

McCook City Council
February 17, 2025
5:30 P.M.

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 Taylor, Councilmembers Weedin, Muehlenkamp, Rambali.

Absent: Councilmember Calvin.

Motion to excuse the absence of Councilmember Calvin. This motion, made by Weedin and seconded by Muehlenkamp, passed.

Taylor: YEA, Weedin: YEA, Muehlenkamp: YEA, Rambali: YEA
YEA: 4, NAY: 0

City Officials present: City Manager Schneider, City Attorney Mustion, City Clerk Doak, Assistant City Manager Koetter, Utilities Director Fawver, Fire Chief Harpham, Police Chief Hodgson, and Public Works Director Potthoff.

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on February 13, 2025, 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 Taylor 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 Barry Johnson, Assembly of God Church. Following the Pledge of Allegiance to the flag of the United States of America, Mayor Taylor called the meeting to order.

1. Announcements & Recognitions.

City Manager Nate Schneider informed the Council that stake holder meetings for the Sports Complex were scheduled for February 19 at 3:00 P.M. and 4:00 P.M. and February 20 at 9:00 A.M. and 10:00 A.M.; on February 19 staff will meet with Mammoth Construction during the day and with the Sports Complex Committee that evening at 6:00 P.M.; and Mammoth and City Staff plan to present at the Mid-Plains Community College Board of Governors meeting that evening in North Platte.

2. Public Hearings.

2.A. Public Hearing - Request for a special exception by Amanda and Dustin Trew to locate a Bed and Breakfast/Vacation Rental in a Residential Medium Density District (RM) - property located at 806 ½ East 7th Street, legally described as the South Thirty-five (35) feet of Lot Seven (7) and the North One and Seven-tenths (1.7) feet of the vacated alley between Lots Seven (7), Eight (8), and Nine (9), of Block One (1), John E. Kelley Memorial Addition to the City of McCook, Red Willow County, Nebraska.

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 Amanda and Dustin Trew to locate a Bed and Breakfast/Vacation Rental in a Residential Medium Density District (RM) - property located at 806 ½ East 7th Street, legally described as the South Thirty-five (35) feet of Lot Seven (7) and the North One and Seven-tenths (1.7) feet of the vacated alley between Lots Seven (7), Eight (8), and Nine (9), of Block One (1), John E. Kelley Memorial Addition to the City of McCook, Red Willow County, Nebraska, with the City Attorney to act as hearing officer. This motion, made by Weedin and seconded by Muehlenkamp, passed.

Calvin: ABSENT, Taylor: YEA, Weedin: YEA, Muehlenkamp: YEA, Rambali: YEA

YEA: 4, NAY: 0, ABSENT: 1

The City Attorney received into evidence Exhibit #1 - City Manager's Report prepared for the February 17, 2025 City Council meeting (1 page), Exhibit #2 - Notice of Hearing published (1 page); Exhibit #3 - Notice of Hearing mailed and posted (1 page); Exhibit #4 - ownership list for mailing of Notice of Hearing (2 pages); Exhibit #5 - Land Use Action Request Form and attachments (11 pages); Exhibit #6 - City of McCook Zoning Ordinance Article 9, Residential Medium Density District (RM) (3 pages); Exhibit #7 - City of McCook Zoning Ordinance Article 24, Special Exceptions (1 page); Exhibit #8 - Findings and Determinations of McCook City Council (2 pages); Exhibit #9 - Minutes of the February 10, 2025 Planning Commission meeting (3 pages); and Exhibit #10 - email from Amanda and Dustin Trew dated February 17, 2025, informing the Council they were not able to attend the meeting due to a winter storm moving in and that they would be available by phone if the Council had questions (1 page).

Comments were taken from City Staff, the applicant, before opening to the public for comment.

City Manager Schneider reviewed the information presented in Exhibit #1.

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

Calvin: ABSENT, Taylor: YEA, Weedin: YEA, Muehlenkamp: YEA, Rambali: YEA

YEA: 4, NAY: 0, ABSENT: 1

2.B. Approve the application for a special exception by Amanda and Dustin Trew to locate a Bed and Breakfast/Vacation Rental in a Residential Medium Density District (RM) - property located at 806 ½ East 7th Street, legally described as the South Thirty-five (35) feet of Lot Seven (7) and the North One and Seven-tenths (1.7) feet of the vacated alley between Lots Seven (7), Eight (8), and Nine (9), of Block One (1), John E. Kelley memorial Addition to the City of McCook, Red Willow County, Nebraska, finding Special Exception

considerations A-I are satisfied.

City Attorney Mustion requested Councilmembers to complete their Special Exception Findings and Determinations, all found that Considerations A - I have been made.

Motion to approve the application for a special exception by Amanda and Dustin Trew to locate a Bed and Breakfast/Vacation Rental in a Residential Medium Density District (RM) - property located at 806 ½ East 7th Street, legally described as the South Thirty-five (35) feet of Lot Seven (7) and the North One and Seven-tenths (1.7) feet of the vacated alley between Lots Seven (7), Eight (8), and Nine (9), of Block One (1), John E. Kelley memorial Addition to the City of McCook, Red Willow County, Nebraska. Nebraska, finding Special Exception considerations A-I are satisfied. This motion, made by Muehlenkamp and seconded by Rambali, passed.

Calvin: ABSENT, Taylor: YEA, Weedin: YEA, Muehlenkamp: YEA, Rambali: YEA

YEA: 4, NAY: 0, ABSENT: 1

2.C. Public Hearing - A report from the Economic Development Plan Citizen's Advisory Review committee regarding meeting held February 10, 2025.

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 February 10, 2025 with the City Attorney to act as hearing officer. This motion, made by Weedin and seconded by Taylor, passed.

Calvin: ABSENT, Taylor: YEA, Weedin: YEA, Muehlenkamp: YEA, Rambali: YEA

YEA: 4, NAY: 0, ABSENT: 1

The City Attorney offered and received into evidence Exhibit #1 - the City Manager's Report dated February 17, 2025 (1 page); Exhibit #2 - Notice of Hearing published (1 page); Exhibit #3 - Agenda for the February 10, 2025 meeting of the Economic Development Plan Citizen's Advisory Review Committee and attachments (7 pages); and Exhibit #4 - the minutes of the October 28, 2024 Economic Development Plan Citizen's Advisory Review Committee (4 pages).

Charlie McPherson, McCook Economic Development Corporation Executive 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.

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

Calvin: ABSENT, Taylor: YEA, Weedin: YEA, Muehlenkamp: YEA, Rambali: YEA

YEA: 4, NAY: 0, ABSENT: 1

2.D. Accept the minutes of the October 28, 2024 Economic Development Plan Citizen's Advisory Review Committee meeting.

Motion to accept the minutes of the October 28, 2024 Economic Development Plan Citizen's Advisory Review Committee meeting. This motion, made by Weedin and seconded by

Muehlenkamp, passed.

Calvin: ABSENT, Taylor: YEA, Weedin: YEA, Muehlenkamp: YEA, Rambali: YEA
YEA: 4, NAY: 0, ABSENT: 1

3. Consent Agenda.

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

Calvin: ABSENT, Taylor: YEA, Weedin: YEA, Muehlenkamp: YEA, Rambali: YEA
YEA: 4, NAY: 0, ABSENT: 1

- 3.A. Approve the minutes of the February 3, 2025 regular City Council meeting.
- 3.B. Forward to the City's insurance carrier for review and appropriate action a property damage claim from Terri Gray.
- 3.C. Approve the application for a Special Designated Liquor License (SDL) submitted by C & B Herrick, dba Yellow Rose, Liquor License #K-115381 for the MID-PLAINS COMMUNITY COLLEGE Fundraiser Rodeo to be held at the Red Willow County Fairgrounds Kiplinger Arena, 1412 West 5th Street, on March 7 and 8, 2025 from 6:00 P.M. to 1:00 A.M. both days.
- 3.D. Receive and file the claims for the month of January 2025, published February 11, 2025.
- 3.E. Acknowledge and certify the completion of construction for the McCook Aquatic Park and authorize city personnel to execute any and all documents to that end.
- 3.F. Award the bid for the 2025 Crack Sealing Project to Shelco Construction of Elsie, Nebraska in the amount of \$64,350.00, that being the lowest best bid.
- 3.G. Receive and file an Interlocal Cooperation Agreement between Red Willow County and the City of McCook for temporary law enforcement services.
- 3.H. Authorize the City Attorney for the City of McCook to commence litigation against Robert L. Wallace, owner of a nuisance property located at 807 West 1st Street, enjoining the maintenance of the nuisance property, ordering the owners to abate the nuisance, and in the absence of action by the owners permitting the City of McCook to abate the nuisance or demolish the structure.
- 3.I. Approve the Consultant Agreement between the City of McCook and W Design and Associates for Airport Improvement Project Number 3-31-0052-20/21 which includes the construction of a new 100LL and Jet A Self Service Fuel Facility for McCook Ben Nelson Regional airport and authorize the Mayor to sign.
- 3.J. Accept the minutes of the February 10, 2025 Planning Commission meeting.

4. Regular Agenda.

4.A. Update regarding the sports complex project.

City Manager Schneider gave an update of the sports complex project. A meeting of the Sports Complex Steering Committee is scheduled for the 5:30 P.M. on February 19; staff has had discussion Paul Grieger of D.A. Davidson regarding timing of the issuance of the bonds for construction of the complex; work continues with Miller & Associates on the design of the subdivision; and the sports feasibility study being prepared by SFC is almost completed, staff will be meeting with them and Mammoth the morning of February 19.

4.B. Continued discussion regarding the user fees for the McCook Aquatic Park for the Summer of 2025.

Discussion was held regarding the proposed rates. It was the consensus of the Council to have them brought back as presented for their approval.

4.C. Ordinance No. 2025-3095 amending the City of McCook Code of Ordinances, Title IX, Chapter 91 - "Fire Prevention; Fireworks; Poisonous or Flammable Gas; Explosives", Section 91.37 - Prerequisites and Qualifications for Issuance of Sales Permit and Section 91.43 - Discharge of Fireworks Generally.

Mayor Taylor asked the Clerk to read Ordinance No. 2025-3095 by title.

AN ORDINANCE OF THE CITY OF MCCOOK, NEBRASKA AMENDING THE CITY OF MCCOOK CODE OF ORDINANCES CHAPTER 91, ENTITLED "FIRE PREVENTION; FIREWORKS; POISONOUS OR FLAMMABLE GAS; EXPLOSIVES" IN TITLE IX "GENERAL REGULATIONS", SECTION 91.37 - PREREQUISITES AND QUALIFICATIONS FOR ISSUANCE OF SALES PERMIT AND SECTION 91.43 - DISCHARGE OF FIREWORKS GENERALLY, AMENDING THE PERMIT FEE AND THE DATES AND TIMES OF DISCHARGE; TO PROVIDE THAT THIS ORDINANCE SHALL BE MADE A PART OF THE CITY OF MCCOOK CODE OF ORDINANCES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR THE EFFECTIVE DATE AND PUBLICATION THEREOF.

Ordinance No. 2024-3095 has been read by title and I move to approve upon its third and final reading. This motion, made by Muehlenkamp and seconded by Rambali, passed.

Calvin: ABSENT, Taylor: YEA, Weedin: YEA, Muehlenkamp: YEA, Rambali: YEA
YEA: 4, NAY: 0, ABSENT: 1

Mayor Taylor stated for the record that Ordinance No. 2025-3095 is declared lawfully passed and adopted upon publication as required by law.

4.D. Discussion regarding property located at 1107 West 4th Street.

City Manager Schneider reviewed past history of this property which buildings were destroyed by fire, deemed unsafe and were demolished at the city's expense, which resulted in a special assessment against the property for those costs. Council discussion included forgiving the assessment, selling the property at auction, taking sealed bids, and possibly setting a minimum bid. Council consensus was to move forward with taking sealed bids for the property.

4.E. Accept a check from the Public Alliance for Community Energy (ACE) in the amount of \$20,932 and receive and file a presentation from Gene Weedin regarding an ACE update.

Councilmember Weedin gave an update on ACE funds returned to the city over the years and the various projects the funds were used for. This year the City received \$20,932. ACE is a nonprofit organization, which returns profits to the 75 participating communities. Mr. Weedin thanked the citizens of McCook for choosing ACE, this years Selection period is April 3 - 23.

4.F. Council Comments.

Mayor Taylor thanked the Public Works Department for the snow removal this past week.

4.G. An Executive Session may be held upon a majority vote of the Council for the protection of public interest for a strategy session with respect to pending litigation - property located at 1111 East "H" Street, Cindy and Ron Sabin.

Motion to go into executive session for the protection of public interest for a strategy session with respect to potential litigation - property located at 1111 East "H" Street, Cindy and Ron Sabin at 6:25 P.M. This motion, made by Rambali and seconded by Weedin, passed.

Calvin: ABSENT, Taylor: YEA, Weedin: YEA, Muehlenkamp: YEA, Rambali: YEA
YEA: 4, NAY: 0, ABSENT: 1

Mayor Taylor stated for the record that at this time, pursuant to the Nebraska Open Meetings Act, a closed session will be held for the purpose of the protection of public interest for a strategy session with respect to potential litigation - property located 1111 East "H" Street, Cindy and Ron Sabin. The Council will reconvene in public session following this closed session.

Included in the closed session were City Manager Schneider, Assistant City Manager Koetter, City Attorney Mustion, and City Clerk Doak.

Motion to come out of executive session at 6:30 P.M. This motion, made by Muehlenkamp and seconded by Taylor, passed.

Calvin: ABSENT, Taylor: YEA, Weedin: YEA, Muehlenkamp: YEA, Rambali: YEA
YEA: 4, NAY: 0, ABSENT: 1

Adjournment.

There being no further business to come before the Council, Mayor Taylor declared the meeting

adjourned at 6:31 P.M.

Linda Taylor, Ex-officio Mayor
and Council President

ATTEST:

Lea Ann Doak, City Clerk-Treasurer