

McCook City Council  
December 18, 2017  
6:30 PM Central

A MEETING OF THE MAYOR AND COUNCIL OF THE CITY OF MCCOOK, NEBRASKA convened in open, regular, and public session at 6:30 o'clock P.M. in the City Council Chambers.

Present: Mayor Gonzales, Councilmembers Hepp, Calvin, McDowell, Weedon.

Absent: None.

City Officials present: City Manager Schneider, City Attorney Mustion, City Clerk Doak, Police Chief Brown, Utilities Director Dutcher, Library Director Crocker, 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 December 14, 2017, 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 Acknowledgement 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. Invocation was provided by Jeff Donelan of the McCook Evangelical Free Church. Following the Pledge of Allegiance to the flag of the United States of America, Mayor Gonzales called the meeting to order.

**1. Citizen's Comments.**

No one was present for citizen's comments.

**2. Announcements & Recognitions.**

2.A. Reminder - the 1st meeting in January will be on Tuesday, January 2, 2018, because of the New Year's Holiday.

City Manager Schneider informed the Council that the Administrative Offices will be closing at noon Friday, December 22nd for the Christmas Eve Holiday and noted that the first meeting in January will be on Tuesday, January 2, 2018, because of the New Year's Holiday.

**3. Public Hearings.**

3.A. Public Hearing - To consider a special exception request from E. Benjamin Nelson and the Omaha Community Foundation to allow for a museum at 608 Norris Avenue, which is in the

Residential Medium (RM) Density District.

Motion to recess as a City Council and convene a public hearing for the purpose of receiving public comment on the special exception request from E. Benjamin Nelson and the Omaha Community Foundation to allow for a museum at 608 Norris Avenue, which is in the Residential Medium (RM) Density District with the City Attorney to act as hearing officer. This motion, made by Calvin and seconded by Weedin, passed.

Gonzales: YEA, Hepp: YEA, Calvin: YEA, McDowell: YEA, Weedin: YEA  
YEA: 5, NAY: 0

The City Attorney offered and received into evidence Exhibit #1 - the City Manager's Report prepared for the December 18, 2017 City Council meeting (2 pages); Exhibit #2 - Notice of Hearing published (1 page); Exhibit #3 - listing of property owners receiving advance notice of public hearing (1 page); Exhibit #4 - Land Use Action Request Form (6 pages); Exhibit #5 - Findings and Determinations of McCook City Council (2 pages); Exhibit #6 - the City Manager's Report prepared for the December 11, 2017 Planning Commission meeting (2 pages); and Exhibit #7 - the minutes of the December 11, 2017 Planning Commission meeting (3 pages).

City Manager Schneider reviewed the following information presented in the City Manager's Report: "An application has been submitted by E. Benjamin Nelson and the Omaha Community Foundation for a special exception to be issued at 608 Norris Avenue. The special exception would permit the Nelson Home to receive museum status for McCook zoning purposes. Their application describes the project.

During staff review, it was noted that the Norris Avenue area from "E" Street to "H" Street is already home to buildings with similar types of uses. Heritage Square has been an attraction for some time now, with the Norris Home and the Frank Lloyd Wright house in close proximity. Additionally, the property is close to Norris Park and the McCook Public Library, structures that are utilized for recreational purposes. The area is also within walking distance of McCook's Historic Downtown, adding to the attractiveness of Central McCook.

On review of the special exception considerations A - I, it appears the applicants have considered the necessary requirements and have adequately accounted for potential concerns. Based on these factors, staff believes a special exception is appropriate. The Planning Commission voted unanimously to recommend approval of the request to the City Council."

City Manager Schneider added that the Omaha Foundation would not be able to own the property unless it was designated as a public purpose.

There being no one else present to comment, motion made to adjourn the public hearing and to reconvene as a City Council. This motion, made by Calvin and seconded by Weedin, passed.

Gonzales: YEA, Hepp: YEA, Calvin: YEA, McDowell: YEA, Weedin: YEA  
YEA: 5, NAY: 0

3.B. Approve the Special Exception request from E. Benjamin Nelson and the Omaha Community

Foundation to allow for a museum at 608 Norris Avenue, which is in a Residential Medium (RM) Density District; 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 for Special Considerations A - I.

Motion to approve the Special Exception request from E. Benjamin Nelson and the Omaha Community Foundation to allow for a museum at 608 Norris Avenue, which is in a Residential Medium (RM) Density District; 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 for Special Considerations A - I. This motion, made by Calvin and seconded by Weedin, passed.

Gonzales: YEA, Hepp: YEA, Calvin: YEA, McDowell: YEA, Weedin: YEA  
YEA: 5, NAY: 0

#### **4. Consent Agenda**

Motion to approve the consent agenda. This motion, made by Weedin and seconded by Hepp, passed.

Gonzales: YEA, Hepp: YEA, Calvin: YEA, McDowell: YEA, Weedin: YEA  
YEA: 5, NAY: 0

4.A. Receive and approve the minutes of the December 4, 2017 regular City Council meeting.

4.B. Approve the automatic renewal of all current retail liquor licenses in the City of McCook for the year 2018 and instruct the City Clerk to publish individual notice of the right of automatic renewal of each license.

4.C. Authorize the Mayor to sign the Annual Certification Form confirming that funds received by the City of McCook from the State of Nebraska Department of Roads as part of the Federal Aid Transportation Fund Purchase-Sale Agreement have been used according to such agreement.

4.D. Receive and file claim for damages from Carol Stensvad and instruct that it be submitted to the City's insurance carrier for review and appropriate action.

4.E. Receive and file minutes of the December 11, 2017 Planning Commission meeting.

4.F. Receive and file the Fiscal Year 2016-2017 Budget Year Board of Public Roads Classifications and Standards (NBCS) Budget reports and authorize the Mayor to sign the required certifications.

4.G. Receive and file the claims for the month of November 2017 as published December 8, 2017.

#### **5. Regular Agenda.**

5.A. Receive, file, and discuss a presentation from Larkin Aquatics regarding the City of McCook's swimming pool.

City Manager Schneider informed the Council that in September, the pool committee voted to recommend to the City Council that Larkin Aquatics serve as engineer for a potential pool project. Prior to entering a contract, staff has asked Larkin Aquatics to make a presentation to the Council. Staff is working on a contract with Larkin Aquatics to serve as pool engineer. The Council will have to vote on the contract before an actual relationship between the two entities is formed. An essential contractual element we are working through during contract negotiations is the timing of a potential pool project. There are several additional variables that are being considered, particularly financing issues, that will impact the timing and viability of a potential pool project. Staff's hope is to determine a timing schedule and identify financing sources that work for the City of McCook, as well as to fit Larkin Aquatic's time table. The most important thing to stress is that all potential financing issues (and other pool related topics) will be discussed in full, giving all McCook citizens the opportunity to participate. If, after thorough discussion, the Council votes to proceed with the project, a ballot question will be formatted and brought to a vote of the people to determine whether a pool project should proceed and whether public funding is an acceptable method to finance the project. If the public votes in favor of a pool project and public financing method, construction would occur. If the public votes against a pool project and/or public financing to construct a pool, the project would not move forward. In addition to public financing, city staff is exploring other financing options to assist with the project's construction, including conducting a capital campaign and seeking out grant funds. The public is encouraged to participate in the pool discussion to ensure the end result of the process is something everybody feels comfortable with.

Kyle McCawley, Larkin Aquatics Project Manager, gave a review of their firm and stated that they would be teaming with the local firm of W Design Associates. He outlined the process which includes a schematic design phase; a public engagement and funding campaign phase; the development of engineering and architectural plans in preparation for bidding; the final phase will be construction which is estimated to take 10 - 12 months. They have completed projects in Oberlin, St. Francis, and Phillipsburg, Kansas. Projects in Fairbury, Bellevue, and Fremont, Nebraska as set for constructions this spring.

Discussion included possible funding sources; the availability of grants; the normal square footage required for a community of our size; the possible need for additional lifeguards; should the pool be heated; and the fact that the current pool is reaching the point that something is going to have to be done, if the City wishes to continue utilizing it.

City Manager Schneider added that this item will be brought back to the Council in January or February for further discussion for the Council to identify priorities and outline how to proceed.

Motion to receive and file the presentation from Larkin Aquatics regarding the City of McCook's swimming pool. This motion, made by Mike Gonzales and seconded by Gene Weedon, passed.  
Gonzales: YEA, Hepp: YEA, Calvin: YEA, McDowell: YEA, Weedon: YEA  
YEA: 5, NAY: 0

5.B. Council Comments.

Councilmembers wished all a Merry Christmas.

■ **Adjournment.**

There being no further business to come before the Council, Mayor Gonzales declared the meeting adjourned at 7:05 P.M.

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Michael D. Gonzales, Mayor

ATTEST:

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Lea Ann Doak, City Clerk-Treasurer