

MCCOOK CITY COUNCIL
November 2, 2015
6:30 P.M.

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, 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 October 29, 2015, 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 Acknowledgment 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 the Council that a special meeting has been scheduled for this coming Thursday at noon for consideration of a Special Designated Liquor License request.

Fire Chief Harpham gave a demonstration of the LUCAS device, which is used to assist with the chest compressions when administering CPR. The City received a grant through the State of Nebraska for the purchase of two of the devices.

3. Public Hearings.

- A. Public Hearing - regarding the purchase of property owned by John and Betty Nothnagel, unimproved property located east of "R" Street West and 8th Street West and west of 7th Street

West, for the purpose of extending "R" Street West to 7th Street West.

Upon a motion by Councilmember Weedon, seconded by Councilmember McDowell, the Council voted to recess as a City Council and convene a public hearing for the purpose of receiving public comment regarding the purchase of property owned by John and Betty Nothnagel, unimproved property located east of "R" Street West and 8th Street West and west of 7th Street West, for the purpose of extending "R" Street West to 7th Street West with the City Attorney to act as hearing officer. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedon. NAY: None.

The City Attorney offered and received into evidence Exhibit #1 - City Manager's Report prepared for the November 2, 2015 meeting, 2 pages; Exhibit #2 - Notice of Hearing published, 1 page; Exhibit #3 - proposed Resolution No. 2015-22, 2 pages; and Exhibit #4 - Proposed Paving Agreement, 2 pages; Exhibit #5 - area maps, 2 pages.

Information presented by City Manager Schneider from his City Manager's Report; As construction continues in the Clary Subdivision with the continuing Clary Village and North Pointe projects, as well as the future Quillan Courts project, it has become obvious that an additional entrance would greatly enhance the development area. Currently, West "R" Street (located between the North Pointe Property project and Clary Village project) ends prior to merging with West 7th Street. The only access to these areas is from the south. This addition would provide an alternate option for ingress/egress for our emergency vehicles and first responders. It would alleviate some of the traffic flow coming from the north and headed to the south when the projects are completed. As has been discussed, the North Pointe project has the potential to expand significantly to the north, adding additional phases as development occurs. If additional private lots are developed, it will be important to provide another access point for residents to reduce traffic flow along the north/south streets. When we began the North Pointe project in 2013, the City discussed its preference to have an east/west addition connecting 7th street to West "R". The owners of the property are John and Betty Nothnagel. Through discussions, a potential deal has been reached securing the property for future development purposes. The Nothnagels were only interested in parting with the property if the City would agree to pave the west side of the existing street right-of-way located west of the Smoker's Outlet building and south of the Riverview Cemetery entrance. Per the Nothnagels, consideration for their property would come in the form of the City extending the pavement in the City's right-of-way west in a pie shape formation that would allow for an increased turning radius for delivery trucks utilizing the Smoker's Outlet parking lot. There was a request made to do a like-kind exchange for the property, but since it is right-of-way property, it cannot be sold. The City will be responsible for paving the right-of-way. The City will pave the right-of-way with concrete. There will be one tree that will need to be removed as part of the paving project. A rough estimate was asked for and it is estimated that the right-of-way paving will cost between \$15,000 - \$17,000. While the unimproved value of the land the Nothnagels own is worth less than the value recited by the Red Willow County Assessor, it is important that the land be acquired in order to complete "R" Street. The City wanted to work with the property owner to purchase the land and a condemnation action would not have been in the best interest of the City or Nothnagels. Further, a condemnation action would have had additional costs attached to it that would have exceeded the actual value of the lot owned by the Nothnagels. It is possible that the cost of paving may even be less than the

rough estimate received, depending on whether the City can provide some of the needed resources to complete the project.

John Nothnagel addressed the Council, he is giving the land to the City for use of the right-of-way to provide better access to his business and a better turning radius for delivery trucks.

Wayne Michaelis asked about the extension of "S" Street if more develops in the future. Only "R" Street is being considered at this time.

There being no one else present to comment, upon a motion by Councilmember Weedon, seconded by Councilmember Hepp, the Council voted to adjourn the public hearing and to reconvene as a City Council. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedon. NAY: None.

B. Adopt Resolution No. 2015-22 authorizing the purchase of property owned by John and Betty Nothnagel, unimproved property located east of "R" Street West and 8th Street West and west of 7th Street West, for the purpose of extending "R" Street West to 7th Street West.

Upon a motion by Councilmember Calvin, seconded by Councilmember McDowell, the Council voted to adopt Resolution No. 2015-22 authorizing the purchase of property owned by John and Betty Nothnagel, unimproved property located east of "R" Street West and 8th Street West and west of 7th Street West, for the purpose of extending "R" Street West to 7th Street West.

C. Public Hearing - regarding a report from Rex Nelson regarding the Citizen's Advisory Committee meetings held July 27, 2015 and October 26, 2015.

Upon a motion by Councilmember Weedon, seconded by Councilmember Hepp, the Council voted to recess as a City Council and convene a public hearing for the purpose of receiving public comment regarding a report from Rex Nelson regarding the Citizen's Advisory Committee meetings held July 27, 2015 and October 26, 2015 with the City Attorney to act as hearing officer. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedon. NAY: None.

The City Attorney offered and received into evidence Exhibit #1 - City Manager's Report prepared for the November 2, 2015 City Council meeting; Exhibit #2 - Notice of Hearing published and Exhibit #3 - minutes of the July 27, 2015 Citizen's Advisory Committee meeting.

Troy Bruntz, committee member, and Rex Nelson, McCook Economic Development Corporation Director, were present to review the quarterly reports of the McCook Economic Development Plan.

There being no one else present to comment, upon a motion by Councilmember Calvin, seconded by Councilmember Weedon, the Council voted to adjourn the public hearing and to reconvene as a City Council. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedon. NAY: None.

- D. Receive and file the minutes of the July 27, 2015 Economic Development Plan Citizen's Advisory Review Committee meeting.

Upon a motion by Councilmember Calvin, seconded by Councilmember Weedin, the Council voted to receive and file the minutes of the July 27, 2015 Economic Development Plan Citizen's Advisory Review Committee meeting. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

4. Consent Agenda.

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

- A. Approve the minutes of the October 19, 2015 regular City Council meeting.

Upon a motion by Councilmember Calvin, seconded by Councilmember McDowell, the Council voted to approve the minutes of the October 19, 2015 regular City Council meeting. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

- C. Approve the application for a Special Designated Liquor License submitted by Loop Brewing Company, LLC, Liquor License #LK-093351, for a Christmas Party to be held at the Keystone Building, 402 Norris Avenue, on December 5, 2015 from 5:00 P.M. to 12:00 A.M.

Upon a motion by Councilmember Calvin, seconded by Councilmember McDowell, the Council voted to approve the application for a Special Designated Liquor License submitted by Loop Brewing Company, LLC, Liquor License #LK-093351, for a Christmas Party to be held at the Keystone Building, 402 Norris Avenue, on December 5, 2015 from 5:00 P.M. to 12:00 A.M. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

- D. Receive and file the minutes of the October 6, 2015 Senior Center Advisory Board meeting and the May 13, 2015 Library Advisory Board meeting.

Upon a motion by Councilmember Calvin, seconded by Councilmember McDowell, the Council voted to receive and file the minutes of the October 6, 2015 Senior Center Advisory Board meeting and the May 13, 2015 Library Advisory Board meeting. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

- E. Approve the application for a Special Designated Liquor License submitted by Schmick's Market Inc, Liquor License #IDK-084561, for a dance and reception to be held at the Red Willow County Fairgrounds Community Building, 1412 West 5th Street, on November 28, 2015 from 4:00 P.M. to 11:59 P.M.

Upon a motion by Councilmember Calvin, seconded by Councilmember McDowell, the Council

voted to approve the application for a Special Designated Liquor License submitted by Schmick's Market Inc, Liquor License #IDK-084561, for a dance and reception to be held at the Red Willow County Fairgrounds Community Building, 1412 West 5th Street, on November 28, 2015 from 4:00 P.M. to 11:59 P.M. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

F. Approve drawings and specifications for Downtown Improvements and set date to receive bids as December 14, 2015 at 2:00 P.M.

Upon a motion by Councilmember Calvin, seconded by Councilmember McDowell, the Council voted to approve drawings and specifications for Downtown Improvements and set date to receive bids as December 14, 2015 at 2:00 P.M. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

G. Authorize Great Plains Communications to occupy city right-of-way for the installation of underground fiber optic cable and coax cable and authorize the Mayor to sign the Application to Occupy Right of Way.

Upon a motion by Councilmember Calvin, seconded by Councilmember McDowell, the Council voted to authorize Great Plains Communications to occupy city right-of-way for the installation of underground fiber optic cable and coax cable and authorize the Mayor to sign the Application to Occupy Right of Way. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

H. Recommend approval to the Nebraska Liquor Control Commission the Application for Reconstruction to Liquor License submitted by Casey's General Store #2291, 704 West "B" Street, which holds License #B-050367, increasing size of one story building approximately 40' X 68' to a one story building approximately 40' x 83'.

Upon a motion by Councilmember Calvin, seconded by Councilmember McDowell, the Council voted to recommend approval to the Nebraska Liquor Control Commission the Application for Reconstruction to Liquor License submitted by Casey's General Store #2291, 704 West "B" Street, which holds License #B-050367, increasing size of one story building approximately 40' x 68' to a one story building approximately 40' x 83'. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

I. Approve the application for a Special Designated Liquor License submitted by Schmick's Market Inc, Liquor License #IDK-084561, for a dance and reception to be held at the Red Willow County Fairgrounds Community Building, 1412 West 5th Street, on December 19, 2015 from 4:00 P.M. to 11:59 P.M.

Upon a motion by Councilmember Calvin, seconded by Councilmember McDowell, the Council voted to approve the application for a Special Designated Liquor License submitted by Schmick's Market Inc, Liquor License #IDK-084561, for a dance and reception to be held at the Red Willow County Fairgrounds Community Building, 1412 West 5th Street, on December 19, 2015

from 4:00 P.M. to 11:59 P.M. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

- J. Approve the McCook Area Chamber of Commerce request to conduct the Annual Christmas Light Parade at 6:00 P.M. on December 5, 2015, the flying in of Santa Claus at McCook Ben Nelson Regional Airport at 10:00 A.M., and the use of a fire truck for Santa's Transportation in the parade.

Upon a motion by Councilmember Calvin, seconded by Councilmember McDowell, the Council voted to approve the McCook Area Chamber of Commerce request to conduct the Annual Christmas Light Parade at 6:00 P.M. on December 5, 2015, the flying in of Santa Claus at McCook Ben Nelson Regional Airport at 10:00 A.M., and the use of a fire truck for Santa's Transportation in the parade. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

5. Regular Agenda.

- 4B. Approve a Memorandum of Understanding with Mid-Plains Community College providing for the one-time payment of \$1,000 to the City of McCook for skatepark purposes.

Upon a motion by Councilmember Calvin, seconded by Councilmember Weedin, the Council voted to approve a Memorandum of Understanding with Mid-Plains Community College providing for the one-time payment of \$1,000 to the City of McCook for skatepark purposes. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

- A. Review and approve an agreement with Bryan and Ami Hauxwell regarding a cattle operation existing on Road 388, east of the City of McCook's corporate boundary and within the two mile extraterritorial jurisdiction.

City Manager Schneider reviewed the proposed agreement with Bryan and Ami Hauxwell.

Ms. Hauxwell stated that they are now certified with the State of Nebraska as a medium operator.

Upon a motion by Councilmember Weedin, seconded by Councilmember McDowell, the Council voted to approve the agreement with Bryan and Ami Hauxwell regarding a cattle operation existing on Road 388, east of the City of McCook's corporate boundary and within the two mile extraterritorial jurisdiction. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

- B. Council Comments.

Councilmember Calvin requested that Section 113.02, Subsection 3, regarding the parking of trailers be brought before the Council for review.

- **Adjournment.**

There being no further business to come before the Council, Mayor Gonzales declared the meeting adjourned at 7:30 P.M.

Michael D. Gonzales, Mayor

ATTEST:

Lea Ann Doak, City Clerk