

McCook City Council  
October 19, 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, Weedon, Muehlenkamp.

Absent: None.

City Officials present: City Manager Schneider, City Attorney Mustion, City Clerk Doak, Fire Chief Harpham, Public Works Director Potthoff, Senior Services Director Siegfried, and Police Chief Smith.

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on October 15, 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. 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.**

City Manager Schneider informed that Council that a Board of Zoning Adjustment meeting is scheduled for October 26, 2020 at 5:30 P.M. and that city staff are wearing masks in an effort to prevent staff from being exposed to COVID-19 and having to quarantine. It's not a political statement, we just want to continue to operate. Keeping the Senior Center open is important so that we can continue to provide food and social time to our senior citizens. Those who use the Senior Center and Library are being asked to wear a mask.

**3. Proclamations.**

3.A. Approve a proclamation encouraging McCook's citizens and visitors to follow all public health recommendations and guidelines related to COVID-19 in order to assure we are able

to maintain access to quality healthcare, keep businesses and schools open, maintain our quality of life, and keep the economy growing.

Troy Bruntz, President of Community Hospital spoke in support of the proclamation, stating that the number of positive COVID-19 cases have almost doubled in frequency this past week. Julie Wilhelmson, Director of Emergency and Outpatient Services at Community Hospital echoed Mr. Bruntz's comments, it is truly starting to happen here.

Motion to approve a proclamation encouraging McCook's citizens and visitors to follow all public health recommendations and guidelines related to COVID-19 in order to assure we are able to maintain access to quality healthcare, keep businesses and schools open, maintain our quality of life, and keep the economy growing. This motion, made by Calvin and seconded by Hepp, passed.

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

YEA: 5, NAY: 0

#### **4. Public Hearings.**

4.A. Public Hearing - Request for a special exception by Lexis Jones and Courtney Williams (Project Sponsor) to locate a daycare center in a Residential Medium Density (RM) District - property located at 910 West "L" Street.

Motion to recess as a City Council and convene a public hearing for the purpose of receiving public comment with respect to the request for a special exception by Lexis Jones and Courtney Williams (Project Sponsor) to locate a daycare center in a Residential Medium Density (RM) District - property located at 910 West "L" Street, with the City Attorney to act as hearing officer. This motion, made by Calvin and seconded by Muehlenkamp, passed.

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

YEA: 5, NAY: 0

The City Attorney received into evidence Exhibit #1 - City Manager's Report prepared for the October 19, 2020 City Council meeting (2 pages), Exhibit #2 - Notice of Hearing published (1 page); Exhibit #3 - ownership list for mailing of Notice of Hearing (2 pages); Exhibit #4 - Land Use Application and attachments (4 pages); Exhibit #5 - Findings and Determinations of McCook City Council (2 pages); Exhibit #6 - minutes of the October 12, 2020 Planning Commission meeting.

City Manager Schneider noted that Ms. Williams was in the audience and available to answer questions from the Council. Mr. Schneider reviewed the following information presented in Exhibit #1: "An application for a special exception has been submitted by Lexis Jones and Courtney Williams to allow for a daycare center in a Medium Density Residential (RM) District. The property at issue is located at 910 West L Street. The owners of the property are Brad and Courtney Williams. Pursuant to Zoning Ordinance No. 2016-2929, Article 9, Section 904, daycare facilities are allowed in the Residential Medium Density District (RM) if a special exception is granted by the City Council. Originally, the applicants stated that Ms. Jones would be residing at the residence (which would have allowed the house to fall under the home occupation rules), however, Ms. Jones is engaged to be married within the year and 910 West "L" Street would not be her marital home."

“City Staff believes the property at issue has always been used for residential purposes. The surrounding properties are single family dwellings as well. Staff has had an opportunity to go on site and discuss the potential daycare with Mrs. Williams. Staff explained the special exception process and stressed the importance of complying with special exception requirements A - I. In particular, Staff explained that there have been a number of similar requests over the past few years, and during the prior discussions, requirements A, B, E, H, and I were the primary points of emphasis. Staff specifically asked Mrs. Williams to pay close attention to ingress/egress and parking. Mrs. Williams’ application spells out their plan with respect to these items.”

“With respect to ingress and egress, Mrs. Williams does not believe the traffic flow will be impacted by a childcare facility. Mrs. Williams states that there will be 10 or fewer children at her childcare facility at one time. The street is not a narrow street (as was the issue with the property at the corner of Norris and East “M” Street). Staff observed vehicles passing through West “L” Street without impediments.”

“Next, the property contains a garage and driveway. The applicant states that the driveway has sufficient room for 4 vehicles. The applicant also stated that the daycare provider will park her car in the garage, freeing up space in the driveway. Upon review of the Zoning Ordinance’s Off-Street Parking regulation (ie. Section 2111), a nursery must have enough parking spaces to cover 30% of capacity in students. Per the regulation, 3 off-street parking stalls are necessary assuming there will be 10 or fewer children at the childcare facility. The applicants have the space required in the Zoning Ordinance. Additionally, there is space for on-street parking if it is needed. A diagram of the premises and related parking spaces is attached to this packet.”

“As far as screening and buffering, the home already has a backyard fence. According to the applicant, if the children are outside, they will be within the backyard fence. There should be no issues with children in the front yard.”

“With respect to general compatibility with adjacent properties, the exterior of the residence will not be altered. Of note, if the special exception is approved, the house will be the only childcare facility in the neighborhood. This may be the largest concern associated with this request. Staff believes this concern can be minimized if the applicant develops a structured parking plan. Also, it will be beneficial if the applicant takes steps to assure the children are inside the building or in the backyard. Unlike with a similar request from a few years ago that involved property near the elementary school, there is not another facility in the neighborhood that will have large numbers of occupants that would compete for space.”

“With respect to McCook’s Comprehensive Plan and Zoning Regulations, a childcare facility is an allowable special exception in the RM District. Additionally, McCook’s Comprehensive Plan incorporates the City of McCook’s Economic Development Plan, which includes childcare facilities as a qualifying use under the program. The goal of the Economic Development Plan is to build on the strengths of the City to promote existing industries and the retention of jobs. Further the Plan is designed to aide in the recruitment of new industries and jobs to McCook to facilitate the development and expansion of new businesses. In order to achieve these goals, it is necessary to assure there is adequate childcare available for individuals that work in and around McCook.”

“The McCook Planning Commission held a public hearing on October 12, 2020 for the application. Mrs. Williams was present and testified regarding the application. Nobody spoke in opposition to the application. Staff did inform the Planning Commission that prior to the Planning Commission meeting, one person contacted Staff to express a concern that a daycare may not fit well in the neighborhood. The concerned citizen was worried that a daycare may change traffic patterns or create parking issues. Planning Commission member Bruce McDowell stated that the small number of daycare children being cared for at the site would more than likely not create a noticeable up-tick in traffic or create parking issues. The Planning Commission voted unanimously to recommend approval of the special exception to the City Council.”

Mrs. Williams stated they now have a request for a young child, the number of families served will be four, with the number of children at eight. The house is too small to add any additional children.

Councilmember Calvin questions if there will be signage. The only signage will be what is placed on the front door.

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

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

YEA: 5, NAY: 0

- 4.B. Approve a special exception to allow a daycare center in a Residential Medium Density (RM) District - property located at 910 West "L" Street due to special exception requirements A - I being satisfied.

Motion to approve a special exception to allow a daycare center in a Residential Medium Density District (RM) - property located at 910 West "L" Street due to special exception requirements A - I being satisfied. This motion, made by Calvin and seconded by Weedin, passed.

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

YEA: 5, NAY: 0

## **5. Consent Agenda.**

Councilmember Calvin requested that Item H and Item I be removed from the Consent Agenda and placed on the Regular Agenda. Dawson Brunswick, McCook Chamber of Commerce President/CEO requested that Item C be removed from the Consent Agenda and placed on the Regular Agenda.

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

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

YEA: 5, NAY: 0

- 5.A. Approve the minutes of the October 5, 2020 regular City Council meeting.

- 5.B. Receive and file the minutes of the January 7, 2020 and August 4, 2020 Senior Center

Advisory Board meetings and the October 12, 2020 Planning Commission meeting.

- 5.D. Approve the agreement between the City of McCook and W Design Associates to provide design and construction engineering services for the reconstruction of North Cherokee from Seminole Drive to Norris Avenue and authorize the Mayor to sign.
- 5.E. Approve an amended Lease of Rack Space between the City of McCook and McCook Public Power District and authorize the Mayor to sign.
- 5.F. Ratify the Mayor's appointments to the Planning Commission - reappoint Matt Davidson, Kurt Vosburg, and Jesse Stevens - terms expire September 2023 and the Senior Citizens Advisory Board - reappoint Mary Keslin - term expires September 2023.
- 5.G. Award the bid for the purchase of two radio consoles to be used by the McCook Police Department Communications Center to Russ Bassett Corporation for \$47,118.84 that being the lowest responsible bid.
- 5.J. Authorize Pinpoint Communications to occupy city right of way for the installation of underground communications cable in the alley south of "B" Street, between East 4th Street and East 5th Street and authorize the Mayor to sign the application to occupy right of way.

## **6. Regular Agenda.**

- 5.C. Award the bid for Memorial Auditorium Roof Replacement to Weathercraft Company of McCook, Nebraska in the amount of \$74,980.00, it being the lowest most responsible bid.

Dawson Brunswick, McCook Chamber of Commerce director, asked for clarification as to what "lowest responsible bid" actually means.

Motion to award the bid for Memorial Auditorium Roof Replacement to Weathercraft Company of McCook, Nebraska in the amount of \$74,980.00, it being the lowest most responsible bid. This motion, made by Calvin and seconded by Gonzales, passed.

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

YEA: 5, NAY: 0

- 5.H. Authorize Pinpoint Communications to occupy city right of way for the installation of a communications cabinet in the northeast corner of 411 East 4th Street and authorize the Mayor to sign the application to occupy right of way.

Councilmember Calvin expressed concerns regarding height of the cabinets and visibility at the corner. The height of the cabinet will be approximately 40 inches, it will be installed in the alley so visibility will not be an issue, and permission has been obtained from all property owners.

Motion to authorize Pinpoint Communications to occupy city right of way for the installation of a communications cabinet in the northeast corner of 411 East 4th Street and authorize the Mayor to

sign the application to occupy right of way. This motion, made by Calvin and seconded by Gonzales, passed.

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

YEA: 5, NAY: 0

5.I. Authorize Pinpoint Communications to occupy city right of way for the installation of a communications cabinet just east of the northeast corner of 101 Park Avenue on city owned property and authorize the Mayor to sign the application to occupy right of way.

Councilmember Calvin again expressed concerns regarding height of the cabinets and visibility at the corner. The height of the cabinet will be approximately 40 inches, the installation is not at the corner to cause visibility issues, and permission has been obtained from all property owners.

Motion to authorize Pinpoint Communications to occupy city right of way for the installation of a communications cabinet just east of the northeast corner of 101 Park Avenue on city owned property and authorize the Mayor to sign the application to occupy right of way. This motion, made by Calvin and seconded by Weedin, passed.

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

YEA: 5, NAY: 0

6.A. Determine a date and time to hold a capital improvement strategic planning meeting.

Dates considered were Monday, November 9, and Tuesday, November 10, because of possible conflict with the Planning Commission scheduled for the 9<sup>th</sup>.

It was the consensus of the Council to hold the meeting on November 9 at 7:30 P.M., at the Senior Center.

6.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 6:22 P.M.

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Michael D. Gonzales, Mayor

ATTEST:

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Lea Ann Doak, City Clerk-Treasurer