

McCook City Council
January 20, 2020
5:30 PM Central

A MEETING OF THE MAYOR AND COUNCIL OF THE CITY OF MCCOOK, NEBRASKA convened in open, regular, and public session at 5:30 o'clock P.M. in the City Council Chambers.

Present: Mayor Gonzales, Councilmembers Hepp, Calvin, Weedin.

Absent: Councilmember Muehlenkamp.

City Officials present: City Manager Schneider, City Attorney Mustion, City Clerk Doak, Police Chief Brown, Utilities Director Dutcher, Fire Chief Harpham, Building Inspector Mooney, 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 16, 2020, 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. Jeff Donelan of McCook Evangelical Free Church provided the invocation. 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.

Dawson Brunswick, McCook Chamber of Commerce Director, thanked council members and city staff who attended the Governor's Town Hall meeting held this past week.

2. Announcements & Recognitions.

There were no announcements or recognitions.

3. Public Hearings.

3.A. Public Hearing - Application of Jay and Susan K. Hancock for a Planned Development for property located at: New Platted Lot 2, Block 1, Fifth Park View Subdivision; to the City of McCook, Red Willow County, Nebraska (a/k/a - property located south of Cheyenne Road, between Pawnee Drive and Seminole Drive.

Motion to recess as a City Council and convene a public hearing for the purpose of receiving public comment with respect to an application of Jay and Susan K. Hancock for a Planned Development for property located at: New Platted Lot 2, Block 1, Fifth Park View Subdivision; to the City of McCook, Red Willow County, Nebraska (a/k/a - property located south of Cheyenne Road, between Pawnee Drive and Seminole Drive, with the City Attorney to act as hearing officer. This motion, made by Calvin and seconded by Hepp, passed.

Gonzales: YEA, Hepp: YEA, Calvin: YEA, Weedin: YEA, Muehlenkamp: ABSENT.

YEA: 4, NAY: 0, ABSENT: 1

The City Attorney received into evidence Exhibit #1 - City Manager's Report prepared for the January 20, 2020 City Council meeting (2 pages), Exhibit #2 - Notice of Hearing published, posted, and mailed (1 page); Exhibit #3 - Ownership List for mailing notice (2 pages); Exhibit #4 - Application for Planned Development district Plan Approval Form and attachments (5 pages); Exhibit #5 - copy of Zoning Ordinance No. 2016-2929, Article 20 - Planned Development - Overlay District (3 pages); Exhibit #6 - copy of Zoning Ordinance No. 2016-2929, Article 24 - Special Exceptions (2 pages); Exhibit #7 - proposed Site Plans (7 pages); Exhibit #8 - proposed replat (1 page); Exhibit #9 - proposed plat of the Redevelopment Plan (2 pages); Exhibit #10 - City Manager's Report prepared for the January 13, 2020 Planning Commission meeting (2 pages); Exhibit #11 - minutes of the January 13, 2020 Planning Commission meeting (6 pages); Exhibit #12 - proposed Ordinance No. 2020-2997 (1 page); and Exhibit #13 - proposed Resolution No. 2020-01 (1 page).

City Manager Schneider reviewed the following information presented in Exhibit #1:

“The City of McCook has received an Application for Planned Development from Jay and Susan Hancock for property they own south of Cheyenne Rd., between Pawnee Drive and Seminole Drive. For reference, the property is located directly north of Our Savior's Lutheran Church. Mr. and Mrs. Hancock are proposing to build 6 duplexes at this location. Two duplexes would face Pawnee Drive, two duplexes would face Cheyenne Rd., and two duplexes would face Seminole Drive. Ultimately, Mr. and Mrs. Hancock want to sell each duplex unit as a separate residence, creating 12 distinct lots. The ownership style would be similar to a condominium property.”

“The property at issue is located in a Residential Medium Density District. The applicant is requesting a Planned Development due to the fact that the 12 proposed lots fail to meet the requirements for side yard setbacks, rear yard setbacks, and lot width criteria established for Residential Medium Density District properties. Article 20 of the City of McCook's Zoning Ordinance addresses these types of situations by allowing Planned Development - Overlay Districts. A Planned Unit Development is a development tool which provides for the development of an area when the overall design of a proposed development is so outstanding as to warrant modification of the standards contained within the Zoning Ordinance. In order for a Planned Development to be eligible under Article 20, the proposal must be: 1) in accordance with the comprehensive plans of the City; 2) composed of such uses and proportions that are most appropriate for the integrated functioning of the neighborhood; 3) designed in a way that the Planned Unit development fits in with the surrounding neighborhood; and 4) arranged to provide a minimum of 300 square feet of usable open space per dwelling unit. Recent examples of Planned Developments can be seen with East Ward Village and Quillan Courts.”

“Mr. and Mrs. Hancock's application falls under Section 2004 (1) of Article 20. Due to the nature of the application, the same review that is utilized for a special exception application shall be used for Mr. and Mrs. Hancock's application. Copies of Article 20 (Planned Development - Overlay District) and Article 24 (Special Exceptions) are included with this report. Section 2402 (5) (A - I) are the criteria the Planning Commission and City Council must consider when reviewing the application. A written finding of the Planning Commission's and City Council's findings must accompany any action taken as a result of the application.”

“At the January 13, 2020 McCook Planning Commission meeting, a public hearing was held regarding the Planned Development request. During the public hearing, Jay Hancock and Craig Bennett, the project's planner, answered questions regarding the proposal. Some of the specifics they shared, were: 1) each duplex unit would have a two car garage and driveway providing off street parking for 4 vehicles; 2) Mr. Hancock is amenable to extending the terrace of the proposed east lots in order to make the proposed Planned Development uniform with the block to the north; 3) each unit would have a rollout garbage container; 4) the Planned Unit development has sewer available as a result of a sewer improvement district whereby the City has easement rights; 5) the duplex structures would conform to the character of the neighborhood; and 6) the open space requirements spelled out in the Planned Development criteria will be met.”

“Members of the public had an opportunity to speak and ask questions. Andy Long, MEDC Director, discussed the most recent housing study and reiterated the study's findings that more housing was needed in McCook. A neighbor asked what would be the distance between duplexes, to which Mr. Bennett stated 10 feet would be the distance between the duplexes located on Pawnee Drive and Seminole Drive, while there would be 20 feet between the duplexes facing Cheyenne Rd. Another neighbor expressed a concern about dirt as a result of the construction. Mr. Hancock stated he hoped to keep the disruption minimal. Mr. Hancock stated that the duplexes would be built in stages, with the first two duplexes to be built along Pawnee Drive.”

“After the public hearing was adjourned, the Planning Commission moved to approve the Planned Development. During discussion on their motion, the Planning Commission found that each of the Special Exception Criteria found in Section 2401(5)(A-I) were met in the proposal. The Planning Commission voted unanimously to recommend approval of the Planned Development to the McCook City Council. In order to achieve the objective of the Planned Unit Development, a Replat of Lots 2A Through 2F of the Replat of New Platted Lot 2, Block 1 Fifth Park View Subdivision to the City of McCook, Red Willow County, Nebraska is connected to the applicant's request.”

Applicant Jay Hancock and his Planning Advisor, Craig Bennett of Miller & Associates were present to address questions from the Council. They are asking to divide the current replatted 6 lots into 12 for the construction of duplexes. They will not be tract homes, each will be unique; they will be one level; handicap accessible; they will be 3 bedroom, with one being 2 bedroom; will have a double car garage; they will be constructed one unit at a time; there will be a 2-hour safety wall in between the units; there will be a total of 48 off-street parking units, with on-street parking totaling 17 - 7 on the West, 5 on the North, and 5 on the East.

City Manager Schneider noted that duplexes are a permitted use in the Residential Medium Density

District, but because of land size it is necessary for them to request the Planned Unit Development to address setback requirements.

Andy Long, McCook Economic Development Director, spoke in support of the project.

Gazette staff asked for a cost estimate of the units and Maxine Dusatko asked if the on-street parking will remain in front of the church.

Motion to adjourn the public hearing and to reconvene as a City Council. This motion, made by Calvin and seconded by Hepp, passed.

Gonzales: YEA, Hepp: YEA, Calvin: YEA, Weedon: YEA, Muehlenkamp: ABSENT.

YEA: 4, NAY: 0, ABSENT: 1

3.B. Approve Ordinance No. 2020-2997 and Resolution No. 2020-01 approving a Planned Development, and a Replat of Lots 2A through 2F of the Replat of New Platted Lot 2, Block 1, Fifth Park View Subdivision to the City of McCook, Red Willow County, Nebraska.

Before considering Ordinance No. 2020-2997, the Council reviewed Special Exceptions A-I as they pertain to the project, voting individually on each. Items A-I were approved unanimously by the Council.

Mayor Gonzales asked the Clerk to read Ordinance No. 2020-2997 by title.

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 2016-2929 BY APPROVING A PLANNED DEVELOPMENT - OVERLAY DISTRICT FOR THE REPLAT OF NEW PLATTED LOT 2, BLOCK 1, FIFTH PARK VIEW SUBDIVISION TO THE CITY OF MCCOOK, RED WILLOW COUNTY, NEBRASKA; REPEALING CONFLICTING ORDINANCES OR PARTS OF ORDINANCES; AND PROVIDING FOR A TIME AND DATE FROM AND AFTER WHICH THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE.

Ordinance No. 2020-2997 has been introduced, read by title, and I move to approve upon its first reading. This motion, made by Calvin and seconded by Weedon, passed.

Gonzales: YEA, Hepp: YEA, Calvin: YEA, Weedon: YEA, Muehlenkamp: ABSENT.

YEA: 4, NAY: 0, ABSENT: 1

Motion to approve Resolution No. 2020-01 providing for the approval of a Replat of Lots 2A through 2F of the Replat of New Platted Lot 2, Block 1, Fifth Park View Subdivision to the City of McCook, Red Willow County, Nebraska located within the corporate limits of the City of McCook, Red Willow County, Nebraska. This motion, made by Calvin and seconded by Weedon, passed.

Gonzales: YEA, Hepp: YEA, Calvin: YEA, Weedon: YEA, Muehlenkamp: ABSENT.

YEA: 4, NAY: 0, ABSENT: 1

3.C. Public Hearing - with respect to a Blight and Substandard Study regarding an amendment to Redevelopment Area #3, the creation of Redevelopment Area #4, and the creation of Redevelopment Area #5.

Motion to recess as a City Council and convene a public hearing for the purpose of receiving public comment with respect to a Blight and Substandard Study regarding an amendment to Redevelopment Area #3, the creation of Redevelopment Area #4, and the creation of Redevelopment Area #5, with the City Attorney to act as hearing officer. This motion, made by Weedin and seconded by Calvin, passed.

Gonzales: YEA, Hepp: YEA, Calvin: YEA, Weedin: YEA, Muehlenkamp: ABSENT.
YEA: 4, NAY: 0, ABSENT: 1

The City Attorney received into evidence Exhibit #1 - City Manager's Report prepared for the January 20, 2020 City Council meeting (2 pages), Exhibit #2 - Notice of Hearing published (5 pages); Exhibit #3 - copies of letters mailed to required entities (5 pages); Exhibit #4 - Blighted and Substandard Study - Amendment to Redevelopment Area #3, creation of Redevelopment Area #4, and Creation of Redevelopment #5 (57 pages); Exhibit #5 - City Manager's Report prepared for the January 13, 2020 Planning Commission meeting (2 pages); Exhibit #6 - minutes of the January 13, 2020 Planning Commission meeting (6 pages); and Exhibit #7 - Proposed Resolution No. 2020-02 (6 pages).

City Manager Schneider reviewed the following information included in Exhibit #1:

“One of the continuous goals the McCook City Council has established is to ensure the City of McCook remains vital. In order to meet this goal, the City of McCook has championed economic development through the use of Nebraska's Community Redevelopment Law. Pursuant to the Community Redevelopment Law, the City of McCook has established three redevelopment areas which serve to identify portions of McCook that need governmental intervention to promote development. Development of these areas is encouraged through the use of Tax Increment Financing (ie. TIF). Numerous projects have occurred in the designated redevelopment areas as a result of TIF, including the completion of the Clary Village and Quillan Courts residential projects; the building of Cobblestone Hotel and Holiday Inn Express; and the construction of the Valmont Industries plant.”

“Over the course of the past few years, Staff has identified some areas that would benefit from a blight and substandard designation, as defined in the Community Redevelopment Law. In order to access TIF in a certain area, the City Council must make a blight and substandard determination. It is important to note, a blight and substandard designation has little to no negative impact on property valuations. On the contrary, a blight and substandard designation allows for public involvement with development projects which makes growth and improvement more likely. The ultimate goal is not only to improve a particular lot in distress, but also to improve the quality of life for the property owners who own land near these project areas.”

“Staff has worked with Miller & Associates to identify additional areas of McCook that could benefit from a blight and substandard designation. As a result of the research developed through this study, Staff is advocating for the adoption of a new Blight and Substandard Study. The new Blight and Substandard Study would amend Redevelopment Area # 3, create Redevelopment Area # 4, and create Redevelopment Area # 5.”

“Redevelopment Area # 3 originated in 2013. Redevelopment Area # 3 stretches from Highway 83 to East 11th Street. An amendment to Redevelopment Area # 3 occurred in 2015 which served to include the Four Corners Addition to McCook. With respect to the newly proposed 2019 Amendment, additional land would adjoin Redevelopment Area # 3, with the primary point of emphasis being the West 5th Street and West D Street intersection. Included in this area would be some commercial buildings, most notably the Charlie's building located along West 5th Street. In order to assure we meet the requirements of the Nebraska Community Development law, Staff proposes to include 13 residential homes adjacent to current Redevelopment Area # 3. It is Staff's and Miller & Associate's understanding that the redevelopment areas must be contiguous. In order to achieve this requirement, 12 residential structures have been included in the proposed amendment.”

“Proposed Redevelopment Area # 4 is located just east of the intersection of Highway 83 and Highways 6 and 34. This area includes several commercial buildings and residential homes north of Highway 6 and 34. Redevelopment Area # 4 is a stand-alone location and would not amend Redevelopment Area # 3. With that said, Redevelopment Area # 4 is contiguous to Redevelopment Area # 3, assuring compliance with the Nebraska Community Development law.”

“Proposed Redevelopment Area # 5 is located partially within and partially outside the corporate limits of McCook. It is located on the east and west sides of Highway 83 and the north side of West Q Street. It includes a number of commercial buildings and a few residential structures. It is contiguous to Redevelopment Area # 3. Additionally, the Nebraska Community Development Law allows for the inclusion of a portion of land located outside of the corporate limits in the City's designated redevelopment area. An example of this occurred with the inclusion of land located north of West J Street and Highway 83 as a part of Redevelopment Area # 3.”

“Earlier in 2019, the City Council approved a resolution forwarding the Blight and Substandard Study for these areas to the McCook Planning Commission. At the December 9th Planning Commission meeting, the Commission inquired why two lots (one lot owned by Farm Credit Services and the other lot owned by the Bishop Family Trust) weren't included in Redevelopment Area # 5. The Planning Commission voted to recommend approval of the presented Blight and Substandard Study, without including the two lots. After the meeting, City Staff determined it would be in the City's best interest to include the two lots if possible. Staff's concern was that it may be impossible to add those two lots at a later date if needed for a development project. At the December 16th McCook City Council Meeting, an update was made to the City Council explaining that the Blight and Substandard Study was under additional review to determine whether the two lots on Highway 83 could be added. Miller & Associates conducted a review of the two lots and found they fit the criteria established in the Nebraska Community Development Law. At the January 13th McCook Planning Commission meeting, the Blight and Substandard Study was brought back to the Planning Commission for their consideration. The Planning Commission voted unanimously to recommend approval of the Blight and Substandard Study to the McCook City Council.”

Craig Bennett, Miller & Associates, was present to review and address questions from the Council regarding the study.

No public comment was received.

Motion 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, Weedin: YEA, Muehlenkamp: ABSENT.

YEA: 4, NAY: 0, ABSENT: 1

3.D. Adopt Resolution No. 2020-02 approving the Blight and Substandard Study regarding an amendment to Redevelopment Area #3, the creation of Redevelopment Area #4, and the creation of Redevelopment Area #5.

Motion to adopt Resolution No. 2020-02 approving the Blight and Substandard Study regarding an amendment to Redevelopment Area #3, the creation of Redevelopment Area #4, and the creation of Redevelopment Area #5. This motion, made by Calvin and seconded by Weedin, passed.

Gonzales: YEA, Hepp: YEA, Calvin: YEA, Weedin: YEA, Muehlenkamp: ABSENT.

YEA: 4, NAY: 0, ABSENT: 1

4. Consent Agenda.

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

Gonzales: YEA, Hepp: YEA, Calvin: YEA, Weedin: YEA, Muehlenkamp: ABSENT.

YEA: 4, NAY: 0, ABSENT: 1

4.A. Approve the minutes of the January 6, 2020 regular City Council meeting.

4.B. Approve the application for a Special Designated Liquor License submitted by JBN, Inc., dba Hi Times Liquor Mart 1, Liquor License #DK-100025, for a wedding reception to be held at the Red Willow County Community Building, 1412 West 5th Street, on March 28, 2020 from 12:00 P.M. to 1:00 A.M.

4.C. Receive and file the claims for the month of December 2019 as published January 10, 2020.

4.D. Receive the minutes of the September 24, 2019 Senior Center Advisory Board, the December 11, 2019 Library Advisory Board, and the January 13, 2020 Planning Commission meetings.

4.E. Approve the specifications for City Street Crack Sealing and set the time and date to receive bids as 1:30 P.M. on February 11, 2020.

4.F. Approve the bid specifications for two (2) new 2020 3/4 Ton 4-Wheel Drive Pickup Trucks for the Street and Parks Departments and set the date to receive bids as February 11, 2020 at 2:30 P.M.

4.G. Approve an application from Chipperfield Ag Erectors, LLC to occupy city right-of-way for

the purpose of installing underground electrical cable providing service to SW Nebraska Dental at 2009 West "J" Street.

- 4.H. Approve an application from Great Plains Communications to occupy city right-of-way for the purpose of installing underground fiber optic cable providing service to SW Nebraska Dental at 2009 West "J" Street.
- 4.I. Approve and authorize the Mayor to sign the Fifth Amendment to the Telecommunications Site Lease Agreement between the City of McCook and Alltel Corporation d/b/a Verizon Wireless for the replacement of communications equipment on the West Water Tower.
- 4.J. Approve the bid specifications for Ballpark Concessions at the Jaycees Ball Complex for Calendar Years 2020, 2021, and 2022 and set the date to receive bids as February 11, 2020 at 2:00 P.M.
- 4.K. Approve the application for a Special Designated Liquor License submitted by MO Dough, LLC, Liquor License #IK-057785, for the Chamber of Commerce Annual Banquet to be held at the McCook Municipal Auditorium, 302 West 5th Street, on March 7, 2020 from 8:00 A.M. to 1:00 A.M.
- 4.L. Approve the application for a Special Designated Liquor License submitted by Citta' Deli, Liquor License #C-121305, for the Hillcrest Night on the Hill event to be held at McCook Municipal Auditorium, 302 West 5th Street, on February 15, 2020 from 12:00 P.M. to 11:59 P.M.

5. Regular Agenda.

- 5.A. Introduce and approve on its first reading Ordinance No. 2020-2996 repealing in part and amending in part the City of McCook Code of Ordinances, Chapter 150: Building Codes and Regulations.

Mayor Gonzales asked the Clerk to read Ordinance No. 2020-2996 by title.

AN ORDINANCE OF THE CITY OF MCCOOK, NEBRASKA REPEALING CHAPTER 150: BUILDING CODES AND REGULATIONS OF THE MUNICIPAL CODE OF THE CITY OF MCCOOK, NEBRASKA IN ITS ENTIRETY; REPLACING WITH UPDATED CHAPTER 150: BUILDING CODES AND REGULATIONS OF THE MUNICIPAL CODE OF THE CITY OF MCCOOK, NEBRASKA; INCLUDING THE ADOPTION BY REFERENCE THE INTERNATIONAL BUILDING CODE, INTERNATIONAL RESIDENTIAL CODE, INTERNATIONAL PLUMBING CODE, INTERNATIONAL MECHANICAL CODE, INTERNATIONAL FUEL GAS CODE, INTERNATIONAL PROPERTY MAINTENANCE CODE, INTERNATIONAL EXISTING BUILDING CODE, INTERNATIONAL ENERGY CONSERVATION CODE AND ADOPTING THE AMENDMENTS TO EACH; INCLUDING THE ADOPTION OF UPDATED SECTIONS PERTAINING TO THE BUILDING INSPECTOR, UNSAFE BUILDINGS, MOBILE HOMES, STRUCTURE MOVING, ELECTRICITY, AND

PENALTY; AND ADDING SECTIONS REGARDING CONTRACTOR'S LICENSING; TO PROVIDE FOR THE REPEAL OF ANY OTHER CONFLICTING ORDINANCES; AND PROVIDING A TIME AND DATE FROM AND AFTER WHICH THIS ORDINANCE SHALL TAKE EFFECT AND BE ENFORCED.

Barry Mooney, Building Inspector, reviewed the significant changes in the 2018 code.

Jane Lyons, because of new data regarding radon levels in southwest Nebraska, she encouraged the Council to consider leaving the requirement for passive radon control methods in new residential construction in the approved code.

Ordinance No. 2020-2996 has been introduced, read by title, and I move to approve upon its first reading. This motion, made by Calvin and seconded by Weedin, passed.

Gonzales: YEA, Hepp: YEA, Calvin: YEA, Weedin: YEA, Muehlenkamp: ABSENT.

YEA: 4, NAY: 0, ABSENT: 1

5.B. Council Comments.

There were no Council Comments.

Adjournment.

There being no further business to come before the Council, Mayor Gonzales declared the meeting adjourned at 6:36 P.M.

Michael D. Gonzales, Mayor

ATTEST:

Lea Ann Doak, City Clerk-Treasurer