

MCCOOK CITY COUNCIL

REGULAR MEETING

**Wednesday, August 24, 2022
12:00 PM - City Council Chambers**

Roll Call.

Excuse Absences.

Open Meetings Act Announcement.

Call to Order.

Items.

1. Regular Agenda.

- A. Ratify the adoption of Resolution No. 2022-05, approving an Interlocal Cooperation Agreement between the City of McCook and Red Willow County School District 0017 for the purpose of cooperating in the construction of certain recreational facilities in and for the benefit of the City of McCook and its residents and for the benefit of the Red Willow County School District 0017 and its students.

Adjournment.

**CITY MANAGER'S REPORT
AUGUST 24, 2022 MCCOOK CITY COUNCIL MEETING**

ITEM NO. __ Ratify the adoption of Resolution 2022-05, approving an Interlocal Cooperation Agreement between the City of McCook and Red Willow County School District 0017 for the purpose of cooperating in the construction of certain recreational facilities in and for the benefit of the City of McCook and its residents and for the benefit of the Red Willow County School District 0017 and its students..

BACKGROUND:

This item is a clean up matter. At the August 1, 2022 City Council meeting, the Council adopted Resolution 2022-05 which established an Interlocal Cooperation Agreement between the City of McCook and Red Willow County School District 0017 for the purpose of cooperating in the construction of recreational facilities to benefit the City of McCook's residents, primarily the School District's students.

Upon staff review of prior actions to assure compliance with state and local law, staff discovered the notice for the Resolution was not published in the McCook Gazette as required. It was an accidental oversight by city staff. It is important to correct the publication issue to assure compliance with the corresponding laws. Staff would like for the Council to ratify the adoption of Resolution 2022-05. For reference, publication for this particular ratification item occurred on August 19, 2022 in the McCook Gazette which satisfies state and local law requirements.

APPROVALS:



Nathan A. Schneider, City Manager

August 22, 2022



Lea Ann Doak, City Clerk

August 22, 2022

RESOLUTION RECORD

CITY OF MCCOOK

RESOLUTION NO. 2022-05

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF MCCOOK, NEBRASKA APPROVING AN INTERLOCAL COOPERATION AGREEMENT WITH RED WILLOW COUNTY SCHOOL DISTRICT 0017 (MCCOOK PUBLIC SCHOOLS) RELATED TO RECREATIONAL FACILITIES.

WHEREAS, Article XV, Section 18 of the Constitution of the State of Nebraska and the Interlocal Cooperation Act (Chapter 13, Article 8, Reissue Revised Statutes of Nebraska, as amended, the "Interlocal Act") authorize any two or more public agencies to exercise jointly any power or powers, privileges or authority exercised or capable of exercise by any of the participating public agencies, and to enter into agreements with one another for such purposes.

WHEREAS, each of the City and Red Willow County School District 0017 (the "District"; and the City and the District each referred to as a "Party" and, collectively, the "Parties") is a "public agency" as defined in the Interlocal Act.

WHEREAS, each Party deems it necessary, desirable, advisable and in its best interest to enter into an interlocal agreement between the City and the District (the "Agreement") related to public infrastructure projects, which are expected to include swimming pool and ballpark facilities (the "Projects").

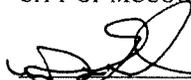
WHEREAS, each Party desires to enter into the Agreement to (i) create a separate administrative committee relating to the Projects, which are public infrastructure projects, and (ii) include provisions, including benchmarks, relating to the long-term development of such public infrastructure projects between the Parties.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of McCook, Nebraska, that the City shall enter into an Interlocal Cooperation Agreement with Red Willow County School District 0017 (McCook Public Schools), and the Mayor and City Clerk be and they are hereby authorized to execute on behalf of the City said Agreement in substantially the form presented but with any changes as such officers shall deem appropriate for and on behalf of the City.

This resolution shall be in full force and take effect from and after adoption as provided by law.

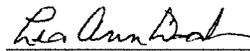
PASSED AND APPROVED THIS 1ST DAY OF AUGUST, 2022.

CITY OF MCCOOK, NEBRASKA



Michael D. Gonzales, Mayor

ATTEST:



Lea Ann Doak, City Clerk

AN INTERLOCAL COOPERATION AGREEMENT BETWEEN

THE CITY OF MCCOOK

AND

**RED WILLOW COUNTY SCHOOL DISTRICT 0017
(MCCOOK PUBLIC SCHOOLS)**

This agreement is made and entered into upon execution hereof by and between the City of McCook, Nebraska (the "City"), and Red Willow County School District 0017 (McCook Public Schools) (the "District"), both political subdivisions of the State of Nebraska.

WHEREAS, the State of Nebraska legislature, under Statute Number 13-801 et. Seq, the Interlocal Cooperation Act, allows interlocal agreements between governmental entities; and,

WHEREAS, the City and the District wish to cooperate in the construction of certain recreational facilities in and for the benefit of the City and its residents and for the benefit of the District and its students;

NOW THEREFORE, in consideration of the mutual promises and benefits to accrue to both Parties hereto, the City and District agree as follows:

1. The City agrees that it shall construct recreational facilities for use by the community of McCook, which are expected to include swimming pool and ballpark facilities (the "Project"), to the extent sales tax revenues and other funds are available for such purposes as described in Section 4 below.

2. The City and the District agree to hold annual meetings each year, prior to the September 30th fiscal year end of the City. The official participants in such meetings will consist of no more than three representatives appointed by the City Council, and two representatives appointed by the Board of Education of the District to discuss the operations of the Project.

3. The representatives appointed by the City and the District to attend the annual meeting shall constitute the "The McCook Community Recreation Facilities Committee". The Committee shall (a) evaluate and discuss the proposed schedules for use of the Project by various parties, which may include the District, (b) discuss the status and functionality of the Project and any other recreation facilities of the City and District which may affect use of the Project, (c) review and provide input and advice with respect to any additional recreational facilities of the City and District which may impact use of the Project, and (d) for purposes of Neb. Rev. Stat. Section 77-27,142(3) shall be a separate administrative entity relating to a public infrastructure project, as defined in Neb. Rev. Stat. Section 77-27,142(2) and including without limitation the unified governance of the Project and other recreation facilities of the City. Said Committee shall be created and come into existence effective September 1, 2022. Such committee shall be responsible for evaluating and making recommendations for long term development of unified governance of said public infrastructure Project with respect to the City and District, and at least every five years after this Agreement is entered into such Committee shall review performance of the Project, including without limitation capital and operating costs, effectiveness and efficiencies, with comparable facilities of the City or District, in addition to any other benchmarks periodically established by the Committee or Nebraska Legislature.

4. The City agrees to call an election at the Statewide general election to be held November 8, 2022, to increase the local sales and use tax rate of the City by one-half of one percent (0.50%) in order to provide partial funding of the Project, with additional funding expected to come from fundraising and

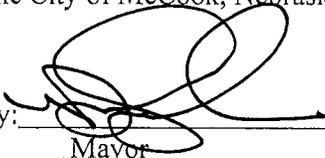
other sources. The term of this Agreement shall be ten (10) years from its effective date and thereafter from year-to year unless terminated on an anniversary date thereof by at least three (3) years prior written notice given by either Party to the other. Notice to terminate this Agreement can be given by either Party any time after the third (3) year of the original ten (10) year term.

5. Notwithstanding anything herein to the contrary, (a) as between the District and the City, the Project shall be owned or controlled by the City and the City shall bear all operational and maintenance responsibility with respect to the Project; (b) the separate administrative entity created hereunder shall have no authority to issue bonds, and any financing of the Project by the City shall in no way be attributable to the District; (c) the District and City shall agree separately with respect to liability of the District for any use of the Project by the District from time to time.

6. This agreement may be amended by a majority vote of the elected bodies of the City and the District after the completion of the first year of the agreement. It is expressly understood and agreed by and between the parties hereto that this agreement shall continue in full force and effect until it is amended, replaced, or terminated by a majority vote of the elected City Council of the City and Board of Education of the District.

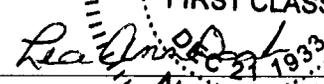
IN WITNESS WHEREOF, the parties did execute this Agreement as of the ___ day of _____, 2022.

The City of McCook, Nebraska

By: 

Mayor

Attest:

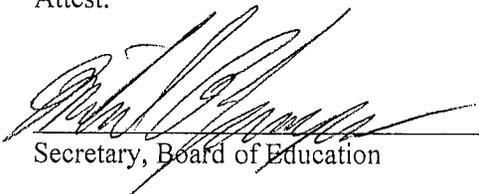
City Clerk

Red Willow County School District 0017
(McCook Public Schools)

By: 

President, Board of Education

Attest:



Secretary, Board of Education