

MCCOOK CITY COUNCIL

REGULAR MEETING

Monday, February 3, 2020
5:30 PM - City Council Chambers

Call to Order and Roll Call.

Open Meetings Act Announcement.

Rationale:

**A copy of the Open Meetings Act is posted by the entrance to the Council Chambers and is available for public review.*

Invocation - McCook Ministerial Association - Daniel Freeman, Church of Christ.

Rationale:

The McCook Ministerial Association -
Pledge of Allegiance.

Items.

1. Citizen's Comments.

Rationale:

2. **The Council welcomes your input. You may address the Council at this time on items that are not on tonight's agenda. According to Nebraska Open Meeting Laws no action may be taken by Council.*

3. *At the appropriate time during the meeting, citizens wishing to comment on tonight's Agenda items will be given an opportunity.*

4. Announcements & Recognitions.

5. Presentation.

A. Accept the Financial Statements and Supplemental Information for Fiscal Year ending September 30, 2019 prepared by Almquist, Maltzahn, Galloway, & Luth, Certified Public Accountants.

6. Consent Agenda.

Rationale:

7. **The Consent Agenda is approved on one motion. Any item listed on the Consent Agenda may, by the request of any single Council member of public in attendance, be considered as a separate item under the Regular Agenda.*
- A. Approve the minutes of the January 20, 2020 regular City Council meeting.
 - B. Receive and file the Financial Report for the period ending December 31, 2019.
 - C. Receive and file report of equipment purchases financed by the City of McCook.
 - D. Authorize the Mayor to sign the Environment Review for the McCook Housing Agency 2020-2025 Improvements.
 - E. Approve the application for a Special Designated Liquor License submitted by the City of McCook for the Employee Recognition Banquet to be held at the McCook Municipal Auditorium, 302 West 5th Street, on March 13, 2020 from 8:00 A.M. to 11:59 P.M.
 - F. Ratify Addendum #2 and #3 of the Specification Book, modifying the McCook Public Library HVAC Replacement bid receipt date to February 4, 2020; modifying the hot water hose kit specification to include a 3-way valve; and modifying the economizer model number to include JCI SSE Smart Controller.

8. Regular Agenda.

- A. Consider Ordinance No. 2020-2996 repealing in part and amending in part the City of McCook Code of Ordinances, Chapter 150: Building Codes and Regulations on its second reading.
 - 1. Chairperson asks Clerk to read Ordinance by title.
Rationale: The Chairpersons asks the Clerk to read Ordinance No. 2020-2996 by title.
 - 2. Consider approval of Ordinance No. 2020-2996 upon its second reading.
- B. Consider Ordinance No. 2020-2997 approving a Planned Development - Overlay District for the Replat of New Platted Lot 2, Block 1, Fifth Park View Subdivision to the City of McCook, Red Willow County, Nebraska on its second reading.
 - 1. Chairperson asks Clerk to read Ordinance by title.
Rationale: The Chairpersons asks the Clerk to read Ordinance No. 2020-2997 by title.
 - 2. Consider approval of Ordinance No. 2020-2997 upon its second reading.
- C. Council Comments.

Adjournment.

**CITY MANAGER'S REPORT
FEBRUARY 3, 2020 CITY COUNCIL MEETING**

ITEM: 3.A.

Accept the Financial Statements and Supplemental Information for Fiscal Year ending September 30, 2019 prepared by Almquist, Maltzahn, Galloway, & Luth, Certified Public Accountants.

BACKGROUND:

Joe Stump of Almquist, Maltzahn, Galloway, & Luth, Certified Public Accounts, will be present at the meeting to review the audit report and address any questions from the Council.

If you would like to review the report before Monday night, you may pick up a copy at the City Office.

**FISCAL
IMPACT:** None.

APPROVALS:



Lea Ann Doak, City Clerk-Treasurer

January 29, 2020



Nathan A. Schneider, City Manager

January 29, 2020

**CITY MANAGER'S REPORT
FEBRUARY 3, 2020 CITY COUNCIL MEETING**

ITEM: 4.A.

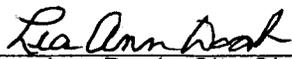
Approve the minutes of the January 20, 2020 regular City Council meeting.

BACKGROUND:

Receive and approve the minutes.

**FISCAL
IMPACT:** None.

APPROVALS:



Lea Ann Doak, City Clerk

January 29, 2020

McCook City Council
January 20, 2020
5:30 PM Central

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 Gonzales, Councilmembers Hepp, Calvin, Weedon.

Absent: Councilmember Muehlenkamp.

City Officials present: City Manager Schneider, City Attorney Mustion, City Clerk Doak, Police Chief Brown, Utilities Director Dutcher, Fire Chief Harpham, Building Inspector Mooney, 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 January 16, 2020, 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 Gonzales announced that a copy of the Open Meetings Act was posted by the entrance to the Council Chambers and available for public review. Jeff Donelan of McCook Evangelical Free Church provided the invocation. 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.

Dawson Brunswick, McCook Chamber of Commerce Director, thanked council members and city staff who attended the Governor's Town Hall meeting held this past week.

2. Announcements & Recognitions.

There were no announcements or recognitions.

3. Public Hearings.

- 3.A. Public Hearing - Application of Jay and Susan K. Hancock for a Planned Development for property located at: New Platted Lot 2, Block 1, Fifth Park View Subdivision; to the City of McCook, Red Willow County, Nebraska (a/k/a - property located south of Cheyenne Road, between Pawnee Drive and Seminole Drive.

Motion to recess as a City Council and convene a public hearing for the purpose of receiving public comment with respect to an application of Jay and Susan K. Hancock for a Planned Development for property located at: New Platted Lot 2, Block 1, Fifth Park View Subdivision; to the City of McCook, Red Willow County, Nebraska (a/k/a - property located south of Cheyenne Road, between Pawnee Drive and Seminole Drive, with the City Attorney to act as hearing officer. This motion, made by Calvin and seconded by Hepp, passed.

Gonzales: YEA, Hepp: YEA, Calvin: YEA, Weedon: YEA, Muehlenkamp: ABSENT.
YEA: 4, NAY: 0, ABSENT: 1

The City Attorney received into evidence Exhibit #1 - City Manager's Report prepared for the January 20, 2020 City Council meeting (2 pages), Exhibit #2 - Notice of Hearing published, posted, and mailed (1 page); Exhibit #3 - Ownership List for mailing notice (2 pages); Exhibit #4 - Application for Planned Development district Plan Approval Form and attachments (5 pages); Exhibit #5 - copy of Zoning Ordinance No. 2016-2929, Article 20 - Planned Development - Overlay District (3 pages); Exhibit #6 - copy of Zoning Ordinance No. 2016-2929, Article 24 - Special Exceptions (2 pages); Exhibit #7 - proposed Site Plans (7 pages); Exhibit #8 - proposed replat (1 page); Exhibit #9 - proposed plat of the Redevelopment Plan (2 pages); Exhibit #10 - City Manager's Report prepared for the January 13, 2020 Planning Commission meeting (2 pages); Exhibit #11 - minutes of the January 13, 2020 Planning Commission meeting (6 pages); Exhibit #12 - proposed Ordinance No. 2020-2997 (1 page); and Exhibit #13 - proposed Resolution No. 2020-01 (1 page).

City Manager Schneider reviewed the following information presented in Exhibit #1:

“The City of McCook has received an Application for Planned Development from Jay and Susan Hancock for property they own south of Cheyenne Rd., between Pawnee Drive and Seminole Drive. For reference, the property is located directly north of Our Savior's Lutheran Church. Mr. and Mrs. Hancock are proposing to build 6 duplexes at this location. Two duplexes would face Pawnee Drive, two duplexes would face Cheyenne Rd., and two duplexes would face Seminole Drive. Ultimately, Mr. and Mrs. Hancock want to sell each duplex unit as a separate residence, creating 12 distinct lots. The ownership style would be similar to a condominium property.”

“The property at issue is located in a Residential Medium Density District. The applicant is requesting a Planned Development due to the fact that the 12 proposed lots fail to meet the requirements for side yard setbacks, rear yard setbacks, and lot width criteria established for Residential Medium Density District properties. Article 20 of the City of McCook's Zoning Ordinance addresses these types of situations by allowing Planned Development - Overlay Districts. A Planned Unit Development is a development tool which provides for the development of an area when the overall design of a proposed development is so outstanding as to warrant modification of the standards contained within the Zoning Ordinance. In order for a Planned Development to be eligible under Article 20, the proposal must be: 1) in accordance with the comprehensive plans of the City; 2) composed of such uses and proportions that are most appropriate for the integrated functioning of the neighborhood; 3) designed in a way that the Planned Unit development fits in with the surrounding neighborhood; and 4) arranged to provide a minimum of 300 square feet of usable open space per dwelling unit. Recent examples of Planned Developments can be seen with East Ward Village and Quillan Courts.”

“Mr. and Mrs. Hancock's application falls under Section 2004 (1) of Article 20. Due to the nature of the application, the same review that is utilized for a special exception application shall be used for Mr. and Mrs. Hancock's application. Copies of Article 20 (Planned Development - Overlay District) and Article 24 (Special Exceptions) are included with this report. Section 2402 (5) (A - I) are the criteria the Planning Commission and City Council must consider when reviewing the application. A written finding of the Planning Commission's and City Council's findings must accompany any action taken as a result of the application.”

“At the January 13, 2020 McCook Planning Commission meeting, a public hearing was held regarding the Planned Development request. During the public hearing, Jay Hancock and Craig Bennett, the project's planner, answered questions regarding the proposal. Some of the specifics they shared, were: 1) each duplex unit would have a two car garage and driveway providing off street parking for 4 vehicles; 2) Mr. Hancock is amenable to extending the terrace of the proposed east lots in order to make the proposed Planned Development uniform with the block to the north; 3) each unit would have a rollout garbage container; 4) the Planned Unit development has sewer available as a result of a sewer improvement district whereby the City has easement rights; 5) the duplex structures would conform to the character of the neighborhood; and 6) the open space requirements spelled out in the Planned Development criteria will be met.”

“Members of the public had an opportunity to speak and ask questions. Andy Long, MEDC Director, discussed the most recent housing study and reiterated the study's findings that more housing was needed in McCook. A neighbor asked what would be the distance between duplexes, to which Mr. Bennett stated 10 feet would be the distance between the duplexes located on Pawnee Drive and Seminole Drive, while there would be 20 feet between the duplexes facing Cheyenne Rd. Another neighbor expressed a concern about dirt as a result of the construction. Mr. Hancock stated he hoped to keep the disruption minimal. Mr. Hancock stated that the duplexes would be built in stages, with the first two duplexes to be built along Pawnee Drive.”

“After the public hearing was adjourned, the Planning Commission moved to approve the Planned Development. During discussion on their motion, the Planning Commission found that each of the Special Exception Criteria found in Section 2401(5)(A-I) were met in the proposal. The Planning Commission voted unanimously to recommend approval of the Planned Development to the McCook City Council. In order to achieve the objective of the Planned Unit Development, a Replat of Lots 2A Through 2F of the Replat of New Platted Lot 2, Block 1 Fifth Park View Subdivision to the City of McCook, Red Willow County, Nebraska is connected to the applicant's request.”

Applicant Jay Hancock and his Planning Advisor, Craig Bennett of Miller & Associates were present to address questions from the Council. They are asking to divide the current replatted 6 lots into 12 for the construction of duplexes. They will not be tract homes, each will be unique; they will be one level; handicap accessible; they will be 3 bedroom, with one being 2 bedroom; will have a double car garage; they will be constructed one unit at a time; there will be a 2-hour safety wall in between the units; there will be a total of 48 off-street parking units, with on-street parking totaling 17 - 7 on the West, 5 on the North, and 5 on the East.

City Manager Schneider noted that duplexes are a permitted use in the Residential Medium Density

District, but because of land size it is necessary for them to request the Planned Unit Development to address setback requirements.

Andy Long, McCook Economic Development Director, spoke in support of the project.

Gazette staff asked for a cost estimate of the units and Maxine Dusatko asked if the on-street parking will remain in front of the church.

Motion to adjourn the public hearing and to reconvene as a City Council. This motion, made by Calvin and seconded by Hepp, passed.

Gonzales: YEA, Hepp: YEA, Calvin: YEA, Weedon: YEA, Muehlenkamp: ABSENT.

YEA: 4, NAY: 0, ABSENT: 1

3.B. Approve Ordinance No. 2020-2997 and Resolution No. 2020-01 approving a Planned Development, and a Replat of Lots 2A through 2F of the Replat of New Platted Lot 2, Block 1, Fifth Park View Subdivision to the City of McCook, Red Willow County, Nebraska.

Before considering Ordinance No. 2020-2997, the Council reviewed Special Exceptions A-I as they pertain to the project, voting individually on each. Items A-I were approved unanimously by the Council.

Mayor Gonzales asked the Clerk to read Ordinance No. 2020-2997 by title.

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 2016-2929 BY APPROVING A PLANNED DEVELOPMENT - OVERLAY DISTRICT FOR THE REPLAT OF NEW PLATTED LOT 2, BLOCK 1, FIFTH PARK VIEW SUBDIVISION TO THE CITY OF MCCOOK, RED WILLOW COUNTY, NEBRASKA; REPEALING CONFLICTING ORDINANCES OR PARTS OF ORDINANCES; AND PROVIDING FOR A TIME AND DATE FROM AND AFTER WHICH THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE.

Ordinance No. 2020-2997 has been introduced, read by title, and I move to approve upon its first reading. This motion, made by Calvin and seconded by Weedon, passed.

Gonzales: YEA, Hepp: YEA, Calvin: YEA, Weedon: YEA, Muehlenkamp: ABSENT.

YEA: 4, NAY: 0, ABSENT: 1

Motion to approve Resolution No. 2020-01 providing for the approval of a Replat of Lots 2A through 2F of the Replat of New Platted Lot 2, Block 1, Fifth Park View Subdivision to the City of McCook, Red Willow County, Nebraska located within the corporate limits of the City of McCook, Red Willow County, Nebraska. This motion, made by Calvin and seconded by Weedon, passed.

Gonzales: YEA, Hepp: YEA, Calvin: YEA, Weedon: YEA, Muehlenkamp: ABSENT.

YEA: 4, NAY: 0, ABSENT: 1

3.C. Public Hearing - with respect to a Blight and Substandard Study regarding an amendment to Redevelopment Area #3, the creation of Redevelopment Area #4, and the creation of Redevelopment Area #5.

Motion to recess as a City Council and convene a public hearing for the purpose of receiving public comment with respect to a Blight and Substandard Study regarding an amendment to Redevelopment Area #3, the creation of Redevelopment Area #4, and the creation of Redevelopment Area #5, with the City Attorney to act as hearing officer. This motion, made by Weedon and seconded by Calvin, passed.

Gonzales: YEA, Hepp: YEA, Calvin: YEA, Weedon: YEA, Muehlenkamp: ABSENT.

YEA: 4, NAY: 0, ABSENT: 1

The City Attorney received into evidence Exhibit #1 - City Manager's Report prepared for the January 20, 2020 City Council meeting (2 pages), Exhibit #2 - Notice of Hearing published (5 pages); Exhibit #3 - copies of letters mailed to required entities (5 pages); Exhibit #4 - Blighted and Substandard Study - Amendment to Redevelopment Area #3, creation of Redevelopment Area #4, and Creation of Redevelopment #5 (57 pages); Exhibit #5 - City Manager's Report prepared for the January 13, 2020 Planning Commission meeting (2 pages); Exhibit #6 - minutes of the January 13, 2020 Planning Commission meeting (6 pages); and Exhibit #7 - Proposed Resolution No. 2020-02 (6 pages).

City Manager Schneider reviewed the following information included in Exhibit #1:

“One of the continuous goals the McCook City Council has established is to ensure the City of McCook remains vital. In order to meet this goal, the City of McCook has championed economic development through the use of Nebraska's Community Redevelopment Law. Pursuant to the Community Redevelopment Law, the City of McCook has established three redevelopment areas which serve to identify portions of McCook that need governmental intervention to promote development. Development of these areas is encouraged through the use of Tax Increment Financing (ie. TIF). Numerous projects have occurred in the designated redevelopment areas as a result of TIF, including the completion of the Clary Village and Quillan Courts residential projects; the building of Cobblestone Hotel and Holiday Inn Express; and the construction of the Valmont Industries plant.”

“Over the course of the past few years, Staff has identified some areas that would benefit from a blight and substandard designation, as defined in the Community Redevelopment Law. In order to access TIF in a certain area, the City Council must make a blight and substandard determination. It is important to note, a blight and substandard designation has little to no negative impact on property valuations. On the contrary, a blight and substandard designation allows for public involvement with development projects which makes growth and improvement more likely. The ultimate goal is not only to improve a particular lot in distress, but also to improve the quality of life for the property owners who own land near these project areas.”

“Staff has worked with Miller & Associates to identify additional areas of McCook that could benefit from a blight and substandard designation. As a result of the research developed through this study, Staff is advocating for the adoption of a new Blight and Substandard Study. The new Blight and Substandard Study would amend Redevelopment Area # 3, create Redevelopment Area # 4, and create Redevelopment Area # 5.”

“Redevelopment Area # 3 originated in 2013. Redevelopment Area # 3 stretches from Highway 83 to East 11th Street. An amendment to Redevelopment Area # 3 occurred in 2015 which served to include the Four Corners Addition to McCook. With respect to the newly proposed 2019 Amendment, additional land would adjoin Redevelopment Area # 3, with the primary point of emphasis being the West 5th Street and West D Street intersection. Included in this area would be some commercial buildings, most notably the Charlie's building located along West 5th Street. In order to assure we meet the requirements of the Nebraska Community Development law, Staff proposes to include 13 residential homes adjacent to current Redevelopment Area # 3. It is Staff's and Miller & Associate's understanding that the redevelopment areas must be contiguous. In order to achieve this requirement, 12 residential structures have been included in the proposed amendment.”

“Proposed Redevelopment Area # 4 is located just east of the intersection of Highway 83 and Highways 6 and 34. This area includes several commercial buildings and residential homes north of Highway 6 and 34. Redevelopment Area # 4 is a stand-alone location and would not amend Redevelopment Area # 3. With that said, Redevelopment Area # 4 is contiguous to Redevelopment Area # 3, assuring compliance with the Nebraska Community Development law.”

“Proposed Redevelopment Area # 5 is located partially within and partially outside the corporate limits of McCook. It is located on the east and west sides of Highway 83 and the north side of West Q Street. It includes a number of commercial buildings and a few residential structures. It is contiguous to Redevelopment Area # 3. Additionally, the Nebraska Community Development Law allows for the inclusion of a portion of land located outside of the corporate limits in the City's designated redevelopment area. An example of this occurred with the inclusion of land located north of West J Street and Highway 83 as a part of Redevelopment Area # 3.”

“Earlier in 2019, the City Council approved a resolution forwarding the Blight and Substandard Study for these areas to the McCook Planning Commission. At the December 9th Planning Commission meeting, the Commission inquired why two lots (one lot owned by Farm Credit Services and the other lot owned by the Bishop Family Trust) weren't included in Redevelopment Area # 5. The Planning Commission voted to recommend approval of the presented Blight and Substandard Study, without including the two lots. After the meeting, City Staff determined it would be in the City's best interest to include the two lots if possible. Staff's concern was that it may be impossible to add those two lots at a later date if needed for a development project. At the December 16th McCook City Council Meeting, an update was made to the City Council explaining that the Blight and Substandard Study was under additional review to determine whether the two lots on Highway 83 could be added. Miller & Associates conducted a review of the two lots and found they fit the criteria established in the Nebraska Community Development Law. At the January 13th McCook Planning Commission meeting, the Blight and Substandard Study was brought back to the Planning Commission for their consideration. The Planning Commission voted unanimously to recommend approval of the Blight and Substandard Study to the McCook City Council.”

Craig Bennett, Miller & Associates, was present to review and address questions from the Council regarding the study.

No public comment was received.

Motion to adjourn the public hearing and to reconvene as a City Council. This motion, made by Calvin and seconded by Weedon, passed.

Gonzales: YEA, Hepp: YEA, Calvin: YEA, Weedon: YEA, Muehlenkamp: ABSENT.

YEA: 4, NAY: 0, ABSENT: 1

3.D. Adopt Resolution No. 2020-02 approving the Blight and Substandard Study regarding an amendment to Redevelopment Area #3, the creation of Redevelopment Area #4, and the creation of Redevelopment Area #5.

Motion to adopt Resolution No. 2020-02 approving the Blight and Substandard Study regarding an amendment to Redevelopment Area #3, the creation of Redevelopment Area #4, and the creation of Redevelopment Area #5. This motion, made by Calvin and seconded by Weedon, passed.

Gonzales: YEA, Hepp: YEA, Calvin: YEA, Weedon: YEA, Muehlenkamp: ABSENT.

YEA: 4, NAY: 0, ABSENT: 1

4. Consent Agenda.

Motion to approve the consent agenda. This motion, made by Calvin and seconded by Weedon, passed.

Gonzales: YEA, Hepp: YEA, Calvin: YEA, Weedon: YEA, Muehlenkamp: ABSENT.

YEA: 4, NAY: 0, ABSENT: 1

4.A. Approve the minutes of the January 6, 2020 regular City Council meeting.

4.B. Approve the application for a Special Designated Liquor License submitted by JBN, Inc., dba Hi Times Liquor Mart 1, Liquor License #DK-100025, for a wedding reception to be held at the Red Willow County Community Building, 1412 West 5th Street, on March 28, 2020 from 12:00 P.M. to 1:00 A.M.

4.C. Receive and file the claims for the month of December 2019 as published January 10, 2020.

4.D. Receive the minutes of the September 24, 2019 Senior Center Advisory Board, the December 11, 2019 Library Advisory Board, and the January 13, 2020 Planning Commission meetings.

4.E. Approve the specifications for City Street Crack Sealing and set the time and date to receive bids as 1:30 P.M. on February 11, 2020.

4.F. Approve the bid specifications for two (2) new 2020 3/4 Ton 4-Wheel Drive Pickup Trucks for the Street and Parks Departments and set the date to receive bids as February 11, 2020 at 2:30 P.M.

4.G. Approve an application from Chipperfield Ag Erectors, LLC to occupy city right-of-way for

the purpose of installing underground electrical cable providing service to SW Nebraska Dental at 2009 West "J" Street.

- 4.H. Approve an application from Great Plains Communications to occupy city right-of-way for the purpose of installing underground fiber optic cable providing service to SW Nebraska Dental at 2009 West "J" Street.
- 4.I. Approve and authorize the Mayor to sign the Fifth Amendment to the Telecommunications Site Lease Agreement between the City of McCook and Alltel Corporation d/b/a Verizon Wireless for the replacement of communications equipment on the West Water Tower.
- 4.J. Approve the bid specifications for Ballpark Concessions at the Jaycees Ball Complex for Calendar Years 2020, 2021, and 2022 and set the date to receive bids as February 11, 2020 at 2:00 P.M.
- 4.K. Approve the application for a Special Designated Liquor License submitted by MO Dough, LLC, Liquor License #IK-057785, for the Chamber of Commerce Annual Banquet to be held at the McCook Municipal Auditorium, 302 West 5th Street, on March 7, 2020 from 8:00 A.M. to 1:00 A.M.
- 4.L. Approve the application for a Special Designated Liquor License submitted by Citta' Deli, Liquor License #C-121305, for the Hillcrest Night on the Hill event to be held at McCook Municipal Auditorium, 302 West 5th Street, on February 15, 2020 from 12:00 P.M. to 11:59 P.M.

5. Regular Agenda.

- 5.A. Introduce and approve on its first reading Ordinance No. 2020-2996 repealing in part and amending in part the City of McCook Code of Ordinances, Chapter 150: Building Codes and Regulations.

Mayor Gonzales asked the Clerk to read Ordinance No. 2020-2996 by title.

AN ORDINANCE OF THE CITY OF MCCOOK, NEBRASKA REPEALING CHAPTER 150: BUILDING CODES AND REGULATIONS OF THE MUNICIPAL CODE OF THE CITY OF MCCOOK, NEBRASKA IN ITS ENTIRETY; REPLACING WITH UPDATED CHAPTER 150: BUILDING CODES AND REGULATIONS OF THE MUNICIPAL CODE OF THE CITY OF MCCOOK, NEBRASKA; INCLUDING THE ADOPTION BY REFERENCE THE INTERNATIONAL BUILDING CODE, INTERNATIONAL RESIDENTIAL CODE, INTERNATIONAL PLUMBING CODE, INTERNATIONAL MECHANICAL CODE, INTERNATIONAL FUEL GAS CODE, INTERNATIONAL PROPERTY MAINTENANCE CODE, INTERNATIONAL EXISTING BUILDING CODE, INTERNATIONAL ENERGY CONSERVATION CODE AND ADOPTING THE AMENDMENTS TO EACH; INCLUDING THE ADOPTION OF UPDATED SECTIONS PERTAINING TO THE BUILDING INSPECTOR, UNSAFE BUILDINGS, MOBILE HOMES, STRUCTURE MOVING, ELECTRICITY, AND

PENALTY; AND ADDING SECTIONS REGARDING CONTRACTOR'S LICENSING; TO PROVIDE FOR THE REPEAL OF ANY OTHER CONFLICTING ORDINANCES; AND PROVIDING A TIME AND DATE FROM AND AFTER WHICH THIS ORDINANCE SHALL TAKE EFFECT AND BE ENFORCED.

Barry Mooney, Building Inspector, reviewed the significant changes in the 2018 code.

Jane Lyons, because of new data regarding radon levels in southwest Nebraska, she encouraged the Council to consider leaving the requirement for passive radon control methods in new residential construction in the approved code.

Ordinance No. 2020-2996 has been introduced, read by title, and I move to approve upon its first reading. This motion, made by Calvin and seconded by Weedin, passed.

Gonzales: YEA, Hepp: YEA, Calvin: YEA, Weedin: YEA, Muehlenkamp: ABSENT.

YEA: 4, NAY: 0, ABSENT: 1

5.B. Council Comments.

There were no Council Comments.

Adjournment.

There being no further business to come before the Council, Mayor Gonzales declared the meeting adjourned at 6:36 P.M.

Michael D. Gonzales, Mayor

ATTEST:

Lea Ann Doak, City Clerk-Treasurer

**CITY MANAGER'S REPORT
FEBRUARY 3, 2020 CITY COUNCIL MEETING**

ITEM: 4.B.

Receive and file the Financial Report for the period ending December 31, 2019.

BACKGROUND:

The Treasurer's Report (Attachment A) gives the beginning cash balances as of October 1, 2019, plus Total (YTD) Receipts, minus Total (YTD) Disbursements, giving the ending cash balance on December 31, 2019.

Per the Banking Services Agreement with McCook National Bank, all funds are deposited into the Public Funds Account at a higher rate of interest. The bank then sweeps in increments of \$100,000 to the Primary Operating Account to cover disbursements as they clear the bank. The Payroll Account is also a sweep account and maintains a \$1,000 balance.

All of the bank accounts are interest bearing, except the Payroll Account and the Purchase Account. The Purchase Account is our VISA credit card.

Attachment B gives the ending cash balances by fund as of December 31, 2019.

Attachment C is a Financial Summary of Revenue and Expense by Fund for the quarter ending December 31, 2019.

Staff is always available to address any questions that the Council may have. The Department Heads receive monthly financial reports and it is their responsibility to monitor their individual budgets. It is the bottom-line per department that is monitored. If they go over on a line item, that must adjust for it in another line item.

**FISCAL
IMPACT:** None.

APPROVALS:



Lea Ann Doak, City Clerk-Treasurer

January 28, 2020



Nathan A. Schneider, City Manager

January 28, 2020

ATTACHMENT

A

City of McCook, Nebraska
 TREASURER'S REPORT
 Period Ending December 31, 2019 (unaudited)

Beginning Cash on Hand, October 1, 2019			
McCook National Bank - Public Funds	\$	14,783,153.94	
McCook National Bank - Primary Operating	\$	(477,204.91)	
McCook National Bank - LB840 Funds	\$	626,583.09	
McCook National Bank - Payroll	\$	1,000.00	
McCook National Bank - CRA	\$	57.93	
Purchases Account	\$	10,000.00	
Petty Cash	\$	900.00	
NDEQ Irrevocable Escrow	\$	82,076.80	
McCook National Bank - Pension	\$	17,923.39	
TOTAL BEGINNING CASH			\$ 15,044,490.24
Receipts:			
Taxes	\$	849,315.08	
Fees, Permits and Licenses	\$	110,736.28	
Intergovernmental Services	\$	1,363,956.05	
Charges - Current Services	\$	460,073.42	
Public Utilities	\$	913,088.07	
Use of Money & Property	\$	620,531.06	
Interfund Transfers	\$	994,073.70	
Other Revenue	\$	373,366.03	
Unapplied/Accounts Payable	\$	1,667.00	
PLUS TOTAL RECEIPTS			\$ 5,686,806.69
Disbursements:			
Personal Services	\$	1,546,729.59	
Supplies	\$	286,402.62	
Services & Charges	\$	2,533,083.22	
Budget Transfers	\$	738,509.70	
Capital Outlay	\$	1,626,790.00	
Unapplied/Accounts Payable	\$	5,082.74	
MINUS TOTAL DISBURSEMENTS			\$ 6,736,597.87
Ending Cash Balance December 31, 2019			
McCook National Bank - Public Funds	\$	12,947,385.17	
McCook National Bank - Primary Operating	\$	327,463.24	
McCook National Bank - LB840 Funds	\$	603,908.35	
McCook National Bank - Payroll	\$	2,093.35	
McCook National Bank - CRA	\$	57.93	
Petty Cash	\$	900.00	
Purchase Account	\$	7,506.38	
NDEQ Irrevocable Escrow	\$	82,168.94	
McCook National Bank - Pension	\$	23,215.70	
TOTAL ENDING CASH	\$	13,994,699.06	\$ 13,994,699.06

Dated: December 31, 2019

-s- Lea Ann Doak, City Clerk

ATTACHMENT B

City of McCook, Nebraska
 TREASURER'S REPORT
 CASH BALANCE BY FUNDS
 Period Ending December 31, 2019 (unaudited)

Beginning Cash on Hand, October 1, 2019	Beginning Cash	YTD Revenue	YTD Expenditures	Ending Cash
General Fund - 10	\$ 2,690,439.97	\$ 1,471,644.78	\$ 2,076,990.91	\$ 2,085,093.84
General Fund Unapplied/Accts. Payable	\$ 3,341.00	\$ 1,667.00	\$ 3,116.15	\$ 1,891.85
Street Fund - 15	\$ 89,694.69	\$ 364.00	\$ 32,816.86	\$ 57,241.83
Special Revenue - 20	\$ 895,594.29	\$ 1,041,566.99	\$ 1,193,888.08	\$ 743,273.20
Debt Service - 30	\$ 347,818.45	\$ 8,085.80	\$ 0.00	\$ 355,904.25
Community Redevelopment Authority - 40	\$ 65,818.36	\$ 304.00	\$ 0.00	\$ 66,122.36
Economic Development Fund - 45	\$ 626,583.09	\$ 123,589.87	\$ 154,506.15	\$ 595,666.81
ED Fund Unapplied/Accts. Payable				\$ 0.00
Pension Trust - 50	\$ 17,923.39	\$ 10,010.80	\$ 4,718.49	\$ 23,215.70
Trust & Agency - 60	\$ 290,496.43	\$ 41,235.31	\$ 38,983.55	\$ 292,748.19
Internal Service Fund - 65	\$ 567,643.45	\$ 498,634.83	\$ 477,421.77	\$ 588,856.51
Enterprise Fund - 70	\$ 8,541,728.03	\$ 2,299,926.05	\$ 2,615,154.63	\$ 8,226,499.45
Enterprise Fund Unapplied/Accts. Payable	\$ 0.00	\$ 0.00	\$ 1,966.59	\$ -1,966.59
Capital Improvement - 80	\$ 907,409.09	\$ 189,777.26	\$ 137,034.69	\$ 960,151.66
	\$ 15,044,490.24			\$ 13,994,699.06
		\$ 5,686,806.69	\$ 6,736,597.87	

Dated: December 31, 2019

-s- Lea Ann Doak, City Clerk

ATTACHMENT C

CITY OF MCCOOK
 STATEMENT OF REVENUES - BUDGET VS. ACTUAL
 AS OF: DECEMBER 31ST, 2019

10 -GENERAL FUND
 FINANCIAL SUMMARY

% OF YEAR COMPLETED: 25.00

	ORIGINAL BUDGET	CURRENT BUDGET	MONTHLY REVENUE	YEAR-TO-DATE REVENUE	PRIOR YEAR YEAR-TO-DATE	BUDGET REMAINING	% BUDGET REMAINING
REVENUE SUMMARY							
GENERAL REVENUE	8,679,944	8,679,944	453,766.10	1,440,144.78	1,420,044.08	7,239,799.22	83.41
RESERVES/CO TREASURER BAL	<u>1,512,071</u>	<u>1,512,071</u>	<u>10,500.00</u>	<u>31,500.00</u>	<u>31,247.00</u>	<u>1,480,571.00</u>	<u>97.92</u>
TOTAL REVENUES	10,192,015	10,192,015	464,266.10	1,471,644.78	1,451,291.08	8,720,370.22	85.56
=====							
	ORIGINAL BUDGET	CURRENT BUDGET	MONTHLY EXPENDITURES	YEAR-TO-DATE EXPENDITURES	PRIOR YEAR YEAR-TO-DATE	BUDGET REMAINING	% BUDGET REMAINING
ADMINISTRATION	628,920	628,920	36,696.20	139,244.81	141,505.83	489,675.19	77.86
PUBLICITY	7,750	7,750	836.84	1,322.10	1,453.49	6,427.90	82.94
AUDITORIUM	46,785	46,785	7,537.75	43,235.86	10,810.83	3,549.14	7.59
COUNCIL	648,537	648,537	77,140.55	116,318.19	166,116.60	532,218.81	82.06
POLICE	1,745,831	1,745,831	145,295.06	438,209.19	412,745.35	1,307,621.81	74.90
MUNICIPAL CENTER	98,303	98,303	7,334.02	26,361.91	28,639.59	71,941.09	73.18
FIRE	1,346,686	1,346,686	104,089.81	339,750.28	320,482.31	1,006,935.72	74.77
AMBULANCE	152,883	152,883	4,260.98	22,567.93	44,840.83	130,315.07	85.24
CIVIL DEFENSE	25,055	25,055	1,676.79	7,169.16	4,468.68	17,885.84	71.39
BUILDING & ZONING	84,939	84,939	6,212.11	21,927.62	21,102.15	63,011.38	74.18
LIBRARY	351,658	351,658	23,981.44	87,014.18	83,238.31	264,643.82	75.26
STREET	1,361,077	1,361,077	63,603.33	238,573.79	225,248.12	1,122,503.21	82.47
CEMETERY	202,726	202,726	11,216.34	55,475.69	75,116.34	147,250.31	72.64
PARKS	282,608	282,608	16,061.24	52,441.54	50,359.27	230,166.46	81.44
BALL PARKS	167,061	167,061	9,048.56	47,589.15	48,044.96	119,471.85	71.51
POOL	114,527	114,527	881.64	14,480.87	1,981.19	100,046.13	87.36
AIRPORT	169,504	169,504	12,040.27	38,702.59	41,370.55	130,801.41	77.17
UNEMPLOYMENT	10,000	10,000	0.00	0.00	0.00	10,000.00	100.00
UNCOLLECTABLE TAX	14,000	14,000	36.58	611.35	733.17	13,388.65	95.63
SENIOR CENTER	418,123	418,123	26,569.07	91,298.43	86,836.13	326,824.57	78.16
PUBLIC TRANSPORTATION	169,085	169,085	8,934.93	36,291.50	39,009.56	132,793.50	78.54
HEALTH OPERATING	586,150	586,150	0.00	97,676.00	146,514.00	488,474.00	83.34
RESERVES/CO TREASURER BAL	<u>562,071</u>	<u>562,071</u>	<u>106,025.00</u>	<u>160,728.77</u>	<u>0.00</u>	<u>401,342.23</u>	<u>71.40</u>
TOTAL EXPENDITURES	9,194,279	9,194,279	669,478.51	2,076,990.91	1,950,617.26	7,117,288.09	77.41
=====							
REVENUES OVER/(UNDER) EXPENDITURES	997,736	997,736	(205,212.41)	(605,346.13)	(499,326.18)	1,603,082.13	160.67

CITY OF McCOOK
 STATEMENT OF REVENUES - BUDGET VS. ACTUAL
 AS OF: DECEMBER 31ST, 2019

15 -STREET FUND
 FINANCIAL SUMMARY

% OF YEAR COMPLETED: 25.00

	ORIGINAL BUDGET	CURRENT BUDGET	MONTHLY REVENUE	YEAR-TO-DATE REVENUE	PRIOR YEAR YEAR-TO-DATE	BUDGET REMAINING	% BUDGET REMAINING
<u>REVENUE SUMMARY</u>							
STREET IMPROVEMENTS	468,244	468,244	84.00	364.00	2,261.00	467,880.00	99.92
TOTAL REVENUES	468,244	468,244	84.00	364.00	2,261.00	467,880.00	99.92
=====							
	ORIGINAL BUDGET	CURRENT BUDGET	MONTHLY EXPENDITURES	YEAR-TO-DATE EXPENDITURES	PRIOR YEAR YEAR-TO-DATE	BUDGET REMAINING	% BUDGET REMAINING
STREET IMPROVEMENTS	468,244	468,244	0.00	32,816.86	0.00	435,427.14	92.99
TOTAL EXPENDITURES	468,244	468,244	0.00	32,816.86	0.00	435,427.14	92.99
=====							
REVENUES OVER/(UNDER) EXPENDITURES	0	0	84.00	(32,452.86)	2,261.00	32,452.86	0.00

CITY OF MCCOOK
 STATEMENT OF REVENUES - BUDGET VS. ACTUAL
 AS OF: DECEMBER 31ST, 2019

20 -SPECIAL REVENUE
 FINANCIAL SUMMARY

% OF YEAR COMPLETED: 25.00

	ORIGINAL BUDGET	CURRENT BUDGET	MONTHLY REVENUE	YEAR-TO-DATE REVENUE	PRIOR YEAR YEAR-TO-DATE	BUDGET REMAINING	% BUDGET REMAINING
<u>REVENUE SUMMARY</u>							
FAA GRANTS	1,581,834	1,581,834	19,276.00	1,015,388.16	0.00	566,445.84	35.81
ACE REVENUE SHARING	56,053	56,053	72.00	250.00	217.00	55,803.00	99.55
MCCOOK RECREATIONAL TRAIL	53,246	53,246	80.00	249.00	271.00	52,997.00	99.53
CDBG BOOE PUBLIC WORKS	0	0	0.00	0.00	0.00	0.00	0.00
ENHANCED E911	267,102	267,102	523.00	9,285.65	8,580.52	257,816.35	96.52
RAVENSWOOD RD PROJECT	0	0	0.00	0.00	0.00	0.00	0.00
INSURANCE REIMBURSEMENT	419,611	419,611	624.00	1,939.00	2,140.00	417,672.00	99.54
PSAP FUNDS	130,987	130,987	4,818.06	14,455.18	14,556.18	116,531.82	88.96
MUNICIPAL FACILITY CONST	34,785	34,785	0.00	0.00	0.00	34,785.00	100.00
DOWNTOWN REVITAL - CDBG	0	0	0.00	0.00	0.00	0.00	0.00
SKATE PARK IMPROVEMENTS	4,642	4,642	0.00	0.00	0.00	4,642.00	100.00
AUD/CONVEN CTR FEASIBILI	0	0	0.00	0.00	0.00	0.00	0.00
TOTAL REVENUES	2,548,260	2,548,260	25,393.06	1,041,566.99	25,764.70	1,506,693.01	59.13

	ORIGINAL BUDGET	CURRENT BUDGET	MONTHLY EXPENDITURES	YEAR-TO-DATE EXPENDITURES	PRIOR YEAR YEAR-TO-DATE	BUDGET REMAINING	% BUDGET REMAINING
<u>EXPENDITURES SUMMARY</u>							
FAA GRANTS	1,581,834	1,581,834	0.00	1,094,617.94	0.00	487,216.06	30.80
ACE REVENUE SHARING	56,053	56,053	13,500.00	21,500.00	765.00	34,553.00	61.64
MCCOOK RECREATIONAL TRAIL	53,246	53,246	0.00	0.00	0.00	53,246.00	100.00
CDBG BOOE PUBLIC WORKS	0	0	0.00	0.00	0.00	0.00	0.00
ENHANCED E911	267,102	267,102	637.82	5,234.56	4,382.98	261,867.44	98.04
RAVENSWOOD RD PROJECT	0	0	0.00	69,231.38	0.00	69,231.38	0.00
INSURANCE REIMBURSEMENT	419,611	419,611	0.00	0.00	0.00	419,611.00	100.00
PSAP FUNDS	130,987	130,987	965.72	3,304.20	21,079.31	127,682.80	97.48
MUNICIPAL FACILITY CONST	34,785	34,785	0.00	0.00	0.00	34,785.00	100.00
DOWNTOWN REVITAL - CDBG	0	0	0.00	0.00	0.00	0.00	0.00
SKATE PARK IMPROVEMENTS	4,642	4,642	0.00	0.00	0.00	4,642.00	100.00
AUD/CONVEN CTR FEASIBILI	0	0	0.00	0.00	0.00	0.00	0.00
TOTAL EXPENDITURES	2,548,260	2,548,260	15,103.54	1,193,888.08	26,227.29	1,354,371.92	53.15
REVENUES OVER/(UNDER) EXPENDITURES	0	0	10,289.52	(152,321.09)	(462.59)	152,321.09	0.00

CITY OF McCOOK
 STATEMENT OF REVENUES - BUDGET VS. ACTUAL
 AS OF: DECEMBER 31ST, 2019

30 -DEBT SERVICE
 FINANCIAL SUMMARY

% OF YEAR COMPLETED: 25.00

	ORIGINAL BUDGET	CURRENT BUDGET	MONTHLY REVENUE	YEAR-TO-DATE REVENUE	PRIOR YEAR YEAR-TO-DATE	BUDGET REMAINING	% BUDGET REMAINING
REVENUE SUMMARY							
GENERAL OBLIGATION	0	0	0.00	0.00	0.00	0.00	0.00
AIRBASE JUDGEMENT	0	0	0.00	0.00	0.00	0.00	0.00
SPECIAL ASSESSMENTS	352,422	352,422	793.76	8,085.80	7,576.78	344,336.20	97.71
BOND RESERVE	0	0	0.00	0.00	0.00	0.00	0.00
TOTAL REVENUES	352,422	352,422	793.76	8,085.80	7,576.78	344,336.20	97.71
	=====	=====	=====	=====	=====	=====	=====
	ORIGINAL BUDGET	CURRENT BUDGET	MONTHLY EXPENDITURES	YEAR-TO-DATE EXPENDITURES	PRIOR YEAR YEAR-TO-DATE	BUDGET REMAINING	% BUDGET REMAINING
GENERAL OBLIGATION	0	0	0.00	0.00	0.00	0.00	0.00
AIRBASE JUDGEMENT	0	0	0.00	0.00	0.00	0.00	0.00
SPECIAL ASSESSMENTS	352,422	352,422	0.00	0.00	0.00	352,422.00	100.00
BOND RESERVE	0	0	0.00	0.00	0.00	0.00	0.00
TOTAL EXPENDITURES	352,422	352,422	0.00	0.00	0.00	352,422.00	100.00
	=====	=====	=====	=====	=====	=====	=====
REVENUES OVER/(UNDER) EXPENDITURES	0	0	793.76	8,085.80	7,576.78	(8,085.80)	0.00

CITY OF MCCOOK
 STATEMENT OF REVENUES - BUDGET VS. ACTUAL
 AS OF: DECEMBER 31ST, 2019

40 -COMMUNITY DEVELOPMENT
 FINANCIAL SUMMARY

% OF YEAR COMPLETED: 25.00

	ORIGINAL BUDGET	CURRENT BUDGET	MONTHLY REVENUE	YEAR-TO-DATE REVENUE	PRIOR YEAR YEAR-TO-DATE	BUDGET REMAINING	% BUDGET REMAINING
REVENUE SUMMARY							
KEYSTONE BUS CENTER PROJ	31,000	31,000	0.00	0.00	0.00	31,000.00	100.00
CITY INVESTMENTS	65,574	65,574	99.00	304.00	319.74	65,270.00	99.54
NORTH POINTE	25,000	25,000	0.00	0.00	0.00	25,000.00	100.00
CLARY VILLAGE LLC	9,500	9,500	0.00	0.00	0.00	9,500.00	100.00
MCCOOK HOTEL GROUP/COBBL	70,000	70,000	0.00	0.00	0.00	70,000.00	100.00
QUILLAN COURTS	15,000	15,000	0.00	0.00	0.00	15,000.00	100.00
MCCOOK LODGING/HOLIDAY I	134,000	134,000	0.00	0.00	0.00	134,000.00	100.00
NEXT GENERATION	150,000	150,000	0.00	0.00	0.00	150,000.00	100.00
TOTAL REVENUES	500,074	500,074	99.00	304.00	319.74	499,770.00	99.94
	=====	=====	=====	=====	=====	=====	=====
	ORIGINAL BUDGET	CURRENT BUDGET	MONTHLY EXPENDITURES	YEAR-TO-DATE EXPENDITURES	PRIOR YEAR YEAR-TO-DATE	BUDGET REMAINING	% BUDGET REMAINING
KEYSTONE BUS CENTER PROJ	31,000	31,000	0.00	0.00	0.00	31,000.00	100.00
CITY INVESTMENTS	65,574	65,574	0.00	0.00	0.00	65,574.00	100.00
NORTH POINTE	25,000	25,000	0.00	0.00	0.00	25,000.00	100.00
CLARY VILLAGE LLC	9,500	9,500	0.00	0.00	0.00	9,500.00	100.00
MCCOOK HOTEL GROUP/COBBL	70,000	70,000	0.00	0.00	0.00	70,000.00	100.00
QUILLAN COURTS	15,000	15,000	0.00	0.00	0.00	15,000.00	100.00
MCCOOK LODGING/HOLIDAY I	134,000	134,000	0.00	0.00	0.00	134,000.00	100.00
NEXT GENERATION	150,000	150,000	0.00	0.00	0.00	150,000.00	100.00
TOTAL EXPENDITURES	500,074	500,074	0.00	0.00	0.00	500,074.00	100.00
	=====	=====	=====	=====	=====	=====	=====
REVENUES OVER/(UNDER) EXPENDITURES	0	0	99.00	304.00	319.74	(304.00)	0.00

CITY OF McCOOK
 STATEMENT OF REVENUES - BUDGET VS. ACTUAL
 AS OF: DECEMBER 31ST, 2019

45 -ECONOMIC DEVELOPMENT FUND
 FINANCIAL SUMMARY

% OF YEAR COMPLETED: 25.00

	ORIGINAL BUDGET	CURRENT BUDGET	MONTHLY REVENUE	YEAR-TO-DATE REVENUE	PRIOR YEAR YEAR-TO-DATE	BUDGET REMAINING	% BUDGET REMAINING
<u>REVENUE SUMMARY</u>							
ECONOMIC DEVELOPMENT FUN	1,015,417	1,015,417	40,123.89	123,589.87	110,081.68	891,827.13	87.83
KEYSTONE BOND RESERVE	0	0	0.00	0.00	0.00	0.00	0.00
KEYSTONE BOND REDEMPTION	0	0	0.00	0.00	0.00	0.00	0.00
TOTAL REVENUES	1,015,417	1,015,417	40,123.89	123,589.87	110,081.68	891,827.13	87.83
=====							
	ORIGINAL BUDGET	CURRENT BUDGET	MONTHLY EXPENDITURES	YEAR-TO-DATE EXPENDITURES	PRIOR YEAR YEAR-TO-DATE	BUDGET REMAINING	% BUDGET REMAINING
ECONOMIC DEVELOPMENT FUN	1,015,417	1,015,417	11,804.15	154,506.15	32,025.00	860,910.85	84.78
KEYSTONE BOND RESERVE	0	0	0.00	0.00	112,000.00	0.00	0.00
KEYSTONE BOND REDEMPTION	0	0	0.00	0.00	0.00	0.00	0.00
TOTAL EXPENDITURES	1,015,417	1,015,417	11,804.15	154,506.15	144,025.00	860,910.85	84.78
=====							
REVENUES OVER/(UNDER) EXPENDITURES	0	0	28,319.74	(30,916.28)	(33,943.32)	30,916.28	0.00

CITY OF McCOOK
 STATEMENT OF REVENUES - BUDGET VS. ACTUAL
 AS OF: DECEMBER 31ST, 2019

50 -PENSION TRUST
 FINANCIAL SUMMARY

% OF YEAR COMPLETED: 25.00

	ORIGINAL BUDGET	CURRENT BUDGET	MONTHLY REVENUE	YEAR-TO-DATE REVENUE	PRIOR YEAR YEAR-TO-DATE	BUDGET REMAINING	% BUDGET REMAINING
REVENUE SUMMARY							
POLICE OFFICER DISABILIT	27,925	27,925	10,004.24	10,010.80	6.71	17,914.20	64.15
TOTAL REVENUES	27,925	27,925	10,004.24	10,010.80	6.71	17,914.20	64.15
	=====	=====	=====	=====	=====	=====	=====
	ORIGINAL BUDGET	CURRENT BUDGET	MONTHLY EXPENDITURES	YEAR-TO-DATE EXPENDITURES	PRIOR YEAR YEAR-TO-DATE	BUDGET REMAINING	% BUDGET REMAINING
POLICE OFFICER DISABILIT	27,925	27,925	1,572.83	4,718.49	4,718.49	23,206.51	83.10
TOTAL EXPENDITURES	27,925	27,925	1,572.83	4,718.49	4,718.49	23,206.51	83.10
	=====	=====	=====	=====	=====	=====	=====
REVENUES OVER/(UNDER) EXPENDITURES	0	0	8,431.41	5,292.31	(4,711.78)	(5,292.31)	0.00

CITY OF McCOOK
 STATEMENT OF REVENUES - BUDGET VS. ACTUAL
 AS OF: DECEMBER 31ST, 2019

60 -AGENCY FUND
 FINANCIAL SUMMARY

% OF YEAR COMPLETED: 25.00

	ORIGINAL BUDGET	CURRENT BUDGET	MONTHLY REVENUE	YEAR-TO-DATE REVENUE	PRIOR YEAR YEAR-TO-DATE	BUDGET REMAINING	% BUDGET REMAINING
REVENUE SUMMARY							
PERPETUAL CARE	144,580	144,580	366.00	1,419.00	1,166.00	143,161.00	99.02
SENIOR CENTER CONTRIBUTIO	68,431	68,431	1,889.00	3,819.00	5,153.00	64,612.00	94.42
SCHOOL	8,050	8,050	715.00	1,015.00	435.00	7,035.00	87.39
FIRE CONTRIBUTIONS	4,075	4,075	0.00	10.00	1,150.00	4,065.00	99.75
LIBRARY MEMORIAL	29,978	29,978	0.00	5,200.00	0.00	24,778.00	82.65
COMMUNITY BETTERMENT	121,199	121,199	9,944.24	28,722.31	30,490.81	92,476.69	76.30
DARE CONTRIBUTIONS	5,145	5,145	0.00	0.00	206.88	5,145.00	100.00
PUBLIC WORKS CONTRIBUTION	6,266	6,266	0.00	0.00	0.00	6,266.00	100.00
AMBULANCE CONTRIBUTIONS	5,619	5,619	0.00	50.00	11.66	5,569.00	99.11
COMMUNITY PARAMEDIC PROG	4,398	4,398	0.00	0.00	0.00	4,398.00	100.00
POLICE CONTRIBUTIONS	7,500	7,500	0.00	1,000.00	1,065.99	6,500.00	86.67
TOTAL REVENUES	405,241	405,241	12,914.24	41,235.31	39,679.34	364,005.69	89.82

	ORIGINAL BUDGET	CURRENT BUDGET	MONTHLY EXPENDITURES	YEAR-TO-DATE EXPENDITURES	PRIOR YEAR YEAR-TO-DATE	BUDGET REMAINING	% BUDGET REMAINING
PERPETUAL CARE	144,580	144,580	0.00	0.00	0.00	144,580.00	100.00
SENIOR CENTER CONTRIBUTIO	68,431	68,431	0.00	3,350.00	0.00	65,081.00	95.10
SCHOOL	8,050	8,050	300.00	300.00	0.00	7,750.00	96.27
FIRE CONTRIBUTIONS	4,075	4,075	0.00	100.00	0.00	3,975.00	97.55
LIBRARY MEMORIAL	29,978	29,978	309.89	1,114.87	2,007.28	28,863.13	96.28
COMMUNITY BETTERMENT	121,199	121,199	7,787.09	29,159.09	24,697.00	92,039.91	75.94
DARE CONTRIBUTIONS	5,145	5,145	29.86	1,071.95	0.00	4,073.05	79.17
PUBLIC WORKS CONTRIBUTION	6,266	6,266	0.00	0.00	0.00	6,266.00	100.00
AMBULANCE CONTRIBUTIONS	5,619	5,619	0.00	2,871.10	0.00	2,747.90	48.90
COMMUNITY PARAMEDIC PROG	4,398	4,398	0.00	0.00	0.00	4,398.00	100.00
POLICE CONTRIBUTIONS	7,500	7,500	500.00	1,016.54	0.00	6,483.46	86.45
TOTAL EXPENDITURES	405,241	405,241	8,926.84	38,983.55	26,704.28	366,257.45	90.38
REVENUES OVER/(UNDER) EXPENDITURES	0	0	3,987.40	2,251.76	12,975.06	(2,251.76)	0.00

CITY OF MCCOOK
 STATEMENT OF REVENUES - BUDGET VS. ACTUAL
 AS OF: DECEMBER 31ST, 2019

65 -INTERNAL SERVICE FUND
 FINANCIAL SUMMARY

% OF YEAR COMPLETED: 25.00

	ORIGINAL BUDGET	CURRENT BUDGET	MONTHLY REVENUE	YEAR-TO-DATE REVENUE	PRIOR YEAR YEAR-TO-DATE	BUDGET REMAINING	% BUDGET REMAINING
REVENUE SUMMARY							
FLEX DEPENDENT CARE	10,930	10,930	0.00	0.00	595.00	10,930.00	100.00
FLEX - MEDICAL	67,938	67,938	2,898.38	10,352.68	11,807.44	57,585.32	84.76
SELF INSURED HEALTH INSUR	<u>2,451,925</u>	<u>2,451,925</u>	<u>45,113.30</u>	<u>488,282.15</u>	<u>340,964.16</u>	<u>1,963,642.85</u>	<u>80.09</u>
TOTAL REVENUES	2,530,793	2,530,793	48,011.68	498,634.83	353,366.60	2,032,158.17	80.30
=====							
	ORIGINAL BUDGET	CURRENT BUDGET	MONTHLY EXPENDITURES	YEAR-TO-DATE EXPENDITURES	PRIOR YEAR YEAR-TO-DATE	BUDGET REMAINING	% BUDGET REMAINING
FLEX DEPENDENT CARE	10,930	10,930	0.00	0.00	375.00	10,930.00	100.00
FLEX - MEDICAL	67,938	67,938	3,295.34	6,157.73	10,291.43	61,780.27	90.94
SELF INSURED HEALTH INSUR	<u>2,451,925</u>	<u>2,451,925</u>	<u>134,050.28</u>	<u>471,264.04</u>	<u>571,878.15</u>	<u>1,980,660.96</u>	<u>80.78</u>
TOTAL EXPENDITURES	2,530,793	2,530,793	137,345.62	477,421.77	582,544.58	2,053,371.23	81.14
=====							
REVENUES OVER/(UNDER) EXPENDITURES	0	0	(89,333.94)	21,213.06	(229,177.98)	(21,213.06)	0.00

CITY OF MCCOOK
STATEMENT OF REVENUES - BUDGET VS. ACTUAL
AS OF: DECEMBER 31ST, 2019

70 -ENTERPRISE FUND
FINANCIAL SUMMARY

% OF YEAR COMPLETED: 25.00

	ORIGINAL BUDGET	CURRENT BUDGET	MONTHLY REVENUE	YEAR-TO-DATE REVENUE	PRIOR YEAR YEAR-TO-DATE	BUDGET REMAINING	% BUDGET REMAINING
SOLID WASTE-LANDFILL POST	0	0	0.00	0.00	0.00	0.00	0.00
SOLID WASTE - RECYCLING	275,800	275,800	5,899.83	18,609.02	20,991.47	257,190.98	93.25
SOLID WASTE - COLLECTION	883,613	883,613	67,840.23	204,217.30	199,430.73	679,395.70	76.89
SOLID WASTE - TRANSFER ST	1,061,347	1,061,347	86,257.33	258,872.23	221,821.43	802,474.77	75.61
LANDFILL RESERVE	760,280	760,280	7,083.00	21,703.00	14,569.00	738,577.00	97.15
SOLID WASTE - DISPOSAL	369,986	369,986	51,235.50	102,471.00	223,780.86	267,515.00	72.30
WATER MAINTENANCE & OPERA	4,169,322	4,169,322	158,346.11	589,015.39	560,310.61	3,580,306.61	85.87
WATER BOND & INTEREST RED	1,759,088	1,759,088	96,613.37	175,213.37	167,420.37	1,583,874.63	90.04
WATER CAPITAL - REPLACEME	2,627,307	2,627,307	30,382.00	91,414.00	91,517.00	2,535,893.00	96.52
WATER CAPITAL - DEVELOPME	0	0	0.00	0.00	0.00	0.00	0.00
WATER QUALITY SOLUTION	168,643	168,643	164.45	492.14	568.38	168,150.86	99.71
SEWER MAINTENANCE & OPERA	2,326,320	2,326,320	115,783.57	359,765.42	358,655.81	1,966,554.58	84.53
SEWER BOND & INTEREST RES	120,754	120,754	20,155.48	20,471.48	20,414.48	100,282.52	83.05
SEWER CAPITAL - REPLACEME	1,249,699	1,249,699	36,789.00	110,332.00	114,389.00	1,139,367.00	91.17
SEWER CAPITAL - DEVELOPME	1,361	1,361	2.00	6.00	6.00	1,355.00	99.56
SEWER - PHASE III AMMONIA	0	0	0.00	0.00	0.00	0.00	0.00
COMBINED UTILITIES	700,325	700,325	0.00	0.00	0.00	700,325.00	100.00
ELECTRIC UTILITY	1,305,000	1,305,000	97,746.20	347,343.70	422,755.02	957,656.30	73.38
TOTAL REVENUES	17,778,845	17,778,845	774,298.07	2,299,926.05	2,416,630.16	15,478,918.95	87.06

	ORIGINAL BUDGET	CURRENT BUDGET	MONTHLY EXPENDITURES	YEAR-TO-DATE EXPENDITURES	PRIOR YEAR YEAR-TO-DATE	BUDGET REMAINING	% BUDGET REMAINING
SOLID WASTE-LANDFILL POST	16,550	16,550	0.00	390.00	4,648.50	16,160.00	97.64
SOLID WASTE - RECYCLING	293,894	293,894	6,454.87	28,337.70	26,343.89	265,556.30	90.36
SOLID WASTE - COLLECTION	883,613	883,613	60,416.52	194,649.38	223,385.27	688,963.62	77.97
SOLID WASTE - TRANSFER ST	1,026,703	1,026,703	91,927.41	262,382.07	315,090.04	764,320.93	74.44
LANDFILL RESERVE	760,280	760,280	0.00	127,395.00	30,000.00	632,885.00	83.24
SOLID WASTE - DISPOSAL	369,986	369,986	42,425.87	96,161.37	226,280.86	273,824.63	74.01
WATER MAINTENANCE & OPERA	4,169,322	4,169,322	149,358.04	609,368.83	502,887.31	3,559,953.17	85.38
WATER BOND & INTEREST RED	1,759,088	1,759,088	547,470.77	616,567.07	118,861.00	1,142,520.93	64.95
WATER CAPITAL - REPLACEME	2,627,307	2,627,307	5,665.33	30,121.21	22,003.92	2,597,185.79	98.85
WATER CAPITAL - DEVELOPME	0	0	0.00	0.00	0.00	0.00	0.00
WATER QUALITY SOLUTION	168,643	168,643	0.00	250.00	1,687.50	168,393.00	99.85
SEWER MAINTENANCE & OPERA	2,326,320	2,326,320	97,522.31	320,043.52	341,223.35	2,006,276.48	86.24
SEWER BOND & INTEREST RES	120,754	120,754	0.00	0.00	0.00	120,754.00	100.00
SEWER CAPITAL - REPLACEME	1,249,699	1,249,699	233.58	13,394.78	116,948.03	1,236,304.22	98.93
SEWER CAPITAL - DEVELOPME	1,361	1,361	0.00	0.00	0.00	1,361.00	100.00
SEWER - PHASE III AMMONIA	0	0	0.00	0.00	0.00	0.00	0.00
COMBINED UTILITIES	700,325	700,325	0.00	0.00	0.00	700,325.00	100.00
ELECTRIC UTILITY	1,305,000	1,305,000	66,496.20	316,093.70	422,755.02	988,906.30	75.78
TOTAL EXPENDITURES	17,778,845	17,778,845	1,067,970.90	2,615,154.63	2,352,114.69	15,163,690.37	85.29
REVENUES OVER/(UNDER) EXPENDITURES	0	0	(293,672.83)	(315,228.58)	64,515.47	315,228.58	0.00

CITY OF MCCOOK
 STATEMENT OF REVENUES - BUDGET VS. ACTUAL
 AS OF: DECEMBER 31ST, 2019

80 -CAPITAL IMPROVEMENTS FUND
 FINANCIAL SUMMARY

% OF YEAR COMPLETED: 25.00

	ORIGINAL BUDGET	CURRENT BUDGET	MONTHLY REVENUE	YEAR-TO-DATE REVENUE	PRIOR YEAR YEAR-TO-DATE	BUDGET REMAINING	% BUDGET REMAINING
<u>REVENUE SUMMARY</u>							
CAPITAL IMPROVE 2018	1,035,712	1,035,712	62,090.42	186,086.26	32,708.70	849,625.74	82.03
CAPITAL IMPROVEMENTS #3	0	0	0.00	0.00	130,324.91	0.00	0.00
CAPITAL IMPROVE #3 RES	0	0	0.00	0.00	0.00	0.00	0.00
CAPITAL IMPROVE 1/2%	0	0	0.00	0.00	65,162.46	0.00	0.00
CAPITAL IMPROVE 1/2% RES	<u>790,669</u>	<u>790,669</u>	<u>1,108.00</u>	<u>3,691.00</u>	<u>4,753.00</u>	<u>786,978.00</u>	<u>99.53</u>
TOTAL REVENUES	<u>1,826,381</u>	<u>1,826,381</u>	<u>63,198.42</u>	<u>189,777.26</u>	<u>232,949.07</u>	<u>1,636,603.74</u>	<u>89.61</u>
	=====	=====	=====	=====	=====	=====	=====
	ORIGINAL BUDGET	CURRENT BUDGET	MONTHLY EXPENDITURES	YEAR-TO-DATE EXPENDITURES	PRIOR YEAR YEAR-TO-DATE	BUDGET REMAINING	% BUDGET REMAINING
CAPITAL IMPROVE 2018	1,035,712	1,035,712	5,610.00	54,253.85	0.00	981,458.15	94.76
CAPITAL IMPROVEMENTS #3	60,000	60,000	0.00	0.00	0.00	60,000.00	100.00
CAPITAL IMPROVE #3 RES	233,241	233,241	0.00	9,170.00	0.00	224,071.00	96.07
CAPITAL IMPROVE 1/2%	246,162	246,162	2,539.63	73,610.84	63,924.80	172,551.16	70.10
CAPITAL IMPROVE 1/2% RES	<u>251,266</u>	<u>251,266</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>251,266.00</u>	<u>100.00</u>
TOTAL EXPENDITURES	<u>1,826,381</u>	<u>1,826,381</u>	<u>8,149.63</u>	<u>137,034.69</u>	<u>63,924.80</u>	<u>1,689,346.31</u>	<u>92.50</u>
	=====	=====	=====	=====	=====	=====	=====
REVENUES OVER/(UNDER) EXPENDITURES	0	0	55,048.79	52,742.57	169,024.27	(52,742.57)	0.00

**CITY MANAGER'S REPORT
FEBRUARY 3, 2020 CITY COUNCIL MEETING**

ITEM: 4.C.

Receive and file report of equipment purchases financed by the City of McCook.

BACKGROUND:

Mayor Gonzales requested an itemization of equipment purchases currently financed by the City. The report includes the amount financed, the annual payments, and the date of the final payment. Water and sewer bonded debt has not been included.

**FISCAL
IMPACT:** None.

APPROVALS:



Lea Ann Doak, City Clerk-Treasurer

January 29, 2020



Nathan A. Schneider, City Manager

January 29, 2020

CITY OF MCCOOK
Financed Equipment
1/31/2020

Source	Description	Amount	Annual Pay	1st Pay	Final Pay
Horizon Bank	Fire - Self-contained breathing apparatuses	\$ 127,451.00	\$ 21,227.00	11/1/2018	11/1/2024
MNB Bank	Street - 2020 Cat Loader	\$ 114,040.00	\$ 31,170.00	11/1/2020	11/1/2023
MNB Bank	2019 F-550 Ambulance	\$ 159,955.00	\$ 31,068.00	4/1/2020	4/1/2025
MNB Bank	2019 MacQueen Street Sweeper	\$ 178,691.00	\$ 34,365.00	11/1/2019	11/1/2024
Caterpillar Financial	Solid Waste - Loader	\$ 132,475.00	\$ 28,679.00	5/14/2017	5/14/2021
INTERNAL LOANS					
Sewer Funds	Solid Waste Hauling Trailers	\$ 94,295.00	\$ 20,005.00	1/1/2016	1/1/2020
Water Funds	General Fund Equipment	\$ 270,856.00	\$ 57,464.00	1/1/2017	1/1/2021
Water Funds	Self-Insurance	\$ 450,000.00	\$ 95,000.00	9/1/2018	9/1/2022

**CITY MANAGER'S REPORT
FEBRUARY 3, 2020 CITY COUNCIL MEETING**

ITEM: 4.D.

Authorize the Mayor to sign the Environment Review for the McCook Housing Agency 2020-2025 Improvements.

BACKGROUND:

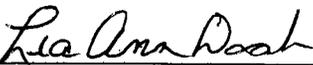
Miller & Associates completed the environmental review for the McCook Housing Agency 2020-2025 Improvements. The improvements are funded through the Capital Fund Program of the U.S. Department of Housing and Urban Development (HUD). There were no negative impacts identified in the review for McCook Housing Authority residents. The project has been categorically excluded subject to Section 58.5. After a review of all compliance factors, no formal compliance steps or mitigation are required.

The Housing Agency Board has reviewed the report. The report is to be signed by the Mayor as the "Responsible Entity Agency Official".

A copy of the entire report is available at the City Office for your review, if desired.

**FISCAL
IMPACT:** None.

APPROVALS:



Lea Ann Doak, City Clerk-Treasurer

January 29, 2020

502 Missouri Ave. Circle
McCook, NE 69001
308-345-3605

McCook Housing Agency



City of McCook
PO Box 1059
McCook, NE 69001

November 26, 2019

Dear Mayor Mike Gonzales and City Council,

The Office of Environment and Energy (OEE) manages the environmental review process for Housing and Urban Development. An environmental review is the process of reviewing a project and its potential environmental impact to determine whether it meets federal, state, and local environmental standards. Every 5 years housing and Urban Development requires housing authorities to complete an Environmental Review to monitor if anything has changed and provides mitigation processes for the health and safety of our residents.

Our Board of Commissioners is required to review the report and authorize the Director to send it to the City for review and have the Mayor sign that the city has had opportunity to review the document. I have been authorized to forward the environmental review to the City of McCook Mayor and Council members. I have indicated the area where the Mayor is to sign. You may copy the document for your records but I do need the original returned with the Mayor's signature.

There were no negative impacts identified in the Environmental Review for the City of McCook Housing Authority residents. If you have questions regarding this report please contact me during regular business hours.

Sincerely,

A handwritten signature in blue ink that reads "Rebecca Dutcher".

Rebecca Dutcher
Executive Director

June 24, 2019
Kearney, Nebraska



1111 Central Ave. Kearney, NE 68847-6833

Tel: 308-234-6456
Fax: 308-234-1146
www.miller-engineers.com

Rebecca Dutcher
McCook Housing Authority
502 Missouri Avenue Circle
McCook, NE 69001

RE: McCook Housing Authority 2020-2025 Improvements
M&A Project No. 200-G1-019

Dear Ms. Dutcher,

Miller & Associates has completed the environmental review for the McCook Housing Authority 2020-2025 Improvements. The improvements are funded through the Capital Fund Program of the U.S. Department of Housing and Urban Development (HUD). The environmental review has been completed to meet the requirements of the National Environmental Policy Act.

The project has been categorically excluded subject to Section 58.5. After a review of all compliance factors, no formal compliance steps or mitigation are required.

Please obtain the signature of the "Responsible Entity Agency Official", in this case Mr. Mike Gonzales, Mayor of McCook, then send us a photocopy of the signature sheet for our records. The original signed document and related supporting material must be retained on file by the "Responsible Entity" in the Environmental Review Record for the project and in accordance with recordkeeping requirements for HUD programs.

Please review the attached document and let me know if you have any questions or would like any changes. If you need any further information or wish to discuss the project, please contact me at 308-234-6456 or by e-mail at ktillotson@miller-engineers.com.

Sincerely,
MILLER & ASSOCIATES
CONSULTING ENGINEERS, P.C.

A handwritten signature in blue ink that reads 'Keith Tillotson'.

Keith Tillotson
Environmental Technician

Enclosure



U.S. Department of Housing and Urban
Development

451 Seventh Street, SW
Washington, DC 20410
www.hud.gov

espanol.hud.gov

Environmental Review for Activity/Project that is Categorically Excluded Subject to Section 58.5

Pursuant to 24 CFR 58.35(a)

Project Information

Project Name: McCook Housing Authority 2020-2025 Improvements

Responsible Entity: McCook Housing Authority

Grant Recipient (if different than Responsible Entity):

State/Local Identifier: McCook, Nebraska

Preparer: Keith Tillotson, Miller & Associates Consulting Engineers, P.C.

Certifying Officer Name and Title: Mike Gonzales, Mayor

Grant Recipient (if different than Responsible Entity):

Consultant (if applicable): Keith Tillotson, Miller & Associates Consulting Engineers, P.C.

Direct Comments to: Keith Tillotson, Miller & Associates Consulting Engineers, P.C.

Project Location: 502 Missouri Avenue Circle, McCook, NE

Description of the Proposed Project [24 CFR 50.12 & 58.32; 40 CFR 1508.25]:

The McCook Housing Authority in McCook, Nebraska will use HUD Capital Funds for improvements to existing buildings within the McCook Housing Authority Campus (location map attached). Maintenance improvements to the campus include sidewalks, drives, gutters, remodeling of bathrooms and kitchens, replacement of floor covering, replacement of appliances, replacement of light fixtures, replacement of office equipment, replacement of maintenance equipment, insulation of attics.

Level of Environmental Review Determination:

Categorically Excluded per 24 CFR 58.35(a), and subject to laws and authorities at §58.5: _____

Funding Information

Grant Number	HUD Program	Funding Amount
NE26P123501-20 Thru NE26P123501-25	Capital Fund Program 2020-2025	\$45,635 annually

Estimated Total HUD Funded Amount: \$228,175

Estimated Total Project Cost (HUD and non-HUD funds) [24 CFR 58.32(d)]: \$228,175

Compliance with 24 CFR 50.4, 58.5, and 58.6 Laws and Authorities

Record below the compliance or conformance determinations for each statute, executive order, or regulation. Provide credible, traceable, and supportive source documentation for each authority. Where applicable, complete the necessary reviews or consultations and obtain or note applicable permits of approvals. Clearly note citations, dates/names/titles of contacts, and page references. Attach additional documentation as appropriate.

Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6	Are formal compliance steps or mitigation required?	Compliance determinations
STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 & 58.6		
Airport Hazards 24 CFR Part 51 Subpart D	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	Upon review of the Airport Hazards Checklist (Attachment 1), the project is in compliance with the airports hazards requirements. Qualified Data Sources: Aerial Map (Attachment 1-A)
Coastal Barrier Resources Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	A general location map has been attached to show that no coastal barrier resources exist in the City of McCook or Red Willow County. (Attachment 2)
Flood Insurance Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	The project is not located within a FEMA-identified Special Flood Hazard Area (SFHA). This information is confirmed by review of the FIRM map #31145C0185C (effective February 4, 2009) (Attachment 3)

STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 & 58.5

<p>Clean Air</p> <p>Clean Air Act, as amended, particularly section 176(c) & (d); 40 CFR Parts 6, 51, 93</p>	<p>Yes No <input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>Upon review of the Air Quality Checklist (Attachment 4), the 2020-2025 Improvements-City of McCook project does not contain an EPA non-attainment or maintenance area.</p> <p>Qualified Data Source: EPA Green Book Data (Attachment 4-A)</p>
<p>Coastal Zone Management</p> <p>Coastal Zone Management Act, sections 307(c) & (d)</p>	<p>Yes No <input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>No coastal zone management programs exist in the states of HUD Region VII, as established by National Oceanic & Atmospheric Administration, Office of Ocean and Coastal Resource Management (Attachment 5).</p> <p>Qualified Data Source: http://coastalmanagement.noaa.gov/mystate/welcome.html</p>
<p>Contamination and Toxic Substances</p> <p>24 CFR Part 50.3(i) & 58.5(i)(2)</p>	<p>Yes No <input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>There is no known contamination or toxic substances in the area (Attachment 6). There are no sites on the property that report to the EPA.</p> <p>Qualified Data Sources: EPA Environmental Justice Mapping (Attachment 6-A), State Fire Marshall (Attachment 6-B).</p>
<p>Endangered Species</p> <p>Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402</p>	<p>Yes No <input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>Upon review of the Endangered Species Checklist (Attachment 7), the project will have no impact, nor is it likely to affect federally-protected threatened or endangered species nor will it modify critical habitats. Because the project is located within an established neighborhood and concerns existing structures, no species or habitats will be negatively impacted.</p>
<p>Explosive and Flammable Hazards</p> <p>24 CFR Part 51 Subpart C</p>	<p>Yes No <input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>Upon review of the Explosive and Flammable Hazards checklist (Attachment 8), the project is in compliance with explosive and flammable hazards requirements.</p> <p>Qualified Data Sources: NE State Fire Marshall (Attachment 8-A)</p>
<p>Farmlands Protection</p> <p>Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658</p>	<p>Yes No <input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>Project activities concern improvements to existing buildings, therefore no farmland will be converted as a result of this project (Attachment 9).</p> <p>Aerial Map (Attachment 9-A)</p>
<p>Floodplain Management</p> <p>Executive Order 11988, particularly section 2(a); 24 CFR Part 55</p>	<p>Yes No <input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>The project is not located within a regulated floodplain (Attachment 10).</p> <p>Qualified Data Source: FIRM Map #31145C0185B, Effective Date February 4, 2009 (Attachment 10-A).</p>
<p>Historic Preservation</p> <p>National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800</p>	<p>Yes No <input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>Pictures of the current properties and the completed Online Section 106 Project Form for Individual Standing Structures were sent to the Nebraska State Historic Preservation Officer on May 23, 2019, and the SHPO, on May 23, 2019, indicated that no historic properties will be affected. (Attachment 11).</p> <p>Qualified Data Source: SHPO Response (Attachment 11-A);</p>

<p>Noise Abatement and Control</p> <p>Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B</p>	<p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>Upon review of the Noise Checklist (Attachment 12), the project is in compliance with noise abatement and control requirements.</p> <p>Qualified Data Source: DNL Calculator (Attachment 12-A)</p>
<p>Sole Source Aquifers</p> <p>Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149</p>	<p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>No sole source aquifers exist in EPA Region VII (Nebraska, Iowa, Kansas, Missouri) (Attachment 13)</p> <p>Qualified Data Source: https://www.epa.gov/dwssa</p>
<p>Wetlands Protection</p> <p>Executive Order 11990, particularly sections 2 and 5</p>	<p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>There are no wetlands located within the project area; therefore the proposed improvements will not impact wetlands (Attachment 14).</p> <p>Qualified Data Sources: U.S. Fish and Wildlife Service McCook Housing Authority Campus (Attachment 14-A)</p>
<p>Wild and Scenic Rivers</p> <p>Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)</p>	<p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>There are no wild and scenic rivers, study rivers, or Nationwide Rivers Inventory rivers located within or near the project area. (Attachment 15)</p> <p>Qualified Data Sources: (Attachment 15-A)</p> <p>http://www.nps.gov/ncrc/programs/rtca/nri/states/ne.html</p> <p>http://www.rivers.gov/nebraska.php</p> <p>http://www.rivers.gov/study.php</p>
<p>ENVIRONMENTAL JUSTICE</p>		
<p>Environmental Justice</p> <p>Executive Order 12898</p>	<p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>The project is located in a suitable, safe, and sanitary environment (Attachment 16). The project will benefit low-to-moderate income persons. The McCook Housing Authority will provide housing to any current residents who are required to be temporarily displaced as a result of building improvements, though it is not anticipated that residents will be displaced. Additionally, review of EPA environmental justice mapping indicated that there are no major environmental concerns on the project site (Attachment 16-A).</p>

Field Inspection (Date and completed by):

Summary of Findings and Conclusions: After a review of all compliance factors, no formal compliance steps or mitigation are required.

Mitigation Measures and Conditions [40 CFR 1505.2(c)]

Summarize below all mitigation measures adopted by the Responsible Entity to reduce, avoid, or eliminate adverse environmental impacts and to avoid non-compliance or non-conformance with the above-listed authorities and factors. These measures/conditions must be incorporated into project contracts, development agreements, and other relevant documents. The staff responsible for implementing and monitoring mitigation measures should be clearly identified in the mitigation plan.

Law, Authority, or Factor	Mitigation Measure

Determination:

- This categorically excluded activity/project converts to Exempt, per 58.34(a)(12) because there are no circumstances which require compliance with any of the federal laws and authorities cited at §58.5. **Funds may be committed and drawn down after certification of this part** for this (now) EXEMPT project; OR
- This categorically excluded activity/project cannot convert to Exempt because there are circumstances which require compliance with one or more federal laws and authorities cited at §58.5. Complete consultation/mitigation protocol requirements, **publish NOI/RROF and obtain “Authority to Use Grant Funds”** (HUD 7015.16) per Section 58.70 and 58.71 before committing or drawing down any funds; OR
- This project is now subject to a full Environmental Assessment according to Part 58 Subpart E due to extraordinary circumstances (Section 58.35(c)).

Preparer Signature: Keith Tillotson Date: 6/24/19

Name/Title/Organization: Keith Tillotson, Environmental Technician
Miller & Associates Consulting Engineers, P.C.

Responsible Entity Agency Official Signature:

_____ Date: _____

Name/Title: _____

This original, signed document and related supporting material must be retained on file by the Responsible Entity in an Environmental Review Record (ERR) for the activity/project (ref: 24 CFR Part 58.38) and in accordance with recordkeeping requirements for the HUD program(s).



**CITY MANAGER'S REPORT
FEBRUARY 3, 2020 CITY COUNCIL MEETING**

ITEM: 4.E.

Approve the application for a Special Designated Liquor License submitted by the City of McCook for the Employee Recognition Banquet to be held at the McCook Municipal Auditorium, 302 West 5th Street, on March 13, 2020 from 8:00 A.M. to 11:59 P.M.

BACKGROUND:

The City will be hosting this event. They are making application to allow them to serve alcohol at this temporary location. Approval of the City Council is required with all applications. Approval of this request is also approving consumption of alcohol in the auditorium.

**FISCAL
IMPACT:** None.

APPROVALS:



Lea Ann Doak, City Clerk

January 29, 2020

**Special Designated License
Local Recommendation (Form 200)**

Applications must be entered on the portal after local approval – no exceptions
Late applications are non-refundable and will be rejected

City of McCook
Retail Liquor License Name or *Non-Profit Organization (*Must include Form #201 as Page 2)

505 West C St.

Retail Liquor License Address or Non-Profit Business Address

47-6006273

Retail License Number or Non-Profit Federal ID #

Consecutive Dates only

Event Date(s): 3/13/2020

Event Start Time(s): 8 am.

Event End Time(s): 11:59 p.m.

Alternate Date: _____

Alternate Location Building & Address: 302 W 5th

Event Building Name: City Auditorium

Event Street Address/City: 302 W 5th

Indoor area to be licensed in length & width: 150 x 100

Outdoor area to be licensed in length & width: _____ X _____ (Diagram Form #109 must be attached)

Type of Event: Employee Banquet Estimate # of attendees: 120

Type of alcohol to be served: Beer Wine Distilled Spirits
(If not marked, you will not be able to serve this type of alcohol)

Event Contact Name: Tracy A. Burkey Event Contact Phone Number: (308) 345-2022 ext. 224

Event Contact Email: burkey@cityofmccook.com

*Signature Authorized Representative: Tracy A. Burkey Printed Name Tracy A. Burkey

I declare that I am the authorized representative of the above named license applicant and that the statements made on this application are true to the best of my knowledge and belief. I also consent to an investigation of my background including all records of every kind including police records. I agree to waive any rights or causes of action against the Nebraska Liquor Control Commission, the Nebraska State Patrol or any other individual releasing said information to the Liquor Control Commission or the Nebraska State Patrol. I further declare that the license applied for will not be used by any other person, group, organization or corporation for profit or not for profit and that the event will be supervised by persons directly responsible to the holder of this Special Designated License.

*Retail licensee – Must be signed by a member listed on permanent license

*Non-Profit Organization – Must be signed by a Corporate Officer

Local Governing Body completes below:

The local governing body for the City/Village of _____ **OR** County of _____ approves the issuance of a Special Designated License as requested above. (Only one should be written above)

Local Governing Body Authorized Signature

Date

**CITY MANAGER'S REPORT
FEBRUARY 3, 2020 MCCOOK CITY COUNCIL MEETING**

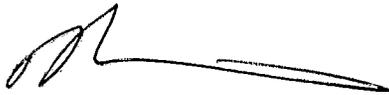
ITEM **4.F.** Ratify Addendum #2 and #3 of the Specification Book, modifying the McCook Public Library HVAC Replacement bid receipt date to February 4th, 2020; modifying the hot water hose kit specification to include a 3-way valve; and modifying the economizer model number to include JCI SSE Smart Controller.

BACKGROUND:

At the January 6, 2020 McCook City Council Meeting, the Council approved the bid specifications for the McCook Public Library HVAC Replacement Project. At the pre-conference meeting held on January 23rd, potential bidders expressed concerns about whether they would have sufficient time to receive price quotes from vendors prior to the original bid submittal date of January 27, 2020. Additionally, a potential contractor expressed concerns regarding their ability to get a bond in place by January 27th. Pursuant to these concerns, Staff was advised by James Marshall Engineering to issue an addendum modifying the bid date to February 4, 2020 at 3:00 p.m. An addendum was posted on A&D Technical on January 27, 2020, notifying potential bidders of the change.

An additional addendum was issued on January 29, 2020 modifying the hot water hose kit specification to include a 3-way valve and modifying the economizer model number to include JCI SSE Smart Controller.

APPROVALS:



Nathan A. Schneider, City Manager

January 29, 2020



Jesse Dutcher, Utilities Director

January 29, 2020



Lea Ann Doak, City Clerk

January 29, 2020

ADDENDUM #2

McCOOK PUBLIC LIBRARY HVAC REPLACEMENT

James N. Marshall Engineering, LLC
74681 K Road
Elm Creek, NE 68836
308.440.4270

Date Issued: January 24, 2020

Bid Date: February 4, 2020

TO ALL BID DOCUMENT HOLDERS OF RECORD:

Acknowledge receipt of this addendum by inserting its number in the space provided on the BID FORM. Failure to do so may subject Bidder to disqualification. This Addendum forms a part of the BIDDING DOCUMENTS and modifies them as follows.

Addendum #2 - #1

Specification Book Section 0200 "Invitation to Bid" Paragraph 1 modified to read as follows:

Sealed proposals will be received by the City of McCook, at, 505 West C Street, McCook, NE 69001. Bids will be received up to the hour of 3:00 p.m., on ~~Monday, the 27th day of January, 2020~~ **Tuesday, the 4th day of February, 2020**, for the furnishing of all labor, materials and equipment for the installation of new HVAC equipment and controls, at the McCook Public Library in McCook, Nebraska. At which hour, or as soon as possible thereafter, the Owner will proceed to publicly open and consider the bids received for the furnishing of said labor, materials and equipment necessary for the proper construction of the aforesaid project. Pre-bid Conference will be held on Thursday, the 23rd of January, 2020 at 3:00 p.m. at the McCook Public Library. All Bidders are encouraged to make a careful, close examination of the entire building area involved in the construction prior to submitting their bid.

ADDENDUM #3

McCOOK PUBLIC LIBRARY HVAC REPLACEMENT

James N. Marshall Engineering, LLC
74681 K Road
Elm Creek, NE 68836
308.440.4270

Date Issued: January 29, 2020

Bid Date: February 4, 2020

TO ALL BID DOCUMENT HOLDERS OF RECORD:

Acknowledge receipt of this addendum by inserting its number in the space provided on the BID FORM. Failure to do so may subject Bidder to disqualification. This Addendum forms a part of the BIDDING DOCUMENTS and modifies them as follows.

Addendum #3 - #1

See attached Sheet Add-M3-1: Hot water hose kit specification changed to include 3-way valve.

Addendum #3 - #2

See attached Sheet Add-M3-2: Economizer model number changed to include JCI SSE Smart Controller.

SPLIT HVAC EQUIPMENT SCHEDULE

MARK	MANUFACTURER AND MODEL NUMBER	DESCRIPTION	EVAPORATOR FAN					COOLING					HEATING		ELECTRICAL			WEIGHT	REMARKS
			CFM		HP	ESP (IN)	EER	TEMP. (F)			CAPACITY MBH		MBH	GPM	VOLTAGE	AMPS	MAX FUSE		
			SA	OA				ENT. AIR DB	ENT. AIR WB	O.D. AMB	TOT.	SEN.							
CU-1	LUXAIRE YJ-30C00ATEAA2	CONDENSING UNIT	-	-	-	-	10.0	80	67	95	347	234	-	-	208-3-60	130	150	1900	1 2 6 8 9
AH-1	LUXAIRE NJ-30C00NSAAA1	AIR HANDLER HOT WATER HEAT HORIZONTAL	10500	DEM VEN	10	1.0	-	80	67	95	347	234	388	50	208-3-60	39	60	1200	3 4 5 7 9 10 11 12

- 1 R-410A REFRIGERANT WITH 4 STAGE 4 PIPE COOLING
- 2 2HG04700824 HOT GAS BY-PASS KIT AND BAS SMART EQUIPMENT CONTROLLER
- 3 1LD0408 HIGH STATIC DRIVE KIT AND INTELLISPEED MULTIPLE SPEED AIR VOLUME FAN CONTROL
- 4 2MP04708900 MOTOR OVERLOAD RELAY KIT
- 5 1HW0406 2 ROW DEEP HOT WATER COIL
- 6 SUPPORT CONDENSING UNIT ON EXISTING 6" THICK CONCRETE PAD. APPROXIMATELY 36" OF ADDITIONAL CONCRETE REQUIRED ON WEST SIDE OF PAD.
- 7 SUPPORT AIR HANDLER ON EXISTING CONCRETE PAD
- 8 LOW AMBIENT COOLING
- 9 ELECTRICAL DISCONNECT BY ELECTRICAL CONTRACTOR. COORDINATE ELECTRICAL REQUIREMENTS WITH THE EC.
- 10 WITH FIELD INSTALLED SUPPLY AND RETURN AIR SMOKE DETECTORS PROVIDED BY HVAC CONTRACTOR AND WIRED BY FIRE ALARM CONTRACTOR
- 11 PROVIDE AND INSTALL HAYS 2 INCH 2535 MEASURFLO 3 WAY AUTOMATIC BALANCE PIPING PACKAGE, 50 GPM, WITH MANUAL AIR VENT, 2 INCH FSWT TRUNK, 1-1/2 INCH FSWT COIL, 1-1/2 INCH X 24 INCH HOSE, 1-1/2 INCH -24V SPRING RETURN NORMALLY CLOSED 3-WAY ATC VALVE FOR CONNECTION TO HOT WATER COIL.
- 12 PROVIDE AND INSTALL CO2 SENSOR IN RETURN AIR DUCT FOR DEMAND CONTROL VENTILATION



JAMES N. MARSHALL ENGINEERING
 74681 K Road - Elm Creek, NE 68836
 BUS: 308.440.4270
 jmarshall@jnm-eng.com

ADDENDUM #3
McCOOK PUBLIC LIBRARY
HVAC REPLACEMENT

SHEET:	Add-M3-1
REF:	M1.2
SCALE:	NO SCALE
DATE:	JANUARY 28, 2020

ECONOMIZER									
MARK	MANUFACTURER & MODEL	SERVES	LOCATION	CO2 CONTROL SETTINGS		ECONOMIZER CONTROL SETTINGS		PHYSICAL DATA	NOTES
				MIN (CFM)	MAX (CFM)	MIN (CFM)	MAX (CFM)	DIMENSIONS L/W/H (IN)	
ECO-1	RRS ROOFTOP 82-376-09SC	AH-1	MECH RM	600	1800	600	4200	29Lx96Wx35H	1,2
1) TOP RETURN AND REAR FRESH AIR DAMPER ARRANGEMENT 2) EQUIPPED WITH JCI SSE SMART ECONOMIZER CONTROLLER WITH JCI ACTUATOR.									



JAMES N. MARSHALL ENGINEERING
 74681 K Road - Elm Creek, NE 68836
 BUS: 308.440.4270
 jmarshall@jnm-eng.com

ADDENDUM #3
 McCOOK PUBLIC LIBRARY
 HVAC REPLACEMENT

SHEET:	Add-M3-2
REF:	M1.2
SCALE:	NO SCALE
DATE:	JANUARY 28, 2020

**CITY MANAGER'S REPORT
FEBRUARY 3, 2020 CITY COUNCIL MEETING**

ITEM: 5.A.

Approve Ordinance 2020-2996 on its second reading, repealing in part and amending in part the City of McCook, Nebraska Code of Ordinances, Chapter 150: Building Codes and Regulations

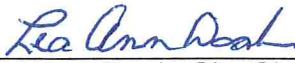
BACKGROUND:

Please refer to the attached City Manager's Report prepared for the January 20 meeting.

Following the meeting, Myra Stoney of Southwest Nebraska Public Health Department informed us that on May 8, 2019 the Governor approved LB 130 (a copy of LB 130 is attached for your reference) mandating passive radon control methods in new construction. Therefore, as noted on page 12, the exception regarding Appendix F, Radon Control Methods has been removed. All of the other recommendations noted in the January 20 report remain in the presented ordinance.

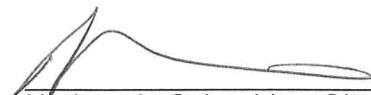
**FISCAL
IMPACT:** None.

APPROVALS:



Lea Ann Doak, City Clerk-Treasurer

January 29, 2020



Nathan A. Schneider, City Manager

January 29, 2020

**CITY MANAGER'S REPORT
JANUARY 20, 2020 MCCOOK CITY COUNCIL MEETING**

ITEM NO. __Approve Ordinance 2020-_____ on its first reading, repealing in part and amending in part the City of McCook, Nebraska Code of Ordinances, Chapter 150: Building Codes and Regulations

BACKGROUND:

The Building and Housing Code Advisory and Appeals Board along with the Building Inspector reviewed the 2018 International Building Codes for changes and amendments. The purpose of this review was to compare the changes and amendments from our current 2012 International Building Codes to the 2018 International Building Codes. As a result of the review, some minor changes are recommended. The recommendations are listed as follows:

- Fences and decks are no longer exempt from a permit under the 2018 International Building Code.
- Fences are no longer exempt from a permit under the 2018 International Residential Code.
- Radon Control Methods are being omitted under Appendix F of the 2018 International Residential Code.
- Buildings listed on the National Register of Historic Places are no longer exempt under the 2018 International Energy Code.
- The insurance requirement for licensed contractors is being changed to a one million (\$1,000,000) dollar amount from the current three hundred thousand (\$300,000) dollar amount.

There are additional minor regulation amendments proposed by this ordinance that aren't listed in this report due to the negligible impact they have on the operation of Chapter 150.

FISCAL IMPACT:

None.

APPROVALS:

_____ Lea Ann Doak, City Clerk	January 20, 2020
_____ Nate Schneider, City Manager	January 20, 2020
_____ Barry Mooney, Building Inspector	January 20, 2020

ORDINANCE NO. 2020-2996

AN ORDINANCE OF THE CITY OF MCCOOK, NEBRASKA REPEALING CHAPTER 150: BUILDING CODES AND REGULATIONS OF THE MUNICIPAL CODE OF THE CITY OF MCCOOK, NEBRASKA IN ITS ENTIRETY; REPLACING WITH UPDATED CHAPTER 150: BUILDING CODES AND REGULATIONS OF THE MUNICIPAL CODE OF THE CITY OF MCCOOK, NEBRASKA; INCLUDING THE ADOPTION BY REFERENCE THE INTERNATIONAL BUILDING CODE, INTERNATIONAL RESIDENTIAL CODE, INTERNATIONAL PLUMBING CODE, INTERNATIONAL MECHANICAL CODE, INTERNATIONAL FUEL GAS CODE, INTERNATIONAL PROPERTY MAINTENANCE CODE, INTERNATIONAL EXISTING BUILDING CODE, INTERNATIONAL ENERGY CONSERVATION CODE AND ADOPTING THE AMENDMENTS TO EACH; INCLUDING THE ADOPTION OF UPDATED SECTIONS PERTAINING TO THE BUILDING INSPECTOR, UNSAFE BUILDINGS, MOBILE HOMES, STRUCTURE MOVING, ELECTRICITY, AND PENALTY; AND ADDING SECTIONS REGARDING CONTRACTOR'S LICENSING; TO PROVIDE FOR THE REPEAL OF ANY OTHER CONFLICTING ORDINANCES; AND PROVIDING A TIME AND DATE FROM AND AFTER WHICH THIS ORDINANCE SHALL TAKE EFFECT AND BE ENFORCED.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of McCook, Nebraska:

Section 1. That Chapter 150: BUILDING CODES AND REGULATIONS, of the City of McCook, Nebraska, Code of Ordinances is hereby amended to read as follows:

"BUILDING CODES

§150.010 INTERNATIONAL BUILDING CODE, INTERNATIONAL RESIDENTIAL CODE, INTERNATIONAL PLUMBING CODE, INTERNATIONAL MECHANICAL CODE, INTERNATIONAL FUEL GAS CODE, INTERNATIONAL PROPERTY MAINTENANCE CODE, INTERNATIONAL EXISTING BUILDING CODE, INTERNATIONAL ENERGY CONSERVATION CODE ADOPTED BY REFERENCE.

(A) Except as hereinafter provided by specific amendment, the following publications are hereby adopted, incorporated, and made a part of this municipal code the same as though spread at large herein:

(1) *International Building Code, 2018 Edition*, as published by the International Code Council, Inc., hereinafter referred to as the International Building Code;

(2) *International Residential Code, 2018 Edition*, as published by the International Code Council, Inc., hereinafter referred to as the International Residential Code; and

(3) *International Plumbing Code, 2018 Edition*, as published by the International Code Council, Inc., hereinafter referred to as the International Plumbing Code.

(4) *International Mechanical Code, 2018 Edition*, as published by the International Code Council, Inc., hereinafter referred to as the International Mechanical Code.

(5) *International Fuel Gas Code, 2018 Edition*, as published by the International Code Council, Inc., hereinafter referred to as the International Fuel Gas Code.

(6) *International Property Maintenance Code, 2018 Edition*, as published by the International Code Council, Inc., hereinafter referred to as the International Property Maintenance Code.

(7) *International Existing Building Code, 2018 Edition*, as published by the International Code Council, Inc., hereinafter referred to as the International Existing Building Code.

(8) *International Energy Conservation Code, 2018 Edition*, as published by the International Code Council, Inc., hereinafter referred to as the International Energy Conservation Code.

(B) The regulations contained in the International Building Code, the International Residential Code, the International Plumbing Code, the International Mechanical Code, the International Fuel Gas Code, the International Property Maintenance Code, the International Existing Building Code and the International Energy Conservation Code shall be enforced within the corporate limits of the city and within the unincorporated extraterritorial jurisdiction beyond and adjacent to the city's corporate boundaries. One printed copy of the publications described above shall be filed in the office of the City Clerk.
(Ord. 2005-2733, passed 7-18-2005; Ord. 2016-2928, passed 5-16-2016)

§150.020 AMENDMENTS TO INTERNATIONAL BUILDING CODE.

The International Building Code, 2018 Edition, hereinafter referred to as the "Code", adopted by the provisions of this chapter, is hereby amended, altered, changed, and modified as follows:

Section 101.1, Title of the Code is hereby amended by designating the name of the jurisdiction to be the "City of McCook, Nebraska, a municipal corporation,"

Section 101.2, Scope of the Code is hereby amended by adding a new paragraph thereto reading as follows:

Where, in any specific case, different sections of the Municipal Code of the City of McCook, Nebraska, including the Zoning Ordinance of the City of McCook, Nebraska, specify different materials, methods of construction or other requirements, the most restrictive, as determined by the Building Official shall govern.

Section 103.2, Appointment of the Code is hereby amended to read as follows:

Any reference in this Code to "Building Official" shall mean the City Manager. The Building Inspector and other assistants, clerks, and employees appointed by the

Building Official to administer this Code shall have such powers as designated by the Building Official.

Section 103.3 of the Code is hereby deleted.

Section 105.2, Work exempt from permit of the Code is hereby amended to read as follows:

Section 105.2, Work exempt from permit. Exemptions from permit requirements of this Code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this Code or any other laws or ordinances of this jurisdiction. Any individual performing any specific work that has a total value of three hundred (\$300.00) dollars or less shall not be required to obtain a permit.

Building:

1. One-story detached accessory structures, used tool and storage sheds, playhouses, and similar uses, provided the floor area does not exceed 200 square feet.
2. Oil derricks.
3. Retaining walls which are not over 4 feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impound Class I, II or IIIA liquids.
4. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2 to 1.
5. Sidewalks and driveways.
6. Painting, paneling, papering, tiling, carpeting, replacement of floor covering, cabinets, counter tops, similar finish work, nonstructural concrete work, siding repair, and glass replacement.
7. Temporary motion picture, television and theater stage sets and scenery.
8. Prefabricated swimming pools that are less than 24 inches deep and are installed entirely above ground.
9. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
10. Swings and other playground equipment.
11. Window awnings supported by an exterior wall which do not project more than 54 inches from the exterior wall and do not require additional support.

12. Replacement windows when the same size or smaller and does not involve structural changes.
13. Roof repair and replacement if less than 25% of roof.
14. Nonfixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches in height.

Electrical:

State of Nebraska, State Electrical Inspector regulates all electrical work.

Gas:

1. Portable heating, cooking or clothes drying appliances.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
3. Portable fuel cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

Mechanical:

1. Portable heating appliance.
2. Portable ventilation appliances.
3. Portable cooling unit.
4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
6. Portable evaporative cooler.
7. Self-contained refrigeration systems containing 10 pounds or less of refrigerant and actuated by motors of 1 horsepower or less.
8. Portable fuel cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

Plumbing:

1. The stopping of leaks in drains, water, soil, waste or vent pipe, provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new

material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.

2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

Section 105.2.1, Emergency Repairs is hereby amended to read as follows:

Section 105.2.1, Emergency Repairs. Where equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted the next working business day to the Building Inspector.

Section 105.2.2, Public service agencies is hereby amended to read as follows:

Section 105.2.2, Public service agencies. A permit shall not be required for the installation, alteration or repair of generation, transmission, distribution, metering or other related equipment that is under the ownership and control of public service agencies by established right.

Section 105.3, Application for permit of the Code is hereby amended to read as follows:

Section 105.3, Application for permit. To obtain a permit, the applicant shall first file an application therefore in writing on a form furnished by the Building and Zoning Department for that purpose. Such application shall:

1. Identify and describe the work to be covered by the permit for which application is made.
2. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.
3. Indicate the use and occupancy for which the proposed work is intended.
4. Be accompanied by construction documents and other information as required in Section 107 and pay the fees set by ordinance of the City Council and set out in Chapter 38, Fee Schedule. Where work for which a permit is required is started prior to obtaining said permit, the Building Official/Agent may at his/her discretion issue a stop work order until said permit is obtained and shall levy a penalty in addition to the regular permit fee in the amount of one hundred (\$100.00) dollars.
5. State the valuation of the proposed work.
6. Be signed by the applicant, or the applicant's authorized agent.
7. Give such other data and information as required by the Building Official/Agent.

8. For new construction or for existing structures where exterior dimensions are changed, provide a Certificate of Lot Survey, signed by a Registered Land Surveyor licensed in the State of Nebraska, certifying that the lot has been accurately surveyed and that each lot corner has been well and accurately staked and marked, providing the front, side and rear yard dimensions requested are less than 125% of minimum yard requirements.

Additional requirements for commercial applications:

1. Submit a drainage plan based upon a ten year storm event prepared by a Nebraska Registered Professional Engineer for any proposed use which has a new roof area in excess of 10,000 square feet or a combination of new roof and new paved parking in excess of 20,000 square feet. The report shall include an evaluation of the ability of the proposed water courses, drainage tiles, storm sewers, culverts and other improvements pertaining to drainage or flood control to handle the runoff generated by the development of the land within and above the tract for which the permit is required and the impact of such drainage on downstream drainage systems. The drainage report must be approved prior to the issuance of a building permit.
2. Provide the estimated daily and peak hourly flow as well as the estimated BOD of the waste as prepared by a Nebraska Registered Professional Engineer for any proposed use which has an estimated five-day BOD greater than 250 parts per million by weight or a temperature higher than 150°F (65° C).
3. Submit a water distribution report for any proposed use which will require a new or upsized meter and/or service of two inches (2") or larger and shall provide estimated annual, peak day, and peak hour use. The water distribution report must be approved prior to issuance of the building permit.
4. Provide an erosion control plan for both during and after construction as prepared by a Nebraska Registered Professional Engineer for any development or expansion which involves grading (fill or excavation) of any area greater than 20,000 square feet.

Section 105.5, Expiration is hereby amended to read as follows:

Section 105.5, Expiration. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced; provided, however, that no permit shall be valid after two (2) years from the date of issue.

Section 108.3, Temporary power of the Code is hereby deleted. The State of Nebraska, State Electrical Inspector regulates all electrical work.

Section 1612.3, Establishment of flood hazard areas is hereby amended to read as follows:

Section 1612.3, Establishment of flood hazard areas. To establish flood hazard areas, the applicable governing authority shall adopt a flood hazard map and supporting data. The flood hazard map shall include, at a minimum, areas of special flood hazard as identified by the Federal Emergency Management Agency in an engineering report entitled "The Flood Insurance Study for the City of McCook," dated January 1, 1975, as amended or revised with the accompanying Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM) and related supporting data along with any revisions thereto. The adopted flood hazard map and supporting data are hereby adopted by reference and declared to be part of this section.

(Ord. 2005-2733, passed 7-18-2005; Ord. 2016-2928, passed 5-16-2016)

§150.030 AMENDMENTS TO INTERNATIONAL RESIDENTIAL CODE.

The International Residential Code, 2018 Edition, hereinafter referred to as the "Code", and adopted by the provision of this chapter, is hereby amended, altered, changed, and modified as follows:

Section R101.1, Title of the Code is hereby amended by designating the name of the jurisdiction to be the "City of McCook, Nebraska, a municipal corporation."

Section R101.2, Scope of the Code is hereby amended by adding a new paragraph thereto reading as follows:

Where, in any specific case, different sections of the Municipal Code of the City of McCook, Nebraska, including the Zoning Ordinance of the City of McCook, Nebraska, specify different materials, methods of construction or other requirements, the most restrictive, as determined by the Building Official, shall govern.

Section R103.2, Appointment of the Code is hereby amended to read as follows:

Any reference in this Code to "Building Official" shall mean the City Manager. The Building Inspector and other assistants, clerks, and employees appointed by the Building Official to administer this Code shall have such powers as designated by the Building Official.

Section R103.3 of the Code is hereby deleted.

Section R105.2, Work exempt from permit of the Code is hereby amended to read as follows:

Section R105.2, Work exempt from permit. Permits shall not be required for the following. Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Any individual performing any specific work that has a total value of three hundred (\$300.00) dollars or less shall not be required to obtain a permit.

Building:

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 200 square feet.
2. Retaining walls which are not over 4 feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.
3. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2 to 1.
4. Sidewalks and driveways.
5. Painting, paneling, papering, tiling, carpeting, replacement of floor covering, cabinets, counter tops, similar finish work, nonstructural concrete work, siding repair, and glass replacement.
6. Prefabricated swimming pools which are less than 24 inches deep.
7. Swings and other playground equipment.
8. Window awnings supported by an exterior wall which do not project more than 54 inches from the exterior wall and do not require additional support.
9. Replacement windows when the same size or smaller and involving no structural changes.
10. Roof repair and replacement if less than 25% of roof.
11. Decks not exceeding 200 square feet in area, that are not more than 30 inches above grade at any point, are not attached to a dwelling and do not serve the exit door required by Section R311.4.

Electrical:

State of Nebraska, State Electrical Inspector regulates all electrical work.

Gas:

1. Portable heating, cooking or clothes drying appliances.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
3. Portable fuel cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

Mechanical:

1. Portable heating appliance.
2. Portable ventilation appliances.
3. Portable cooling unit.
4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
6. Portable evaporative cooler.
7. Self-contained refrigeration systems containing 10 pounds or less of refrigerant and actuated by motors of 1 horsepower or less.
8. Portable fuel cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

Plumbing:

1. The stopping of leaks in drains, water, soil, waste or vent pipe, provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.
2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

Section R105.2.1, Emergency Repairs is hereby amended to read as follows:

Section R105.2.1, Emergency Repairs. Where equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the Building Inspector.

Section R105.2.2, Repairs is hereby amended to read as follows:

Section R105.2.2, Repairs. Application or notice to the Building Inspector is not required for ordinary repairs to structures, replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles. Such repairs shall not include:

1. The cutting away of any wall, partition or portion thereof.

2. The removal or cutting of any structural beam or load-bearing support.
3. The removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements.
4. Any ordinary repairs include addition to, alteration of, replace or relocation of any water supply, sewer, drainage, drain leader, gas, solid, waste, vent or similar piping, or electric wiring.
5. Mechanical or other work affecting public health or general safety.

Section R105.2.3, Public service agencies is hereby amended to read as follows:

Section R105.2.3, Public service agencies. A permit shall not be required for the installation, alteration or repair of generation, transmission, distribution, metering or other related equipment that is under the ownership and control of public service agencies by established right.

Section R105.3, Application for permit of the Code is hereby amended to read as follows:

Section R105.3, Application for permit. To obtain a permit, the applicant shall first file an application therefore in writing on a form furnished by the Building and Zoning Department for that purpose. Such application shall:

1. Identify and describe the work to be covered by the permit for which application is made.
2. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.
3. Indicate the use and occupancy for which the proposed work is intended.
4. Be accompanied by construction documents and other information as required in Section R106.1 and pay the fees set by ordinance of the City Council and set out in Chapter 38, Fee Schedule. Where work for which a permit is required is started prior to obtaining said permit, the Building Official/Agent may at his/her discretion issue a stop work order until said permit is obtained and shall levy a penalty in addition to the regular permit fee in the amount of one hundred (\$100.00) dollars.
5. State the valuation of the proposed work.
6. Be signed by the applicant, or the applicant's authorized agent.
7. Give such other data and information as required by the Building Official/Agent.
8. For new construction or for existing structures where exterior dimensions are changed, provide a Certificate of Lot Survey, signed by a Registered Land

Surveyor licensed in the State of Nebraska, certifying that the lot has been accurately surveyed and that each lot corner has been well and accurately staked and marked, providing the front, side and rear yard dimensions requested are less than 125% of minimum yard requirements.

Additional requirements for applications may include:

1. Submit a drainage plan based upon a ten year storm event prepared by a Nebraska Registered Professional Engineer for any proposed use which has a new roof area in excess of 10,000 square feet or a combination of new roof and new paved parking in excess of 20,000 square feet. The report shall include an evaluation of the ability of the proposed water courses, drainage tiles, storm sewers, culverts and other improvements pertaining to drainage or flood control to handle the runoff generated by the development of the land within and above the tract for which the permit is required and the impact of such drainage on downstream drainage systems. The drainage report must be approved prior to the issuance of a building permit.
2. Provide the estimated daily and peak hourly flow as well as the estimated BOD of the waste as prepared by a Nebraska Registered Professional Engineer for any proposed use which has an estimated five-day BOD greater than 250 parts per million by weight or a temperature higher than 150° F (65° C).
3. Submit a water distribution report for any proposed use which will require a new or upsized meter and/or service of two inches (2") or larger and shall provide estimated annual, peak day, and peak hour use. The water distribution report must be approved prior to issuance of the building permit.
4. Provide an erosion control plan for both during and after construction as prepared by a Nebraska Registered Professional Engineer for any development or expansion which involves grading (fill or excavation) of any area greater than 20,000 square feet.

Section R105.5, Expiration of the Code is hereby amended to read as follows:

Section R105.5, Expiration. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or after commencement of work if more than 180 days pass between inspections, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced; provided, however, that no permit shall be valid after two (2) years from the date of issue.

Section R107.3, Temporary power of the Code is hereby deleted. The State of Nebraska, State Electrical Inspector regulates all electrical work.

Table R301.2(1), Climatic and Geographic Design Criteria inserted in table.

TABLE R301.2(1)													
CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA													
GROUND SNOW LOAD	WIND DESIGN				SEISMIC DESIGN CATEGORY	SUBJECT TO DAMAGE FROM			WINTER DESIGN TEMP	ICE BARRIER UNDERLAYMENT REQUIRED	FLOOD HAZARD	AIR FREEZING INDEX	MEAN ANNUAL TEMP
	Speed (mph)	Topographic effects	Special wind Region	Windborne debris zone		Weathering	Frost line depth	Termite					
25	115	No	No	No	A	Severe	36"	Moderate	-4	Yes	**	1062	52.3

****refer to the Red Willow County Flood Plain Administrator**

Section R313, Automatic Fire Sprinkler Systems of the Code is hereby omitted in its entirety for townhouses and one- and two-family dwellings.

Section R403, Footings shall have a minimum depth of thirty-six (36) inches for frost protection.

Section R403.1.4.1, Frost protection of the Code is hereby amended as follows:

Section R403.1.4.1, Frost protection. Carports to follow manufactures instructions.

Section R502.11.4, Truss design drawings of the Code is hereby amended as follows:

Section R502.11.4, Truss design drawings is hereby deleted in its entirety due to being engineered designed.

~~Appendix F, Radon Control Methods of the Code is hereby omitted in its entirety for townhouses and one- and two-family dwellings.~~

(Ord. 2005-2733, passed 7-18-2005; Ord. 2016-2928, passed 5-16-2016)

§150.040 AMENDMENTS TO INTERNATIONAL PLUMBING CODE.

The International Plumbing Code, 2018 Edition, hereinafter referred to as the "Code", and adopted by the provision of this chapter, is hereby amended, altered, changed, and modified as follows:

Section 101.1, Title of the Code is hereby amended by designating the name of the jurisdiction to be the "City of McCook, Nebraska, a municipal corporation."

Section 103.2, Appointment of the Code is hereby amended to read as follows:

Any reference in this Code to "Code Official" shall mean the Building Official. The Building Inspector and other assistants, clerks, and employees appointed by the Building Official to administer this Code shall have such powers as designated by the Building Official.

Section 103.3 of the Code is hereby deleted.

Section 106.6.2, Fee schedule of the Code is hereby amended to read as follows:

Any person desiring a plumbing permit shall at the time of filing an application therefore pay to the City of McCook a fee set by ordinance of the City Council and set forth in Chapter 38, Fee Schedule.

Section 608.16.4.2 of the code is hereby deleted.

Section 608.17.5, Connections to lawn irrigation systems is hereby amended to read as follows:

Section 608.17.5, Connections to lawn irrigation systems. The potable water supply to lawn irrigation systems shall be protected against backflow by a check valve, an atmospheric vacuum breaker, a pressure vacuum breaker assembly, or a reduced pressure principle backflow prevention assembly. Valves shall not be installed downstream from an atmospheric vacuum breaker. Where chemicals are introduced into the system, the potable water supply shall be protected against backflow by a reduced pressure principle backflow prevention assembly.

Section 903.1, Roof extension is hereby amended to read as follows:

Section 903.1, Roof extension. Open vent pipes that extend through a roof shall be terminated not less than 12 inches above the roof, except that where a roof is to be used for any purpose other than weather protection, the vent extensions shall terminate not less than 7 feet above the roof.

(Ord. 2005-2734, passed 7-18-2005; Ord. 2009-2831, passed 9-21-2009; Ord. 2016-2928, passed 5-16-2016)

§150.045 LEAKING PIPES DEEMED NUISANCE.

Leaking water, sewer, or gas pipes or fixtures, whether on public or private property, shall be deemed a nuisance and shall forthwith be repaired upon notice from the Building Official/Agent.

(Ord. 2005-2734, passed 7-18-2005; Ord. 2016-2928, passed 5-16-2016)

§150.050 AMENDMENTS TO INTERNATIONAL MECHANICAL CODE.

The International Mechanical Code, 2018 Edition, hereinafter referred to as the "Code", and adopted by the provision of this chapter, is hereby amended, altered, changed, and modified as follows:

Section 101.1, Title of the Code is hereby amended by designating the name of the jurisdiction to be the "City of McCook, Nebraska, a municipal corporation."

Section 103.2, Appointment of the Code is hereby amended to read as follows:

Any reference in this Code to "Code Official" shall mean the Building Official. The Building Inspector and other assistants, clerks, and employees appointed by the Building Official to administer this Code shall have such powers as designated by the Building Official.

Section 103.3 of the Code is hereby deleted.

Section 106.5.2, Fee Schedule of the Code is hereby amended to read as follows:

Any person desiring a mechanical permit shall at the time of filing an application therefore pay to the City of McCook a fee set by ordinance of the City Council and set forth herein in Chapter 38, Fee Schedule.

(Ord. 2005-2735, passed 8-1-2005; Ord. 2016-2928, passed 5-16-2016)

§150.055 MECHANICAL PERMIT REQUIRED.

Mechanical work shall not be commenced until a permit has been issued by the Building Official/Agent. Permits are not required for any portable heating or cooling or ventilation equipment nor for any replacement of any mechanical fixture with a new fixture of the same type and capacity being replaced.

(Ord. 2005-2735, passed 8-1-2005; Ord. 2016-2928, passed 5-16-2016)

§150.056 AIR CONDITIONING OR REFRIGERATION EFFLUENT DISCHARGE:

(A) The effluent from any air conditioning or refrigeration equipment installed in any building shall be discharged under all applicable rules and regulations of the Nebraska Department of Environmental quality.

(B) The provisions of this section apply to existing installations of all air conditioning and refrigeration equipment to be installed.

(Neb. RS 18-2307, 18-2312) (Prior Code, § 9-204) (Ord. 2016-2928, passed 5-16-2016)

§150.060 AMENDMENTS TO INTERNATIONAL FUEL GAS CODE.

The International Fuel Gas Code, 2018 Edition, hereinafter referred to as the "Code", and adopted by the provision of this chapter, is hereby amended, altered, changed, and modified as follows:

Section 101.1, Title of the Code is hereby amended by designating the name of the jurisdiction to be the "City of McCook, Nebraska, a municipal corporation."

Section 101.2, Scope of the Code is hereby amended by adding a new paragraph thereto reading as follows:

Where, in any specific case, different sections of the Municipal Code of the City of McCook, Nebraska, including the Zoning Ordinance of the City of McCook, Nebraska, specify different materials, methods of construction or other requirements, the most restrictive, as determined by the Building Official, shall govern.

Section 103.2, Appointment of the Code is hereby amended to read as follows:

Any reference in this Code to "Code Official" shall mean the Building Official. The Building Inspector and other assistants, clerks, and employees appointed by the Building Official to administer this Code shall have such powers as designated by the Building Official.

Section 103.3 of the Code is hereby deleted.

Section 106.6.2, Fee Schedule of the Code is hereby amended to read as follows:

Any person desiring a mechanical permit shall at the time of filing an application therefore pay to the City of McCook a fee set by ordinance of the City Council and set forth herein in Chapter 38, Fee Schedule.

(Ord. 2016-2928, passed 5-16-2016)

§150.070 AMENDMENTS TO INTERNATIONAL PROPERTY MAINTENANCE CODE.

The International Property Maintenance Code, 2018 Edition, hereinafter referred to as the "Code", and adopted by the provision of this chapter, is hereby amended, altered, changed, and modified as follows:

Section 101.1, Title of the Code is hereby amended by designating the name of the jurisdiction to be the "City of McCook, Nebraska, a municipal corporation."

Section 101.2, Scope of the Code is hereby amended by adding a new paragraph thereto reading as follows:

Where, in any specific case, different sections of the Municipal Code of the City of McCook, Nebraska, including the Zoning Ordinance of the City of McCook, Nebraska, specify different materials, methods of construction or other requirements, the most restrictive, as determined by the Building Official, shall govern.

Section 103.2, Appointment of the Code is hereby amended to read as follows:

Any reference in this Code to "Code Official" shall mean the Building Official. The Building Inspector and other assistants, clerks, and employees appointed by the Building Official to administer this Code shall have such powers as designated by the Building Official.

Section 103.3, Deputies of the Code is hereby deleted.

Section 103.5, Fee Schedule of the Code is hereby amended to read as follows:

The fees for activities and services performed by the department in carrying out its responsibilities under this code shall pay to the City of McCook a fee set by ordinance of the City Council and set forth herein in Chapter 38, Fee Schedule.

Section 302.4, Weeds is hereby amended to read as follows:

Section 302.4, Weeds. All premises and exterior property shall be maintained free from weeds or plant growth as set forth in Chapter 95, §95.35 Control of Weeds, Litter, Stagnant Water.

(Ord. 2005-2736, passed 7-18-2005; Ord. 2016-2928, passed 5-16-2016)

§150.080 AMENDMENTS TO INTERNATIONAL EXISTING BUILDING CODE.

The International Existing Building Code, 2018 Edition, hereinafter referred to as the "Code", and adopted by the provision of this chapter, is hereby amended, altered, changed, and modified as follows:

Section 101.1, Title of the Code is hereby amended by designating the name of the jurisdiction to be the "City of McCook, Nebraska, a municipal corporation."

Section 101.2, Scope of the Code is hereby amended by adding a new paragraph thereto reading as follows:

Where, in any specific case, different sections of the Municipal Code of the City of McCook, Nebraska, including the Zoning Ordinance of the City of McCook, Nebraska, specify different materials, methods of construction or other requirements, the most restrictive, as determined by the Building Official, shall govern.

Section 103.2, Appointment of the Code is hereby amended to read as follows:

Any reference in this Code to "Code Official" shall mean the Building Official. The Building Inspector and other assistants, clerks, and employees appointed by the Building Official to administer this Code shall have such powers as designated by the Building Official.

Section 103.3 of the Code is hereby deleted.

Section 105.2, Work exempt from permit of the Code is hereby amended to read as follows:

Section 105.2, Work exempt from permit. Permits shall not be required for the following. Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Any individual performing any specific work that has a total value of three hundred (\$300.00) dollars or less shall not be required to obtain a permit.

Building:

1. Sidewalks and driveways.
2. Painting, paneling, papering, tiling, carpeting, replacement of floor covering, cabinets, counter tops, similar finish work, nonstructural concrete work, siding repair, and glass replacement.
3. Temporary motion picture, television and theater stage sets and scenery.
4. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
5. Window awnings supported by an exterior wall which do not project more than 54 inches from the exterior wall and do not require additional support.
6. Replacement windows when the same size or smaller and involving no structural changes.
7. Roof repair and replacement if less than 25% of roof.
8. Decks not exceeding 200 square feet in area, that are not more than 30 inches above grade at any point, are not attached to a dwelling and do not serve the exit door required by Section R311.4.
9. Nonfixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches in height.

Electrical:

State of Nebraska, State Electrical Inspector regulates all electrical work.

Gas:

1. Portable heating, cooking or clothes drying appliances.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

Mechanical:

1. Portable heating appliance.
2. Portable ventilation appliances.
3. Portable cooling unit.
4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.

5. Replacement of any part that does not alter approval of equipment or make such equipment unsafe.
6. Portable evaporative cooler.
7. Self-contained refrigeration systems containing 10 pounds or less of refrigerant and actuated by motors of 1 horsepower or less.

Plumbing:

1. The stopping of leaks in drains, water, soil, waste or vent pipe, provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.
2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

Section 105.2.1, Emergency Repairs is hereby amended to read as follows:

Section 105.2.1, Emergency Repairs. Where equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the Building Inspector.

Section 105.2.2, Repairs is hereby amended to read as follows:

Section 105.2.2, Repairs. Application or notice to the Building Inspector is not required for ordinary repairs to structures, replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles. Such repairs shall not include:

1. The cutting away of any wall, partition or portion thereof.
2. The removal or cutting of any structural beam or load-bearing support.
3. The removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements.
4. Any ordinary repairs include addition to, alteration of, replace or relocation of any water supply, sewer, drainage, drain leader, gas, solid, waste, vent or similar piping, or electric wiring.
5. Mechanical or other work affecting public health or general safety.

Section 105.2.3, Public service agencies is hereby amended to read as follows:

Section 105.2.3, Public service agencies. A permit shall not be required for the installation, alteration or repair of generation, transmission, distribution, metering or other related equipment that is under the ownership and control of public service agencies by established right.

Section 105.3, Application for permit of the Code is hereby amended to read as follows:

Section 105.3, Application for permit. To obtain a permit, the applicant shall first file an application therefore in writing on a form furnished by the Building and Zoning Department for that purpose. Such application shall:

1. Identify and describe the work to be covered by the permit for which application is made.
2. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.
3. Indicate the use and occupancy for which the proposed work is intended.
4. Be accompanied by construction documents and other information as required in Section R106.3 and pay the fees set by ordinance of the City Council and set out in Chapter 38, Fee Schedule. Where work for which a permit is required is started prior to obtaining said permit, the Building Official/Agent may at his/her discretion issue a stop work order until said permit is obtained and shall levy a penalty in addition to the regular permit fee in the amount of one hundred (\$100.00) dollars.
5. State the valuation of the proposed work.
6. Be signed by the applicant, or the applicant's authorized agent.
7. Give such other data and information as required by the Building Official/Agent.
8. For new construction or for existing structures where exterior dimensions are changed, provide a Certificate of Lot Survey, signed by a Registered Land Surveyor licensed in the State of Nebraska, certifying that the lot has been accurately surveyed and that each lot corner has been well and accurately staked and marked, providing the front, side and rear yard dimensions requested are less than 125% of minimum yard requirements.

Additional requirements for commercial applications:

1. Submit a drainage plan based upon a ten year storm event prepared by a Nebraska Registered Professional Engineer for any proposed use which has a new roof area in excess of 10,000 square feet or a combination of new roof and new paved parking in excess of 20,000 square feet. The report shall include an evaluation of the ability of the proposed water courses, drainage tiles, storm sewers, culverts and other improvements pertaining to drainage or flood control to handle the runoff generated by the development of the land within and above

the tract for which the permit is required and the impact of such drainage on downstream drainage systems. The drainage report must be approved prior to the issuance of a building permit.

2. Provide the estimated daily and peak hourly flow as well as the estimated BOD of the waste as prepared by a Nebraska Registered Professional Engineer for any proposed use which has an estimated five-day BOD greater than 250 parts per million by weight or a temperature higher than 150° F (65° C).
3. Submit a water distribution report for any proposed use which will require a new or upsized meter and/or service of two inches (2") or larger and shall provide estimated annual, peak day, and peak hour use. The water distribution report must be approved prior to issuance of the building permit.
4. Provide an erosion control plan for both during and after construction as prepared by a Nebraska Registered Professional Engineer for any development or expansion which involves grading (fill or excavation) of any area greater than 20,000 square feet.

Section 105.5, Expiration is hereby amended to read as follows:

Section 105.5, Expiration. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced; provided, however, that no permit shall be valid after two (2) years from the date of issue.

Section 107.3, Temporary power of the Code is hereby deleted. The State of Nebraska, State Electrical Inspector regulates all electrical work.

Section 1301.2, Applicability is hereby amended to read as follows:

Section 1301.2, Applicability. Structures existing prior to June 11, 1951 in which there is work involving additions, alterations or changes of occupancy shall be made to conform to the requirements of this chapter or the provisions of Chapters 6 through 10. (Ord. 2005-2733, passed 7-18-2005; Ord. 2016-2928, passed 5-16-2016)

§150.090 AMENDMENTS TO INTERNATIONAL ENERGY CONSERVATION CODE.

The International Energy Conservation Code, 2018 Edition, hereinafter referred to as the "Code", and adopted by the provision of this chapter, is hereby amended, altered, changed, and modified as follows:

Section C101.1, Title of the Code is hereby amended by designating the name of the jurisdiction to be the "City of McCook, Nebraska, a municipal corporation."

Section C101.2, Scope of the Code is hereby amended by adding new paragraphs thereto reading as follows:

Any reference in this Code to "Code Official" shall mean the Building Official. The Building Inspector and other assistants, clerks, and employees appointed by the Building Official to administer this Code shall have such powers as designated by the Building Official.

(Ord. 2005-2733, passed 7-18-2005; Ord. 2016-2928, passed 5-16-2016)

BUILDING INSPECTOR

§ 150.200 CREATION OF OFFICE.

(A) The Building Inspector, as appointed by and under the direction of the City Manager, is hereby authorized and directed to enforce all the provisions of the municipal code pertaining to building construction and repair under the direction of the City Manager. For this purpose, he or she shall have policing powers. Under the direction of the City Manager and upon presentation of proper credentials, the Building Inspector, or his or her duly authorized representative, may enter at all reasonable times any building, structure, or premise to perform any duty imposed upon the City Manager by any Building Code, Residential Code, Plumbing Code, Mechanical Code, Fuel Gas Code, Property Maintenance Code, Existing Building Code, Energy Conservation Code, or Housing Code duly adopted by reference in the municipal code, or any provision of the municipal code.

(B) The Building Inspector, acting in good faith and without malice in the discharge of his or her duties, shall not thereby render himself or herself personally liable and is hereby relieved from all personal liability for any damage that may accrue to persons or property as the result of any act or omission in the discharge of his or her duties. Any suit brought against the Building Inspector, because of an alleged act or omission performed by him or her in the enforcement of any provision of the municipal codes relating to buildings or building construction shall be defended by the legal department of the municipality until final termination of the proceedings. The Building Inspector may request, and shall receive so far as may be necessary in the discharge of his or her duties, the assistance and cooperation of other officials of the municipality. The Building Inspector shall have additional duties, carry out tasks, and make reports as the City Manager may prescribe from time to time.

(Ord. 2005-2739, passed 7-18-2005; Ord. 2016-2928, passed 5-16-2016)

§ 150.202 POWER AND AUTHORITY; STOP WORK ORDERS.

(A) Under the direction of the City Manager, the Building Inspector shall be the municipal official who shall have the duty of enforcing all building and housing regulations as herein prescribed. He or she shall inspect all buildings repaired, altered, built, or moved in the municipality as often as necessary to ensure compliance with all municipal ordinances.

(B) Whenever any building or construction work is being done contrary to the provisions of the codes or in a dangerous or unsafe manner, the Building Inspector at his discretion, may order the work stopped by notice in writing served on any persons engaged in doing or causing the work to be done. The notice shall state the conditions under which work is authorized to resume. Any person shall immediately stop, or cause to be stopped, the work

until authorization is received from the Building Inspector to continue the work. If the stop work order is an oral one, it shall be followed by a written stop work order within one (1) business day. The written order may be served by any municipal police officer.

(C) When any structure is in a dangerous condition or the building is being used contrary to the provisions of the laws of the municipality, the Building Inspector, under the direction of the City Manager, may order the use discontinued or the structure, or portion thereof in violation, vacated as set forth in Chapter 150, Unsafe Buildings, § 150.300 et al. (Ord. 2005-2739, passed 7-18-2005; Ord. 2016-2928, passed 5-16-2016)

§150.204 RIGHT OF ENTRY.

It shall be unlawful for any person to refuse to allow the Building Inspector entry into any building or structure where the work of construction, alteration, repair, or relocation is taking place for the purpose of making official inspections at any reasonable hour.

(Prior Code, § 9-102) (Ord. 2016-2928, passed 5-16-2016) Penalty, see § 150.999

Statutory reference:

Authority, see Neb. RS 16-234

§150.206 PERMIT; CERTIFICATE OF OCCUPANCY.

No building construction, alteration, repair, or demolition requiring a permit pursuant to this chapter shall be commenced until the permit holder, or his or her agent, shall have posted a permit card in a conspicuous place on the front of the premises where the work is being performed. The permit card shall be maintained in the conspicuous place by the permit holder until a certificate of occupancy has been issued by the Building Inspector and no building shall be occupied in any part thereof until the certificate of occupancy has been issued by the Building Inspector.

(Prior Code, § 9-103) (Ord. 2016-2928, passed 5-16-2016)

Statutory reference:

Authority, see Neb. RS 16-234

§150.208 DUPLICATE PERMITS TO COUNTY ASSESSOR.

Whenever a permit is issued for the erection, alteration, repair or demolition of any building within the municipality's jurisdiction, and the improvement is \$2,500 or more, a duplicate of the permit shall be issued to the County Assessor.

(Neb. RS 18-1743) (Prior Code, § 9-203) (Ord. 2016-2928, passed 5-16-2016)

§150.210 TIME OF INSPECTION.

Under the direction of the City Manager, the Building Inspector, upon notification from the permit holder or his or her agent, shall make those inspections required by the International Building Code, International Residential Code, International Plumbing Code, International Mechanical Code, International Fuel Gas Code, International Property Maintenance Code,

International Existing Building Code, and the International Energy Conservation Code, and shall either approve that portion of the construction as completed, or shall notify the permit holder, or his or her agent, that the work fails to comply with the requirements of the municipal code. (Ord. 2005-2739, passed 7-18-2005; Ord. 2016-2928, passed 5-16-2016)

§150.212 BARRICADES AND LIGHTS.

It shall be the duty of the owner, tenant, or lessee causing the construction, demolition, or moving of any building or improvement within the municipality to have during the work all excavations, open basements, building materials, and debris protected by suitable guards or barricades by day, and by warning lights at night. The failure, neglect, or refusal of persons to erect the guards shall constitute a violation of this section and the Municipal Police or the Building Inspector shall stop all work until guards are erected and maintained as required. (Prior Code, § 9-106) (Ord. 2016-2928, passed 5-16-2016) Penalty, see § 150.999

Statutory reference:

Authority, see Neb. RS 16-246

Similar to state law provisions, see Neb. RS 16-232

§ 150.220 MEANS OF APPEAL.

(A) The Building and Housing Code Advisory and Appeals Board shall hear and decide appeals of orders, decisions or determinations made by the Building Inspector relative to the application and interpretation of the codes or the suitability of alternate materials and methods of installation. The Building and Housing Code Advisory and Appeals Board shall have no authority to waive requirements of the codes.

(B) Any person who is aggrieved by any decision of the Building Inspector relating to suitability of alternate materials, methods of construction, or interpretations of any provisions of this code may appeal such decision to the Building and Housing Code Advisory and Appeals Board by filing an appeal on forms furnished by the Building Inspector within thirty (30) days from the date of such decision. Review of an application for appeal shall be based on a claim that the true intent of the codes or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not apply, or the requirements of this code are adequately satisfied by other means. The filing of a completed appeals form, along with the payment of the prescribed fee, shall be sufficient for the purpose of commencing an appeal proceeding hereunder.

(Ord. 2016-2928, passed 5-16-2016)

UNSAFE BUILDINGS

§ 150.300 DEFINITION.

(A) For the purpose of this subchapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

UNSAFE BUILDING. Any building, mobile home, shed, fence, or other human made structure:

(1) Which is dangerous to the public health because of its condition, and which may cause or aid in the spread of disease or injury to the health of the occupants of it or neighboring structures;

(2) Which because of faulty construction, age, lack of proper repair, or any other cause is especially liable to fire and constitutes or creates a fire hazard;

(3) Which by reason of faulty construction or any other cause is liable to cause injury or damage by the collapse or fall of all or any part of the structure; or

(4) Which is fifty (50%) percent damaged, decayed, or deteriorated from its original condition.

(B) Any unsafe building in the municipality is hereby declared to be a nuisance. (Neb. RS 16-234) (Prior Code, § 9-801) (Ord. 2009-2822, passed 3-16-2009; Ord. 2016-2928, passed 5-16-2016)

Statutory reference:

Authority, see Neb. RS 16-234

§ 150.302 PROHIBITION AGAINST UNSAFE BUILDINGS.

It shall be unlawful to maintain or permit the existence of any unsafe building in the municipality and it shall be unlawful for the owner, occupant, or person in custody of any dangerous building to permit the same to remain in an unsafe condition or to occupy the building or permit it to be occupied while it is in an unsafe condition.

(Prior Code, § 9-802) (Ord. 2016-2928, passed 5-16-2016) Penalty, see § 150.999

Statutory reference:

Authority, see Neb. RS 16-234

§ 150.304 DETERMINATION AND NOTICE.

(A) Whenever the Building Inspector, the Fire Chief, the Board of Health, or the City Council shall be of the opinion that any building, mobile home, or structure in the municipality is an unsafe building, he or she shall file a written statement to this effect with the City Clerk. The City Clerk shall thereupon cause the property to be posted accordingly, and shall file a copy of the determination in the office of the County Register of Deeds, and shall serve written notice upon the owner thereof, and upon the occupant thereof, if any, by certified mail or by personal service. The notice shall state that the building has been declared to be in an unsafe condition, and that the condition(s) must be remedied within sixty (60) days from the date of receipt.

(B) Consideration shall include, but not be limited to, the following standards in determining whether an unsafe building or public nuisance shall be repaired, altered, rehabilitated, demolished or removed per the inspection and recommendation of the Building

Inspector:

(1) If the building, mobile home, or other structure or any part thereof can reasonably be repaired, altered, or rehabilitated so that it will no longer exist in violation of the city code or Building Code, as amended and adopted, it shall be ordered repaired, altered or rehabilitated.

(2) If the building, mobile home, or other structure or any part thereof is in such condition that it cannot reasonably be repaired so that it will no longer exist in violation of the city code or Building Code, as amended and adopted, it shall be ordered demolished or removed.

(3) In any case where a building, mobile home, or other structure or any part thereof is fifty (50%) percent damaged, decayed or deteriorated from its original value or structure, it shall be demolished or removed.

(4) In any case where a building, mobile home, or other structure or any part thereof is a fire hazard existing in violation of the city code or Building Code as amended or adopted, or the state statutes, including but not limited to the Life Safety Code, it shall be demolished or removed.

(C) The sixty (60) day notice may be in the following terms:

To _____ (owner-occupant of premises) of the premise and described as _____.

You are hereby notified that _____ (describe building) on premises above mentioned has been determined to be an unsafe building and a nuisance after inspection by _____. The causes for this decision are _____ (here insert the facts as to the dangerous condition).

You must remedy this condition or demolish the building within sixty (60) days from the date of receipt of this notice or the municipality will proceed to do so. Appeal of this determination may be made to the Building and Housing Code Advisory and Appeals Board, by filing with the City Clerk within ten (10) days from the date of receipt of this notice a request for a hearing.

(D) If the person receiving the notice has not complied therewith within sixty (60) days from the date of receipt of the notice or taken an appeal from the determination of the officer or employee finding that a dangerous building exists within ten (10) days from the time when this notice is served upon the person by personal service or certified mail, the Building Inspector may, after the sixty (60) day time period has expired, upon orders of the City Council, proceed to remedy the condition or demolish the unsafe building.
(Prior Code, § 9-803) (Ord. 97-2382, passed 7-7-1997; Ord. 2009-2823, passed 4-6-2009; Ord. 2016-2928, passed 5-16-2016)

§ 150.306 HEARING; APPEAL OF DECISION.

(A) Upon receiving the notice to repair or demolish the building, the owner of the building, within ten (10) days of the receipt of the notice, may in writing to the City Clerk request a hearing before the Building and Housing Code Advisory and Appeals Board, to present reasons why the building should not be repaired or demolished. The Building and Housing Code Advisory and Appeals Board shall grant the hearing within ten (10) days from the date of receiving the request. A written notice of the Building and Housing Code Advisory and Appeals Board's decision following the hearing shall be sent to the property owner by certified mail. If the Building and Housing Code Advisory and Appeals Board rejects the appeal, the owner shall have sixty (60) days from the sending of the decision to remedy the condition or demolish the building. If, after the sixty (60) day period, the owner has not remedied the condition or demolished the building, the Building Inspector shall proceed to cause the work to be done.

(B) The property owner may appeal the decision of the Building and Housing Code Advisory and Appeals Board to the City Council if done in writing within seven (7) days of the receipt of the decision of the Building and Housing Code Advisory and Appeals Board by filing the same with the City Clerk. A hearing shall be held before the City Council within ten (10) days of the receipt of the notice of appeal by the property owner. Written notice of the City Council's decision following the hearing shall be sent to the property owner by certified mail.

(C) If the City Council rejects the appeal of the property owner, the owner shall have sixty (60) days from the sending of the decision to remedy the condition or demolish the building. If, after the sixty (60) day period, the owner has not remedied the condition or demolished the building, the Building Inspector shall proceed to cause the work to be done.

(D) The property owner may appeal the decision to the appropriate court for adjudication during which proceedings the decision of the City Council shall be stayed.
(Prior Code, § 9-804) (Ord. 97-2382, passed 7-7-1997; Ord. 2016-2928, passed 5-16-2016)

§ 150.308 SPECIAL ASSESSMENTS.

(A) In case the owner of any building or structure shall fail, neglect, or refuse to comply with notice by or on behalf of the municipality to repair, rehabilitate, or demolish and remove a building or structure which is unsafe and a public nuisance, the municipality may proceed with the work specified in the notice to the property owner. A statement of the cost of the work shall be transmitted to the City Council.

(B) The City Council may:

(1) Levy the cost as a special assessment against the lot or real estate upon which the building or structure is located. The special assessment shall be a lien on the real estate and shall be collected in the manner provided for special assessments; or

(2) Collect the cost from the owner of the building or structure and enforce the collection by a civil action in any court of competent jurisdiction.

(Prior Code, § 9-805) (Ord. 97-2382, passed 7-7-1997; Ord. 2016-2928, passed 5-16-2016)

MOBILE HOME PARKS AND MOBILE HOMES

§ 150.330 MOBILE HOME PARK REGULATIONS ADOPTED; PURPOSE.

For the purpose of setting minimum standards to promote the public health, safety, morals, convenience, order, prosperity, and general welfare of the community, to secure safety from fire, panic, and other dangers, to prevent the overcrowding of land, to avoid undue concentration of population, and to facilitate the adequate provisions of transportation, water, sewerage, parks, and other public requirements, the Mobile Home Park Regulations for the city, as published in pamphlet form, have been adopted by Ordinance 1226, June 5, 1972. Three copies of the adopted Mobile Home Park Regulations shall be kept on file with the City Clerk and available for inspection by any member of the public during office hours. (Prior Code, § 10-601) (Ord. 2016-2928, passed 5-16-2016)

§ 150.332 MOBILE HOME REQUIREMENTS.

(A) All mobile homes shall be adequately skirted, tied down, connected to utilities, landscaped to promote drainage and have sidewalks and otherwise meet all applicable codes and regulations of the city prior to issuance of a permit of occupancy by the owner or others.

(B) Set-down permits fee as set out in Chapter 38, Fee Schedule.

(C) Permit for set-down must be obtained and paid for before the issuance of other permits.

(D) No mobile home shall have any building attachments, provided that a mobile home may have an enclosed entryway attached, such entryway to consist of not more than fifty (50) square feet and shall be located only at the main entry door to the mobile home. The entryway shall not be used for any other purpose other than as an entryway between the outdoors and the main door of the mobile home.

(E) Provided further that a mobile home may also have a patio or carport cover attached to be entirely open on all sides except for the side attached to the mobile home, and to be constructed of non-combustible materials with a steel or metal frame. The area may never be enclosed and any enclosure must be removed immediately upon request by the Building Inspector.

(F) Provided further that all attachments must be approved by the city, meet all zoning and setback regulations, and have had a valid building permit issued for their construction and erection before they will be allowed to be installed and constructed.

(G) For mobile homes built prior to June 15, 1976, a label certifying compliance to the Standard for Mobile Homes, NFPA 501, in effect at the time of manufacture is required. (Prior Code, § 9-902) (Ord. 2016-2928, passed 5-16-2016) Penalty, see § 150.99

Statutory reference:

Authority, see Neb. RS 19-922, 71-4610, 71-4611

§ 150.334 CONFLICT OF REGULATIONS; PREVAILING TERMS.

In any case where a provision of this subchapter is found to be in conflict with a provision of any zoning, building, fire, safety, or health ordinance or code of the city existing on the effective date of this subchapter, the provision which, in the judgment of the Health Officer, establishes the higher standard for the promotion and protection of the health and safety of the people, shall prevail. In any case where a provision of this subchapter is found to be in conflict with a provision of any other ordinance or code of the city existing on the effective date of this subchapter, this subchapter shall be deemed to prevail, and other ordinances or codes are hereby declared to be repealed to the extent that they may be found in conflict with this subchapter.

(Prior Code, § 9-907) (Ord. 2016-2928, passed 5-16-2016)

Statutory reference:

Authority, see Neb. RS 19-922, 71-4610, 71-4611

STRUCTURE MOVING

§ 150.350 APPLICATION FOR PERMIT.

It shall be unlawful for any person, firm, or corporation to move any structure within the municipality without written permit to do so. Application may be made to the Building Inspector, and shall include the present and future location of the structure to be moved, the proposed route, the equipment to be used, a general statement of the type of repairs, remodeling, construction, or other work that the applicant intends to do on the structure, and other information as the Building Inspector may require. The application shall be accompanied by a certificate issued by the County Treasurer to the effect that all the provisions regulating the moving of structures have been complied with on the part of the owner of the real estate upon which the structure is presently located. The applicant shall also furnish the Building Inspector with the certificate of an insect exterminator stating that he or she inspected the structure and found it free of termites or that any found had been effectively exterminated. In addition, applicant shall furnish satisfactory evidence to the Building Inspector that all plumbing and mechanical in the structure conform to the Plumbing and Mechanical Codes of the city.

(Prior Code, § 9-701) (Ord. 2016-2928, passed 5-16-2016) Penalty, see § 150.999

Statutory reference:

Authority, see Neb. RS 16-209, 16-210, 60-6,299

§ 150.352 APPLICATION REVIEW.

All applications for permits to move structures into or within the city or its extraterritorial jurisdiction made pursuant to this subchapter shall be submitted to the City Council for review before issuance. Upon receipt of the application, the city shall, at least two (2) weeks in advance of the hearing before the City Council thereon, post a written notice of the pendency of the application and the date of the hearing thereon, which notice shall be posted in a

conspicuous place on the property to which the proposed structure is to be moved. The notice shall state the address or location of the structure sought to be moved. The City Council shall make its determination as to whether or not a permit should be granted using as criteria for judgment the items set forth in this subchapter.

(Prior Code, § 9-702) (Ord. 2016-2928, passed 5-16-2016)

Statutory reference:

Authority, see Neb. RS 16-209, 16-210, 60-6,299

§ 150.354 PREREQUISITES FOR PERMIT ISSUANCE; COST ESTIMATE DEPOSIT.

(A) It shall be unlawful for anyone to proceed with moving along the streets or alleys or elsewhere in the city, any structure of such height or dimension as to come in contact with any telephone, telegraph, or electric light wires, or poles or fixtures, or either, without first presenting to the City Clerk a written statement duly signed by the Public Works Director, the City Engineer, and the person or the local manager of the company whose wires or poles or fixtures, or any of them, may be affected or disturbed as aforesaid, setting forth the estimated expense incident to the necessary changing, cutting, removing, raising, lowering, or handling of the wires or poles or fixtures in the instance of each person or company so affected, also specifying the streets and alleys to be used, and, at the same time, depositing with the City Clerk the amount of the aforesaid estimate, and receiving a written license and permit, and paying the City Clerk the sum set by ordinance of the City Council and set out in Chapter 38, Fee Schedule.

(B) Provided, that the aforesaid estimated compensation to the person or company whose wires or poles or fixtures may be affected by the moving of the structure shall in no wise preclude recovery from the owner of the structure so moved, of any and all damages that may be caused in excess of the amount estimated and deposited as aforesaid, and which shall be paid over to the person or company that may be entitled thereto on the completion of the removal, and it is hereby made unlawful for anyone, except some employee or representative of the person or company whose wires or poles or fixtures, or any of them, may be disturbed or affected by the moving of the structure, to attempt to, or change, cut, remove, raise or lower or handle in any way any of the wires or poles or fixtures.

(Prior Code, § 9-703) (Ord. 2016-2928, passed 5-16-2016) Penalty, see § 150.99

Statutory reference:

Authority, see Neb. RS 16-209, 16-210, 60-6,299

§ 150.356 CERTIFICATE OR POLICY OF INSURANCE FOR STRUCTURE MOVING COMPANY.

(A) Any person engaged in the business of moving houses or other structures shall provide a Certificate or Policy of Insurance in the amount of one million (\$1,000,000) dollars, conditioned for the payment of any damages sustained by the city resulting from the moving of any structure over and across any street, alley, crossing, or culvert within the city.

(B) Any license required by this section may be sued upon for the recovery of any and all damages sustained by any individual or corporation, and also any damages sustained by the city to any street, alley, culvert, or crossing caused by the moving of any structure over the

crossings or culverts, either under the supervision of the principal or his or her agents or employees.

(Prior Code, § 9-704) (Ord. 2016-2928, passed 5-16-2016)

Statutory reference:

Authority, see Neb. RS 16-209, 16-210, 60-6,299

ELECTRICITY

§150.380 OVERVIEW.

(A) Nebraska Statutes governing electrical licensing and inspection are known as the Nebraska State Electrical Act, Sections 81-2101 through 81-2143. No alteration or change shall be made in the electrical wiring or apparatus located within a building for use in connection with the production of electric light, heat, or power, nor shall any electric wiring or apparatus be installed in any building without first securing from the State Electrical Inspector, a permit therefore, nor shall any change be made in any wiring or apparatus after inspection, without notifying the State Electrical Inspector and securing a permit therefore.

(B) The Nebraska State Electrical Board rules consist of 19 promulgated rules adopted by the Board to enable it to carry out its mission of public safety through electrical licensing and inspection.
(Ord. 2016-2928, passed 5-16-2016)

§150.382 ELECTRICAL CODE.

(A) The minimum electrical wiring standard shall be the 2017 National Electrical Code, National Fire Protection Association Publication Number 70-2017, as adopted in whole or amended in part by the State Electrical Board which is incorporated herein by reference and filed with the Secretary of State. The effective date of this rule is July 2, 2019.

(B) The provisions of the Code adopted by this section shall apply and be enforced in the city's corporate limits and the unincorporated extraterritorial jurisdiction beyond and adjacent to the corporate boundaries of this city with the same force and effect as if the outlying area were within the corporate boundaries of this city, provided no provision shall be extended or applied so as to prohibit, prevent or interfere with the conduct of existing farming, livestock operations, businesses, or industry.

(C) The State Electrical Inspector shall be the administrative authority who shall administer and enforce the Code and shall take such actions as may be reasonable and necessary to secure compliance with it. He or she shall appoint such Electrical Inspectors, assistants, clerks, and other employees as may be required to administer the Code and fix their compensation.

(Prior Code, § 9-402) (Ord. 1781, passed 9-16-1985; Ord. 2016-2928, passed 5-16-2016)

Statutory reference:

Authority, see Neb. RS 19-922, 81-2104, 81-2124, 81-2125

CONTRACTOR'S LICENSE

§150.400 LICENSE REQUIRED.

No person or corporation shall engage in the practice of general contractor, roofing contractor, plumbing contractor, mechanical contractor, sign contractor, demolition contractor or structure moving contractor in the city without first having obtained a license to engage in any such practice and without giving the proof of surety as hereinafter provided for in this chapter.

§150.402 PERSONS EXEMPT FROM LICENSE REQUIREMENT.

Any bona fide owner of a residential or commercial structure, including the usual accessory structures, shall be exempt from the contractor's licensing requirements and may be granted a building permit to improve said structure provided he or she personally purchases and installs all materials used, and further provided, all work shall be inspected and approved by the City.

§150.404 APPLICATION, CONTENT, FEES.

Any person or persons desiring to engage in the practice of general contractor, roofing contractor, plumbing contractor, mechanical contractor, sign contractor, demolition contractor or structure moving contractor shall first make application to the City Building Inspector for the license(s) to engage in such practice(s). Such application for a contractor's license shall contain the following information: (1) the name and address of the applicant, (2) the business location of the applicant, (3) the telephone number of the place of business, and (4) proof of a certificate or policy of insurance; and if a partnership, shall include the names, correct mailing addresses, and telephone numbers of all partners together with such other information as may be required. Upon the filing of such application, the City Building Inspector shall provide such application to the Building Advisory Board to make such investigation as they may deem necessary as to the qualifications of the individual(s) and any employees, and if the applicant and employees are found to be qualified to engage in such practice and possessed of sufficient skill, experience, and training to engage in such practice in compliance with the applicable model codes of the City, after which shall approve or disapprove the application. If approved, the City Building Inspector shall authorize the issuance of a license to the individual(s). Such application shall be accompanied by a registration fee of seventy-five (\$75.00) dollars for a new applicant or twenty-five (\$25.00) dollars for a renewal application. Registration shall run concurrently with licenses, expiring on the last day of December during the year following the date of issuance and shall not be assignable.

§150.406 CERTIFICATE OR POLICY OF INSURANCE.

Every person or company applying for a license shall present to the City Building Inspector, to be filed, a Certificate or Policy of Insurance in the amount of one million (\$1,000,000.00) dollars, minimum, public liability insurance for each license held. Further that the issuing insurance company agrees to provide thirty (30) day written notice in the event of expiration or of proposed cancellation of the insurance policy. Surety shall be conditioned that the principal, and all employees, will comply with all the ordinances of the City relating to model codes and to hold the City harmless on account of any damages arising from faulty performance or neglect of duty by the holder of such license.

§150.408 REVOCATION OF LICENSE.

Any license issued under the provisions of this chapter may be revoked by the City Inspector upon proof that the licensee(s) has failed, neglected, or refused to comply with any of the provisions of this chapter or with other ordinances of the city relating to or regulating the particular type of work for which such license was granted: Provided, that no such license shall be revoked without the giving of a written notice of the intention to revoke such license and without giving such licensee a full opportunity to be heard before the Building and Housing Code Advisory Board as to any complaint made against him or her. Upon the revocation of any license granted under the provisions of this chapter, no refund shall be made of any part of the license fee previously paid by the licensee.

§150.410 UNLAWFUL USE OF LICENSE.

No license issued hereunder shall be assignable or transferable, and it shall be unlawful for any licensee to permit his, her or its license to be used or allow permits to be taken out in the name of such licensee by any other person, firm, or corporation. Any licensed contractor that hires a sub-contractor(s) shall provide the City Building Inspector a copy of the sub-contractor(s) Certificate or Policy of Insurance.

§150.412 RECORDS RETENTION.

The Building & Zoning department shall keep a complete record of all licenses issued, the names of all helpers and apprentices, and certificate or policy of insurance registered under the provisions of this chapter and shall cause suitable records of all official actions taken hereunder to be kept and preserved. All necessary blanks and record books shall be provided by the City.

PENALTY

§150.999 GENERALLY

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(B) Any person who violates any of the prohibitions or provisions of any section of this chapter shall be deemed guilty of a misdemeanor. Unless otherwise specified in the particular section for which the person stands convicted of violating, the penalty for the violation shall be in any amount not to exceed \$1,000 and/or imprisonment for any length of time not to exceed three months, in the discretion of the court, provided whenever any section of this chapter shall declare a nuisance, a violation of that section shall be penalized by a fine of not more than \$1,000, in which case a new violation shall be deemed to have been committed every 24 hours of the failure to comply.
(Prior Code, § 9-1201)

(C) (1) Whenever a nuisance exists as defined in this chapter, the municipality may proceed by a suit in equity to enjoin and abate the same, in the manner provided by law.

(2) Whenever, in any action, it is established that a nuisance exists, the court may, together with the fine or penalty imposed, enter an order of abatement as a part of the judgment in the case.

(Prior Code, § 9-1202) (Ord. 2003-2650, passed 1-20-2003; Ord. 2016-2928, passed 5-16-2016)

Statutory reference:

Authority, see Neb. RS 18-1914, 18-1918, 29-835, 48-434, 48-442, 48-2114, 60-6, 299, 71-4608, 71-4631, 71-4632

Section 2. Any and all ordinances or parts of ordinances in conflict herewith shall be and are hereby repealed.

Section 3. This ordinance shall take effect and be in full force from and after its passage, approval, and publication in pamphlet form as required by law.

PASSED AND APPROVED this _____ day of _____, 2020.

Michael D. Gonzales, Mayor

ATTEST:

Lea Ann Doak, City Clerk

LEGISLATIVE BILL 130

Approved by the Governor May 08, 2019

Introduced by DeBoer, 10; Hansen, M., 26; Wayne, 13.

A BILL FOR AN ACT relating to building construction standards; to amend sections 71-6403, 71-6404, 71-6406, 76-3501, 76-3502, 76-3503, 76-3504, and 76-3505, Reissue Revised Statutes of Nebraska; to change provisions relating to the state building code; to provide radon resistant new construction standards; to provide, change, and eliminate definitions; to restate intent; to eliminate a task force; to provide reporting requirements for the Department of Health and Human Services; to harmonize provisions; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 71-6403, Reissue Revised Statutes of Nebraska, is amended to read:

71-6403 (1) There is hereby created the state building code. The Legislature hereby adopts by reference:

(a) The International Building Code (IBC), chapter 13 of the 2009 edition, and all but such chapter of the 2012 edition, published by the International Code Council, except that (i) section 305.2.3 applies to a facility having twelve or fewer children and (ii) section 310.5.1 applies to a care facility for twelve or fewer persons;

(b) The International Residential Code (IRC), chapter 11 of the 2009 edition, and all but such chapter of the 2012 edition except section R313, published by the International Code Council; and

(c) The International Existing Building Code, 2012 edition, published by the International Code Council.

(2) The codes adopted by reference in subsection (1) of this section and the minimum standards for radon resistant new construction adopted under section 76-3504 shall constitute the state building code except as amended pursuant to the Building Construction Act or as otherwise authorized by state law.

Sec. 2. Section 71-6404, Reissue Revised Statutes of Nebraska, is amended to read:

71-6404 (1) For purposes of the Building Construction Act:

(a) Component ~~component~~ means a portion of the state building code created adopted by reference pursuant to section 71-6403; and ~~and~~

(b) Radon resistant new construction has the same meaning as in section 76-3503.

(2) The state building code shall be the building and construction standard within the state and shall be applicable:

(a) To all buildings and structures owned by the state or any state agency; and

(b) In each county, city, or village which elects to adopt the state building code or any component or combination of components of the state building code.

Sec. 3. Section 71-6406, Reissue Revised Statutes of Nebraska, is amended to read:

71-6406 (1) Any county, city, or village may enact, administer, or enforce a local building or construction code if or as long as such county, city, or village:

(a) Adopts the state building code; or

(b) Adopts a building or construction code that conforms generally with the state building code.

(2) A local building or construction code shall be deemed to conform generally with the state building code if it:

(a) Adopts a special or differing building standard by amending, modifying, or deleting any portion of the state building code in order to reduce unnecessary costs of construction, increase safety, durability, or efficiency, establish best building or construction practices within the county, city, or village, or address special local conditions within the county, city, or village;

(b) Adopts any supplement, new edition, appendix, or component or combination of components of the state building code;

(c) Adopts section 305 of the 2012 edition of the International Building Code without the exceptions described in subdivision (1)(a) of section 71-6403, chapter 13 of the 2012 edition of the International Building Code, chapter 11 of the 2012 edition of the International Residential Code, or section R313 of the 2012 edition of the International Residential Code;

(d) Adopts a plumbing code, an electrical code, a fire prevention code, or any other standard code as authorized under section 14-419, 15-905, 18-132, or 23-172; ~~or~~

(e) Adopts a lighting and thermal efficiency ordinance, resolution, code, or standard as authorized under section 81-1618; ~~or~~

(f) Adopts minimum standards for radon resistant new construction which meet the minimum standards adopted under section 76-3504.

(3) A local building or construction code which includes a prior edition of any component or combination of components of the state building code shall not be deemed to conform generally with the state building code if it: -

(a) Includes a prior edition of any component or combination of components of the state building code; or

(b) Does not include minimum standards for radon resistant new construction that meet the minimum standards adopted under section 76-3504.

(4) A county, city, or village shall not adopt or enforce a local building or construction code other than as provided by this section.

(5) A county, city, or village which adopts or enforces a local building or construction code under this section shall regularly update its code. For purposes of this section, a code shall be deemed to be regularly updated if the most recently enacted state building code or a code that conforms generally with the state building code is adopted by the county, city, or village within two years after an update to the state building code.

(6) A county, city, or village may adopt amendments for the proper administration and enforcement of its local building or construction code including organization of enforcement, qualifications of staff members, examination of plans, inspections, appeals, permits, and fees. Any amendment adopted pursuant to this section shall be published separately from the local building or construction code.

(7) A county, city, or village which adopts one or more standard codes as part of its local building or construction code under this section shall keep at least one copy of each adopted code, or portion thereof, for use and examination by the public in the office of the clerk of the county, city, or village prior to the adoption of the code and as long as such code is in effect.

(8) Notwithstanding the provisions of the Building Construction Act, a public building of any political subdivision shall be built in accordance with the applicable local building or construction code. Fees, if any, for services which monitor a builder's application of codes shall be negotiable between the political subdivisions involved, but such fees shall not exceed the actual expenses incurred by the county, city, or village doing the monitoring.

Sec. 4. Section 76-3501, Reissue Revised Statutes of Nebraska, is amended to read:

76-3501 Sections 76-3501 to 76-3505 and sections 9 and 10 of this act shall be known and may be cited as the Radon Resistant New Construction Act.

Sec. 5. Section 76-3502, Reissue Revised Statutes of Nebraska, is amended to read:

76-3502 The Legislature finds that:

(1) Radon is a radioactive element that is part of the radioactive decay chain of naturally occurring uranium in soil;

(2) Radon is the leading cause of lung cancer among nonsmokers and is the number one risk in homes according to the Harvard Center for Risk Analysis at the Harvard T.H. Chan School of Public Health;

(3) The World Health Organization Handbook on Indoor Radon includes key messages which state:

(a) "There is no known threshold concentration below which radon exposure presents no risk."; and

(b) "The majority of radon-induced lung cancers are caused by low and moderate radon concentrations rather than by high radon concentrations, because in general less people are exposed to high indoor radon concentrations.";

(4) The Surgeon General of the United States urged Americans to test their homes to find out how much radon they might be breathing;

(5) The United States Environmental Protection Agency estimates that more than twenty thousand Americans die of radon-related lung cancer each year; ~~and~~

(6) The United States Environmental Protection Agency has identified radon levels in Nebraska as the third highest in the United States because of the high concentration of uranium in the soil; and -

(7) In 2018, the Radon Resistant New Construction Task Force recommended minimum standards for radon resistant new construction to the Governor, the Health and Human Services Committee of the Legislature, and the Urban Affairs Committee of the Legislature.

Sec. 6. Section 76-3503, Reissue Revised Statutes of Nebraska, is amended to read:

76-3503 For purposes of the Radon Resistant New Construction Act:

(1) Active radon mitigation system means a family of radon mitigation systems involving mechanically driven soil depressurization, including subslab depressurization, drain tile depressurization, block wall depressurization, and submembrane depressurization. Active radon mitigation system is also known as active soil depressurization;

~~(2) Building code means an ordinance, resolution, or law that establishes standards applicable to new construction;~~

(2) ~~(3)~~ Building contractor means any individual, corporation, partnership, limited liability company, or other business entity that engages in new construction;

(3) ~~(4)~~ Department means the Department of Health and Human Services;

(4) ~~(5)~~ New construction means any original construction of a single-family home or a multifamily dwelling, including apartments, group homes, condominiums, and townhouses, or any original construction of a building used for commercial, industrial, educational, or medical purposes. New construction does not include additions to existing structures or remodeling of existing structures;

~~(5) (6) Passive radon mitigation system new construction pipe means a pipe installed in new construction that relies solely on the convective flow of air upward for soil gas depressurization and may consist of multiple pipes routed through conditioned space from below the foundation to above the roof; and~~

~~(6) (7) Radon mitigation specialist means an individual who is licensed by the department as a radon mitigation specialist in accordance with the Radiation Control Act; and -~~

~~(7) Radon resistant new construction means construction that utilizes design elements and construction techniques that passively resist radon entry and prepare a building for an active postconstruction mitigation system.~~

Sec. 7. Section 76-3504, Reissue Revised Statutes of Nebraska, is amended to read:

76-3504 Except as provided in section 76-3505, new construction built after the effective date of this act in the State of Nebraska that is intended to be regularly occupied by people shall be built using radon resistant new construction. Such construction shall meet the following minimum standards:

(1) Sumps:

(a) A sump pit open to soil or serving as the termination point for subslab or exterior drain tile loops shall be covered with a gasketed or otherwise sealed lid;

(b) A sump used as the suction point in a subslab depressurization system shall have a lid designed to accommodate the vent pipe; and

(c) A sump used as a floor drain shall have a lid equipped with a trapped inlet;

(2) A passive subslab depressurization system shall be installed during construction in basement or slab-on-grade buildings, including the following components:

(a) Vent pipe:

(i)(A) A minimum three-inch diameter acrylonitrile butadiene styrene (ABS), polyvinyl chloride (PVC), or equivalent gas-tight pipe shall be embedded vertically into the subslab permeable material before the slab is cast. A "T" fitting or equivalent method shall be used to ensure that the pipe opening remains within the subslab permeable material; or

(B) A minimum three-inch diameter ABS, PVC, or equivalent gas-tight pipe shall be inserted directly into an interior perimeter drain tile loop or through a sealed sump cover where the sump is exposed to the subslab or connected to it through a drainage system;

(ii) The pipe shall be extended up through the building floors and terminate at least twelve inches above the surface of the roof in a location at least ten feet away from any window or other opening into the conditioned spaces of the building that is less than two feet below the exhaust point and ten feet from any window or other opening in adjoining or adjacent buildings; and

(iii) In buildings where interior footings or other barriers separate the subslab gas-permeable material, each area shall be fitted with an individual vent pipe. Vent pipes shall connect to a single vent that terminates above the roof or each individual vent pipe shall terminate separately above the roof. All exposed and visible interior radon vent pipes shall be identified with at least one label on each floor and in accessible attics. Such label shall read: Radon Reduction System; and

(3) Power source: In order to provide for future installation of an active radon mitigation system, an electrical circuit terminated in an approved box shall be installed during construction in the attic or other anticipated location of vent pipe fans.

~~(1) The Radon Resistant New Construction Task Force is created. The task force shall consist of the chief medical officer of the Division of Public Health of the Department of Health and Human Services as designated in section 81-3115 or his or her designee, who shall serve as the chairperson of the task force, and the following additional members to be appointed by the Governor:~~

~~(a) Three representatives of home builders' associations in Nebraska, each from a different congressional district;~~

~~(b) A representative of a home inspectors' association in Nebraska;~~

~~(c) Two representatives of commercial construction associations, one of whom must have experience related to large-scale projects and one of whom must have experience related to medium-scale to small-scale projects;~~

~~(d) A representative of a Nebraska realtors' organization;~~

~~(e) A representative of a respiratory disease organization;~~

~~(f) A representative of a cancer research and prevention organization;~~

~~(g) A representative of the League of Nebraska Municipalities;~~

~~(h) Three community public health representatives, each from a different congressional district;~~

~~(i) A professional engineer as defined in section 81-3422;~~

~~(j) An architect as defined in section 81-3404; and~~

~~(k) A representative with expertise in residential or commercial building codes.~~

~~(2) The task force shall meet at the call of the chairperson. The appointed members of the task force shall serve without compensation but shall be reimbursed for their actual and necessary expenses as provided in sections 81-1174 to 81-1177. The department shall provide staff and support for the operation of the task force.~~

~~(3) The task force shall develop minimum standards for radon resistant new construction and shall recommend such minimum standards to the Governor, to the Health and Human Services Committee of the Legislature, and to the Urban~~

Affairs Committee of the Legislature. In developing such minimum standards, the task force shall:

(a) Design the minimum standards so that they may be enforced by a county, city, or village as part of its local building code;

(b) Consider Appendix F of the International Residential Code for One and Two Family Dwellings, 2012 edition, published by the International Code Council; and

(c) Consider including the following provisions in such minimum standards:

(i) A requirement that the installation of an active radon mitigation system only be performed by a building contractor or his or her subcontractors or by a radon mitigation specialist;

(ii) A requirement that the installation of radon resistant new construction only be performed by a building contractor or his or her subcontractors or by a radon mitigation specialist; and

(iii) A requirement that only a building contractor or his or her subcontractors or a radon mitigation specialist be allowed to install a radon vent fan or upgrade a passive new construction pipe to an active radon mitigation system.

(4) The task force shall provide its recommendations by April 15, 2018. The task force and this section terminate on May 1, 2018.

Sec. 8. Section 76-3505, Reissue Revised Statutes of Nebraska, is amended to read:

76-3505 New construction after the effective date of this act shall not be required to use radon resistant new construction if (1) the construction project utilizes the design of an architect or professional engineer licensed under the Engineers and Architects Regulation Act, (2) the construction project is located in a county in which the average radon concentration is less than two and seven-tenths picocuries per liter of air as determined by the department pursuant to section 10 of this act, or (3) other than for any residential dwelling unit, a local building official makes a determination, after a review of relevant guidelines for the intended use of the structure and property conditions, that radon resistant new construction is not necessary. It is the intent of the Legislature that the recommendations provided by the Radon Resistant New Construction Task Force under section 76-3504 be used by the Legislature during the 2019 legislative session to establish, in statute, minimum standards for radon resistant new construction.

Sec. 9. A building contractor or a subcontractor of a building contractor may convert a passive radon mitigation system to an active radon mitigation system in accordance with rules and regulations adopted and promulgated by the department under the Radiation Control Act for radon mitigation, but the contractor or subcontractor is not required to be a radon mitigation specialist to convert such system. A radon mitigation specialist shall conduct any postinstallation testing of such system.

Sec. 10. On or before January 1, 2020, and on or before January 1 of each year thereafter, the department shall compile the results of the radon measurements performed in the past five years that were reported to the department pursuant to the rules and regulations adopted and promulgated by the department regarding the control of radiation and report such compilation electronically to the Clerk of the Legislature. Such report shall determine the average radon concentration in Nebraska by county and identify each county in which such average concentration exceeds two and seven-tenths picocuries per liter of air.

Sec. 11. Original sections 71-6403, 71-6404, 71-6406, 76-3501, 76-3502, 76-3503, 76-3504, and 76-3505, Reissue Revised Statutes of Nebraska, are repealed.

**CITY MANAGER'S REPORT
FEBRUARY 3, 2020 MCCOOK CITY COUNCIL MEETING**

5.B

ITEM NO. ___ Approve Ordinance No. 2020-2997 on second reading, approving a Planned Development for lots described as a Replat of Lots 2A through 2F of the Replat of New Platted Lot 2, Block 1 Fifth Park View Subdivision to the City of McCook, Red Willow County, Nebraska.

BACKGROUND:

Ordinance No. 2020-2997 is presented upon its second reading. Attached to this report is the City Manager's Report (and other supporting materials) which provides background to this agenda item.

Staff hasn't received any further comment from the public regarding the proposed Planned Development since the January 20th McCook City Council Meeting.

APPROVALS:



Nathan A. Schneider, City Manager

January 29, 2020



Lea Ann Doak, City Clerk

January 29, 2020

**CITY MANAGER'S REPORT
JANUARY 20, 2020 MCCOOK CITY COUNCIL MEETING**

ITEM NO. ___ Public Hearing - Application of Jay and Susan K. Hancock for a Planned Development for property located at: New Platted Lot 2, Block 1, Fifth Parkview Subdivision; to the City of McCook, Red Willow County, Nebraska (a/k/a - property located south of Cheyenne Rd., between Pawnee Drive and Seminole Drive).

ITEM NO. ___ Approve Ordinance No. 2020-2997 and Resolution No. 2020-01 approving a Planned Development, and a Replat of Lots 2A through 2F of the Replat of New Platted Lot 2, Block 1 Fifth Park View Subdivision to the City of McCook, Red Willow County, Nebraska.

BACKGROUND:

The City of McCook has received an Application for Planned Development from Jay and Susan Hancock for property they own south of Cheyenne Rd., between Pawnee Drive and Seminole Drive. For reference, the property is located directly north of Our Savior's Lutheran Church. Mr. and Mrs. Hancock are proposing to build 6 duplexes at this location. Two duplexes would face Pawnee Drive, two duplexes would face Cheyenne Rd., and two duplexes would face Seminole Drive. Ultimately, Mr. and Mrs. Hancock want to sell each duplex unit as a separate residence, creating 12 distinct lots. The ownership style would be similar to a condominium property.

The property at issue is located in a Residential Medium Density District. The applicant is requesting a Planned Development due to the fact that the 12 proposed lots fail to meet the requirements for side yard setbacks, rear yard setbacks, and lot width criteria established for Residential Medium Density District properties. Article 20 of the City of McCook's Zoning Ordinance addresses these types of situations by allowing Planned Development - Overlay Districts. A Planned Unit Development is a development tool which provides for the development of an area when the overall design of a proposed development is so outstanding as to warrant modification of the standards contained within the Zoning Ordinance. In order for a Planned Development to be eligible under Article 20, the proposal must be: 1) in accordance with the comprehensive plans of the City; 2) composed of such uses and proportions that are most appropriate for the integrated functioning of the neighborhood; 3) designed in a way that the Planned Unit development fits in with the surrounding neighborhood; and 4) arranged to provide a minimum of 300 square feet of usable open space per dwelling unit. Recent examples of Planned Developments can be seen with East Ward Village and Quillan Courts.

Mr. and Mrs. Hancock's application falls under Section 2004 (1) of Article 20. Due to the nature of the application, the same review that is utilized for a special exception application shall be used for Mr. and Mrs. Hancock's application. Copies of Article 20 (Planned Development - Overlay District) and Article 24 (Special Exceptions) are included with this report. Section 2402 (5) (A - I) are the criteria the Planning Commission and City Council must consider when reviewing the application. A written finding of the Planning Commission's and City Council's findings must accompany any action taken as a result of the application.

At the January 13, 2020 McCook Planning Commission meeting, a public hearing was held regarding the Planned Development request. During the public hearing, Jay Hancock and Craig

EXHIBIT #1

PAGE(S) - 2

Bennett, the project's planner, answered questions regarding the proposal. Some of the specifics they shared, were: 1) each duplex unit would have a two car garage and driveway providing off street parking for 4 vehicles; 2) Mr. Hancock is amenable to extending the terrace of the proposed east lots in order to make the proposed Planned Development uniform with the block to the north; 3) each unit would have a rollout garbage container; 4) the Planned Unit development has sewer available as a result of a sewer improvement district whereby the City has easement rights; 5) the duplex structures would conform to the character of the neighborhood; and 6) the open space requirements spelled out in the Planned Development criteria will be met.

Members of the public had an opportunity to speak and ask questions. Andy Long, MEDC Director, discussed the most recent housing study and reiterated the study's findings that more housing was needed in McCook. A neighbor asked what would be the distance between duplexes, to which Mr. Bennett stated 10 feet would be the distance between the duplexes located on Pawnee Drive and Seminole Drive, while there would be 20 feet between the duplexes facing Cheyenne Rd. Another neighbor expressed a concern about dirt as a result of the construction. Mr. Hancock stated he hoped to keep the disruption minimal. Mr. Hancock stated that the duplexes would be built in stages, with the first two duplexes to be built along Pawnee Drive.

After the public hearing was adjourned, the Planning Commission moved to approve the Planned Development. During discussion on their motion, the Planning Commission found that each of the Special Exception Criteria found in Section 2401(5)(A-I) were met in the proposal. The Planning Commission voted unanimously to recommend approval of the Planned Development to the McCook City Council. In order to achieve the objective of the Planned Unit Development, a Replat of Lots 2A Through 2F of the Replat of New Platted Lot 2, Block 1 Fifth Park View Subdivision to the City of McCook, Red Willow County, Nebraska is included.

APPROVALS:



Nathan A. Schneider, City Manager

January 15, 2020



Lea Ann Doak, City Clerk

January 15, 2020

NOTICE OF HEARING
PLANNED DEVELOPMENT DISTRICT

NOTICE IS HEREBY GIVEN that a public hearing will be held to consider a Planned Development District, consisting of the following described property:

Replat of New Platted Lot Two (2), Block One (1), Fifth Park View Subdivision, all in the City of McCook, Red Willow County, Nebraska.

Public Hearings on the above-described Preliminary Planned Development District will be held on the dates, times, and at the places listed below:

JANUARY 13, 2020 - 5:15 P.M.
MCCOOK PLANNING COMMISSION
CITY COUNCIL CHAMBERS
505 WEST "C" STREET

JANUARY 20, 2020 - 5:30 P.M.
MCCOOK CITY COUNCIL
CITY COUNCIL CHAMBERS
505 WEST "C" STREET

ANY AND ALL PERSONS desiring to comment on the above-described request will be given an opportunity to be heard. Please direct all inquiries to Nate Schneider, City of McCook City Manager/Building Official at 308-345-2022 ext. 225.

-s- Lea Ann Doak
City Clerk

Publish: January 3, 2020
Post: January 3, 2020
Mail: January 3, 2020

EXHIBIT #2

PAGE(S) - 1

OWNERSHIP LIST FOR MAILING:

HANCOCK, JAY T & SUSAN K
PO BOX 106
MCCOOK, NE 69001-0106

DEGNAN, CORY & CYNTHIA
307 PAWNEE
MCCOOK, NE 69001

SITZMAN, GEORGENE
305 PAWNEE
MCCOOK, NE 69001

JOHNSON, JOHN P
11 CHEYENNE
MCCOOK, NE 69001

MILLER, STEVEN & LEANNE
412 SEMINOLE
MCCOOK, NE 69001

KOETTER, AARON
PO BOX 22151
LINCOLN, NE 68542

JAMES, KEITH AND DIANE
316 PAWNEE
MCCOOK, NE 69001

BLANK, LARRY AND RUTH
312 PAWNEE
MCCOOK, NE 69001

ESCHER, JEROME AND DEBRA
308 PAWNEE
MCCOOK, NE 69001

THOMAS, TERESA AND BRIAN
411 SEMINOLE
MCCOOK, NE 69001

BEDNAR, JOEL AND GABRIELLE
405 SEMINOLE
MCCOOK, NE 69001

KARR, DARRIN AND JERI LYNN
309 SEMINOLE
MCCOOK, NE 69001

OUR SAVIOR'S LUTHERAN CHURCH
312 SEMINOLE
MCCOOK, NE 69001

DIMAS, ISMAEL & LILIA
308 SEMINOLE
MCCOOK, NE 69001

MEIXNER, REBECCA
306 SEMINOLE DR.
MCCOOK, NE 69001

WIEBE, TIM AND GRETCHEN
403 PAWNEE
MCCOOK, NE 69001

HAZLITT, MITCH
101 CHEYENNE RD
MCCOOK, NE 69001

SINES, LARRY
PO BOX 662
MCCOOK, NE 69001

SAMWAY, DARRIN AND ANGELA
314 PAWNEE
MCCOOK, NE 69001

LANNIGAN, DAWN
310 PAWNEE DRIVE
MCCOOK, NE 69001

MCGINLEY, TIMOTHY AND BILLIE
306 PAWNEE
MCCOOK, NE 69001

NICHOLS, DARIN AND JUDITH
407 SEMINOLE DRIVE
MCCOOK, NE 69001

SPOMER, STANLEY AND JUDITH
403 SEMINOLE
MCCOOK, NE 69001

ST. ALBAN'S EPISCOPAL CHURCH
509 WEST 1ST
MCCOOK, NE 69001

EXHIBIT #3

PAGE(S) - 2

HESTERWERTH, KEVIN R.
303 SEMINOLE DR.
MCCOOK, NE 69001

RED WILLOW COUNTY
C/O RED WILLOW CO. FAIR BOARD
PO BOX 876
MCCOOK, NE 69001

TOM BREDVICK, PRESIDENT
MCCOOK SCHOOL BOARD
302 ELIZABETH LANE
MCCOOK, NE 69001

GRAHAM, CURTIS D. & RHONDA K
71261 AVE 327
PARKS, NE 69041

FAHRENBRUCH, DELORES
403 ELIZABETH
MCCOOK, NE 69001

SUNDELL, SUZY
103 CHEYENNE
MCCOOK, NE 69001

RILEY, DAVID AND KIM
104 CHEYENNE RD
MCCOOK, NE 69001

ROUSSELLE, TANNER AND LORI
313 ELIZABETH
MCCOOK, NE 69001

RICE, BETTE
311 ELIZABETH
MCCOOK, NE 69001

BETTS, LESTER AND MARILYN
309 ELIZABETH
MCCOOK, NE 69001

RODRIGUEZ-RUIZ, EDGAR & ERICK
307 ELIZABETH
MCCOOK, NE 69001

NEAL, TYLER AND ELIZABETH
305 ELIZABETH
MCCOOK, NE 69001

ROUSE, KIM
304 APACHE
MCCOOK, NE 69001

DUSATKO, JAMES & MAXINE
PO BOX 336
MCCOOK, NE 69001

STEWART, NORINE
310 APACHE
MCCOOK, NE 69001

OLSEN, ROBERT & CONSTANCE
315 APACHE
MCCOOK, NE 69001

SHAFFER, BRENT & KATHLEEN
PO BOX 72
MCCOOK, NE 69001

CHMIEL, RAYMOND & MARTHA
414 SEMINOLE
MCCOOK, NE 69001

BARTLETT, STEVEN & MARTHA
406 PAWNEE
MCCOOK, NE 69001



For Office Use Only	
Date Filed:	_____
Fee:	\$75.00
Receipt No.	_____
Revised 09/11	_____

APPLICATION FOR PLANNED DEVELOPMENT DISTRICT PLAN APPROVAL

1. Property Zoned: Residential Medium Density
2. Met with Staff.: _____
3. Applicant's Name: Craig Bennett
4. Applicant's Address: 1111 Central Avenue, Kearney, NE 68847
5. Telephone (daytime): 308-234-6456
6. Email Address: cbennett@miller-engineers.com
7. Owner's Name: Jay & Susan K. Hancock
8. Owner's Address: P.O. Box 106, 38317 Road 714
9. Telephone (daytime): 308-350-5318 cteconstruction@yahoo.com
11. Project description: 12 Duplex lots

12. Legal description of property to be developed (attach additional sheets if necessary):
See Attached

13. General Location/Address of property to be developed:
South of Cheyenne Rd., between Pawnee Drive and Seminole Drive

14. Area of property (square feet and/or acres): 1.57 Acres

Submittal Requirements

- Certified copy of last deed of record must be attached. (Obtain from Register of Deeds Office). Check deed restrictions on subject property prior to making plans to avoid violations of such restrictions.
- Three sets of full size plans (minimum scale: 1" - 100').
- One set of reduced plans (8 1/2" X 11")

Building and Parking information

a. Total site area (a)	<u>68,220</u>	sq. ft.
b. Number of buildings	<u>6</u>	
c. Building coverage (c)	<u>26,718</u>	sq. ft.
d. Building coverage (c ÷ a)	<u>39%</u>	%
e. Building height	<u>18</u>	ft.
f. Total Floor area including basement	<u>39,684</u>	sq. ft.
g. Paved Area (h)	<u>5,808</u>	sq. ft.
h. Total Impervious Coverage (c + h ÷ a)	<u>46.8%</u>	%
i. Number of parking stalls provided	<u>48</u>	
j. Number of parking stalls required	<u>48</u>	
k. Front yard setback	<u>20</u>	ft.
l. Side yard setback	<u>Varies</u>	ft.
m. Street side yard setback	<u>10</u>	ft.
n. Rear yard setback	<u>Varies</u>	ft.
o. Length of street frontage	<u>608.59</u>	ft.
p. 5' terrace sidewalk (minimum 5' from curb)	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
q. Irrigation provided	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
r. Bufferyard required	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	

Multi-Family Residential Uses Only

Number of Buildings	<u>6</u>
Units per Building	<u>122</u>
No. of Efficiencies	_____
No. of 1 Bedrooms	_____
No. of 2 Bedrooms	_____
No. of 3 Bedrooms	<u>36</u>
Density – units per lot area	<u>1 per 5,685 sq. ft.</u>

EXHIBIT #4

PAGE(S) - 5

PLANNED DISTRICT CHECKLIST

Development Plan Package (All plans shall be drawn to scale)

A complete plan package including all the elements listed below shall be submitted to provide a complete representation of the development project.

200-Foot Radius Map.

- All improvements, streets, drives, parking areas, land uses and zoning within 200 feet of the boundary of the site.

Site Plan.

- Major environmental site features/concerns such as tree masses, drainage ways, 100-year floodplains, floodways, wetlands, steep slopes, and problematic soils.
- Footprint of all proposed buildings including square footage, number of stories and finish floor elevation.
- All property lines with dimensions and all building setback lines.
- Internal and external transportation and circulation systems including location and dimensions of existing and proposed streets, alleys, driveways, curb cuts, parking lots, parking spaces including ADA handicap spaces, and pedestrian and bicycle paths.
- Location of existing and proposed utilities including, sanitary sewers, manholes, storm water facilities, municipal water, gas and electrical distribution systems and all associated easements of record or proposed easements
- Location and design of proposed site lighting. Sharp cut-off fixtures only.
- Location of all trash enclosures and loading docks.

Building Elevations.

- Exterior architectural building elevations and floor plans, including height, building materials, and other information necessary to describe the project and use of the building.

Site Grading and Drainage Plan.

- Shall demonstrate site grading and drainage by showing existing contours at 2-foot intervals and proposed grading at 2-foot intervals with spot elevations at critical locations.
- Shall show location and approximate size and depth of stormwater detention facilities.

Erosion and Sediment Control Plan. (May be combined with Site Grading and Drainage Plan if all information legible)

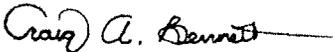
- Shall demonstrate erosion control and sediment control in compliance with NPDES requirements.

Other.

- If applicable, a proposed development schedule including a phasing plan and area calculations for each phase.
- If applicable, a complete listed of deviations of variances from the zoning code that are not proposed for the project.
(See Building Setbacks Deviations shown on attached Drawing)

Owner's signature

Date

 12/23/2019

Applicant's signature (If different than property owner,
Applicant certifies by signature that s/he is the authorized
agent of the property owner.)

If you have any questions about this application form, please contact the City Manager at (308) 345-2022, ext. 225 or the Building Official at (308) 345-2022, ext. 232.

Recorded November 10, 2016, 1:40 P.M.
Instrument No. 2016-01767

Recording Fees: 16.00 Pages: 2

Jami Lee
Register of Deeds Red Willow County, NE

NEBRASKA DOCUMENTARY STAMP TAX	
Date <u>11/10/16</u>	By <u>JL</u>
<u>\$164.25</u>	

AFTER RECORDING RETURN TO:
McCook Abstract Company
PO Box 648
McCook, NE 69001

**CORPORATION
WARRANTY DEED**

Our Savior's Lutheran Church of McCook, Nebraska, a Nebraska corporation, GRANTOR, in consideration of One Dollar (\$1.00) and other good and valuable consideration, conveys to GRANTEE, Jay T. Hancock and Susan K. Hancock, husband and wife, as joint tenants and not as tenants in common,, the following described real estate (as defined in Neb. Rev. Stat. § 76-201):

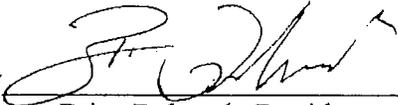
New Platted Lot 2, Block 1, Fifth Parkview Subdivision; to the City of McCook, Red Willow County, Nebraska.

GRANTOR covenants (jointly and severally, if more than one) with GRANTEE that GRANTOR:

1. is lawfully seized of such real estate and that is free from encumbrances, EXCEPT subject to easements, reservations, and restrictions of record;
2. has legal power and lawful authority to convey the same;
3. warrants and will defend title to the real estate against the lawful claims of all persons.

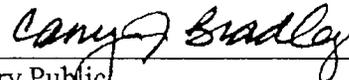
Executed: Nov 9, 2016.

Our Savior's Lutheran Church of McCook,
Nebraska, a Nebraska corporation

By 
Brian Rokusek, President

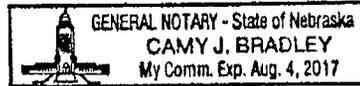
STATE OF Nebraska)
COUNTY OF Red Willow)

The foregoing instrument was acknowledged before me this 9th day of
November, 2016 by Brian Rokusek, President of Our Savior's Lutheran Church of
McCook, Nebraska, a Nebraska corporation.


Notary Public

My Commission Expires: 8-4-17

File No. M012325-



STATE OF NEBRASKA)
) ss
RED WILLOW COUNTY)

foregoing

I, Tami Teel, County Clerk in and for said county, do hereby certify that the ~~above~~ foregoing is a true and complete copy of the original instrument Corp Warranty Deed recorded Nov. 10, 2016 as Instrument No. 2016-01767 in the Office of the Red Willow County Clerk.

Dated this 23rd day of December, 2019.

TAMI TEEL

Denelope Cooper, Deputy
Red Willow County Clerk

ARTICLE 20

PLANNED DEVELOPMENT – OVERLAY DISTRICT

Article 20 - Planned Development

Section 2001. The provisions of this article are to be applied in instances where tracts of land of considerable size are developed, redeveloped or renewed as integrated and harmonious units, and where the overall design of such units is so outstanding as to warrant modification of the standards contained elsewhere in this Ordinance. Planned Development Overlay Districts utilize the existing residential, commercial or industrial zoning district and supplement the base district by allowing combinations of other zones to increase the density of development, while allowing multiple districts to be used on the same parcel of land. A planned development to be eligible under this Article must be:

1. In accordance with the comprehensive plans of the City, including all plans for redevelopment and renewal;
2. Composed of such uses, and in such proportions, as are most appropriate and necessary for the integrated functioning of the planned development and for the City;
3. So designed in its space allocation, orientation, texture, materials, landscaping and other features as to produce an environment of stable and desirable character, complementing the design and values of the surrounding neighborhood, and showing such unusual merit as to reflect credit upon the developer and upon the City; and
4. So arranged as to provide a minimum of three hundred (300) square feet of usable open space per dwelling unit on the tract.

Section 2002. The tract for which application is made must have the following minimum area:

1. For a Planned Development Unit under subsection 2004(1) below, no minimum area in the case of dwellings only, and one (1) acre in all other cases.
2. For a Planned Development District under subsection 2004(2) below, one (1) acre in the case of dwellings only, and two (2) acres in all other cases.

Section 2003. Who May Apply. An application may be filed by (1) the owner or owners or lessee or lessees of all land and structures included within the tract, or (2) any governmental agency. The holder of a written option or contract to purchase or lease land and/or structures shall, for the purposes of such Application, be deemed the owner or lessee of the land and/or structures covered by such option or contract.

Section 2004. Application and General Plans. Each Application shall state the proposed modification of existing zoning, and shall be accompanied by General Plans, including contoured site plans. The General Plans shall show the improvements to be erected upon the tract, the open spaces to be provided, the nature and location of the proposed use or uses, the relationship of the proposed development to surrounding properties, and other pertinent information. The Application and General Plans shall be sufficient in scope and character to determine that the intent of this

EXHIBIT #5

PAGE(S) - 3

Article stated in Section 2001 above will be met. Any proposed division of the tract into separately owned and operated units shall be indicated. The Application and General Plans shall be filed and acted upon in the following manner:

1. Where the proposed modifications of existing zoning concern only the bulk and placement of structures and the size and shape of lots, regulation of lot area, average lot width, distance between buildings, size of courts, yards, gross floor area, building height, and/or building coverage, or involve a reduction of lot area per dwelling unit of no more than thirty-three percent (33%), such Application and General Plans shall be filed with the City Council and acted upon as a special exception. If such Application and General Plans are approved by the City Council, upon specific findings that the intent stated in Section 2001 above will be met, such approval shall be construed to modify provisions contained elsewhere in this Ordinance, insofar, and only insofar, as specific deletions, additions and changes are made which are related to land and structures in the tract, and the tract shall be designated a Planned Development Unit within the existing zoning district, provided that the requirements of Section 2005 below are met.

2. In any other case, the Application and General Plans shall be filed with the City Council and acted upon as a proposed amendment to this Ordinance. If such Application and General Plans are approved by the City Council, following a favorable recommendation by the City Planning Commission, upon specific finding that the intent stated in Section 2001 above will be met, such approval shall be construed to amend this Ordinance insofar, and only insofar, as specific deletions, additions and changes are made which are related to the land and structures in the tract and the tract shall be designated as a separate Planned Development District, provided that the requirements of Section 2005 below are met.

Section 2005. Subsequent Performance. The Official Zoning Map shall carry a notation of the location and boundaries of any Planned Development Unit or Planned Development District approved as above, giving reference to a file in which full information concerning the provisions applying to the same may be found.

1. After the approval of the Application and General Plans, the applicant shall file Detailed Plans for review by the City Planning Commission, showing the details of the proposed development as fully as possible and including elevations and perspectives of proposed construction. If the applicant later wishes to change any of the details of the proposed development, further Detailed Plans shall be filed for review by the City Planning Commission. No building permit for the proposed development or any part thereof shall be issued until the City Planning Commission has determined that the pertinent Detailed Plans are in accordance with the Application and General Plans are approved and with the intent stated in Section 2001 above if any Detailed Plans are not acted upon by the City Planning Commission within sixty (60) days after they are submitted to it, they shall be deemed to be approved.
2. Within three (3) months after the approval of the Application and General Plans, a certified copy of such Application and General Plans shall be filed by the applicant at his or its own expense in the office of the City Clerk.
3. If construction of improvements is not begun and diligently prosecuted to completion within a reasonable time established by the City Planning Commission at the time of approval of Detailed Plans, and if an extension of time is not given by the City Planning Commission for good cause shown, then the modifications or amendments of this Ordinance provided for in Section 2004 above shall become null and void, and the tract shall revert to all the requirements of its previous zoning. No certificate of zoning compliance shall be issued until a detailed report

is submitted by the applicant to the City Planning Commission showing the outcome of construction and the City Planning Commission certifies that all requirements of this Article 20 relating to planned developments have been met.

ARTICLE 24

SPECIAL EXCEPTIONS

Article 24 - Special Exceptions

Section 2401. Special Exceptions. As the zoning ordinance is established at the present time, the McCook City Council has been given the authority to hear and decide requests for special exceptions. This is consistent with State Law; however, the City also has the option to delegating this power to the Planning Commission through the Zoning Ordinance.

Section 2402. Conditions for Granting Special Exceptions. A special exception shall not be granted by the City Council unless and until:

1. A written application for a special exception is submitted indicating the section of this ordinance under which the special exception is sought and stating the grounds on which it is requested;
2. Notice shall be given at least ten (10) days in advance of public hearing. The owner of the property for which special exception is sought or his agent shall be notified by certified mail. Notice of such hearings shall be posted on the property for which special exception is sought at least ten (10) days prior to the public hearing;
3. The public hearing shall be held. Any party may appear in person, or agent or attorney;
4. The City Council shall make a finding that is empowered under the section of this Ordinance described in the application to grant the special exception, and that the granting of the special exception will not adversely affect the public interest;
5. ~~Before any special exception shall be issued, the City Council shall make written findings, certifying compliance with the specific rules governing individual special exceptions and that satisfactory provisions and arrangements have been made concerning the following where applicable:~~
 - A. ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;
 - B. off-street parking and loading areas where required, with particular attention to the items in A above, and the economic, noise, glare or odor effects of the special exception on adjoining properties and properties generally in the district;
 - C. refuse and service area, with particular reference to the items in A and B above;
 - D. utilities, with reference to locations, availability, and compatibility;
 - E. screening and buffering with reference to type, dimensions, and character;
 - F. signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district;
 - G. required yards and other open space;

EXHIBIT #6

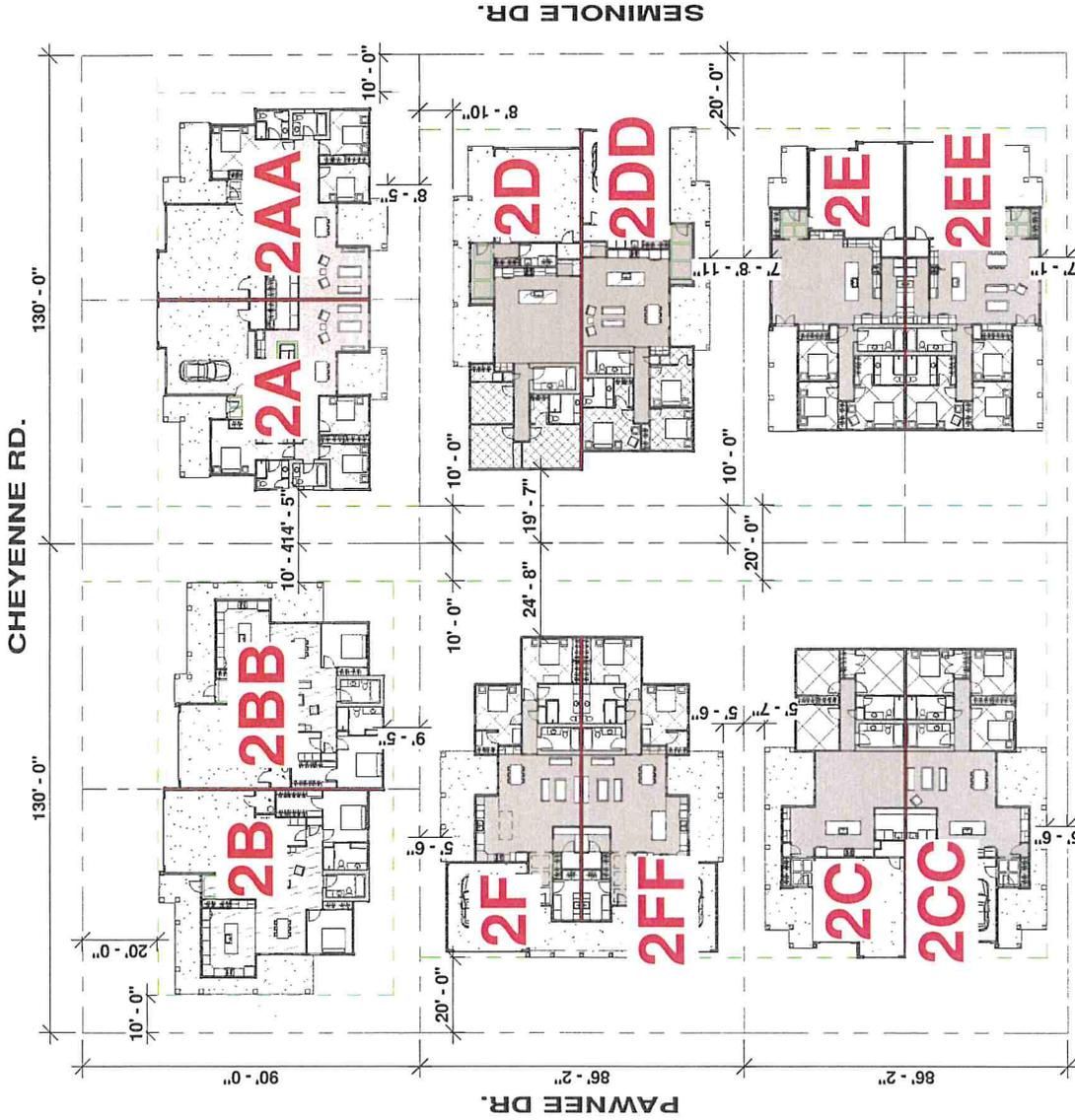
PAGE(S) - 2

H. general compatibility with adjacent properties and other property in the district.

I. compatibility with the existing and future land use plans in the McCook Comprehensive Plan.



② SITE W/ AERIAL 11X17
1" = 80'-0"

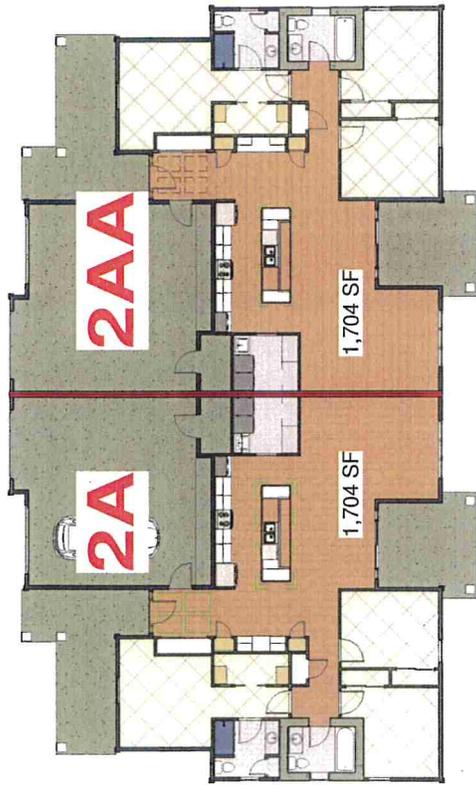


THESE PLANS ARE THE PROPERTY OF THE OWNER AND FOR ILLUSTRATIVE PURPOSES ONLY. OWNER TO VERIFY ALL DIMENSIONS AND SPECIFICATIONS PRIOR TO CONSTRUCTION AND ISSUED AT THE RISK OF THE USER. CONSULT THE ARCHITECT FOR ANY CHANGES TO THE PLANS.

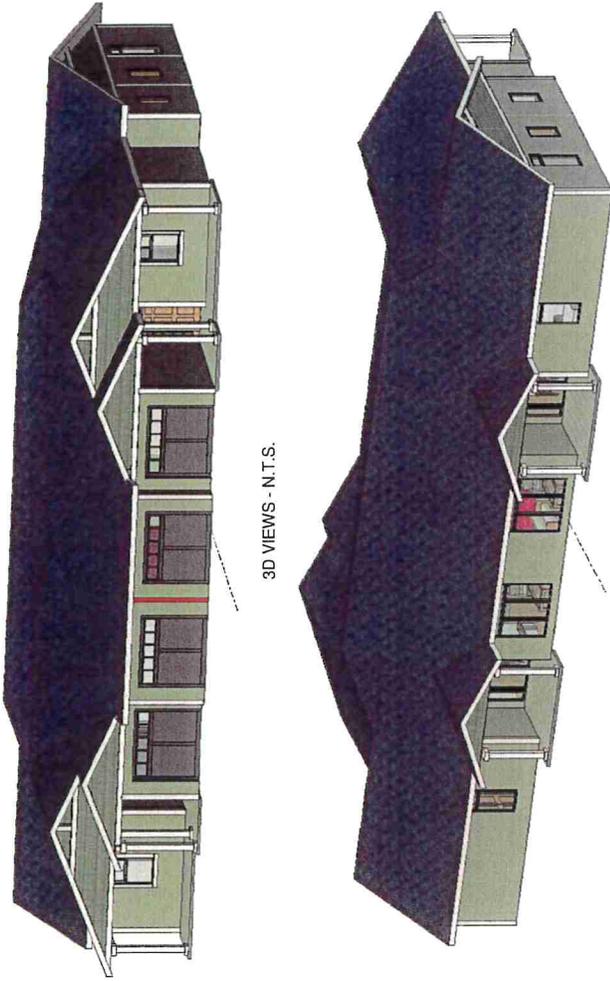
MW DRAFTING McCook, Nebraska (509)346-0188	DATE: 12/13/19	SCALE: As Indicated	SHEET SIZE: 11 x 17
OWNER CTE CONSTRUCTION Duplexes on Seminole Dr., McCook, NE	0		

EXHIBIT #7

PAGE(S) - 7



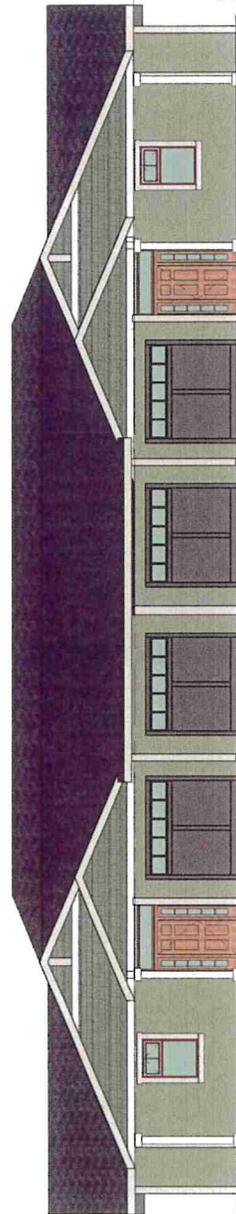
3D VIEWS - N.T.S.



CLG
9' - 0"

MAIN FLOOR PLAN
0' - 0"

BOTTOM FTG
-3' - 0"



② FRONT ELEVATION
3/32" = 1'-0"

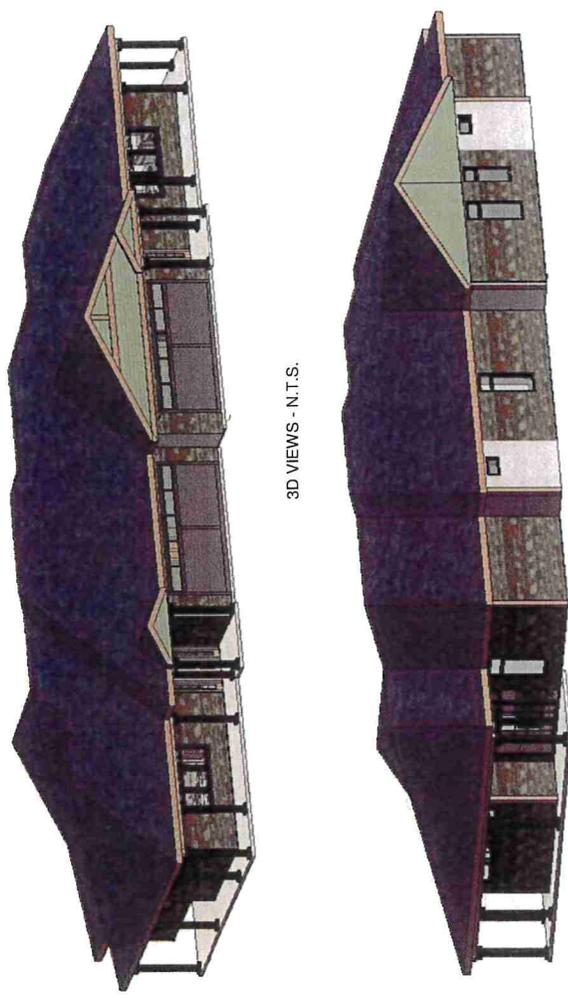
3 BED

MW DRAFTING McCook, Nebraska (408)340-0188	A	
OWNER CTE CONSTRUCTION Duplex's located along Seminole Dr., McCook, NE		
DATE: 11/18/19	SCALE: As indicated	SHEET SIZE: 11 x 17

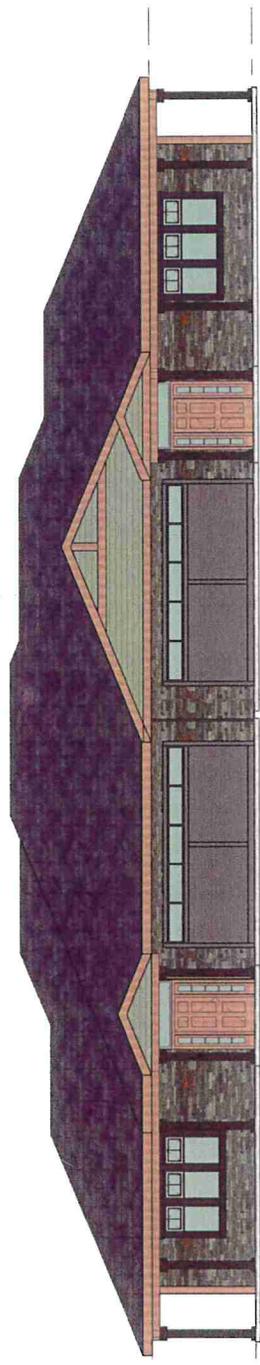
THIS DRAWING IS THE PROPERTY OF MW DRAFTING AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM. ANY REUSE OR MODIFICATION OF THIS DRAWING WITHOUT THE WRITTEN PERMISSION OF MW DRAFTING IS STRICTLY PROHIBITED. ALL RIGHTS RESERVED.



1 FLOOR PLAN
1/16" = 1'-0"



3D VIEWS - N.T.S.



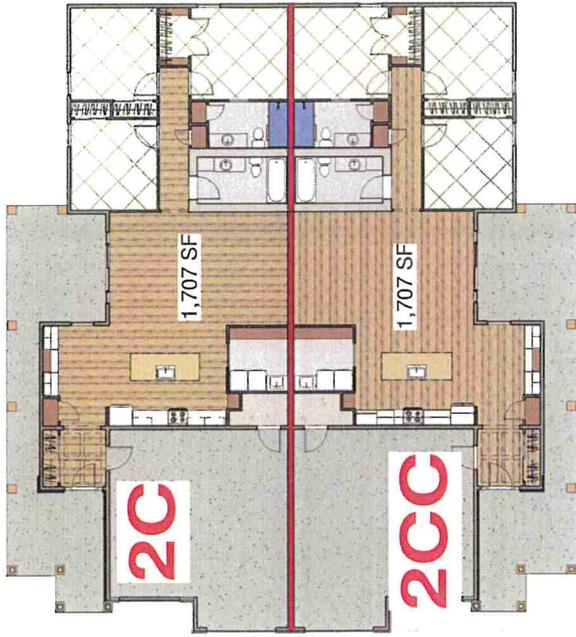
CEILING
9'-0"
MAIN FLOOR
0"
BOTTOM FTG
-3'-0"

2 FRONT ELEVATION
3/32" = 1'-0"

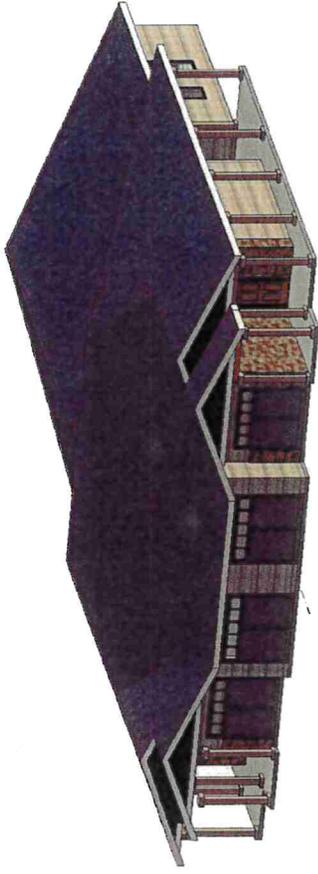
2 BED

THESE PLANS ARE THE PROPERTY OF THE OWNER AND FOR ILLUSTRATIVE PURPOSES ONLY. OWNER TO VERIFY ALL DIMENSIONS AND SPECIFICATIONS PRIOR TO CONSTRUCTION AND ASSURE ALL MATERIALS OF CONSTRUCTION MEET OR EXCEED ALL LOCAL AND STATE CONSTRUCTION CODES TO ALL BUILDING CODES.

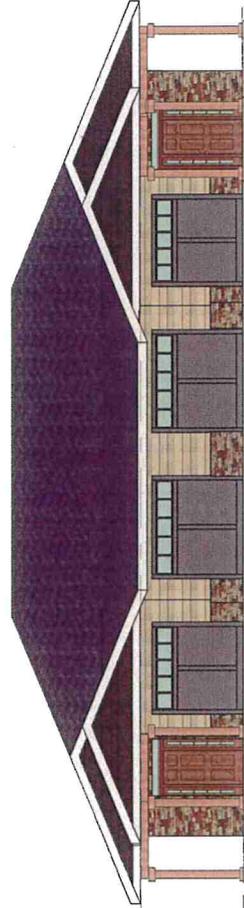
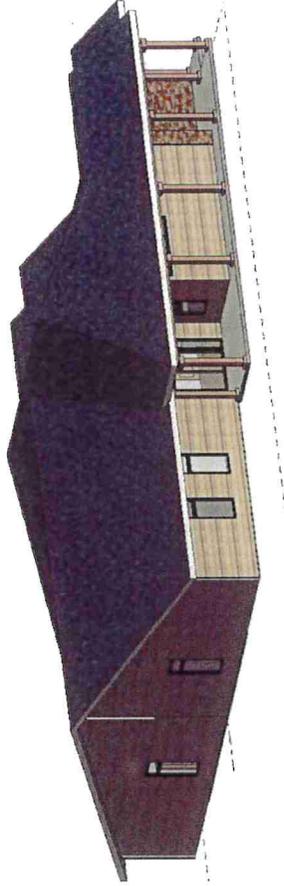
MW DRAFTING McCook, Nebraska (408)340-0188	DATE: 11/19/19	SCALE: AS INDICATED	SHEET SIZE: 11 x 17
OWNER CTE CONSTRUCTION Duplex units located along Seminole Ave. McCook, NE	B		



1 FLOOR PLAN
1/16" = 1'-0"



3D VIEWS - N.T.S.



2 FRONT ELEVATION
3/32" = 1'-0"

CLG
9' - 0"

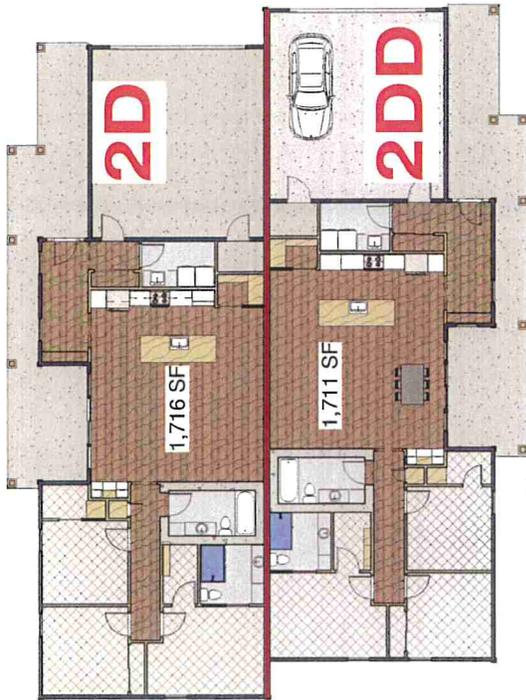
FLOOR TYPES
0' - 0"

BOTTOM FTG
-3' - 0"

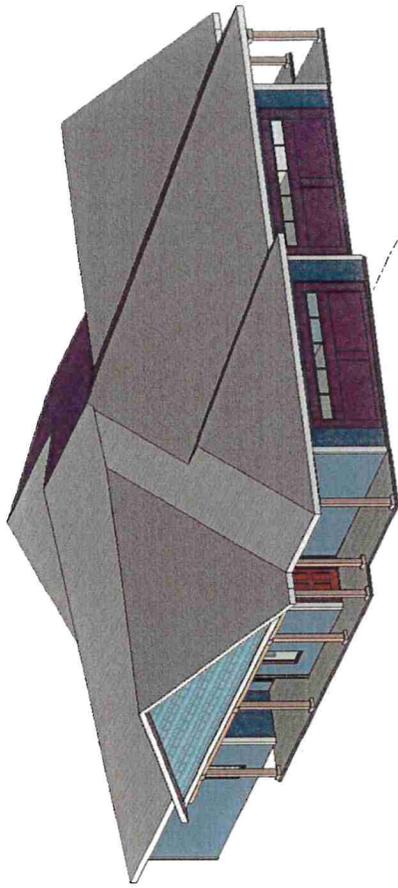
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MW DRAFTING	McCook, Nebraska (308)340-9188	C
OWNER	Duplek's along Seminoole Dr., McCook, NE	
DATE: 1/17/19	SCALE: As Indicated	SHEET SIZE: 11 x 17

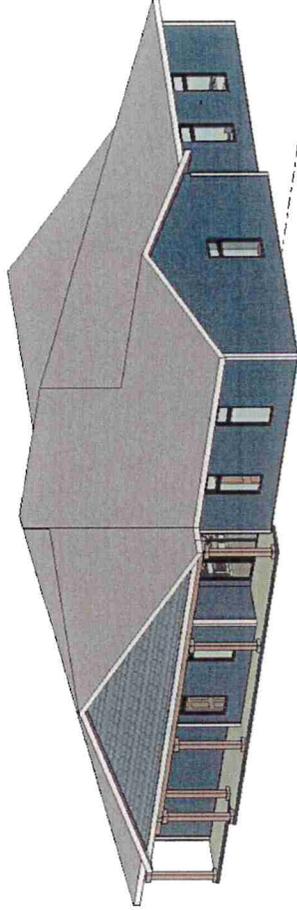
THESE PLANS ARE THE PROPERTY OF THE OWNER AND FOR ILLUSTRATIVE PURPOSES ONLY. OWNER TO VERIFY ALL DIMENSIONS AND SPECIFICATIONS PRIOR TO CONSTRUCTION AND ASSUME ALL LIABILITY OF DESIGN AND CONSTRUCTION THEREOF AND MODER CONSTRUCTION CONDITIONS IN ALL BUSINESS LOSS.



① FLOOR PLAN
1/16" = 1'-0"



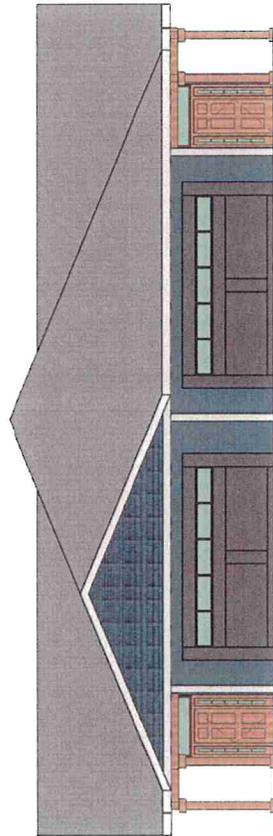
3D VIEWS - N.T.S.



CLG
9'-0"

MAIN FLOOR
0'-0"

BOTTOM FTG
-3'-0"



② FRONT ELEVATION (EAST)
3/32" = 1'-0"

3 BED

MW DRAFTING
McCook, Nebraska
(408)340-0188

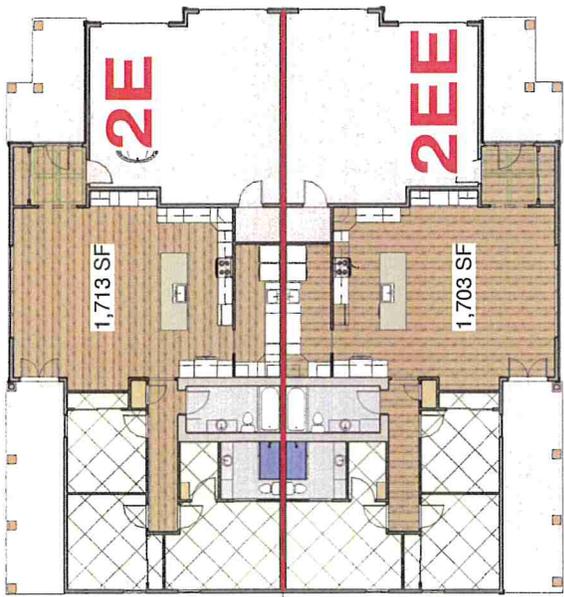
OWNER
CTE CONSTRUCTION
Duplex's along Seminole Dr., McCook, NE

THIS PLAN IS VALID FOR THE JURISDICTION OF NEBRASKA. IT IS THE RESPONSIBILITY OF THE CLIENT TO OBTAIN ALL NECESSARY PERMITS AND TO VERIFY ALL LOCAL REGULATIONS AND REQUIREMENTS. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND TO VERIFY ALL LOCAL REGULATIONS AND REQUIREMENTS.

DATE: 11/18/19 SCALE: AS INDICATED

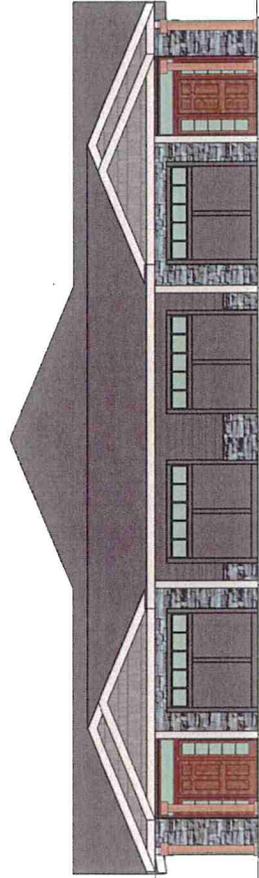
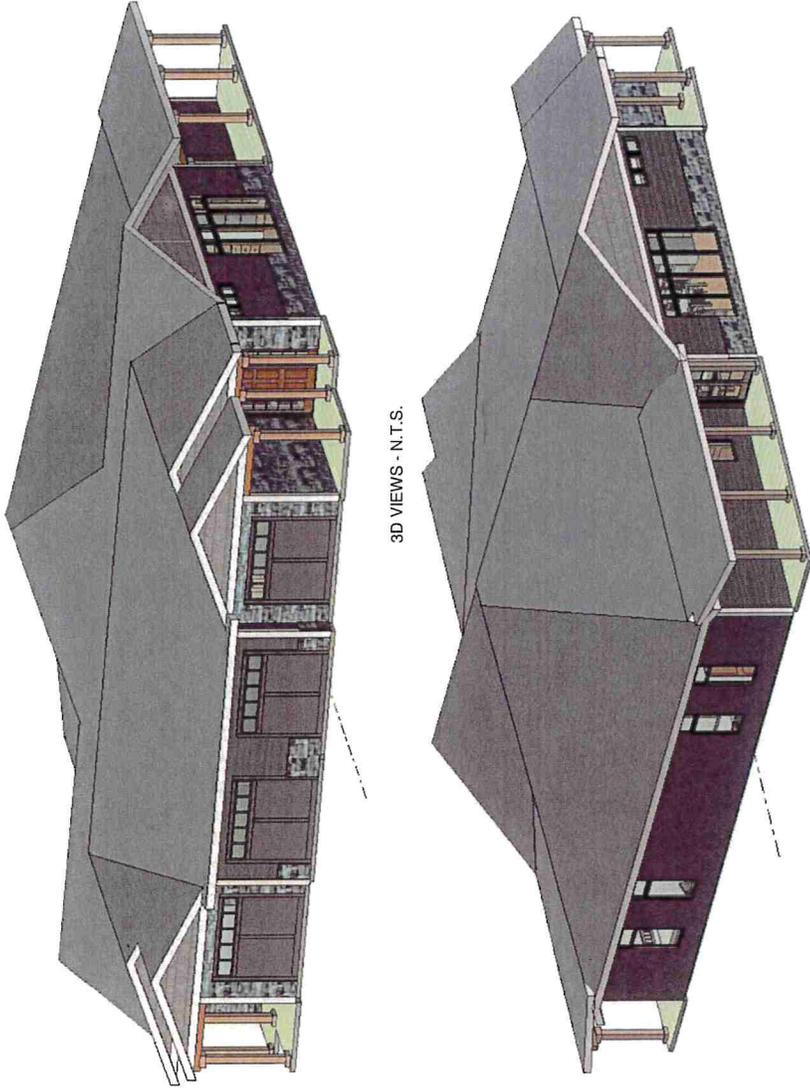
SHEET SIZE: 11x17

D



1 FLOOR PLAN
1/16" = 1'-0"

3D VIEWS - N.T.S.



CLG
9'-0"

MAIN FLOOR
0'-0"

BOTTOM FTG
-3'-0"

2 FRONT ELEVATION
3/32" = 1'-0"

3 BED

MW DRAFTING
McCook, Nebraska
(308) 340-0188

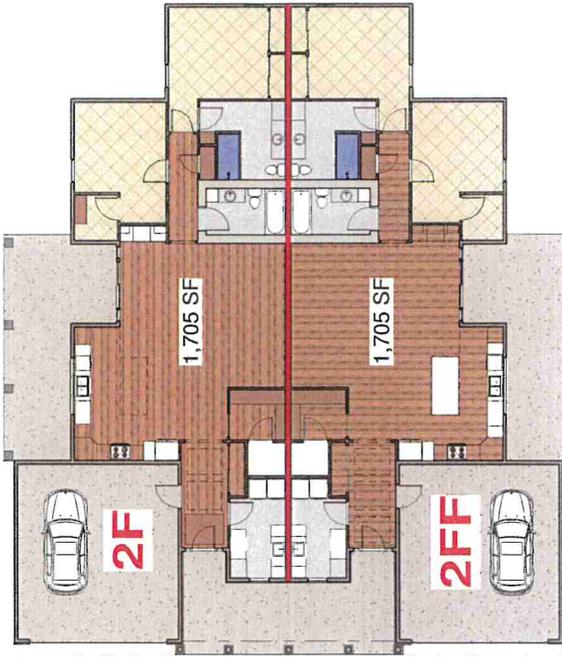
OWNER
CTE CONSTRUCTION
Duplex's along Sammitole Dr., McCook, NE

PLEASE NOTE: THE PROPERTY OF THE OWNER AND FOR ILLUSTRATIVE PURPOSES ONLY. OWNER TO VERIFY ALL DIMENSIONS AND SPECIFICATIONS PRIOR TO CONSTRUCTION AND ADDRESS ALL CHANGES OF DESIGN AND CONSTRUCTION THROUGH THE ARCHITECTURAL FIRM.

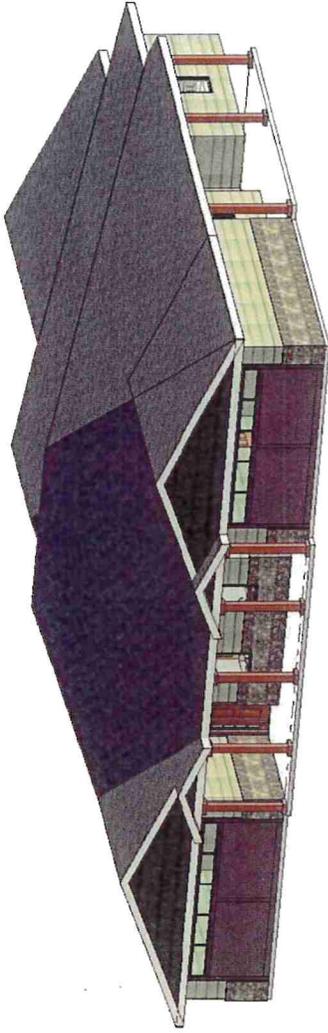
DATE: 11/18/19 SCALE: As Indicated

SHEET SIZE: 11 x 17

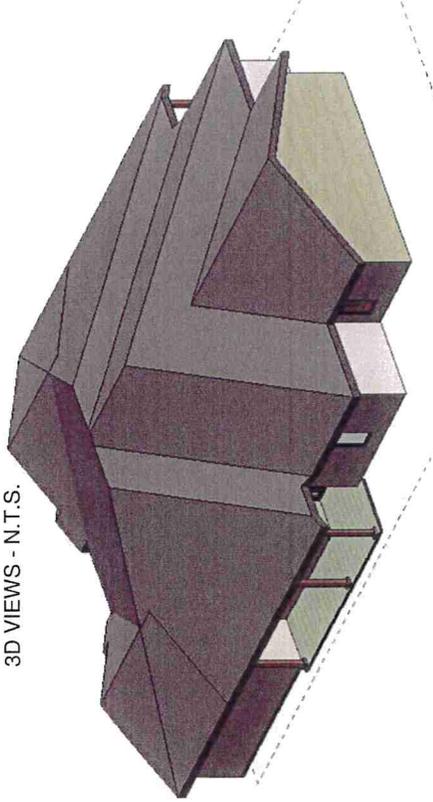
E



① FLOOR PLAN
1/16" = 1'-0"



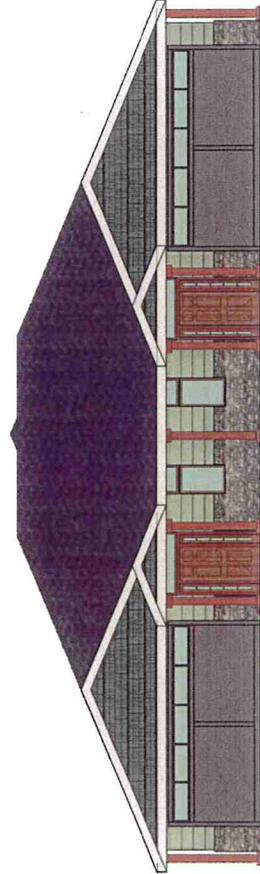
3D VIEWS - N.T.S.



CLG
9' - 0"

MAIN FLOOR
0' - 0"

BOTTOM FTG
-3' - 0"



② FRONT ELEVATION
3/32" = 1'-0"

2 BEDS

MW DRAFTING	McCook, Nebraska (309)340-0188
OWNER	Duplex units along Seminole Dr., McCook, NE

F

THESE PLANS ARE THE PROPERTY OF THE OWNER AND FOR ILLUSTRATIVE PURPOSES ONLY. OWNER TO VERIFY ALL DIMENSIONS AND SPECIFICATIONS PRIOR TO CONSTRUCTION AND HOLDERS AT ALL TIMES OF THEIR CONSTRUCTION PRACTICE AND HOLDERS CONSTRUCTION PRACTICE TO THE FUTURE OWNER.

DATE: 1/18/19 SCALE: As Indicated SHEET SIZE: 11x17

**CITY MANAGER'S REPORT
JANUARY 13, 2020 PLANNING COMMISSION MEETING**

ITEM NO. ___ Public Hearing - Application of Jay and Susan K. Hancock for a Planned Development for property located at: New Platted Lot 2, Block 1, Fifth Parkview Subdivision; to the City of McCook, Red Willow County, Nebraska (a/k/a - property located south of Cheyenne Rd., between Pawnee Drive and Seminole Drive).

ITEM NO. ___ Recommend approval of the Application for Planned Development, based upon the requirements established by Article 20 and Article 24 of the McCook Zoning Ordinance.

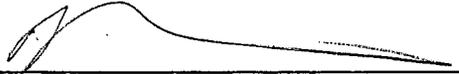
BACKGROUND:

The City of McCook has received an Application for Planned Development from Jay and Susan Hancock for property they own south of Cheyenne Rd., between Pawnee Drive and Seminole Drive. For reference, the property is located directly north of Our Savior's Lutheran Church. Mr. and Mrs. Hancock are proposing to build 6 duplexes at this location. Two duplexes would face Pawnee Drive, two duplexes would face Cheyenne Rd., and two duplexes would face Seminole Drive. Ultimately, Mr. and Mrs. Hancock want to sell each duplex unit as a separate residence, creating 12 distinct lots. The ownership style would be similar to a condominium property.

The property at issue is located in a Residential Medium Density District. The applicant is requesting a Planned Development due to the fact that the 12 proposed lots fail to meet the requirements for side yard setbacks, rear yard setbacks, and lot width criteria established for Residential Medium Density District properties. Article 20 of the City of McCook's Zoning Ordinance addresses these types of situations by allowing Planned Development - Overlay Districts. A Planned Unit Development is a development tool which provides for the development of an area when the overall design of a proposed development is so outstanding as to warrant modification of the standards contained within the Zoning Ordinance. In order for a Planned Development to be eligible under Article 20, the proposal must be: 1) in accordance with the comprehensive plans of the City; 2) composed of such uses and proportions that are most appropriate for the integrated functioning of the neighborhood; 3) designed in a way that the Planned Unit development fits in with the surrounding neighborhood; and 4) arranged to provide a minimum of 300 square feet of usable open space per dwelling unit. Recent examples of Planned Developments can be seen with East Ward Village and Quillan Courts.

Mr. and Mrs. Hancock's application falls under Section 2004 (1) of Article 20. Due to the nature of the application, the same review that is utilized for a special exception application shall be used for Mr. and Mrs. Hancock's application. Copies of Article 20 (Planned Development - Overlay District) and Article 24 (Special Exceptions) are included with this report. Section 2402 (5) (A - I) are the criteria the Planning Commission and City Council must consider when reviewing the application. A written finding of the Planning Commission's and City Council's findings must accompany any action taken as a result of the application.

APPROVALS:



Nathan A. Schneider, City Manager

January 8, 2020



Lea Ann Doak, City Clerk

January 8, 2020

McCook Planning Commission
January 13, 2020
5:15 PM Central

A MEETING OF THE PLANNING COMMISSION OF THE CITY OF MCCOOK, NEBRASKA convened in open, regular, and public session at 5:15 o'clock P.M. in the City Council Chambers.

Present: Chair Vosburg; Vice Chair Hilker; Commissioners Davidson, Dueland, Lyons, McDowell, Stevens.

Absent: Commissioners Bradley, Friehe, Graham.

City Officials present: City Manager Schneider, City Attorney Mustion, City Clerk Doak.

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on January 9, 2020, 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 all members of the Planning Commission. Availability of the agenda was communicated in the advance notice. All proceedings hereafter shown were taken while the meeting was open to the attendance of the public.

Chair Vosburg announced that a copy of the Open Meetings Act was posted by the entrance to the Council Chambers and available for public review.

1. Approve the minutes of the December 9, 2019 regular Planning Commission meeting.

Motion to approve the minutes of the December 9, 2019 regular Planning Commission meeting. This motion, made by McDowell and seconded by Dueland, passed.

Vosburg: YEA, Hilker: YEA, Bradley: ABSENT, Davidson: YEA, Dueland: YEA, Friehe: ABSENT, Graham: ABSENT, Lyons: YEA, McDowell: YEA, Stevens: YEA.
YEA: 7, NAY: 0, ABSENT: 3

2. Public Hearings and Regular Agenda.

- 2.A. Public Hearing - Application of Jay and Susan K. Hancock for a Planned Development for property located at: New Platted Lot 2, Block 1, Fifth Parkview Subdivision; to the City of McCook, Red Willow County, Nebraska (a/k/a - property located south of Cheyenne Road, between Pawnee Drive and Seminole Drive.

Motion to recess as a Planning Commission and convene a public hearing for the purpose of receiving public comment with respect to an application of Jay and Susan K. Hancock for a Planned Development for property located at: New Platted Lot 2, Block 1, Fifth Parkview Subdivision; to the City of McCook, Red Willow County, Nebraska (a/k/a - property located south of Cheyenne Road, between Pawnee Drive and Seminole Drive, with the City Attorney to act as hearing officer. This motion, made by Vosburg and seconded by McDowell, passed.

EXHIBIT #11

PAGE(S) - 6

Vosburg: YEA, Hilker: YEA, Bradley: ABSENT, Davidson: YEA, Dueland: YEA, Friehe: ABSENT, Graham: ABSENT, Lyons: YEA, McDowell: YEA, Stevens: YEA.
YEA: 7, NAY: 0, ABSENT: 3

The City Attorney received into evidence Exhibit #1 - City Manager's Report prepared for the January 9, 2020 Planning Commission meeting (2 pages), Exhibit #2 - Notice of Hearing published, posted, and mailed (1 page); Exhibit #3 - Ownership List for mailing notice (2 pages); Exhibit #4 - Application for Planned Development district Plan Approval Form and attachments (5 pages); Exhibit #5 - copy of Zoning Ordinance No. 2016-2929, Article 20 - Planned Development - Overlay District (3 pages); Exhibit #6 - copy of Zoning Ordinance No. 2016-2929, Article 24 - Special Exceptions (2 pages); Exhibit #7 - proposed Site Plans (7 pages); Exhibit #8 - proposed new plat (1 page); Exhibit #9 - proposed Replat of the development area; and Exhibit #9 - the plat of the Development Plan.

Comments were taken from City Staff before opening it up to the public.

City Manager Schneider reviewed the following information included in Exhibit #1:

“The City of McCook has received an Application for Planned Development from Jay and Susan Hancock for property they own south of Cheyenne Rd., between Pawnee Drive and Seminole Drive. For reference, the property is located directly north of Our Savior's Lutheran Church. Mr. and Mrs. Hancock are proposing to build 6 duplexes at this location. Two duplexes would face Pawnee Drive, two duplexes would face Cheyenne Rd., and two duplexes would face Seminole Drive. Ultimately, Mr. and Mrs. Hancock want to sell each duplex unit as a separate residence, creating 12 distinct lots. The ownership style would be similar to a condominium property.

The property at issue is located in a Residential Medium Density District. The applicant is requesting a Planned Development due to the fact that the 12 proposed lots fail to meet the requirements for side yard setbacks, rear yard setbacks, and lot width criteria established for Residential Medium Density District properties. Article 20 of the City of McCook's Zoning Ordinance addresses these types of situations by allowing Planned Development - Overlay Districts. A Planned Unit Development is a development tool which provides for the development of an area when the overall design of a proposed development is so outstanding as to warrant modification of the standards contained within the Zoning Ordinance. In order for a Planned Development to be eligible under Article 20, the proposal must be: 1) in accordance with the comprehensive plans of the City; 2) composed of such uses and proportions that are most appropriate for the integrated functioning of the neighborhood; 3) designed in a way that the Planned Unit development fits in with the surrounding neighborhood; and 4) arranged to provide a minimum of 300 square feet of usable open space per dwelling unit. Recent examples of Planned Developments can be seen with East Ward Village and Quillan Courts.

Mr. and Mrs. Hancock's application falls under Section 2004 (1) of Article 20. Due to the nature of the application, the same review that is utilized for a special exception application shall be used for Mr. and Mrs. Hancock's application. Copies of Article 20 (Planned Development - Overlay District) and Article 24 (Special Exceptions) are included with this report. Section 2402 (5) (A - I) are the

criteria the Planning Commission and City Council must consider when reviewing the application. A written finding of the Planning Commission's and City Council's findings must accompany any action taken as a result of the application.”

Applicant Jay Hancock and his project planner Craig Bennett presented the request and answered questions regarding the proposal. Each duplex unit would have a two car garage and driveway providing off street parking for 4 vehicles; Mr. Hancock is amenable to extending the terrace of the proposed east lots in order to make the proposed Planned Development uniform with the block to the north; each unit would have a rollout garbage container; the Planned Unit development has sewer available as a result of a sewer improvement district whereby the City has easement rights; the duplex structures would conform to the character of the neighborhood; and the open space requirements spelled out in the Planned Development criteria will be met.

Commission discussion included the total units; what the expected price range will be for the units; if there will be an alley or only a utility easement; and parking concerns and options.

Christen Johnson expressed a concern about dirt as a result of the construction; Andy Long, MEDC Director, discussed the most recent housing study and reiterated the study's findings that more housing was needed in McCook; and Brent Shaffer asked what would be the distance between duplexes, to which Mr. Bennett stated 10 feet would be the distance between the duplexes located on Pawnee Drive and Seminole Drive, while there would be 20 feet between the duplexes facing Cheyenne Rd.

Motion to adjourn the public hearing and to reconvene as a Planning Commission. This motion, made by Vosburg and seconded by Stevens, passed.

Vosburg: YEA, Hilker: YEA, Bradley: ABSENT, Davidson: YEA, Dueland: YEA, Friehe: ABSENT, Graham: ABSENT, Lyons: YEA, McDowell: YEA, Stevens: YEA.

YEA: 7, NAY: 0, ABSENT: 3

2.B. Recommend approval of the Application for Planned Development, based upon the requirements established by Article 20 and Article 24 of the City of McCook, Nebraska - Zoning Ordinance No. 2016-2929.

Motion to recommend approval of the Application for Planned Development, based upon the requirements established by Article 20 and Article 24 of the City of McCook, Nebraska - Zoning Ordinance No. 2016-2929. This motion, made by Stevens and seconded by McDowell, passed after discussion and individual consideration of Special Exceptions A-I. All were approved unanimously.

Vosburg: YEA, Hilker: YEA, Bradley: ABSENT, Davidson: YEA, Dueland: YEA, Friehe: ABSENT, Graham: ABSENT, Lyons: YEA, McDowell: YEA, Stevens: YEA.

YEA: 7, NAY: 0, ABSENT: 3

2.C. Public Hearing - with respect to a Blight and Substandard Study regarding an amendment to Redevelopment Area #3, the creation of Redevelopment Area #4, and the creation of Redevelopment Area #5.

Motion to recess as a Planning Commission and convene a public hearing for the purpose of receiving public comment with respect to a Blight and Substandard Study regarding an amendment to Redevelopment Area #3, the creation of Redevelopment Area #4, and the creation of Redevelopment Area #5, with the City Attorney to act as hearing officer. This motion, made by Vosburg and seconded by McDowell, passed.

Vosburg: YEA, Hilker: YEA, Bradley: ABSENT, Davidson: YEA, Dueland: YEA, Friehe: ABSENT, Graham: ABSENT, Lyons: YEA, McDowell: YEA, Stevens: YEA.
YEA: 7, NAY: 0, ABSENT: 3

The City Attorney received into evidence Exhibit #1 - City Manager's Report prepared for the January 13, 2020 Planning Commission meeting (2 pages), Exhibit #2 - Notice of Hearing published (5 pages); Exhibit #3 - copies of letters mailed to required entities (5 pages); and Exhibit #4 - Blighted and Substandard Study - Amendment to Redevelopment Area #3, creation of Redevelopment Area #4, and Creation of Redevelopment #5 (57 pages).

Comments were taken from City Staff before opening it up to the public.

City Manager Schneider reviewed the following information presented in Exhibit #1:

“One of the continuous goals the McCook City Council has established is to ensure the City of McCook remains vital. In order to meet this goal, the City of McCook has championed economic development through the use of Nebraska's Community Redevelopment Law. Pursuant to the Community Redevelopment Law, the City of McCook has established three redevelopment areas which serve to identify portions of McCook that need governmental intervention to promote development. Development of these areas is encouraged through the use of Tax Increment Financing (ie. TIF). Numerous projects have occurred in the designated redevelopment areas as a result of TIF, including the completion of the Clary Village and Quillan Courts residential projects; the building of Cobblestone Hotel and Holiday Inn Express; and the construction of the Valmont Industries plant.

Over the course of the past few years, Staff has identified some areas that would benefit from a blight and substandard designation, as defined in the Community Redevelopment Law. In order to access TIF in a certain area, the City Council must make a blight and substandard determination. It is important to note, a blight and substandard designation has little to no negative impact on property valuations. On the contrary, a blight and substandard designation allows for public involvement with development projects which makes growth and improvement more likely. The ultimate goal is not only to improve a particular lot in distress, but also to improve the quality of life for the property owners who own land near these project areas.

Staff has worked with Miller & Associates to identify additional areas of McCook that could benefit from a blight and substandard designation. As a result of the research developed through this study, Staff is advocating for the adoption of a new Blight and Substandard Study. The new Blight and Substandard Study would amend Redevelopment Area # 3, create Redevelopment Area # 4, and create Redevelopment Area # 5.

Redevelopment Area # 3 originated in 2013. Redevelopment Area # 3 stretches from Highway 83

to East 11th Street. An amendment to Redevelopment Area # 3 occurred in 2015 which served to include the Four Corners Addition to McCook. With respect to the newly proposed 2019 Amendment, additional land would adjoin Redevelopment Area # 3, with the primary point of emphasis being the West 5th Street and West D Street intersection. Included in this area would be some commercial buildings, most notably the Charlie's building located along West 5th Street. In order to assure we meet the requirements of the Nebraska Community Development law, Staff proposes to include 13 residential homes adjacent to current Redevelopment Area # 3. It is Staff's and Miller & Associate's understanding that the redevelopment areas must be contiguous. In order to achieve this requirement, 12 residential structures have been included in the proposed amendment.

Proposed Redevelopment Area # 4 is located just east of the intersection of Highway 83 and Highways 6 and 34. This area includes several commercial buildings and residential homes north of Highway 6 and 34. Redevelopment Area # 4 is a stand-alone location and would not amend Redevelopment Area # 3. With that said, Redevelopment Area # 4 is contiguous to Redevelopment Area # 3, assuring compliance with the Nebraska Community Development law.

Proposed Redevelopment Area # 5 is located partially within and partially outside the corporate limits of McCook. It is located on the east side of Highway 83 and the north side of West Q Street. It includes a number of commercial buildings and a few residential structures. It is contiguous to Redevelopment Area # 3. Additionally, the Nebraska Community Development Law allows for the inclusion of a portion of land located outside of the corporate limits in the City's designated redevelopment area. An example of this occurred with the inclusion of land located north of West J Street and Highway 83 as a part of Redevelopment Area # 3.

Earlier in 2019, the City Council approved a resolution forwarding the Blight and Substandard Study for these areas to the McCook Planning Commission. The Planning Commission is charged with reviewing the Study and making a subsequent recommendation to the City Council regarding the Study's suitability.

The Planning Commission reviewed the Blight and Substandard Study at the December 9, 2019 Planning Commission meeting. At the meeting, Commissioner Member Friehe asked whether two lots on the west side of Hwy 83 should be included. After the meeting, Staff reviewed the lots and asked Miller & Associates to determine whether the lots could be included in Redevelopment Area # 5. After review, Miller & Associates determined the lots fit the State's definition. Staff is including the two lots in the Blight and Substandard Study for the Planning Commission's consideration.

Craig Bennett, Miller Associates, reviewed the Blight Study with the Commission.

Motion to adjourn the public hearing and to reconvene as a Planning Commission. This motion, made by Vosburg and seconded by Hilker, passed.

Vosburg: YEA, Hilker: YEA, Bradley: ABSENT, Davidson: YEA, Dueland: YEA, Friehe: ABSENT, Graham: ABSENT, Lyons: YEA, McDowell: YEA, Stevens: YEA.
YEA: 7, NAY: 0, ABSENT: 3

2.D. Recommend approval of the Blight and Substandard Study regarding an amendment to

Redevelopment Area #3, the creation of Redevelopment Area #4, and the creation of Redevelopment Area #5.

Motion to recommend approval of the Blight and Substandard Study regarding an amendment to Redevelopment Area #3, the creation of Redevelopment Area #4, and the creation of Redevelopment Area #5. This motion, made by Vosburg and seconded by Lyons, passed.

Vosburg: YEA, Hilker: YEA, Bradley: ABSENT, Davidson: YEA, Dueland: YEA, Friehe: ABSENT, Graham: ABSENT, Lyons: YEA, McDowell: YEA, Stevens: YEA.

YEA: 7, NAY: 0, ABSENT: 3

Adjournment.

With no further business, Chair Vosburg declared the Planning Commission meeting adjourned at 6:41 P.M.

Lea Ann Doak, Recording Secretary

ORDINANCE NO, 2020-2997

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 2016-2929 BY APPROVING A PLANNED DEVELOPMENT - OVERLAY DISTRICT FOR THE REPLAT OF NEW PLATTED LOT 2, BLOCK 1, FIFTH PARK VIEW SUBDIVISION TO THE CITY OF MCCOOK, RED WILLOW COUNTY, NEBRASKA; REPEALING CONFLICTING ORDINANCES OR PARTS OF ORDINANCES; AND PROVIDING FOR A TIME AND DATE FROM AND AFTER WHICH THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE.

NOW, THEREFORE BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MCCOOK, NEBRASKA:

SECTION 1. In accordance with Article 20 of Ordinance No. 2016-2929 of the City of McCook, Red Willow County, Nebraska, the following described tract of land shall be and is hereby designated as a Planned Development - Overlay District, to wit:

Replat of Lots 2A through 2F of the Replat of New Platted Lot 2, Block 1, Fifth Park View Subdivision to the City of McCook, Red Willow County, Nebraska.

SECTION 2. The City Clerk of the City of McCook, Nebraska is hereby directed to change the official zoning map of the City of McCook, Nebraska to show the above - described tracts of property to have a zoning classification of a Planned Development - Overlay District as so designated.

SECTION 3. The provisions of Ordinance No. 2016-2929 are hereby amended as provided herein.

SECTION 4. This ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as required by law.

PASSED AND APPROVED this _____ day of _____, 2020.

Michael D. Gonzales, Mayor

ATTEST:

Lea Ann Doak, City Clerk
Publish:

EXHIBIT #12

PAGE(S) - 1

RESOLUTION NO. 2020-01

WHEREAS, JAY T. AND SUSAN K. HANCOCK applied for approval of a Replat of Lots 2A through 2F of the Replat of New Platted Lot 2, Block 1, Fifth Park View Subdivision to the City of McCook, Red Willow County, Nebraska located within the corporate limits of the City of McCook, Red Willow County, Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF MCCOOK, NEBRASKA:

SECTION 1. That the Replat of Lots 2A through 2F of the Replat of New Platted Lot 2, Block 1, Fifth Park View Subdivision to the City of McCook, Red Willow County, Nebraska, duly made out, acknowledged and certified, and the same hereby is approved in accordance with the provisions and requirements of Section 19-916 of the Nebraska Revised Statutes and accepted and ordered filed and recorded in the Office of the Register of Deeds of Red Willow County, Nebraska.

SECTION 2. That the Mayor and City Clerk be and are hereby authorized and directed to execute the replat on behalf of the City of McCook, Nebraska.

PASSED AND APPROVED THIS 20th DAY OF January, 2020.

Michael D. Gonzales, Mayor

ATTEST:

Lea Ann Doak, City Clerk

EXHIBIT #13

PAGE(S) - 1