

MCCOOK CITY COUNCIL

REGULAR MEETING

**Wednesday, May 15, 2024
12:00 PM - City Council Chambers**

Roll Call.

Excuse Absences.

Open Meetings Act Announcement.

Call to Order.

Items.

1. Regular Agenda.

- A. 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 real estate purchase for Sports Complex.
 - 1. Nebraska Open Meetings Act statement, if the motion to close passes.
 - 2. Close Executive Session.
- B. Authorize City of McCook staff to negotiate a purchase agreement with John Walters to purchase property legally described as Part of the Northwest Quarter (NW1/4) Northwest Quarter (NW1/4), Northeast Quarter (NE1/4) Northwest Quarter (NW1/4); Southwest Quarter (SW1/4) Northwest Quarter (NW1/4); and part of the Southeast Quarter (SE1/4) Northwest (NW), Section Nineteen (19), Township Three (3), Range Twenty-nine (29), West of the 6th P.M., Red Willow County, Nebraska, said real estate to be used for public infrastructure projects, which shall include ballpark facilities.

Adjournment.

**CITY MANAGER'S REPORT
MAY 15, 2024 MCCOOK CITY COUNCIL SPECIAL MEETING**

ITEM NO. 1. **B.** Authorize City of McCook staff to negotiate a purchase agreement with John Walters to purchase property legally described as Part of the Northwest Quarter (NW1/4) Northwest Quarter (NW1/4), Northeast Quarter (NE1/4) Northwest Quarter (NW1/4); Southwest Quarter (SW1/4) Northwest Quarter (NW1/4); and part of the Southeast Quarter (SE1/4) Northwest (NW), Section Nineteen (19), Township Three (3), Range Twenty-nine (29), West of the 6th P.M., Red Willow County, Nebraska, said real estate to be used for public infrastructure projects, which shall include ballpark facilities.

BACKGROUND:

Specific authorization is necessary for City staff to begin negotiating a purchase agreement with John Walters for the purchase of property located in the Northwest Quarter of Section 19, Township 3, Range 29, West of the 6th P.M., Red Willow County, Nebraska. It is proposed that a portion of the property at issue serve as the location for a new ballpark facility as mandated by the November 8, 2022 ballot question approved by City of McCook's citizens.

A presentation will be provided at the special meeting detailing the steps taken by the City of McCook to implement the ballot question.

APPROVALS:



Nathan A. Schneider, City Manager

May 14, 2024



Lea Ann Doak, City Clerk

May 14, 2024



Tera Koetter, Assistant City Manager

May 14, 2024



Kyle Potthoff, Public Works Director

May 14, 2024

RESOLUTION NO. 2022-07

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF MCCOOK, NEBRASKA, PLACING A BALLOT QUESTION ON THE BALLOT FOR THE STATEWIDE GENERAL ELECTION ON NOVEMBER 8, 2022, TO APPROVE AN INCREASE IN THE LOCAL OPTION SALES AND USE TAX BY AN ADDITIONAL ONE-HALF OF ONE PERCENT.

WHEREAS, the City of McCook (the "City") has imposed a local sales and use tax at a current rate of one and one-half percent (1.50%) pursuant to Nebraska Revised Statute § 77-27,142; and

WHEREAS, upon affirmative vote of at least 70% of the members of the City Council of the City, the Nebraska Local Option Revenue Act (Nebraska Revised Statutes § 77-27,142, *et seq.*) authorizes the City to submit to voters at a general election held within the City a proposal to approve a modification of the existing City sales and use tax to a rate greater than one and one-half percent (1.50%); and

WHEREAS, the City Council finds that it is necessary to fund the costs of public infrastructure projects, which shall include swimming pool and ballpark facilities, (the "Facilities") by increasing the sales and use tax by one-half of one percent (0.50%) (the "Additional Sales Tax") to a rate of two percent (2.00%); and

WHEREAS, the Facilities are expected to improve the health and well-being of the citizens of McCook, provide recreational programming for the community, be available for use by the general public at rates and fees set by or at the direction of the City Council, and generally enhance economic development for the City; and

WHEREAS, no reductions or elimination of other taxes or fees are expected to result from the imposition of the Additional Sales Tax, and no savings or efficiencies are expected to result from the Facilities.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of McCook, Nebraska:

Section 1. That at the statewide general election to be held on Tuesday, November 8, 2022, there shall be submitted to a vote of the qualified electors of the City of McCook, Nebraska, for adoption or rejection, the following ballot question:

BALLOT QUESTION

Shall the City Council of the City of McCook, Nebraska, increase the local sales and use tax rate by one-half of one percent (0.50%) upon the same transactions within the City of McCook on which the State of Nebraska is authorized to impose a tax, with all revenues generated by the additional one-half percent (0.5%) to be used for public infrastructure projects under the following terms and conditions?

- (1) Use of Additional Sales Tax. Revenues generated by the additional one-half of one percent (0.50%) shall be used to pay the costs to construct, acquire, improve, furnish, and equip public infrastructure projects, which shall include swimming pool and ballpark facilities.
- (2) Expiration of Tax Rate Change. The increased sales and use tax rate will be implemented and related revenues collected beginning as soon as practicable after voter approval and

continuing for a period of ten (10) years, unless bonds are issued with some or all of the additional revenues pledged for payment of such bonds, in which case the increased sales and use tax rate will remain in effect and additional revenues will be collected until payment in full of such bonds and any refunding bonds.

- (3) Interlocal Agreement. The City of McCook and Red Willow County School District 0017 have entered into an Interlocal Agreement for the long-term development of unified governance of public infrastructure projects in the City. Additional revenue collected from the additional one-half percent (0.5%) sales and use tax will not be used for the purposes of such Interlocal Agreement, but will be used for the public infrastructure projects of the City of McCook as described above.

VOTE FOR or AGAINST

- I vote FOR authorizing an increase of one-half percent (.5%) in the City of McCook's local sales and use tax under such terms and conditions
- I vote AGAINST authorizing an increase of one-half percent (.5%) in the City of McCook's local sales and use tax under such terms and conditions

If a majority of the votes cast upon such question shall be in favor, then the governing body of the City of McCook shall be empowered as provided by Section 77-27,142 to levy said sales and use tax and shall proceed to impose a tax pursuant to the Local Option Revenue Act. If a majority of those voting on the question shall be opposed to such tax, then the governing body of the City of McCook shall not impose such sales and use tax.

Section 2. The City Clerk of the City shall be and hereby is authorized and directed to certify a copy of this Resolution to the County Clerk/Election Commissioner of Red Willow County not later than September 1, 2022, who shall designate polling places and determine voting procedures as set out in the Election Act, appoint the election officials and otherwise conduct the election as provided by law. The City does hereby agree to reimburse said County for the expenses of conducting the election. As required by the Election Act, the County Clerk/Election Commissioner shall provide for publication of the Notice of Election in a newspaper designated by the County Clerk/Election Commissioner no later than forty-two (42) days prior to the day of said election.

Section 3. The form of ballot and form of notice of said election shall be substantially in the form submitted to this meeting, a copy of which forms shall be made a part of the minutes. The City Clerk is hereby authorized and directed, in conjunction with the County Clerk/Election Commissioner conducting the election, to arrange for the printing of the necessary ballots for said election and to do all other things and take all other action appropriate or necessary in order to cause said proposition to be submitted to the qualified electors of the City as above provided.

PASSED AND APPROVED THIS 15TH DAY OF AUGUST, 2022.

CITY OF MCCOOK, NEBRASKA

Michael D. Gonzales, Mayor

ATTEST:

Lea Ann Doak, City Clerk