

McCook City Council  
November 16, 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 Calvin, Weedin.

Absent: Councilmembers Hepp, Muehlenkamp.

City Officials present: City Manager Schneider, City Attorney Mustion, City Clerk Doak, Utilities Director Dutcher, 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 November 12, 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.**

Andy Long, McCook Economic Development Corporation (MEDC) Director, stated that the MEDC is currently putting together a Rural Workforce Housing Fund (RWHF) grant for Red Willow County. They are proposing to create a \$750,000 fund that can be used for low interest, deferred loans with the hope of lowering the cost of building eligible housing and/or provide housing rehabilitation assistance. MEDC is applying for a \$250,000 RWHF grant, a \$250,000 match through NIFA, and are attempting to raise \$250,000 to put toward the housing loan fund. Mr. Long requested that the Council consider contributing \$25,000 of ACE funds toward the local \$250,000 match.

Phil Lyons, McCook, due to the recent surge in COVID-19 cases in our area, urged the Council to get the Health Board active to consider requiring masks so that we can do our part to knock down the positivity rate and to keep our local businesses open.

## **2. Announcements & Recognitions.**

City Manager Schneider announced that a Board of Zoning Adjustment meeting is scheduled for

January 23, 2020 at 5:30 P.M. Due to the increase in COVID-19 cases the City is attempting to reduce the number of board meetings being held. At this time only the Planning Commission and Board of Zoning Adjustment will be holding meetings when necessary.

### **3. Proclamations.**

- 3.A. Approve the proclamation designating November 28, 2020 as "Small Business Saturday" and authorize the Mayor to sign.

Motion to approve the proclamation designating the November 28, 2020 as "Small Business Saturday" and authorize the Mayor to sign. This motion, made by Calvin and seconded by Weedon, passed.

Gonzales: YES, Hepp: ABSENT, Calvin: YES, Weedon: YES, Muehlenkamp: ABSENT  
YES: 3, NAY: 0, ABSENT: 2

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

- 4.A. Public Hearing - Request for a special exception by McCook Community Hospital (Project Sponsor); The Community Hospital Association (Land Owner); to locate a daycare center in a Residential High Density District (RH) - property located at 605 East 11th Street.

Motion to recess as City Council and convene a public hearing for the purpose of receiving public comment with respect to the request for a special exception by McCook Community Hospital (Project Sponsor); The Community Hospital Association (Land Owner); to locate a daycare center in a Residential High Density District (RH) - property located at 605 East 11th Street, with the City Attorney to act as hearing officer. This motion, made by Calvin and seconded by Weedon, passed.

Gonzales: YES, Hepp: ABSENT, Calvin: YES, Weedon: YES, Muehlenkamp: ABSENT  
YES: 3, NAY: 0, ABSENT: 2

The City Attorney received into evidence Exhibit #1 - City Manager's Report prepared for the November 16, 2020 City Council meeting (2 pages), Exhibit #2 - Notice of Hearing published (1 page); Exhibit #3 - ownership list for mailing of Notice of Hearing (1 page); Exhibit #4 - Land Use Application and attachments (9 pages); Exhibit #5 - Findings and Determinations of McCook City Council (2 pages); and Exhibit #6 - minutes of the November 9, 2020 Planning Commission meeting (3 pages).

City Manager Schneider reviewed the following information contained in Exhibit #1: "The McCook Community Hospital has submitted a special exception application for its property located at 605 East 11<sup>th</sup> Street. The property is zoned Residential High Density District. The hospital is requesting that the property be granted a special exception to allow for a daycare facility."

"The hospital is making this request as part of its COVID response contingency plan. Specifically, the special exception would address potential daycare shut-downs if local daycare providers are forced to close. The concern is that if numerous daycare providers close due to COVID, the hospital staff members would need a daycare alternative."

"The hospital owns the property at 605 East 11<sup>th</sup> Street and the hospital has identified the property as an appropriate area for a temporary daycare facility. This request is temporary in nature. The hospital does not oppose eliminating the designation once the COVID pandemic subsides."

"When reviewing the city's special exception criteria in relationship to the daycare request, special exception considerations A and B are typically the conditions that receive the most scrutiny."

"With respect to A, the city is not concerned with ingress/egress issues. East 11<sup>th</sup> Street is a wide thoroughfare. The hospital owns a commercial facility to the North that employs numerous people. That facility has not experienced any ingress/egress concerns due to an up-tick in traffic due to the facility's commercial nature. Additionally, SWAT's is located to the South. There have been no ingress/egress related concerns regarding the SWAT's facility. The hospital employees that would use the property for daycare purposes would enter the facility off of East 11<sup>th</sup> Street. They would exit the premises via East F Street. This circular ingress/egress pattern will help ease any traffic concerns."

"As for consideration B, off-street parking should not be a concern. Blake Bethell, McCook Community Hospital facility manager, states that the maximum number of children the daycare would serve is twelve. The city's parking ordinance requires a 30% ratio of children to off-street parking spaces. Three to four spaces would be necessary. The residence has plenty of space available to accommodate three to four parking spaces. With respect to the additional special exception criteria, staff has no concerns."

"As mentioned, this request is temporary in nature. When the COVID pandemic is over, the hospital is willing to have the designation removed if the governing body is inclined to do so."

"The Planning Commission voted 8 - 0 to recommend approval of the request. Nobody spoke in opposition to the application."

Sean Wolfe, Community Hospital Chief Financial Officer, was present to address any questions from the Council.

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

Gonzales: YES, Hepp: ABSENT, Calvin: YES, Weedon: YES, Muehlenkamp: ABSENT  
YES: 3, NAY: 0, ABSENT: 2

4.B. Approve a special exception to allow a daycare center in a Residential High Density District (RH) - property located at 605 East 11<sup>th</sup> Street due to special exception requirements A - I being satisfied.

Motion to approve a special exception to allow a daycare center in a Residential High Density District (RH) - property located at 605 East 11<sup>th</sup> Street due to special exception requirements A - I being satisfied. This motion, made by Calvin and seconded by Weedon, passed.

Gonzales: YES, Hepp: ABSENT, Calvin: YES, Weedon: YES, Muehlenkamp: ABSENT

YES: 3, NAY: 0, ABSENT: 2

- 4.C. Public Hearing - A report from the Economic Development Plan Citizen's Advisory Review Committee regarding meeting held October 26, 2020.

Motion to recess as a City Council and convene a public hearing for the purpose of receiving public comment on a report from the Economic Development Plan Citizen's Advisory Review Committee regarding meeting held October 26, 2020 with the City Attorney to act as hearing officer. This motion, made by Calvin and seconded by Gonzales, passed.

Gonzales: YES, Hepp: ABSENT, Calvin: YES, Weedon: YES, Muehlenkamp: ABSENT  
YES: 3, NAY: 0, ABSENT: 2

The City Attorney offered and received into evidence Exhibit #1 - the City Manager's Report dated November 16, 2020 (1 page); Exhibit #2 - Notice of Hearing published (1 page); Exhibit #3 - Agenda for the October 26, 2020 meeting of the Economic Development Plan Citizen's Advisory Review Committee and attachments (11 pages); and Exhibit #4 - the minutes of the July 27, 2020 Economic Development Plan Citizen's Advisory Review Committee (3 pages).

Andy Long, McCook Economic Development Director, and Sean Wolfe, president of the Economic Development Plan Citizen's Advisory Review Committee, reviewed the information presented in Exhibit #3 and answered questions from the Council.

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

Gonzales: YES, Hepp: ABSENT, Calvin: YES, Weedon: YES, Muehlenkamp: ABSENT  
YES: 3, NAY: 0, ABSENT: 2

- 4.D. Receive and file the minutes of the July 27, 2020 Economic Development Plan Citizen's Advisory Review Committee meeting.

Motion to receive and file the minutes of the July 27, 2020 Economic Development Plan Citizen's Advisory Review Committee meeting. This motion, made by Calvin and seconded by Weedon, passed.

Gonzales: YES, Hepp: ABSENT, Calvin: YES, Weedon: YES, Muehlenkamp: ABSENT  
YES: 3, NAY: 0, ABSENT: 2

## **5. Consent Agenda.**

Councilmember Calvin requested that Item B and Item C be removed from the Consent Agenda and placed on the Regular Agenda.

Motion to approve the remaining consent agenda. This motion, made by Gonzales and seconded by Weedon, passed.

Gonzales: YES, Hepp: ABSENT, Calvin: YES, Weedon: YES, Muehlenkamp: ABSENT  
YES: 3, NAY: 0, ABSENT: 2

- 5.A. Approve the minutes of the November 2, 2020 regular City Council meeting.
- 5.D. Declare the listed abandoned and unclaimed vehicles and property as surplus city property to be disposed of in the appropriate legal manner.
- 5.E. Ratify the Mayor's appointment to the Senior Citizens Advisory Board - appoint Joe Ryland to replace Gene Meints - term expires September 2023.
- 5.F. Receive and file the minutes of the November 9, 2020 Planning Commission meeting.
- 5.G. Approve the Operating Assistance Documents for the 5311 Operating Assistance State Fiscal Year 2020-2021 for City of McCook McCook Transit, appoint Beth Siegfried to serve as the Accountable Executive, and authorize the Mayor and Accountable Executive to sign the appropriate documents.

**6. Regular Agenda.**

- 5.B. Approve the McCook Area Chamber of Commerce request to conduct the Annual Christmas "Light up the Bricks" Parade at 6:30 P.M. on Saturday, December 5, 2020 and the participation of the Fire and Police departments with the parade.

Councilmember Calvin questioned how COVID-19 issues would be addressed.

Motion to approve the McCook Area Chamber of Commerce request to conduct the Annual Christmas "Light up the Bricks" Parade at 6:30 P.M. on Saturday, December 5, 2020 and the participation of the Fire and Police departments with the parade. This motion, made by Calvin and seconded by Weedon, passed.

Gonzales: YES, Hepp: ABSENT, Calvin: YES, Weedon: YES, Muehlenkamp: ABSENT  
YES: 3, NAY: 0, ABSENT: 2

- 5.C. Receive and file a letter from Myers Construction, Inc. of Broken Bow, Nebraska, to Change the completion date of the West 5th and East 14th Water Main Project to June 15, 2021.

Councilmember Calvin expressed concerns meeting high water summer demands with extended the completion date to June.

Motion to receive and file a letter from Myers Construction, Inc. of Broken Bow, Nebraska, to Change the completion date of the West 5th and East 14th Water Main Project to June 15, 2021. This motion, made by Calvin and seconded by Weedon, passed.

Gonzales: YES, Hepp: ABSENT, Calvin: YES, Weedon: YES, Muehlenkamp: ABSENT  
YES: 3, NAY: 0, ABSENT: 2

- 6.A. Discussion regarding potentially rescheduling a capital improvement strategic planning meeting.

Discussion was held regarding postponing until our Southwest Public Health District is no longer in Red due to the up-tick in COVID-19 cases, conducting via zoom, and at this time Council meetings are not able to be held via zoom.

It was the consensus of the Council to have staff continue placing this item on future agenda with the hope that a meeting can be scheduled in the near future.

6.B. Council Comments.

Council comments including noting that staff has the Christmas decorations installed and that our public health district is in red due to the surge in cases in our area.

**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