

McCook City Council
November 20, 2017
6:30 PM Central

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, Weedin.

Absent: None.

City Officials present: City Manager Schneider, City Attorney Mustion, City Clerk Doak, Chief of Police Brown, Utilities Director Dutcher, Fire Chief Harpham, 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 November 16, 2017, 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.

5. Citizen's Comments

No one was present for Citizen's Comments.

6. Announcements & Recognitions.

There were no announcements or recognitions.

7. Public Hearings.

7.A. Public Hearing - Regarding the approval of a redevelopment plan amendment to the Clary Village Redevelopment Plan.

I move to recess as a City Council and convene a public hearing for the purpose of receiving public comment on approval of a redevelopment plan amendment to the Clary Village Redevelopment Plan with the City Attorney to act as hearing officer. This motion, made by Councilmember Weedin and seconded by Councilmember Calvin, passed.

Gonzales: YEA, Hepp: YEA, Calvin: YEA, McDowell: YEA, Weedin: YEA
YEA: 5, NAY: 0

The City Attorney offered and received into evidence Exhibit #1 - the City Manager's Report dated November 20, 2017 (2 pages); Exhibit #2 - Notice of Hearing published (1 page); Exhibit #3 - required letters mailed to public agencies (8 pages); Exhibit #4 - Amended Redevelopment Plan (17

pages); Exhibit #5 - City Manager's Report prepared for the November 13, 2017 Planning Commission meeting (1 page); Exhibit #6 - Planning Commission Resolution No. 2017-03 (3 pages); and Exhibit #7 - minutes of the November 13, 2017 Planning Commission meeting (2 pages).

City Manager Schneider reviewed the following information presented in the City Manager's Report: "In February of 2015, a redevelopment plan was approved for the Clary Village Redevelopment Area, with the underlying goal of the plan to strengthen the Redevelopment Area by developing duplex housing units for low income households. The project was named the Clary Village Redevelopment Project.

The plan was approved and the project was completed. There was a portion of ground included in the Redevelopment Area that was not used to construct duplexes pursuant to the 2015 redevelopment plan. The property that was left undeveloped is located on the southeast corner of the Redevelopment Area. In 2017, the McCook Economic Development Corporation sold the lots to Jay and Susan Hancock. The Hancock's recently subdivided the lots to develop additional duplex units. Construction on the first duplex unit began a few months ago. The duplex units will be privately owned and are not subject to the Clary Village redevelopment contract/plan. In order to make sure the valuation increases attributable to the Hancock project/property improvements are not included for Tax Increment Financing purposes, and subsequently utilized to retire the bonded indebtedness associated with the TIF bond issue, an amended redevelopment plan must be approved. By doing so, Jay and Susan Hancock's lots (and improvements) will not be included in the Clary Village Redevelopment Area, and the real property taxes collected on the Hancock lots will be directed to the appropriate local taxing authorities as opposed to the MEDC, owner of the TIF bonds issued as part of the project.

At the November 13, 2017 planning commission meeting, the matter was discussed. A resolution was unanimously approved to recommend approval of a redevelopment plan amendment."

There being no one else present to comment, I move to adjourn the public hearing and to reconvene as a City Council. This motion, made by Councilmember Calvin and seconded by Councilmember Hepp, passed.

Gonzales: YEA, Hepp: YEA, Calvin: YEA, McDowell: YEA, Weedon: YEA
YEA: 5, NAY: 0

7.B. Public Hearing - Regarding the approval of a redevelopment plan and redevelopment contract amendment to the Keystone Hotel Project.

I move to recess as a City Council and convene a public hearing for the purpose of receiving public comment on the approval of a redevelopment plan and redevelopment contract amendment to the Keystone Hotel Project with the City Attorney to act as hearing officer. This motion, made by Councilmember Weedon and seconded by Councilmember Calvin, passed.

Gonzales: YEA, Hepp: YEA, Calvin: YEA, McDowell: YEA, Weedon: YEA
YEA: 5, NAY: 0

The City Attorney offered and received into evidence Exhibit #1 - the City Manager's Report dated November 20, 2017 (2 pages); Exhibit #2 - Notice of Hearing published (1 page); Exhibit #3 - required letters mailed to public agencies (5 pages); Exhibit #4 - map indicating area to be removed from the Keystone Redevelopment Area (1 page); Exhibit #5 - Amendment to Description of Project and Developers Redevelopment Plan for Keystone Hotel Project (1 page); Exhibit #6 - First

Amendment to Redevelopment Contract (2 pages).

City Manager Schneider reviewed the following information presented in the City Manager's Report: "In 2009, a Redevelopment Contract and a Redevelopment Plan were approved, paving the way for a TIF bond issue relative to the Keystone Hotel Project. There were five lots included in the Redevelopment Area; Lots 8, 9, 10, 11, and 12 of Block 9, Original Town of McCook. The Keystone Hotel sits on Lots 10, 11, and 12. The actual improvements associated with the Keystone Hotel Project actually occurred on these three lots. The parking lot is located on Lots 8 and 9. No improvements occurred to the parking lot. The valuation of Lots 10, 11, and 12 increased due to the improvements made to the Keystone Hotel. The valuation of Lots 8 and 9 were unaffected by the Keystone Hotel improvements.

The Norris Alley Project sponsors have expressed an interest in developing Lots 8 and 9. Before these lots can be improved, they must be divided from the Keystone Hotel Project Area in order to ensure valuation increases attributable to the Norris Alley Project don't result in additional, unintended TIF revenue for the MEDC. The only improvement contemplated in the Keystone Redevelopment Plan and Contract was directly related to the hotel refurbishment. Any property tax growth that occurs as a result of valuation increases to Lots 8 and 9 should be directed to the appropriate taxing authorities.

The amendments offered tonight will serve to direct taxes on Lots 8 and 9 to the appropriate entities."

There being no one else present to comment, I move to adjourn the public hearing and to reconvene as a City Council. This motion, made by Jerry Calvin and seconded by Janet Hepp, passed.
Gonzales: YEA, Hepp: YEA, Calvin: YEA, McDowell: YEA, Weedon: YEA
YEA: 5, NAY: 0

8. Meeting of the McCook Community Development Agency.

I move to recess as a City Council and to convene as the McCook Community Development Agency for consideration of the CDA Agenda at 6:43 o'clock P.M.. This motion, made by Mike Gonzales and seconded by Bruce McDowell, passed.
Gonzales: YEA, Hepp: YEA, Calvin: YEA, McDowell: YEA, Weedon: YEA
YEA: 5, NAY: 0

- 8.A. Call to Order and Roll Call.
- 8.B. Open Meetings Act Announcement.

A meeting of the Mayor and City Council of the City of McCook, Nebraska, acting as the governing body of the Community Development Agency of the City of McCook, Nebraska was convened in open and public session at 6:43 o'clock p.m. on November 20, 2017, at the McCook Municipal Center in McCook, Nebraska. Agency Members present were: Gonzales, Hepp, Calvin, McDowell, Weedon. Absent: None. Notice of the meeting was given in advance thereof by publication, one of the City's designated methods for giving notice, a copy of the proof of publication being attached to these minutes. Advanced notice of the meeting was given to each member of the Agency and a copy of their acknowledgment of receipt of notice and the agenda is attached to these minutes. Availability of the agenda was communicated in the advance notice and in the notice to the Mayor and all members of the Council. Mayor Gonzales presided and City Clerk Doak recorded the proceedings. All proceedings hereafter shown were taken while the meeting was open to the

attendance of the public. The Mayor publicly stated to all in attendance that a current copy of the Nebraska Open Meetings Act was available for review and indicated the location of such copy posted in the room where the meeting was being held.

8.C. Approve minutes of the May 15, 2017 Community Development Agency regular meeting.

I move to approve minutes of the May 15, 2017 Community Development Agency regular meeting. This motion, made by Agency Member Calvin and seconded by Agency Member Hepp, passed.
Gonzales: YEA, Hepp: YEA, Calvin: YEA, McDowell: YEA, Weedin: YEA
YEA: 5, NAY: 0

8.D. Adopt Resolution No. CDA 2017-04 recommending approval to the McCook City Council of an Amended Redevelopment Plan (Clary Village Project) of the City of McCook, Nebraska; approval of a Redevelopment Project of the City of McCook, Nebraska; and approval of related actions.

I move to adopt Resolution No. CDA 2017-04 recommending approval to the McCook City Council of an Amended Redevelopment Plan (Clary Village Project) of the City of McCook, Nebraska; approval of a Redevelopment Project of the City of McCook, Nebraska; and approval of related actions. This motion, made by Agency Member Hepp and seconded by Agency Member Calvin, passed.
Gonzales: YEA, Hepp: YEA, Calvin: YEA, McDowell: YEA, Weedin: YEA
YEA: 5, NAY: 0

8.E. Adopt Resolution No. CDA 2017-05, amending the Redevelopment Plan and providing for a First Amendment to the Redevelopment Contract for the Keystone Hotel Redevelopment Project.

I move to adopt Resolution No. CDA 2017-05, amending the Redevelopment Plan and providing for a First Amendment to the Redevelopment Contract for the Keystone Hotel Redevelopment Project. This motion, made by Agency Member Weedin and seconded by Agency Member Hepp, passed.
Gonzales: YEA, Hepp: YEA, Calvin: YEA, McDowell: YEA, Weedin: YEA
YEA: 5, NAY: 0

8.F. Adjournment of Community Development Agency meeting.

I move to adjourn the meeting of the McCook Community Development Agency at 6:45 o'clock P.M. and reconvene as the McCook City Council. This motion, made by Agency Member Gonzales and seconded by Agency Member McDowell, passed.
Gonzales: YEA, Hepp: YEA, Calvin: YEA, McDowell: YEA, Weedin: YEA
YEA: 5, NAY: 0

9. Public Hearing Action Items.

9.A. Adopt Resolution No. 2017-10 approving an amended Redevelopment Plan Clary Village Project; approving a Redevelopment Project; and approving of related actions.

I move to adopt Resolution No. 2017-10 approving an amended Redevelopment Plan Clary Village Project; approving a Redevelopment Project; and approving of related actions. This motion, made

by Councilmember Calvin and seconded by Councilmember Hepp, passed.

Gonzales: YEA, Hepp: YEA, Calvin: YEA, McDowell: YEA, Weedin: YEA
YEA: 5, NAY: 0

9.B. Adopt Resolution No. 2017-11 amending the Redevelopment Plan and providing a First Amendment to the Redevelopment Contract for the Keystone Hotel Redevelopment Project.

I move to adopt Resolution No. 2017-11 amending the Redevelopment Plan and providing a First Amendment to the Redevelopment Contract for the Keystone Hotel Redevelopment Project. This motion, made by Councilmember Weedin and seconded by Councilmember Calvin, passed.

Gonzales: YEA, Hepp: YEA, Calvin: YEA, McDowell: YEA, Weedin: YEA
YEA: 5, NAY: 0

10. Consent Agenda

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

Gonzales: YEA, Hepp: YEA, Calvin: YEA, McDowell: YEA, Weedin: YEA
YEA: 5, NAY: 0

10.A. Approve the minutes of the November 6, 2017 regular City Council meeting.

10.B. Receive the minutes of the October 11, 2017 Library Advisory Board meeting and the November 13, 2017 Planning Commission meeting.

10.C. Approve the McCook Area Chamber of Commerce request to conduct the Annual Christmas Light Parade at 6:30 P.M. on December 1, 2017, the flying in of Santa Claus at McCook Ben Nelson Regional Airport at 10:00 A.M. on December 2, 2017, and the participation of the Fire and Police Departments with the parade.

10.D. Approve the application for a Special Designated Liquor License submitted by Val Dean Fuller, Liquor License #IB-104634, for a Valmont Christmas party to be held at the Red Willow County Fairgrounds Community Building, 1412 West 5th Street (1400 Block West 5th Street), December 9, 2017 from 5:00 P.M. to 1:00 A.M.

10.E. Approve the application for a Special Designated Liquor License submitted by Loop Brewing Company, Liquor License #LK-093351, for a Holiday Party to be held at the Peter & Dolores Graff Events Center, 401 East "M" Street, on December 16, 2017 from 4:00 P.M. to 1:00 A.M.

10.F. Approve the application for Century Link to occupy city right-of-way for the purpose of installing an underground fiber optic cable and authorize the Mayor to sign the application.

10.G. Approve the recommendation of the Fuel Contract Advisory Committee to continue the Fuel Purchase Agreement, for Calendar Year 2018, with Frenchman Valley Cooperative, Inc., to purchase fuel for government vehicles.

10.H. Receive and file the claims for the month of October 2017 as published November 8, 2017.

- 10.I. Award the bid for one (1) new Police Package Vehicle for use by the Police Department to Deveny Motors, in the amount of \$21,372.
- 10.J. Approve the application for a Special Designated Liquor License submitted by the McCook Economic Development Corporation for the New Year's Eve Fundraiser to be held at the McCook Municipal Auditorium, 302 West 5th Street, on December 31, 2017 from 8:00 A.M. to 2:00 A.M.

11. Regular Agenda.

- 11.A. Receive, file, and discuss a presentation from Engineering International regarding the McCook City Auditorium.

Receive and file a presentation from Engineering International regarding the McCook City Auditorium. This motion, made by Councilmember Calvin and seconded by Councilmember Weedon, passed.

Gonzales: YEA, Hepp: YEA, Calvin: YEA, McDowell: YEA, Weedon: YEA
YEA: 5, NAY: 0

- 11.B. Approve Ordinance No. 2017-2959 providing for the modification of Zoning Ordinance No. 2016-2929, by amending Article 14 - Highway Commercial District (HC), Section 1402 - Permitted Principal Uses and Structures, allowing existing single family dwellings upon its third and final reading.

Mayor Gonzales asked that the Clerk read Ordinance No. 2017-2959 by title upon its second reading. The Clerk read the Ordinance by title:

AN ORDINANCE OF THE CITY OF MCCOOK, NEBRASKA PROVIDING FOR THE AMENDMENT OF MCCOOK ZONING ORDINANCE NO. 2016-2929, AMENDING ARTICLE 14 - HIGHWAY COMMERCIAL DISTRICT (HC), SECTION 1402 - PERMITTED PRINCIPAL USES AND STRUCTURES; PROVIDING FOR THE REPEAL OF ANY AND ALL ORDINANCES IN CONFLICT HERewith; AND PROVIDING A TIME AND DATE FROM AND AFTER WHICH THIS ORDINANCE SHALL TAKE EFFECT AND BE ENFORCED.

Ordinance No. 2017-2959 was read by title only.

Ordinance No. 2016-2959 was read by title only and thereafter Councilmember Hepp moved for final passage of the Ordinance, which motion was seconded by Councilmember Calvin. The Mayor then stated the question: "Shall Ordinance No. 2016-2959 be passed and adopted?" Motion passed.

Gonzales: YEA, Hepp: YEA, Calvin: YEA, McDowell: YEA, Weedon: YEA
YEA: 5, NAY: 0

The passage and adoption of said Ordinance having been concurred in by a majority of the Council, the Mayor declared the Ordinance lawfully passed and adopted upon publication as required by law.

11.C Council Comments.

Councilmember Weedon gave an update on ACE and the 20th anniversary of the Choice Gas Selection which is scheduled for April 13 - 26.

12. Adjournment.

There being no further business to come before the Council, Mayor Gonzales declared the meeting adjourned at 7:32 P.M.

Michael D. Gonzales, Mayor

ATTEST:

Lea Ann Doak, City Clerk-Treasurer