

MCCOOK CITY COUNCIL
January 19, 2015
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 Gonzales, Councilmembers Calvin, Hepp, McDowell, Weedin.

Absent: None.

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

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on January 15, 2015, 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 Gonzales 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 - ALISA PARDE, UNITED METHODIST CHURCH.

Alisa Parde, 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.

No one was present for citizen's comments.

(4) ANNOUNCEMENTS & RECOGNITIONS.

There were no announcements or recognitions.

(5) PUBLIC HEARINGS:

ITEM A PUBLIC HEARING - REQUEST FOR A SPECIAL EXCEPTION TO ALLOW A ROOFTOP ANTENNA SITE TO BE CONSTRUCTED ON THE KEYSTONE BUSINESS CENTER - BUILDING IN THE CENTRAL BUSINESS (CB) DISTRICT, LOCATED IN LOT EIGHT (8), NINE (9), TEN (10), ELEVEN (11),

AND TWELVE (12), BLOCK NINE (9), ORIGINAL TOWN ADDITION TO THE CITY OF MCCOOK, RED WILLOW COUNTY, NEBRASKA; PROJECT SPONSOR - NE COLORADO CELLULAR, INC, D/B/A VIAERO WIRELESS; LAND OWNER - KEYSTONE BUSINESS CENTER, MCCOOK ECONOMIC DEVELOPMENT CORPORATION; 402 NORRIS AVENUE.

Upon a motion by Mayor Gonzales, seconded by Councilmember Calvin, 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 rooftop antenna site to be constructed on the Keystone Business Center - Building in the Central Business (CB) District, located in Lot Eight (8), Nine (9), Ten (10), Eleven (11), and Twelve (12), Block Nine (9), Original Town Addition to the City of McCook, Red Willow County, Nebraska; Project Sponsor - NE Colorado Cellular, Inc, d/b/a Viaero Wireless; Land owner - Keystone Business Center, McCook Economic Development Corporation; 402 Norris Avenue with the City Attorney to act as hearing officer. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedon. NAY: None.

The City Attorney offered and received into evidence Exhibit #1 - the City Manager's Report prepared for the January 19, 2015 City Council meeting; Exhibit #2 - Notice of Hearing published, and Exhibit #3 - ownership listing of this receiving Notice of Hearing; Exhibit #4 - Findings and Determinations of the Council; Exhibit #5 - Land Use Application filed by the applicant; Exhibit #6 - minutes of the January 12, 2015 Planning Commission meeting.

Chris Riha, Site Acquisition Specialist for Viaero, presented the request to the Council. The purpose for their request is to increase frequency strength for downtown buildings and the antennas will not be higher than the elevator head house.

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: Gonzales, Hepp, Calvin, McDowell, Weedon. NAY: None.

ITEM B APPROVE THE REQUEST FOR A SPECIAL EXCEPTION TO ALLOW A ROOFTOP ANTENNA SITE TO BE CONSTRUCTED ON THE KEYSTONE BUSINESS CENTER - BUILDING IN THE CENTRAL BUSINESS (CB) DISTRICT, LOCATED IN LOT EIGHT (8), NINE (9), TEN (10), ELEVEN (11), AND TWELVE (12), BLOCK NINE (9), ORIGINAL TOWN ADDITION TO THE CITY OF MCCOOK, RED WILLOW COUNTY, NEBRASKA; PROJECT SPONSOR - NE COLORADO CELLULAR, INC, D/B/A VIAERO WIRELESS; LAND OWNER - KEYSTONE BUSINESS CENTER, MCCOOK ECONOMIC DEVELOPMENT CORPORATION; 402 NORRIS AVENUE; 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 request for a special exception to allow a rooftop antenna site to be constructed on the Keystone Business Center - Building in the Central Business (CB) District, located in Lot Eight (8), Nine (9), Ten (10), Eleven (11), and Twelve (12), Block Nine (9), Original Town Addition to the City of McCook, Red Willow County, Nebraska; Project Sponsor - NE Colorado Cellular, Inc, d/b/a Viaero Wireless; Land owner - Keystone

Business Center, McCook Economic Development Corporation; 402 Norris Avenue; 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: Gonzales, Hepp, Calvin, McDowell, Weedn. NAY: None.

ITEM C PUBLIC HEARING ON AN AMENDMENT TO THE BLIGHT AND SUBSTANDARD STUDY FOR REDEVELOPMENT AREA #3, AN AREA WITHIN THE CITY OF MCCOOK PURSUANT TO THE NEBRASKA DEVELOPMENT LAW.

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 an Amendment to the Blight and Substandard Study for Redevelopment Area #3, an area within the City of McCook pursuant to the Nebraska Development Law with the City Attorney to act as hearing officer. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedn. NAY: None.

The City Attorney offered and received into evidence Exhibit #1 - City Manager's Report prepared for the January 19, 2015 City Council meeting; Exhibit #2 - the Blight and Substandard Determination prepared by Hanna:Keelan Associates, P.C.; Exhibit #3 - Notice of Hearing published and Exhibit #4 - letters sent to the McCook School District, McCook Community College, Educational Services Unit No. 15, Middle Republican NRD, and the Red Willow County Commissioners; Exhibit #5 - proposed Resolution No. 2015-02; and Exhibit #6 - minutes of the January 12, 2015 Planning Commission meeting.

City Manager Schneider stated that on January 12, 2015, the Planning Commission met to determine whether to recommend an amendment to Redevelopment Area #3. The Blight and Substandard Study for Redevelopment Area #3 was presented to the Commission February 11, 2013 and subsequently approved by a resolution of the Council on February 18, 2013. Hanna:Keelan Associates conducted a new study to determine whether the proposed area to be included in the Amendment to Redevelopment Area #3 qualifies as blighted and substandard for purposes of Nebraska law. The study provides a description of the area to be considered for inclusion as well as a breakdown of the structures that currently exist on the property. The study concludes that the area to be amended is blighted and substandard and that inclusion of the proposed amended area to Redevelopment Area #3 is appropriate. He reviewed the entire study with the Council.

Discussion included why the Tree Farm was indicated as abandoned and why not just increase the size of the current Area #3 instead of making it an amendment.

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

ITEM D ADOPT RESOLUTION NO. 2015-02 APPROVING THE AMENDMENT TO THE BLIGHT AND SUBSTANDARD STUDY FOR REDEVELOPMENT AREA #3.

Clarice and Hugh Kenny, owners of Kenny's Marine, addressed the proposal. Comments included that the Tree Farm was not abandoned, the storage building houses the saw used to cut the trees; and that they would like to see the word blight removed, blight seems harsh.

Upon a motion by Councilmember Calvin, seconded by Councilmember McDowell, the Council voted to Adopt Resolution No. 2015-02 approving the Amendment to the Blight and Substandard Study for Redevelopment Area #3. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedon. NAY: None.

(6) CONSENT AGENDA:

ITEM A APPROVE THE MINUTES OF THE JANUARY 5, 2015 REGULAR CITY COUNCIL MEETING.

Upon a motion by Mayor Gonzales, seconded by Councilmember Hepp, the Council voted to approve the minutes of the January 5, 2015 regular City Council meeting. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedon. NAY: None.

ITEM B APPROVE THE APPLICATION FOR A SPECIAL DESIGNATED LIQUOR LICENSE SUBMITTED BY THE MCCOOK AREA CHAMBER OF COMMERCE FOR THEIR ANNUAL BANQUET TO BE HELD AT THE MCCOOK MUNICIPAL AUDITORIUM, 302 WEST 5TH STREET, ON FEBRUARY 7, 2015 FROM 12:00 A.M. TO 11:59 P.M.

Upon a motion by Mayor Gonzales, seconded by Councilmember Hepp, the Council voted to approve the application for a Special Designated Liquor License submitted by the McCook Area Chamber of Commerce for their annual banquet to be held at the McCook Municipal Auditorium, 302 West 5th Street, on February 7, 2015 from 12:00 A.M. to 11:59 P.M. The motion

passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

ITEM C RECEIVE AND FILE MINUTES OF THE JANUARY 12, 2015 PLANNING COMMISSION MEETING.

Upon a motion by Mayor Gonzales, seconded by Councilmember Hepp, the Council voted to receive and file minutes of the January 12, 2015 Planning Commission meeting. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

ITEM D AUTHORIZE THE MAYOR TO SIGN THE CERTIFICATE OF COMPLIANCE FOR THE 2014 MAINTENANCE AGREEMENT BETWEEN THE CITY OF MCCOOK AND THE NEBRASKA DEPARTMENT OF ROADS.

Upon a motion by Mayor Gonzales, seconded by Councilmember Hepp, the Council voted to authorize the Mayor to sign the Certificate of Compliance for the 2014 Maintenance Agreement between the City of McCook and the Nebraska Department of Roads. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

ITEM E APPROVE THE RENEWAL OF MAINTENANCE AGREEMENT NO. 17 BETWEEN THE NEBRASKA DEPARTMENT OF ROADS AND THE MUNICIPALITY OF MCCOOK AND AUTHORIZE THE MAYOR TO SIGN.

Upon a motion by Mayor Gonzales, seconded by Councilmember Hepp, the Council voted to approve the renewal of Maintenance Agreement No. 17 between the Nebraska Department of Roads and the Municipality of McCook and authorize the Mayor to sign. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

ITEM F APPROVE THE PROFESSIONAL SERVICES CONTRACT AGREEMENT BETWEEN THE CITY OF MCCOOK AND W DESIGN ASSOCIATES TO PROVIDE SERVICES INCLUDING DESIGN, BIDDING, AND CONSTRUCTION OVERSIGHT FOR PROJECT NO. 3-31-0052-14 FOR THE CONSTRUCTION OF A HANGAR AT BEN NELSON REGIONAL AIRPORT AND AUTHORIZE THE MAYOR TO SIGN.

Upon a motion by Mayor Gonzales, seconded by Councilmember Hepp, the Council voted to approve the Professional Services Contract Agreement between the City of McCook and W Design Associates to provide services including design, bidding, and construction oversight for Project No. 3-31-0052-14 for the construction of a hangar at Ben Nelson Regional Airport and authorize the Mayor to sign. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

REGULAR AGENDA

(7) HOLD A DISCUSSION REGARDING VARIOUS OPTIONS FOR THE OLD MCCOOK PUBLIC SAFETY CENTER.

Discussion was held regarding various options for the old McCook Public Safety Center. Possible

options considered were to sell, lease, or keep the facility.

Mark Carman, owner of Pride N Joy Auto Detail, made a presentation expressing his interest in either purchasing or leasing the property to move his business to.

Renee Bauer, Executive Director of Prairie Gold Homes and Mark Weintz, representative for the Nebraska Department of Corrections, presented additional information regarding their request to lease the old public safety center. The individuals that would be chosen for this program would be inmates who are nearing the end of their sentence and trying to assimilate into society again. Sex offenders and inmates who have a violent track record during their incarceration will not be allowed to participate. Instructors will be trained to teach and supervise the inmates while working in public.

It was the consensus of the Council to have an action item placed on the February 2 agenda to consider the selling or leasing of the facility.

(8) HOLD A DISCUSSION REGARDING THE SALES TAX BALLOT QUESTIONS OPTIONS FOR A MAY 5, 2015 SPECIAL ELECTION AND DISCUSS DATES AND TIMES FOR TOWN HALL MEETINGS.

A discussion was held regarding the sales tax ballot questions options for a May 5, 2015 special election and possible dates and times for town hall meetings.

(9) COUNCIL COMMENTS.

Mayor Gonzales stated that he attended the Planning Commission meeting this past week, adding that they do a very thorough job. The City has lots of volunteers, serving on various boards and commissions.

(10) ADJOURNMENT.

There being no further business to come before the Council, Mayor Gonzales declared the meeting adjourned at 8:40 P.M.

Michael D. Gonzales, Mayor

ATTEST:

Lea Ann Doak, City Clerk