

MCCOOK CITY COUNCIL  
March 17, 2014  
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: None.

City Officials present: City Attorney Schneider, Co-Interim City Manager/Public Works Director Potthoff; Co-Interim City Manager/City Clerk-Treasurer Doak, Police Chief Isaac Brown, Fire Chief Marc Harpham.

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on March 13, 2014, 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 - STEVE BALES, 1<sup>ST</sup> CONGREGATIONAL CHURCH.

No one was present for the invocation.

- (2) PLEDGE OF ALLEGIANCE.

As part of a Merit Badge, Boy Scout Troop 147 was in attendance and led the Council and audience in the Pledge of Allegiance.

- (3) CITIZEN'S COMMENTS.

Ashley Laurie announced that she had secured funding to acquire soccer goals for the Elks City Park. They have been ordered and should be ready for installation in the very near future. She is continuing to work for funding for the placement of more goals in the community.

- (4) MAYOR'S ANNOUNCEMENTS & RECOGNITIONS.

There were no Mayor's announcements or recognitions.

- (5) ACCEPT THE FINANCIAL STATEMENTS AND SUPPLEMENTAL INFORMATION FOR FISCAL YEAR ENDING SEPTEMBER 30, 2013 PREPARED BY ALMQUIST, MALTZAHN, GALLOWAY, & LUTH, CERTIFIED PUBLIC ACCOUNTANTS.

Terry Galloway of Almquist, Maltzahn, Galloway, & Luth presented the Financial Statements to the

Council for the Fiscal Year ending September 30, 2013, stating that it was a clean, unqualified opinion which is becoming hard to obtain.

Upon a motion by Councilmember Gonzales, seconded by Councilmember Hepp, the Council voted to accept the Financial Statements and Supplemental Information for Fiscal Year ending September 30, 2013 prepared by Almquist, Maltzahn, Galloway, & Luth, Certified Public Accountants. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

(6) PUBLIC HEARING:

ITEM A PUBLIC HEARING - REQUEST FOR A SPECIAL EXCEPTION TO ALLOW A PERSONAL STORAGE BUILDING IN AN AGRICULTURAL (AG) DISTRICT, LOCATED WITHIN THE TWO MILE EXTRA-TERRITORIAL JURISDICTION OF THE CITY OF MCCOOK, RED WILLOW COUNTY, NEBRASKA; APPLICANT - STEVE AND DEBRA WALTER.

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 for a special exception to allow a personal storage building in an Agricultural (AG) District, located within the two-mile extra-territorial jurisdiction of the City of McCook, Red Willow County, Nebraska; Applicant - Steve and Debra Walter 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 - City Manager's Report prepared for the March 17, 2014 City Council meeting; Exhibit #2 - Notice of Hearing published and the ownership listing who received such notice by mail; Exhibit #3 - the Land Use Application submitted by Steve and Debra Walter; and Exhibit #4 - the site map with the proposed location indicated by an X, it was noted that the Industrial District noted on the map has never been developed or approved.

Steve Walter presented their request to the Council. They are wanting to build a personal storage building that will not be used for a business. This area is adjacent to the tower and probably would not be suitable for residential. He has worked with the County and plans to have a culvert installed so that they will have their own entrance. The building will require no water or sewer. They have a purchase agreement with Mr. Bishop contingent upon approval of the special exception.

City Attorney Schneider reviewed the Special Exception Considerations with the Council and noted that the Planning Commission had addressed signage, buffering, and traffic and had no issues. City Staff and the Planning Commission recommend approval of the special exception.

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 APPROVE THE REQUEST FOR A SPECIAL EXCEPTION TO ALLOW A PERSONAL STORAGE BUILDING IN AN AGRICULTURAL (AG) DISTRICT, LOCATED IN SECTION 24, TOWNSHIP 3 NORTH, RANGE 30 WEST OF THE 6TH P.M., RED WILLOW COUNTY, NEBRASKA; A TRACT OF LAND CONTAINING APPROXIMATELY 3.7 ACRES LOCATED ON THE SOUTH

SIDE OF ROAD 716; WITHIN THE TWO MILE EXTRA-TERRITORIAL JURISDICTION OF THE CITY OF MCCOOK; APPLICANT - STEVE AND DEBRA WALTER; THAT THE GRANTING OF THE SPECIAL EXCEPTION WILL NOT ADVERSELY AFFECT THE PUBLIC INTEREST; AND THAT SATISFACTORY PROVISIONS AND ARRANGEMENTS HAVE BEEN MADE BY THE APPLICANT CONCERNING SPECIAL EXCEPTION CONSIDERATIONS A - I.

Councilmember Calvin introduced a motion to approve the Special Exception request from Steve and Debra Walter to allow a personal storage building in an Agricultural District (AG) on a tract of land located on the south side of Road 716, within the two-mile extra-territorial jurisdiction of the City of McCook; that the Council is empowered to grant this special exception; that the granting of the special exception will not adversely affect the public interest; and that satisfactory provisions and arrangements have been made by the applicant concerning the following issues:

- a) ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;
- b) off-street parking and loading areas where required, with particular attention to the items in (a) above, and the economic, noise, glare or odor effects of the special exception on adjoining properties and properties generally in the district;
- c) refuse and service areas, with particular reference to the items in (a) and (b) above;
- d) utilities, with reference to locations, availability and compatibility;
- e) screening and buffering with reference to type, dimensions and character;
- f) signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district;
- g) required yards and other open space;
- h) general compatibility with adjacent properties and other property in the district.
- i) Compatibility with existing and future land use plan in the McCook Comprehensive Plan.

The motion was seconded by Councilmember McDowell, and passed by the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

(7) CONSENT AGENDA:

ITEM A APPROVE THE MINUTES OF THE MARCH 3, 2014 REGULAR CITY COUNCIL MEETING.

Upon a motion by Mayor Berry, seconded by Councilmember McDowell, the Council voted to approve the minutes of the March 3, 2014 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 THE CLAIMS FOR THE MONTH OF FEBRUARY 2014 AS PUBLISHED ON MARCH 13, 2014.

Upon a motion by Mayor Berry, seconded by Councilmember McDowell, the Council voted to receive and file the claims for the month of February 2014 as published on March 13, 2014. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

ITEM C APPROVE THE BID SPECIFICATIONS FOR ONE (1) NEW 2014 VEHICLE FOR THE POLICE DEPARTMENT AND SET THE DATE TO RECEIVE BIDS AS APRIL 9, 2014 AT 1:30 P.M.

Upon a motion by Mayor Berry, seconded by Councilmember McDowell, the Council voted to approve the bid specifications for one (1) new 2014 Vehicle for the Police Department and set the date to receive bids as April 9, 2014 at 1:30 P.M. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

ITEM D RECEIVE AND FILE INFORMATION REGARDING ACE, THE PUBLIC ALLIANCE FOR COMMUNITY ENERGY DISTRIBUTION OF \$4,776.90 TO THE CITY AS ITS SHARE OF \$100,000 BEING DISTRIBUTED TO 72 NEBRASKA MEMBER COMMUNITIES OF THE NOT-FOR-PROFIT, COMMUNITY-OWNED NATURAL GAS SUPPLIER.

Upon a motion by Mayor Berry, seconded by Councilmember McDowell, the Council voted to receive and file information regarding ACE, the Public Alliance for Community Energy distribution of \$4,776.90 to the City as its share of \$100,000 being distributed to 72 Nebraska member communities of the not-for-profit, community-owned natural gas supplier. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

### REGULAR AGENDA

(8) RECEIVE AND FILE THE SWIMMING POOL EVALUATION REPORT COMPLETED BY MILLER AND ASSOCIATES.

Larry Steele and David Blau of Miller and Associates present their Swimming Pool Evaluation.

Upon a motion by Councilmember Gonzales, seconded by Councilmember Hepp, the Council voted to receive and file the Swimming Pool Evaluation Report completed by Miller and Associates dated March 2014.

(9) DISCUSSION OF THE CITY SALES TAX RENEWAL AND ELECTION.

The Council set the dates of May 6 at 7:00 P.M. and May 15 at 5:30 P.M. for Town Hall meetings to begin discussion of the renewal of the City Sales Tax.

(10) IDENTIFY CITY MANAGER APPLICANT EVALUATION PROCESS, GIVE DIRECTION TO CITY STAFF, AND AUTHORIZE THEM TO PROCEED.

The City has received 21 applications to date.

It was the consensus of the Council to again use Bill Podraza as a Consultant during the review process, the Council needs to determine what they are looking for in a City Manager, and that the Department Heads will be included in selection of the top applicants. The applicants will be

reviewed in an executive session at the April 7 City Council meeting.

(11) COUNCIL COMMENTS.

Public Works Director Potthoff was congratulated on his recent appointment as President of the League of Nebraska Municipalities Municipal Section, all were reminded of the Special joint meeting of the City Council and Airport Advisory Commission on Tuesday, March 25, 2014 at 7:00 P.M., staff was thanked for the fantastic job they do as good stewards of our taxpayers money; and Boy Scout Troop 147 was recognized for their attendance.

(12) ADJOURNMENT.

There being no further business to come before the Council, Mayor Berry declared the meeting adjourned at 9:00 P.M.

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Dennis Berry, Mayor

ATTEST:

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Lea Ann Doak, City Clerk