

MCCOOK CITY COUNCIL
October 20, 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.

Absent: Councilmember McDowell.

City Officials present: City Manager/City Attorney Schneider, City Clerk/Treasurer Doak, Police Chief Brown, Utilities Director Dutcher, Fire Chief Harpham, and Public Works Director Potthoff.

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on October 16, 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 - DOUG GRIGER, UNITED METHODIST CHURCH.

Doug Griger, pastor of the United Methodist Church was present for the invocation.

- (2) PLEDGE OF ALLEGIANCE.

Councilmember Calvin led the Council and audience in the Pledge of Allegiance.

- (3) CITIZEN'S COMMENTS.

There were no citizen's comments.

- (4) ANNOUNCEMENTS & RECOGNITIONS.

There were no announcements or recognitions.

- (5) PUBLIC HEARINGS:

ITEM A PUBLIC HEARING - FINAL PLAT OF BISHOP ACRES SUBDIVISION.

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 proposed Final Plat of Bishop Acres Subdivision with the City Attorney to act as hearing officer. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp. NAY: None. ABSENT: McDowell.

The City Attorney offered and received into evidence Exhibit #1 - City Manager's Report prepared for the October 20, 2014 City Council meeting; Exhibit #2 - Revised Notice of Hearing published; Exhibit #3 - list of adjoining property owners receiving notice of hearing; Exhibit #4 - proposed Plat of Bishop Acres Subdivision; Exhibit #5 - proposed Resolution No. 2014-16; Exhibit #6 - City Manager's Report prepared for the October 13, 2014 Planning Commission meeting; Exhibit #7 - application and attachments from the applicant A.M. Bishop; Exhibit #8 - the proposed Subdivision Agreement; and Exhibit #9 - the minutes of the October 13, 2014 Planning Commission meeting.

Gary Dicenta, of Miller and Associates and representing A.M. Bishop, presented the request to the Council. He informed the Council that the proposed plat had been presented to the Red Willow County Commissioners and that they had no comment. The plat is bordered by County Road 383 to the west and by a County Road to the south which would be extended "J" Street. The road right of way on the south has been increased to 80' to meet city standards. Utility easements have been provided. The surrounding area is mostly residential and the proposed fits the Agricultural District requirements for non farm dwellings.

Council comments concerned that mobile homes are a permitted use, that kennels are allowed by special exception, addressing mobile homes in a covenant or in the deeds, and possible future annexation.

City Manager Schneider informed the Council that Alan Bishop, Trustee of the A.M. Bishop Family Trust, made application for the creation of a minor subdivision to be named Bishop Acres Subdivision. The request was for a minor subdivision of four lots, each of the lots are three acres in size, and the lots conform with the City of McCook's zoning requirements.

At their meeting of October 13, 2014, the Planning Commission recommended approval of the request by a 6 to 1 vote. Several issues were brought up at the Planning Commission meeting. First, Staff stated that the property is in an area the City of McCook might annex in the future. A Subdivision Agreement was developed and agreed to by the parties. The possibility of future annexation is contemplated in the Agreement. The Agreement places the burden of improvement assessments on the developer and future interest holders. Second, concern was raised by adjacent property owners that there may need to be restrictions placed on the lots, specifically that no mobile homes are placed on the lot and that the property is used for appropriately zoned activities. Staff explained that mobile homes are a permitted principal use in Agricultural Districts. The Developer stated that it was his intention to limit what kind of structures were placed on the property, which may have to occur through a covenant. Third, it was brought forward by the Planning Commission that the City needs to look at a more comprehensive development plan in the future for this area.

City Staff recommends that the Subdivision be allowed. While there are concerns about the future development of this area, the request is in conformity with the City's Subdivision Regulations.

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. NAY: None. ABSENT: McDowell.

ITEM B CONSIDERATION OF REQUEST FOR THE CREATION OF A MINOR SUBDIVISION, WHICH WOULD BE NAMED BISHOP ACRES SUBDIVISION.

Upon a motion by Councilmember Calvin, seconded by Councilmember Gonzales, the Council voted to adopt Resolution No. 2014-16 providing for the approval of the Final Plat of Bishop Acres Subdivision. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin,

Hepp. NAY: None. ABSENT: McDowell.

ITEM C APPROVE THE SUBDIVISION AGREEMENT FOR BISHOP ACRES SUBDIVISION, A SUBDIVISION TO THE COUNTY OF RED WILLOW, NEBRASKA.

Upon a motion by Councilmember Calvin, seconded by Councilmember Hepp, the Council voted to approve the Subdivision Agreement for Bishop Acres Subdivision, a subdivision to the County of Red Willow, Nebraska. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp. NAY: None. ABSENT: McDowell.

(6) CONSENT AGENDA:

ITEM A APPROVE THE MINUTES OF THE OCTOBER 6, 2014 REGULAR CITY COUNCIL MEETING.

Upon a motion by Mayor Berry, seconded by Councilmember Gonzales, the Council voted to approve the minutes of the October 6, 2014 regular City Council meeting. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp. NAY: None. ABSENT: McDowell.

ITEM B RECEIVE AND FILE THE MINUTES OF THE OCTOBER 13, 2014 PLANNING COMMISSION MEETING.

Upon a motion by Mayor Berry, seconded by Councilmember Gonzales, the Council voted to receive and file the minutes of the October 13, 2014 Planning Commission meeting. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp. NAY: None. ABSENT: McDowell.

ITEM C RATIFY THE MAYOR'S APPOINTMENT TO THE:

- CITY/COUNTY AIRPORT ZONING BOARD - REAPPOINT STEVE KEENE AND BRUCE MCDOWELL - TERMS EXPIRE SEPTEMBER 2017;
- BOARD OF ZONING ADJUSTMENT - REAPPOINT GREG LARSON, FRED SHEPHERD, AND JERRY REITZ - TERMS EXPIRE JANUARY 2017 AND MARLENE FOSTER (ALTERNATE) - TERM EXPIRES JANUARY 2017;
- ECONOMIC DEVELOPMENT PLAN CITIZEN'S ADVISORY REVIEW COMMITTEE - REAPPOINT LINDA TAYLOR - TERM EXPIRES JULY 2017;
- ECONOMIC DEVELOPMENT PLAN LOAN COMMITTEE - REAPPOINTMENT OF THE MCCOOK ECONOMIC DEVELOPMENT CORPORATION SELECTIONS OF DALE DUELAND AND JASON GRIGG - TERMS EXPIRE MARCH 2018;
- BOARD OF HEALTH - APPOINT CITY MANAGER NATE SCHNEIDER, CHIEF OF POLICE IKE BROWN, DR. RICHARD KLUG, AND MARY BETH EISENMENGER - TERMS EXPIRE JUNE 2015 AND MAYOR DENNIS BERRY - TERM EXPIRES DECEMBER 2014;
- HOUSING AGENCY - REAPPOINT TERRY PETERSON - TERM EXPIRES NOVEMBER 2019;
- PARKS ADVISORY BOARD - REAPPOINT MARK FRIEHE AND TOM LENTZ - TERMS EXPIRE MAY 2017; AND THE
- PLANNING COMMISSION - REAPPOINT DONALD O. HARPST AND KURT VOSBURG - TERMS EXPIRE SEPTEMBER 2017.

Upon a motion by Mayor Berry, seconded by Councilmember Gonzales, the Council voted to ratify the Mayor's appointment to the City/County Airport Zoning Board - reappointing Steve Keene and Bruce McDowell - terms expire September 2017; the Board of Zoning Adjustment - reappointing Greg Larson, Fred Shepherd, and Jerry Reitz - terms expire January 2017 and Marlene Foster (alternate) - term expires January 2017; the Economic Development Plan Citizen's Advisory Review Committee - reappointing Linda Taylor - term expires July 2017; the Economic Development Plan Loan Committee - reappointment of the McCook Economic Development Corporation selections of Dale Dueland and Jason Grigg - terms expire March 2018; the Board of Health - appointing City Manager Nate Schneider, Chief of Police Ike Brown, Dr. Richard Klug, and Mary Beth Eisenmenger - terms expire June 2015 and Mayor Dennis Berry - term expires December 2014; the Housing Agency - reappointing Terry Peterson - term expires November 2019; the Parks Advisory Board - reappointing Mark Friehe and Tom Lentz - terms expire May 2017; and the Planning Commission - reappointing Donald O. Harpst and Kurt Vosburg - terms expire September 2017. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp. NAY: None. ABSENT: McDowell.

ITEM D APPROVE THE AGREEMENT, CONTINGENT UPON THE NEBRASKA DEPARTMENT OF AERONAUTICS APPROVAL, BETWEEN THE CITY OF MCCOOK AND W DESIGN ASSOCIATES FOR ENGINEERING SERVICES FOR THE CONSTRUCTION OF A NEW 8 PLEX HANGAR AT MCCOOK BEN NELSON REGIONAL AIRPORT, AND AUTHORIZE THE MAYOR TO SIGN.

Upon a motion by Mayor Berry, seconded by Councilmember Gonzales, the Council voted to approve the agreement, contingent upon the Nebraska Department of Aeronautics approval, between the City of McCook and W Design Associates for engineering services for the construction of a new 8 Plex Hangar at McCook Ben Nelson Regional Airport, and authorize the Mayor to sign. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp. NAY: None. ABSENT: McDowell.

REGULAR AGENDA

(7) COUNCIL COMMENTS.

Council comments included recognition of the marquee now in the lobby of the McCook Municipal Center and that a group of citizens will be going to Lincoln in November to express concerns with the state penal system and to suggest possible expansion of the Work Ethic Camp in McCook.

(8) ADJOURNMENT.

There being no further business to come before the Council, Mayor Berry declared the meeting adjourned at 8:00 P.M.

Dennis Berry, Mayor

ATTEST:

Lea Ann Doak, City Clerk