councilmember Calvin, the Council voted to approve the application for a Special Designated Liquor License submitted by Loop Brewing Company, LLC, License # LK-093351, for a wedding reception and dance to be held at the Municipal Auditorium, 302 West 5th Street, on July 26, 2013 from 4:00 P.M. to 1:00 A.M. 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 LOOP BREWING COMPANY, LLC, LICENSE # LK-093351, FOR A WEDDING RECEPTION AND DANCE TO BE HELD AT THE RED WILLOW COUNTY COMMUNITY BUILDING, 1408 WEST 5TH STREET, ON JULY 13, 2013 FROM 4:00 P.M. TO 1:00 A.M.

Upon a motion by Mayor Berry, seconded by Councilmember Calvin, the Council voted to approve the application for a Special Designated Liquor License submitted by Loop Brewing Company, LLC, License # LK-093351, for a wedding reception and dance to be held at the Red Willow County Community Building, 1408 West 5th Street, on July 13, 2013 from 4:00 P.M. to 1:00 A.M. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

REGULAR AGENDA

ITEM 6A APPROVE THE MINUTES OF THE JUNE 17, 2013 REGULAR CITY COUNCIL MEETING.

Upon a motion by Councilmember Gonzales, seconded by Councilmember Calvin, the Council voted to approve the minutes of the June 17, 2013 regular City Council meeting. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

(7) COUNCIL COMMENTS.

Mayor Berry reminded all of the special meeting to be held on July 29, 2013 for review of the proposed budget, noting that may be the time to review police concerns of animal control and the Humane Society contract.

Councilmember Calvin acknowledged that at the last meeting he may have had a poor choice of words, a hiring freeze. A staffing study, or review by department during the budget process may have been a better choice. Are we adequately staffed?

It was the consensus of the Council to have storm water issues addressed at a future meeting.

Chief Harpham reviewed the hours of sale for fireworks and encouraged all to take precautions just like last year even though it is not as dry.

(8) ADJOURNMENT.

There being no further business to come before the Council, Mayor Berry declared the meeting adjourned at 9:10 P.M.

Dennis Berry, Mayor

ATTEST:

Lea Ann Doak, City Clerk