

MCCOOK CITY COUNCIL

REGULAR MEETING

Monday, February 17, 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 - Father Andrew Litt, St. Patrick Catholic Church.

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. Public Hearings.

A. Public Hearing - Regarding the modification of the City of McCook's two mile Extra Territorial Jurisdiction (ETJ) to coordinate the City's extra territorial boundary with existing section, half section, and quarter section lines.

1. Adjourn the Public Hearing.

- B. Approve Ordinance No. 2020-2998 adopting the official Extraterritorial Jurisdiction Zoning Map for the City of McCook, with the condition that Red Willow County adopt a zoning map to harmonize Red Willow County's zoning jurisdiction with the City of McCook's Extraterritorial Jurisdiction.
1. Chairperson asks Clerk to read Ordinance by title.
Rationale: The Chairpersons asks the Clerk to read Ordinance No. 2020-2998 by title.
 2. Consider approval of Ordinance No. 2020-2998 upon its first reading.
- C. Public Hearing - application of Early Morning Cackle, LLC; dba "Bottle Shop", for Class "D" License #122054 - (Beer, Wine, Distilled Spirits, Off Sale Only) under the Nebraska Liquor Control Commission, to be located at 309 East "B" Street, McCook, Nebraska.
1. Adjourn the Public Hearing.
- D. Recommend approval to the Nebraska Liquor Control Commission the application of Early Morning Cackle, LLC; dba "Bottle Shop", for Class "D" License #122054 - (Beer, Wine, Distilled Spirits, Off Sale Only) under the Nebraska Liquor Control Commission, to be located at 309 East "B" Street, McCook, Nebraska.
- E. Public Hearing - application of Early Morning Cackle, LLC; dba "Spirit Shop", for Class "D" License #122055 - (Beer, Wine, Distilled Spirits, Off Sale Only) under the Nebraska Liquor Control Commission, to be located at 505 West "B" Street, McCook, Nebraska.
1. Adjourn the Public Hearing.
- F. Recommend approval to the Nebraska Liquor Control Commission the application of Early Morning Cackle, LLC; dba "Spirit Shop", for Class "D" License #122055 - (Beer, Wine, Distilled Spirits, Off Sale Only) under the Nebraska Liquor Control Commission, to be located at 505 West "B" Street, McCook, Nebraska.
- G. Public Hearing - application of Suhr Enterprises, LLC; dba "Gary's Super Foods IV", for Class "C" License #122060 - (Beer, Wine, Distilled Spirits, On and Off Sale) under the Nebraska Liquor Control Commission, to be located at 212 Westview Plaza, McCook, Nebraska.
1. Adjourn the Public Hearing.
- H. Recommend approval to the Nebraska Liquor Control Commission the application of Suhr Enterprises, LLC; dba "Gary's Super Foods IV", for Class "C" License #122060 - (Beer, Wine, Distilled Spirits, On and Off Sale) under the Nebraska Liquor Control Commission, to be located at 212 Westview Plaza, McCook,

Nebraska.

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 February 3, 2020 regular City Council meeting.
- B. Receive and file information regarding a Sole Source Purchase of outdoor warning siren, updated two-way radio communications, and install activation point hardware and software.
- C. Approve a McCook Police Department Off-Premises Dog Care Agreement between Officer William Watts and the City of McCook.
- D. Approve specifications for the 2020 Armor Coating Project and set the time and date to receive bids as 2:00 P.M., March 10, 2020.
- E. Award the bid for two (2) new 2020 3/4 ton 4-wheel drive pickup trucks to Deveny Motors in the amount of \$53,956.00, it being the lowest, most responsible bid.
- F. Award the bid for concessions at the Jaycees Ball Complex to Michelle Seeker and family in the amount of \$750.00 per year, for the Calendar Years 2020-2022.
- G. Award the bid for the Library HVAC Replacement Project to McCook Mechanical Services, LLC in the amount of \$120,400 and authorize the Mayor to execute associated documents.
- H. Receive and file the minutes of the February 10, 2020 Planning Commission meeting.
- I. 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 areas of the golf course.
- J. 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 homes in the North Pointe Development.
- K. Receive and file claim for damages from Roger Dame and instruct that it be submitted to the City's insurance carrier for review and appropriate action.
- L. Receive and file the claims for the month of January 2020 as published February 10, 2020.

M. Receive and file the Financial Report for the period ending January 31, 2020.

N. Approve the purchase of one (1) new 2020 Ram 2500 Tradesman 4 x4 pickup for the Sewer Department in the amount of \$26,978.

8. Regular Agenda.

A. Introduce and approve on its first reading Ordinance No. 2020-3000 adding Section 130.33 to the City of McCook Code of Ordinances and amending Section 130.99 of the City of McCook Code of Ordinances, Chapter 130: General Offenses.

1. Chairperson asks Clerk to read Ordinance by title.

Rationale: The Chairpersons asks the Clerk to read Ordinance No. 2020-3000 by title.

2. Consider approval of Ordinance No. 2020-3000 upon its first reading.

B. Introduce and approve on its first reading Ordinance No. 2020-2999 repealing Section 90.24; amending Sections 90.08, 90.20, 90.22, 90.23, 90.30, and 90.99; and adding 90.33, 90.34, 90.35, 90.36, and 90.37, to the City of McCook Code of Ordinances and amending Section 130.99 of the City of McCook Code of Ordinances, Chapter 90: Animals.

1. Chairperson asks Clerk to read Ordinance by title.

Rationale: The Chairpersons asks the Clerk to read Ordinance No. 2020-2999 by title.

2. Consider approval of Ordinance No. 2020-2999 upon its first reading.

C. 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 third and final 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 third and final reading.

3. Chairperson declaration after vote, if approved.

1. Ordinance No. 2020-2996 is declared lawfully passed and adopted upon publication as required by law.

D. 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 third and final 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 third and final reading.
3. Chairperson declaration after vote, if approved.
 1. Ordinance No. 2020-2997 is declared lawfully passed and adopted upon publication as required by law.

E. Council Comments.

F. An Executive Session may be held upon a majority vote of the Council for the protection of public interest for a strategy session with respect to litigation which is imminent as evidenced by threat of litigation by the City of McCook to Todd and Marie Baker for property located at 406 E 1st Street.

1. Nebraska Open Meetings Act statement, if the motion to close passes.
Rationale:
2. If the motion to close passes, then the presiding officer shall announce immediately prior to the closed session:
3. "At this time, pursuant to the Nebraska Open Meetings Act, a closed session will be held for the protection of public interest for a strategy session with respect to litigation which is imminent as evidenced by threat of litigation by the City of McCook to Todd and Marie Banker for property located at 406 E 1st Street. The Council will reconvene in public session following this closed session."
4. Close Executive Session.

Adjournment.

**CITY MANAGER'S REPORT
FEBRUARY 17, 2020 MCCOOK CITY COUNCIL MEETING**

3.A.

ITEM NO. ___ Public Hearing - Regarding the modification of the City of McCook's two mile Extra Territorial Jurisdiction (ETJ) to coordinate the City's extra territorial boundary with existing section, half section, and quarter section lines.

ITEM NO. **3.B.** Approve Ordinance No. 2020- ~~2998~~ adopting the official Extraterritorial Jurisdiction Zoning Map for the City of McCook, with the condition that Red Willow County adopt a zoning map to harmonize Red Willow County's zoning jurisdiction with the City of McCook's Extraterritorial Jurisdiction.

BACKGROUND:

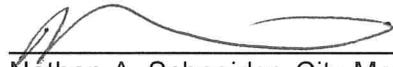
Over the past year, Red Willow County and City of McCook officials have discussed the possibility of jointly modifying each entities jurisdictional maps in order to provide clarity with regard to zoning authority in McCook's ETJ. Pursuant to Article 2 of McCook's Zoning Ordinance, the City of McCook has zoning jurisdiction over the corporate limits of the City of McCook and within the territory beyond the corporate limits for a distance of two miles or less in all directions. Article 2 of McCook's Zoning Ordinance establishes the official zoning map of the City of McCook. The City of McCook utilizes the zoning map to determine which properties are within its control for zoning purposes. Our current ETJ is established utilizing a radius method for boundary determination. This method has proved to be problematic as the boundary arcs bisect individual parcels, which means part of a parcel is within McCook's ETJ and part of the parcel is outside of McCook's ETJ. According to Nebraska law and McCook's Zoning Ordinance, any land outside of McCook's ETJ is to be governed by Red Willow County's zoning regulations. Parcel owners with lots that are bisected by the City's ETJ are left trying to determine which jurisdiction is the controlling authority. This is also true for City and County officials.

Staff is proposing a modification of our zoning map in order to remedy the jurisdictional confusion. The proposal has been examined by both officials from the City of McCook and Red Willow County. Both entities are in support of the requested change. The proposal would eliminate the radius based ETJ boundary, and instead incorporate an ETJ boundary system that would follow section, half section, and quarter section lines. By practical application, the new boundary would follow established county roads. The bisection of individual properties would cease. The effect of the modification would be to assure that all of the properties bordering McCook's ETJ would either be "inside" or "outside" the City's zoning district. This would alleviate the guess work involved in trying to determine whether the City's zoning laws govern a parcel.

Staff has taken this matter to the Planning Commission on three separate occasions for review. One of the Planning Commission meetings was a joint session with the Red Willow County Planning Commission. At the February 10, 2020 City of McCook Planning Commission meeting, the McCook Planning Commission unanimously recommended approval of the zoning map modification to the McCook City Council. During the McCook Planning Commission's discussion of the proposal, the general consensus of the Commission was that the zoning map Ordinance should contain a condition that the modification will only take place if Red Willow County harmonizes its zoning map to assure the intended zoning results are achieved. To this end, Staff recommends including this condition in the motion to approve Ordinance No. 2020- ~~2998~~.

One item that needs to be addressed is whether or not the City of McCook will continue to provide building code services to the Calabria Subdivision. Per the subdivision agreement executed between Calabria's developer and the City of McCook, the City has provided building code services to the residents of Calabria since its inception. Red Willow County and the City of McCook believe continued building code services provided by the City of McCook is in the best interest of the Calabria Subdivision's residents. It also keeps the City of McCook in compliance with the Calabria Subdivision agreement. To this end, an inter-local agreement will be proposed to the Council for consideration at a later date.

APPROVALS:



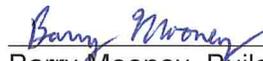
Nathan A. Schneider, City Manager

February 12, 2020



Lea Ann Doak, City Clerk

February 12, 2020



Barry Mooney, Building Inspector

February 12, 2020

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that public hearings will be held to consider approval of the Official Extraterritorial Jurisdiction (ETJ) Zoning Map for the City of McCook, Nebraska.

Public Hearings will be held on the Dates, Times, and at the places listed below:

February 10, 2020 - 5:15 P.M.
McCook Planning Commission
City Council Chambers
505 West "C" Street

February 17, 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 at 308-345-2022 ext. 225.

-s- Lea Ann Doak
City Clerk

Publish: January 31, 2020.

EXHIBIT #2
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ORDINANCE NO. 2020-2998

AN ORDINANCE OF THE CITY OF MCCOOK, NEBRASKA ADOPTING THE OFFICIAL EXTRATERRITORIAL JURISDICTION (ETJ) ZONING MAP FOR THE CITY OF MCCOOK, NEBRASKA; TO PROVIDE FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

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

Section 1. That attached hereto as Exhibit A and incorporated herein by this reference is a map showing the proposed official Extraterritorial Jurisdiction (ETJ) Zoning Map for the City of McCook, Nebraska, and which map upon adoption of this Ordinance shall represent the extraterritorial jurisdiction of the City of McCook. This document shall replace the previous extraterritorial jurisdiction map approved by the City of McCook.

Section 2. That the Planning Commission of the City of McCook on February 10, 2020, after notice and public hearing, recommended approval of the extraterritorial jurisdiction as represented by the map in Exhibit A.

Section 3. That the City Council after notice and public hearing find and determine that the actions described above and depicted in Exhibit A are in the best interests of the City.

Section 4. That the revised boundaries of the extraterritorial jurisdiction of the City as depicted in Exhibit A are hereby approved and shall be incorporated into the Official Zoning Map of the City of McCook.

Section 5. That this ordinance is conditioned upon Red Willow County adopting a zoning map that harmonizes Red Willow County's Zoning Map with the City of McCook's Zoning Map.

Section 6. Any and all ordinances or parts of ordinances in conflict herewith shall be and are hereby repealed.

Section 7. This ordinance shall take effect March 31, 2020 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

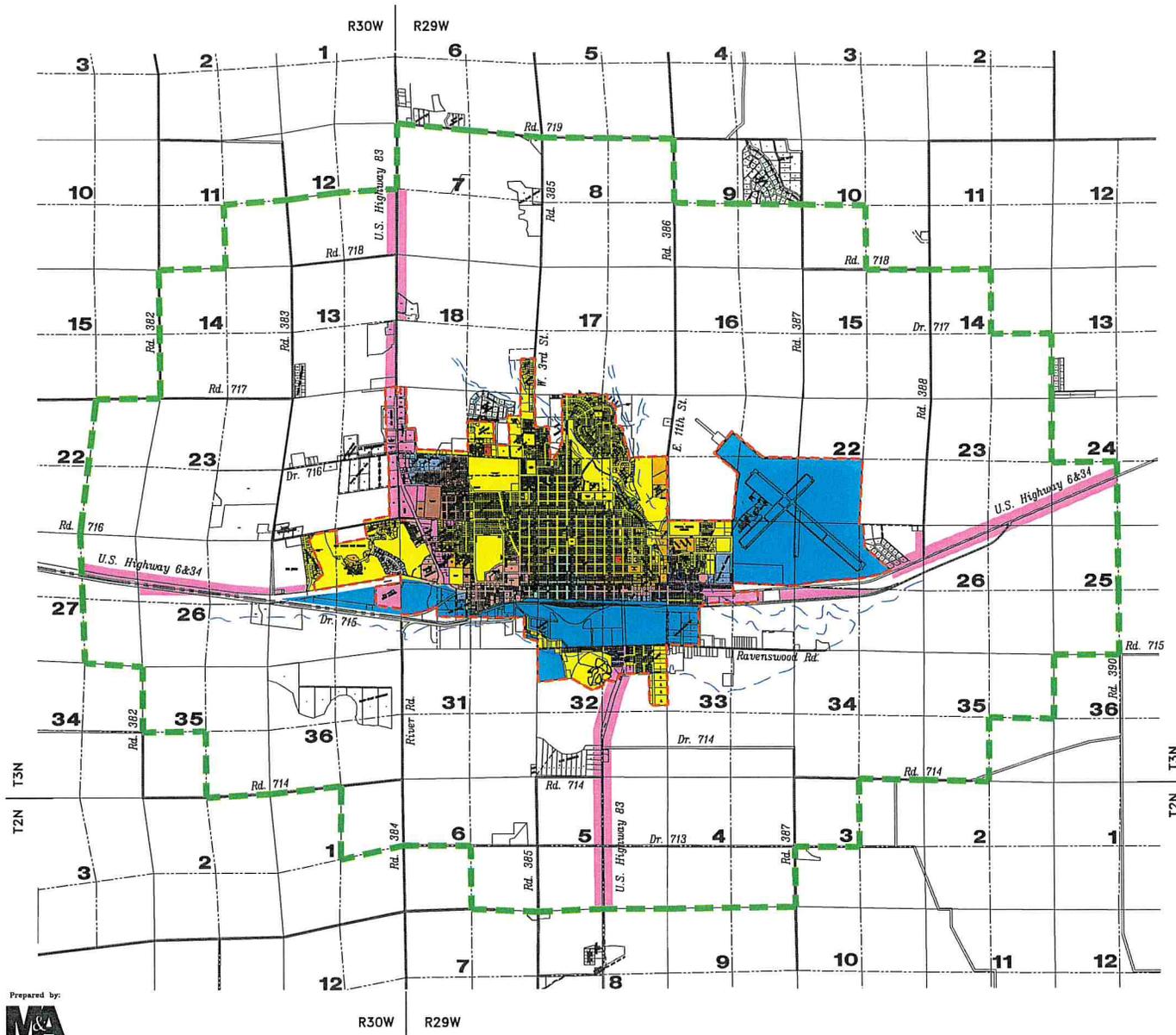
ATTEST:

EXHIBIT #3

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McCook, Nebraska ETJ Zoning Map

0 1000 2000 4000
SCALE IN FEET



- LEGEND**
- Planned Development
 - Business Commercial
 - Central Business District
 - Highway Commercial
 - Industrial Heavy
 - Industrial Light
 - Residential High Density
 - Residential Medium Density, Mobile Homes
 - Residential Medium Density
 - Residential Low Density
 - Agricultural District
 - Floodway
 - ETJ Boundary
 - McCook City Limits

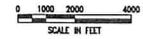
Preliminary

Prepared by:
MA
Miller & Associates
100 EAST 2ND STREET
MCCOOK, NE 68001
TEL. (308) 345-3710
FAX. (308) 345-7370

This is to certify that this is the Official Extraterritorial Jurisdiction (ETJ) Zoning Map for the City of McCook, Nebraska. It was approved by Ordinance No. 20x--x which supersedes and replaces Ordinance No. 2013-2897 or any other conflicting ordinances.

Mayor: Michael D. Gonzales Date: _____ City Clerk: Lea Ann Dook Date: _____

McCook, Nebraska ETJ Zoning Map



LEGEND

- Planned Development
- Business Commercial
- Central Business District
- Highway Commercial
- Industrial Heavy
- Industrial Light
- Residential High Density
- Residential Medium Density, Mobile Homes
- Residential Medium Density
- Residential Low Density
- Agricultural District
- Floodway
- McCook City Limits
- Existing ETJ Boundary
- Proposed ETJ Boundary

Preliminary

Prepared by:
MA
Miller & Associates
100 EAST 2ND STREET
MCCOOK, NE 68001
TEL. (308) 346-3710
FAX. (308) 346-7370

This is to certify that this is the Official Extraterritorial Jurisdiction (ETJ) Zoning Map for the City of McCook, Nebraska. It was approved by Ordinance No. 20x-xx which supersedes and replaces Ordinance No. 2013-2897 or any other conflicting ordinances.

Mayor: Michael D. Gonzalez Date: _____ City Clerk: Leo Ann Dook Date: _____



Extraterritorial Jurisdiction Boundary Description

Beginning at a point located at the NW corner of the NW ¼, Sec. 7-T3N-R29W; thence east to the NE corner of the NW ¼, Sec. 7-T3N-R29W; thence east to the NE corner of the NE ¼, Sec. 7-T3N-R29W; thence east to the NE corner of the NW ¼, Sec. 8-T3N-R29W; thence east to the NE corner of the NE ¼, Sec. 8-T3N-R29W; thence south to the SE corner of the NE ¼, Sec. 8-T3N-R29W; thence east to the NE corner of the SW ¼, Sec. 9-T3N-R29W; thence east to the NE corner of the SE ¼, Sec. 9-T3N-R29W; thence east to the NE corner of the SW ¼, Sec. 10-T3N-R29W; thence south to the SE corner of the SW ¼, Sec. 10-T3N-R29W; thence east to the NE corner of the NE ¼, Sec. 15-T3N-R29W; thence east to the NE corner of the NW ¼, Sec. 14-T3N-R29W; thence south to the SE corner of the NW ¼, Sec. 14-T3N-R29W; thence east to the NE corner of the SE ¼, Sec. 14-T3N-R29W; thence south to the SE corner of the SE ¼, Sec. 14-T3N-R29W; thence south to the SE corner of the NE ¼, Sec. 23-T3N-R29W; thence east to the NE corner of the SW ¼, Sec. 24-T3N-R29W; thence south to the SE corner of the SW ¼, Sec. 24-T3N-R29W; thence south to the SE corner of the NW ¼, Sec. 25-T3N-R29W; thence south to the SE corner of the SW ¼, Sec. 25-T3N-R29W; thence west to the SW corner of the SW ¼, Sec. 25-T3N-R29W; thence south to the SE corner of the NE ¼, Sec. 35-T3N-R29W; thence west to the SW corner of the NE ¼, Sec. 35-T3N-R29W; thence south to the SE corner of the SW ¼, Sec. 35-T3N-R29W; thence west to the SW corner of the SW ¼, Sec. 35-T3N-R29W; thence west to the SW corner of the SE ¼, Sec. 34-T3N-R29W; thence south to the SE corner of the NW ¼, Sec. 3-T2N-R29W; thence west to the SW corner of the NW ¼, Sec. 3-T2N-R29W; thence south to the SE corner of the SE ¼, Sec. 4-T2N-R29W; thence west to the SW corner of the SE ¼, Sec. 4-T2N-R29W; thence west to the SW corner of the SW ¼, Sec. 4-T2N-R29W; thence west to the SW corner of the SE ¼, Sec. 5-T2N-R29W; thence west to the SW corner of the SW ¼, Sec. 5-T2N-R29W; thence west to the SW corner of the SE ¼, Sec. 6-T2N-R29W; thence north to the NW corner of the SE ¼, Sec. 6-T2N-R29W; thence west to the SW corner of the NW ¼, Sec. 6-T2N-R29W; thence west to the SW corner of the NE ¼, Sec. 1-T2N-R30W; thence north to the NW corner of the NE ¼, Sec. 1-T3N-R30W; thence west to the SW corner of the SW ¼, Sec. 36-T3N-R30W; thence west to the SW corner of the SE ¼, Sec. 35-T3N-R30W; thence north to the NW corner of the SE ¼, Sec. 35-T3N-R30W; thence west to the SW corner of the NW ¼, Sec. 35-T3N-R30W; thence north to the NW corner of the NW ¼, Sec. 35-T3N-R30W; thence west to the SW corner of the SE ¼, Sec. 27-T3N-R30W; thence north to the NW corner of the SE ¼, Sec. 27-T3N-R30W; thence north to the NW corner of the NE ¼, Sec. 27-T3N-R30W; thence north to the NW corner of the SE ¼, Sec. 22-T3N-R30W; thence north to the NW corner of the NE ¼, Sec. 22-T3N-R30W; thence east to the NE corner of the NE ¼, Sec. 22-T3N-R30W; thence north to the NW corner of the SW ¼, Sec. 14-T3N-R30W; thence north to the NW corner of the NW ¼, Sec. 14-T3N-R30W; thence east to the NE corner of the NW ¼, Sec. 14-T3N-R30W; thence north to the NW corner of the SE ¼, Sec. 11-T3N-R30W; thence east to the NE corner of the SE ¼, Sec. 11-T3N-R30W; thence east to the NE corner of the SW ¼, Sec. 12-T3N-R30W; thence east to the NE corner of the SE ¼, Sec. 12-T3N-R29W; thence north to the Point of Beginning.

EXHIBIT #5

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McCook Planning Commission
February 10, 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: Vice Chair Hilker; Commissioners Bradley, Davidson, Dueland, McDowell, Stevens.

Absent: Chair Vosburg; Commissioners Friehe, Lyons, 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 February 6, 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.

Vice Chair Hilker 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 January 13, 2020 regular Planning Commission meeting.

Motion to approve the minutes of the January 13, 2020 regular Planning Commission meeting. This motion, made by McDowell and seconded by Dueland, passed.

Vosburg: ABSENT, Hilker: YEA, Bradley: YEA, Davidson: YEA, Dueland: YEA, Friehe: ABSENT, Graham: ABSENT, Lyons: ABSENT, McDowell: YEA, Stevens: YEA
YEA: 6, NAY: 0, ABSENT: 4

2. Public Hearings and Regular Agenda.

- 2.A. Public Hearing - Regarding the modification of the City of McCook's two mile extra territorial jurisdiction (ETJ) to coordinate the City's extra territorial boundary with existing section and quarter section lines.

Motion to recess as a Planning Commission and convene a public hearing for the purpose of receiving public comment with respect to the proposed modification of the City of McCook's two mile extra territorial jurisdiction (ETJ) to coordinate the City's extra territorial boundary with existing section and quarter section lines, with the City Attorney to act as hearing officer. This motion, made by Stevens and seconded by McDowell, passed.

Vosburg: ABSENT, Hilker: YEA, Bradley: YEA, Davidson: YEA, Dueland: YEA, Friehe: ABSENT, Graham: ABSENT, Lyons: ABSENT, McDowell: YEA, Stevens: YEA
YEA: 6, NAY: 0, ABSENT: 4

EXHIBIT #6

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The City Attorney received into evidence Exhibit #1 - City Manager's Report prepared for the February 10, 2020 Planning Commission meeting (1 page), Exhibit #2 - Notice of Hearing published (1 page); Exhibit #3 - Zoning Map ETJ indicating the current two mile and the proposed modification (1 page); Exhibit #4 - Zoning Map ETJ indication the proposed modification (1 page); and Exhibit #5 - proposed Zoning Map ETJ Boundary Description.

City Manager Schneider reviewed the following information presented in Exhibit #1: "At two prior Planning Commission meetings, reviews of the City's ETJ were held. The reviews focused on potentially amending the City's ETJ to adopt a boundary that was based on section and quarter section lines as opposed to the current radius system. Based on input from the two reviews, Staff has developed a proposed ETJ map for consideration. Staff has coordinated its efforts to develop the proposed map with Red Willow County officials. The main reason for this proposal is to eliminate unintentional ETJ lot bisections that have created jurisdictional issues for both the City of McCook and Red Willow County. It is our hope that the adoption of a new ETJ will remedy the issue."

"A recommendation in favor of the proposal would be forwarded to the City Council as an ordinance. A similar request for consideration will be heard by the Red Willow County Planning Commission, and if approval is recommended by the Red Willow County Planning Commission, the matter will be acted upon by the Red Willow County Board of Commissioners."

With no one else present to comment, I move to adjourn the public hearing and to reconvene as a Planning Commission. This motion, made by Dueland and seconded by Hilker, passed.

Vosburg: ABSENT, Hilker: YEA, Bradley: YEA, Davidson: YEA, Dueland: YEA, Friehe: ABSENT, Graham: ABSENT, Lyons: ABSENT, McDowell: YEA, Stevens: YEA
YEA: 6, NAY: 0, ABSENT: 4

2.B. Recommend approval of the modification of the City of McCook's two mile extra territorial jurisdiction (ETJ) to coordinate the City's extra territorial boundary with existing section and quarter section lines.

Motion to recommend approval of the modification of the City of McCook's two mile extra territorial jurisdiction (ETJ) to coordinate the City's extra territorial boundary with existing section and quarter section lines. This motion, made by McDowell and seconded by Dueland, passed.

Vosburg: ABSENT, Hilker: YEA, Bradley: YEA, Davidson: YEA, Dueland: YEA, Friehe: ABSENT, Graham: ABSENT, Lyons: ABSENT, McDowell: YEA, Stevens: YEA
YEA: 6, NAY: 0, ABSENT: 4

Adjournment.

With no further business, Chair Vosburg declared the Planning Commission meeting adjourned at 5:33 P.M.

Lea Ann Doak, Recording Secretary

**CITY MANAGER'S REPORT
FEBRUARY 17, 2020 CITY COUNCIL MEETING**

ITEM: 3

RECOMMENDATION:

ITEM 3.C. Conduct a public hearing on the application of Early Morning Cackle, LLC; dba "Bottle Shop", for Class "D" License #122054 - (Beer, Wine, Distilled Spirits, Off Sale Only) under the Nebraska Liquor Control Commission, to be located at 309 East "B" Street, McCook, Nebraska.

ITEM 3.D. Recommend approval to the Nebraska Liquor Control Commission the application of Early Morning Cackle, LLC; dba "Bottle Shop", for Class "D" License #122054 - (Beer, Wine, Distilled Spirits, Off Sale Only) under the Nebraska Liquor Control Commission, to be located at 309 East "B" Street, McCook, Nebraska.

BACKGROUND:

Upon notice from the Liquor Control Commission, the City has 45 days to conduct a hearing concerning the requested license. The Council may choose not to make a recommendation of approval or denial to the Commission.

Per §53-133, the Liquor Control Commission shall set for hearing any application wherein:

- 1) There is a recommendation of denial from the local governing body.
- 2) A citizens protest; or
- 3) Statutory problems that the Commission discovers.

**FISCAL
IMPACT:** None.

APPROVALS:



Lea Ann Doak, City Clerk-Treasurer

February 12, 2020



Nathan Schneider, City Manager

February 12, 2020

EXHIBIT #1

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NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that Early Morning Cackle, LLC; dba "Bottle Shop", has filed an application for Class "D" License #122054 - (Beer, Wine, Distilled Spirits, Off Sale Only) under the Nebraska Liquor Control Commission, to be located at 309 East "B" Street, McCook, Nebraska.

All persons desiring to give evidence before the McCook City Council in support of or protest against the issuance of such license may do so at the time of this hearing to be held Monday, February 17, 2020 at 5:30 P.M., C.S.T.; in the City Council Chambers, 505 West "C" Street, McCook, Nebraska.

-s- Lea Ann Doak
City Clerk

Publish: February 7, 2020.

EXHIBIT #2

PAGE(S) - 1

TWO KEY DOCUMENTS

- 1) The receipt page will need to be signed, dated and returned back into the NLCC office either via regular mail, e-mail or fax (402) 471 – 2814. The receipt page will be entered into the NLCC database as the statutory time for this application.
- 2) The recommendation sheet is to be completed and returned back into the NLCC office either via regular mail, e-mail or fax (402) 471 – 2814. The recommendation sheet will be entered into the NLCC database accordingly with the information provided from the local governing body.

TWO KEY TIME FRAMES §53-134

- 1) A public notice shall be publicized one time not less than 7 days and no more than 14 days prior to the date of the hearing.
- 2) The local governing body has 45 days to conduct a hearing after the date of receipt of the notice from this Commission (see recommendation sheet for this date). The local governing body may choose **NOT** to make a recommendation of approval or denial to our Commission.

PER §53-133, THE LIQUOR CONTROL COMMISSION SHALL SET FOR HEARING ANY APPLICATION WHEREIN:

- a) There is a recommendation of denial from the local governing body,
- b) A citizens protest; or
- c) Statutory problems that the Commission discovers.

A LICENSEE MUST BE “PROPERLY” LICENSED IN ORDER TO PURCHASE ALCOHOL FROM WHOLESALERS

A LICENSE IS EFFECTIVE

- 1) Upon payment of the license fees to the local governing body all local clerks must collect proper license fees and occupation tax per ordinance, if any, before delivering the license to the applicant. A License Fee and Proration Chart are available for your use at www.lcc.ne.gov, click on “City and County Clerks Information”, in the middle of the home page.
- 2) The licensee has physical possession of the license
- 3) Effective date on the license

EXHIBIT #3

PAGE(S) - 26

RECOMMENDATION OF THE NEBRASKA LIQUOR CONTROL COMMISSION

Date delivered from NLCC office:

January 16, 2020

KF

I, _____ Clerk of _____ (City, Village or County)

Nebraska, hereby report to the Nebraska Liquor Control Commission in accordance with Revised Statutes of Nebraska, Chapter 53, Section 134 (7) the recommendation of said city, village or county, as the case may be relative to the application for a license under the provisions of the Nebraska Liquor Control Act as applied for by:

Early Morning Cackle, LLC DBA Bottle Shop
309 E B Street, McCook, NE 69001 (Red Willow County)
NEW APPLICATION for Class D 122054
45 days -- 03-02-2020

1. Notice of local hearing was published in a legal newspaper in or of general circulation in city, village or county, one time not less than 7 and not more than 14 days before time of hearing.

Check one: Yes _____ No _____

The Statutes require that such hearing shall be held not more than 45 days after the date of receipt of this notice from the Commission.

2. Local hearing was held not more that 45 days after receipt of notice from the Nebraska Liquor Control Commission.

Check one: Yes _____ No _____

3. Date of hearing of Governing Body: _____

4. Type or write the Motion as voted upon by the Governing Body. If additional Motions are made by the Governing Body, then use an additional page and follow same format.

5. Motion was made by: _____ Seconded by: _____

6. Roll Call Vote: _____

7. Check one: Motion Passed: _____ Motion Failed: _____

8. If the motion is for recommendation of denial of the applicant, then list the reasons of the governing body upon which the motion was made.

(Attached additional page(s) if necessary)

SIGN HERE _____ DATE _____
(Clerks Signature)

**APPLICATION FOR LIQUOR LICENSE
CHECKLIST - RETAIL**

NEBRASKA LIQUOR CONTROL COMMISSION
301 CENTENNIAL MALL SOUTH
PO BOX 95046
LINCOLN, NE 68509-5046
PHONE: (402) 471-2571
FAX: (402) 471-2814
Website: www.lcc.nebraska.gov

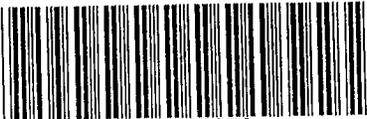
RECEIVED		
JAN 06 2020		
NEBRASKA LIQUOR CONTROL COMMISSION		
Hot List: YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	New/Replacing#	014132
Class Type	D	122054
		Initial KF

Applicant name Robert V. Hall Early Morning Cackle LLC
 Trade name Bottle Shop
 Previous trade name Bottle Shop
 Contact email address bottleshop309@yahoo.com

Provide all the items requested. Failure to provide any item will cause this application to be returned or placed on hold. All documents must be legible. Any false statement or omission may result in the denial, suspension, cancellation or revocation of your license. If your operation depends on receiving a liquor license, the Nebraska Liquor Control Commission cautions you that if you purchase, remodel, start construction, spend or commit money that you do so at your own risk. Prior to submitting your application review the application carefully to ensure that all sections are complete, and that any omissions or errors have not been made. You may want to check with the city/village or county clerk, where you are making application, to see if any additional requirements must be met before submitting application to the Nebraska Liquor Control Commission.

Crumbs

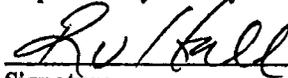
*Purchase agreement
Nebraska Drivers license
147 signature*

Office use only	
PAYMENT TYPE	<u>CR 3043</u>
AMOUNT:	<u>400</u>
Received	<u>BR</u>
 2000000670	

BR
RECEIVED

1. Fingerprints are required for each person as defined in new application guide, found on our website under "Licensing Tab" in "Guidelines/Brochures". See Form 147 for further information, this form **MUST** be included with your application.
2. Enclose application fee of \$400 (nonrefundable), check made payable to the Nebraska Liquor Control Commission or you may pay online at PAYPORT.
3. Enclose the appropriate application forms;
 - Individual License (requires insert form 1)
 - Partnership License (requires insert form 2)
 - Corporate License (requires insert form 3a & 3c)
 - Limited Liability Company (LLC) (requires form 3b & 3c)
4. If building is being leased send a copy of signed lease. Be sure the lease reads in the name of the individual(s), corporation or Limited Liability Company (LLC) making application. Lease term must run through the license year being applied for.
5. If building is owned or being purchased send a copy of the deed or purchase agreement in the name of the applicant.
6. If buying the business of a current liquor license holder:
 - a. Provide a copy of the purchase agreement from the seller (must read applicants name)
 - b. Provide a copy of alcohol inventory being purchased (must include brand names and container size)
 - c. Enclose a list of the assets being purchased (furniture, fixtures and equipment)
7. If requesting to operate on current liquor license; enclose Temporary Operating Permit (TOP) (Form 125).
8. Enclose a list of any inventory or property owned by other parties that are on the premises.
9. For citizenship enclose U.S. birth certificate; U.S. passport or naturalization paper
 - a. For residency enclose proof of registered voter in Nebraska
 - b. If permanent resident include Employment Authorization Card or Permanent Resident Card
 - c. See guideline for further assistance
10. Corporation or Limited Liability Company (LLC) must enclose a copy of articles of incorporation; as filed with the Secretary of State's Office.
11. Submit a copy of your business plan.

I acknowledge that this application is not a guarantee that a liquor license will be issued to me, and that the average processing period is 60 days. Furthermore, I understand that all the information is truthful and I accept all responsibility for any false documents.

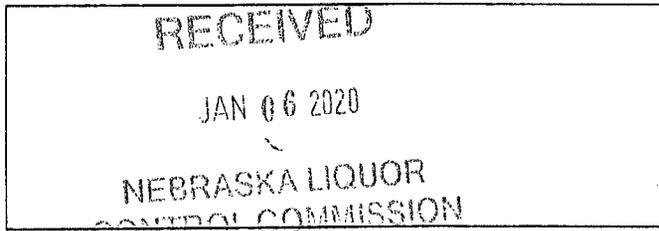


 Signature

12-30-2019
 Date

**APPLICATION FOR LIQUOR LICENSE
RETAIL**

NEBRASKA LIQUOR CONTROL COMMISSION
301 CENTENNIAL MALL SOUTH
PO BOX 95046
LINCOLN, NE 68509-5046
PHONE: (402) 471-2571
FAX: (402) 471-2814
Website: www.lcc.nebraska.gov/



**CLASS OF LICENSE FOR WHICH APPLICATION IS MADE AND FEES
CHECK DESIRED CLASS**

- Application Fee \$400 (nonrefundable)
- A BEER, ON SALE ONLY
 - B BEER, OFF SALE ONLY
 - C BEER, WINE, DISTILLED SPIRITS, ON AND OFF SALE
 - D BEER, WINE, DISTILLED SPIRITS, OFF SALE ONLY
 - I BEER, WINE, DISTILLED SPIRITS, ON SALE ONLY
 - J LIMITED ALCOHOLIC LIQUOR, OFF SALE – MUST INCLUDE SUPPLEMENTAL FORM 120
 - AB BEER, ON AND OFF SALE
 - AD BEER ON SALE ONLY, BEER, WINE, DISTILLED SPIRITS OFF SALE
 - IB BEER, WINE, DISTILLED SPIRITS ON SALE, BEER OFF SALE ONLY

Class K Catering license (requires catering application form 106) \$100.00

Additional fees will be assessed at city/village or county level when license is issued

Class C license term runs from November 1 – October 31
All other licenses run from May 1 – April 30
Catering license (K) expires same as underlying retail license

CHECK TYPE OF LICENSE FOR WHICH YOU ARE APPLYING

- Individual License (requires insert 1 FORM 104)
- Partnership License (requires insert 2 FORM 105)
- Corporate License (requires insert 3a FORM 101 & 3c FORM 103)
- Limited Liability Company (LLC) (requires form 3b FORM 102 & 3c FORM 103)

**NAME OF ATTORNEY OR FIRM ASSISTING WITH APPLICATION (if applicable)
Commission will call this person with any questions we may have on this application**

Name _____ Phone number: _____

Firm Name _____

PREMISES INFORMATION

Trade Name (doing business as) Bottle Shop

Street Address #1 309 E. B St.

Street Address #2 _____

City McCook County Red Willow 48 Zip Code 69001

Premises Telephone number (308) 345-5046

Business e-mail address bottleshop309@yahoo.com

Is this location inside the city/village corporate limits: YES x NO _____

Mailing address (where you want to receive mail from the Commission) _____

Name Early Morning Cackle C/O Robert V. Hall

Street Address #1 37974 Dr. 715

Street Address #2 _____

City McCook State NE Zip Code 69001

DESCRIPTION AND DIAGRAM OF THE STRUCTURE TO BE LICENSED

READ CAREFULLY

In the space provided or on an attachment draw the area to be licensed. This should include storage areas, basement, outdoor area, sales areas and areas where consumption or sales of alcohol will take place. If only a portion of the building is to be covered by the license, you must still include dimensions (length x width) of the licensed area as well as the dimensions of the entire building. No blue prints please. Be sure to indicate the direction north and number of floors of the building.

**For on premises consumption liquor licenses minimum standards must be met by providing at least two restrooms

Building: length 50' x width 26' in feet

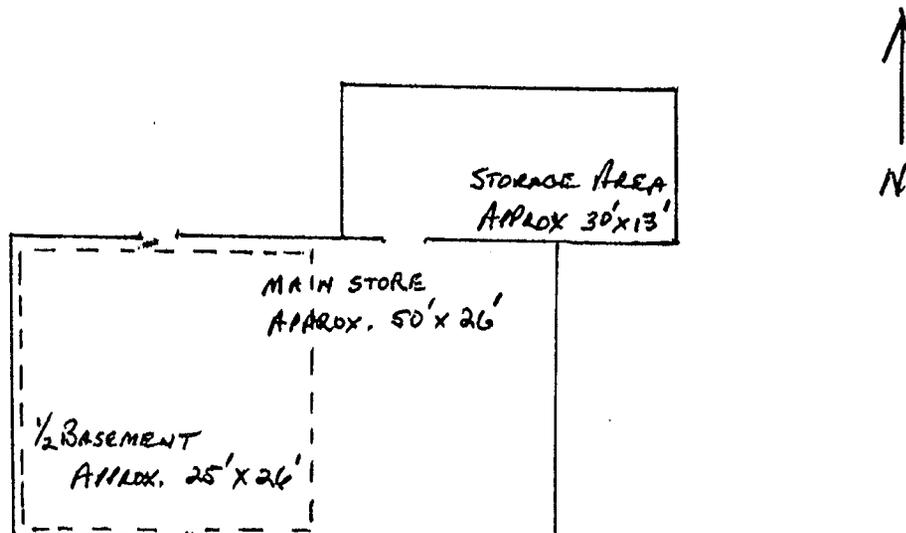
Is there a basement? Yes x No _____

If yes, length 25' x width 26' in feet

Is there an outdoor area? Yes _____ No x

If yes, length _____ x width _____ in feet

PROVIDE DIAGRAM OF AREA TO BE LICENSED BELOW OR ATTACH SEPARATE SHEET



APPLICANT INFORMATION

1. **READ CAREFULLY. ANSWER COMPLETELY AND ACCURATELY §53-125(5)**

Has anyone who is a party to this application, or their spouse, **EVER** been convicted of or plead guilty to any charge. Charge means any charge alleging a felony, misdemeanor, violation of a federal or state law; a violation of a local law, ordinance or resolution. List the nature of the charge, where the charge occurred and the year and month of the conviction or plea. Also list any charges pending at the time of this application. If more than one party, please list charges by each individual's name. **Include traffic violations.** Commission must be notified of any arrests and/or convictions that may occur after the date of signing this application.

YES NO

If yes, please explain below or attach a separate page

Name of Applicant	Date of Conviction (mm/yyyy)	Where Convicted (city & state)	Description of Charge	Disposition
Robert V.Hall	2001 or 2002	Bartley NE	Speeding	
<i>THERE ARE OTHER SPEEDING VIOLATION TO FAR BACK I CAN'T REMEMBER</i>			<i>RVH</i>	<i>→</i>

2. Are you buying the business of a current retail liquor license?

YES NO

If yes, give name of business and liquor license number Bottle Shop / 014132

- a) Submit a copy of the sales agreement
- b) Include a list of alcohol being purchased, list the name brand, container size and how many
- c) Submit a list of the furniture, fixtures and equipment

3. Was this premise licensed as liquor licensed business within the last two (2) years?

YES NO

If yes, give name and license number Bottle Shop /014132

4. Are you filing a temporary operating permit (TOP) to operate during the application process?

YES NO

If yes:

- a) Attach temporary operating permit (TOP) (Form 125)
- b) TOP will only be accepted at a location that currently holds a valid liquor license.

✓ 5. Are you borrowing any money from any source, include family or friends, to establish and/or operate the business?
 YES NO

If yes, list the lender(s) McCook National Bank /

✓ 6. Will any person or entity, other than applicant, be entitled to a share of the profits of this business?
 YES NO

If yes, explain. (all involved persons must be disclosed on application)

No silent partners

✓ 7. Will any of the furniture, fixtures and equipment to be used in this business be owned by others?
 YES NO

If yes, list such item(s) and the owner. _____

✓ 8. Is premises to be licensed within 150 feet of a church, school, hospital, home for the aged or indigent persons or for veterans, their wives, and children, or within 300 feet of a college or university campus?
 YES NO

If yes, provide name and address of such institution and where it is located in relation to the premises (Neb. Rev. Stat. 53-177)(1)
Provide letter of support or opposition, see FORM 134 – church or FORM 135 - campus

✓ 9. Is anyone listed on this application a law enforcement officer?
 YES NO

If yes, list the person, the law enforcement agency involved and the person's exact duties.

✓ 10. List the primary bank and/or financial institution (branch if applicable) to be utilized by the business.
a) List the individual(s) who will be authorized to write checks and/or withdrawals on accounts at this institution.
McCook National Bank / Robert V. Hall

✓ 11. List all past and present liquor licenses held in Nebraska or any other state by any person named in this application. Include license holder name, location of license and license number. Also list reason for termination of any license(s) previously held.
None

12. List the alcohol related training and/or experience (when and where) of the person(s) making application. Those persons required are listed as followed:

- Individual: Applicant and spouse; spouse is exempt if they filed Form 116 – Affidavit of Non-Participation.
- Partnership: All partners and spouses, spouses are exempt if they filed Form 116 – Affidavit of Non-Participation.
- Limited Liability Company: All member of LLC, Manager and all spouses; spouses are exempt if they filed Form 116 – Affidavit of Non-Participation.
- Corporation: President, Stockholders holding 25% or more of shares, Manager and all spouses; spouses are exempt if they filed Form 116 – Affidavit of Non-Participation.

NLCC certified training program completed:

Applicant Name	Date (mm/yyyy)	Name of program (attach copy of course completion certificate)

List of NLCC certified training programs
Experience:

Applicant Name/Job Title	Date of Employment:	Name & Location of Business

13. If the property for which this license is sought is owned, submit a copy of the deed, or proof of ownership. If leased, submit a copy of the lease covering the entire license year. **Documents must show title or lease held in name of applicant as owner or lessee in the individual(s) or corporate name for which the application is being filed.**

Lease: expiration date _____
 Deed
 Purchase Agreement

- ✓ 14. When do you intend to open for business? March 2, 2020
- ✓ 15. What will be the main nature of business? Retail sale of beer, wine, distilled spirits, off sale only.
- ✓ 16. What are the anticipated hours of operation? 8:00 A.M. - 12:00 A.M.
- ✓ 17. List the principal residence(s) for the past 10 years for all persons required to sign, including spouses.

RESIDENCES FOR THE PAST 10 YEARS, APPLICANT AND SPOUSE MUST COMPLETE					
APPLICANT: CITY & STATE	YEAR		SPOUSE: CITY & STATE	YEAR	
	FROM	TO		FROM	TO
Robert V. Hall: McCook, NE	1992	2019			

If necessary attach a separate sheet.

The undersigned applicant(s) hereby consent(s) to an investigation of his/her background and release present and future records of every kind and description including police records, tax records (State and Federal), and bank or lending institution records, and said applicant(s) and spouse(s) waive(s) any right or causes of action that said applicant(s) or spouse(s) may have against the Nebraska Liquor Control Commission, the Nebraska State Patrol, and any other individual disclosing or releasing said information. Any documents or records for the proposed business or for any partner or stockholder that are needed in furtherance of the application investigation of any other investigation shall be supplied immediately upon demand to the Nebraska Liquor Control Commission or the Nebraska State Patrol. The undersigned understand and acknowledge that any license issued based on the information submitted in this application, is subject to cancellation if the information contained herein is incomplete, inaccurate or fraudulent.

Individual applicants agree to supervise in person the management and operation of the business and that they will operate the business authorized by the license for themselves and not as an agent for any other person or entity. Corporate applicants agree the approved manager will superintend in person the management and operation of the business. Partnership applicants agree one partner shall superintend the management and operation of the business. All applicants agree to operate the licensed business within all applicable laws, rules, regulations, and ordinances and to cooperate fully with any authorized agent of the Nebraska Liquor Control Commission.

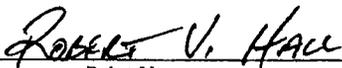
Applicant Notification and Record Challenge: Your fingerprints will be used to check the criminal history records of the FBI. You have the opportunity to complete or challenge the accuracy of the information contained in FBI identification record. The procedures for obtaining a change, correction, or updating an FBI identification record are set forth in Title 28, CFR, 16.34.

Must be signed in the presence of a notary public by applicant(s) and spouse(s). See guideline for required signatures



 Signature of Applicant

 Signature of Spouse



 Print Name

 Print Name

 Signature of Applicant

 Signature of Spouse

 Print Name

 Print Name

ACKNOWLEDGEMENT

State of Nebraska
 County of Red Willow

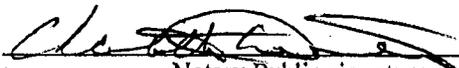
The foregoing instrument was acknowledged before me this

December 30, 2019

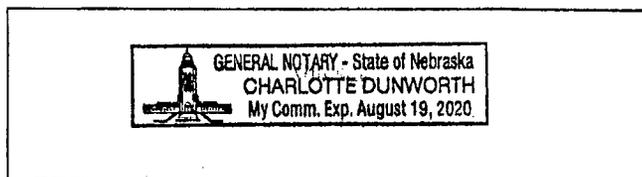
 date

by Robert V. Hall

 name of person(s) acknowledged (individual(s) signing)



 Notary Public signature



RECEIVED

APPLICATION FOR LIQUOR LICENSE
LIMITED LIABILITY COMPANY (LLC)
INSERT - FORM 3b

NEBRASKA LIQUOR CONTROL COMMISSION
301 CENTENNIAL MALL SOUTH
PO BOX 95046
LINCOLN, NE 68509-5046
PHONE: (402) 471-2571
FAX: (402) 471-2814
Website: www.lcc.nebraska.gov

Office Use
JAN 06 2020
NEBRASKA LIQUOR
CONTROL COMMISSION

All members including spouse(s), are required to adhere to the following requirements:

- 1) All members spouse(s) must be listed
- 2) Managing/Contact member and all members holding over 25% interest and their spouse(s) (if applicable) must submit fingerprints. See Form 147 for further information, this form MUST be included with your application.
- 3) Managing/Contact member and all members holding over 25 % shares of stock and their spouse (if applicable) must sign the signature page of the Application for License form 100 (even if a spousal affidavit has been submitted)

Attach copy of Articles of Organization (must show electronic stamp or barcode receipt by Secretary of States office)

Name of Registered Agent: Robert V. Hall

Name of Limited Liability Company that will hold license as listed on the Articles of Organization
Early Morning Cackle L.L.C.

LLC Address: 37974 Dr. 715

City: McCook State: NE Zip Code: 69001

LLC Phone Number: (308) 340-0702 LLC Fax Number N/A

Name of Managing/Contact Member

Name and information of contact member must be listed on following page

Last Name: Hall First Name: Robert MI: V.

Home Address: 37974 Dr. 715 City: McCook

State: NE Zip Code: 69001 Home Phone Number: (308)340-0702

Signature of Managing/Contact Member

ACKNOWLEDGEMENT

State of Nebraska
County of Red Willow The foregoing instrument was acknowledged before me this

December 30, 2019 by Robert V. Hall
Date name of person acknowledge

Affix Seal
GENERAL NOTARY - State of Nebraska
CHARLOTTE DUNWORTH
My Comm. Exp. August 19, 2020

List names of all members and their spouses (even if a spousal affidavit has been submitted)

Last Name: Hall First Name: Robert MI: V.
Social Security Number: _____ Date of Birth: Nov. 8, 1964
Spouse Full Name (indicate N/A if single): N/A
Spouse Social Security Number: N/A Date of Birth: N/A
Percentage of member ownership N/A

Last Name: _____ First Name: _____ MI: _____
Social Security Number: _____ Date of Birth: _____
Spouse Full Name (indicate N/A if single): _____
Spouse Social Security Number: _____ Date of Birth: _____
Percentage of member ownership _____

Last Name: _____ First Name: _____ MI: _____
Social Security Number: _____ Date of Birth: _____
Spouse Full Name (indicate N/A if single): _____
Spouse Social Security Number: _____ Date of Birth: _____
Percentage of member ownership _____

Last Name: _____ First Name: _____ MI: _____
Social Security Number: _____ Date of Birth: _____
Spouse Full Name (indicate N/A if single): _____
Spouse Social Security Number: _____ Date of Birth: _____
Percentage of member ownership _____

List names of all members and their spouses (even if a spousal affidavit has been submitted)

Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership _____

Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership _____

Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership _____

Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership _____

Is the applying Limited Liability Company controlled by another corporation/company?

YES

NO

If yes, provide the following:

- 1) Name of corporation _____
- 2) Supply an organizational chart of the controlling corporation named above
- 3) Controlling corporation **MUST** be registered with the Nebraska Secretary of State, copy of articles must be submitted with application §53-126

Indicate the company's tax year with the IRS (Example January through December)

Starting Date: January Ending Date: December

Is this a Non Profit Corporation?

YES

NO

If yes, provide the Federal ID #. _____

Nebraska Secretary of State

EARLY MORNING CACKLE, LLC

Mon Jan 6 11:34:27 2020

SOS Account Number
1909215472
Status
Active

Principal Office Address

No address on file

Registered Agent and Office Address

ROBERT V HALL
37974 DRIVE 715
MCCOOK, NE 69001

Designated Office Address

37974 DRIVE 715
MCCOOK, NE 69001

Nature of Business

Not Available

Entity Type

Domestic LLC

Qualifying State: NE

Date Filed

Sep 16 2019

Filed Documents

Filed documents for EARLY MORNING CACKLE, LLC may be available for purchase and downloading by selecting the Purchase Now button. Your Nebraska.gov account will be charged the indicated amount for each item you view. If no Purchase Now button appears, please contact Secretary of State's office to request document(s).

Document	Date Filed	Price	
Certificate of Organization	Sep 16 2019	\$0.45 = 1 page(s) @ \$0.45 per page	Purchase Now
Proof of Publication	Oct 09 2019	\$0.45 = 1 page(s) @ \$0.45 per page	Purchase Now

Good Standing Documents

- If you need your Certificate of Good Standing Apostilled or Authenticated for use in another country, you must contact the Nebraska Secretary of State's office directly for information and instructions. Documents obtained from this site cannot be Apostilled or Authenticated.

Online Certificate of Good Standing with Electronic Validation

\$6.50

This certificate is available for immediate viewing/printing from your desktop. A Verification ID is provided on the certificate to validate authenticity online at the Secretary of State's website.

Purchase Now

CERTIFICATE OF ORGANIZATION
FOR
EARLY MORNING CACKLE, LLC

The undersigned, desiring to form a limited liability company for the purposes hereinafter set forth, under and in conformity with the laws of the State of Nebraska, does hereby make this written certificate in duplicate, and hereby verifies:

1. NAME: The name of the Company shall be Early Morning Cackle, LLC
2. PURPOSE: The purpose for which the Company is organized is to operate, conduct and engage in, and to do any lawful act concerning any and all lawful business, other than banking or insurance, for which a limited liability company may be organized under the laws of the State of Nebraska, and for all other purposes authorized by law.
3. POWERS: The Company shall have and exercise all powers and rights conferred upon a limited liability company by the Nebraska Uniform Limited Liability Company Act and any enlargement of such powers conferred by subsequent legislative acts.
4. INITIAL DESIGNATED OFFICE/PRINCIPAL PLACE OF BUSINESS: The address of the initial designated office and principal place of business of the Company is:

37974 Drive 715
McCook, NE 69001

5. INITIAL AGENT FOR SERVICE OF PROCESS: The name and address of the Company's initial agent for service of process office is:

Robert V. Hall
37974 Drive 715
McCook, NE 69001

The undersigned, being the organizer of the Company, hereby adopts and signs the foregoing Certificate of Organization for the purpose of forming the Company under the Act.

DATED this 12th day of September, 2019.



J. Bryant Brooks, Organizer
101 West C St.
McCook, NE 69001

**MANAGER APPLICATION
INSERT - FORM 3c**

NEBRASKA LIQUOR CONTROL COMMISSION
301 CENTENNIAL MALL SOUTH
PO BOX 95046
LINCOLN, NE 68509-5046
PHONE: (402) 471-2571
FAX: (402) 471-2814
Website: www.lcc.nebraska.gov

Office Use

RECEIVED

JAN 06 2020

NEBRASKA LIQUOR
CONTROL COMMISSION

FORM MUST BE COMPLETELY FILLED OUT IN ORDER FOR APPLICATION TO BE PROCESSED

MANAGER MUST:

- Complete all sections of the application. Be sure it is signed by a **member or corporate officer**, corporate officer or member must be an individual on file with the Liquor Control Commission
- Fingerprints are required. See form 147 for further information, read form carefully to avoid delays in processing, this form **MUST** be included with your application.
- Provide a copy of one of the following: US birth certificate, naturalization papers or current US passport (even if you have provided this before)
- Be a registered voter in the State of Nebraska, include a copy of voter card or print document from Secretary of State website with application

Spouse who **will not** participate in the business, **spouse must:**

- Complete the Spousal Affidavit of Non Participation Insert (must be notarized). The non-participating spouse completes the top half; the manager completes the bottom half. **Be sure to complete both halves of this form.**
- Need not answer question #1 of the application

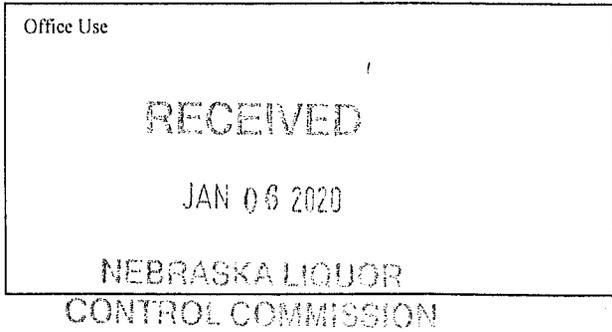
Spouse who **will** participate in the business, the **spouse must:**

- Sign the application
- Fingerprints are required. See form 147 for further information, read form carefully to avoid delays in processing, this form **MUST** be included with your application.
- Provide a copy of one of the following: birth certificate, naturalization papers or current US passport (even if you have provided this before)
- Be a registered voter in the state of Nebraska, include a copy of voter card with application
- Spousal Affidavit of Non Participation Insert **not** required

BARCODE

**MANAGER APPLICATION
INSERT - FORM 3c**

NEBRASKA LIQUOR CONTROL COMMISSION
301 CENTENNIAL MALL SOUTH
PO BOX 95046
LINCOLN, NE 68509-5046
PHONE: (402) 471-2571
FAX: (402) 471-2814
Website: www.lcc.nebraska.gov



MUST BE:

- ✓ Include copy of US birth certificate, naturalization paper or current US passport
- ✓ Nebraska resident. Include copy of voter registration card or print out document from Secretary of State website
- ✓ Fingerprinted. See form 147 for further information, read form carefully to avoid delays in processing, this form MUST be included with your application
- ✓ 21 years of age or older

Corporation/LLC information

Name of Corporation/LLC: Early Morning Cackle L.L.C.

Premise information

Liquor License Number: 014132 Class Type D (if new application leave blank)

Premise Trade Name/DBA: Bottle Shop

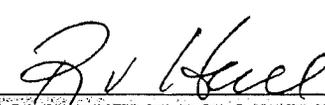
Premise Street Address: 309 E. B St.

City: McCook County: Red Willow Zip Code: 69001

Premise Phone Number: (308)345-5046

Premise Email address: bottleshop309@yahoo.com

The individual whose name is listed as a corporate officer or managing member as reported on insert form 3a or 3b or listed with the Commission. To see authorized officers or members search your license information [here](#).


SIGNATURE REQUIRED BY CORPORATE OFFICER / MANAGING MEMBER

(Faxed signatures are acceptable)

MANAGER'S LAST TWO EMPLOYERS

YEAR FROM TO		NAME OF EMPLOYER	NAME OF SUPERVISOR	TELEPHONE NUMBER
1988	Present	Centurylink Communications	Frank Felts	(308)530-0274
1985	1988	Nebraska National Guard	Dave Randall	Unknown

1. READ CAREFULLY. ANSWER COMPLETELY AND ACCURATELY.

Must be completed by both applicant and spouse, unless spouse has filed an affidavit of non-participation.

Has anyone who is a party to this application, or their spouse, EVER been convicted of or plead guilty to any charge. Charge means any charge alleging a felony, misdemeanor, violation of a federal or state law; a violation of a local law, ordinance or resolution. List the nature of the charge, where the charge occurred and the year and month of the conviction or plea, include traffic violations. Also list any charges pending at the time of this application. If more than one party, please list charges by each individual's name. Commission must be notified of any arrests and/or convictions that may occur after the date of signing this application.

YES NO

If yes, please explain below or attach a separate page.

Name of Applicant	Date of Conviction (mm/yyyy)	Where Convicted (City & State)	Description of Charge	Disposition
Robert V. Hall	2001 or 2002	Bartley NE	Speeding	
THERE ARE OTHER SPEEDING VIOLATIONS TOO			FAR BACK I DON'T REMEMBER	RUH

2. Have you or your spouse ever been approved or made application for a liquor license in Nebraska or any other state?

YES NO

IF YES, list the name of the premise(s):

3. Do you, as a manager, qualify under Nebraska Liquor Control Act (§53-131.01) and do you intend to supervise, in person, the management of the business?

YES NO

4. List the alcohol related training and/or experience (when and where) of the person making application.

*NLCC Training Certificate Issued: _____ Name on Certificate: _____

Applicant Name	Date (mm/yyyy)	Name of program (attach copy of course completion certificate)

*For list of NLCC Certified Training Programs see training

Experience:

Applicant Name / Job Title	Date of Employment:	Name & Location of Business:

5. Have you enclosed form 147 regarding fingerprints?

YES NO

PERSONAL OATH AND CONSENT OF INVESTIGATION

The above individual(s), being first duly sworn upon oath, deposes and states that the undersigned is the applicant and/or spouse of applicant who makes the above and foregoing application that said application has been read and that the contents thereof and all statements contained therein are true. If any false statement is made in any part of this application, the applicant(s) shall be deemed guilty of perjury and subject to penalties provided by law. (Sec §53-131.01) Nebraska Liquor Control Act.

The undersigned applicant hereby consents to an investigation of his/her background including all records of every kind and description including police records, tax records (State and Federal), and bank or lending institution records, and said applicant and spouse waive any rights or causes of action that said applicant or spouse may have against the Nebraska Liquor Control Commission and any other individual disclosing or releasing said information to the Nebraska Liquor Control Commission. If spouse has NO interest directly or indirectly, a spousal affidavit of non-participation may be attached.

The undersigned understand and acknowledge that any license issued, based on the information submitted in this application, is subject to cancellation if the information contained herein is incomplete, inaccurate, or fraudulent.

Applicant Notification and Record Challenge: Your fingerprints will be used to check the criminal history records of the FBI. You have the opportunity to complete or challenge the accuracy of the information contained in FBI identification record. The procedures for obtaining a change, correction, or updating an FBI identification record are set forth in Title 28, CFR, 16.34.

[Handwritten Signature]

Signature of Manager Applicant

Signature of Spouse

ACKNOWLEDGEMENT

State of Nebraska

County of Red Willow

The foregoing instrument was acknowledged before me this

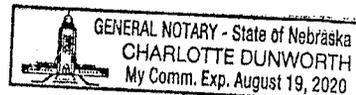
December 30, 2019
date

by Robert V. Hall

NAME OF PERSON BEING ACKNOWLEDGED

[Handwritten Signature]
Notary Public signature

Affix Seal



In compliance with the ADA, this application is available in other formats for persons with disabilities. A ten day advance period is required in writing to produce the alternate format.


Important Message:
 If you have recently moved, please use the **Polling Place** feature. Locate Your Polling Place with the street and city address of your new/current residence.

[HOME](#)

REGISTRATION INFORMATION

[POLLING PLACE](#)

[PROVISIONAL BALLOT](#)

[ABSENTEE BALLOT](#)

Select Language ▼

Registrant Search Information

Registrant Detail

Name:	Robert V Hall
Party:	Democratic
Polling Place:	Community Building NW 1400 W 5th Street. McCook, NE 69001

Districts

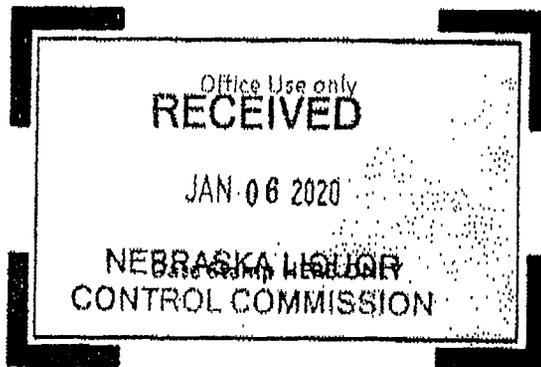
DISTRICT NAME	DISTRICT TYPE
Mid Plains Com College At Lg	Community College District
Middle Republican NRD SubD 4	Natural Resources District
ESU 15 District 7	ESU District
State Board of Education Dist7	State Board of Education
Nebraska PPD SubD 4	Public Power District
Mc Cook Public Schools	School District
Mid Plains Com College Dist 1	Community College District
U.S. Congressional District 3	U.S. Congressional District
Appeals Court Judge Dist 6	Judge of Appeals Court Dist.
County Judge Dist 11	Judge of County Court Dist.
District Judge, Dist 11	Judge of Distct Court Dist.
Supreme Court Judge Dist 6	Judge of Supreme Court Dist.
Legislative District 44	Legislative District
Middle Republican NRD At Large	Natural Resources District
Southwest PPD SubD 3	Public Power District
PSC District 5	Public Service Comm District
Board of Regents District 7	Board of Regents
County Commissioner District 3	County Board (Commiss./Superv)
McCook PPD SubD 7	Public Power District

[Voter View Mobile](#)
[Registration Information](#) [Polling Place](#) [Provisional Ballot](#) [Absentee Ballot](#)

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 © Voter View 3.3.1480.0

**PRIVACY ACT STATEMENT/
SUBMISSION OF FINGERPRINTS /
PAYMENT OF FEES TO NSP-CID**

NEBRASKA LIQUOR CONTROL COMMISSION
301 CENTENNIAL MALL SOUTH
PO BOX 95046
LINCOLN, NE 68509-5046
PHONE: (402) 471-2571
FAX: (402) 471-2814
Website: www.lcc.nebraska.gov



THIS FORM IS REQUIRED TO BE SIGNED BY EACH PERSON BEING FINGERPRINTED:

DIRECTIONS FOR SUBMITTING FINGERPRINTS AND FEE PAYMENTS:

- FAILURE TO FILE FINGERPRINT CARDS AND PAY THE REQUIRED FEE TO THE NEBRASKA STATE PATROL WILL DELAY THE ISSUANCE OF YOUR LIQUOR LICENSE
- Fee payment of \$45.25 per person MUST be made DIRECTLY to the Nebraska State Patrol;
It is recommended to make payment through the NSP PayPort online system at www.ne.gov/go/nspsp
Or a check made payable to NSP can be mailed directly to the following address:
Please indicate on your payment who the payment is for (the name of the person being fingerprinted) and the payment is for a Liquor License
The Nebraska State Patrol – CID Division
3800 NW 12th Street
Lincoln, NE 68521
- Fingerprints taken at NSP LIVESCAN locations will be forwarded to NSP – CID
Applicant(s) will not have cards to include with license application.
- Fingerprints taken at local law enforcement offices may be released to the applicants;
Fingerprint cards should be submitted with the application.

Applicant Notification and Record Challenge: Your fingerprints will be used to check the criminal history records of the FBI. You have the opportunity to complete or challenge the accuracy of the information contained in FBI identification record. The procedures for obtaining a change, correction, or updating a FBI identification record are set forth in Title 28, CFR, 16.34.

Trade Name: Bottle Shop

Name of Person Bring Fingerprinted: Robert V.Hall

Date of Birth: Nov. 8, 1964 Last 4 SSN: Date fingerprints were taken: Dec. 9, 2019

Location where fingerprints were taken: Red Willow County Sheriff's Department

How was payment made to NSP?

NSP PAYPORT CASH CHECK SENT TO NSP CK #

My fingerprints are already on file with the commission – fingerprints completed for a previous application less than 2 years ago? YES

Robert V. Hall
SIGNATURE REQUIRED OF PERSON BEING FINGERPRINTED

Business Plan

Early Morning Cackle L.L.C.

37974 Dr.715
McCook NE 69001

The Bottle Shop
The Spirit Shop

R.V.Hall
President & Owner

As the new owner of the Bottle Shop and the Sprit Shop my Business Plan is to continue the retail sell of beer, wine, and distilled spirits just as the stores have done over the past 5 or 6 decades. I plan to make some gradual changes to update the technologies of each store. Those changes include adding Point of Sale devises for quicker check-out along with the ease of keeping track of inventory and reordering inventory. I also plan to integrate QuickBooks into the point of sale for records keeping and time reporting by employees.

I plan to make a few cosmetic changes along with making some repairs to the buildings and the infrastructure of each building. However, for the most part I plan to leave the majority of inside of the buildings and the furnishings the way they've been as it seems the customers appreciate the simplicity .



RESTRICTED: This information not to be released to other than authorized personnel.

LIQUOR APPLICATION REPORT

POLICE DEPARTMENT REPORT

DATE REQUESTED: January 17, 2020

DUE DATE: January 27, 2020

APPLICANT: Early Morning Cackle, LLC

DBA: Bottle Shop

APPLICANT'S ADDRESS:

PHONE NUMBER (HOME): (BUSINESS):

LICENSE ADDRESS: 309 East "B" Street

TYPE OF LICENSE: Class "D" - License #122055
(Beer, Wine & Distilled Spirits, Off Sale Only)

TYPE OF INVESTIGATION:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Purchase of Business | <input type="checkbox"/> New and Additional License |
| <input type="checkbox"/> Upgrade of Existing License | <input type="checkbox"/> Transfer of Location |
| <input type="checkbox"/> Expansion of Present Business | <input type="checkbox"/> Manager |
| <input type="checkbox"/> Renewal - Long Form | |

TYPE OF BUSINESS:

- | | |
|---|--|
| <input type="checkbox"/> Hotel/Motel | <input type="checkbox"/> Restaurant/Food Service |
| <input type="checkbox"/> Liquor/On-Off Sale | <input type="checkbox"/> Liquor/On-Sale Only |
| <input checked="" type="checkbox"/> Liquor/Off-Sale Only | <input type="checkbox"/> Entertainment/Bottle Club |
| <input checked="" type="checkbox"/> Other - Convenience Store | |

TYPE OF OWNERSHIP: (X) Corporation () Partnership () Individual
() Limited Liability Company (LLC)

Investigation Completed by: Kevin A. Hodgson

Date: 1-26-20

PREMISE:

1. Type of Neighborhood: Commercial; Industrial; Residential.
2. Condition:
 - a) Traffic: Normal traffic flow for B St.
 - b) Parking: Off street parking in rear, limited off street parking in front
3. Designation of Adjacent Street (Local, Collector, Minor or Major Arterial, Highway):

Major Arterial
4. Street Width and Profile: normal curb to normal crown to normal curb, 55'
5. Speed Limit: 25mph
6. Average Daily Traffic Count: 11,355 to 9410 (2017)
7. Accident Report at Adjacent Intersections: No accidents reported in the last 6 months
8. Analysis of Traffic Effects: No adverse affects
9. Ready for Operation: Yes No
If no, estimated date: Estimated start date of March 2, 2020
10. Type of Food Service: Microwave Grill Kitchen
11. Number of Employees: Full Time: **3** Part Time: **11**
12. Does premise comply with legal distance from churches, schools, etc.?
 Yes No
If No, specify:
13. The Business has been inspected within the last three (3) months by the City's Building Inspector. Yes No (If yes, attach report)
14. The Business has been inspected within the last three (3) months by the City's Fire Department. Yes No (If yes, attach report)
15. Estimated Seating Capacity:
16. Estimated Number of Customers per Day:
17. Hours of Operation: 10a to 10p on Sunday, 9a-11p Monday to Thursday, 9a – 12a Friday and Saturday (from web search)

FINANCING:

- 18. Purchase Price:
- 19. Property/Equipment Value:
- 20. Previous Year's Gross Receipts:
- 21. Amount Financed: Source:
Collateral: Co-Signers:
- 22. Lease Agreement:
- 23. Estimated Annual Payroll:
- 24. Estimated Gross Income: %Food: %Liquor:

MISCELLANEOUS:

- 25. Number of Licenses and Types within competitive distance:
Hi Times Liquor Mart (DK)
- 26. Is another person responsible for Daily Operation? () Yes (X) No
If yes, who?
(complete investigation of manager form)

PERSONAL HISTORY:

- 27. Applicant's name: Robert V. Hall
- 28. Date of Birth: 11-8-1964
- 29. Sex: Male
- 30. Home address: 37974 Drive 715 McCook, NE 69001
- 31. Citizen of the United States? (X) Yes () No
If Naturalized, Certificate Number:
Place:
- 32. Proper Residence has been Established? (X) Yes () No
If no, explain:

33. Criminal History – Has applicant been arrested and/or pled guilty to any
() misdemeanor? () felony? (If felony, attach detailed description.)
34. Has applicant been cited for and/or been found in violation of the Liquor Laws of the
State of Nebraska or other State in which previously licensed?
() Yes (X) No (If yes, attach detailed description)
35. Has applicant had a beneficial interest in another liquor license? (X) Yes () No
If yes, Name, City, Address, Type of License:
Early Morning Cackle LLC d/b/a Spirit Shop
36. Records Check Made (civil history): () Yes (X) No (Attach Records)
37. Investigation made of character/reputation of applicant, report details of investigation: **no**
38. Number of Hours that will be spent by applicant at license premises each week?
50 – 60 hours spent between both stores
39. Number of hours that will be spent by applicant working in occupation other than
licensed premises each week? None
41. Applicant will oversee in person the management of licensed premises? (X) Yes ()
No
42. Another person will be responsible for the management of the licensed premises?
() Yes (X) No (If yes, attach investigative report for manager)

**CITY MANAGER'S REPORT
FEBRUARY 17, 2020 CITY COUNCIL MEETING**

ITEM: 3

RECOMMENDATION:

ITEM 3.E. Conduct a public hearing on the application of Early Morning Cackle, LLC; dba "Spirit Shop", for Class "D" License #122055 - (Beer, Wine, Distilled Spirits, Off Sale Only) under the Nebraska Liquor Control Commission, to be located at 505 West "B" Street, McCook, Nebraska.

ITEM 3.F. Recommend approval to the Nebraska Liquor Control Commission the application of Early Morning Cackle, LLC; dba "Spirit Shop", for Class "D" License #122055 - (Beer, Wine, Distilled Spirits, Off Sale Only) under the Nebraska Liquor Control Commission, to be located at 505 West "B" Street, McCook, Nebraska.

BACKGROUND:

Upon notice from the Liquor Control Commission, the City has 45 days to conduct a hearing concerning the requested license. The Council may choose not to make a recommendation of approval or denial to the Commission.

Per §53-133, the Liquor Control Commission shall set for hearing any application wherein:

- 1) There is a recommendation of denial from the local governing body.
- 2) A citizens protest; or
- 3) Statutory problems that the Commission discovers.

**FISCAL
IMPACT:** None.

APPROVALS:



Lea Ann Doak, City Clerk-Treasurer

February 12, 2020



Nathan Schneider, City Manager

February 12, 2020

EXHIBIT #1

PAGE(S) - 1

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that Early Morning Cackle, LLC; dba "Spirit Shop", has filed an application for Class "D" License #122055 - (Beer, Wine, Distilled Spirits, Off Sale Only) under the Nebraska Liquor Control Commission, to be located at 505 West "B" Street, McCook, Nebraska.

All persons desiring to give evidence before the McCook City Council in support of or protest against the issuance of such license may do so at the time of this hearing to be held Monday, February 17, 2020 at 5:30 P.M., C.S.T.; in the City Council Chambers, 505 West "C" Street, McCook, Nebraska.

-s- Lea Ann Doak
City Clerk

Publish: February 7, 2020.

EXHIBIT #2

PAGE(S) - 1

TWO KEY DOCUMENTS

- 1) The receipt page will need to be signed, dated and returned back into the NLCC office either via regular mail, e-mail or fax (402) 471 – 2814. The receipt page will be entered into the NLCC database as the statutory time for this application.
- 2) The recommendation sheet is to be completed and returned back into the NLCC office either via regular mail, e-mail or fax (402) 471 – 2814. The recommendation sheet will be entered into the NLCC database accordingly with the information provided from the local governing body.

TWO KEY TIME FRAMES §53-134

- 1) A public notice shall be publicized one time not less than 7 days and no more than 14 days prior to the date of the hearing.
- 2) The local governing body has 45 days to conduct a hearing after the date of receipt of the notice from this Commission (see recommendation sheet for this date). The local governing body may choose **NOT** to make a recommendation of approval or denial to our Commission.

PER §53-133, THE LIQUOR CONTROL COMMISSION SHALL SET FOR HEARING ANY APPLICATION WHEREIN:

- a) There is a recommendation of denial from the local governing body,
- b) A citizens protest; or
- c) Statutory problems that the Commission discovers.

A LICENSEE MUST BE “PROPERLY” LICENSED IN ORDER TO PURCHASE ALCOHOL FROM WHOLESALERS

A LICENSE IS EFFECTIVE

- 1) Upon payment of the license fees to the local governing body all local clerks must collect proper license fees and occupation tax per ordinance, if any, before delivering the license to the applicant. A License Fee and Proration Chart are available for your use at www.lcc.ne.gov, click on “City and County Clerks Information”, in the middle of the home page.
- 2) The licensee has physical possession of the license
- 3) Effective date on the license

EXHIBIT #3

PAGE(S) - 27

RECOMMENDATION OF THE NEBRASKA LIQUOR CONTROL COMMISSION

Date delivered from NLCC office:

January 17, 2020

KF

I, _____ Clerk of _____
(City, Village or County)

Nebraska, hereby report to the Nebraska Liquor Control Commission in accordance with Revised Statutes of Nebraska, Chapter 53, Section 134 (7) the recommendation of said city, village or county, as the case may be relative to the application for a license under the provisions of the Nebraska Liquor Control Act as applied for by:

Early Morning Cackle, LLC DBA Spirit Shop

503 W B Street, McCook, NE 69001 (Red Willow County)

NEW APPLICATION for Class D 122055

45 days – 03-02-2020

- 1. Notice of local hearing was published in a legal newspaper in or of general circulation in city, village or county, one time not less than 7 and not more than 14 days before time of hearing.

Check one: Yes _____ No _____

The Statutes require that such hearing shall be held not more than 45 days after the date of receipt of this notice from the Commission.

- 2. Local hearing was held not more that 45 days after receipt of notice from the Nebraska Liquor Control Commission.

Check one: Yes _____ No _____

- 3. Date of hearing of Governing Body: _____

- 4. Type or write the Motion as voted upon by the Governing Body. If additional Motions are made by the Governing Body, then use an additional page and follow same format.

- 5. Motion was made by: _____ Seconded by: _____

- 6. Roll Call Vote: _____

Check one: Motion Passed: _____ Motion Failed: _____

- 8. If the motion is for recommendation of denial of the applicant, then list the reasons of the governing body upon which the motion was made.

(Attached additional page(s) if necessary)

SIGN HERE _____ **DATE** _____
(Clerks Signature)

**APPLICATION FOR LIQUOR LICENSE
CHECKLIST - RETAIL**

NEBRASKA LIQUOR CONTROL COMMISSION
301 CENTENNIAL MALL SOUTH
PO BOX 95046
LINCOLN, NE 68509-5046
PHONE: (402) 471-2571
FAX: (402) 471-2814
Website: www.lcc.nebraska.gov

RECEIVED	
JAN 06 2020	
NEBRASKA LIQUOR CONTROL COMMISSION	
Hot List: YES <input type="radio"/> NO <input checked="" type="radio"/>	New/Replacing # <u>091203</u>
Class Type <u>D</u>	122055 Initial <u>KF</u>

Applicant name Robert V. Hall Early Morning Cackle LLC
 Trade name Spirit Shop
 Previous trade name Spirit Shop
 Contact email address spiritshop503@yahoo.com

Provide all the items requested. Failure to provide any item will cause this application to be returned or placed on hold. All documents must be legible. Any false statement or omission may result in the denial, suspension, cancellation or revocation of your license. If your operation depends on receiving a liquor license, the Nebraska Liquor Control Commission cautions you that if you purchase, remodel, start construction, spend or commit money that you do so at your own risk. Prior to submitting your application review the application carefully to ensure that all sections are complete, and that any omissions or errors have not been made. You may want to check with the city/village or county clerk, where you are making application, to see if any additional requirements must be met before submitting application to the Nebraska Liquor Control Commission.

ChimHX

ck Purchase agreement
ck NE Drivers License
ck Form 147 signature
 law enforcement

Office use only	
PAYMENT TYPE <u>OK 3044</u>	 2000000675
AMOUNT: <u>400</u>	
Received: <u>PKR</u>	

PKR
RECEIVED

1. Fingerprints are required for each person as defined in new application guide, found on our website under "Licensing Tab" in "Guidelines/Brochures". See Form 147 for further information, this form **MUST** be included with your application.
2. Enclose application fee of \$400 (nonrefundable), check made payable to the Nebraska Liquor Control Commission or you may pay online at PAYPORT.
3. Enclose the appropriate application forms;
 - Individual License (requires insert form 1)
 - Partnership License (requires insert form 2)
 - Corporate License (requires insert form 3a & 3c)
 - Limited Liability Company (LLC) (requires form 3b & 3c)
4. If building is being leased send a copy of signed lease. Be sure the lease reads in the name of the individual(s), corporation or Limited Liability Company (LLC) making application. Lease term must run through the license year being applied for.
5. If building is owned or being purchased send a copy of the deed or purchase agreement in the name of the applicant.
6. If buying the business of a current liquor license holder:
 - a. Provide a copy of the purchase agreement from the seller (must read applicants name)
 - b. Provide a copy of alcohol inventory being purchased (must include brand names and container size)
 - c. Enclose a list of the assets being purchased (furniture, fixtures and equipment)
7. If requesting to operate on current liquor license; enclose Temporary Operating Permit (TOP) (Form 125).
8. Enclose a list of any inventory or property owned by other parties that are on the premises.
9. For citizenship enclose U.S. birth certificate; U.S. passport or naturalization paper
 - a. For residency enclose proof of registered voter in Nebraska
 - b. If permanent resident include Employment Authorization Card or Permanent Resident Card
 - c. See guideline for further assistance
10. Corporation or Limited Liability Company (LLC) must enclose a copy of articles of incorporation; as filed with the Secretary of State's Office.
11. Submit a copy of your business plan.

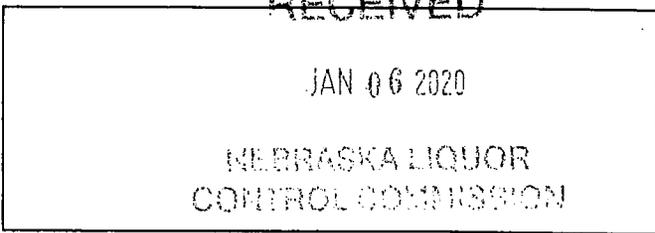
I acknowledge that this application is not a guarantee that a liquor license will be issued to me, and that the average processing period is 60 days. Furthermore, I understand that all the information is truthful and I accept all responsibility for any false documents.


Signature

12-30-2019
Date

**APPLICATION FOR LIQUOR LICENSE
RETAIL**

NEBRASKA LIQUOR CONTROL COMMISSION
301 CENTENNIAL MALL SOUTH
PO BOX 95046
LINCOLN, NE 68509-5046
PHONE: (402) 471-2571
FAX: (402) 471-2814
Website: www.lcc.nebraska.gov/



**CLASS OF LICENSE FOR WHICH APPLICATION IS MADE AND FEES
CHECK DESIRED CLASS**

- RETAIL LICENSE(S) Application Fee \$400 (nonrefundable)
- A BEER, ON SALE ONLY
 - B BEER, OFF SALE ONLY
 - C BEER, WINE, DISTILLED SPIRITS, ON AND OFF SALE
 - x D BEER, WINE, DISTILLED SPIRITS, OFF SALE ONLY
 - I BEER, WINE, DISTILLED SPIRITS, ON SALE ONLY
 - J LIMITED ALCOHOLIC LIQUOR, OFF SALE – MUST INCLUDE SUPPLEMENTAL FORM 120
 - AB BEER, ON AND OFF SALE
 - AD BEER ON SALE ONLY, BEER, WINE, DISTILLED SPIRITS OFF SALE
 - IB BEER, WINE, DISTILLED SPIRITS ON SALE, BEER OFF SALE ONLY

 Class K Catering license (requires catering application form 106) \$100.00

Additional fees will be assessed at city/village or county level when license is issued

Class C license term runs from November 1 – October 31
All other licenses run from May 1 – April 30
Catering license (K) expires same as underlying retail license

CHECK TYPE OF LICENSE FOR WHICH YOU ARE APPLYING

- Individual License (requires insert 1 FORM 104)
- Partnership License (requires insert 2 FORM 105)
- Corporate License (requires insert 3a FORM 101 & 3c FORM 103)
- x Limited Liability Company (LLC) (requires form 3b FORM 102 & 3c FORM 103)

**NAME OF ATTORNEY OR FIRM ASSISTING WITH APPLICATION (if applicable)
Commission will call this person with any questions we may have on this application**

Name _____ Phone number: _____

Firm Name _____

PREMISES INFORMATION

Trade Name (doing business as) Spirit Shop

Street Address #1 503 W. B St.

Street Address #2 _____

City McCook County Red Willow 44 Zip Code 69001

Premises Telephone number (308) 345-5046

Business e-mail address spiritshop503@yahoo.com

Is this location inside the city/village corporate limits: YES x NO _____

Mailing address (where you want to receive mail from the Commission)

Name Robert V. Hall

Street Address #1 37974 Dr. 715

Street Address #2 _____

City McCook State NE Zip Code 69001

DESCRIPTION AND DIAGRAM OF THE STRUCTURE TO BE LICENSED
READ CAREFULLY

In the space provided or on an attachment draw the area to be licensed. This should include storage areas, basement, outdoor area, sales areas and areas where consumption or sales of alcohol will take place. If only a portion of the building is to be covered by the license, you must still include dimensions (length x width) of the licensed area as well as the dimensions of the entire building. No blue prints please. Be sure to indicate the direction north and **number of floors** of the building.

**For on premises consumption liquor licenses minimum standards must be met by providing at least two restrooms

Building: length 58' x width 24' in feet

Is there a basement? Yes x No _____

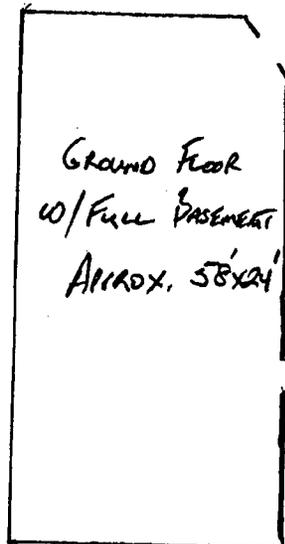
If yes, length 58' x width 24' in feet

Is there an outdoor area? Yes _____ No x

If yes, length _____ x width _____ in feet

PROVIDE DIAGRAM OF AREA TO BE LICENSED BELOW OR ATTACH SEPARATE SHEET

One story bldg
Approx 54 x 58
including basement
approx 54 x 55



APPLICANT INFORMATION

1. **READ CAREFULLY. ANSWER COMPLETELY AND ACCURATELY §53-125(5)**

Has anyone who is a party to this application, or their spouse, EVER been convicted of or plead guilty to any charge. Charge means any charge alleging a felony, misdemeanor, violation of a federal or state law; a violation of a local law, ordinance or resolution. List the nature of the charge, where the charge occurred and the year and month of the conviction or plea. Also list any charges pending at the time of this application. If more than one party, please list charges by each individual's name. Include traffic violations. Commission must be notified of any arrests and/or convictions that may occur after the date of signing this application.

YES NO

If yes, please explain below or attach a separate page

Name of Applicant	Date of Conviction (mm/yyyy)	Where Convicted (city & state)	Description of Charge	Disposition
Robert V. Hall	2001 or 2002	Bartley NE	Speeding	
THERE ARE OTHER SPEEDING VIOLATIONS TOO FAR BACK I DON'T REMEMBER.				ROH

2. Are you buying the business of a current retail liquor license?

YES NO

If yes, give name of business and liquor license number X Spirit Shop / 091263

- a) Submit a copy of the sales agreement
- b) Include a list of alcohol being purchased, list the name brand, container size and how many
- c) Submit a list of the furniture, fixtures and equipment

3. Was this premise licensed as liquor licensed business within the last two (2) years?

YES NO

If yes, give name and license number X Spirit Shop / 091263

4. Are you filing a temporary operating permit (TOP) to operate during the application process?

YES NO

If yes:

- a) Attach temporary operating permit (TOP) (Form 125)
- b) TOP will only be accepted at a location that currently holds a valid liquor license.

✓ 5. Are you borrowing any money from any source, include family or friends, to establish and/or operate the business?
 YES NO

If yes, list the lender(s) McCook National Bank

✓ 6. Will any person or entity, other than applicant, be entitled to a share of the profits of this business?
 YES NO
If yes, explain. (all involved persons must be disclosed on application)

No silent partners

✓ 7. Will any of the furniture, fixtures and equipment to be used in this business be owned by others?
 YES NO

If yes, list such item(s) and the owner. _____

✓ 8. Is premises to be licensed within 150 feet of a church, school, hospital, home for the aged or indigent persons or for veterans, their wives, and children, or within 300 feet of a college or university campus?
 YES NO

If yes, provide name and address of such institution and where it is located in relation to the premises (Neb. Rev. Stat. 53-177)(1)

Provide letter of support or opposition, see FORM 134 - church or FORM 135 - campus

"Grandfathered" / Exempt per Neb. Rev. Stat. 53-177

✗ 9. Is anyone listed on this application a law enforcement officer?
 YES NO

If yes, list the person, the law enforcement agency involved and the person's exact duties.

✓ 10. List the primary bank and/or financial institution (branch if applicable) to be utilized by the business.
a) List the individual(s) who will be authorized to write checks and/or withdrawals on accounts at this institution.

McCook National Bank / Robert V. Hall

✓ 11. List all past and present liquor licenses held in Nebraska or any other state by any person named in this application. Include license holder name, location of license and license number. Also list reason for termination of any license(s) previously held.

None

12. List the alcohol related training and/or experience (when and where) of the person(s) making application. Those persons required are listed as followed:
- Individual: Applicant and spouse; spouse is exempt if they filed Form 116 – Affidavit of Non-Participation.
 - Partnership: All partners and spouses, spouses are exempt if they filed Form 116 – Affidavit of Non-Participation.
 - Limited Liability Company: All member of LLC, Manager and all spouses; spouses are exempt if they filed Form 116 – Affidavit of Non-Participation.
 - Corporation: President, Stockholders holding 25% or more of shares, Manager and all spouses; spouses are exempt if they filed Form 116 – Affidavit of Non-Participation.

NLCC certified training program completed:

Applicant Name	Date (mm/yyyy)	Name of program (attach copy of course completion certificate)

List of NLCC certified training programs
Experience:

Applicant Name/Job Title	Date of Employment:	Name & Location of Business

13. If the property for which this license is sought is owned, submit a copy of the deed, or proof of ownership. If leased, submit a copy of the lease covering the entire license year. **Documents must show title or lease held in name of applicant as owner or lessee in the individual(s) or corporate name for which the application is being filed.**

Lease: expiration date _____
 Deed
 Purchase Agreement

14. When do you intend to open for business? March 2, 2020
15. What will be the main nature of business? Retail sale of beer, wine, distilled spirits, off sale only.
16. What are the anticipated hours of operation? 8:00 A.M. - 12:00 A.M.
17. List the principal residence(s) for the past 10 years for all persons required to sign, including spouses.

RESIDENCES FOR THE PAST 10 YEARS, APPLICANT AND SPOUSE MUST COMPLETE					
APPLICANT: CITY & STATE	YEAR		SPOUSE: CITY & STATE	YEAR	
	FROM	TO		FROM	TO
Robert V. Hall: McCook, NE	1992	2019			

If necessary attach a separate sheet.

The undersigned applicant(s) hereby consent(s) to an investigation of his/her background and release present and future records of every kind and description including police records, tax records (State and Federal), and bank or lending institution records, and said applicant(s) and spouse(s) waive(s) any right or causes of action that said applicant(s) or spouse(s) may have against the Nebraska Liquor Control Commission, the Nebraska State Patrol, and any other individual disclosing or releasing said information. Any documents or records for the proposed business or for any partner or stockholder that are needed in furtherance of the application investigation of any other investigation shall be supplied immediately upon demand to the Nebraska Liquor Control Commission or the Nebraska State Patrol. The undersigned understand and acknowledge that any license issued, based on the information submitted in this application, is subject to cancellation if the information contained herein is incomplete, inaccurate or fraudulent.

Individual applicants agree to supervise in person the management and operation of the business and that they will operate the business authorized by the license for themselves and not as an agent for any other person or entity. Corporate applicants agree the approved manager will superintend in person the management and operation of the business. Partnership applicants agree one partner shall superintend the management and operation of the business. All applicants agree to operate the licensed business within all applicable laws, rules, regulations, and ordinances and to cooperate fully with any authorized agent of the Nebraska Liquor Control Commission.

Applicant Notification and Record Challenge: Your fingerprints will be used to check the criminal history records of the FBI. You have the opportunity to complete or challenge the accuracy of the information contained in FBI identification record. The procedures for obtaining a change, correction, or updating an FBI identification record are set forth in Title 28, CFR, 16.34.

Must be signed in the presence of a notary public by applicant(s) and spouse(s). See guideline for required signatures



 Signature of Applicant

 Signature of Spouse

ROBERT V. HALL

 Print Name

 Print Name

 Signature of Applicant

 Signature of Spouse

 Print Name

 Print Name

ACKNOWLEDGEMENT

State of Nebraska
 County of Red Willow

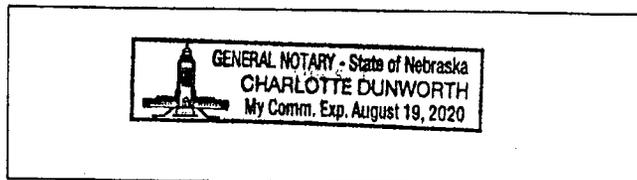
The foregoing instrument was acknowledged before me this

December 30, 2019 by _____
 date

Robert V. Hall
 name of person(s) acknowledged (individual(s) signing)



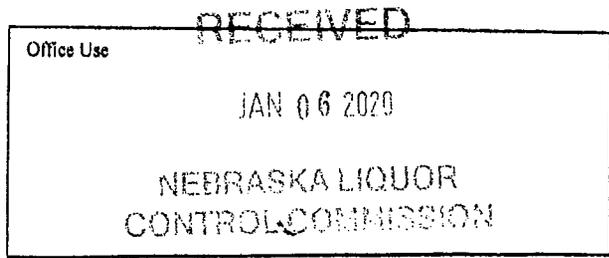
 Notary Public signature



In compliance with the ADA, this application is available in other formats for persons with disabilities. A ten day advance period is required in writing to produce the alternate format.

APPLICATION FOR LIQUOR LICENSE
LIMITED LIABILITY COMPANY (LLC)
INSERT - FORM 3b

NEBRASKA LIQUOR CONTROL COMMISSION
301 CENTENNIAL MALL SOUTH
PO BOX 95046
LINCOLN, NE 68509-5046
PHONE: (402) 471-2571
FAX: (402) 471-2814
Website: www.lcc.nebraska.gov



All members including spouse(s), are required to adhere to the following requirements:

- 1) All members spouse(s) must be listed
- 2) Managing/Contact member and all members holding over 25% interest and their spouse(s) (if applicable) must submit fingerprints. See Form 147 for further information, this form MUST be included with your application.
- 3) Managing/Contact member and all members holding over 25 % shares of stock and their spouse (if applicable) must sign the signature page of the Application for License form 100 (even if a spousal affidavit has been submitted)

Attach copy of Articles of Organization (must show electronic stamp or barcode receipt by Secretary of States office)

Name of Registered Agent: Robert V. Hall

Name of Limited Liability Company that will hold license as listed on the Articles of Organization
Early Morning Cackle L.L.C.

LLC Address: 37974 Dr. 715

City: McCook State: NE Zip Code: 69001

LLC Phone Number: (308) 340-0702 LLC Fax Number N/A

Name of Managing/Contact Member

Name and information of contact member must be listed on following page

Last Name: Hall First Name: Robert MI: V.

Home Address: 37974 Dr. 715 City: McCook

State: NE Zip Code: 69001 Home Phone Number: (308)340-0702

Signature of Managing/Contact Member

ACKNOWLEDGEMENT

State of Nebraska

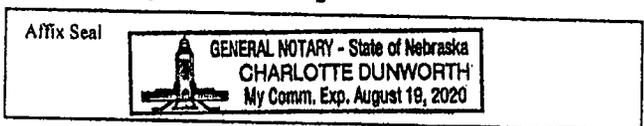
County of Red Willow

The foregoing instrument was acknowledged before me this

December 30, 2019

Date

by Robert V. Hall
name of person acknowledge



List names of all members and their spouses (even if a spousal affidavit has been submitted)

Last Name: Hall First Name: Robert MI: V.
Social Security Number: _____ Date of Birth: Nov. 8, 1964
Spouse Full Name (indicate N/A if single): N/A
Spouse Social Security Number: N/A Date of Birth: N/A
Percentage of member ownership N/A

Last Name: _____ First Name: _____ MI: _____
Social Security Number: _____ Date of Birth: _____
Spouse Full Name (indicate N/A if single): _____
Spouse Social Security Number: _____ Date of Birth: _____
Percentage of member ownership _____

Last Name: _____ First Name: _____ MI: _____
Social Security Number: _____ Date of Birth: _____
Spouse Full Name (indicate N/A if single): _____
Spouse Social Security Number: _____ Date of Birth: _____
Percentage of member ownership _____

Last Name: _____ First Name: _____ MI: _____
Social Security Number: _____ Date of Birth: _____
Spouse Full Name (indicate N/A if single): _____
Spouse Social Security Number: _____ Date of Birth: _____
Percentage of member ownership _____

List names of all members and their spouses (even if a spousal affidavit has been submitted)

Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership _____

Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership _____

Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership _____

Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership _____

Is the applying Limited Liability Company controlled by another corporation/company?

YES

NO

If yes, provide the following:

- 1) Name of corporation _____
- 2) Supply an organizational chart of the controlling corporation named above
- 3) Controlling corporation **MUST** be registered with the Nebraska Secretary of State, copy of articles must be submitted with application §53-126

Indicate the company's tax year with the IRS (Example January through December)

Starting Date: January Ending Date: December

Is this a Non Profit Corporation?

YES

NO

If yes, provide the Federal ID #. _____

In compliance with the ADA, this corporation insert form 3a is available in other formats for persons with disabilities. A ten day advance period is requested in writing to produce the alternate format.

Nebraska Secretary of State

EARLY MORNING CACKLE, LLC

Mon Jan 6 11:34:27 2020

SOS Account Number 1909215472 Status Active
--

Principal Office Address

No address on file

Registered Agent and Office Address

ROBERT V HALL

37974 DRIVE 715

MCCOOK, NE 69001

Designated Office Address

37974 DRIVE 715

MCCOOK, NE 69001

Nature of Business

Not Available

Entity Type

Domestic LLC

Qualifying State: NE

Date Filed

Sep 16 2019

Filed Documents

Filed documents for EARLY MORNING CACKLE, LLC may be available for purchase and downloading by selecting the Purchase Now button. Your Nebraska.gov account will be charged the indicated amount for each item you view. If no Purchase Now button appears, please contact Secretary of State's office to request document(s).

Document	Date Filed	Price	
Certificate of Organization	Sep 16 2019	\$0.45 = 1 page(s) @ \$0.45 per page	Purchase Now
Proof of Publication	Oct 09 2019	\$0.45 = 1 page(s) @ \$0.45 per page	Purchase Now

Good Standing Documents

- If you need your Certificate of Good Standing Apostilled or Authenticated for use in another country, you must contact the Nebraska Secretary of State's office directly for information and instructions. Documents obtained from this site cannot be Apostilled or Authenticated.

Online Certificate of Good Standing with Electronic Validation

\$6.50

This certificate is available for immediate viewing/printing from your desktop. A Verification ID is provided on the certificate to validate authenticity online at the Secretary of State's website.

Purchase Now

1/6/2020

Certificate of Good Standing - USPS Mail Delivery

\$10.00

This is a paper certificate mailed to you from the Secretary of State's office within 2-3 business days.

[Continue to Order](#)

[↑ Back to Top](#)

**CERTIFICATE OF ORGANIZATION
FOR
EARLY MORNING CACKLE, LLC**

The undersigned, desiring to form a limited liability company for the purposes hereinafter set forth, under and in conformity with the laws of the State of Nebraska, does hereby make this written certificate in duplicate, and hereby verifies:

1. **NAME:** The name of the Company shall be Early Morning Cackle, LLC

2. **PURPOSE:** The purpose for which the Company is organized is to operate, conduct and engage in, and to do any lawful act concerning any and all lawful business, other than banking or insurance, for which a limited liability company may be organized under the laws of the State of Nebraska, and for all other purposes authorized by law.

3. **POWERS:** The Company shall have and exercise all powers and rights conferred upon a limited liability company by the Nebraska Uniform Limited Liability Company Act and any enlargement of such powers conferred by subsequent legislative acts.

4. **INITIAL DESIGNATED OFFICE/PRINCIPAL PLACE OF BUSINESS:** The address of the initial designated office and principal place of business of the Company is:

37974 Drive 715
McCook, NE 69001

5. **INITIAL AGENT FOR SERVICE OF PROCESS:** The name and address of the Company's initial agent for service of process office is:

Robert V. Hall
37974 Drive 715
McCook, NE 69001

The undersigned, being the organizer of the Company, hereby adopts and signs the foregoing Certificate of Organization for the purpose of forming the Company under the Act.

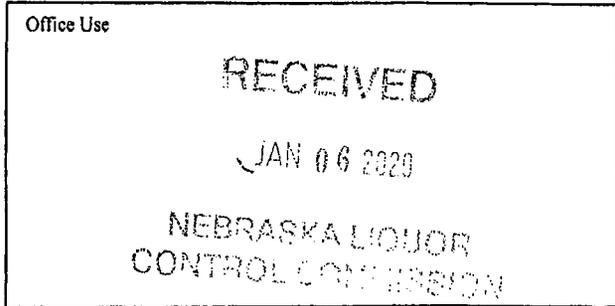
DATED this 12th day of September, 2019.



J. Bryant Brooks, Organizer
101 West C St.
McCook, NE 69001

**MANAGER APPLICATION
INSERT - FORM 3c**

NEBRASKA LIQUOR CONTROL COMMISSION
301 CENTENNIAL MALL SOUTH
PO BOX 95046
LINCOLN, NE 68509-5046
PHONE: (402) 471-2571
FAX: (402) 471-2814
Website: www.lcc.nebraska.gov



FORM MUST BE COMPLETELY FILLED OUT IN ORDER FOR APPLICATION TO BE PROCESSED

MANAGER MUST:

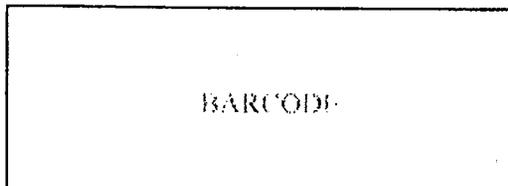
- Complete all sections of the application. Be sure it is signed by a **member or corporate officer**, corporate officer or member must be an individual on file with the Liquor Control Commission
- Fingerprints are required. See form 147 for further information, read form carefully to avoid delays in processing, this form **MUST** be included with your application.
- Provide a copy of one of the following: US birth certificate, naturalization papers or current US passport (even if you have provided this before)
- Be a registered voter in the State of Nebraska, include a copy of voter card or print document from Secretary of State website with application

Spouse who **will not** participate in the business, **spouse must:**

- Complete the Spousal Affidavit of Non Participation Insert (must be notarized). The non-participating spouse completes the top half; the manager completes the bottom half. **Be sure to complete both halves of this form.**
- Need not answer question #1 of the application

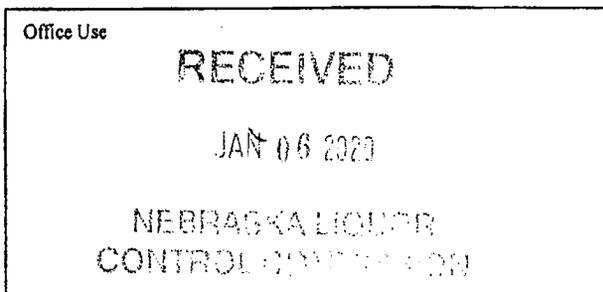
Spouse who **will** participate in the business, the **spouse must:**

- Sign the application
- Fingerprints are required. See form 147 for further information, read form carefully to avoid delays in processing, this form **MUST** be included with your application.
- Provide a copy of one of the following: birth certificate, naturalization papers or current US passport (even if you have provided this before)
- Be a registered voter in the state of Nebraska, include a copy of voter card with application
- Spousal Affidavit of Non Participation Insert **not** required



**MANAGER APPLICATION
INSERT - FORM 3c**

NEBRASKA LIQUOR CONTROL COMMISSION
301 CENTENNIAL MALL SOUTH
PO BOX 95046
LINCOLN, NE 68509-5046
PHONE: (402) 471-2571
FAX: (402) 471-2814
Website: www.lcc.nebraska.gov



MUST BE:

- ✓ Include copy of US birth certificate, naturalization paper or current US passport
- ✓ Nebraska resident. Include copy of voter registration card or print out document from Secretary of State website
- ✓ Fingerprinted. See form 147 for further information, read form carefully to avoid delays in processing, this form MUST be included with your application
- ✓ 21 years of age or older

Corporation/LLC Information

Name of Corporation/LLC: Early Morning Cackle L.L.C.

Premise Information

Liquor License Number: 091263 Class Type D (if new application leave blank)

Premise Trade Name/DBA: Spirit Shop

Premise Street Address: 503 W. B St.

City: McCook County: Red Willow Zip Code: 69001

Premise Phone Number: (308)345-4664

Premise Email address: spiritshop503@yahoo.com

The individual whose name is listed as a corporate officer or managing member as reported on insert form 3a or 3b or listed with the Commission. To see authorized officers or members search your license information [here](#).



SIGNATURE REQUIRED BY CORPORATE OFFICER / MANAGING MEMBER

(Faxed signatures are acceptable)

Manager's information must be completed below PLEASE PRINT CLEARLY

Last Name: Hall First Name: Robert MI: V.

Home Address: 37974 Dr. 715

City: McCook County: Red Willow Zip Code: 69001

Home Phone Number: (308) 340-0702

Driver's License Number & State: _____

Social Security Number: _____

Date Of Birth: Nov. 8, 1964 Place Of Birth: Broken Bow, NE

Email address: spiritshop503@yahoo.com

Are you married? If yes, complete spouse's information (Even if a spousal affidavit has been submitted)

YES NO

Spouse Information

Spouses Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____

Driver's License Number & State: _____

Date Of Birth: _____ Place Of Birth: _____

APPLICANT & SPOUSE MUST LIST RESIDENCE(S) FROM THE PAST TEN (10) YEARS

APPLICANT			SPOUSE		
CITY & STATE	YEAR FROM	YEAR TO	CITY & STATE	YEAR FROM	YEAR TO
McCook, NE	1992	2019			

MANAGER'S LAST TWO EMPLOYERS

YEAR FROM TO		NAME OF EMPLOYER	NAME OF SUPERVISOR	TELEPHONE NUMBER
1988	Present	Centurylink Communications	Frank Felts	(308)530-0274
1985	1988	Nebraska National Guard	Dave Randall	Unknown

1. READ CAREFULLY. ANSWER COMPLETELY AND ACCURATELY.

Must be completed by both applicant and spouse, unless spouse has filed an affidavit of non-participation.

Has anyone who is a party to this application, or their spouse, **EVER** been convicted of or plead guilty to any charge. Charge means any charge alleging a felony, misdemeanor, violation of a federal or state law; a violation of a local law, ordinance or resolution. List the nature of the charge, where the charge occurred and the year and month of the conviction or plea, include traffic violations. Also list any charges pending at the time of this application. If more than one party, please list charges by each individual's name. Commission must be notified of any arrests and/or convictions that may occur after the date of signing this application.

YES NO

If yes, please explain below or attach a separate page.

Name of Applicant	Date of Conviction (mm/yyyy)	Where Convicted (City & State)	Description of Charge	Disposition
Robert V. Hall	2001 or 2002	Bartley NE	Speeding	
<i>THERE ARE OTHER SPEEDING VIOLATIONS TOO FAR BACK I DON'T REMEMBER. R.V.H.</i>				

2. Have you or your spouse ever been approved or made application for a liquor license in Nebraska or any other state?

YES NO

IF YES, list the name of the premise(s):

3. Do you, as a manager, qualify under Nebraska Liquor Control Act (§53-131.01) and do you intend to supervise, in person, the management of the business?

YES NO

4. List the alcohol related training and/or experience (when and where) of the person making application.

*NLCC Training Certificate Issued: _____ Name on Certificate: _____

Applicant Name	Date (mm/yyyy)	Name of program (attach copy of course completion certificate)

*For list of NLCC Certified Training Programs see training

Experience:

Applicant Name / Job Title	Date of Employment:	Name & Location of Business:

5. Have you enclosed form 147 regarding fingerprints?

YES NO

PERSONAL OATH AND CONSENT OF INVESTIGATION

The above individual(s), being first duly sworn upon oath, deposes and states that the undersigned is the applicant and/or spouse of applicant who makes the above and foregoing application that said application has been read and that the contents thereof and all statements contained therein are true. If any false statement is made in any part of this application, the applicant(s) shall be deemed guilty of perjury and subject to penalties provided by law. (Sec §53-131.01) Nebraska Liquor Control Act.

The undersigned applicant hereby consents to an investigation of his/her background including all records of every kind and description including police records, tax records (State and Federal), and bank or lending institution records, and said applicant and spouse waive any rights or causes of action that said applicant or spouse may have against the Nebraska Liquor Control Commission and any other individual disclosing or releasing said information to the Nebraska Liquor Control Commission. If spouse has NO interest directly or indirectly, a spousal affidavit of non-participation may be attached.

The undersigned understand and acknowledge that any license issued, based on the information submitted in this application, is subject to cancellation if the information contained herein is incomplete, inaccurate, or fraudulent.

Applicant Notification and Record Challenge: Your fingerprints will be used to check the criminal history records of the FBI. You have the opportunity to complete or challenge the accuracy of the information contained in FBI identification record. The procedures for obtaining a change, correction, or updating an FBI identification record are set forth in Title 28, CFR, 16.34.

[Signature]
Signature of Manager Applicant

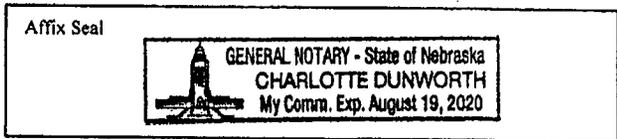
Signature of Spouse

ACKNOWLEDGEMENT

State of Nebraska
County of Red Willow The foregoing instrument was acknowledged before me this

December 30, 2019 by Robert Hall
date NAME OF PERSON BEING ACKNOWLEDGED

[Signature]
Notary Public signature



In compliance with the ADA, this application is available in other formats for persons with disabilities. A ten day advance period is required in writing to produce the alternate format.

Important Message:
 If you have recently moved, please use the Polling Place feature. Locate Your Polling Place with the street and city address of your new/current residence.

[HOME](#)

REGISTRATION INFORMATION

[POLLING PLACE](#)

[PROVISIONAL BALLOT](#)

[ABSENTEE BALLOT](#)

Select Language ▾

Registrant Search Information

Registrant Detail

Name: Robert V Hall
Party: Democratic
Polling Place: Community Building NW
 1400 W 5th Street
 McCook, NE 69001

Districts

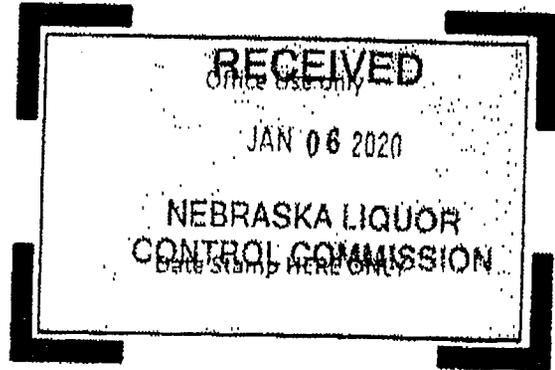
DISTRICT NAME	DISTRICT TYPE
Mid Plains Com College At Lg	Community College District
Middle Republican NRD SubD 4	Natural Resources District
ESU 15 District 7	ESU District
State Board of Education Dist7	State Board of Education
Nebraska PPD SubD 4	Public Power District
Mc Cook Public Schools	School District
Mid Plains Com College Dist 1	Community College District
U.S. Congressional District 3	U.S. Congressional District
Appeals Court Judge Dist 6	Judge of Appeals Court Dist.
County Judge Dist 11	Judge of County Court Dist.
District Judge, Dist 11	Judge of District Court Dist.
Supreme Court Judge Dist 6	Judge of Supreme Court Dist.
Legislative District 44	Legislative District
Middle Republican NRD At Large	Natural Resources District
Southwest PPD SubD 3	Public Power District
PSC District 5	Public Service Comm District
Board of Regents District 7	Board of Regents
County Commissioner District 3	County Board (Commiss./Superv)
McCook PPD SubD 7	Public Power District

[Voter View Mobile](#)
[Registration Information](#) [Polling Place](#) [Provisional Ballot](#) [Absentee Ballot](#)

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 © Voter View 3.3.1480.0

**PRIVACY ACT STATEMENT/
SUBMISSION OF FINGERPRINTS /
PAYMENT OF FEES TO NSP-CID**

NEBRASKA LIQUOR CONTROL COMMISSION
301 CENTENNIAL MALL SOUTH
PO BOX 95046
LINCOLN, NE 68509-5046
PHONE: (402) 471-2571
FAX: (402) 471-2814
Website: www.lcc.nebraska.gov



THIS FORM IS REQUIRED TO BE SIGNED BY EACH PERSON BEING FINGERPRINTED:

DIRECTIONS FOR SUBMITTING FINGERPRINTS AND FEE PAYMENTS:

- **FAILURE TO FILE FINGERPRINT CARDS AND PAY THE REQUIRED FEE TO THE NEBRASKA STATE PATROL WILL DELAY THE ISSUANCE OF YOUR LIQUOR LICENSE**
- Fee payment of \$45.25 per person **MUST** be made **DIRECTLY** to the Nebraska State Patrol;
It is recommended to make payment through the NSP PayPort online system at www.ne.gov/go/nsp
Or a check made payable to **NSP** can be mailed directly to the following address:
*****Please indicate on your payment who the payment is for (the name of the person being fingerprinted) and the payment is for a Liquor License*****
The Nebraska State Patrol – CID Division
3800 NW 12th Street
Lincoln, NE 68521

- Fingerprints taken at NSP LIVESCAN locations will be forwarded to NSP – CID
Applicant(s) will not have cards to include with license application.
- Fingerprints taken at local law enforcement offices may be released to the applicants;
Fingerprint cards should be submitted with the application.

Applicant Notification and Record Challenge: Your fingerprints will be used to check the criminal history records of the FBI. You have the opportunity to complete or challenge the accuracy of the information contained in FBI identification record. The procedures for obtaining a change, correction, or updating a FBI identification record are set forth in Title 28, CFR, 16.34.

Trade Name: Spirit Shop

Name of Person Bring Fingerprinted: Robert V.Hall

Date of Birth: Nov. 8, 1964 Last 4 SSN: _____ Date fingerprints were taken: Dec. 9, 2019

Location where fingerprints were taken: Red Willow County Sheriffs Department

How was payment made to NSP?

NSP PAYPORT CASH CHECK SENT TO NSP CK # _____

My fingerprints are already on file with the commission – fingerprints completed for a previous application less than 2 years ago? YES

Robert V. Hall
SIGNATURE REQUIRED OF PERSON BEING FINGERPRINTED

Business Plan

Early Morning Cackle L.L.C.

37974 Dr.715
McCook NE 69001

The Bottle Shop
The Spirit Shop

R.V.Hall
President & Owner

As the new owner of the Bottle Shop and the Sprit Shop my Business Plan is to continue the retail sell of beer, wine, and distilled spirits just as the stores have done over the past 5 or 6 decades. I plan to make some gradual changes to update the technologies of each store. Those changes include adding Point of Sale devises for quicker check-out along with the ease of keeping track of inventory and reordering inventory. I also plan to integrate QuickBooks into the point of sale for records keeping and time reporting by employees.

I plan to make a few cosmetic changes along with making some repairs to the buildings and the infrastructure of each building. However, for the most part I plan to leave the majority of inside of the buildings and the furnishings the way they've been as it seems the customers appreciate the simplicity .



RESTRICTED: This information not to be released to other than authorized personnel.

LIQUOR APPLICATION REPORT

POLICE DEPARTMENT REPORT

DATE REQUESTED: January 17, 2020

DUE DATE: January 27, 2020

APPLICANT: Early Morning Cackle, LLC

DBA: Spirit Shop

APPLICANT'S ADDRESS:

PHONE NUMBER (HOME):

(BUSINESS):

LICENSE ADDRESS: 503 West "B" Street

TYPE OF LICENSE: Class "D" - License #122055

(Beer, Wine & Distilled Spirits, Off Sale Only)

TYPE OF INVESTIGATION:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Purchase of Business | <input type="checkbox"/> New and Additional License |
| <input type="checkbox"/> Upgrade of Existing License | <input type="checkbox"/> Transfer of Location |
| <input type="checkbox"/> Expansion of Present Business | <input type="checkbox"/> Manager |
| <input type="checkbox"/> Renewal - Long Form | |

TYPE OF BUSINESS:

- | | |
|---|--|
| <input type="checkbox"/> Hotel/Motel | <input type="checkbox"/> Restaurant/Food Service |
| <input type="checkbox"/> Liquor/On-Off Sale | <input type="checkbox"/> Liquor/On-Sale Only |
| <input checked="" type="checkbox"/> Liquor/Off-Sale Only | <input type="checkbox"/> Entertainment/Bottle Club |
| <input checked="" type="checkbox"/> Other - Convenience Store | |

TYPE OF OWNERSHIP: (X) Corporation () Partnership () Individual
() Limited Liability Company (LLC)

Investigation Completed by: Kevin A. Hodgson

Date: 1-26-20

EXHIBIT #4

PAGE(S) - 4

PREMISE:

1. Type of Neighborhood: Commercial; Industrial; Residential.
2. Condition:
 - a) Traffic: Normal traffic flow for B St.
 - b) Parking: Off Street parking and limited on street parking
3. Designation of Adjacent Street (Local, Collector, Minor or Major Arterial, Highway):

Major Arterial
4. Street Width and Profile: 55' – Normal curb to normal crown to normal curb
5. Speed Limit: 25mph
6. Average Daily Traffic Count: 13,910 ADT (2017)
7. Accident Report at Adjacent Intersections: 2 accidents reported in the last 6 months
8. Analysis of Traffic Effects: No adverse affects on traffic
9. Ready for Operation: Yes No
If no, estimated date: March 2, 2020 is estimate ready date
10. Type of Food Service: Microwave Grill Kitchen
11. Number of Employees: Full Time: 3 Part Time: 11
12. Does premise comply with legal distance from churches, schools, etc.?
 Yes No
If No, specify:
13. The Business has been inspected within the last three (3) months by the City's Building Inspector. Yes No (If yes, attach report)
14. The Business has been inspected within the last three (3) months by the City's Fire Department. Yes No (If yes, attach report)
15. Estimated Seating Capacity:
16. Estimated Number of Customers per Day:
17. Hours of Operation: 11a-12mid Sunday, 8a-12mid Monday to Saturday (from web search)

FINANCING:

18. Purchase Price:
19. Property/Equipment Value:
20. Previous Year's Gross Receipts:
21. Amount Financed: Source:
Collateral: Co-Signers:
22. Lease Agreement:
23. Estimated Annual Payroll:
24. Estimated Gross Income: %Food: %Liquor:

MISCELLANEOUS:

25. Number of Licenses and Types within competitive distance:
Casey's General Store #2984 (D)
Casey's General Store #2291 (D)
26. Is another person responsible for Daily Operation? () Yes (**X**) No
If yes, who?
(complete investigation of manager form)

PERSONAL HISTORY:

27. Applicant's name: Robert V. Hall
28. Date of Birth: 11-8-1694
29. Sex: Male
30. Home address: 37974 Road 715 McCook, NE 69001
31. Citizen of the United States? (**X**) Yes () No
If Naturalized, Certificate Number:
Place:
32. Proper Residence has been Established? (**X**) Yes () No

If no, explain:

33. Criminal History – Has applicant been arrested and/or pled guilty to any
() misdemeanor? () felony? (If felony, attach detailed description.)
34. Has applicant been cited for and/or been found in violation of the Liquor Laws of the
State of Nebraska or other State in which previously licensed?
() Yes (X) No (If yes, attach detailed description)
35. Has applicant had a beneficial interest in another liquor license? (X) Yes () No

If yes, Name, City, Address, Type of License:

Early Morning Cackle LLC d/b/a Bottle Shop

36. Records Check Made (civil history): () Yes (X) No (Attach Records)
37. Investigation made of character/reputation of applicant, report details of investigation: no
38. Number of Hours that will be spent by applicant at license premises each week?
50-60 between both stores
39. Number of hours that will be spent by applicant working in occupation other than
licensed premises each week? none
41. Applicant will oversee in person the management of licensed premises? (X) Yes ()
No
42. Another person will be responsible for the management of the licensed premises?
() Yes (X) No (If yes, attach investigative report for manager)

**CITY MANAGER'S REPORT
FEBRUARY 17, 2020 CITY COUNCIL MEETING**

ITEM: 3

RECOMMENDATION:

ITEM 3.G. Conduct a public hearing on the application of Suhr Enterprises, LLC; dba "Gary's Super Foods IV", for Class "C" License #122060 - (Beer, Wine, Distilled Spirits, On and Off Sale) under the Nebraska Liquor Control Commission, to be located at 212 Westview Plaza, McCook, Nebraska.

ITEM 3.H. Recommend approval to the Nebraska Liquor Control Commission the application of Surh Enterprises, LLC; dba "Gary's Super Foods IV", for Class "C" License #122060 - (Beer, Wine, Distilled Spirits, On and Off Sale) under the Nebraska Liquor Control Commission, to be located at 212 Westview Plaza, McCook, Nebraska.

BACKGROUND:

Upon notice from the Liquor Control Commission, the City has 45 days to conduct a hearing concerning the requested license. The Council may choose not to make a recommendation of approval or denial to the Commission.

Per §53-133, the Liquor Control Commission shall set for hearing any application wherein:

- 1) There is a recommendation of denial from the local governing body.
- 2) A citizens protest; or
- 3) Statutory problems that the Commission discovers.

**FISCAL
IMPACT:** None.

APPROVALS:



Lea Ann Doak, City Clerk-Treasurer

February 12, 2020



Nathan Schneider, City Manager

February 12, 2020

EXHIBIT #1

PAGE(S) - 1

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that Suhr Enterprises, Inc.; dba "Gary's Super Foods IV", has filed an application for Class "C" License #122060 - (Beer, Wine, Distilled Spirits, On and Off Sale) under the Nebraska Liquor Control Commission, to be located at 212 Westview Plaza, McCook, Nebraska.

All persons desiring to give evidence before the McCook City Council in support of or protest against the issuance of such license may do so at the time of this hearing to be held Monday, February 17, 2020 at 5:30 P.M., C.S.T.; in the City Council Chambers, 505 West "C" Street, McCook, Nebraska.

-s- Lea Ann Doak
City Clerk

Publish: February 7, 2020.

EXHIBIT #2

PAGE(S) - 1

RECEIPT 01/27/2020

NEBRASKA LIQUOR CONTROL COMMISSION

From: TRACY BURMEISTER

Email: TRACY.BURMEISTER@nebraska.gov

Phone: (402) 471 - 2896

Fax: (402) 471 - 2814

Email: City Clerk of McCook- idoak@cityofmccook.com

Applicant: Suhr Enterprises Inc. dba Gary's Super Foods IV

License #: Class C-122060

Please sign and date stamp this receipt and return back to the NLCC office

1/27/2020

Date of Receipt of Application

Leo Ann Doak

Signature

EXHIBIT #3

PAGE(S) - 37

TWO KEY DOCUMENTS

- 1) The receipt page will need to be signed, dated and returned back into the NLCC office either via regular mail, e-mail or fax (402) 471 – 2814. The receipt page will be entered into the NLCC database as the statutory time for this application.
- 2) The recommendation sheet is to be completed and returned back into the NLCC office either via regular mail, e-mail or fax (402) 471 – 2814. The recommendation sheet will be entered into the NLCC database accordingly with the information provided from the local governing body.

TWO KEY TIME FRAMES §53-134

- 1) A public notice shall be publicized one time not less than 7 days and no more than 14 days prior to the date of the hearing.
- 2) The local governing body has 45 days to conduct a hearing after the date of receipt of the notice from this Commission (see recommendation sheet for this date). The local governing body may choose **NOT** to make a recommendation of approval or denial to our Commission.

PER §53-133, THE LIQUOR CONTROL COMMISSION SHALL SET FOR HEARING ANY APPLICATION WHEREIN:

- a) There is a recommendation of denial from the local governing body,
- b) A citizens protest; or
- c) Statutory problems that the Commission discovers.

A LICENSEE MUST BE “PROPERLY” LICENSED IN ORDER TO PURCHASE ALCOHOL FROM WHOLESALERS

A LICENSE IS EFFECTIVE

- 1) Upon payment of the license fees to the local governing body all local clerks must collect proper license fees and occupation tax per ordinance, if any, before delivering the license to the applicant. A License Fee and Proration Chart are available for your use at www.lcc.ne.gov, click on “City and County Clerks Information”, in the middle of the home page.
- 2) The licensee has physical possession of the license
- 3) Effective date on the license

RECOMMENDATION OF THE NEBRASKA LIQUOR CONTROL COMMISSION

Date delivered from NLCC office: **January 27, 2020 Tracy**

I, _____ Clerk of _____
(City, Village or County)

Nebraska, hereby report to the Nebraska Liquor Control Commission in accordance with Revised Statutes of Nebraska, Chapter 53, Section 134 (7) the recommendation of said city, village or county, as the case may be relative to the application for a license under the provisions of the Nebraska Liquor Control Act as applied for by:

Suhr Enterprises Inc dba Gary's Super Foods IV

212 Westview Plaza, McCook, Nebraska (Red Willow County)

REPLACING APPLICATION for Class C-122060

45 days – 03/12/2020

1. Notice of local hearing was published in a legal newspaper in or of general circulation in city, village or county, one time not less than 7 and not more than 14 days before time of hearing.

Check one: Yes _____ No _____

The Statutes require that such hearing shall be held not more than 45 days after the date of receipt of this notice from the Commission.

2. Local hearing was held not more that 45 days after receipt of notice from the Nebraska Liquor Control Commission.

Check one: Yes _____ No _____

3. Date of hearing of Governing Body: _____

4. Type or write the Motion as voted upon by the Governing Body. If additional Motions are made by the Governing Body, then use an additional page and follow same format.

5. Motion was made by: _____ Seconded by: _____

6. Roll Call Vote: _____

7. Check one: Motion Passed: _____ Motion Failed: _____

8. If the motion is for recommendation of denial of the applicant, then list the reasons of the governing body upon which the motion was made.

(Attached additional page(s) if necessary)

SIGN HERE _____ DATE _____
(Clerks Signature)

**APPLICATION FOR LIQUOR LICENSE
CHECKLIST - RETAIL**

NEBRASKA LIQUOR CONTROL COMMISSION
301 CENTENNIAL MALL SOUTH
PO BOX 95046
LINCOLN, NE 68509-5046
PHONE: (402) 471-2571
FAX: (402) 471-2814
Website: www.lcc.nebraska.gov

RECEIVED		
JAN 10 2020		
NEBRASKA LIQUOR CONTROL COMMISSION		
Hot List: YES/NO	New/Replacing #	084501
Class Type	C	122060
		Initial TB

Applicant name Suhr Enterprises Inc
 Trade name Gary's Super Foods IV
 Previous trade name Schmick's Market
 Contact email address garyssuperfoods2@hotmail.com

Provide all the items requested. Failure to provide any item will cause this application to be returned or placed on hold. All documents must be legible. Any false statement or omission may result in the denial, suspension, cancellation or revocation of your license. If your operation depends on receiving a liquor license, the Nebraska Liquor Control Commission cautions you that if you purchase, remodel, start construction, spend or commit money that you do so at your own risk. Prior to submitting your application review the application carefully to ensure that all sections are complete, and that any omissions or errors have not been made. You may want to check with the city/village or county clerk, where you are making application, to see if any additional requirements must be met before submitting application to the Nebraska Liquor Control Commission.

TOP Requested - Need Purchase agreement -
Lease - r

Office use only	 2000000151
PAYMENT TYPE <u>CK 3558</u>	
AMOUNT: <u>400</u>	
Received: <u>BIR</u>	RECEIVED TB

1. Fingerprints are required for each person as defined in new application guide, found on our website under "Licensing Tab" in "Guidelines/Brochures". See Form 147 for further information, this form **MUST** be included with your application.
2. Enclose application fee of \$400 (nonrefundable), check made payable to the Nebraska Liquor Control Commission or you may pay online at PAYPORT.
3. Enclose the appropriate application forms;
 - Individual License (requires insert form 1)
 - Partnership License (requires insert form 2)
 - Corporate License (requires insert form 3a & 3c)
 - Limited Liability Company (LLC) (requires form 3b & 3c)
4. If building is being leased send a copy of signed lease. Be sure the lease reads in the name of the individual(s), corporation or Limited Liability Company (LLC) making application. Lease term must run through the license year being applied for.
5. If building is owned or being purchased send a copy of the deed or purchase agreement in the name of the applicant.
6. If buying the business of a current liquor license holder:
 - a. Provide a copy of the purchase agreement from the seller (must read applicants name)
 - b. Provide a copy of alcohol inventory being purchased (must include brand names and container size)
 - c. Enclose a list of the assets being purchased (furniture, fixtures and equipment)
7. If requesting to operate on current liquor license; enclose Temporary Operating Permit (TOP) (Form 125).
8. Enclose a list of any inventory or property owned by other parties that are on the premises.
9. For citizenship enclose U.S. birth certificate; U.S. passport or naturalization paper
 - a. For residency enclose proof of registered voter in Nebraska
 - b. If permanent resident include Employment Authorization Card or Permanent Resident Card
 - c. See guideline for further assistance
10. Corporation or Limited Liability Company (LLC) must enclose a copy of articles of incorporation; as filed with the Secretary of State's Office.
11. Submit a copy of your business plan.

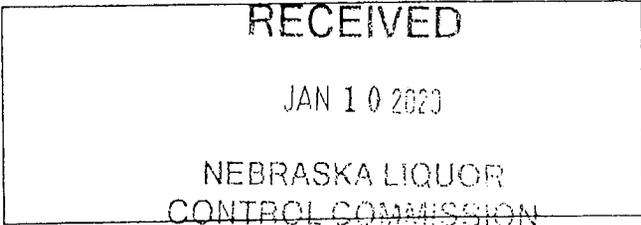
I acknowledge that this application is not a guarantee that a liquor license will be issued to me, and that the average processing period is 60 days. Furthermore, I understand that all the information is truthful and I accept all responsibility for any false documents.

Signature

1-5-20
Date

**APPLICATION FOR LIQUOR LICENSE
RETAIL**

NEBRASKA LIQUOR CONTROL COMMISSION
301 CENTENNIAL MALL SOUTH
PO BOX 95046
LINCOLN, NE 68509-5046
PHONE: (402) 471-2571
FAX: (402) 471-2814
Website: www.lcc.nebraska.gov/



**CLASS OF LICENSE FOR WHICH APPLICATION IS MADE AND FEES
CHECK DESIRED CLASS**

- RETAIL LICENSE(S) Application Fee \$400 (nonrefundable)
- A BEER, ON SALE ONLY
 - B BEER, OFF SALE ONLY
 - C BEER, WINE, DISTILLED SPIRITS, ON AND OFF SALE
 - D BEER, WINE, DISTILLED SPIRITS, OFF SALE ONLY
 - I BEER, WINE, DISTILLED SPIRITS, ON SALE ONLY
 - J LIMITED ALCOHOLIC LIQUOR, OFF SALE – MUST INCLUDE SUPPLEMENTAL FORM 120
 - AB BEER, ON AND OFF SALE
 - AD BEER ON SALE ONLY, BEER, WINE, DISTILLED SPIRITS OFF SALE
 - IB BEER, WINE, DISTILLED SPIRITS ON SALE, BEER OFF SALE ONLY

Class K Catering license (requires catering application form 106) \$100.00

Additional fees will be assessed at city/village or county level when license is issued

Class C license term runs from November 1 – October 31
All other licenses run from May 1 – April 30
Catering license (K) expires same as underlying retail license

CHECK TYPE OF LICENSE FOR WHICH YOU ARE APPLYING

- Individual License (requires insert 1 FORM 104)
- Partnership License (requires insert 2 FORM 105)
- Corporate License (requires insert 3a FORM 101 & 3c FORM 103)
- Limited Liability Company (LLC) (requires form 3b FORM 102 & 3c FORM 103)

**NAME OF ATTORNEY OR FIRM ASSISTING WITH APPLICATION (if applicable)
Commission will call this person with any questions we may have on this application**

Name _____ Phone number: _____

Firm Name _____

PREMISES INFORMATION

Trade Name (doing business as) Corys Super Foods ID

Street Address #1 212 Westview Plaza

Street Address #2 _____

City McCook County Red Willow Zip Code 69001

Premises Telephone number 308-345-7711

Business e-mail address 90175superfoods2@hotmail.com

Is this location inside the city/village corporate limits: YES NO

Mailing address (where you want to receive mail from the Commission)

Name Corys Super Foods

Street Address #1 212 Westview Plaza

Street Address #2 _____

City McCook State NE Zip Code 69001

DESCRIPTION AND DIAGRAM OF THE STRUCTURE TO BE LICENSED

READ CAREFULLY

In the space provided or on an attachment draw the area to be licensed. This should include storage areas, basement, outdoor area, sales areas and areas where consumption or sales of alcohol will take place. If only a portion of the building is to be covered by the license, you must still include dimensions (length x width) of the licensed area as well as the dimensions of the entire building. No blue prints please. Be sure to indicate the direction north and number of floors of the building.

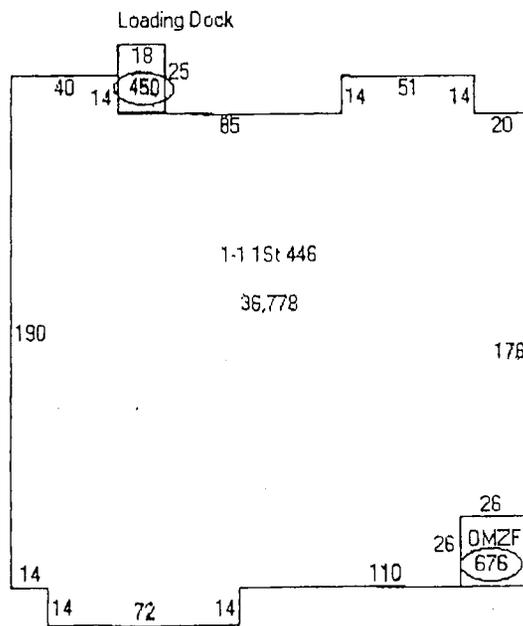
**For on premises consumption liquor licenses minimum standards must be met by providing at least two restrooms

Building: length 117 x width 193 in feet
Is there a basement? Yes _____ No If yes, length _____ x width _____ in feet
Is there an outdoor area? Yes _____ No If yes, length _____ x width _____ in feet

PROVIDE DIAGRAM OF AREA TO BE LICENSED BELOW OR ATTACH SEPARATE SHEET

rent Move : L2U2

Parcel #: 001720300



-- Denotes common wall.

APPLICANT INFORMATION

1. **READ CAREFULLY. ANSWER COMPLETELY AND ACCURATELY §53-125(5)**

Has anyone who is a party to this application, or their spouse, EVER been convicted of or plead guilty to any charge. Charge means any charge alleging a felony, misdemeanor, violation of a federal or state law; a violation of a local law, ordinance or resolution. List the nature of the charge, where the charge occurred and the year and month of the conviction or plea. Also list any charges pending at the time of this application. If more than one party, please list charges by each individual's name. Include traffic violations. Commission must be notified of any arrests and/or convictions that may occur after the date of signing this application.

 YES NO

If yes, please explain below or attach a separate page

Name of Applicant	Date of Conviction (mm/yyyy)	Where Convicted (city & state)	Description of Charge	Disposition

2. Are you buying the business of a current retail liquor license?

YES NO

If yes, give name of business and liquor license number Schnicks Market Inc 0845601

- a) Submit a copy of the sales agreement
- b) Include a list of alcohol being purchased, list the name brand, container size and how many
- c) Submit a list of the furniture, fixtures and equipment

3. Was this premise licensed as liquor licensed business within the last two (2) years?

 YES NO

If yes, give name and license number _____

4. Are you filing a temporary operating permit (TOP) to operate during the application process?

 YES NO

- If yes:
- a) Attach temporary operating permit (TOP) (Form 125)
 - b) TOP will only be accepted at a location that currently holds a valid liquor license.

5. Are you borrowing any money from any source, include family or friends, to establish and/or operate the business?

____ YES NO

If yes, list the lender(s) _____

6. Will any person or entity, other than applicant, be entitled to a share of the profits of this business?

____ YES NO

If yes, explain. (all involved persons must be disclosed on application)

No silent partners

7. Will any of the furniture, fixtures and equipment to be used in this business be owned by others?

____ YES NO

If yes, list such item(s) and the owner. _____

8. Is premises to be licensed within 150 feet of a church, school, hospital, home for the aged or indigent persons or for veterans, their wives, and children, or within 300 feet of a college or university campus?

____ YES NO

If yes, provide name and address of such institution and where it is located in relation to the premises (Neb. Rev. Stat. 53-177)(1)

Provide letter of support or opposition, see FORM 134 - church or FORM 135 - campus

9. Is anyone listed on this application a law enforcement officer?

____ YES NO

If yes, list the person, the law enforcement agency involved and the person's exact duties.

10. List the primary bank and/or financial institution (branch if applicable) to be utilized by the business.

a) List the individual(s) who will be authorized to write checks and/or withdrawals on accounts at this institution.

McCook National Bank Gary Sobr April Sobr Chris Sobr
GLENN Neighbors

11. List all past and present liquor licenses held in Nebraska or any other state by any person named in this application. Include license holder name, location of license and license number. Also list reason for termination of any license(s) previously held.

Garys Super Foods TOO 083213

Wild Bills Wings Bowling

Garys Super Foods Broken Bow

12. List the alcohol related training and/or experience (when and where) of the person(s) making application. Those persons required are listed as followed:

- Individual: Applicant and spouse; spouse is exempt if they filed Form 116 – Affidavit of Non-Participation.
- Partnership: All partners and spouses, spouses are exempt if they filed Form 116 – Affidavit of Non-Participation.
- Limited Liability Company: All member of LLC, Manager and all spouses; spouses are exempt if they filed Form 116 – Affidavit of Non-Participation.
- Corporation: President, Stockholders holding 25% or more of shares, Manager and all spouses; spouses are exempt if they filed Form 116 – Affidavit of Non-Participation.

NLCC certified training program completed:

Applicant Name	Date (mm/yyyy)	Name of program (attach copy of course completion certificate)
Gary L Suhr	9-12-2018	State Alcohol certificate
Christina M Suhr	9-12-2011	State Alcohol certificate

List of NLCC certified training programs

Experience:

Applicant Name/Job Title	Date of Employment:	Name & Location of Business
Gary Suhr / owner	2/11/2009	Gary's Super Foods 1620 E 4th St North Platte NE

13. If the property for which this license is sought is owned, submit a copy of the deed, or proof of ownership. If leased, submit a copy of the lease covering the entire license year. Documents must show title or lease held in name of applicant as owner or lessee in the individual(s) or corporate name for which the application is being filed.

Lease: expiration date _____
 Deed _____
 Purchase Agreement _____

14. When do you intend to open for business? Feb 3 2020

15. What will be the main nature of business? grocery

16. What are the anticipated hours of operation? 7 Am - 9pm 5-Th PA - 10pm Fr - Sat

17. List the principal residence(s) for the past 10 years for all persons required to sign, including spouses.

RESIDENCES FOR THE PAST 10 YEARS, APPLICANT AND SPOUSE MUST COMPLETE					
APPLICANT: CITY & STATE	YEAR		SPOUSE: CITY & STATE	YEAR	
	FROM	TO		FROM	TO
Hershey NE	1981	2015	Hershey NE	1981	2015
North Platte	2015	pres	North Platte	2015	pres

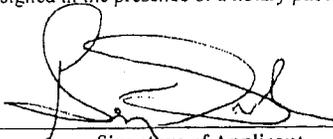
If necessary attach a separate sheet.

The undersigned applicant(s) hereby consent(s) to an investigation of his/her background and release present and future records of every kind and description including police records, tax records (State and Federal), and bank or lending institution records, and said applicant(s) and spouse(s) waives any right or causes of action that said applicant(s) or spouse(s) may have against the Nebraska Liquor Control Commission, the Nebraska State Patrol, and any other individual disclosing or releasing said information. Any documents or records for the proposed business or for any partner or stockholder that are needed in furtherance of the application investigation of any other investigation shall be supplied immediately upon demand to the Nebraska Liquor Control Commission or the Nebraska State Patrol. The undersigned understand and acknowledge that any license issued, based on the information submitted in this application, is subject to cancellation if the information contained herein is incomplete, inaccurate or fraudulent.

Individual applicants agree to supervise in person the management and operation of the business and that they will operate the business authorized by the license for themselves and not as an agent for any other person or entity. Corporate applicants agree the approved manager will superintend in person the management and operation of the business. Partnership applicants agree one partner shall superintend the management and operation of the business. All applicants agree to operate the licensed business within all applicable laws, rules, regulations, and ordinances and to cooperate fully with any authorized agent of the Nebraska Liquor Control Commission.

Applicant Notification and Record Challenge: Your fingerprints will be used to check the criminal history records of the FBI. You have the opportunity to complete or challenge the accuracy of the information contained in FBI identification record. The procedures for obtaining a change, correction, or updating an FBI identification record are set forth in Title 28, CFR, 16.34.

Must be signed in the presence of a notary public by applicant(s) and spouse(s). See guideline for required signatures



Signature of Applicant



Signature of Spouse

GARY Suhr

Print Name

Christina Suhr

Print Name

Signature of Applicant

Signature of Spouse

Print Name

Print Name

ACKNOWLEDGEMENT

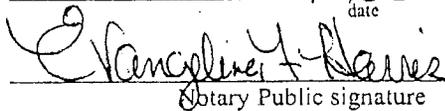
State of Nebraska

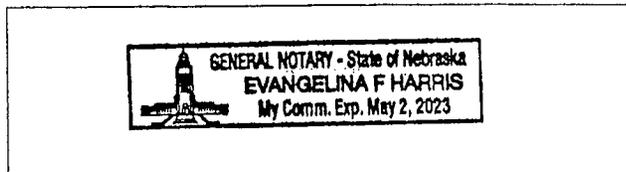
County of Lincoln

The foregoing instrument was acknowledged before me this

11/7/2020
date

by Gary Suhr and Christina Suhr
name of person(s) acknowledged (individual(s) signing)


Notary Public signature



In compliance with the ADA, this application is available in other formats for persons with disabilities. A ten day advance period is required in writing to produce the alternate format.

APPLICATION FOR LIQUOR LICENSE
CORPORATION
INSERT - FORM 3a

NEBRASKA LIQUOR CONTROL COMMISSION
301 CENTENNIAL MALL SOUTH
PO BOX 95046
LINCOLN, NE 68509-5046
PHONE: (402) 471-2571
FAX: (402) 471-2814
Website: www.lcc.nebraska.gov

Office Use
RECEIVED
JAN 10 2020
NEBRASKA LIQUOR
CONTROL COMMISSION

Officers, directors and stockholders holding over 25% shares of stock, including spouses, are required to adhere to the following requirements:

- 1) All officers, directors and stockholders must be listed
- 2) President/CEO and stockholders holding over 25% and their spouse(s) (if applicable) must submit fingerprints. See Form 147 for further information, this form MUST be included with your application.
- 3) Officers, directors and stockholders holding over 25 % shares of stock and their spouse (if applicable) must sign the signature page of the Application for License Form 100 (even if a spousal affidavit has been submitted)

Attach copy of Articles of Incorporation

Name of Registered Agent: _____

Name of Corporation that will hold license as listed on the Articles

Subr Enterprises Inc

Corporation Address: 1620 E 4th St Ste 110

City: North Platte State: NE Zip Code: 69101

Corporation Phone Number: 308 534-1224 Fax Number: 308 534-1286

Total Number of Corporation Shares Issued: 100

Name and notarized signature of President/CEO (Information of president must be listed on following page)

Last Name: Subr First Name: Gary MI: L

Home Address: 1010 E 2nd St City: North Platte

State: NE Zip Code: 69101 Home Phone Number: 308-221-6615

Signature of President/CEO

ACKNOWLEDGEMENT

State of Nebraska
County of Lincoln

The foregoing instrument was acknowledged before me this

1/7/2020
Date

by Gary Subr
name of person acknowledge

Evangelina F. Harris

Allix Seal
GENERAL NOTARY - State of Nebraska
EVANGELINA F HARRIS
My Comm. Exp. May 2, 2023

FORM 101
RECEIVED

List names of all officers, directors and stockholders including spouses (even if a spousal affidavit has been submitted)

Last Name: Suhr First Name: Gary MI: L
Social Security Number: _____ Date of Birth: _____
Title: President Number of Shares 50
Spouse Full Name (indicate N/A if single): Christina Suhr
Spouse Social Security Number: _____ Date of Birth: _____

Last Name: Suhr First Name: Christina MI: M
Social Security Number: _____ Date of Birth: _____
Title: Secretary Vice President Number of Shares 50
Spouse Full Name (indicate N/A if single): Gary Suhr
Spouse Social Security Number: _____ Date of Birth: _____

Last Name: _____ First Name: _____ MI: _____
Social Security Number: _____ Date of Birth: _____
Title: _____ Number of Shares _____
Spouse Full Name (indicate N/A if single): _____
Spouse Social Security Number: _____ Date of Birth: _____

Last Name: _____ First Name: _____ MI: _____
Social Security Number: _____ Date of Birth: _____
Title: _____ Number of Shares _____
Spouse Full Name (indicate N/A if single): _____
Spouse Social Security Number: _____ Date of Birth: _____

Is the applying corporation controlled by another corporation/company?

YES

NO

If yes, complete controlling corporation insert form 185

Indicate the Corporation's tax year with the IRS (Example January through December)

Starting Date: July 1 Ending Date: June 30

Is this a Non-Profit Corporation?

YES

NO

If yes, provide the Federal ID # _____

Nebraska Secretary of State

SUHR ENTERPRISES, INC.

Fri Jan 10 11:12:24 2020

SOS Account Number

1464029

Status

Active

Principal Office Address

SUITE 110
1620 E 4TH STREET
NORTH PLATTE, NE 69101

Registered Agent and Office Address

GARY L. SUHR
SUITE 110
1620 EAST 4TH STREET
NORTH PLATTE, NE 69101

Nature of Business

GROCERY STORE

Entity Type

Domestic Corp

Date Filed

May 28 1996

Corporation Position	Name	Address
President	GARY L SUHR	SUITE 110 1620 E 4TH STREET NORTH PLATTE, NE 69101
Secretary	CHRISTINA M SUHR	SUITE 110 1620 E 4TH STREET NORTH PLATTE, NE 69101
Treasurer	GARY L SUHR	SUITE 110 1620 E 4TH STREET NORTH PLATTE, NE 69101
Director	CHRISTINA M SUHR	SUITE 110 1620 E 4TH STREET NORTH PLATTE, NE 69101
Director	GARY L SUHR	SUITE 110 1620 E 4TH STREET NORTH PLATTE, NE 69101

Filed Documents

Filed documents for SUHR ENTERPRISES, INC. may be available for purchase and downloading by selecting the Purchase Now button. Your Nebraska.gov account will be charged the indicated amount for each item you view. If no Purchase Now button appears, please contact Secretary of State's office to request document(s).

Document	Date Filed	Price	
Articles Perpetual	May 28 1996	\$1.35 = 3 page(s) @ \$0.45 per page	Purchase Now
Proof of Publication	Jul 10 1996	\$0.45 = 1 page(s) @ \$0.45 per page	Purchase Now
Non Payment of Taxes	Apr 16 1997		
Certificate of Revival	Jul 11 1997		
Non Payment of Taxes	Apr 16 1999		
Certificate of Revival	Jul 13 1999	\$0.45 = 1 page(s) @ \$0.45 per page	Purchase Now
Tax Return	Jul 13 1999	\$0.90 = 2 page(s) @ \$0.45 per page	Purchase Now
Non Payment of Taxes	Apr 16 2000		
Certificate of Revival	Jun 16 2000	\$0.45 = 1 page(s) @ \$0.45 per page	Purchase Now
Tax Return	Jun 16 2000	\$0.90 = 2 page(s) @ \$0.45 per page	Purchase Now
Tax Return	Feb 15 2001	\$0.45 = 1 page(s) @ \$0.45 per page	Purchase Now
Tax Return	Apr 23 2002	\$0.45 = 1 page(s) @ \$0.45 per page	Purchase Now
Tax Return	Mar 06 2003	\$0.45 = 1 page(s) @ \$0.45 per page	Purchase Now
Tax Return	Mar 19 2004	\$0.45 = 1 page(s) @ \$0.45 per page	Purchase Now
Agricultural Report	May 10 2004	\$0.45 = 1 page(s) @ \$0.45 per page	Purchase Now
Non Payment of Taxes	Apr 16 2006		
Agricultural Report	Apr 20 2006	\$0.45 = 1 page(s) @ \$0.45 per page	Purchase Now
Certificate of Revival	Jun 08 2006	\$0.45 = 1 page(s) @ \$0.45 per page	Purchase Now

Document	Date Filed	Price	
Tax Return	Jun 08 2006	\$0.90 = 2 page(s) @ \$0.45 per page	Purchase Now
Tax Return	Feb 21 2008	\$0.45 = 1 page(s) @ \$0.45 per page	Purchase Now
Tax Return	Mar 17 2010	\$0.45 = 1 page(s) @ \$0.45 per page	Purchase Now
Tax Return	Feb 21 2012	\$0.90 = 2 page(s) @ \$0.45 per page	Purchase Now
Change of Agent or Office	Feb 28 2012	\$0.45 = 1 page(s) @ \$0.45 per page	Purchase Now
Change of Agent or Office	May 07 2012	\$0.45 = 1 page(s) @ \$0.45 per page	Purchase Now
Non Payment of Taxes	Apr 16 2014		
Certificate of Revival	May 22 2014	\$0.45 = 1 page(s) @ \$0.45 per page	Purchase Now
Tax Return	May 22 2014	\$0.90 = 2 page(s) @ \$0.45 per page	Purchase Now
Tax Return	Feb 24 2016	\$0.90 = 2 page(s) @ \$0.45 per page	Purchase Now
Change of Agent or Office	Feb 26 2016	\$0.45 = 1 page(s) @ \$0.45 per page	Purchase Now
Tax Return	Feb 28 2018	\$0.90 = 2 page(s) @ \$0.45 per page	Purchase Now

Good Standing Documents

- If you need your Certificate of Good Standing Apostilled or Authenticated for use in another country, you must contact the Nebraska Secretary of State's office directly for information and instructions. Documents obtained from this site cannot be Apostilled or Authenticated.

Online Certificate of Good Standing with Electronic Validation

\$6.50

This certificate is available for immediate viewing/printing from your desktop. A Verification ID is provided on the certificate to validate authenticity online at the Secretary of State's website.

Purchase Now

Certificate of Good Standing - USPS Mail Delivery

\$10.00

This is a paper certificate mailed to you from the Secretary of State's office within 2-3 business days.

Continue to Order

STATE OF NEBRASKA) SS
COUNTY OF LINCOLN) SS
FILED FOR RECORD

MAY 28 1996

STATE OF NEBRASKA } SS 47955
SECRETARY'S OFFICE }
Received and filed for
record and recorded on 850
film roll 96-12 at page
[Signature]
Secretary of State
By [Signature] 75 April 11 1996

MAY 29 1996
TIME 4:00 PM NO. _____
VOL. 18 OF CR PAGE 397-399
CO. CLERK. BY [Signature]

ARTICLES OF INCORPORATION

OF

SUHR ENTERPRISES, INC.

ARTICLE I.

NAME

The name of this corporation is:

SUHR ENTERPRISES, INC.

ARTICLE II.

DURATION

The period of the corporation's duration is perpetual.

ARTICLE III.

PURPOSES

The purposes for which this corporation is organized are:

(1) To engage in the sale of goods and merchandise of all descriptions, either at retail or wholesale; to do and transact all other lawful business incident to, necessary or suitable or advisable for, or in any way connected with, said purposes for which the corporation is formed.

(2) To do everything necessary, proper, advisable or convenient for the accomplishment of the purposes hereinabove set forth, and to do all other things which are not forbidden by the laws of the State of Nebraska, or by these Articles of Incorporation.

ARTICLE IV.

AUTHORIZED SHARES

The aggregate number of shares which the corporation shall have authority to issue is 10,000 shares of common stock and the par value of each of said shares shall be \$1.00.

ARTICLE V.

INITIAL REGISTERED OFFICE AND

INITIAL REGISTERED AGENT

The street address of the initial registered office of the corporation is: 101 South Lincoln, in the city of Hershey, County of Lincoln, State of Nebraska 69143; and the name of its initial registered agent at such address is Gary L. Suhr.

ARTICLE VI.

NAMES AND ADDRESSES OF INCORPORATORS

The name and address of each incorporator is: Gary L. Suhr, 108 Bronco Road, Hershey, Nebraska 69143 and Christina M. Suhr, 108 Bronco Road, Hershey, Nebraska 69143.

ARTICLE VIII

RESTRICTIONS ON STOCKHOLDERS' SALE OF STOCK

By unanimous agreement, the stockholders may provide restrictions upon the sale and transfer of issued and outstanding stock in the corporation by the holders thereof, giving to other holders of issued and outstanding shares of stock in the corporation, or to the corporation itself, rights to purchase any such shares as may be sought to be sold or transferred. The corporation may become a party to any such agreement. Any such agreement shall be recorded in the minute book of the corporation, on file in the principal office of the corporation and open to inspection by any person having a legitimate interest in the provisions thereof whether as a holder of, one interested in any way in, or one interested in purchasing or otherwise acquiring interests in shares of stock of the corporation or warrants, options or other instruments evidencing rights to subscribe for purchase or otherwise acquire such shares. The existence of any such agreement and its availability for inspection shall be stated upon each certificate representing the shares issued by the corporation.

ARTICLE IX.

PRE-EMPTIVE RIGHTS

Stockholders of the corporation shall not have pre-emptive stock rights.

ARTICLE X.

PRIVATE PROPERTY OF STOCKHOLDERS

The private property of the stockholders shall not be subject to payment of corporation debts but shall be exempt from liability therefor.

ARTICLE XI.

OFFICERS

The officers of the corporation shall be a President, an optional Vice-president if provided by the Board of Directors, a Secretary, Treasurer, and such subordinate officers as may be appointed by the Board of Directors, who shall be chosen by the Board of Directors in such manner as may be provided from time to time in the By-Laws. Each such officer, insofar as permissible under law, and as provided in the By-Laws or resolutions of the Board of Directors, shall be relieved of responsibility for exercise of authority or performance of duties incident to his office, the exercise of performance of which has been assigned to subordinate officers.

ARTICLE XII.

INDEMNIFICATION OF DIRECTORS

Each director, whether or not then in office, shall be indemnified by the corporation against all costs and expenses reasonably incurred by or imposed upon him in connection with or resulting from any civil or criminal action, suit or proceeding to which he may be made a party by reason of his being or having been a director of the corporation, except in relation to matters in which he has been finally adjudged in such action, suit or proceeding to have been derelict in the performance of his duties as such director. The foregoing right to indemnification shall include a right to reimbursement of the amounts paid and expenses incurred in settling, compromising or otherwise adjusting any such action, suit or proceeding, when such disposition thereof appears to be in the best interests of the corporation, and shall not be exclusive or other rights to which such director may be entitled as a matter of law.

ARTICLE XIII.

BY-LAWS

The initial By-Laws of the corporation shall be adopted by the shareholders. Thereafter By-Laws, unless otherwise provided under the Nebraska Business Corporation Act, may be adopted, amended or repealed either by the shareholders or by the Board of Directors at any regular or special meeting.

ARTICLE XIV.

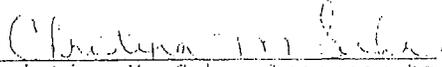
MEETINGS OF STOCKHOLDERS

The time and place of the annual meeting of the stockholders of the corporations shall be fixed from time to time in the By-Laws. Special meetings of the stockholders may be called at such time and in such manner as may be provided from time to time in the By-Laws.

We, the undersigned, being each of the incorporators hereinbefore named, for the purpose of forming a corporation under the Nebraska Business Corporation Act do hereby adopt and sign these Articles of Incorporation this 22nd day of May, 1996.



Gary L. Suhr, Incorporator
108 Bronco Road
Hershey, NE 69143



Christina M. Suhr, Incorporator
108 Bronco Road
Hershey, NE 69143

Proof of Publication

State of Nebraska }
County of Lincoln } ss.

STATE OF NEBRASKA) SS
COUNTY OF LINCOLN)
FILED FOR RECORD

JUL 15 1996

KAREN SWEDBERG

TIME 4:00 PM NO. _____
VOL. 18 OF CR PAGE 421

A. Nadine Smith
CO. CLERK. BY *M. Haupt*

being by me first duly sworn on oath says that she/he is employed by the North Platte Telegraph, a newspaper published in North Platte, Nebraska, and personally knows that said newspaper is a legal daily, except Monday, newspaper under the statutes of the state of Nebraska, having a bonafide circulation of over three hundred copies, has been published in said county for more than fifty-two successive weeks prior to the first publication of the attached notice and is printed in an office maintained in the city of North Platte, in said county, which said city is the place of its publication; that the notice hereto attached was published in said newspaper in the regular issues thereof.

JUNE 6, 13, 20 1996

RECEIVED

JUL 15 1996

DEPT. OF STATE
OFFICE OF RECORDS & ADMINISTRATION

Dated this 20TH day of

JUNE 1996

Karen Swedberg
Subscribed and sworn to before me

dated this 20th day of

June 1996
Karen L. Freese
Notary Public

Fees \$69.71

LEGAL NOTICE
CLOUGH, DAWSON
& PICCOLO
ATTORNEYS
NOTICE OF INCORPORATION
OF SUHR
ENTERPRISES, INC.
NOTICE IF HEREBY GIVEN that the undersigned has formed a corporation under the laws of the State of Nebraska as follows:
1. The name of the corporation is: Suhr Enterprises, Inc.
2. The address of the initial registered office is: 101 South Lincoln, Hershey, Nebraska 69143, and the initial registered agent at that address is Gary L. Suhr.
3. The purpose for which this corporation is organized are: to engage in the sale of goods and merchandise of all descriptions, either at retail or wholesale; to do and transact all other lawful business incident to, necessary or suitable or advisable for, or in any way connected with, said purposes for which the corporation is formed.
4. The authorized capital stock of the corporation is 10,000 shares of common stock with a par value of \$1.00, each of which may be issued for any medium permissible under the laws of the State of Nebraska, and as is determined from time to time by the Board of Directors. All of the capital stock is subject to restriction on sale as may be provided for within the corporation's By Laws.
5. The corporation commenced existence on the filing and recording of its Articles of Incorporation with the Secretary of State and shall have perpetual existence.
6. The affairs of the corporation shall be conducted by a Board of Directors, President, optional Vice-President, Secretary and Treasurer, and such subordinate officers and agents as may be prescribed by the by-laws, or appointed by the Board of Directors.
By the Incorporators
Published in the North Platte Telegraph
North Platte, Nebraska
June 6, 13, 20, 1996.

[SEAL]

GENERAL NOTARY-State of Nebraska
KAREN L. FREEZE
My Comm. Exp. 8/98

received

Publisher's Affidavit

NORTH PLATTE BULLETIN

STATE OF NEBRASKA
Lincoln County

} SS

George Lauby, being first duly sworn and is the Publisher of the North Platte Bulletin, a legal newspaper published weekly at North Platte, Lincoln County Nebraska; and of general circulation in said county; that said newspaper, at the time of publication of the attached notice had a bona fide circulation of not less than three hundred copies each issue and had been published within said county for fifty-two consecutive weeks prior to the beginning of the publication of the attached notice; and that said newspaper is printed in whole in an office maintained at the place of publication. Affiant further says that a notice, of which the attached is a true copy, was published in the regular and entire issue of said newspaper, and not in supplement, on the following date:

NOTICE TRADE NAME REGISTRATION

Notice is hereby given of Registration of Trade Name with the Nebraska Secretary of State on the 7th day of May, 2012 as follows:

Trade Name: Gary's Super Foods
Name of Applicant: Suhr Enterprises, Inc.

Address of Applicant: 108 Bronco Road,
Hershey, Nebraska 69143

Applicant is: A Corporation

Date of First Use: May 28, 1996

General Nature of Business: Retail
Grocery Sales

Suhr Enterprises, Inc.
George E. Clough
Its Attorney
P. O. Box 711
North Platte, Nebraska 69103-0711

Published on May 16, 2012

<u>May 16</u>	<u>20</u>	<u>12</u>	<u>20</u>
_____	<u>20</u>	_____	<u>20</u>
_____	<u>20</u>	_____	<u>20</u>
_____	<u>20</u>	_____	<u>20</u>

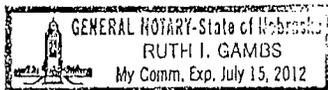
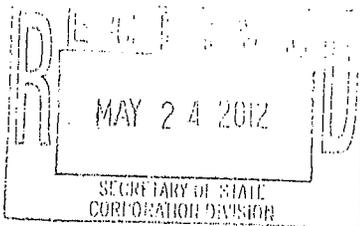
Subscribed in my presence and sworn to before me
this 17th day of May 2012.

George Lauby

Publisher

Ruth I. Gambs

Notary Public



PUBLISHER'S FEE: _____

Lincoln County's News Alternative Serving Southwest Nebraska

MANAGER APPLICATION
INSERT - FORM 3c

NEBRASKA LIQUOR CONTROL COMMISSION
301 CENTENNIAL MALL SOUTH
PO BOX 95046
LINCOLN, NE 68509-5046
PHONE: (402) 471-2571
FAX: (402) 471-2814
Website: www.lcc.nebraska.gov

Office Use

RECEIVED

JAN 10 2020

NEBRASKA LIQUOR
CONTROL COMMISSION

MUST BE:

- ✓ Include copy of US birth certificate, naturalization paper or current US passport
- ✓ Nebraska resident. Include copy of voter registration card or print out document from Secretary of State website
- ✓ Fingerprinted. See form 147 for further information, read form carefully to avoid delays in processing, this form MUST be included with your application
- ✓ 21 years of age or older

Corporation/LLC information

Name of Corporation/LLC: Juhr Enterprises Inc

Premise information

Liquor License Number: _____ Class Type _____ (if new application leave blank)

Premise Trade Name/DBA: Gons Super Foods IV

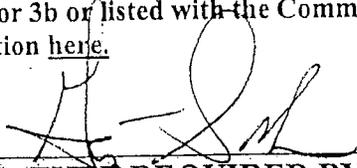
Premise Street Address: 212 Westfield Plaza

City: McCook County: Red Willow Zip Code: 69001

Premise Phone Number: 308 345-7711

Premise Email address: gonyssuperfoods2@hotmail.com

The individual whose name is listed as a corporate officer or managing member as reported on insert form 3a or 3b or listed with the Commission. To see authorized officers or members search your license information [here](#).


SIGNATURE REQUIRED BY CORPORATE OFFICER / MANAGING MEMBER

(Faxed signatures are acceptable)

Manager's information must be completed below. PLEASE PRINT CLEARLY

Last Name: Suhr First Name: Gary MI: L
 Home Address: 1010 E 2nd St
 City: North Platte County: Lincoln Zip Code: 69101
 Home Phone Number: 308-221-6615
 Driver's License Number & State: _____
 Social Security Number:
 Date Of Birth: _____ Place Of Birth: Sioux Falls SD
 Email address: glsuhr@yahoo.com

Are you married? If yes, complete spouse's information (Even if a spousal affidavit has been submitted)

YES NO

Spouse's information

Spouses Last Name: Suhr First Name: Christina MI: M
 Social Security Number: _____
 Driver's License Number & State: _____
 Date Of Birth: 10-23-1962 Place Of Birth: New Port Beach CA

APPLICANT & SPOUSE MUST LIST RESIDENCE(S) FOR THE PAST TEN (10) YEARS

APPLICANT			SPOUSE		
CITY & STATE	YEAR FROM	YEAR TO	CITY & STATE	YEAR FROM	YEAR TO
<u>Hershey NE</u>	<u>1981</u>	<u>2015</u>	<u>Hershey NE</u>	<u>1981</u>	<u>2015</u>
<u>North Platte NE</u>	<u>2015</u>	<u>pres</u>	<u>North Platte</u>	<u>2015</u>	<u>pres</u>

MANAGER'S LAST TWO EMPLOYERS

YEAR FROM	TO	NAME OF EMPLOYER	NAME OF SUPERVISOR	TELEPHONE NUMBER

1. READ CAREFULLY. ANSWER COMPLETELY AND ACCURATELY.

Must be completed by both applicant and spouse, unless spouse has filed an affidavit of non-participation.

Has anyone who is a party to this application, or their spouse, EVER been convicted of or plead guilty to any charge. Charge means any charge alleging a felony, misdemeanor, violation of a federal or state law; a violation of a local law, ordinance or resolution. List the nature of the charge, where the charge occurred and the year and month of the conviction or plea, include traffic violations. Also list any charges pending at the time of this application. If more than one party, please list charges by each individual's name. Commission must be notified of any arrests and/or convictions that may occur after the date of signing this application.

YES NO

If yes, please explain below or attach a separate page.

Name of Applicant	Date of Conviction (mm/yyyy)	Where Convicted (City & State)	Description of Charge	Disposition

2. Have you or your spouse ever been approved or made application for a liquor license in Nebraska or any other state?

YES NO

IF YES, list the name of the premise(s):

Gary Super Foods Tru, Wild Bills Wings Bowling

3. Do you, as a manager, qualify under Nebraska Liquor Control Act (§§3-131.01) and do you intend to supervise, in person, the management of the business?

YES NO

4. List the alcohol related training and/or experience (when and where) of the person making application.

*NLCC Training Certificate Issued: _____ Name on Certificate: _____

Applicant Name	Date (mm/yyyy)	Name of program (attach copy of course completion certificate)
Guy L Subr	09/2018	State Alcohol certificate
Christina Subr	09/2018	State Alcohol certificate

*For list of NLCC Certified Training Programs see training

Experience:

Applicant Name / Job Title	Date of Employment:	Name & Location of Business:
Guy Subr / owner	2-1-2018	George Super Foods LLC

5. Have you enclosed form 147 regarding fingerprints?

YES

NO

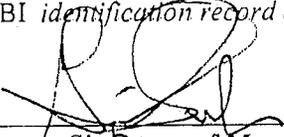
PERSONAL OATH AND CONSENT OF INVESTIGATION

The above individual(s), being first duly sworn upon oath, deposes and states that the undersigned is the applicant and/or spouse of applicant who makes the above and foregoing application that said application has been read and that the contents thereof and all statements contained therein are true. If any false statement is made in any part of this application, the applicant(s) shall be deemed guilty of perjury and subject to penalties provided by law. (Sec §53-131.01) Nebraska Liquor Control Act.

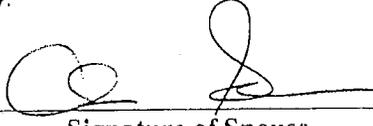
The undersigned applicant hereby consents to an investigation of his/her background including all records of every kind and description including police records, tax records (State and Federal), and bank or lending institution records, and said applicant and spouse waive any rights or causes of action that said applicant or spouse may have against the Nebraska Liquor Control Commission and any other individual disclosing or releasing said information to the Nebraska Liquor Control Commission. If spouse has **NO** interest directly or indirectly, a spousal affidavit of non-participation may be attached.

The undersigned understand and acknowledge that any license issued, based on the information submitted in this application, is subject to cancellation if the information contained herein is incomplete, inaccurate, or fraudulent.

Applicant Notification and Record Challenge: Your fingerprints will be used to check the criminal history records of the FBI. You have the opportunity to complete or challenge the accuracy of the information contained in FBI identification record. The procedures for obtaining a change, correction, or updating an FBI identification record are set forth in Title 28, CFR, 16.34.



Signature of Manager Applicant

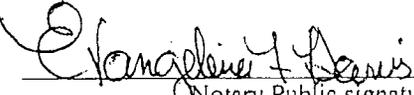


Signature of Spouse

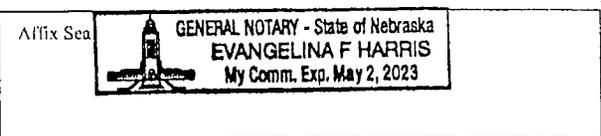
ACKNOWLEDGEMENT

State of Nebraska
County of Lincoln The foregoing instrument was acknowledged before me this

11/7/2020 by Gary Suhr and Christina Suhr
date NAME OF PERSON BEING ACKNOWLEDGED



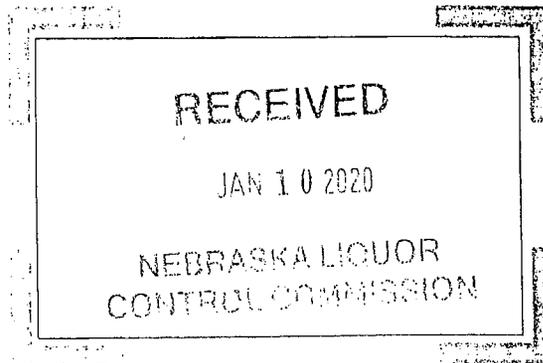
Notary Public signature



In compliance with the ADA, this application is available in other formats for persons with disabilities. A ten day advance period is required in writing to produce the alternate format.

**PRIVACY ACT STATEMENT/
SUBMISSION OF FINGERPRINTS /
PAYMENT OF FEES TO NSP-CID**

NEBRASKA LIQUOR CONTROL COMMISSION
301 CENTENNIAL MALL SOUTH
PO BOX 95046
LINCOLN, NE 68509-5046
PHONE: (402) 471-2571
FAX: (402) 471-2814
Website: www.lcc.nebraska.gov



THIS FORM IS REQUIRED TO BE SIGNED BY EACH PERSON BEING FINGERPRINTED:

DIRECTIONS FOR SUBMITTING FINGERPRINTS AND FEE PAYMENTS:

- FAILURE TO FILE FINGERPRINT CARDS AND PAY THE REQUIRED FEE TO THE NEBRASKA STATE PATROL WILL DELAY THE ISSUANCE OF YOUR LIQUOR LICENSE
- Fee payment of \$45.25 per person MUST be made DIRECTLY to the Nebraska State Patrol;
It is recommended to make payment through the NSP PayPort online system at www.ne.gov/go/nsppayport
Or a check made payable to NSP can be mailed directly to the following address:
Please indicate on your payment who the payment is for (the name of the person being fingerprinted) and the payment is for a Liquor License

The Nebraska State Patrol – CID Division
3800 NW 12th Street
Lincoln, NE 68521

- Fingerprints taken at NSP LIVESCAN locations will be forwarded to NSP – CID
Applicant(s) will not have cards to include with license application.
- Fingerprints taken at local law enforcement offices may be released to the applicants;
Fingerprint cards should be submitted with the application.

Applicant Notification and Record Challenge: Your fingerprints will be used to check the criminal history records of the FBI. You have the opportunity to complete or challenge the accuracy of the information contained in FBI identification record. The procedures for obtaining a change, correction, or updating a FBI identification record are set forth in Title 28, CFR, 16.34.

Trade Name: Gary's Super Foods

Name of Person Bring Fingerprinted: GARY SELV

Date of Birth: _____ Last 4 SSN: _____ Date fingerprints were taken: _____

Location where fingerprints were taken: Nebraska State Patrol

How was payment made to NSP?

NSP PAYPORT CASH CHECK SENT TO NSP CK # _____

My fingerprints are already on file with the commission – fingerprints completed for a previous application less than 2 years ago? YES

SIGNATURE REQUIRED OF PERSON BEING FINGERPRINTED



Certificate of Achievement

- for those who serve or sell alcohol in Nebraska

GARY LAMONT SUHR

holds a

State Alcohol certificate

Permit # RB-0100917

Permit Expires: 09-12-2021 Amount Paid: \$

food

is in your **HANDS**

Becky Rossell
(308) 534-4350
County Clerk
301 N Jeffers Rm 101
North Platte, NE 69101

NORTH PLATTE NE 69101

NOV 2018

Return Service Requested



Acknowledgement & Verification of Registration

IMPORTANT INFORMATION ON BACK

DETACH AT PERFORATION AND KEEP ENTIRE BOTTOM PORTION

Precinct: 01.North Platte-Precinct 1
Polling Place: Party: REP
Calvary Baptist Church
900 E 2nd St
North Platte
U.S. Congressional District 3
Legislative District 42
Commissioner - Dist 2
NP City Council Ward 1
North Platte SD #1-Ward 2

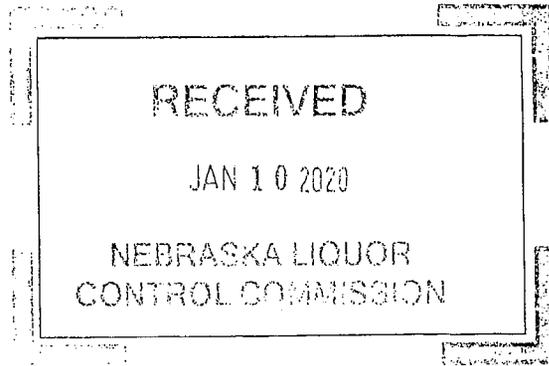
FOR WALLET SIZE - FOLD HERE

Lincoln County, State of Nebraska
153946
Gary L Suhr
1010 E 2nd St
North Platte, NE 69101-4209



**PRIVACY ACT STATEMENT/
SUBMISSION OF FINGERPRINTS /
PAYMENT OF FEES TO NSP-CID**

NEBRASKA LIQUOR CONTROL COMMISSION
301 CENTENNIAL MALL SOUTH
PO BOX 95046
LINCOLN, NE 68509-5046
PHONE: (402) 471-2571
FAX: (402) 471-2814
Website: www.lcc.nebraska.gov



THIS FORM IS REQUIRED TO BE SIGNED BY EACH PERSON BEING FINGERPRINTED:

DIRECTIONS FOR SUBMITTING FINGERPRINTS AND FEE PAYMENTS:

- FAILURE TO FILE FINGERPRINT CARDS AND PAY THE REQUIRED FEE TO THE NEBRASKA STATE PATROL WILL DELAY THE ISSUANCE OF YOUR LIQUOR LICENSE
- Fee payment of \$45.25 per person MUST be made DIRECTLY to the Nebraska State Patrol;
It is recommended to make payment through the NSP PayPort online system at www.ne.gov/go/nsp
Or a check made payable to NSP can be mailed directly to the following address:
Please indicate on your payment who the payment is for (the name of the person being fingerprinted) and the payment is for a Liquor License
The Nebraska State Patrol – CID Division
3800 NW 12th Street
Lincoln, NE 68521

- Fingerprints taken at NSP LIVESCAN locations will be forwarded to NSP – CID
Applicant(s) will not have cards to include with license application.
- Fingerprints taken at local law enforcement offices may be released to the applicants;
Fingerprint cards should be submitted with the application.

Applicant Notification and Record Challenge: Your fingerprints will be used to check the criminal history records of the FBI. You have the opportunity to complete or challenge the accuracy of the information contained in FBI identification record. The procedures for obtaining a change, correction, or updating a FBI identification record are set forth in Title 28, CFR, 16.34.

Trade Name: Garrys Super Foods

Name of Person Bring Fingerprinted: Christina Suber

Date of Birth: _____ Last 4 SSN: _____ Date fingerprints were taken: _____

Location where fingerprints were taken: Nebraska State Patrol

How was payment made to NSP?

NSP PAYPORT CASH CHECK SENT TO NSP CK # _____

My fingerprints are already on file with the commission – fingerprints completed for a previous application less than 2 years ago? YES

Christina Suber

SIGNATURE REQUIRED OF PERSON BEING FINGERPRINTED

Certificate of Achievement

- for those who serve or sell alcohol in Nebraska

CHRISTINA MIDORI SUHR

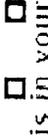
holds a

State Alcohol certificate

Permit # RB-0100916

Permit Expires: 09-12-2021 Amount Paid: \$

food

 is in your **HANDS** HEALTHY RESPONSIBLE

Becky Rossell
(308) 534-4350
County Clerk
301 N Jeffers Rm 101
North Platte, NE 69101

NORTH PLATTE NE 69101

17 NOV 2011

Return Service Requested



Acknowledgement & Verification of Registration

IMPORTANT INFORMATION ON BACK

DETACH AT PERFORATION AND KEEP ENTIRE BOTTOM PORTION

Precinct: 01.North Platte-Precinct 1
Polling Place: Party: REP
Calvary Baptist Church
900 E 2nd St
North Platte
U.S. Congressional District 3
Legislative District 42
Commissioner - Dist 2
NP City Council Ward 1
North Platte SD #1-Ward 2

FOR WALLET SIZE • FOLD HERE

Lincoln County, State of Nebraska

153945
Christina M Suhr
1010 E 2nd St
North Platte, NE 69101-4209





January 22, 2020

VIA UPS Overnight

Schmick's Market, Inc.
Attn: Mr. Robert Schmick
212 Westview Plaza
McCook, NE 69001

RE: Landlord Consent to Assignment of Lease at McCook, Nebraska

Dear Mr. Schmick:

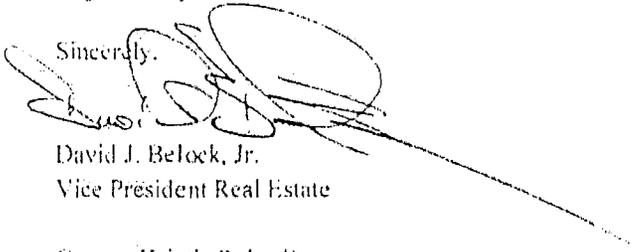
I am the Vice President Real Estate at SpartanNash Company, the parent of U Save Foods, Inc. ("U Save") that is the Landlord on the Lease effective December 11, 2005 ("Lease") with Schmick's Market, Inc. (the "Tenant") for the grocery store premises located at 212 Westview Plaza in McCook, Nebraska.

Tenant has requested that U Save consent to Tenant's assignment of the Lease, effective on or around February 2, 2020, to Suhr Enterprises, Inc. ("Suhr Enterprises"). In response thereto, U Save hereby consents to the assignment of the Lease from Tenant to Suhr Enterprises and hereby releases Tenant from any and all liability under the Lease arising on or after the effective date of the assignment.

As a condition to the consent, please send one fully executed copy of the Assignment and Assumption of Lease Agreement concurrently with the consummation of such assignment to Kristie Bohn-Berman, Manager Real Estate at the address in this letter.

Please indicate your agreement with the foregoing by signing the enclosed duplicate originals of this letter and returning one original to Kristie Bohn-Berman at the address provided above. Please keep the second original for your files.

Sincerely,



David J. Belock, Jr.
Vice President Real Estate

Cc: Kristie Bohn-Berman
John Boelter, Esq.
Patrick Tefli (via email)

01/03/2020

Nebraska Liquor Commission

Gary's Super Foods IV in McCook Nebraska is applying for a Class C liquor license for sale and for tastings and samplings.

A handwritten signature in black ink, appearing to read 'Gary Suhr', with a large, stylized initial 'G' and 'S'.

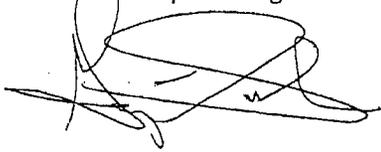
Gary Suhr

President

January 10, 2020

To whom it may concern;

I am planning on buying the grocery store in McCook Nebraska, Schmick's Market. My business plan will be the same as my current 2 stores that I own under Suhr Enterprises Inc. I plan on continuing to run business at the McCook location as they have ran in the future. I am applying for the liquor license as to sell beer, wine and liquor at the establishment. I am hoping to expand my business and growth in McCook as I have in North Platte and Broken Bow. We continue to provide great service to the community.

A handwritten signature in black ink, appearing to read 'Gary Suhr', with a large, loopy flourish extending from the end of the name.

Gary Suhr, President

RESTRICTED: This information not to be released to other than authorized personnel.

LIQUOR APPLICATION REPORT

POLICE DEPARTMENT REPORT

DATE REQUESTED: January 27, 2020

DUE DATE: February 10, 2020

APPLICANT: Suhr Enterprises Inc.

DBA: Gary's Super Foods IV

APPLICANT'S ADDRESS:

PHONE NUMBER (HOME): (BUSINESS):

PROPOSED LICENSE ADDRESS: 212 Westview Plaza

TYPE OF LICENSE: Class "C" - License #122060
(Beer, Wine & Distilled Spirits, On and Off Sale)

TYPE OF INVESTIGATION:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Purchase of Business | <input type="checkbox"/> New and Additional License |
| <input type="checkbox"/> Upgrade of Existing License | <input type="checkbox"/> Transfer of Location |
| <input type="checkbox"/> Expansion of Present Business | <input type="checkbox"/> Manager |
| <input type="checkbox"/> Renewal - Long Form | |

TYPE OF BUSINESS:

- | | |
|--|--|
| <input type="checkbox"/> Hotel/Motel | <input type="checkbox"/> Restaurant/Food Service |
| <input checked="" type="checkbox"/> Liquor/On-Off Sale | <input type="checkbox"/> Liquor/On-Sale Only |
| <input type="checkbox"/> Liquor/Off-Sale Only | <input type="checkbox"/> Entertainment/Bottle Club |
| <input type="checkbox"/> Other - Convenience Store | |

TYPE OF OWNERSHIP: (X) Corporation () Partnership () Individual
() Limited Liability Company (LLC)

Investigation Completed by: Detective Larry Khne

Date: 02-05-2020

EXHIBIT #4

PAGE(S) - 6

PREMISE:

1. Type of Neighborhood: Commercial; () Industrial; () Residential.
2. Condition:
 - a) Traffic: No negative impact on traffic expected
 - b) Parking: Ample parking on business lot
3. Designation of Adjacent Street (Local, Collector, Minor or Major Arterial, Highway):
North Highway 83 & Highway 6-34
4. Street Width and Profile: 4 lane divided highway 68 feet
5. Speed Limit: 30 mph
6. Average Daily Traffic Count: 8265 (2017 stats)
7. Accident Report at Adjacent Intersections: 2 Accidents reported to P.D. in previous 3 months
8. Analysis of Traffic Effects: No negative impact on traffic expected
9. Ready for Operation: Yes () No
If no, estimated date: _____
10. Type of Food Service: () Microwave () Grill () Kitchen DELI
11. Number of Employees: Full-time 7 Part-time 25
12. Does premise comply with legal distance from churches, schools, etc.?
 Yes () No IF no, specify _____
13. The business has been inspected within the last three (3) months by the City's Building Inspector.
() Yes No (IF yes, attach report)
14. The business has been inspected within the last three (3) months by the City's Fire Department.
() Yes No (IF yes, attach report)

15. Estimated Seating Capacity: 24-30
16. Estimated Number of Customers per Day: 500+
17. Hours of Operation: 7A-9P Sun-Thu. 7A-10P Fri-Sat

FINANCING:

18. Purchase Price: _____
19. Property/Equipment Value: _____
20. Previous Year's Gross Receipts: _____
21. Amount Financed: _____ Source: _____
 Collateral: _____ Co-Signers: _____
22. Lease Agreement: _____
23. Estimated Annual Payroll: _____
24. Estimated Gross Income: _____ % Food: _____ % Liquor: _____

MISCELLANEOUS:

25. Number of licenses and types within competitive distance: 2
Walmart Supercenter - Class D
Smoker's Outlet - Class DK
26. Is another person responsible for daily operation? () Yes () No
 IF yes, who? _____
 (Complete investigation of manager form.)

A manager will be chosen in the future, but for the time being Gary Suter will be responsible for daily operations.

PERSONAL HISTORY:

27. Applicant's Name: Gary L. Sahr
28. Date of Birth: 03-25-1960 29. Sex: Male
30. Home Address: 1010 East 2nd Street North Platte, NE 69101
31. Citizen of the United States? () Yes () No
If Naturalized, Certificate No. _____
Place: _____
32. Proper residency has been established? () Yes () No
If no, explain _____
33. Criminal History - Has applicant been arrested and/or pled guilty to any _____ misdemeanor?
_____ felony? If felony, attach detailed description.
34. Has applicant been cited for and/or been found in violation of the Liquor Laws of the State of Nebraska
or other State in which previously licensed?
() Yes () No (IF yes, attach detailed description.)
35. Has applicant had a beneficial interest in another liquor license? () Yes () No
(IF yes, Name, City, Address, Type of License) Gary's Super Foods - North Platte - Class C
Wild Bill's Wings - North Platte - Class C
Gary's Super Foods - Broken Bow - Class C
36. Record checks made (civil history). () Yes () No. (Attach records.)
37. Investigation made of character/reputation of applicant, report details of investigation:

38. Number of hours that will be spent by applicant at licensed premises each week?
30
39. Number of hours that will be spent by applicant working in occupation other than licensed premises
each week? 40
40. Applicant will oversee in person the management of the licensed premises?
() Yes () No
41. Another person will be responsible for the management of the licensed premises?
() Yes () No (IF yes, attach investigative report for manager.)

PERSONAL HISTORY - SPOUSE:

42. Spouse's Name: Christina M Suhr
43. Date of Birth: 10-23-1962 44. Sex: Female
45. Home Address: 1010 East 2nd Street North Platte, NE 68101
46. Citizen of the United States? () Yes () No
If Naturalized, Certificate No. _____
Place: _____
47. Proper residency has been established? () Yes () No
If no, explain _____
48. Criminal History - Has spouse been arrested and/or pled guilty to any _____ misdemeanor?
_____ felony? If felony, attach detailed description.
49. Has spouse been cited for and/or been found in violation of the Liquor Laws of the State of Nebraska
or other State in which previously licensed?
() Yes () No (IF yes, attach detailed description.)
50. Has spouse had a beneficial interest in another liquor license? () Yes () No
(IF yes, Name, City, Address, Type of License) Garys Super Foods - North Platte Class C
Wild Bills Wings - North Platte - Class C
Garys Super Foods - Broken Bow - Class C
51. Record checks made (civil history). () Yes () No. (Attach records.)
52. Investigation made of character/reputation of applicant, report details of investigation:

53. Number of hours that will be spent by spouse at licensed premises each week?
Less than 10
54. Number of hours that will be spent by spouse working in occupation other than licensed premises each
week? 40
55. Spouse will oversee in person the management of the licensed premises?
() Yes () No
56. Another person will be responsible for the management of the licensed premises?
() Yes () No (IF yes, attach investigative report for manager.)
Gary L. Suhr

PERSONAL HISTORY - MANAGER:

NONE AT THIS TIME

56. Manager's Name: _____

57. Date of Birth: _____ 58. _____

59. Home: _____

60. Citizen of the United States? () Yes () No
If Naturalized, Certificate No. _____
Place: _____

61. Proper residency has been established? () Yes () No
If no, explain _____

62. Criminal History - Has manager been arrested and/or pled guilty to any
_____ misdemeanor? _____ felony? If felony, attach detailed description.

63. Has manager been cited for and/or been found in violation of the Liquor Laws of the State of Nebraska
or other State in which previously licensed?
() Yes () No (If yes, attach detailed description.)

64. Has manager had a beneficial interest in another liquor license? () Yes () No
(If yes, Name, City, Address, Type of License) _____

65. Record checks made (civil history). () Yes () No. (Attach records.)

66. Investigation made of character/reputation of manager, report details of investigation:

67. Number of hours that will be spent by manager at licensed premises each week?

68. Number of hours that will be spent by manager working in occupation other than licensed premises
each week? _____

**CITY MANAGER'S REPORT
FEBRUARY 17, 2020 CITY COUNCIL MEETING**

ITEM: 4.A.

Approve the minutes of the February 3, 2020 regular City Council meeting.

BACKGROUND:

Receive and approve the minutes.

**FISCAL
IMPACT:** None.

APPROVALS:



Lea Ann Doak, City Clerk

February 13, 2020

McCook City Council
February 3, 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 Weedon, Muehlenkamp.

Absent: Councilmembers Hepp, Calvin.

City Officials present: City Manager Schneider, City Attorney Mustion, City Clerk Doak, Police Chief Brown, Library Director Crocker, Utilities Director Dutcher, Fire Chief Harpham, Public Works Director Potthoff, and Senior Services Director Siegfried.

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on January 30, 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. Daniel Freeman, pastor of the Church of Christ presented 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.

No one was present for citizen's comments.

2. Announcements & Recognitions.

City Manager Schneider informed the Council that a Planning Commission meeting is scheduled for the coming Monday for consideration of the City's zoning Extraterritorial Jurisdiction (ETJ).

Police Chief Brown praised McCook Police Department personnel and K9 Officer Kailah who worked successfully with the Nebraska State Patrol and Red Willow County Sheriff's Department for a couple of large drug related arrests in January.

3. Presentation.

3.A. Accept the Financial Statements and Supplemental Information for Fiscal Year ending

September 30, 2019 prepared by AMGL, Certified Public Accountants.

Joe Stump of AMGL presented the Financial Statements to the Council for the Fiscal Year ending September 30, 2019 and answered questions from the Council.

Motion to accept the Financial Statements and Supplemental Information for Fiscal Year ending September 30, 2019 prepared by AMGL, Certified Public Accountants. This motion, made by Gonzales and seconded by Weedin, passed.

Gonzales: YEA, Hepp: ABSENT, Calvin: ABSENT, Weedin: YEA, Muehlenkamp: YEA.
YEA: 3, NAY: 0, ABSENT: 2

4. Consent Agenda.

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

Gonzales: YEA, Hepp: ABSENT, Calvin: ABSENT, Weedin: YEA, Muehlenkamp: YEA.
YEA: 3, NAY: 0, ABSENT: 2

- 4.A. Approve the minutes of the January 20, 2020 regular City Council meeting.
- 4.B. Receive and file the Financial Report for the period ending December 31, 2019.
- 4.C. Receive and file report of equipment purchases financed by the City of McCook.
- 4.D. Authorize the Mayor to sign the Environment Review for the McCook Housing Agency 2020-2025 Improvements.
- 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.
- 4.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.

5. Regular Agenda.

- 5.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.

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.

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

Gonzales: YEA, Hepp: ABSENT, Calvin: ABSENT, Weedin: YEA, Muehlenkamp: YEA.
YEA: 3, NAY: 0, ABSENT: 2

5.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.

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 read by title and I move to approve upon its second reading. This motion, made by Weedin and seconded by Muehlenkamp, passed.

Gonzales: YEA, Hepp: ABSENT, Calvin: ABSENT, Weedin: YEA, Muehlenkamp: YEA.
YEA: 3, NAY: 0, ABSENT: 2

5.C. Council Comments.

Councilmember Muehlenkamp thanked the Water Department crew for fixing the water leak that was running into the basement of his business on Norris Avenue, praising their efficiency on getting it repaired.

Adjournment.

There being no further business to come before the Council, Mayor Gonzales declared the meeting adjourned at 6:02 P.M.

Michael D. Gonzales, Mayor

ATTEST:

Lea Ann Doak, City Clerk-Treasurer

**CITY MANAGER'S REPORT
FEBRUARY 17, 2012 CITY COUNCIL MEETING**

ITEM # 4.B.

RECOMMENDATION:

RECEIVE AND FILE INFORMATION REGARDING A SOLE SOURCE PURCHASE OF OUTDOOR WARNING SIREN UPDATED TWO-WAY RADIO COMMUNICATIONS AND INSTALL ACTIVATION POINT HARDWARE AND SOFTWARE

BACKGROUND:

The Civil Defense budget for fiscal year 2019/20 included funds budgeted to upgrade the current Outdoor Warning Siren system to a radio controlled system and going away from the antiquated phone line system to activate the warning sirens in the event of a public emergency. The equipment, manufactured by Federal Signal and sold and installed by Blue Valley Communications, is highly specialized and not available from other sources.

The City of McCook has eight outdoor warning sirens within the City limits. These sirens are currently activated by landline telephone lines through a system that is obsolete and antiquated.

The new upgrade will allow for easier and more reliable activation of the system through a radio controlled activation system. This system will allow for activation either from the dispatch center or, in the event of an overwhelming situation in the dispatch center, they can be activated remotely via radio. The new system will also allow for a more efficient and frequent assessment of the system without the need to actually set off the devices. This will all be done through a system that will be installed in the dispatch center and accessible by trained staff for purposes of testing, troubleshooting and performing routine maintenance on the sirens.

The total amount approved in the 2019/20 budget was \$107,000. Blue Valley Communications will be performing the update of the sirens to two-way radio communications, installing the activation point hardware and software in the dispatch center. Associated costs, such as updating and replacing electrical services at siren locations, frequency license, radio and antenna for base station, and supplying a computer for activation and/monitoring and providing networking capabilities will be contracted out to local vendors. The overall cost of the project will be less than the \$107,000 budgeted amount.

**FISCAL
IMPACT:**

None, the \$107,000 was approved in the 2019/20 budget.

RECOMMENDATION:

RECEIVE AND FILE INFORMATION REGARDING A SOLE SOURCE PURCHASE OF OUTDOOR WARNING SIREN UPDATED TWO-WAY RADIO COMMUNICATIONS AND INSTALL ACTIVATION POINT HARDWARE AND SOFTWARE

CITY MANAGER'S REPORT
MAY 20, 2019 CITY COUNCIL MEETING

PAGE 2

APPROVALS:



Marc A. Harpham, Fire Chief

10 FEB 2020
Date



Nate Schneider, City Manager

2-12-2020
Date

**CITY MANAGER'S REPORT
FEBRUARY 17, 2020 MCCOOK CITY COUNCIL MEETING**

4.C.
ITEM NO. ___ Approve a McCook Police Department Off-Premises Dog Care Agreement between Officer William Watts and the City of McCook.

BACKGROUND:

Pursuant to conversations Staff had with an employment law attorney and with police personnel from the City of Kearney, it has come to our attention that the City of McCook needs to enter into an agreement with Officer William Watts to account for the off duty time he spends caring for the Police Department's drug dog, Kailah. After discussions with Officer Watts, it's been established that Officer Watts spends approximately ½ hour per day caring for Kailah. Per the proposed agreement, Officer Watts would receive an additional ½ hour of pay per day (ie. 7 hours per each 14 day work period) at his hourly wage. In return, Officer Watts will perform all of the duties necessary to care for the dog at his home. Any additional time Officer Watts spends with the dog is considered to be discretionary. If it is determined at a later date that the time spent caring for the dog exceeds ½ hour per day, an amendment would be brought back to the Council for consideration.

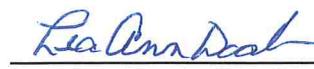
The proposed agreement is similar to the agreement the City of Kearney uses for their police dog personnel.

APPROVALS:



Nathan A. Schneider, City Manager

February 12, 2020

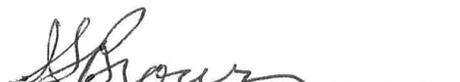


Lea Ann Doak, City Clerk

February 12, 2020

Nathaniel J. Mustion, City Attorney

February 12, 2020



Isaac S. Brown, Police Chief

February 12, 2020

McCOOK POLICE DEPARTMENT
OFF-PREMISES DOG CARE AGREEMENT

I am a member of the McCook Police Department and am assigned as a canine (K-9) handler, I understand this assignment will require me to care for a dog in my home. I agree to comply fully with the McCook Police Department Canine Handler Policy while I hold this assignment. I understand the following activities will be required and agree to perform them during my duty shift: (1) Training the dog; (2) Exercising the dog; (3) Grooming the dog; (4) Routine veterinarian care (and, to the extent possible, all emergency veterinarian care); and, (5) Purchasing of food and supplies.

I understand that additional time may be required for in-home dog care beyond my assigned shift and that this time may vary in duration. These activities will include, but not be limited to, cleaning the dog's kennel and exercise area, exercising the dog on off-duty days, feeding the dog, and emergency trips for veterinarian care. **I agree that, for purposes of applying the Fair Labor Standards Act to my activities, one-half hour per day will be sufficient to engage in all off-duty care of the dog unless additional time is expressly approved in writing by the City Council after recommendation by my supervisor. For purposes of determining hours worked under the Fair Labor Standards Act, only 7 hours per each 14 day work period and such approved time will be considered hours I work as a K-9 handler beyond my assigned hours.**

I agree that this work period allowance will fully and fairly compensate me for all dog care I provide beyond my assigned hours. As manpower allows, I will be scheduled 11½ hour duty shifts to compensate for time spent caring for the animal. When manpower does not allow for 11½ hour duty shifts, the ½ hour will be compensated as Compensatory time or Overtime. Any additional off-duty activities with or relating to the assigned dog, shall be solely at my personal discretion and for my personal enjoyment and should not be considered hours worked.

I understand and accept that this agreement is separate from and does not in any manner alter or affect any negotiable rights I may hold as an employee with the City of McCook.

Employee acknowledgment: I have read this agreement, understand its content and agree to comply with its stipulations.

Employee name / signature

Employee Number

Date

Mayor

Date

CITY MANAGER'S REPORT
February 17, 2020 CITY COUNCIL MEETING

ITEM: 4.D.

RECOMMENDATION:

**APPROVE SPECIFICATIONS FOR THE 2020 ARMOR COATING PROJECT
AND SET THE TIME AND DATE TO RECEIVE BIDS AS 2:00 P.M. MARCH 10,
2020**

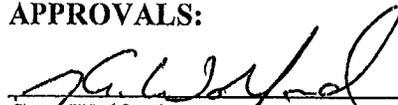
BACKGROUND

This is the annual armor coating maintenance done by the City.

As has been done in the past, the City will receive bids for the contractor to supply oil in full transport loads. Included in the contractor's bid is applying the oil; then placing and rolling the gravel. The gravel is supplied by the City. The Specifications call for one complete transport of oil with the option of adding a second if funds are available.

FISCAL IMPACT: None.

APPROVALS:



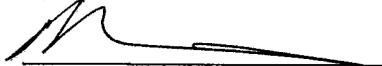
Greg Wolford, W Design Associates

Date: 12 Feb 20



Kyle Potthoff, Public Works Director

Date: 2/12/2020



Nate Schneider, City Manager

Date: 2/12/20

SPECIFICATIONS

FOR

CITY STREET ARMOR COATING

McCOOK, NEBRASKA

2020 ARMOR COATING PROJECT

FEBRUARY, 2020



W DESIGN ASSOCIATES
CONSULTING ARCHITECTS & ENGINEERS
McCOOK/HASTINGS, NEBRASKA

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** *These NDOT Documents shall be considered a part of these written Contract Documents as if attached hereto and herein written.*

SECTION 20 - ADVERTISEMENT FOR BIDS

The CITY OF McCOOK, Nebraska will receive sealed bids for the 2020 Armor Coating Project and associated work as described in the Plans and Specifications until 2:00 P.M. CST at the Office of the City Clerk, McCook, Nebraska on March 10, 2020 and then such bids shall be publicly opened and read aloud in the City Council Chambers, McCook Municipal Center.

All bids must be made on the Proposal Form provided with the Plans and Specifications as prepared by W DESIGN ASSOCIATES, Consulting Engineers and Architects. Bids received after the closing will be returned unopened and shall not be considered.

Contractors may obtain paper copies of the Plans and Specifications from W Design Associates, 214 East 1st Street, McCook, Nebraska 69001 upon payment of \$15.00 for each set requested. Electronic copies may be obtained by email from Lynette@wdesignea.com at no cost.

Each bid shall be accompanied by a certified check, cashier's check or bid bond in an amount of not less than five percent (5%) of the total bid amount, and shall be made payable to the City of McCook, Nebraska as security that the bidder to whom the contract may be awarded will enter into contract to construct the project and give bond in the sum of the total contract amount for the construction of the project. Checks accompanying bids not accepted shall be returned to the bidders. Performance and Payment Bonds will be required for this project.

This project is the armor coating of various City streets in McCook.

No bid shall be withdrawn after opening the bids without the consent of the McCook City Council for a period of 45 days.

The City of McCook reserves the right to accept or reject any or all bids and to waive any informalities in the bidding.

Date: February 12, 2020

-s- Lea Ann Doak, City Clerk
City of McCook, NE

Publish: February 20, 27, and March 5, 2020

SECTION 00100 - INSTRUCTIONS TO BIDDERS

To be considered, Proposals must be made in accord with these Instructions to Bidders.

1. EXAMINATION

Bidders shall carefully examine the documents and the construction site to obtain first-hand knowledge of existing conditions. Contractors will not be given extra payments for conditions which can be determined by examining the site and documents.

2. QUESTIONS

Submit all questions about the Plans and Specifications to the Engineer in writing. The Engineer and the Owner will not be responsible for oral clarification.

3. SUBSTITUTIONS

To obtain approval to use unspecified products, bidders shall submit written requests at least ten (10) days before the bid date. Requests received after this time may not be considered. Requests shall clearly describe the product for which approval is asked, including all data necessary to demonstrate acceptability. If the product is acceptable, the Engineer will approve it in an Addendum issued to all prime bidders on record.

4. PROPOSALS

Proposals shall be made on unaltered Proposal Forms furnished by the Engineer. Fill in all blank spaces and submit one copy. Proposals shall be signed with name typed below signature. Where bidder is a corporation, Proposals must be signed with the legal name of the corporation followed by the name of the State of Incorporation and the legal signature of an officer authorized to bind the corporation to a contract.

5. BID SECURITY

Bid security shall be made payable to the City of McCook in the amount of five percent (5%) of the Proposal sum. Security shall be either certified check, cashier's check or bid bond issued by surety licensed to conduct business in the State of Nebraska. The successful bidder's security will be retained until he has signed the contract. The Owner reserves the right to retain the security of the next two lowest bidders until the lower bidder enters into contract or until ten days after bid opening whichever is the shorter. All other bid security will be returned as soon as practicable. If a bidder refuses to enter into a Contract, the Owner will retain his Bid Security as liquidated damages, but not as a penalty.

6. BONDS

Performance and Payment Bonds are required in the amount of 100% of the contract price.

7. SUBMITTAL

Submit Proposal and Bid Security in an opaque, sealed envelope. Identify the envelope with: (1) Project name; (2) Name of Bidder. Submit Proposals in accord with the Advertisement for Bids.

8. MODIFICATION AND WITHDRAWAL

Proposals may not be modified after submittal. Bidders may withdraw at any time before bid opening, but may not resubmit them. No Proposal may be withdrawn or modified after the bid opening except where the award of Contract has been delayed for 45 days.

9. DISQUALIFIED

The Owner reserves the right to disqualify Proposals, before or after opening, upon evidence of collusion with intent to defraud or other illegal practices upon the part of the bidder.

10. OPENING

Proposals will be opened as announced in the Advertisement for Bids.

11. AWARD

The Contracts will be awarded on the basis of lowest responsible bid and the time of completion bid.

12. SALES TAX

The Contractor who is awarded the construction contract shall be appointed to act as a "Purchasing Agent" for the Exempt Organization for all materials to be incorporated into the Project. The Contractor will be supplied with a combination Purchasing Agent Appointment and Exempt Sale Certificate by the Exempt Organization. In turn the Contractor and/or his subcontractors shall provide their suppliers with copies of the document to enable them to purchase materials to be incorporated into the Project without payment of sales/use tax.

Billings from suppliers must be made out in the name of the Exempt Organization which appointed the Contractor as its Purchasing Agent, and shall also show the name of the Contractor.

13. SPECIAL INSTRUCTIONS TO BIDDERS

During the performance of this contract, the Contractor agrees as follows:

- a. The Contractor will not discriminate against any employee or applicant for employment because of race, creed, sex, color, or national origin. The Contractor will take affirmative action to ensure that applicants are employed, and that employees are

treated during employment, without regard to their race, creed, sex, color or national origin. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.

b. The Contractor will, in all solicitations or advertisements for employees placed by or on behalf of the Contractor, state that all qualified applicants will receive consideration for employment without regard to race, creed, sex, color or national origin.

c. The Contractor agrees to abide by the provisions of the Nebraska Fair Employment Practices Act, as provided by Neb. Rev. Stat. §48-1101 through 48-1126 (Reissue 1998). The Contractor shall include this requirement in all subcontracts entered into pursuant to this agreement.

d. The Contractor shall comply with Fair Labor Standards as required by Neb. Rev. Stat. Sections 73-101 through 73-104 in the pursuit of his business and in the execution of this agreement.

SECTION 00310 – PROPOSAL FORM

_____, 2020

City Council
McCook, NE 69001

The undersigned, having inspected the site for the proposed construction and being familiar with all conditions of the work, including Drawings and Specifications thereof entitled "2020 ARMOR COATING PROJECT", McCook, Nebraska dated February, 2020 and including Addenda or Instructions issued during the estimate period, all as prepared by W DESIGN ASSOCIATES, hereby offers to furnish all plant, labor, equipment, materials and operations required for the complete and prompt execution of all work described in, or shown in, or reasonably implied by the above mentioned documents for such sums as detailed hereinafter:

ITEM	DESCRIPTION	QUANTITY	UNITS	PRICE EA.	TOTALS
				\$	\$
1.	Armor Coat Oil*	1	Gal.	_____	_____

* The City of McCook armor coat streets based on "Full Transport Loads" of oil applied. The City will purchase one transport load with an option for a second. The bid price per gallon of oil includes the cost of the oil, application of gravel, labor and equipment required to armor coat the streets. See Section 01805.

Proposed START DATE _____

Proposed COMPLETION DATE _____

Receipt of Addenda is hereby acknowledged:

No. _____ Date _____ No. _____ Date _____ No. _____ Date _____

I (we) acknowledge that the Owner reserves the right to reject any or all bids, to waive any informalities or technical defects or negotiate with any of the Contractors who have submitted Proposals if the Owner deems it to be for his best interests.

If written notice of the acceptance of this bid is mailed or delivered to the undersigned within thirty days after the date set for the opening of this bid, or at any other time thereafter before it is withdrawn, the undersigned will execute and deliver the contract Documents and Bonds to the Owner in accordance with this bid as accepted, and will also furnish and deliver to the Owner proof of insurance coverage, all within ten days after personal delivery or after deposit in the mails of the notification of acceptance of this bid.

Time is of the essence and it is the Owner's desire to have this work complete before the start of school. The Contractor agrees to complete the work no later than the completion date bid. The Contractor further agrees that if work is completed after that date he/she will pay to the Owner liquidated damages in the amount of \$100.00 per calendar day after the completion date required to complete the work.

This Proposal shall remain in effect for a period of forty five (45) days after the closing time for the receipt of bids.

By

Address

Seal (If Corporation)

SECTION 00500 – 2020 ARMOR COATING CONTRACT

THIS AGREEMENT entered into this _____ day of _____ in the year TWO THOUSAND AND TWENTY by and between _____ of _____ hereinafter referred to as the "CONTRACTOR" and the CITY OF McCOOK, McCook, Nebraska hereinafter referred to as the "OWNER".

WITNESSETH: That the parties under the CONTRACT agree that the CONTRACTOR shall carry out the following generally described work on the owner’s property in consideration of the unit prices as hereby set forth. 2020 ARMOR COATING PROJECT

ITEM DESCRIPTION	EST. QUANTITY	UNITS	PRICE EA.	TOTALS
1. Armor Coat Oil	1	Gal.	\$ _____	\$ _____

The City of McCook agrees to purchase one full transport load of Armor Coat Oil at the above unit price per gallon with the option to purchase a second full load.

All work shall be done in accordance with the Plans and Specifications provided to the CONTRACTOR and dated February, 2020.

Payment requests shall be made monthly and shall be sent to the ENGINEER.

TO WIT: The CONTRACTOR shall at his cost and under his sole responsibility furnish all labor, tools, materials, transportation, equipment and perform all work required for the completion of the work.

Further, the CONTRACTOR agrees to complete all work by _____, 2020 and accepts the liquidated damages clause included in the Proposal Form.

The CONTRACTOR shall comply with all of the State and Federal laws governing and shall hold the OWNER blameless for any and all liabilities arising out of his operations under the Contract. The CONTRACTOR shall provide the OWNER with a Certificate of Insurance for

Worker's Compensation, Comprehensive General Liability, Contractual Liability, Personal Injury and Comprehensive Automobile Liability.

IN WITNESS WHEREOF, the parties to this contract have severally affixed their signatures executing this instrument this _____ day of _____ 2020.

APPROVED:

By _____

By _____

Date _____

Date _____

City of McCook
P. O. Box 1059
McCook, NE 69001

SECTION 00800 - SUPPLEMENTARY CONDITIONS

INTRODUCTION

The following supplements modify, change, delete from or add to the "General Conditions of the Contract for Construction". Where any Article of the General Conditions is modified or any Paragraph, Subparagraph or Clause thereof is modified or deleted by these Supplementary Conditions, the unaltered provisions of that Article, Paragraph, Subparagraph or Clause shall remain in effect.

1. All such variations shall be shown on the field documents which shall be delivered to the Engineer before final payment is made.
2. The Contractor shall provide a Certificate of Insurance of the following types and in amounts not less than the following:
 - A. Worker's Compensation:

(a) State:	Statutory
(b) Applicable Federal:	Statutory
(c) Employer's Liability	\$1,000,000.00
 - B. Comprehensive General Liability (including Premises-Operations; Independent Contractors' Protective; Products and Completed Operations; Broad Form Property Damage):

(a) Bodily Injury:		
	\$1,000,000.00	Each Occurrence
	\$1,000,000.00/\$1,000,000	Annual Aggregate
(b) Property Damage:		
	\$1,000,000.00	Each Occurrence
	\$1,000,000.00	Annual Aggregate
(c) Products and Completed Operations to be maintained for one year after final payment.		
(d) Property Damage Liability Insurance will provide X, C or U coverage, as applicable.		
 - C. Contractual Liability:

(a) Bodily Injury:		
	\$1,000,000.00/\$1,000,000	Each Occurrence
(b) Property Damage:		
	\$1,000,000.00	Each Occurrence
	\$1,000,000.00	Annual Aggregate
 - D. Personal Injury, with Employment Exclusion deleted:

	\$1,000,000.00	Annual Aggregate
--	----------------	------------------

- E. Comprehensive Automobile Liability:
 - (a) Bodily Injury:

\$1,000,000.00	Each Person
\$1,000,000.00/\$1,000,000	Each Occurrence
 - (b) Property Damage:

\$1,000,000.00	Each Occurrence
----------------	-----------------

- F. Umbrella Liability Coverage
 - (a) \$1,000,000.00

This umbrella coverage shall be over and above the stated coverages and amounts.

- G. Additional insurance required. Contractor shall carry in addition to that specifically named by the 'General Conditions', as follows:
 - (a) Completed Operations and Products Liability. Maintained for one (1) year, commencing with issuance of Final Certificate for Payment.

3. FORM OF AGREEMENT

The form of agreement to be used for this project shall be as provided in the specifications.

4. SANITARY CONVENIENCES

Sanitary conveniences for use of all persons employed on the work shall be provided by the contractor.

5. SCHEDULING OF WORK

Insofar as is practicable, the contractor shall confine his operations to those parts of the site in which the construction work is located.

SECTION 01010 - SUMMARY OF THE WORK

GENERAL

The general contractor and its subcontractors will be required to follow these specifications as well as all Federal, State and local laws, ordinances, rules and regulations.

PROJECT DESCRIPTION

This project involves armor coating various city streets in accordance with the NDOT 2007 Standard Specifications for Highway Construction. The City Staff will direct the Contractor as to which streets will be armor coated.

NOTIFICATION OF RESIDENTS

The Contractor shall provide the City with a schedule of construction 10 days prior to starting the armor coating. The City will be responsible for notifying affected residents through media outlets five (5) days prior to construction.

In addition, the Contractor shall be responsible for hanging flyers on the doors of residences along streets being armor coated the day before armor coating to inform the residents to move vehicles off the streets.

SECTION 01100 - ALTERNATE MATERIALS OR METHODS

1. ALTERNATE MATERIALS

A. Standard Manufacturer

Wherever the terms "Standard", "Recognized" or "Reputable" manufacturer are used, they shall be construed as meaning manufacturers who have been engaged in the business of fabricating materials, equipment or supplies for a period of over twelve months prior to the date fixed for opening bids.

B. "Or Equal" Clause

Whenever, in any section of the contract documents, plans or specifications, any article, material, or equipment is defined by describing a proprietary product, or by using the name of a manufacturer or vendor, the term "or approved equal", if not inserted, shall be implied. The specific article, material or equipment mentioned shall be understood as indicating the type, function, minimum standard of design, efficiency and quality desired and shall not be construed in such a manner as to exclude manufacturers of comparable quality, design and efficiency.

A bidder wishing to substitute a material or product in lieu of an item specified shall submit all appropriate information as called out in the Instructions to Bidders. No changes shall be accepted after submission of proposals unless they result in an improvement to the project and are accepted in writing by the Architect/Engineer or result in an acceptable credit to the owner without prejudice to the project and then only if accepted in writing by the Architect/Engineer.

SECTION 01800 - EXISTING FACILITIES

1. GENERAL

Attention is called to the existence of buried water lines, gas lines, sewer lines and telephone lines within the project limits. The Contractor assumes full responsibility for the location and protection of all utilities, buried or overhead, during the construction operations.

SECTION 01805 – CHANGES TO STANDARD SPECIFICATIONS - TECHNICAL

GENERAL

This section describes the changes to technical portions of the NDOT 2007 Standard Specifications for Highway Construction.

MATERIALS

1. Oil for Armor Coating. The Contractor shall provide all oil for armor coating. The oil shall be Grade CRS-2P. The City will complete this project using full transport loads of oil only. The City realizes that the Contractor will run out of oil before completing all streets desired. Those streets not completed will be done in next year's project.

The City will provide the Contractor with a list of streets to be armor coated upon arrival to begin work.

2. Gravel. The City shall provide all gravel for the project. The City will stockpile the gravel at the City street shop on South Street in McCook. The Contractor will be responsible for loading the gravel into his trucks at that point. Any gravel left over after completion of the project shall remain the property of the City.

WORKMANSHIP

1. The City of McCook will be responsible for cleaning and killing all grass and weeds in the cracks of streets to be armor coated.
2. The Contractor shall be responsible for all other street cleaning.
3. The City shall "pre-advertise" the streets to be armor coated, as well as the Contractor's schedule. The Contractor shall be responsible for all traffic control.
4. The Contractor shall notify residents via flyers per Section 01010, Summary of the Work.
5. The Contractor shall be responsible for placing the oil and gravel; initial rolling of the armor coat and repair of "bleeding" for 24 hours after the armor coat is placed.
6. The City of McCook shall maintain the streets after the 24 hour period as well as being responsible for removal of excess gravel on armor coated streets.

MEASURE AND PAYMENT

1. The Engineer shall approve rates of application for oil and gravel on the streets.
2. The only item for which direct payment will be made is "Armor Coat Oil." This item will be paid for by the gallon as provided on transport weight tickets, adjusted to 60° F. All other items shall be subsidiary to this item.

END OF ...

SPECIFICATIONS

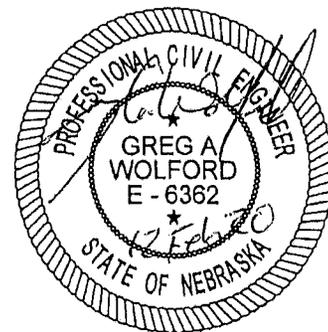
FOR

CITY STREET ARMOR COATING

McCOOK, NEBRASKA

2020 ARMOR COATING PROJECT

FEBRUARY, 2020



**W DESIGN ASSOCIATES
CONSULTING ARCHITECTS & ENGINEERS
McCOOK/HASTINGS, NEBRASKA**

**CITY MANAGER'S REPORT
FEBRUARY 17, 2020 CITY COUNCIL MEETING**

ITEM: 4.E.

RECOMMENDATION:

AWARD THE BID FOR TWO (2) NEW 2020 3/4 TON 4-WHEEL DRIVE PICKUP TRUCKS TO DEVENY MOTORS IN THE AMOUNT OF \$53,956.00 IT BEING THE LOWEST MOST RESPONSIBLE BID.

BACKGROUND:

On Tuesday February 11, 2020 bids were opened for two new 2020 3/4 ton 4-wheel drive pickup trucks for the Parks and Street departments. We received a total of seven bids which are listed below:

Deveny Motors	\$53,956.00 (\$26,978.00 each) - RAM
Anderson of Grand Island	\$55,028.00 (\$27,514.00 each) - RAM
Janssen Chrysler - North Platte	\$55,904.00 (\$27,952.00 each) - RAM
Janssen & Sons Ford	\$55,930.00 (\$27,965.00 each) - Ford
Wagner Ford	\$56,148.00 (\$28,074.00 each) - Ford
Gene Steffy Auto Group - Fremont	\$57,306.00 (\$28,653.00 each) - RAM
Wagner Chevrolet	\$58,994.00 (\$29,497.00 each) - Chevy

After reviewing the seven bids that were submitted, it is staffs recommendation to award the bid for 2 new 2020 3/4 TON 4-WHEEL DRIVE PICKUP TRUCKS to Deveny Motors in the amount of \$53,956.00 or \$26,978.00 each. The pickups will be 2020 regular cab RAM 2500 Tradesman with 8' boxes.

Estimated delivery of these pickups is 90 - 120 days from the award of bid.

**FISCAL
IMPACT:** None.

RECOMMENDATION:

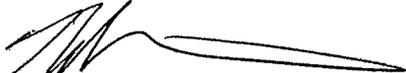
AWARD THE BID FOR TWO (2) NEW 2020 3/4 TON 4-WHEEL DRIVE PICKUP TRUCKS TO DEVENY MOTORS IN THE AMOUNT OF \$53,956.00 IT BEING THE LOWEST MOST RESPONSIBLE BID.

APPROVALS:



Kyle Potthoff, Public Works Director

February 12, 2020



Nate Schneider, City Manager

February 12, 2020

**TWO (2) NEW 3/4 TON
4-WHEEL DRIVE PICKUP TRUCKS**

**February 11, 2020
2:30 P.M.**

<p>BIDDER: Anderson CDJR of Grand Island 4x4 8' Box 2020 RAM 2500 Tradesman Regular Cab</p>	<p>BIDDER: Deveny Motors - McCook 2020 2500 Tradesman Reg Cab 4x4 8' Box</p>	<p>BIDDER: Gene Steffy Auto Group - Fremont RAM 2020 2500 Tradesman Reg Cab 4x4 8' box</p>
<p><u>(2) NEW 3/4 TON 4-WHEEL DRIVE PICKUP TRUCKS</u></p> <p>BASE BID</p> <p>Per Unit \$ <u>27,514</u></p> <p>Total Bid (2) New 3/4 Ton 4-Wheel Drive Pickup Trucks \$ <u>55,028</u></p> <p>Delivery Date <u>5/19/2020</u></p>	<p><u>(2) NEW 3/4 TON 4-WHEEL DRIVE PICKUP TRUCKS</u></p> <p>BASE BID</p> <p>Per Unit \$ <u>26,978⁰⁰</u></p> <p>Total Bid (2) New 3/4 Ton 4-Wheel Drive Pickup Trucks \$ <u>53,956⁰⁰</u></p> <p>Delivery Date <u>90-120 days</u></p>	<p><u>(2) NEW 3/4 TON 4-WHEEL DRIVE PICKUP TRUCKS</u></p> <p>BASE BID</p> <p>Per Unit \$ <u>28,653⁰⁰</u></p> <p>Total Bid (2) New 3/4 Ton 4-Wheel Drive Pickup Trucks \$ <u>57,306.00</u></p> <p>Delivery Date <u>90-120 days</u></p>
<p>BIDDER: Janssen Chrysler - North Platte 8' Box 2020 RAM 2500 Tradesman Reg Cab 4x4</p>	<p>BIDDER: Janssen Ford - Holdrege 2020 Ford Super Duty F250 XL Reg, Cab 8' box</p>	<p>BIDDER: Wagner Chevrolet - McCook 2020 Chevy Silverado 2500 HD 4x4 Reg Cab</p>
<p><u>(2) NEW 3/4 TON 4-WHEEL DRIVE PICKUP TRUCKS</u></p> <p>BASE BID</p> <p>Per Unit \$ <u>27,952⁰⁰</u></p> <p>Total Bid (2) New 3/4 Ton 4-Wheel Drive Pickup Trucks \$ <u>55,904⁰⁰</u></p> <p>Delivery Date <u>3-4 months</u></p>	<p><u>(2) NEW 3/4 TON 4-WHEEL DRIVE PICKUP TRUCKS</u></p> <p>BASE BID</p> <p>Per Unit \$ <u>27,965⁰⁰</u></p> <p>Total Bid Two New 3/4 Ton 4-Wheel Drive Pickup Trucks \$ <u>55,930⁰⁰</u></p> <p>Delivery Date <u>90-120 days</u></p>	<p><u>(2) NEW 3/4 TON 4-WHEEL DRIVE PICKUP TRUCKS</u></p> <p>BASE BID</p> <p>Per Unit \$ <u>29,497</u></p> <p>Total Bid Two New 3/4 Ton 4-Wheel Drive Pickup Trucks \$ <u>58,994</u></p> <p>Delivery Date <u>6-8 wks</u></p>



 Kyle Potthoff, Public Works Director



 2-11-20 Witness

**TWO (2) NEW 3/4 TON
4-WHEEL DRIVE PICKUP TRUCKS**

February 11, 2020
2:30 P.M.

<p>BIDDER: Wagner Ford - McCook 2020 Ford Super Duty F-250 SRW XL 4x4 ^{Reg Cab} 81 Box</p>	<p>BIDDER:</p>	<p>BIDDER:</p>
<p><u>(2) NEW 3/4 TON 4-WHEEL DRIVE PICKUP TRUCKS</u> BASE BID Per Unit \$ <u>28,074</u> Total Bid (2) New 3/4 Ton 4-Wheel Drive Pickup Trucks \$ <u>56,148</u> Delivery Date <u>6-8 wks</u></p>	<p><u>(2) NEW 3/4 TON 4-WHEEL DRIVE PICKUP TRUCKS</u> BASE BID Per Unit \$ _____ Total Bid (2) New 3/4 Ton 4-Wheel Drive Pickup Trucks \$ _____ Delivery Date _____</p>	<p><u>(2) NEW 3/4 TON 4-WHEEL DRIVE PICKUP TRUCKS</u> BASE BID Per Unit \$ _____ Total Bid (2) New 3/4 Ton 4-Wheel Drive Pickup Trucks \$ _____ Delivery Date _____</p>
<p>BIDDER:</p>	<p>BIDDER:</p>	<p>BIDDER:</p>
<p><u>(2) NEW 3/4 TON 4-WHEEL DRIVE PICKUP TRUCKS</u> BASE BID Per Unit \$ _____ Total Bid (2) New 3/4 Ton 4-Wheel Drive Pickup Trucks \$ _____ Delivery Date _____</p>	<p><u>(2) NEW 3/4 TON 4-WHEEL DRIVE PICKUP TRUCKS</u> BASE BID Per Unit \$ _____ Total Bid Two New 3/4 Ton 4-Wheel Drive Pickup Trucks \$ _____ Delivery Date _____</p>	<p><u>(2) NEW 3/4 TON 4-WHEEL DRIVE PICKUP TRUCKS</u> BASE BID Per Unit \$ _____ Total Bid Two New 3/4 Ton 4-Wheel Drive Pickup Trucks \$ _____ Delivery Date _____</p>

**MINIMUM SPECIFICATIONS
TWO (2) NEW 2020 3/4 TON 4-WHEEL DRIVE PICKUP TRUCKS**

Meets Specification - Please Indicate - (if other explain on comment line).

All items listed below are required. If there is an exception, a detailed explanation must be provided.

YES	EXCEPTION	I. <u>BODY</u>
✓	_____	A. Exterior color: Bright white, clearcoat or other factory color specified on order. Interior color: Interior color and seat covering for white vehicle to be specified after bid has been awarded.
✓	_____	B. Locks: Two (2) sets of keys with fobs required for each vehicle. Shall be electronic.
✓	_____	C. Doors: To be the type recommended by the manufacturer.
✓	_____	D. Seats: Seats shall be heavy duty construction guaranteed by manufacturer not to break down for two (2) years or 36,000 miles with heavy duty nylon cloth or vinyl seat covering and folding back, 40-20-40 OR 40-60 Bench Seat.
✓	_____	E. Windows: Shall be electronic. To include a manual or electronic sliding rear window.
✓	_____	F. Headroom: A minimum of 39.1 inches of headroom shall be provided for the occupants.
✓	_____	G. Air Conditioning: Best grade factory-installed air conditioner, manually controlled. To include all extra items normally included in the factory package.
✓	_____	H. Floor Coverings: Heavy duty vinyl or rubber.
✓	_____	I. Power Outlet: Required
✓	_____	J. Windshield Wipers: Electrically operated, multiple speed, manually controlled with electric windshield washer and jets to each wiper blade. Wiper shall be of intermittent type.
✓	_____	K. Clock: To be electric. Clock in radio dial face is acceptable.
✓	_____	L. A.M./F.M. Stereo Radio.
✓	_____	M. Under-coated: full factory undercoating or zinc coating required. Extra undercoating by dealer not required unless necessary to meet factory standards.

- ✓ _____ N. Rear View Mirrors: Interior to have day or night tab (selector type non-glare). Two matching outside mirrors, mirrors on both doors. Outside mirrors shall be electronic and heated.
- ✓ _____ O. Fuel Tank: minimum 20 gallons.
- ✓ _____ P. Vehicle shall have a full size cab with 8' box.
- ✓ _____ Q. Hood Release: In driver's compartment.
- ✓ _____ R. License Plate Brackets: Vehicle shall be equipped with front license plate brackets.
- ✓ _____ S. Gross Vehicle Weight: The gross vehicle weight rating shall be a minimum of 8600 lbs.
- ✓ _____ T. Towing Package: Heavy Duty trailer towing package including a minimum 17,000 lb rated hitch. Shall include integrated trailer brakes.
- ✓ _____ U. Bumpers: Manufacturer's front bumper and rear bumper that has hitch with hole.
- ✓ _____ V. Lights: High beam headlights with low beam; parking, dome, tail, back-up, and stop lights; front and rear directional turn signals with self-cancelling control on steering column; rear cargo light.

Comments _____

YES EXCEPTION

✓ G.4 V8

✓ 8spd Auto

✓ _____

✓ _____

✓ _____

II. ENGINE AND DRIVE TRAIN

A. Engine: Engine to be a minimum 5.7 liter and maximum 6.2 liter, eight cylinder, overhead valve, V-design engine, and have a fuel injection fuel system. Gas only.

B. Transmission: Fully automatic, heavy duty, electronic four or five speed. To be equipped with a factory engineered and installed oil cooler of suitable design to keep the automatic transmission fluid at an efficient temperature (if available).

C. Air Cleaner: H.D. element type.

D. Cooling System: Heavy duty, maximum capacity radiator of a pressurized design is required, having a maximum cooling capacity adequate to provide a safe margin of cooling when operated under extreme conditions. A coolant recovery system is required. Hose clamps shall be the steel metal band or wire type.

Antifreeze to 25 degrees below zero Fahrenheit required.

E. Axle Ratio: To be manufacturer's recommended ratio for this type of vehicle.

- ✓ _____ F. Exhaust System - to be manufacturer's recommended type for this type of vehicle.
- ✓ _____ G. Drive Train: Four Wheel Drive with automatic locking hubs.
- ✓ _____ H. Transfer Case: Either a floor mounted transfer case; or electronic, on the fly 2-wheel to 4-wheel transfer case shifter.

Comments _____

YES EXCEPTION

III. SUSPENSION SYSTEM

- ✓ _____ A. Wheel Base: Minimum wheel base shall be 133 inches.
- ✓ _____ B. Suspension system: Will be heavy duty, minimum 5,500 lb. front end, equipped with heavy duty shock absorbers, front and rear, and stabilizer or sway bars, if available as standard equipment.
- ✓ _____ C. Steering: Power steering required.
- ✓ _____ D. Brakes: Power, heavy duty fade-resistant front disc brakes, heavy duty lining rear brakes. (Disc brakes on all four wheels are acceptable, anti-lock braking system is acceptable).
- ✓ _____ E. Wheels: Five, 17 inch minimum, wheels of the type recommended by the manufacturer for the vehicle.
- ✓ _____ F. Tires: Five steel belted radial tires of the type recommended by the manufacturer for the vehicle, mud and snow tread.

Comments _____

YES EXCEPTION

IV. ELECTRICAL SYSTEM

- ✓ _____ A. Ignition System: 12 volt, solid state. The wiring harness shall be high tension resistor wiring, high-heat resistance, with high dielectric strength insulation.
- ✓ _____ B. Battery: 12 volt, heavy duty, manufacturer's maximum cold cranking power battery. A terminal post connected to the positive battery cable and capable of carrying 45 amperes shall be provided in the engine compartment. This terminal shall be in a location easily accessible from the top side of the engine compartment and near the battery. If this is not available, the positive cable may be of the type that attaches to battery posts by means of a bolt and nut. (Battery cable spring-loaded or drive-on devices are not acceptable).
- ✓ _____ C. Alternator: Minimum 100 ampere. Minimum capacity SAE output at engine curb idle speed not less than 45 amperes. Alternator shall be of the type that parts and repairs are available at authorized dealers of the make of vehicle furnished.

D. Voltage Regulator: Fully transistorized and sealed.

E. Spark Plugs: Factory recommended.

Comments _____

YES EXCEPTION

V. SPECIAL FEATURES

A. Electronic speed (cruise) control, factory installed.

B. Spray in Bed Liner.

C. Backup camera.

Cab Length

D. Wheel to wheel steps, tubular style

Comments _____

YES EXCEPTION

VI. MISCELLANEOUS

A. The standard complement of tools, standard jack and wheel wrench, and a full size spare wheel shall be provided, together with facilities for storage.

B. Each unit shall be delivered to the purchaser with all wheels balanced and the front end aligned.

C. It shall be the responsibility of the manufacturer supplying the vehicle to maintain an adequate stock of all regular and special parts within the State of Nebraska to meet the continuing service and repair parts needs of the department without undue delay.

D. The manufacturer's standard warranty shall be stated in the bid. A minimum warranty of three (3) years, 36,000 miles, or the manufacturer's standard warranty, whichever is greater, is required. A minimum of five (5) years, 100,000 miles rust warranty or manufacturer's standard corrosion warranty is required.

Comments _____

NOTICE: ANY DEVIATIONS FROM THESE SPECIFICATIONS MUST BE SEPARATELY LISTED. OTHERWISE, IT WILL BE ASSUMED THAT THE BID MEETS THE SPECIFICATIONS IN ALL RESPECTS.

BID FORM

TWO (2) NEW 2020
3/4 TON 4-WHEEL DRIVE PICKUP TRUCKS

NOTE: All equipment shall be factory-installed and shall be considered to be under factory warranty.

BASE BID

PRICE, PER UNIT, ON TWO (2) NEW 2020
3/4 TON 4-WHEEL DRIVE PICKUP TRUCKS

\$ \$26,978⁰⁰/each

TOTAL NET BID PRICE ON TWO (2) NEW 2020
3/4 TON 4-WHEEL DRIVE PICKUP TRUCKS

\$ \$53,956⁰⁰/Both

DELIVERY DATE: 90-120 Days

This Bid Submitted by: Deveny Chrysler Jeep Dodge
(Company Name)
Billy Davidson Billy Davidson
(Signature)
Finance Manager / Sales
(Title)

CONTACT PERSON: Kyle Potthoff, Public Works Director
at 308/345-2022 ext. 231

The City of McCook reserves the right to reject any or all bids, to waive any informality in bids, to accept in whole or in part any bid, and to exercise its own judgement as to the best proposal received.

**CITY MANAGER'S REPORT
FEBRUARY 17, 2020 CITY COUNCIL MEETING**

ITEM: 4.F.

RECOMMENDATION:

AWARD THE BID FOR CONCESSIONS AT THE JAYCEES BALL COMPLEX TO MICHELLE SEEKER AND FAMILY IN THE AMOUNT OF \$750.00 PER YEAR FOR THE CALENDAR YEARS 2020-2022.

BACKGROUND:

On Tuesday, February 11, 2020 sealed bids were opened for concessions at the Jaycees Ball Complex. We received one bid which was submitted by Michelle Seeker and Family in the amount of \$750.00 per year. This will be the Seeker family's first year of providing concessions. The concessions for the ballparks are bid out every 3 years.

The previous bid for concessions at the Jaycees Ball Complex was \$275.00 per year.

FISCAL

IMPACT: Will be an increase of \$475.00 annually from previous bid.

RECOMMENDATION:

AWARD THE BID FOR CONCESSIONS AT THE JAYCEES BALL COMPLEX TO MICHELLE SEEKER AND FAMILY IN THE AMOUNT OF \$750.00 PER YEAR FOR THE CALENDAR YEARS 2020-2022.

APPROVALS:



Kyle Potthoff, Public Works Director

February 12, 2020



Nate Schneider, City Manager

February 12, 2020

BID FORM FOR BALLPARK CONCESSIONS
City of McCook, Nebraska
Three (3) Year Term

MCCOOK JAYCEE COMPLEX

	2020	2021	2022
Bid for Concessions \$	<u>750</u>	<u>750</u>	<u>750</u>

Operated by: Michelle Seelzer + family
Will be using others (Boy Scouts, 4H, etc.) on
busy weekends who need fundraisers

The City of McCook reserves the right to reject any or all bids and to waive any irregularities and to exercise its own judgement as to the best bids received.

CITY MANAGER'S REPORT
FEBRUARY 17, 2020 MCCOOK CITY COUNCIL MEETING

ITEM **4.G.** Award the bid for the Library HVAC Replacement Project to McCook Mechanical Services, LLC in the amount of \$120,400 and authorize the Mayor to execute associated documents.

BACKGROUND:

On Tuesday, February 4, 2020 sealed bids were opened for the Library HVAC Replacement Project. We received three bids which were submitted by AJ Sheet Metal, Kayl Heating and Air, and McCook Mechanical Services. The bids were as follows:

AJ Sheet Metal - North Platte	\$188,000.00
Kay Heating and Air - Doniphan	\$129,900.00
McCook Mechanical Services	\$120,400.00

Following the bid opening, Staff submitted the bids to James Marshall Engineering for review. As outlined in James Marshall's letter to the City Manager Nate Schneider, two of the bids were below the \$130,000 budget. Mr. Marshall reviewed all of the bids, and in his opinion, all of the bids met the bidding requirements outlined in the specifications. The recommendation from Mr. Marshall and City Staff is to award the project to the low bidder, McCook Mechanical Services, LLC for the amount of \$120,400.

APPROVALS:



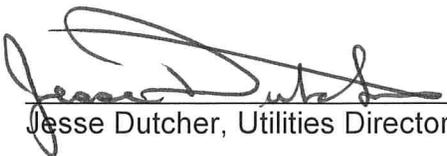
Nathan A. Schneider, City Manager

February 12, 2020



Lea Ann Doak, City Clerk

February 12, 2020



Jesse Dutcher, Utilities Director

February 12, 2020

Jody Crocker, Library Director

February 12, 2020



February 6, 2020

Nate Schneider, City Manager
City of McCook
West 5th and C Street
McCook, NE 69001

Mr. Schneider:

I was pleased that three bids were received for the Library HVAC Replacement Project. Furthermore, I was pleased that two of the bids were below the \$130,000 budget. All bids have been reviewed and it is my opinion that all meet the bidding requirements outlined in the specifications. My recommendation is to award the project to the low bidder, McCook Mechanical Services, LLC for the amount of \$120,400.

Assuming the City Council approves, I have attached an Award of Contract and Agreement with McCook Mechanical Services named as the project contractor. These need to be executed by the City. Five executed copies of the Agreement should be provided to McCook Mechanical Services for them to execute. They are to return four copies of the Agreement to the City along with Performance and Payment Bonds by February 27, 2020.

It has been my pleasure working with the City and I am looking forward to the successful completion of this project. Please contact me with any questions.

Sincerely,

James N. Marshall, PE

McCOOK PUBLIC LIBRARY
HVAC REPLACEMENT
BID TABULATION

February 4, 2020

MECHANICAL CONTRACTOR	BID
AJ Sheet Metal North Platte, Nebraska	\$188,000.00
Kayl Heating & Air Doniphan, Nebraska	\$129,900.00
McCook Mechanical Services McCook, Nebraska	\$120,400.00

February 17, 2020 5:30 pm: City Council awards project at regular meeting.



James N. Marshall Engineering, LLC
74681 K Road
Elm Creek, NE 68836
phone: 308.440.4270
jmarshall@jnm-eng.com

NOTICE OF AWARD

Dated: February 17, 2020

TO: McCook Mechanical Services, LLC

ADDRESS: 217 West B Street, McCook, NE 69001

PROJECT: McCook Public Library HVAC Replacement

OWNER'S CONTRACT NO.

You are notified that your Bid dated February 4, 2020 for the above Contract has been considered. You are the apparent successful bidder and have been awarded a contract for the total Work.

The Contract Price of your contract is **One Hundred Twenty Thousand Four Hundred Dollars (\$120,400)**.

Five (5) copies of each of the proposed Agreement accompany this Notice of Award. It is the Contractors responsibility to obtain the necessary copies of all drawings and specifications for performing the Work. Drawings and specifications to be obtained as per the procedure identified in the Advertisement for Bids.

You must comply with the following conditions precedent within ten days of the date of this Notice of Award, that is by February 27, 2020.

1. You must deliver to the OWNER a minimum of four (4) fully executed counterparts of the Agreement.
2. You must deliver with the executed Agreement the Contract Security (Bonds) as specified in the instructions to Bidders.
3. (List other conditions precedent).

Failure to comply with these conditions within the time specified will entitle OWNER to consider your bid in default, to annul this Notice of Award and to declare you Bid Security forfeited.

Within ten days after you comply with the above conditions, OWNER will return to you one fully signed counterpart of the Agreement with the Contract Documents attached.

**CITY OF MCCOOK
MCCOOK, NEBRASKA**

BY _____
(AUTHORIZED SIGNATURE)

ACCEPTANCE OF AWARD

(CONTRACTOR)

BY _____
(AUTHORIZED SIGNATURE)

(TITLE)

(DATE)

AGREEMENT BETWEEN OWNER AND CONTRACTOR

THIS AGREEMENT is dated as of the ___ day of _____ in the year 2020 by and between **City of McCook 505 West C Street, McCook, Nebraska 69001** (hereinafter called OWNER) and **McCook Mechanical Services, LLC, 217 West B Street, McCook, Nebraska 69001** (herein call CONTRACTOR).

OWNER and CONTRACTOR, in consideration of the mutual covenants hereinafter set forth, agree as follows:

Article 1. WORK.

- 1.1 CONTRACTOR shall complete all Work as specified or indicated in the Contract Documents. The Work is generally described as follows:
McCook Public Library HVAC Replacement

Article 2. ENGINEER.

- 2.1 The Project has been designed by James N. Marshall Engineering, LLC, who is hereinafter called ENGINEER and who is to act as OWNER'S representative, assume all duties and responsibilities and have the rights and authority assigned to ENGINEER in the Contract Documents in connection with completion of the Work in accordance with the Contract Documents.

Article 3. CONTRACT TIME

- 3.1 The Work will be substantially completed on or before May 1, 2020, and completed and ready for final payment in accordance with Section 1290 Payment Procedures.

Article 4. CONTRACT PRICE.

- 4.1 OWNER shall pay CONTRACTOR for completion of the Work in accordance with the Contract Documents an amount in current funds according to CONTRACTOR'S BID as attached.

Article 5. PAYMENT PROCEDURES.

- 5.1 CONTRACTOR shall submit Applications for Payment in accordance with Section 1290 Payment Procedures. Applications for Payment will be processed by ENGINEER as per Section 1290.

Article 7. CONTRACTOR'S REPRESENTATIONS.

In order to induce OWNER to enter into this Agreement CONTRACTOR makes the following representations:

- 7.1. CONTRACTOR has examined and carefully studied the contract Documents (including the Addenda listed in paragraph 8) and the other related data identified in the Bidding Documents including "technical data."

- 7.2 CONTRACTOR has visited the site and become familiar with and is satisfied as to the general, local and site conditions that may affect cost, progress, performance or furnishing of the Work.
- 7.3 CONTRACTOR is familiar with and is satisfied as to all federal, state and local Laws and Regulations that may affect cost progress, performance and furnishing of the Work.
- 7.4 CONTRACTOR has carefully studied all reports of explorations and tests of subsurface conditions at or contiguous to the site and all drawings of physical conditions in or relating to existing surface or subsurface structures at or contiguous to the site (except Underground Facilities) which have been identified. CONTRACTOR accepts the determination set forth to the extent of the "technical data" contained in such reports and drawings upon which CONTRACTOR is entitled to rely. CONTRACTOR acknowledges that such reports and drawings are not Contract Documents and may not be complete for CONTRACTOR's purposes. CONTRACTOR acknowledges that OWNER and ENGINEER do not assume responsibility for the accuracy or completeness of information and data shown or indicated in the Contract Documents with respect to Underground Facilities at or contiguous to the site. CONTRACTOR has obtained and carefully studied (or assumes responsibility for having done so) all such additional supplementary examinations, investigations, explorations, tests, studies and data concerning conditions (surface, subsurface and Underground Facilities) at or contiguous to the site or otherwise which may affect cost, progress, performance or furnishing of the Work or which relate to any aspect of the means, methods, techniques, sequences and procedures of construction to be employed by CONTRACTOR and safety precautions and programs incident thereto. CONTRACTOR does not consider that any additional examinations, investigations, explorations, tests, studies or data are necessary for the performance and furnishing of the Work at the Contract Price, within the Contract Times and in accordance with the other terms and conditions of the Contract Documents.
- 7.5 CONTRACTOR is aware of the general nature of work to be performed by OWNER and others at the site that relates to the Work as indicated in the Contract Documents.
- 7.6 CONTRACTOR has correlated the information known to CONTRACTOR, information and observations obtained from visits to the site, reports and drawings identified in the Contract Documents and all additional examinations, investigations, explorations, tests, studies and data with the Contract Documents.
- 7.7 CONTRACTOR has given ENGINEER written notice of all conflicts, errors, ambiguities or discrepancies that CONTRACTOR has discovered in the Contract Documents and the written resolution thereof by ENGINEER is acceptable to CONTRACTOR, and the Contract Documents are generally sufficient to indicate and convey understanding of all terms and conditions for performance and furnishings of the Work.

Article 8. CONTRACT DOCUMENTS.

The Contract Documents which comprise the entire agreement between OWNER and CONTRACTOR concerning the Work consist of the following:

- 8.1 This Agreement (pages 1 to 4, inclusive).
- 8.2 Exhibits to this Agreement (Certificate of Insurance, inclusive).
- 8.3 Performance, Payment and other Bonds.
- 8.4 Notice of Award.

- 8.5 Advertisement or Invitation to Bid
- 8.6 Instruction to Bidders
- 8.7 Specifications bearing the title **McCook Public Library HVAC Replacement.**
- 8.8 Drawings with the following general title: **McCook Public Library HVAC Replacement**
- 8.9 Addenda numbers 1 to 3, inclusive.
- 8.10 CONTRACTOR's Bid as attached.
- 8.11 Documentation submitted by CONTRACTOR prior to Notice of Award
- 8.12 The following which may be delivered or issued after the Effective Date of the Agreement and are not attached hereto: All Written Amendments and other documents amending, modifying, or supplementing the Contract Documents.
- 8.13 The documents listed in paragraphs 8.2 et seq. above are attached to this Agreement.

There are no Contract Documents other than those listed above in this Article 8. The Contract Documents may only be amended, modified or supplemented.

Article 9. MISCELLANEOUS.

- 9.1 No assignment by a party hereto of any rights under or interests in the Contract Documents will be binding on another party hereto without the written consent of the party sought to be bound; and specifically but without limitation, moneys that may become due and moneys that are due may not be assigned without such consent (except to the extent that the effect of this restriction may be limited by law), and unless specifically stated to the contrary in any written consent to an assignment no assignment will release or discharge the assignor from any duty or responsibility under the Contract Documents.
- 9.2 OWNER and CONTRACTOR each binds itself, its partners, successors, assigns and legal representatives to the other party hereto, its partners, successors, assigns and legal representatives in respect of all covenants, agreements and obligations contained in the Contract Documents.
- 9.3 Any provision or part of the Contract Documents held to be void or unenforceable under any Law or Regulation shall be deemed stricken, and all remaining provisions shall continue to be valid and binding upon OWNER and CONTRACTOR, who agree that the Contract Documents shall be reformed to replace such stricken provision or part thereof with a valid and enforceable provision that comes as close as possible to expressing the intention of the stricken provision.
- 9.4 The CONTRACTOR shall comply with and continue to comply with Fair Labor Standards in the pursuit of his business and in the execution of this Agreement.

IN WITNESS WHEREOF, OWNER and CONTRACTOR have signed this Agreement in triplicate. One counterpart each has been delivered to OWNER, CONTRACTOR and ENGINEER. All portions of the Contract Documents have been signed or identified by OWNER and CONTRACTOR or identified by ENGINEER on their behalf.

This Agreement will be effective on _____, 2020 (which is the Effective Date of the Agreement).

OWNER: **City of McCook, Nebraska**

CONTRACTOR _____

By _____

By _____

[SEAL]

[CORPORATE SEAL]

Attest _____

Attest _____

Address for giving notices

Address for giving notices

**City of McCook
City Manager
505 West C Street
McCook, NE 69001**

**McCook Mechanical Services, LLC
217 West B Street
McCook, NE 69001**

**CITY MANAGER'S REPORT
FEBRUARY 17, 2020 CITY COUNCIL MEETING**

ITEM: 4.H.

RECOMMENDATION:

Receive and file the minutes of the February 10, 2020 Planning Commission meeting.

BACKGROUND:

Receive minutes from the various board and commission meetings.

**FISCAL
IMPACT:** None.

APPROVALS:



Lea Ann Doak, City Clerk

February 13, 2020

McCook Planning Commission
February 10, 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: Vice Chair Hilker; Commissioners Bradley, Davidson, Dueland, McDowell, Stevens.

Absent: Chair Vosburg; Commissioners Friehe, Lyons, 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 February 6, 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.

Vice Chair Hilker 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 January 13, 2020 regular Planning Commission meeting.

Motion to approve the minutes of the January 13, 2020 regular Planning Commission meeting. This motion, made by McDowell and seconded by Dueland, passed.

Vosburg: ABSENT, Hilker: YEA, Bradley: YEA, Davidson: YEA, Dueland: YEA, Friehe: ABSENT, Graham: ABSENT, Lyons: ABSENT, McDowell: YEA, Stevens: YEA
YEA: 6, NAY: 0, ABSENT: 4

2. Public Hearings and Regular Agenda.

- 2.A. Public Hearing - Regarding the modification of the City of McCook's two mile extra territorial jurisdiction (ETJ) to coordinate the City's extra territorial boundary with existing section and quarter section lines.

Motion to recess as a Planning Commission and convene a public hearing for the purpose of receiving public comment with respect to the proposed modification of the City of McCook's two mile extra territorial jurisdiction (ETJ) to coordinate the City's extra territorial boundary with existing section and quarter section lines, with the City Attorney to act as hearing officer. This motion, made by Stevens and seconded by McDowell, passed.

Vosburg: ABSENT, Hilker: YEA, Bradley: YEA, Davidson: YEA, Dueland: YEA, Friehe: ABSENT, Graham: ABSENT, Lyons: ABSENT, McDowell: YEA, Stevens: YEA
YEA: 6, NAY: 0, ABSENT: 4

The City Attorney received into evidence Exhibit #1 - City Manager's Report prepared for the February 10, 2020 Planning Commission meeting (1 page), Exhibit #2 - Notice of Hearing published (1 page); Exhibit #3 - Zoning Map ETJ indicating the current two mile and the proposed modification (1 page); Exhibit #4 - Zoning Map ETJ indication the proposed modification (1 page); and Exhibit #5 - proposed Zoning Map ETJ Boundary Description.

City Manager Schneider reviewed the following information presented in Exhibit #1: "At two prior Planning Commission meetings, reviews of the City's ETJ were held. The reviews focused on potentially amending the City's ETJ to adopt a boundary that was based on section and quarter section lines as opposed to the current radius system. Based on input from the two reviews, Staff has developed a proposed ETJ map for consideration. Staff has coordinated its efforts to develop the proposed map with Red Willow County officials. The main reason for this proposal is to eliminate unintentional ETJ lot bisections that have created jurisdictional issues for both the City of McCook and Red Willow County. It is our hope that the adoption of a new ETJ will remedy the issue."

"A recommendation in favor of the proposal would be forwarded to the City Council as an ordinance. A similar request for consideration will be heard by the Red Willow County Planning Commission, and if approval is recommended by the Red Willow County Planning Commission, the matter will be acted upon by the Red Willow County Board of Commissioners."

With no one else present to comment, I move to adjourn the public hearing and to reconvene as a Planning Commission. This motion, made by Dueland and seconded by Hilker, passed.
Vosburg: ABSENT, Hilker: YEA, Bradley: YEA, Davidson: YEA, Dueland: YEA, Friehe: ABSENT, Graham: ABSENT, Lyons: ABSENT, McDowell: YEA, Stevens: YEA
YEA: 6, NAY: 0, ABSENT: 4

2.B. Recommend approval of the modification of the City of McCook's two mile extra territorial jurisdiction (ETJ) to coordinate the City's extra territorial boundary with existing section and quarter section lines.

Motion to recommend approval of the modification of the City of McCook's two mile extra territorial jurisdiction (ETJ) to coordinate the City's extra territorial boundary with existing section and quarter section lines. This motion, made by McDowell and seconded by Dueland, passed.
Vosburg: ABSENT, Hilker: YEA, Bradley: YEA, Davidson: YEA, Dueland: YEA, Friehe: ABSENT, Graham: ABSENT, Lyons: ABSENT, McDowell: YEA, Stevens: YEA
YEA: 6, NAY: 0, ABSENT: 4

Adjournment.

With no further business, Chair Vosburg declared the Planning Commission meeting adjourned at 5:33 P.M.

Lea Ann Doak, Recording Secretary

**CITY MANAGER'S REPORT
FEBRUARY 17, 2020 CITY COUNCIL MEETING**

ITEM: 4.I.

RECOMMENDATION:

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 AREAS OF THE GOLF COURSE

BACKGROUND:

Great Plains Communications (GPC) of Blair, NE is seeking permission to occupy City utility right-of-way to extend fiber optic that will provide cable service to areas of the golf course.

The new fiber will be installed using existing cable television ducts (conduit), already located on City of McCook Utility Easements. The easements, located on land behind the properties along Brassie, Spoon, Club House Drive, Wedgewood Drive and Mashie Drive are occupied by the City's sanitary sewer and should not pose any conflicts.

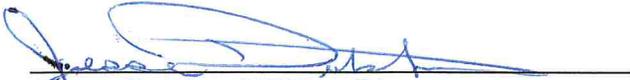
As shown on the attached drawing the fiber will cross Club House Drive, Wedgewood Drive and Mashie Drive again in existing ducts that connect with the ducts behind the properties. Each street crossing will crossover water mains located in the middle of the streets. The existing ducts should be above the water mains.

The project will see some excavation where handholes/vaults are installed behind the homes. The handholes are plastic boxes installed below grade with a lid (30 inches in diameter) that sit at ground level and contains the fiber cable connections between the main cable and the residence.

With a planned start date of April 2020 the project will see the installation of approximately 7,500 feet of new fiber optic cable and provide connectability to around 35 homes and businesses when completed in September of 2020.

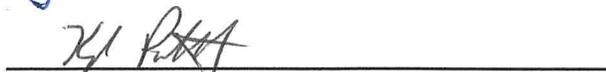
FISCAL IMPACT:(None) GPC will provide the required \$2,500 performance deposit prior to construction

APPROVALS:



Jesse Dutcher Utilities Dir.

February 10,2020



Kyle Potthoff, Public Works Dir.

February 10,2020



Nate Schneider, City Manager

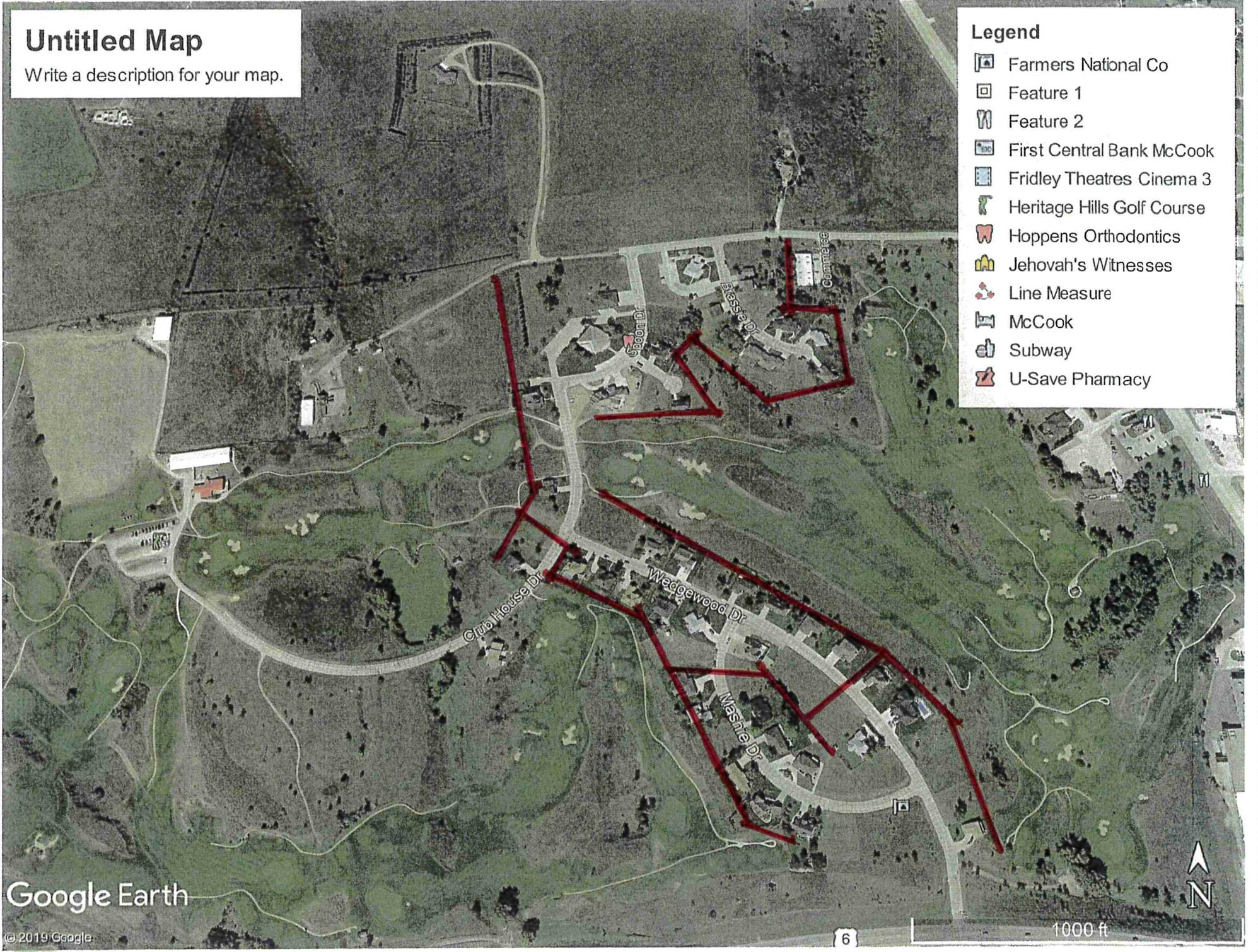
February 10,2020

Untitled Map

Write a description for your map.

Legend

-  Farmers National Co
-  Feature 1
-  Feature 2
-  First Central Bank McCook
-  Fridley Theatres Cinema 3
-  Heritage Hills Golf Course
-  Hoppens Orthodontics
-  Jehovah's Witnesses
-  Line Measure
-  McCook
-  Subway
-  U-Save Pharmacy



Google Earth



P.O. BOX 1059 • 505 WEST C • McCook, NE 69001-1059 • PHONE (308) 345-2022 • FAX (308) 345-1461

APPLICATION TO OCCUPY RIGHT-OF-WAY

APPLICANT NAME: Great Plains Comm DATE: 2-5-2020
ADDRESS: 1009 West B McCook PHONE: 402-278-2325
FAX: 308-364-9060 START DATE: April 2020 FINISH DATE: September 2020

A CASH BOND IS REQUIRED FOR ALL RIGHT-OF-WAY ENCROACHMENTS

Type: (circle) <input type="radio"/> Over-Cross <input checked="" type="radio"/> Under-Cross <input type="radio"/> Occupy <input type="radio"/> Miscellaneous	With a: (circle) <input type="radio"/> Water Line <input type="radio"/> Sewer Line <input type="radio"/> Gas Line <input checked="" type="radio"/> Telephone Line (Underground Aerial)	<input type="radio"/> Tree Trimming/Removal <input type="radio"/> Grading <input type="radio"/> Other <input type="radio"/> Electric Line (Underground Aerial)
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Location: Beginning _____ feet (East West North South) of Intersection _____
and ending (East West North South) _____ feet of Intersection _____
GOLF COURSE (see attached)

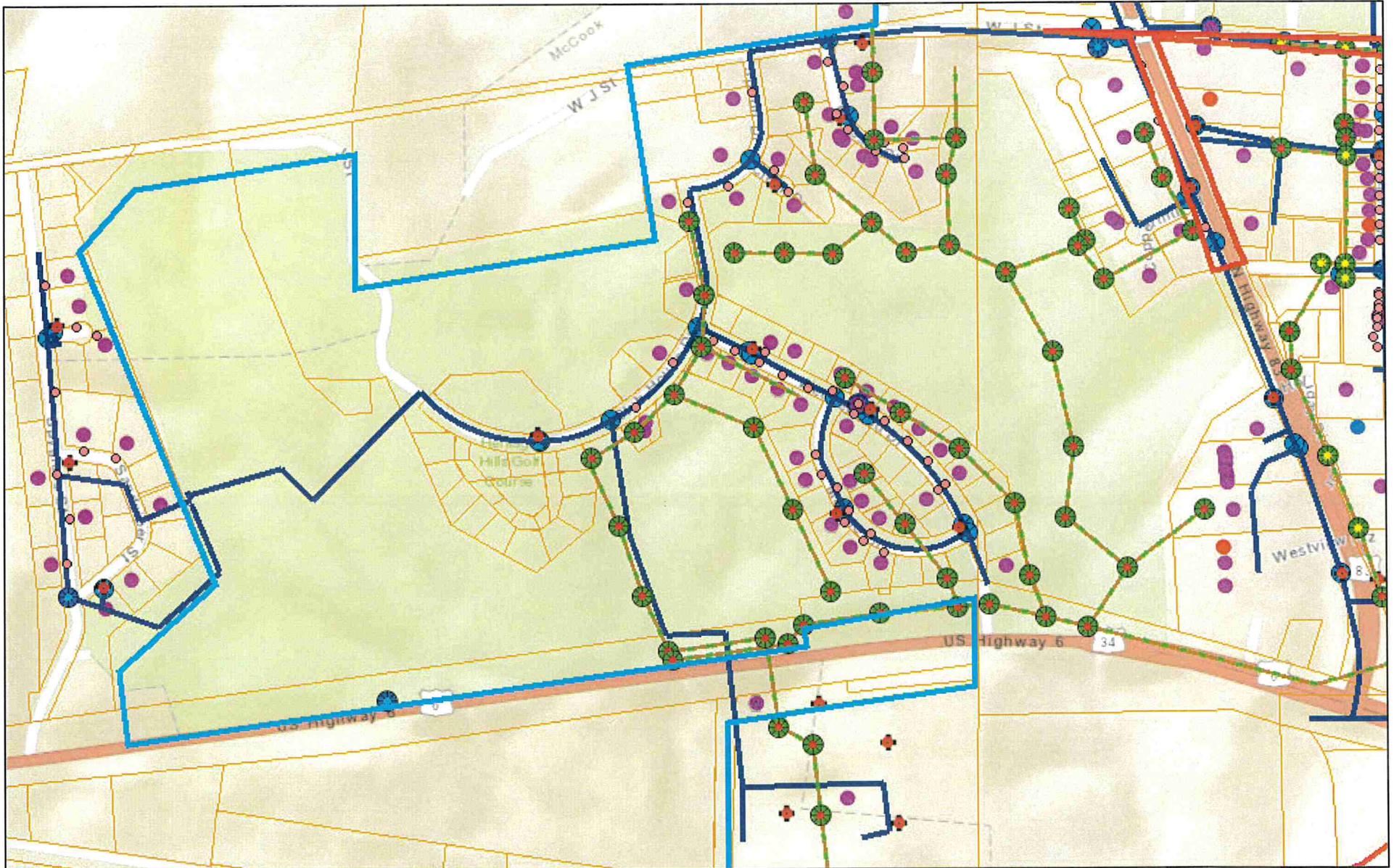
Requirements: The applicant agrees to complete this work in accordance with the terms and conditions of the City of McCook. Any permit issued will be cancelled if the work specified is not completed within the term listed on the permit or within any additional length of time granted. Request for an extension of time to complete the work must be made in writing. Any extension granted will be acknowledged in writing by the City of McCook. **The Applicant may cancel the permit with written notification at any time prior to beginning work on right-of-way.**

Performance Guarantee: (Make Payable to City of McCook)
Amount: \$ _____ Check No. _____ Or FID No. _____
This guarantee is for the faithful compliance by the Applicant to the terms of the permit. It is understood that should the Applicant fail to perform the work as set forth in the permit, the City of McCook will have the right to keep the performance guarantee as liquidated damages for its necessary supervisory and inspection expenses and to initiate such legal proceedings as are necessary to secure either performance of the work in compliance with the terms of the permit or the restoration of the right-of-way to its previous condition prior to the activities of the Applicant.

NOTE: Please provide a location plan for over-cross or under-cross of location to occupy City of McCook right-of-way. When your project requires engineering plans, please submit four sets of plans, no larger than 18"x24". The engineering plans shall show the general features of the work to be completed and all information such as sizes, distances, dimensions, sleeves, cuts and fills, erosion control measures, etc., when applicable. City of McCook Municipal Code §94.34.

[Signature]
Applicant's Signature

Recommended By _____ Date _____ Director of Public Works Approval _____

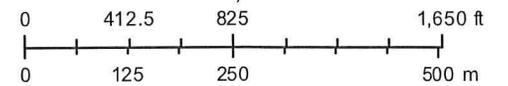


February 10, 2020
10:30 AM

DISCLAIMER: This map is not intended for conveyances, nor is it a legal survey. The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments.

1:9,028

- | | | | | |
|----------------------|---------------|-------------------|----------------|------------------|
| Sewer Manholes | Curb Stop | Meter Pits | PULSE | Water Main Valve |
| Sewer Manholes (CAD) | Fire Hydrants | TR | Water Manholes | |
| Sanitary Main | RR | Water Main | | |



**CITY MANAGER'S REPORT
FEBRUARY 17, 2020 CITY COUNCIL MEETING**

ITEM: 4.J.

RECOMMENDATION:

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 HOMES IN THE NORTH POINTE DEVELOPMENT

BACKGROUND:

Great Plains Communications (GPC) of Blair, NE is seeking permission to occupy City utility right-of-way to extend fiber optic cable that will provide service to residences north of West R Street in the North Pointe Development.

The new fiber optic line will originate on the south side of West R Street at an existing handhole that is near the midway point between West 8 1/2 and West 9 Streets. The line will cross West R and run west until it reaches a point near the east side of yet undeveloped West 9th Street. From there it turns north for approximately 190 feet then turns east running behind the homes, terminating at a point near West 7th Street. This route will cross the West R Street Water Main and parallel the sewer main that serves this area. Both the water and sewer are deeper than the planned fiber optic cable.

If approved the planned start date is in April and completion by August 2020. The project will involve the installation of 2 ducts/conduits both 1 ¼ inch diameter that will house approximately 1,100 feet of fiber optic cable and 4 ground level handholes/vaults for connecting fiber to the existing 6 homes.

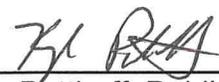
FISCAL IMPACT:(None) GPC will provide the required \$2,500 performance deposit prior to construction

APPROVALS:



Jesse Dutcher Utilities Dir.

February 10,2020



Kyle Potthoff, Public Works Dir.

February 10,2020



Nate Schneider, City Manager

February 10,2020



P.O. BOX 1059 • 505 WEST C • McCook, NE 69001-1059 • PHONE (308) 345-2022 • FAX (308) 345-1461

APPLICATION TO OCCUPY RIGHT-OF-WAY

APPLICANT NAME: Great Plains Comm DATE: 2-5-2020
ADDRESS: 1007 West B St. McCook PHONE: 402-278-2325
FAX: 308-364-9060 START DATE: April 2020 FINISH DATE: August 2020

A CASH BOND IS REQUIRED FOR ALL RIGHT-OF-WAY ENCROACHMENTS

Type: (circle) Over-Cross <u>Under-Cross</u> Occupy Miscellaneous	With a: (circle) Water Line Sewer Line Gas Line <u>Telephone Line</u> <u>(Underground Aerial)</u>	Tree Trimming/Removal Grading Other Electric Line (Underground Aerial)
--	---	--

Location: Beginning 25 feet East (East West North South) of Intersection W 9th + R St.
and ending (East West North South) 300 feet of Intersection
W 9th + R St.

Requirements: The applicant agrees to complete this work in accordance with the terms and conditions of the City of McCook. Any permit issued will be cancelled if the work specified is not completed within the term listed on the permit or within any additional length of time granted. Request for an extension of time to complete the work must be made in writing. Any extension granted will be acknowledged in writing by the City of McCook. The Applicant may cancel the permit with written notification at any time prior to beginning work on right-of-way.

Performance Guarantee: (Make Payable to City of McCook)

Amount: \$ _____ Check No. _____ Or FID No. _____

This guarantee is for the faithful compliance by the Applicant to the terms of the permit. It is understood that should the Applicant fail to perform the work as set forth in the permit, the City of McCook will have the right to keep the performance guarantee as liquidated damages for its necessary supervisory and inspection expenses and to initiate such legal proceedings as are necessary to secure either performance of the work in compliance with the terms of the permit or the restoration of the right-of-way to its previous condition prior to the activities of the Applicant.

NOTE: Please provide a location plan for over-cross or under-cross of location to occupy City of McCook right-of-way. When your project requires engineering plans, please submit four sets of plans, no larger than 18"x24". The engineering plans shall show the general features of the work to be completed and all information such as sizes, distances, dimensions, sleeves, cuts and fills, erosion control measures, etc., when applicable. City of McCook Municipal Code §94.34.


Applicant's Signature

Recommended By _____

Date _____

Director of Public Works Approval _____

Untitled Map

Write a description for your map.

Legend

 Untitled Path

Ground level Valts

↘ 2-1/4 Ditches

W 9th St

W 8 1/2th St

W 8th St



**CITY MANAGER'S REPORT
FEBRUARY 17, 2020 CITY COUNCIL MEETING**

ITEM: 4.K.

Receive and file claim for damages from Roger Dame and instruct that it be submitted to the City's insurance carrier for review and appropriate action.

BACKGROUND:

Attached to this report you will find the letter of claim received from Roger Dame.

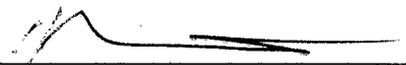
**FISCAL
IMPACT:** None.

APPROVALS:



Lea Ann Doak, City Clerk

February 13, 2020



Nathan A. Schneider, City Manager

February 13, 2020

Roger & Linda Dame
806 west L
McCook, NE. 69001
308-345-6722

To whom it may concern,

On the morning of Jan. 24th 2020, the McCook police dept. and NE. state patrol felt the need to do a random weapon and drug search of the parking area for the McCook high school.

Due to the negligence of the police officers' control of the city dog, there has been damage to our vehicle.

My son was notified by two witness that the police dog was jumping all over his truck.
At noon he took pictures of paw prints and scratches in the driver's side of his truck.
I Roger Dame also have pictures to prove these scratches.

My son was not notified of the damage. I feel it would be the morale responsibility of an officer to report the damage to my son.

There was no search of my sons' truck as he was not pulled from school.

We would appreciate whomever is responsible to submit this estimate to your Ins. Carrier so that our vehicle can get repaired in a timely matter.

Thank you for your attention in this matter.

Jan 29th 2020

Sincerely,
Roger Dame

Copies sent to
City Manager - Nate Schneider
Chief of police – Isaac Brown
Councilmen- Jerry calvin

Date: 1/28/2020 03:53 PM
 Estimate ID: 2370
 Estimate Version: 0
 Preliminary
 Profile ID: Bieker's

Bieker's Quality Collision Repair

1604 West Q Street, McCook, NE 69001
 (308) 345-6782
 Fax: (308) 345-6783
 Email: Biekers@qwestoffice.net
 Tax ID: 47-0834033

Damage Assessed By: Lester Bieker
 Classification: None

Deductible: UNKNOWN

Owner: LINDA DAME

Mitchell Service: 910438

Description: 2005 Toyota Tacoma
 Body Style: 4D PkUpCrw 5' Bed 128" WB Drive Train: 4.0L Inj 6 Cyl 4WD
 VIN: 5TELU42N45Z066544
 OEM/ALT: A Search Code: B838418
 Options: PASSENGER AIRBAG, POWER LOCK, POWER WINDOW, POWER STEERING, AIR CONDITION
 TILT STEERING COLUMN, AM/FM STEREO, DRIVER AIRBAG, SKID PLATES
 ANTI-LOCK BRAKE SYS., CD PLAYER, POWER ADJUSTABLE EXTERIOR MIRROR, 4WD OR AWD
 FIRST ROW BUCKET SEAT, CLOTH SEAT, 4 WHEEL DRIVE
 DRIVER SEAT WITH POWER LUMBAR SUPPORT, REAR BENCH SEAT

Line Item	Entry Number	Labor Type	Operation	Line Item Description	Part Type/ Part Number	Dollar Amount	Labor Units
<u>Front Door</u>							
1	000463	BDY	REPAIR	L Frt Door Repair Panel	Existing		2.0* #
2		REF	REFINISH	L Frt Door Outside			C 2.2
3	002667	BDY	REMOVE/INSTALL	L Frt Rear View Mirror			INC
4	002669	BDY	REMOVE/INSTALL	L Frt Door Power Mirror			0.7 #
5	000566	BDY	REMOVE/REPLACE	L Frt Door Adhesive Nameplate	75427-04010	44.48	0.2
6	002681	BDY	REMOVE/INSTALL	L Frt Otr Door Handle			0.3
<u>Rear Door</u>							
7	000845	BDY	REPAIR	L Rear Door Repair Panel	Existing		1.5* #
8		REF	REFINISH	L Rear Door Outside			C 1.9
<u>Pickup Bed</u>							
9	002107	BDY	REPAIR	L Pickup Bed Side Panel Assy	Existing		1.5* #
10		REF	REFINISH	L Bed Side Panel Outside			C 3.1
11	002731	BDY	REMOVE/INSTALL	L Pickup Bed Wheel Opening Flare			0.4 #
12	002737	BDY	REMOVE/INSTALL	L Frt Pickup Bed Moulding			0.2
13	002739	BDY	REMOVE/INSTALL	L Rear Pickup Bed Moulding			0.2
14	003395	BDY	REMOVE/INSTALL	L Pickup Bed Mudguard			INC
<u>Tailgate</u>							
15	002745	BDY	REMOVE/INSTALL	Tailgate Assembly			0.4
<u>Rear Lamps</u>							
16	002747	BDY	REMOVE/INSTALL	L Rear Combination Lamp			0.2
<u>Additional Operations</u>							
17		REF	ADD'L OPR	Clear Coat			1.9
18	933003	REF	ADD'L OPR	Tint Color			0.5*
19	933018	REF	ADD'L OPR	Mask For Overspray		10.00 *	0.3*

Additional Costs & Materials

ESTIMATE RECALL NUMBER: 01/28/2020 15:50:19 2370

Mitchell Data Version: OEM: JAN_20_V
 MAPP: JAN_20_V

Software Version: 7.1.238

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**CITY MANAGER'S REPORT
FEBRUARY 17, 2020 CITY COUNCIL MEETING**

ITEM: 4.L.

Receive and file the claims for the month of January 2020 as published February 10, 2020.

BACKGROUND:

Claims are presented to the Council and published each month as outline in the City Code of Ordinances.

Staff is always available to address any questions that the Council may have regarding a specific claim.

**FISCAL
IMPACT:** None.

APPROVALS:



Lea Ann Doak, City Clerk

February 13, 2020

CITY OF MCCOOK
CLAIMS FOR JANUARY 2020

ABBREVIATIONS FOR LEGALS: PS - PERSONAL SERVICES; S- SUPPLIES; SC - SERVICES & CHARGES; CO - CAPITAL OUTLAY; BT - BUDGET TRANSFERS

20/20 TECH-SC 1599.00; 7-D LOCKSHOP-S 9.50; ACE-S 1735.82; ACME PRINTING-S 1630.98; AMAZON-S 10734.38; AMERICAN AG LAB-SC 1519.49; AMERICAN ELECTRIC-S 340.24; APCO, NE-SC 99.00; APPLIED CONNECTIVE TECH-SC 246.12; ARROW CAR WASH-SC 18.45; AWARDS PLUS-S 84.00; BARCO MUN PROD-S 230.27; BEACON ATHLETICS-S 31.70; BENEFIT PLANS-S 25.00; BERT GURNEY & ASSOC-SC 1088.00; BICYCLING MAGAZINE-S 59.98; BLACK HILLS ENERGY-SC 7803.45; BLAKE'S-S 924.00; BLUE360 MEDIA-SC 375.70; BOOKS BY THE BUSHEL-S 182.20; BSB CONST-SC 15176.92, CO 13682.01; BW TELCOM-SC 288.28; C&K-S 651.00; CAMBRIDGE TELE-SC 244.51; CARPENTER-BRELAND-S 2475.00; CARQUEST-S 810.73; CASH WA-S 11217.13; CDW-SC 2385.79; CENTURY LINK-SC 1073.55; CITY OF MCCOOK-PS 362024.41; CITY SELF INS-BT 129504.00; UTILITIES-SC 2963.97; COMMUNITY HOSP-SC 220.00; CONSOLIDATED MGMT-SC 237.06; COPQUEST-S 207.20; CORNHUSKER STATE INDUSTRIES-S 56.00; CRAWFORD SUPPLY-S 34.91; CREATIVE PRODUCT-S 927.36; CROELL-CO 771.75; CULLIGAN-S 39.10; D&L PEST-S 308.00; D & S HARDWARE-S 866.29; DAILY DISPATCH-S 405.00; DANKO-SC 2315.63, S 159.85; DAS STATE ACCTG-SC 448.00, S 22.00; DELTA MEDICAL-S 197.30; DEMCO-S 223.55; DIAMOND LAKE BOOKS-S 175.56; DIAMOND VOGEL-S 156.50; DITCH WITCH-S 389.41; DVORAK LAW-5783.85; EAKES-S 1383.16; ELLERBROCK-NORRIS-SC 1825.00; EMBASSY SUITES-SC 1096.00; ENGINEERED CONTROLS-S 2269.89; ENVIRN ANALYSIS-SC 618.80; FARRELL'S-S 80.00; FASTENAL-S 384.95; FICA-SC 17404.51; FBI ACADEMY-SC 500.00; FIRE ENGINEERING-SC 24.00; FLYING BOBBINS-SC 75.00; F-V COOP-S 17124.86; FRONTIER COMM-SC 34.19; FUSION CLOUD SRVS-SC 732.48; GALE GROUP-S 125.07; GALLS-S 334.76; GARY'S-S 2075.14; GEMPLER'S-S 359.09; GLASS EXPRESS-S 1167.13; GOOGLE*SVCS-SC 312.50; GRAHAM TIRE-S 8970.92; GRAINGER-S 196.80; GREAT PLAINS COMM-SC 2588.10; HENNING BROS-SC 59.00; HOMETOWN LEASING-SC 2639.88; IDEAL LINEN-S 312.98; IIMC-SC 170.00; INT'L CODE COUNCIL-135.00; IPMA-HR-S 302.05; J BAR J-SC 40337.50; JOHN HANCOCK-SC 50129.81; JAMES

MARSHALL ENG-CO 11000.00; JUNIOR LIBRARY GUILD-S 866.60; JUSTICE DATA-CO 17500.00, SC 16000.00; K & C GRAIN-S 7680.26; KOHL'S-S 85.23; L-TRON CORP-S329.00; LAND'S END-S 55.14; LONMP-SC 95.00; LIFE-ASSIST-S 973.25; LINCOLN CO-SC 515.30; MACQUEEN EQ-S 33.84; MAILFINANCE-SC 600.00; MCCOOK CHAMBER-SC 815.00; MEDC-SC 10889.00; MCCOOK GAZETTE-SC 1341.60; MC HUMANE SOC-SC 3617.50; MC MECHANICAL-S 1099.31; MNB-CO 75793.67; MCNET-SC 91.40; MC PROF FIRE-S 480.00; MPPD-SC 673.00; MPS-SC 640.00; MCKESSON MEDICAL-S 198.73; MEAD LUMBER-S 171.35; MEDICARE-PS 4880.03; MERCHANT SRVS-SC 958.65; MICROMARKETING-S 2736.31; MIDLAND'S TOXICOLOGY-SC 60.00; MID-STATE ORG CRIME-SC 150.00; MILCO-SC 6533.38; MOANO STORE-S 107.81; MOUSEL LAW-SC 4216.40; MUNICIPAL PIPE SRVS-CO 66140.98; MUNICIPAL SUPPLY-S 6613.70, CO 12982.84; MUTUAL OF OMAHA-SC 2850.43; NE DEPT HEALTH LABS-SC 19.00; NE DEPT OF REV-SC 21209.29; NE DEPT OF TRANS-CO 275000.00; NE LAW ENFORCEMENT-SC 135.00; NEBRASKA SAFETY AND FIRE-S 210.00; NE SOCIETY OF FIRE SRVS-SC 195.00; NE STATE FIRE MARSHALL-SC 120.00; NE SUPREME CRT-SC 177.65; NEBRASKA EMERGENCY SRVS-SC 15.00; NEBRASKA MACHINERY-S 65.28; NE MUNICIPAL CLERSK-S 90.00; NE PUBLIC SRVS-S 99.00; NEBRASKA SALT & GRAIN-S 3142.80; NEBRASKA TRUCK CENTER-S 1170.93; NEBRASKALAND TIRE-S 651.01; NEMSA-S 90.00; NICK'S DIST-S 908.48; NPPD-SC 33562.56; NSILAB-SC 299.00; O'KEEFE ELEVATOR-S 9016.56; O'REILLY AUTO-S 771.01; ONE CALL CONCEPTS-SC 50.69; ORBIT SCREENS-S 327.00; ORSCHLEN'S-S 224.48; PATRIOTS-S 5760.00, SC 4413.00; PAUL GLENDY-S 90.00; PAVEMENT REPAIR-CO 1177.00; PLAINS EQUIP GRP-S 397.99; PLATTE VALLEY COMM-S 310.00; POLICE CHIEF ASSOC-SC 50.00; POWERPLAN-S 169.15; QUICK ME CLAIMS-SC 7306.09; QUILL-S 226.78; RACORSTORE-S 186.74; RAVENSWOOD ELEC-S 221.36; RWCO TREAS-SC 715.84; RJ THOMAS MANUF-SC 629.00; ROCHESTER MIDLAND-S 287.91; SANDRY FIRE SUPPLY-S 442.64; SCHMICK'S-SC 6.98; SCOTTIES POTTIES-S 91.00; SW FARM & AUTO-S 75.55; SPARQDATA-SC 2900.00; STEVE'S ELEC-S 195.00; STOCKMAN'S FEED-S 70.40; STOREY KENNWORTH/MATT PARR-S 265.65; SUNSET LAW ENF-S 3080.70; SWANSON SIGNSSC 394.41; THE OLSON GROUP-SC 500.00; THE STAMPMAKER-S 43.40; TITAN MACH-S 7714.52; TJ'S-SC 355.00; TRACTOR SUPPLY-S 128.37; TRI AIR TESTING-SC 195.01; TYLER

TECH-SC 21.50; ULINE-S 68.40; UMR-SC 242807.38; UNITECH-S 462.50; USPS-SC 1318.25; UN OF NE-SC 856.00; US DEPT OF AG-SC 3500.00; US FOODS-GI-S 1794.99; USA BLUEBOOK-S 355.39; USBORNE BOOKS-S 378.78; UTILITY REFUND-733.54; VERIZON-SC 4165.26; W-DESIGN-CO 20497.25; WALMART-S 2219.28; WEATHERCRAFT-S 320.00; WESTSIDE WELDING-S 51.70; WIRELESS WORLD-SC 35.99; WITMER PUBLIC SAFETY-S 100.00; WPCI-SC 29.50; ZOLL-S 19.68.

-s- Lea Ann Doak
City Clerk

Publish: February 10, 2020

**CITY MANAGER'S REPORT
FEBRUARY 17, 2020 CITY COUNCIL MEETING**

ITEM: 4.M.

Receive and file the Financial Report for the period ending January 31, 2020.

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 January 31, 2020.

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 January 31, 2020.

Attachment C is a Financial Summary of Revenue and Expense by Fund for the quarter ending January 31, 2020.

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

February 13, 2020



Nathan A. Schneider, City Manager

February 13, 2020

ATTACHMENT

A

City of McCook, Nebraska
 TREASURER'S REPORT
 Period Ending January 31, 2020 (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	\$	1,199,180.05	
Fees, Permits and Licenses	\$	149,833.48	
Intergovernmental Services	\$	1,513,104.20	
Charges - Current Services	\$	609,732.09	
Public Utilities	\$	1,174,246.16	
Use of Money & Property	\$	792,452.21	
Interfund Transfers	\$	1,470,977.64	
Other Revenue	\$	443,585.51	
Unapplied/Accounts Payable	\$	1,885.00	
PLUS TOTAL RECEIPTS			\$ 7,354,996.34
Disbursements:			
Personal Services	\$	2,147,885.49	
Supplies	\$	400,994.18	
Services & Charges	\$	3,074,205.13	
Budget Transfers	\$	1,010,258.88	
Capital Outlay	\$	2,053,631.18	
Unapplied/Accounts Payable	\$	0.00	
MINUS TOTAL DISBURSEMENTS			\$ 8,686,974.86
Ending Cash Balance January 31, 2020			
McCook National Bank - Public Funds	\$	12,766,552.17	
McCook National Bank - Primary Operating	\$	223,316.62	
McCook National Bank - LB840 Funds	\$	606,840.39	
McCook National Bank - Payroll	\$	1,000.00	
McCook National Bank - CRA	\$	57.93	
Petty Cash	\$	900.00	
Purchase Account	\$	10,000.00	
NDEQ Irrevocable Escrow	\$	82,197.30	
McCook National Bank - Pension	\$	21,647.31	
TOTAL ENDING CASH	\$	13,712,511.72	\$ 13,712,511.72

Dated: January 31, 2020

-s- Lea Ann Doak, City Clerk

ATTACHMENT B

City of McCook, Nebraska
 ASURER'S REPORT
 MONTHLY BALANCE BY FUNDS
 Period Ending January 31, 2020 (unaudited)

Beginning Cash on Hand, October 1, 2019	Beginning Cash	YTD Revenue	YTD Expenditures	Ending Cash
General Fund - 10	\$ 2,690,439.97	\$ 2,066,060.59	\$ 2,717,957.93	\$ 2,038,542.63
General Fund Unapplied/Accts. Payable	\$ 3,341.00	\$ 1,885.00	\$ 0.00	\$ 5,226.00
Street Fund - 15	\$ 89,694.69	\$ 447.00	\$ 32,816.86	\$ 57,324.83
Special Revenue - 20	\$ 895,594.29	\$ 1,053,595.05	\$ 1,226,410.58	\$ 722,778.76
Debt Service - 30	\$ 347,818.45	\$ 8,904.80	\$ 0.00	\$ 356,723.25
Community Redevelopment Authority - 40	\$ 65,818.36	\$ 401.00	\$ 0.00	\$ 66,219.36
Economic Development Fund - 45	\$ 626,583.09	\$ 159,948.62	\$ 180,572.07	\$ 605,959.64
ED Fund Unapplied/Accts. Payable				\$ 0.00
Pension Trust - 50	\$ 17,923.39	\$ 10,015.24	\$ 6,291.32	\$ 21,647.31
Trust & Agency - 60	\$ 290,496.43	\$ 58,816.61	\$ 65,596.36	\$ 283,716.68
Internal Service Fund - 65	\$ 567,643.45	\$ 775,829.45	\$ 723,079.58	\$ 620,393.32
Enterprise Fund - 70	\$ 8,541,728.03	\$ 2,966,055.29	\$ 3,293,518.63	\$ 8,214,264.69
Enterprise Fund Unapplied/Accts. Payable	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
Capital Improvement - 80	\$ 907,409.09	\$ 253,037.69	\$ 440,731.53	\$ 719,715.25
	\$ 15,044,490.24			\$ 13,712,511.72
		\$ 7,354,996.34	\$ 8,686,974.86	

Dated: January 31, 2020

-s- Lea Ann Doak, City Clerk

ATTACHMENT C

CITY OF McCOOK
 STATEMENT OF REVENUES - BUDGET VS. ACTUAL
 AS OF: JANUARY 31ST, 2020

10 -GENERAL FUND
 FINANCIAL SUMMARY

% OF YEAR COMPLETED: 33.33

	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	583,915.81	2,024,060.59	1,992,811.25	6,655,883.41	76.68
RESERVES/CO TREASURER BAL	<u>1,512,071</u>	<u>1,512,071</u>	<u>10,500.00</u>	<u>42,000.00</u>	<u>46,164.00</u>	<u>1,470,071.00</u>	<u>97.22</u>
TOTAL REVENUES	10,192,015	10,192,015	594,415.81	2,066,060.59	2,038,975.25	8,125,954.41	79.73
=====							
	ORIGINAL BUDGET	CURRENT BUDGET	MONTHLY EXPENDITURES	YEAR-TO-DATE EXPENDITURES	PRIOR YEAR YEAR-TO-DATE	BUDGET REMAINING	% BUDGET REMAINING
ADMINISTRATION	628,920	628,920	45,352.81	184,597.62	185,189.25	444,322.38	70.65
PUBLICITY	7,750	7,750	408.09	1,730.19	1,898.09	6,019.81	77.67
AUDITORIUM	46,785	46,785	2,863.31	46,099.17	13,621.16	685.83	1.47
COUNCIL	648,537	648,537	33,306.45	149,624.64	184,207.16	498,912.36	76.93
POLICE	1,745,831	1,745,831	157,336.93	595,546.12	610,675.50	1,150,284.88	65.89
MUNICIPAL CENTER	98,303	98,303	8,561.28	34,923.19	35,047.63	63,379.81	64.47
FIRE	1,346,686	1,346,686	82,032.71	421,782.99	409,492.48	924,903.01	68.68
AMBULANCE	152,883	152,883	11,331.91	33,899.84	52,809.54	118,983.16	77.83
CIVIL DEFENSE	25,055	25,055	612.19	7,781.35	5,317.33	17,273.65	68.94
BUILDING & ZONING	84,939	84,939	5,724.59	27,652.21	27,103.09	57,286.79	67.44
LIBRARY	351,658	351,658	46,782.56	133,796.74	110,791.31	217,861.26	61.95
STREET	1,361,077	1,361,077	66,792.33	305,366.12	297,637.92	1,055,710.88	77.56
CEMETERY	202,726	202,726	10,161.45	65,637.14	84,135.78	137,088.86	67.62
PARKS	282,608	282,608	10,548.84	62,990.38	60,030.84	219,617.62	77.71
BALL PARKS	167,061	167,061	5,551.96	53,141.11	53,294.74	113,919.89	68.19
POOL	114,527	114,527	117.38	14,598.25	2,109.65	99,928.75	87.25
AIRPORT	169,504	169,504	8,943.09	47,645.68	50,839.36	121,858.32	71.89
UNEMPLOYMENT	10,000	10,000	0.00	0.00	0.00	10,000.00	100.00
UNCOLLECTABLE TAX	14,000	14,000	1,085.75	1,697.10	2,539.03	12,302.90	87.88
SENIOR CENTER	418,123	418,123	29,835.45	121,133.88	112,661.08	296,989.12	71.03
PUBLIC TRANSPORTATION	169,085	169,085	15,941.94	52,233.44	48,950.66	116,851.56	69.11
HEALTH OPERATING	586,150	586,150	97,676.00	195,352.00	195,352.00	390,798.00	66.67
RESERVES/CO TREASURER BAL	<u>562,071</u>	<u>562,071</u>	<u>0.00</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	640,967.02	2,717,957.93	2,543,703.60	6,476,321.07	70.44
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REVENUES OVER/(UNDER) EXPENDITURES	997,736	997,736	(46,551.21)	(651,897.34)	(504,728.35)	1,649,633.34	165.34

CITY OF MCCOOK
 STATEMENT OF REVENUES - BUDGET VS. ACTUAL
 AS OF: JANUARY 31ST, 2020

15 -STREET FUND
 FINANCIAL SUMMARY

% OF YEAR COMPLETED: 33.33

	ORIGINAL BUDGET	CURRENT BUDGET	MONTHLY REVENUE	YEAR-TO-DATE REVENUE	PRIOR YEAR YEAR-TO-DATE	BUDGET REMAINING	% BUDGET REMAINING
REVENUE SUMMARY							
STREET IMPROVEMENTS	468,244	468,244	83.00	447.00	3,113.00	467,797.00	99.90
TOTAL REVENUES	468,244	468,244	83.00	447.00	3,113.00	467,797.00	99.90
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	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
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REVENUES OVER/(UNDER) EXPENDITURES	0	0	83.00	(32,369.86)	3,113.00	32,369.86	0.00

CITY OF MCCOOK
 STATEMENT OF REVENUES - BUDGET VS. ACTUAL
 AS OF: JANUARY 31ST, 2020

20 -SPECIAL REVENUE
 FINANCIAL SUMMARY

% OF YEAR COMPLETED: 33.33

	ORIGINAL BUDGET	CURRENT BUDGET	MONTHLY REVENUE	YEAR-TO-DATE REVENUE	PRIOR YEAR YEAR-TO-DATE	BUDGET REMAINING	% BUDGET REMAINING
REVENUE SUMMARY							
FAA GRANTS	1,581,834	1,581,834	5,610.00	1,020,998.16	0.00	560,835.84	35.45
ACE REVENUE SHARING	56,053	56,053	50.00	300.00	297.00	55,753.00	99.46
MCCOOK RECREATIONAL TRAIL	53,246	53,246	78.00	327.00	374.00	52,919.00	99.39
CDBG BOOE PUBLIC WORKS	0	0	0.00	0.00	0.00	0.00	0.00
ENHANCED E911	267,102	267,102	850.00	10,135.65	14,760.32	256,966.35	96.21
RAVENSWOOD RD PROJECT	0	0	0.00	0.00	0.00	0.00	0.00
INSURANCE REIMBURSEMENT	419,611	419,611	618.00	2,557.00	2,948.00	417,054.00	99.39
PSAP FUNDS	130,987	130,987	4,822.06	19,277.24	19,425.24	111,709.76	85.28
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	12,028.06	1,053,595.05	37,804.56	1,494,664.95	58.65

	ORIGINAL BUDGET	CURRENT BUDGET	MONTHLY EXPENDITURES	YEAR-TO-DATE EXPENDITURES	PRIOR YEAR YEAR-TO-DATE	BUDGET REMAINING	% BUDGET REMAINING
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	815.00	22,315.00	765.00	33,738.00	60.19
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	16,810.20	22,044.76	8,979.79	245,057.24	91.75
RAVENSWOOD RD PROJECT	0	0	13,682.01	82,913.39	0.00	(82,913.39)	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	1,215.29	4,519.49	22,143.60	126,467.51	96.55
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	32,522.50	1,226,410.58	31,888.39	1,321,849.42	51.87
REVENUES OVER/(UNDER) EXPENDITURES	0	0	(20,494.44)	(172,815.53)	5,916.17	172,815.53	0.00

CITY OF McCOOK
 STATEMENT OF REVENUES - BUDGET VS. ACTUAL
 AS OF: JANUARY 31ST, 2020

30 --DEBT SERVICE
 FINANCIAL SUMMARY

% OF YEAR COMPLETED: 33.33

	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	819.00	8,904.80	8,238.78	343,517.20	97.47
BOND RESERVE	0	0	0.00	0.00	0.00	0.00	0.00
TOTAL REVENUES	352,422	352,422	819.00	8,904.80	8,238.78	343,517.20	97.47
	=====	=====	=====	=====	=====	=====	=====
	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	819.00	8,904.80	8,238.78	(8,904.80)	0.00

CITY OF MCCOOK
 STATEMENT OF REVENUES - BUDGET VS. ACTUAL
 AS OF: JANUARY 31ST, 2020

40 -COMMUNITY DEVELOPMENT
 FINANCIAL SUMMARY

% OF YEAR COMPLETED: 33.33

	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	97.00	401.00	454.74	65,173.00	99.39
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	97.00	401.00	454.74	499,673.00	99.92
	=====	=====	=====	=====	=====	=====	=====
	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
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REVENUES OVER/(UNDER) EXPENDITURES	0	0	97.00	401.00	454.74	(401.00)	0.00

CITY OF McCOOK
 STATEMENT OF REVENUES - BUDGET VS. ACTUAL
 AS OF: JANUARY 31ST, 2020

45 -ECONOMIC DEVELOPMENT FUND
 FINANCIAL SUMMARY

% OF YEAR COMPLETED: 33.33

	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	36,358.75	159,948.62	168,440.69	855,468.38	84.25
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	36,358.75	159,948.62	168,440.69	855,468.38	84.25
=====							
	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	26,065.92	180,572.07	54,210.00	834,844.93	82.22
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	26,065.92	180,572.07	166,210.00	834,844.93	82.22
=====							
REVENUES OVER/(UNDER) EXPENDITURES	0	0	10,292.83	(20,623.45)	2,230.69	20,623.45	0.00

CITY OF McCOOK
 STATEMENT OF REVENUES - BUDGET VS. ACTUAL
 AS OF: JANUARY 31ST, 2020

50 -PENSION TRUST
 FINANCIAL SUMMARY

% OF YEAR COMPLETED: 33.33

	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	4.44	10,015.24	15,009.29	17,909.76	64.14
TOTAL REVENUES	27,925	27,925	4.44	10,015.24	15,009.29	17,909.76	64.14
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	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	6,291.32	6,291.32	21,633.68	77.47
TOTAL EXPENDITURES	27,925	27,925	1,572.83	6,291.32	6,291.32	21,633.68	77.47
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REVENUES OVER/(UNDER) EXPENDITURES	0	0	(1,568.39)	3,723.92	8,717.97	(3,723.92)	0.00

CITY OF MCCOOK
 STATEMENT OF REVENUES - BUDGET VS. ACTUAL
 AS OF: JANUARY 31ST, 2020

60 -AGENCY FUND
 FINANCIAL SUMMARY

% OF YEAR COMPLETED: 33.33

	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	214.00	1,633.00	2,335.00	142,947.00	98.87
SENIOR CENTER CONTRIBUTIO	68,431	68,431	644.00	4,463.00	5,329.00	63,968.00	93.48
SCHOOL	8,050	8,050	190.00	1,205.00	480.00	6,845.00	85.03
FIRE CONTRIBUTIONS	4,075	4,075	10.00	20.00	1,270.00	4,055.00	99.51
LIBRARY MEMORIAL	29,978	29,978	4,500.00	9,700.00	60.00	20,278.00	67.64
COMMUNITY BETTERMENT	121,199	121,199	10,510.80	39,233.11	40,966.67	81,965.89	67.63
DARE CONTRIBUTIONS	5,145	5,145	0.00	0.00	678.55	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	1,512.50	1,562.50	11.66	4,056.50	72.19
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	1,465.99	6,500.00	86.67
TOTAL REVENUES	405,241	405,241	17,581.30	58,816.61	52,596.87	346,424.39	85.49

	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	2,075.00	2,075.00	0.00	142,505.00	98.56
SENIOR CENTER CONTRIBUTIO	68,431	68,431	0.00	3,350.00	0.00	65,081.00	95.10
SCHOOL	8,050	8,050	715.00	1,015.00	435.00	7,035.00	87.39
FIRE CONTRIBUTIONS	4,075	4,075	283.41	383.41	304.38	3,691.59	90.59
LIBRARY MEMORIAL	29,978	29,978	2,547.00	3,661.87	2,505.81	26,316.13	87.78
COMMUNITY BETTERMENT	121,199	121,199	14,228.00	43,387.09	38,325.00	77,811.91	64.20
DARE CONTRIBUTIONS	5,145	5,145	927.36	1,999.31	0.00	3,145.69	61.14
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	33.68	4,398.00	100.00
POLICE CONTRIBUTIONS	7,500	7,500	5,837.04	6,853.58	0.00	646.42	8.62
TOTAL EXPENDITURES	405,241	405,241	26,612.81	65,596.36	41,603.87	339,644.64	83.81
REVENUES OVER/(UNDER) EXPENDITURES	0	0	(9,031.51)	(6,779.75)	10,993.00	6,779.75	0.00

CITY OF McCOOK
 STATEMENT OF REVENUES - BUDGET VS. ACTUAL
 AS OF: JANUARY 31ST, 2020

65 -INTERNAL SERVICE FUND
 FINANCIAL SUMMARY

% OF YEAR COMPLETED: 33.33

	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	538.48	538.48	595.00	10,391.52	95.07
FLEX - MEDICAL	67,938	67,938	3,212.14	13,564.82	15,121.18	54,373.18	80.03
SELF INSURED HEALTH INSUR	<u>2,451,925</u>	<u>2,451,925</u>	<u>273,444.00</u>	<u>761,726.15</u>	<u>609,752.16</u>	<u>1,690,198.85</u>	<u>68.93</u>
TOTAL REVENUES	2,530,793	2,530,793	277,194.62	775,829.45	625,468.34	1,754,963.55	69.34
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	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	635.00	10,930.00	100.00
FLEX - MEDICAL	67,938	67,938	7,372.59	13,530.32	14,135.52	54,407.68	80.08
SELF INSURED HEALTH INSUR	<u>2,451,925</u>	<u>2,451,925</u>	<u>238,285.22</u>	<u>709,549.26</u>	<u>713,954.33</u>	<u>1,742,375.74</u>	<u>71.06</u>
TOTAL EXPENDITURES	2,530,793	2,530,793	245,657.81	723,079.58	728,724.85	1,807,713.42	71.43
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REVENUES OVER/(UNDER) EXPENDITURES	0	0	31,536.81	52,749.87	(103,256.51)	(52,749.87)	0.00

CITY OF McCOOK
 STATEMENT OF REVENUES - BUDGET VS. ACTUAL
 AS OF: JANUARY 31ST, 2020

70 -ENTERPRISE FUND
 FINANCIAL SUMMARY

% OF YEAR COMPLETED: 33.33

	ORIGINAL BUDGET	CURRENT BUDGET	MONTHLY REVENUE	YEAR-TO-DATE REVENUE	PRIOR YEAR YEAR-TO-DATE	BUDGET REMAINING	% BUDGET REMAINING
REVENUE SUMMARY							
SOLID WASTE-LANDFILL POST	0	0	0.00	0.00	0.00	0.00	0.00
SOLID WASTE - RECYCLING	275,800	275,800	7,168.09	25,777.11	91,336.95	250,022.89	90.65
SOLID WASTE - COLLECTION	883,613	883,613	67,101.69	271,318.99	266,188.53	612,294.01	69.29
SOLID WASTE - TRANSFER ST	1,061,347	1,061,347	82,092.29	340,964.52	292,120.90	720,382.48	67.87
LANDFILL RESERVE	760,280	760,280	7,083.00	28,786.00	19,550.00	731,494.00	96.21
SOLID WASTE - DISPOSAL	369,986	369,986	19,786.76	122,257.76	246,181.29	247,728.24	66.96
WATER MAINTENANCE & OPERA	4,169,322	4,169,322	158,706.33	747,721.72	692,687.75	3,421,600.28	82.07
WATER BOND & INTEREST RED	1,759,088	1,759,088	38,461.00	213,674.37	204,547.37	1,545,413.63	87.85
WATER CAPITAL - REPLACEME	2,627,307	2,627,307	30,375.00	121,789.00	122,585.00	2,505,518.00	95.36
WATER CAPITAL - DEVELOPME	0	0	0.00	0.00	0.00	0.00	0.00
WATER QUALITY SOLUTION	168,643	168,643	154.36	646.50	773.11	167,996.50	99.62
SEWER MAINTENANCE & OPERA	2,326,320	2,326,320	115,167.54	474,932.96	481,677.38	1,851,387.04	79.58
SEWER BOND & INTEREST RES	120,754	120,754	177.00	20,648.48	20,606.48	100,105.52	82.90
SEWER CAPITAL - REPLACEME	1,249,699	1,249,699	36,829.00	147,161.00	152,658.00	1,102,538.00	88.22
SEWER CAPITAL - DEVELOPME	1,361	1,361	2.00	8.00	8.00	1,353.00	99.41
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	<u>1,305,000</u>	<u>1,305,000</u>	<u>103,025.18</u>	<u>450,368.88</u>	<u>422,755.02</u>	<u>854,631.12</u>	<u>65.49</u>
TOTAL REVENUES	17,778,845	17,778,845	666,129.24	2,966,055.29	3,013,675.78	14,812,789.71	83.32

	ORIGINAL BUDGET	CURRENT BUDGET	MONTHLY EXPENDITURES	YEAR-TO-DATE EXPENDITURES	PRIOR YEAR YEAR-TO-DATE	BUDGET REMAINING	% BUDGET REMAINING
EXPENDITURES SUMMARY							
SOLID WASTE-LANDFILL POST	16,550	16,550	6,533.38	6,923.38	5,697.55	9,626.62	58.17
SOLID WASTE - RECYCLING	293,894	293,894	9,774.74	38,112.44	33,894.44	255,781.56	87.03
SOLID WASTE - COLLECTION	883,613	883,613	61,965.93	256,615.31	278,102.04	626,997.69	70.96
SOLID WASTE - TRANSFER ST	1,026,703	1,026,703	86,858.10	349,240.17	380,564.26	677,462.83	65.98
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	26,096.39	122,257.76	248,681.29	247,728.24	66.96
WATER MAINTENANCE & OPERA	4,169,322	4,169,322	240,933.21	850,302.04	644,926.68	3,319,019.96	79.61
WATER BOND & INTEREST RED	1,759,088	1,759,088	0.00	616,567.07	118,861.00	1,142,520.93	64.95
WATER CAPITAL - REPLACEME	2,627,307	2,627,307	7,563.58	37,684.79	25,162.97	2,589,622.21	98.57
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	104,363.49	424,407.01	441,134.25	1,901,912.99	81.76
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	0.00	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	<u>1,305,000</u>	<u>1,305,000</u>	<u>134,275.18</u>	<u>450,368.88</u>	<u>454,005.02</u>	<u>854,631.12</u>	<u>65.49</u>
TOTAL EXPENDITURES	17,778,845	17,778,845	678,364.00	3,293,518.63	2,779,665.03	14,485,326.37	81.48
REVENUES OVER/(UNDER) EXPENDITURES	0	0	(12,234.76)	(327,463.34)	234,010.75	327,463.34	0.00

CITY OF McCOOK
 STATEMENT OF REVENUES - BUDGET VS. ACTUAL
 AS OF: JANUARY 31ST, 2020

80 -CAPITAL IMPROVEMENTS FUND
 FINANCIAL SUMMARY

% OF YEAR COMPLETED: 33.33

	ORIGINAL BUDGET	CURRENT BUDGET	MONTHLY REVENUE	YEAR-TO-DATE REVENUE	PRIOR YEAR YEAR-TO-DATE	BUDGET REMAINING	% BUDGET REMAINING
REVENUE SUMMARY							
CAPITAL IMPROVE 2018	1,035,712	1,035,712	62,169.43	248,255.69	65,481.40	787,456.31	76.03
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>1,091.00</u>	<u>4,782.00</u>	<u>6,690.00</u>	<u>785,887.00</u>	<u>99.40</u>
TOTAL REVENUES	<u>1,826,381</u>	<u>1,826,381</u>	<u>63,260.43</u>	<u>253,037.69</u>	<u>267,658.77</u>	<u>1,573,343.31</u>	<u>86.15</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	286,763.20	341,017.05	9,657.50	694,694.95	67.07
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	16,933.64	90,544.48	74,798.50	155,617.52	63.22
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>303,696.84</u>	<u>440,731.53</u>	<u>84,456.00</u>	<u>1,385,649.47</u>	<u>75.87</u>
	=====	=====	=====	=====	=====	=====	=====
REVENUES OVER/(UNDER) EXPENDITURES	0	0	(240,436.41)	(187,693.84)	183,202.77	187,693.84	0.00

CITY MANAGER'S REPORT
FEBRUARY 17, 2020 CITY COUNCIL MEETING

ITEM: **4.N.**

RECOMMENDATION:

APPROVE THE PURCHASE OF 1 NEW 2020 RAM 2500 TRADESMAN 4x4 PICKUP FOR THE SEWER DEPARTMENT IN THE AMOUNT OF \$26,978

BACKGROUND:

The Public Works Department presented specifications for two new ¾ ton pickups, bids were received from 7 auto dealers with Deveny Motors of McCook providing the low bid at \$ 26,978.00.

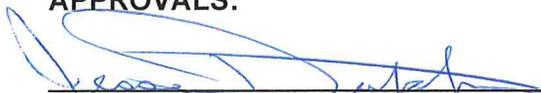
The Sewer Department included funds for a ½ ton 4x4 pickup in the current FY 19/20 budget. Based on the bid from Deveny Motors the Sewer Department has enough money budgeted to upgrade to the ¾ ton truck offered by Deveny. In speaking with the Sales Staff at Deveny Motors they will include an additional pickup with the same specification and deliver date for the bid amount of \$26,978.00

The City's Informal Purchase Ordinance (34.31 (B)) allows for a purchase between \$2,500 and \$30,000 to be made after the solicitation of 2 quotations. In the opinion of the City Attorney the bids submitted by the 7 auto dealers to the Public Works Department satisfies our requirements.

COMPANY NAME	MODEL	PRICE
Deveny Motors, McCook	2500 Tradesman	\$26,978.00
Anderson CDJR, Grand Island	2500 Tradesman	\$27,514.00
Janssen Chrysler, North Platte	2500 Tradesman	\$27,952.00
Janssen Ford, Holdrege	Super Duty F250 XL	\$27,965.00
Wagner Ford, McCook	Super Duty F250 XL	\$28,074.00
Gene Steffy Auto Group, Fremont	2500 Tradesman	\$28,653.00
Wagner Chevrolet, McCook	Silverado 2500 HD	\$29,497.00

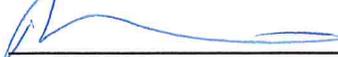
FISCAL IMPACT: NONE 2019-2020 Budget – Enterprise Fund – Sewer Maintenance and Operation – 70-058-56040

APPROVALS:



Jesse Dutcher, City Utility Director

Date: February 12, 2020



Nate Schneider, City Manager

Date: 2-12-20

**CITY MANAGER'S REPORT
FEBRUARY 17, 2020 MCCOOK CITY COUNCIL MEETING**

5.A.

ITEM NO. Approve Ordinance No. 2020- 3000 on first reading adding 130.33 to the City of McCook Code of Ordinances and amending 130.99 of the City of McCook Code of Ordinances, Chapter 130: General Offenses.

BACKGROUND:

At the recommendation of the City Attorney, Staff is proposing the addition of a new ordinance, 130.33, which makes it a general offense under the City of McCook Code of Ordinances to: 1) obstruct a peace officer from enforcing the law or hindering a police animal assisting a peace officer in his or her official duties, or 2) harass a police animal for the purpose of preventing such animal from performing its official duties.

Further, an amendment to the penalty provision attached to 130.33 is recommended. The proposed amendment to 130.99 provides that any person who violates 130.33 shall be punished by a fine of not less than \$750 and not to exceed \$1,000 for the first offense, and by a fine of not less than \$1,500 for a second offense or for any subsequent offense thereafter.

APPROVALS:



Nathan A. Schneider, City Manager

February 12, 2020



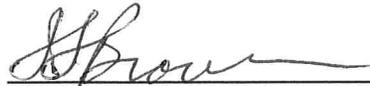
Lea Ann Doak, City Clerk

February 12, 2020



Nathaniel J. Mustion, City Attorney

February 12, 2020



Isaac S. Brown, Police Chief

February 12, 2020

ORDINANCE NO. 2020-3000

AN ORDINANCE PROVIDING FOR THE AMENDMENT OF CHAPTER 130: GENERAL OFFENSES, OF THE CITY OF MCCOOK CODE OF ORDINANCES; ADDING SECTION 130.33 - OBSTRUCTING/HARASSING A PEACE OFFICER; AMENDING SECTION 130.99 - PENALTY; TO PROVIDE THAT OBSTRUCTION OF A POLICE ANIMAL IS AN OFFENSE; TO PROVIDE THAT HARASSMENT OF A POLICE ANIMAL IS AN OFFENSE; TO CLARIFY THE DEFINITION OF "POLICE ANIMAL"; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

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

SECTION 1. That Chapter 130: General Offenses, of the City of McCook Code of Ordinances, Section 130.33 - Obstructing/Harassing A Peace Officer, shall be added to read as follows:

§ 130.33 OBSTRUCTING/HARASSING A PEACE OFFICER.

(A) A person commits the offense of obstructing a peace officer when, by using or threatening to use violence, force, physical interference, or obstacle, he or she intentionally obstructs, impairs, or hinders:

(1) The enforcement of the penal law or the preservation of the peace by a peace officer or judge acting under color of his or her official authority; or

(2) A police animal assisting a peace officer acting pursuant to the peace officer's official authority.

(B) A person commits harassment of a police animal if he or she knowingly and intentionally teases or harasses a police animal in order to distract, agitate, or harm the police animal for the purpose of preventing such animal from performing its legitimate official duties. (Neb. RS 28-1009).

(C) For purposes of this section, POLICE ANIMAL means a horse or dog owned or controlled by the state or any county, city, or village for the purpose of assisting a peace officer acting pursuant to his or her official authority. (Neb. RS 28-906).

SECTION 2. That Chapter 130: General Offenses, of the City of McCook Code of Ordinances, Section 130.99 - Penalty, shall be amended to read as follows:

§ 130.99 PENALTY.

(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 violating § 130.01 shall, upon conviction therefore, be punished as follows:

(1) If the conviction is for a first offense, the person shall be punished by a fine of not less than \$100;

(2) If the conviction is for a second offense, the person shall be punished by a fine of not less than \$100 and shall be confined jail for not less than six days nor more than 30 days; and

(3) If the conviction is for a third offense, or subsequent offense thereafter, the person shall be punished by a fine of not less than \$100 and confinement, with or without hard labor, in the city jail for not less than six days nor more than three months.

(Prior Code, § 6-409)

(C) Any person who violates any of the prohibitions or provisions of §§ 130.30 through 130.32 shall be deemed guilty of a misdemeanor. Unless otherwise specified in this particular section, the penalty for the violation shall be in any amount not less than \$25 and 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 §§ 130.30 through 130.32 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, § 6-412)

(D) Any person who violates § 130.33 shall, upon conviction therefore, be guilty of a misdemeanor and be punished as follows:

(1) If the conviction is for a first offense, the person shall be punished by a fine of not less than \$750 and not to exceed \$1,000.00.

(2) If the conviction is for a second offense or for any offense thereafter, the person shall be punished by a fine of not less than \$1,500.00.

(E) 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. 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, § 6-413)

Statutory reference:

Authority, see Neb. RS 16-227, 16-228, 18-1720, 18-1722

Similar state law provisions, see Neb. RS 28-519

SECTION 3. Any other ordinance or code section passed and approved prior to passage, approval, and publication or posting of this ordinance and in conflict with its provisions is repealed.

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

PASSED AND APPROVED this _____ day of _____, 2020.

Mayor

ATTEST:

Lea Ann Doak, City Clerk-Treasurer

**CITY MANAGER'S REPORT
FEBRUARY 17, 2020 MCCOOK CITY COUNCIL MEETING
5.B.**

ITEM NO. ___ Approve Ordinance No. 2020- 2999 on first reading repealing 90.24; amending 90.08, 90.20, 90.22, 90.23, 90.30, and 90.99; and adding 90.33, 90.34, 90.35, 90.36, and 90.37, to the City of McCook Code of Ordinances, Chapter 90: Animals.

BACKGROUND:

Eleven years ago, the City of McCook amended its Code of Ordinances, updating numerous provisions found in Chapter 90: Animals. In particular, the City Council approved changes to code sections that dealt with animals running at large, dangerous and potentially dangerous animals, and the impounding of animals, just to name a few. After passage of the modifications, our City Attorney's office found the application of some of these ordinances to be difficult. A prime example of this could be found with the addition of cat at large. Also, while the 2009 ordinances were based on State law, it has been determined that some of the language added to the animal ordinance needed to be cleaned up to assure clarity. Our intent is to make sure the animal ordinances hold up to potential judicial challenges.

Over the past few months, Staff and the City Attorney reviewed Chapter 90 of the City's Code of Ordinances. We also reviewed the language contained within the State of Nebraska's animal statutes. Based on our review, it is our belief a number of the ordinances need to be repealed or amended. Additionally, Staff and the City Attorney believe there are provisions within the State of Nebraska's animal statute that need to be added to the City's Code of Ordinances to make sure our provisions are as airtight as possible. The proposed ordinances will serve to synchronize McCook's ordinances with Nebraska's Revised Statutes.

A quick run down of the proposed amendments and/or additions include:

- **90.08** - Allows for an off-leash dog area at Barnett Park;
- **90.20** - Removes cat from the definitions found within the Chapter;
- **90.22** - Replaces hybrid dog with hybrid animal (this occurs in subsequent language as well);
- **90.23** - Harmonizes the running at large ordinance with the off-leash dog area at Barnett Park;
- **90.30** - Removes the requirement that notice of impounding be posted on a bulletin board (this language does not comport with current practice);
- **90.33** - This proposed ordinance would replace current ordinance 90.24 (which is slated to be repealed) and parallels Nebraska State Statute 54-617 (dangerous/potentially dangerous dog and/or hybrid animal);
- **90.34** - This is a new ordinance that parallels Nebraska State Statute 54-618 detailing the actions required of a dangerous dog and/or hybrid animal's owner, limits the ability of the animal to go beyond its property absent a leash, and restricts transportation of the animal;
- **90.35** - This is a new ordinance that parallels Nebraska State Statute 54-619 requiring confinement of a dangerous dog and/or hybrid animal so as to protect the public, details confinement and warning sign requirements for the animal, and establishes an insurance procurement policy (the insurance provision includes potentially dangerous dogs/hybrid animals);
- **90.36** - This is a new ordinance that parallels Nebraska State Statute 54-620 granting the police department the immediate right to confiscate a dangerous dog and/or hybrid animal and places

an obligation on the owner to pay the costs of the animal shelter and police department associated with caring for the animal;

• **90.37** - This is a new ordinance that parallels Nebraska State Statute 54-621 and specifies that a court may order the police department to dispose of a dangerous dog and/or hybrid animal.

As part of this review, Staff also looked at the penalty provisions included in Chapter 90. Staff recommends increasing some of the penalty amounts found in McCook Municipal Code 90.99. In particular, the proposed ordinance contains an increase in the penalty for dogs and hybrid animals found running at large that have been determined to be dangerous. The proposed penalty for dangerous dogs/hybrid animals running at large would increase from \$500 to \$750. The proposed penalty for potentially dangerous dogs/hybrid animals running at large would increase from \$250 to \$500. The proposed ordinance also calls for an increase in the penalty for owners who have dogs that are determined to be dangerous or potentially dangerous. For dangerous dogs, the penalty range will increase from \$500 to \$1,000 to \$750 to \$1,250. For potentially dangerous dogs, the penalty range will increase from \$250 to \$500 to \$500 to \$750.

A copy of the proposed ordinance and the current code provisions at issue are included with this report.

APPROVALS:



Nathan A. Schneider, City Manager

February 12, 2020

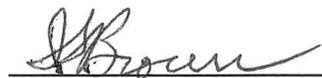


Lea Ann Doak, City Clerk

February 12, 2020

Nathaniel J. Mustion, City Attorney

February 12, 2020



Isaac S. Brown, Police Chief

February 12, 2020

ORDINANCE NO. 2020-2999

AN ORDINANCE ADDING SECTIONS 90.33, 90.34, 90.35, 90.36, 90.37 AMENDING SECTIONS 90.08, 90.20, 90.22, 90.23, 90.30, 90.99 AND REPEALING SECTION 90.24 IN ITS ENTIRETY; AS THEY PERTAIN TO CHAPTER 90 - ANIMALS, OF THE CITY OF MCCOOK CODE OF ORDINANCES; PROVIDING FOR THE REPEAL OF ANY AND ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING A TIME AND DATE FROM AND AFTER WHICH THIS ORDINANCE SHALL TAKE EFFECT AND BE ENFORCED.

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

SECTION 1 That Chapter 90 - Animals of the City of McCook Code of Ordinances, Section 90.08 - Off-Leash Dog Areas in City, shall be amended to read as follows:

§ 90.08 OFF-LEASH DOG AREAS IN CITY.

Notwithstanding anything in this section to the contrary, dogs that have been vaccinated and display proper immunization tags and that have not been determined to be dangerous and/or potentially dangerous by a court of law and which are healthy and not in heat may be exercised off-leash within the areas designated in paragraph 2 below if under the care, custody or control of a responsible person for the off-leash dog.

1. **Responsible Person.** A person having possession, charge, custody or control of the off-leash dog must remain present with the off-leash dog at all times, must carry a leash, must leash the dog at the first sign of aggression, must clean up dog feces created by the dog, and bears full responsibility for filling any holes and repairing any damage created by the dog. The person responsible for the off-leash dog must comply with rules and regulations regarding the park, and must remove the dog when the off-leash dog park is closed.

2. **Off-Leash Dog Areas.** Dogs may be exercised off-leash in the following areas:

a. **Barnett Park,** within the fenced area designated as an off-leash dog park subject to the rules and regulations of the operator of the park.

SECTION 2. That Chapter 90 - Animals of the City of McCook Code of Ordinances, Section 90.20 - Definitions, shall be amended to read as follows:

§90.20 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DOG. All dogs, male and female, of all ages.

HYBRID ANIMAL. Any animal that results from cross breeding between an

exotic animal and a domestic animal.

OWNER, POSSESSOR. Any person who shall harbor or permit any dog, cat, and/or hybrid animal to be for ten days or more in or about his or her house, store, or enclosure, or remain to be fed, shall be deemed the owner and possessor of such dog, cat, and/or hybrid animal and shall be deemed to be liable for all penalties herein prescribed.

(Prior Code, § 6-101) (Ord. 2009-2826, passed 8-17-2009)

Statutory reference:

Similar state law provisions, see Neb. RS 54-606, 77-4401

SECTION 3. That Chapter 90 - Animals of the City of McCook Code of Ordinances, Section 90.22 - Number of Dogs and Hybrid Dogs Per Residence, shall be amended to read as follows:

§ 90.22 NUMBER OF DOGS AND HYBRID ANIMALS PER RESIDENCE.

No owner shall be allowed to own or harbor more than three dogs and/or hybrid animals in their household within the limits of the city. This section does not include dogs, and/or hybrid animals that are younger than 12 weeks of age.

SECTION 4. That Chapter 90 - Animals of the City of McCook Code of Ordinances, Section 90.23 - Running At Large Prohibited, shall be amended to read as follows:

§ 90.23 RUNNING AT LARGE PROHIBITED.

Except as provided for in § 90.08, it shall be unlawful for the owner of any dog and/or hybrid animal to allow such dog and/or hybrid animal to run at large at any time within the corporate limits of the city. It shall be the duty of the police department or other officer designated by the City Manager to cause any dog and/or hybrid animal found to be running at large within the municipality to be taken up and impounded. "Running at large" shall mean any dog and/or hybrid animal found off the premises of the owner, and not under control of the owner or a responsible person, either by leash, cord, chain, wire, rope, cage or other suitable means of physical restraint.

SECTION 5. That Chapter 90 - Animals of the City of McCook Code of Ordinances, Section 90.24 - Dangerous/Vicious Dogs and Hybrid Animals, is hereby repealed in its entirety.

SECTION 6. That Chapter 90 - Animals of the City of McCook Code of Ordinances, Section 90.30 - Impounding, shall be amended to read as follows:

§ 90.30 IMPOUNDING.

It shall be the duty of the police department or other officer designated by the City Manager to capture, secure, and remove in a humane manner to an animal shelter any dog, cat, and/or hybrid animal violating any of the provisions of this subchapter. The dog, cat, and/or hybrid animal so impounded shall be treated in a humane manner and shall be provided with a sufficient supply of food and fresh water each day. Each impounded dog, cat, and/or hybrid animal shall be kept and maintained at the animal shelter for a period of 120 hours. Any dog, cat, and/or hybrid animal may be reclaimed by its owner during the period

of impoundment by payment of daily board fee and general impoundment fee set out in the Chapter 38 Fee Schedule in the McCook Code of Ordinances. The owner of an impounded dog, cat, and/or hybrid animal shall then be required to comply with the rabies vaccination requirements within 120 hours after release. If the dog, cat, and/or hybrid animal is not claimed at the end of the required waiting period the police department or other officer designated by the City Manager may direct the appropriate facility to dispose of the dog, cat, and/or hybrid animal in accordance with the applicable rules and regulations pertaining to the same; provided, that if, in the judgment of the police department or other officer designated by the City Manager, a suitable home can be found for any such dog, cat, and/or hybrid animal within the city, the dog, cat, and/or hybrid animal shall be turned over to that person and the new owner shall then be required to pay all fees and meet all vaccination requirements provided in this subchapter. The city shall acquire legal title to any dog, cat, and/or hybrid animal impounded in the animal shelter for a period longer than the required waiting period.

(Neb. RS 16-236) (Prior Code, § 6-111) (Ord. 2009-2826, passed 8-17-2009)

SECTION 7. That Chapter 90 - Animals of the City of McCook Code of Ordinances, Section 90.33 - Dangerous Dogs and/or Hybrid Animals; Terms, Defined; shall be added to read as follows:

§ 90.33 DANGEROUS DOGS AND/OR HYBRID ANIMALS; TERMS, DEFINED.

(1) (a) Dangerous dog and/or hybrid animal means a dog and/or hybrid animal that, according to the records of the police department:

(i) Has killed a human being;

(ii) has inflicted injury on a human being resulting in a puncture wound and/or an injury that requires medical treatment;

(iii) has killed a domestic animal without provocation; or

(iv) has been previously determined to be a potentially dangerous dog by a court order, the owner has received notice of such determination, and the dog and/or hybrid animal inflicts an injury on a human being that does not require medical treatment, injures a domestic animal, or threatens the safety of humans or domestic animals.

(b) (i) A dog and/or hybrid animal shall not be defined as a dangerous dog and/or hybrid animal under subdivision (1)(a)(ii) of this section, if the individual was tormenting, abusing, or assaulting the dog and/or hybrid animal at the time of the injury or has, in the past, tormented, abused, or assaulted the dog and/or hybrid animal.

(ii) A dog and/or hybrid animal shall not be defined as a dangerous dog and/or hybrid animal under subdivision (1)(a)(iv) of this section, if the injury, damage, or threat was sustained by an individual who, at the time, was committing a willful trespass as defined by Nebraska statute, was committing any other tort upon the property of the owner of the dog and/or hybrid animal, was tormenting, abusing, or assaulting the dog and/or hybrid animal, or has, in

the past, been observed or reported to have tormented, abused, or assaulted the dog and/or hybrid animal, or was committing or attempting to commit a crime.

(iii) A dog and/or hybrid animal shall not be defined as a dangerous dog and/or hybrid animal under subdivision (1)(a) of this section if the dog and/or hybrid animal is a police animal as defined by Nebraska statute;

(2) Domestic animal means a cat, a dog, or livestock. Livestock includes buffalo, deer, antelope, fowl, and any other animal in any zoo, wildlife park, refuge, wildlife area, or nature center intended to be on exhibit;

(3) Medical treatment means treatment administered by a physician or other licensed health care professional that results in sutures or surgery or treatment for one or more broken bones;

(4) Owner means any person, firm, corporation, organization, political subdivision, or department possessing, harboring, keeping, or having control or custody of a dog and/or hybrid animal; and

(5) Potentially dangerous dog and/or hybrid animal means

(a) any dog and/or hybrid animal that when unprovoked

(i) inflicts an injury on a human being that is not a puncture wound and does not require medical treatment,

(ii) injures a domestic animal, or

(iii) chases or approaches a person upon streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack or

(b) any specific dog and/or hybrid animal with a known propensity, tendency, or disposition to attack when unprovoked, to cause injury, or to threaten the safety of humans or domestic animals.

(Neb. Rev. Stat. § 54-617) (Prior Code, § 90.24) Penalty, see § 90.99

SECTION 8. That Chapter 90 - Animals of the City of McCook Code of Ordinances, Section 90.34 - Dangerous Dogs and/or Hybrid Animals; Actions Required; Costs; Limitations on Transport; Permanent Relocation; Procedure, shall be added to read as follows:

§ 90.34 DANGEROUS DOGS AND/OR HYBRID ANIMALS; ACTIONS REQUIRED; COSTS; LIMITATIONS ON TRANSPORT; PERMANENT RELOCATION; PROCEDURE.

(1) A dangerous dog and/or hybrid animal that has been declared as such shall be spayed or neutered and implanted with a microchip identification number by a licensed veterinarian within thirty days after such declaration. The cost of both procedures is the responsibility of the owner of the dangerous dog and/or hybrid animal. Written proof of both procedures and the microchip identification number shall be provided to the police department after the procedures are completed.

(2) No owner of a dangerous dog and/or hybrid animal shall permit the dog and/or hybrid animal to go beyond the property of the owner unless the dog and/or hybrid animal is restrained securely by a chain or leash.

(3) Except for a reasonable veterinary purpose, no owner of a dangerous dog and/or hybrid animal shall transport such dog and/or hybrid animal or permit such dog and/or hybrid animal to be transported to another county, city, or village in this state.

(Neb. Rev. Stat. § 54-618)

SECTION 9. That Chapter 90 - Animals of the City of McCook Code of Ordinances, Section 90.35 - Dangerous Dogs and/or Hybrid Animals; Confinement Required; Warning Signs, shall be added to read as follows:

§ 90.35 DANGEROUS DOGS AND/OR HYBRID ANIMALS; CONFINEMENT REQUIRED; WARNING SIGNS.

(1) No person, firm, partnership, limited liability company, or corporation shall own, keep, or harbor or allow to be in or on any premises occupied by him, her, or it or under his, her, or its charge or control any dangerous dog and/or hybrid animal without such dog and/or hybrid animal being confined so as to protect the public from injury.

(2) While unattended on the owner's property, a dangerous dog and/or hybrid animal shall be securely confined, in a humane manner, indoors or in a securely enclosed and locked pen or structure suitably designed to prevent the entry of young children and to prevent the dog and/or hybrid animal from escaping. The pen or structure shall have secure sides and a secure top. If the pen or structure has no bottom secured to the sides, the sides shall be embedded into the ground at a depth of at least one foot. The pen or structure shall also protect the dog and/or hybrid animal from the elements. The pen or structure shall be at least ten feet from any property line of the owner. The owner of a dangerous dog and/or hybrid animal shall post warning signs on the property where the dog and/or hybrid animal is kept that are clearly visible from all areas of public access and that inform persons that a dangerous dog and/or hybrid animal is on the property. Each warning sign shall be no less than ten inches by twelve inches and shall contain the words warning and dangerous animal in high-contrast lettering at least three inches high on a black background.

(3) It is hereby required that the owner of a dangerous dog and/or hybrid animal or potentially dangerous dog and/or hybrid animal obtain liability insurance for each and every dog and/or hybrid animal they own that has been declared to be a dangerous dog and/or hybrid animal or potentially dangerous dog and/or hybrid animal with the minimum policy amount being \$150,000 per dog and/or hybrid animal.

(Neb. Rev. Stat. § 54-619)

SECTION 10. That Chapter 90 - Animals of the City of McCook Code of Ordinances, Section 90.36 - Dangerous Dogs and/or Hybrid Animals; Confiscation; When; Costs, shall be added to read as follows:

§ 90.36 DANGEROUS DOGS AND/OR HYBRID ANIMALS; CONFISCATION; WHEN; COSTS.

Any dangerous dog and/or hybrid animal may be immediately confiscated by the police department if the owner is in violation of sections 90.33 to 90.37. The

owner shall be responsible for the reasonable costs incurred by the police department and the animal shelter for the care of a dangerous dog and/or hybrid animal confiscated by the police department or for the destruction of any dangerous dog and/or hybrid animal if the action by the police department is pursuant to law and if the owner violated sections 90.33 to 90.37.
(Neb. Rev. Stat. § 54-620)

SECTION 11. That Chapter 90 - Animals of the City of McCook Code of Ordinances, Section 90.37 - Dangerous Dogs and/or Hybrid Animals; Disposal by Court Order, shall be added to read as follows:

§ 90.37 DANGEROUS DOGS AND/OR HYBRID ANIMALS; DISPOSAL BY COURT ORDER.

In addition to any other penalty, a court may order the police department to dispose of a dangerous dog and/or hybrid animal in an expeditious and humane manner.
(Neb. Rev. Stat. § 54-621)

SECTION 12. That Chapter 90 - Animals of the City of McCook Code of Ordinances, Section 90.99 - Penalty, shall be amended to read as follows:

§ 90.99 PENALTY.

(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 § 90.23 and the dog and/or hybrid animal has been determined to be dangerous shall be deemed to be guilty of a misdemeanor. The penalty for such violation shall be in the amount of \$750. A person who violates § 90.23 and the dog and/or hybrid animal has been determined to be a potentially dangerous dog and/or hybrid animal, shall be deemed guilty of a misdemeanor. The penalty for such violation shall be in the amount of \$500.

(C) Any person who violates § 90.23 and the dog and/or hybrid animal has not been determined to be dangerous or potentially dangerous shall be deemed to be guilty of misdemeanor. The penalty for such violation shall be in an amount of \$50 for the first, second, and third offenses; and \$100 for a fourth and all subsequent offenses.

(D) Any person who violates § 90.33(1) shall be deemed guilty of a misdemeanor. The penalty for such violation shall be in an amount not less than \$750 nor more than \$1,250; provided that where licenses are due the city, the court shall order such license secured and sums paid in addition to the fine fixed by the court. Any person who violates § 90.33(5) shall be deemed guilty of a misdemeanor. The penalty for such violation shall be in an amount not less than \$500 nor more than \$750;

(E) Any person who violates § 90.31 shall be guilty of a misdemeanor. The penalty for such violation shall be \$20 for the first offense and \$50 for each subsequent offense.

SECTION 13. Any and all other ordinances or parts of ordinances in conflict herewith shall be and are hereby repealed.

SECTION 14. This ordinance shall take effect and be in full force from and after its passage, approval, and publication as required by law in its entirety or in pamphlet form.

PASSED AND APPROVED this _____ day of _____, 2020.

Michael D. Gonzales, Mayor

ATTEST:

Lea Ann Doak, City Clerk

§ 90.08 OFF-LEASH DOG AREAS IN CITY.

Notwithstanding anything in this section to the contrary, dogs that have been vaccinated and display proper immunization tags and that have not been determined to be dangerous and/or potentially dangerous by a court of law and which are healthy and not in heat may be exercised off-leash within the areas designated in paragraph 2 below if under the care, custody or control of a responsible person for the off-leash dog.

1. **Responsible Person.** A person having possession, charge, custody or control of the off-leash dog must remain present with the off-leash dog at all times, must carry a leash, must leash the dog at the first sign of aggression, must clean up dog feces created by the dog, and bears full responsibility for filling any holes and repairing any damage created by the dog. The person responsible for the off-leash dog must comply with rules and regulations regarding the park, and must remove the dog when the off-leash dog park is closed.

2. **Off-Leash Dog Areas.** Dogs may be exercised off-leash in the following areas:

a. Barnett Park, within the fenced area designated as an off-leash dog park subject to the rules and regulations of the operator of the park.

§ 90.20 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DOG. All dogs, male and female, of all ages.

HYBRID ANIMAL. Any animal that results from cross breeding between an exotic animal and a domestic animal.

OWNER, POSSESSOR. Any person who shall harbor or permit any dog, cat, and/or hybrid animal to be for ten days or more in or about his or her house, store, or enclosure, or remain to be fed, shall be deemed the owner and possessor of such dog, cat, and/or hybrid animal and shall be deemed to be liable for all penalties herein prescribed.

(Prior Code, § 6-101) (Ord. 2009-2826, passed 8-17-2009)

Statutory reference:

Similar state law provisions, see Neb. RS 54-606, 77-4401

§ 90.22 NUMBER OF DOGS AND HYBRID ANIMALS PER RESIDENCE.

No owner shall be allowed to own or harbor more than three dogs and/or hybrid animals in their household within the limits of the city. This section does not include dogs, and/or hybrid animals that are younger than 12 weeks of age.

§ 90.23 RUNNING AT LARGE PROHIBITED.

Except as provided for in § 90.08, it shall be unlawful for the owner of any dog and/or hybrid animal to allow such dog and/or hybrid animal to run at large at any time within the corporate limits of the city. It shall be the duty of the police department or other officer designated by the City Manager to cause any dog and/or hybrid animal found to be running at large within the municipality to be taken up and impounded. "Running at large" shall mean any dog and/or hybrid animal found off the premises of the owner, and not under control of the owner or a responsible person, either by leash, cord, chain, wire, rope, cage or other suitable means of physical restraint.

§ 90.30 IMPOUNDING.

It shall be the duty of the police department or other officer designated by the City Manager to capture, secure, and remove in a humane manner to an animal shelter any dog, cat, and/or hybrid animal violating any of the provisions of this subchapter. The dog, cat, and/or hybrid animal so impounded shall be treated in a humane manner and shall be provided with a sufficient supply of food and fresh water each day. Each impounded dog, cat, and/or hybrid animal shall be kept and maintained at the animal shelter for a period of 120 hours. Any dog, cat, and/or hybrid animal may be reclaimed by its owner during the period of impoundment by payment of daily board fee and general impoundment fee set out in the Chapter 38 Fee Schedule in the McCook Code of Ordinances. The owner of an impounded dog, cat, and/or hybrid animal shall then be required to comply with the rabies vaccination requirements within 120 hours after release. If the dog, cat, and/or hybrid animal is not claimed at the end of the required waiting period the police department or other officer designated by the City Manager may direct the appropriate facility to dispose of the dog, cat, and/or hybrid animal in accordance with the applicable rules and regulations pertaining to the same; provided, that if, in the judgment of the police department or other officer designated by the City Manager, a suitable home can be found for any such dog, cat, and/or hybrid animal within the city, the dog, cat, and/or hybrid animal shall be turned over to that person and the new owner shall then be required to pay all fees and meet all vaccination requirements provided in this subchapter. The city shall acquire legal title to any dog, cat, and/or hybrid animal impounded in the animal shelter for a period longer than the required waiting period.

(Neb. RS 16-236) (Prior Code, § 6-111) (Ord. 2009-2826, passed 8-17-2009)

§ 90.33 DANGEROUS DOGS AND/OR HYBRID ANIMALS; TERMS, DEFINED.

(1)(a) Dangerous dog and/or hybrid animal means a dog and/or hybrid animal that, according to the records of the police department: (i) Has killed a human being; (ii) has inflicted injury on a human being resulting in a puncture wound and/or an injury that requires medical treatment; (iii) has killed a domestic animal without provocation; or (iv) has been previously determined to be a potentially dangerous dog by a court order, the owner has received notice of such determination, and the dog and/or hybrid animal inflicts an injury on a human being that does not require medical treatment, injures a domestic animal, or threatens the safety of humans or domestic animals.

(b)(i) A dog and/or hybrid animal shall not be defined as a dangerous dog and/or hybrid animal under subdivision (1)(a)(ii) of this section, if the individual was tormenting, abusing, or assaulting the dog and/or hybrid animal at the time of the injury or has, in the past, tormented, abused, or assaulted the dog and/or hybrid animal.

(ii) A dog and/or hybrid animal shall not be defined as a dangerous dog and/or hybrid animal under subdivision (1)(a)(iv) of this section, if the injury, damage, or threat was sustained by an individual who, at the time, was committing a willful trespass as defined by Nebraska statute, was committing any other tort upon the property of the owner of the dog and/or hybrid animal, was tormenting, abusing, or assaulting the dog and/or hybrid animal, or has, in the past, been observed or reported to have tormented, abused, or assaulted the dog and/or hybrid animal, or was committing or attempting to commit a crime.

(iii) A dog and/or hybrid animal shall not be defined as a dangerous dog and/or hybrid animal under subdivision (1)(a) of this section if the dog and/or hybrid animal is a police animal as defined by Nebraska statute;

(2) Domestic animal means a cat, a dog, or livestock. Livestock includes buffalo, deer, antelope, fowl, and any other animal in any zoo, wildlife park, refuge, wildlife area, or nature center intended to be on exhibit;

(3) Medical treatment means treatment administered by a physician or other licensed health care professional that results in sutures or surgery or treatment for one or more broken bones;

(4) Owner means any person, firm, corporation, organization, political subdivision, or department possessing, harboring, keeping, or having control or custody of a dog and/or hybrid animal; and

(5) Potentially dangerous dog and/or hybrid animal means (a) any dog and/or hybrid animal that when unprovoked (i) inflicts an injury on a human being that is not a puncture wound and does not require medical treatment, (ii) injures a domestic animal, or (iii) chases or approaches a person upon streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack or (b) any specific dog and/or hybrid animal with a known propensity, tendency, or disposition to attack when unprovoked, to cause injury, or to threaten the safety of humans or domestic animals.

(Neb. Rev. Stat. § 54-617) (Prior Code, § 90.24) Penalty, see § 90.99

§ 90.34 DANGEROUS DOGS AND/OR HYBRID ANIMALS; ACTIONS REQUIRED; COSTS; LIMITATIONS ON TRANSPORT; PERMANENT RELOCATION; PROCEDURE.

(1) A dangerous dog and/or hybrid animal that has been declared as such shall be spayed or neutered and implanted with a microchip identification number by a licensed veterinarian within thirty days after such declaration. The cost of both procedures is the responsibility of the owner of the dangerous dog and/or hybrid animal. Written proof of both procedures and the microchip identification number shall be provided to the police department after the procedures are completed.

(2) No owner of a dangerous dog and/or hybrid animal shall permit the dog and/or hybrid animal to go beyond the property of the owner unless the dog and/or hybrid animal is restrained securely by a chain or leash.

(3) Except for a reasonable veterinary purpose, no owner of a dangerous dog and/or hybrid animal shall transport such dog and/or hybrid animal or permit such dog and/or hybrid animal to be transported to another county, city, or village in this state.

(Neb. Rev. Stat. § 54-618)

**§ 90.35 DANGEROUS DOGS AND/OR HYBRID ANIMALS;
CONFINEMENT REQUIRED; WARNING SIGNS.**

(1) No person, firm, partnership, limited liability company, or corporation shall own, keep, or harbor or allow to be in or on any premises occupied by him, her, or it or under his, her, or its charge or control any dangerous dog and/or hybrid animal without such dog and/or hybrid animal being confined so as to protect the public from injury.

(2) While unattended on the owner's property, a dangerous dog and/or hybrid animal shall be securely confined, in a humane manner, indoors or in a securely enclosed and locked pen or structure suitably designed to prevent the entry of young children and to prevent the dog and/or hybrid animal from escaping. The pen or structure shall have secure sides and a secure top. If the pen or structure has no bottom secured to the sides, the sides shall be embedded into the ground at a depth of at least one foot. The pen or structure shall also protect the dog and/or hybrid animal from the elements. The pen or structure shall be at least ten feet from any property line of the owner. The owner of a dangerous dog and/or hybrid animal shall post warning signs on the property where the dog and/or hybrid animal is kept that are clearly visible from all areas of public access and that inform persons that a dangerous dog and/or hybrid animal is on the property. Each warning sign shall be no less than ten inches by twelve inches and shall contain the words warning and dangerous animal in high-contrast lettering at least three inches high on a black background.

(3) It is hereby required that the owner of a dangerous dog and/or hybrid animal or potentially dangerous dog and/or hybrid animal obtain liability insurance for each and every dog and/or hybrid animal they own that has been declared to be a dangerous dog and/or hybrid animal or potentially dangerous dog and/or hybrid animal with the minimum policy amount being \$150,000 per dog and/or hybrid animal.

(Neb. Rev. Stat. § 54-619)

**§ 90.36 DANGEROUS DOGS AND/OR HYBRID ANIMALS;
CONFISCATION; WHEN; COSTS.**

Any dangerous dog and/or hybrid animal may be immediately confiscated by the police department if the owner is in violation of sections 90.33 to 90.37. The owner shall be responsible for the reasonable costs incurred by the police department and the animal shelter for the care of a dangerous dog and/or hybrid animal confiscated by the police department or for the destruction of any dangerous dog and/or hybrid animal if the action by the police department is pursuant to law and if the owner violated sections 90.33 to 90.37.

(Neb. Rev. Stat. § 54-620)

§ 90.37 DANGEROUS DOGS AND/OR HYBRID ANIMALS; DISPOSAL BY COURT ORDER.

In addition to any other penalty, a court may order the police department to dispose of a dangerous dog and/or hybrid animal in an expeditious and humane manner.

(Neb. Rev. Stat. § 54-621)

§ 90.99 PENALTY.

(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 § 90.23 and the dog and/or hybrid animal has been determined to be dangerous shall be deemed to be guilty of a misdemeanor. The penalty for such violation shall be in the amount of \$750. A person who violates § 90.23 and the dog and/or hybrid animal has been determined to be a potentially dangerous dog and/or hybrid animal, shall be deemed guilty of a misdemeanor. The penalty for such violation shall be in the amount of \$500.

(C) Any person who violates § 90.23 and the dog and/or hybrid animal has not been determined to be dangerous or potentially dangerous shall be deemed to be guilty of misdemeanor. The penalty for such violation shall be in an amount of \$50 for the first, second, and third offenses; and \$100 for a fourth and all subsequent offenses.

(D) Any person who violates § 90.33(1) shall be deemed guilty of a misdemeanor. The penalty for such violation shall be in an amount not less than \$750 nor more than \$1,250; provided that where licenses are due the city, the court shall order such license secured and sums paid in addition to the fine fixed by the court. Any person who violates § 90.33(5) shall be deemed guilty of a misdemeanor. The penalty for such violation shall be in an amount not less than \$500 nor more than \$750;

(E) Any person who violates § 90.31 shall be guilty of a misdemeanor. The penalty for such violation shall be \$20 for the first offense and \$50 for each subsequent offense.

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McCook, NE Code of Ordinances

§ 90.20 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DOG. All dogs, male and female, of all ages.

CAT. All cats, male and female, of all ages.

HYBRID ANIMAL. Any animal that results from cross breeding between an exotic animal and a domestic animal.

OWNER, POSSESSOR. Any person who shall harbor or permit any dog, cat, and/or hybrid animal to be for ten days or more in or about his or her house, store, or enclosure, or remain to be fed, shall be deemed the owner and possessor of such dog, cat, and/or hybrid animal and shall be deemed to be liable for all penalties herein prescribed.

(Prior Code, § 6-101) (Ord. 2009-2826, passed 8-17-2009)

Statutory reference:

Similar state law provisions, see Neb. RS 54-606, 77-4401

§ 90.22 NUMBER OF DOGS AND HYBRID DOGS PER RESIDENCE.

No owner shall be allowed to own or harbor more than three dogs and/or hybrid dogs in their household within the limits of the city. This section does not include dogs, and/or hybrid dogs that are younger than 12 weeks of age.

(Ord. 2009-2826, passed 8-17-2009) Penalty, see § 90.99

§ 90.23 RUNNING AT LARGE PROHIBITED.

It shall be unlawful for the owner of any dog, cat, and/or hybrid animal to allow such dog, cat, and/or hybrid animal to run at large at any time within the corporate limits of the city. It shall be the duty of the Municipal Police or other officer designated by the City Manager to cause any dog, cat, and/or hybrid animal found to be running at large within the municipality to be taken up and impounded. "Running at large" shall mean any dog, cat, and/or hybrid animal found off the premises of the owner, and not under control of the owner or a responsible person, either by leash, cord, chain, wire, rope, cage or other suitable means of physical restraint.

(Prior Code, § 6-104) (Ord. 2009-2826, passed 8-17-2009) Penalty, see § 90.99

Statutory reference:

Authority, see Neb. RS 16-235

§ 90.24 DANGEROUS/VICIOUS DOGS AND HYBRID ANIMALS.

(A) *Generally.*

(1) It shall be unlawful for any person to own, keep, or harbor any dog and/or hybrid dog of a dangerous or ferocious disposition that, according to the records of the Police Department, has killed a human being; has inflicted injury on a human being that requires medical treatment; has killed a domestic animal without provocation; or has been previously determined to be a potentially dangerous dog and/or hybrid dog by the Police Department, the owner has received notice of such determination, and the dog and/or hybrid dog inflicts an injury on a human being that does not require medical treatment, injures a domestic animal, or threatens the safety of humans or domestic animals; absent an order from a court of competent jurisdiction, that the owner may retain possession of the dangerous, vicious dog and/or hybrid dog.

(2) A dog and/or hybrid dog shall not be defined as a dangerous dog and/or hybrid dog if the individual was tormenting, abusing, or assaulting the dog at the time of the injury or has been observed or reported to have tormented, abused, or assaulted the dog and/or hybrid dog.

(3) A dog and/or hybrid dog shall not be defined as a dangerous dog and/or hybrid dog if the injury, damage, or threat was sustained by an individual who, at the time, was committing a willful trespass, was committing any other tort upon the property of the owner of the dog and/or hybrid dog, was tormenting, abusing, or assaulting the dog and/or hybrid dog, or there is evidence that in the past the individual has been observed or reported to have tormented, abused, or assaulted the dog and/or hybrid dog, or was committing or attempting to commit a crime.

(4) No owner of a dangerous, vicious dog and/or hybrid dog shall be allowed to sell or transfer ownership of the dog to another individual.

(Prior Code, § 6-105)

(B) *Potentially dangerous; vicious.* It shall be unlawful for any person to own, keep, or harbor any dog and/or hybrid dog that when unprovoked: inflicts an injury on a human being that does not require medical treatment, injures a domestic animal, or chases or approaches a person upon streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack or any specific dog and/or hybrid dog with a known propensity, tendency, or disposition to attack when unprovoked, to cause injury, or to threaten the safety of humans or domestic animals; absent an order from a court of competent jurisdiction, that the owner may retain possession of the potentially dangerous, vicious dog and/or hybrid dog. No owner of a potentially dangerous, vicious dog and/or hybrid dog shall be allowed to sell or transfer ownership of the dog and/or hybrid dog to another individual.

(C) *Liability insurance.* It is hereby required that the owner of a dangerous, vicious dog and/or hybrid dog or potentially dangerous, vicious dog and/or hybrid dog obtain liability insurance for each and every dog and/or hybrid dog they own that has been declared to be a dangerous, vicious dog and/or hybrid dog or potentially dangerous, vicious dog and/or hybrid dog with the minimum policy amount being \$150,000 per dog or hybrid dog.

(D) *Shelter requirements.*

(1) No person shall own, keep, or harbor or allow to be in or on any premises occupied by him, her, or it, or under his, her, or its charge or control any dangerous dog or hybrid dog without such dog or hybrid dog being confined so as to protect the public from injury.

(2) While unattended on the owner's property, a dangerous dog or hybrid dog shall be securely confined, in a humane manner, indoors or in a securely enclosed and locked pen or structure suitably designed to prevent the entry of young children and to prevent the dog or hybrid dog from escaping. The pen or structure shall have secure sides and a secure top. If the pen or structure has no bottom secured to the sides, the sides shall be embedded into the ground at a depth of at least one foot. The pen or structure shall also protect the dog or hybrid dog from the elements. The pen or structure shall be at least ten feet from any property line of the owner. The owner of a dangerous dog or hybrid dog shall post warning signs on the

property where the dog or hybrid dog is kept that are clearly visible from all areas of public access and that inform persons that a dangerous dog or hybrid dog is on the property. Each warning sign shall be no less than ten inches by 12 inches and shall contain the words warning and dangerous animal in high-contrast lettering at least three inches high on a black background.

(3) Any person found guilty of divisions (A) and (B) of this section must allow their premises to be inspected by the Police Department to verify that the premises complies with the mandated animal housing restrictions prior to the release of the dangerous, vicious dog and/or hybrid dog or potentially dangerous, vicious dog and/or hybrid dog from the animal shelter.

(Neb. RS 54-619)

(E) *Reporting requirements.* It is required that all medical health care providers, including hospitals and clinics, physicians, vets, vet clinics, and ambulances or rescue agencies, which provide treatment or emergency care for an injury to a human being or domestic animal when the injury appears to have been inflicted by a dog or hybrid dog bite, to report such injury to the Police Department within 24 hours.

(F) *Effect of dangerous, vicious dog conviction.* Any person convicted of violating division (A) of this section shall not own a dog or hybrid dog within ten years after such conviction.

(Ord. 2009-2826, passed 8-17-2009) Penalty, see § 90.99

Statutory reference:

Authority, see Neb. RS 16-206

§ 90.30 IMPOUNDING.

It shall be the duty of the Police Department or other officer designated by the City Manager to capture, secure, and remove in a humane manner to the Municipal Animal Shelter any dog, cat, and/or hybrid animal violating any of the provisions of this subchapter. The dog, cat, and/or hybrid animal so impounded shall be treated in a humane manner and shall be provided with a sufficient supply of food and fresh water each day. Each impounded dog, cat, and/or hybrid animal shall be kept and maintained at the pound for a period of 120 hours. Notice of impoundment of all animals, including any significant marks or identifications, shall be posted on the bulletin board of the police station within 24 hours after impoundment as public notification of such impoundment. Any dog, cat, and/or hybrid animal may be reclaimed by its owner during the period of impoundment by payment of daily board fee and general impoundment fee set by resolution of the Governing Body. Such fees are set out in Ch. 38, Fee Schedule. The owner of an impounded dog, cat, and/or hybrid animal shall then be required to comply with the rabies vaccination requirements within 120 hours after release. If the dog, cat, and/or hybrid animal is not claimed at the end of required waiting period after public notice has been given the municipal police or other officer designated by the City Manager may dispose of the dog, cat, and/or hybrid animal in accordance with the applicable rules and regulations pertaining to the same; provided, that if, in the judgment of the municipal police or other officer designated by the City Manager, a suitable home can be found for any such dog, cat, and/or hybrid animal within the city, the dog, cat, and/or hybrid animal shall be turned over to that person and the new owner shall then be required to pay all fees and meet all vaccination requirements provided in this subchapter. The city shall acquire legal title to any dog, cat, and/or hybrid animal impounded in the animal shelter for a period longer than the required waiting period after receiving notice. Any such dog, cat, and/or hybrid animal shall be destroyed and buried in a humane manner.

(Neb. RS 16-236) (Prior Code, § 6-111) (Ord. 2009-2826, passed 8-17-2009)

§ 90.99 PENALTY.

(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 § 90.23 and the dog, cat, and/or hybrid animal has been determined to be dangerous, vicious, shall be deemed to be guilty of a misdemeanor. The penalty for such violation shall be in the amount of \$500. A person who violates § 90.23 and the dog, cat, and/or hybrid animal has been determined to be a potentially dangerous, vicious animal, shall be deemed guilty of a misdemeanor. The penalty for such violation shall be in the amount of \$250.

(C) Any person who violates § 90.23 and the dog, cat and/or animal has not been determined to be dangerous and vicious or potentially dangerous and potentially vicious shall be deemed to be guilty of misdemeanor. The penalty for such violation shall be in an amount of \$50 for the first, second, and third offenses; and \$100 for a fourth and all subsequent offenses.

(D) Any person who violates § 90.24(A) shall be deemed guilty of a misdemeanor. The penalty for such violation shall be in an amount not less than \$500 nor more than \$1,000 and/or imprisonment for any length of time not to exceed three months, at the discretion of the court; provided that where licenses are due the city, the court shall order such license secured and sums paid in addition to the fine fixed by the court. Any person who violates § 90.24(B) shall be deemed guilty of a misdemeanor. The penalty for such violation shall be in an amount not less than \$250 nor more than \$500 and/or imprisonment for any length of time not to exceed three months, at the discretion of the court; provided that where licenses are due the city, the court shall order such license secured and sums paid in addition to the fine fixed by the court. Any person who violates § 90.24(F) shall be deemed guilty of a misdemeanor. The penalty for such violation shall be in the amount of \$1,000 and/or imprisonment for any length of time up to three months at the discretion of the court.

(E) Any person who violates § 90.31 shall be guilty of a misdemeanor. The penalty for such violation shall be \$20 for the first offense and \$50 for each subsequent offense.

(Neb. RS 16-236) (Ord. 2009-2826, passed 8-17-2009)

Ordinance passed
Nov 2019 - not yet
in Code Book

ORDINANCE NO. 2019-2992

AN ORDINANCE PROVIDING FOR THE AMENDMENT OF CHAPTER 90 - ANIMALS, OF THE CITY OF MCCOOK CODE OF ORDINANCES; ADDING SECTION 90.08 - OFF-LEASH DOG AREAS IN CITY AND AMENDING SECTION 90.24 - DANGEROUS/VICIOUS DOGS AND HYBRID ANIMALS; PROVIDING FOR THE REPEAL OF ANY AND ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING A TIME AND DATE FROM AND AFTER WHICH THIS ORDINANCE SHALL TAKE EFFECT AND BE ENFORCED.

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

SECTION 1 That Chapter 90 - Animals of the City of McCook Code of Ordinances, Section 90.08 - Off-Leash Dog Areas in City, shall be added to read as follows:

§ 90.08 OFF-LEASH DOG AREAS IN CITY.

Notwithstanding anything in this section to the contrary, properly licensed and tagged dogs without vicious, dangerous or aggressive propensities and which are healthy and not in heat may be exercised off-leash within the areas designated in paragraph 2 below if under the care, custody or control of a person responsible for the off-leash dog.

1. **Responsible Person.** A person having possession, charge, custody or control of the off-leash dog must remain present with the off-leash dog at all times, must carry a leash, must leash the dog at the first sign of aggression, must clean up dog feces created by the dog, and bears full responsibility for filling any holes and repairing any damage created by the dog. The person responsible for the off-leash dog must comply with rules and regulations regarding the park, and must remove the dog when the off-leash dog park is closed.

2. **Off-Leash Dog Areas.** Dogs may be exercised off-leash in the following areas:

a. Barnett Park, within the fenced area designated as an off-leash dog park subject to the rules and regulations of the operator of the park.

SECTION 2. That Chapter 90 - Animals of the City of McCook Code of Ordinances, Section 90.24 - Dangerous/Vicious Dogs and Hybrid Animals, shall be amended to read as follows:

§90.24 DANGEROUS/VICIOUS DOGS AND HYBRID ANIMALS.

(A) *Generally.*

(1) It shall be unlawful for any person to own, keep, or harbor any dog and/or hybrid dog of a dangerous or ferocious disposition that, according to the records of the Police Department, has killed a human being; has inflicted injury on a human being that requires medical treatment; has killed a domestic animal without provocation; or has been previously determined to be a potentially

dangerous dog and/or hybrid dog by the Police Department, the owner has received notice of such determination, and the dog and/or hybrid dog inflicts an injury on a human being that does not require medical treatment, injures a domestic animal, or threatens the safety of humans or domestic animals; absent an order from a court of competent jurisdiction, that the owner may retain possession of the dangerous, vicious dog and/or hybrid dog.

(2) A dog and/or hybrid dog shall not be defined as a dangerous dog and/or hybrid dog if the individual was tormenting, abusing, or assaulting the dog at the time of the injury or has been observed or reported to have tormented, abused, or assaulted the dog and/or hybrid dog.

(3) A dog and/or hybrid dog shall not be defined as a dangerous dog and/or hybrid dog if the injury, damage, or threat was sustained by an individual who, at the time, was committing a willful trespass, was committing any other tort upon the property of the owner of the dog and/or hybrid dog, was tormenting, abusing, or assaulting the dog and/or hybrid dog, or there is evidence that in the past the individual has been observed or reported to have tormented, abused, or assaulted the dog and/or hybrid dog, or was committing or attempting to commit a crime.

(4) No owner of a dangerous, vicious dog and/or hybrid dog shall be allowed to sell or transfer ownership of the dog to another individual.
(Prior Code, § 6-105)

(B) *Potentially dangerous; vicious.* It shall be unlawful for any person to own, keep, or harbor any dog and/or hybrid dog that when unprovoked: inflicts an injury on a human being that does not require medical treatment, injures a domestic animal, or chases or approaches a person upon streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack or any specific dog and/or hybrid dog with a known propensity, tendency, or disposition to attack when unprovoked, to cause injury, or to threaten the safety of humans or domestic animals; absent an order from a court of competent jurisdiction, that the owner may retain possession of the potentially dangerous, vicious dog and/or hybrid dog. No owner of a potentially dangerous, vicious dog and/or hybrid dog shall be allowed to sell or transfer ownership of the dog and/or hybrid dog to another individual.

(C) *Liability insurance.* It is hereby required that the owner of a dangerous, vicious dog and/or hybrid dog or potentially dangerous, vicious dog and/or hybrid dog obtain liability insurance for each and every dog and/or hybrid dog they own that has been declared to be a dangerous, vicious dog and/or hybrid dog or potentially dangerous, vicious dog and/or hybrid dog with the minimum policy amount being \$150,000 per dog or hybrid dog.

(D) *Shelter requirements.*

(1) No person shall own, keep, or harbor or allow to be in or on any premises occupied by him, her, or it, or under his, her, or its charge or control any dangerous dog or hybrid dog without such dog or hybrid dog being confined so as to protect the public from injury.

(2) While unattended on the owner's property, a dangerous dog or

hybrid dog shall be securely confined, in a humane manner, indoors or in a securely enclosed and locked pen or structure suitably designed to prevent the entry of young children and to prevent the dog or hybrid dog from escaping. The pen or structure shall have secure sides and a secure top. If the pen or structure has no bottom secured to the sides, the sides shall be embedded into the ground at a depth of at least one foot. The pen or structure shall also protect the dog or hybrid dog from the elements. The pen or structure shall be at least ten feet from any property line of the owner. The owner of a dangerous dog or hybrid dog shall post warning signs on the property where the dog or hybrid dog is kept that are clearly visible from all areas of public access and that inform persons that a dangerous dog or hybrid dog is on the property. Each warning sign shall be no less than ten inches by 12 inches and shall contain the words warning and dangerous animal in high-contrast lettering at least three inches high on a black background.

(3) Any person found guilty of divisions (A) and (B) of this section must allow their premises to be inspected by the Police Department to verify that the premises complies with the mandated animal housing restrictions prior to the release of the dangerous, vicious dog and/or hybrid dog or potentially dangerous, vicious dog and/or hybrid dog from the animal shelter.
(Neb. RS 54-619)

(E) *Reporting requirements.* It is required that all medical health care providers, including hospitals and clinics, physicians, vets, vet clinics, and ambulances or rescue agencies, which provide treatment or emergency care for an injury to a human being or domestic animal when the injury appears to have been inflicted by a dog or hybrid dog bite, to report such injury to the Police Department within 24 hours.

(F) *Effect of dangerous, vicious dog conviction.* Any person convicted of violating division (A) of this section shall not own a dog or hybrid dog within ten years after such conviction. Further, the dog found to be potentially dangerous or vicious shall not be allowed to be in any area designated as an off-leash dog area by the City of McCook.
(Ord. 2009-2826, passed 8-17-2009) Penalty, see § 90.99

SECTION 3. Any and all other ordinances or parts of ordinances in conflict herewith shall be and are hereby repealed.

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

PASSED AND APPROVED this 4th day of November, 2019.

Michael D. Gonzales, Mayor

ATTEST:

Lea Ann Doak, City Clerk

**CITY MANAGER'S REPORT
FEBRUARY 17, 2020 CITY COUNCIL MEETING**

ITEM: 5.C.

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

BACKGROUND:

The City Manager's Reports prepared for the January 20 and February 3 meeting are attached for your reference.

**FISCAL
IMPACT:** None.

APPROVALS:



Lea Ann Doak, City Clerk-Treasurer

February 13, 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	Termites					
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 nowise 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 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 81-2115 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 17, 2020 MCCOOK CITY COUNCIL MEETING**

ITEM 5.D. Approve Ordinance No. 2020-2997 on its third and final 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 third and final 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:



Lea Ann Doak, City Clerk

February 13, 2020

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:

**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

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

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)

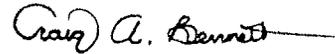
- Shall demonstrate erosion control and sediment control in compliance with NPDES requirements.

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

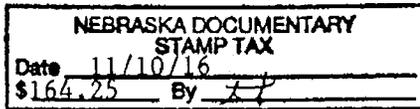
Applicant's signature (If different than property owner, Applicant certifies by signature that s/he is the authorized agent of the property owner.)

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 Jew
Register of Deeds Red Willow County, NE



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):

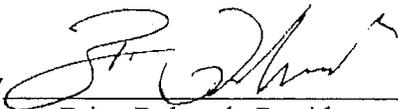
New Platted Lot 2, Block 1, Fifth Parkview Subdivision; to the City of McCook, Red Willow County, Nebraska.

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

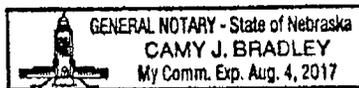
STATE OF Nebraska)
COUNTY OF Red Willow)

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

Danelone 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:

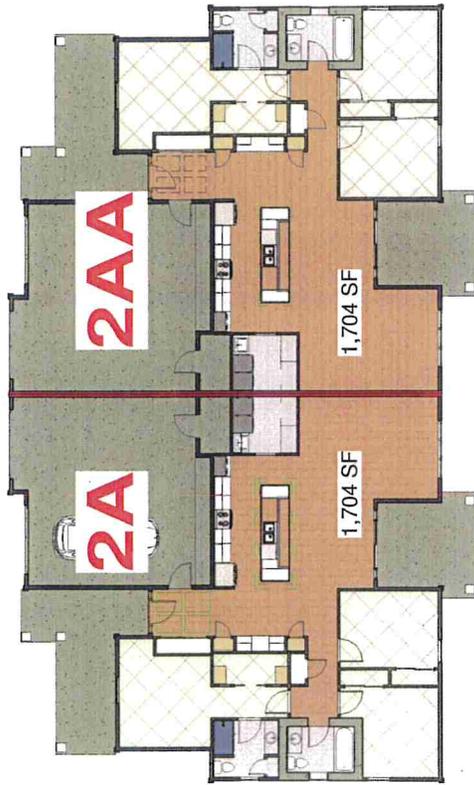
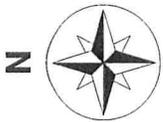
1. A written application for a special exception is submitted indicating the section of this ordinance under which the special exception is sought and stating the grounds on which it is requested;
2. Notice shall be given at least ten (10) days in advance of public hearing. The owner of the property 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

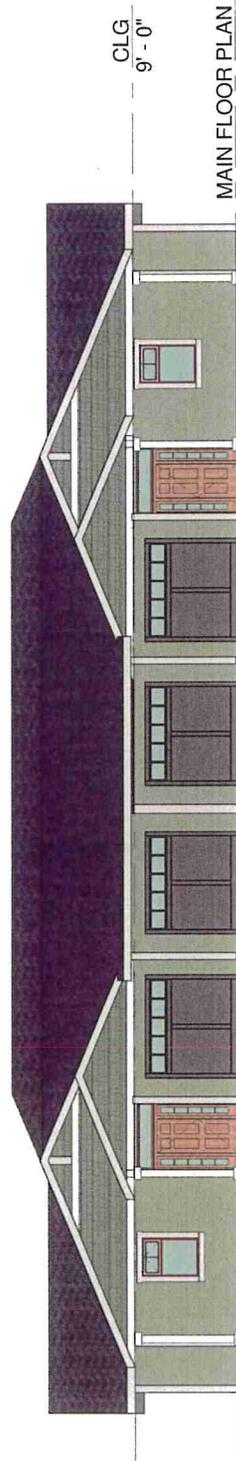
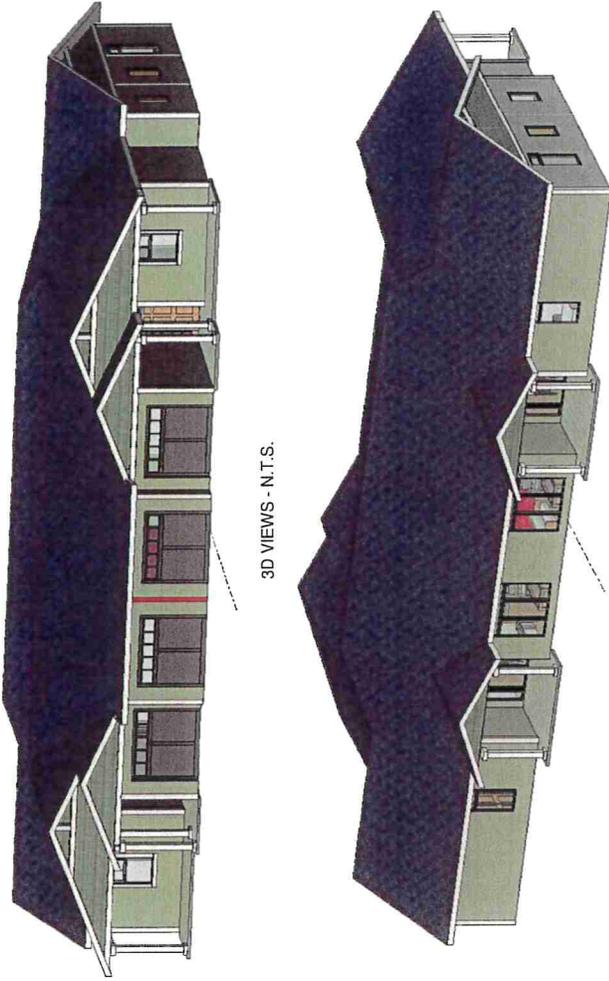
PAGE(S) - 2

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.



3D VIEWS - N.T.S.



② FRONT ELEVATION
3/32" = 1'-0"

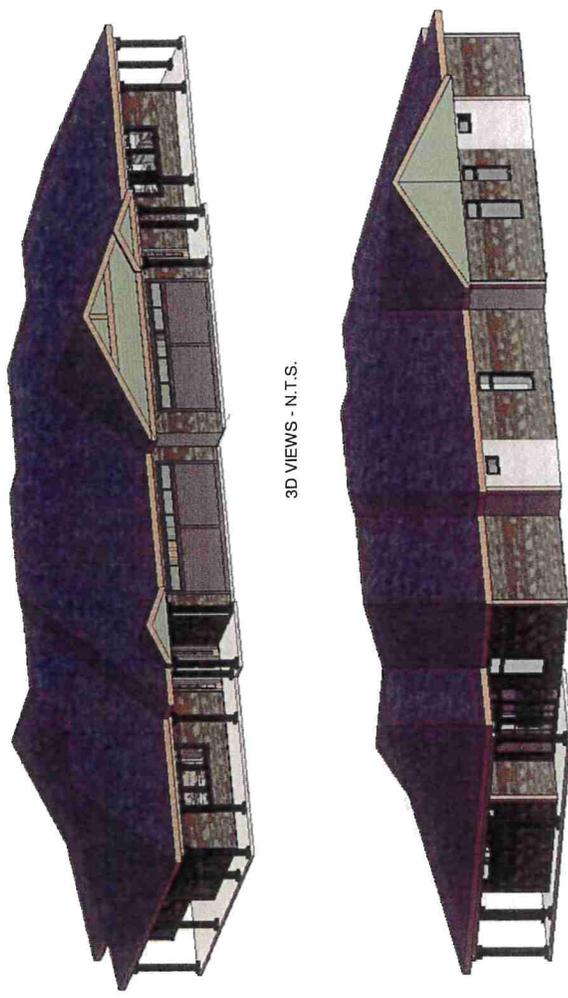
3 BED

MW DRAFTING McCook, Nebraska (909)346-0188	A	SHEET SIZE: 11 x 17
OWNER CTE CONSTRUCTION Duplex's located along Seminole Dr., McCook, NE		SCALE: As indicated
DATE: 11/18/19		

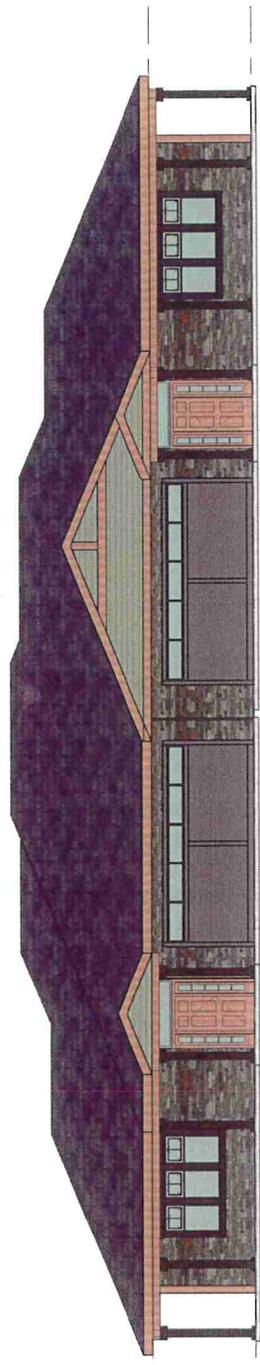
THIS DRAWING IS THE PROPERTY OF MW DRAFTING. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. NO PART OF THIS DRAWING IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF MW DRAFTING. ANY VIOLATION OF THESE TERMS SHALL BE CONSIDERED A BREACH OF CONTRACT AND SUBJECT TO LEGAL ACTION.



① FLOOR PLAN
1/16" = 1'-0"



3D VIEWS - N.T.S.



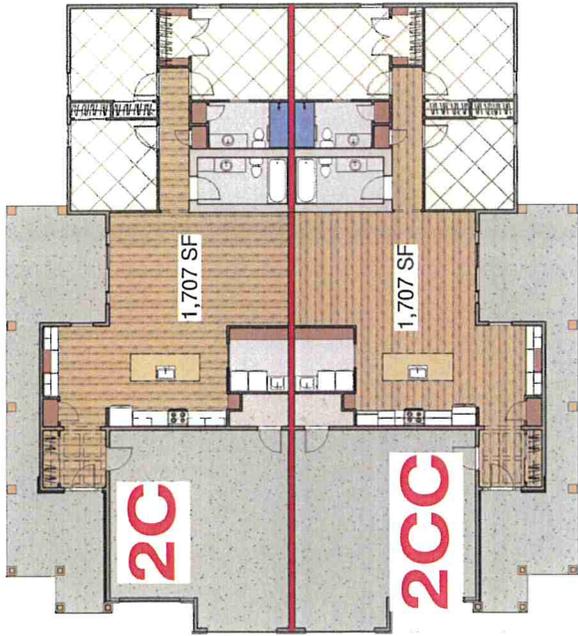
CEILING
9'-0"
MAIN FLOOR
0"
BOTTOM FTG
-3'-0"

② FRONT ELEVATION
3/32" = 1'-0"

2 BED

M/W DRAFTING McCook, Nebraska (408)340-0188	B	SHEET SIZE: 11 x 17
OWNER CTE CONSTRUCTION Duplex units located along Seminole Ave. McCook, NE		SCALE: As Indicated
DATE: 1/18/19		

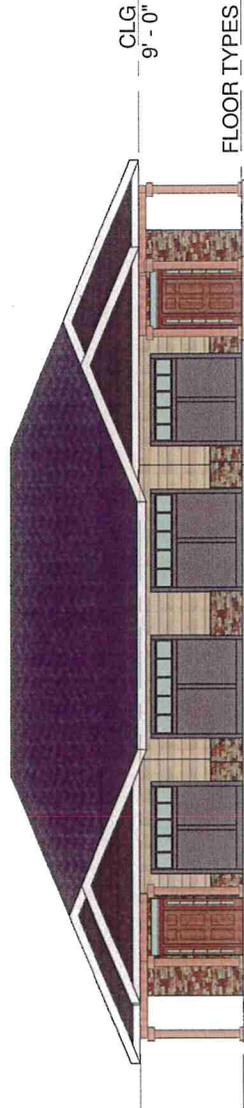
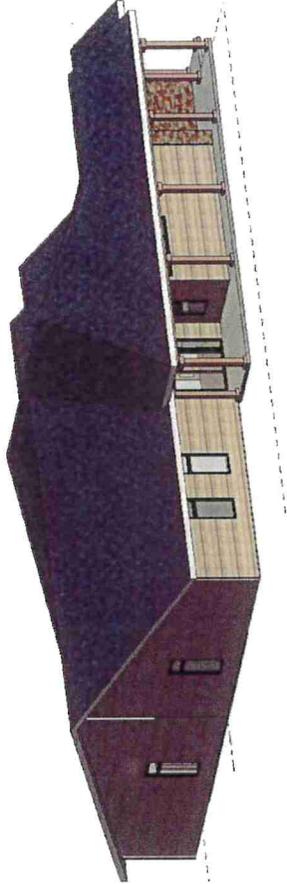
THESE PLANS ARE THE PROPERTY OF THE OWNER AND FOR ILLUSTRATIVE PURPOSES ONLY. OWNER TO VERIFY ALL DIMENSIONS AND SPECIFICATIONS PRIOR TO CONSTRUCTION AND ASSURE ALL UTILITIES OF EXISTING AND CONSTRUCTION THEREOF AND INSURE CONSTRUCTION CONFORMS TO ALL BUILDING CODES.



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



3D VIEWS - N.T.S.



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

3 BED

MW DRAFTING
McCook, Nebraska
(309) 340-0188

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

C

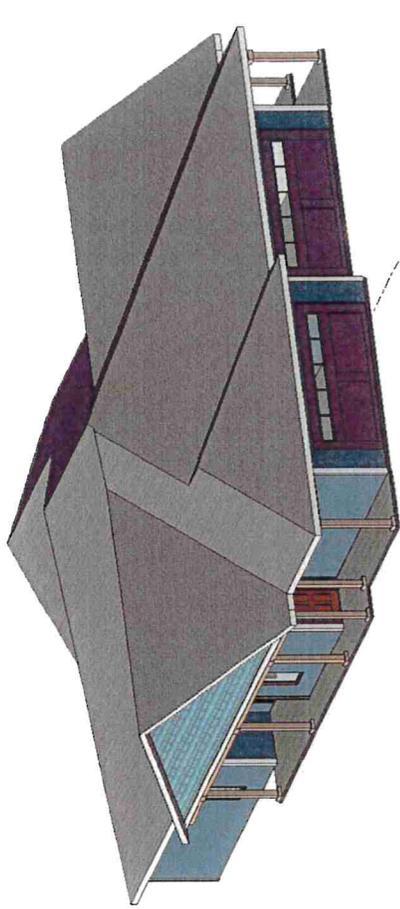
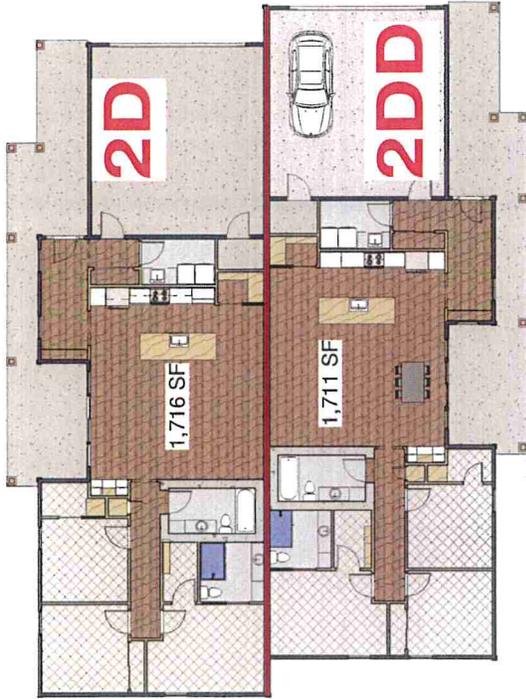
SHEET SIZE: 11 x 17

SCALE: As Indicated

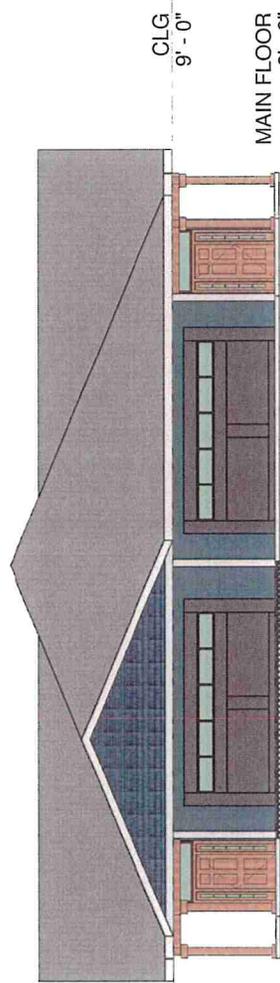
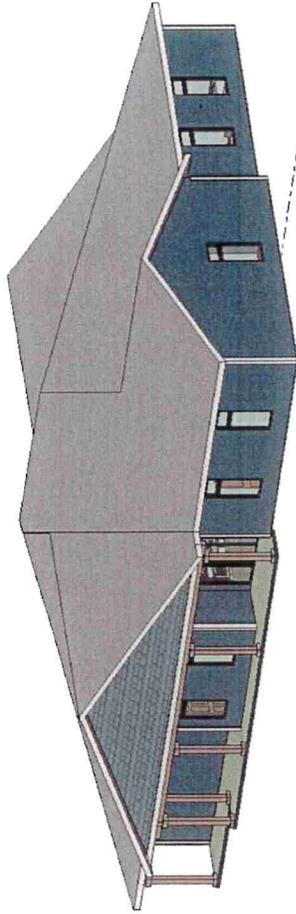
DATE: 11/7/19

OWNER

THESE PLANS ARE THE PROPERTY OF THE OWNER AND NOT TO BE REPRODUCED OR USED FOR ANY OTHER PROJECT WITHOUT THE WRITTEN CONSENT OF THE ARCHITECT. THESE PLANS ARE NOT TO BE USED FOR CONSTRUCTION WITHOUT THE WRITTEN CONSENT OF THE ARCHITECT.



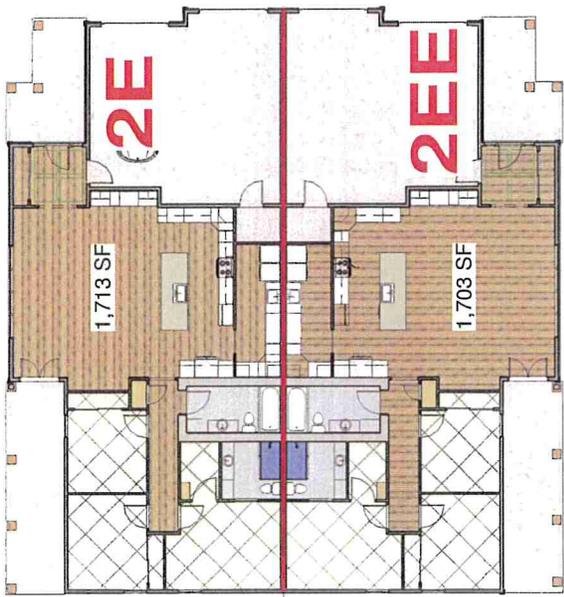
3D VIEWS - N.T.S.



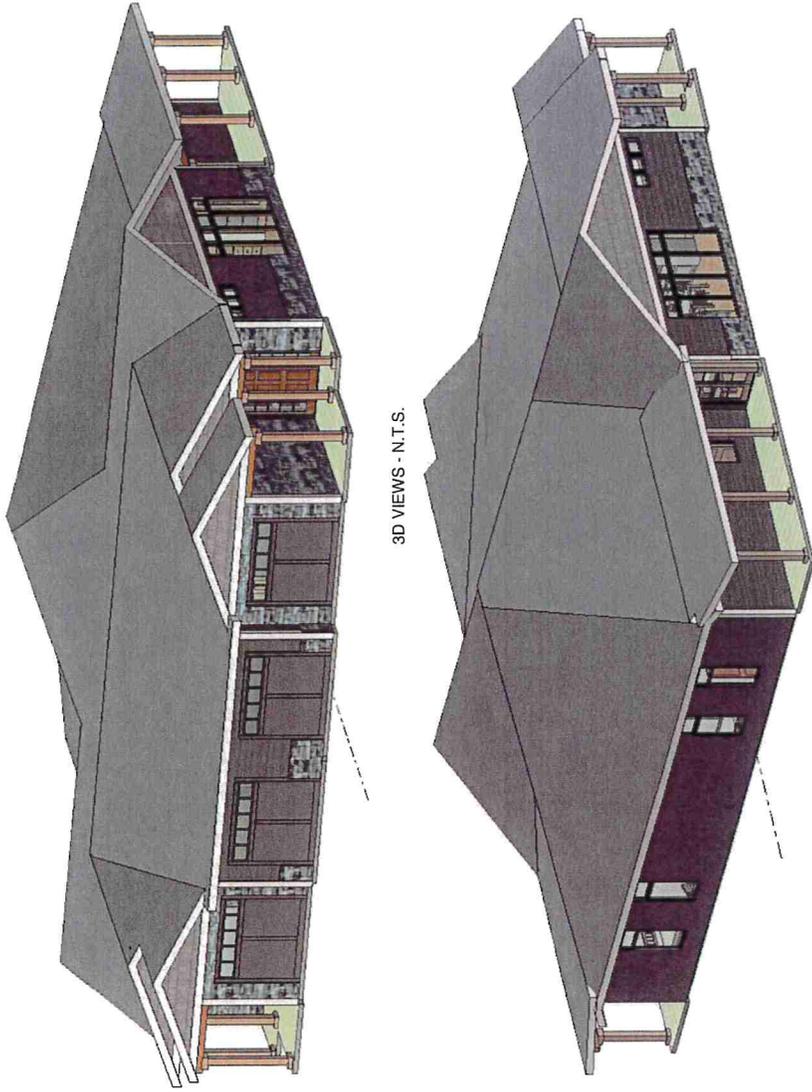
3 BED

MW DRAFTING McCook, Nebraska (405) 434-0188	D
OWNER Duplex's along Semmole Dr., McCook, NE	
DATE: 11/18/19	SCALE: As Indicated
SHEET SIZE: 11x17	

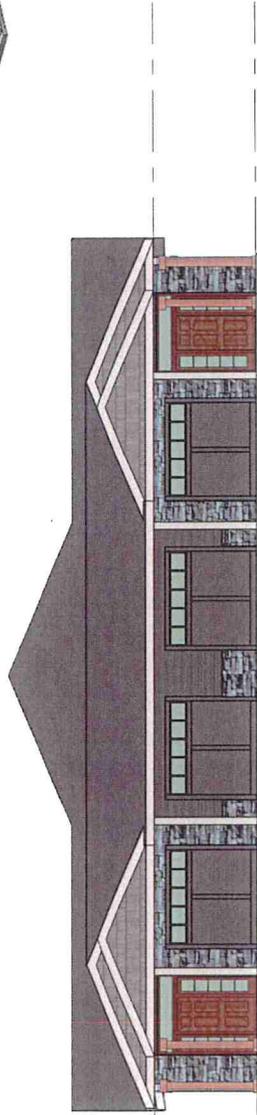
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1 FLOOR PLAN
1/16" = 1'-0"



3D VIEWS - N.T.S.



CLG
9'-0"

MAIN FLOOR
0'-0"

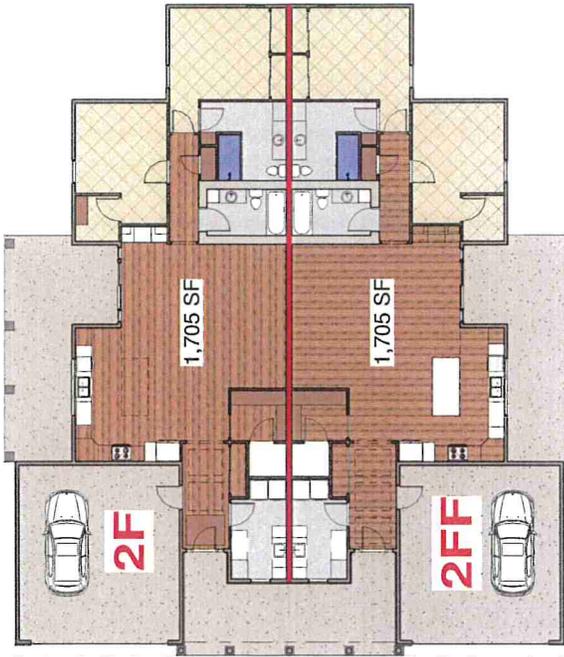
BOTTOM FTG
-3'-0"

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

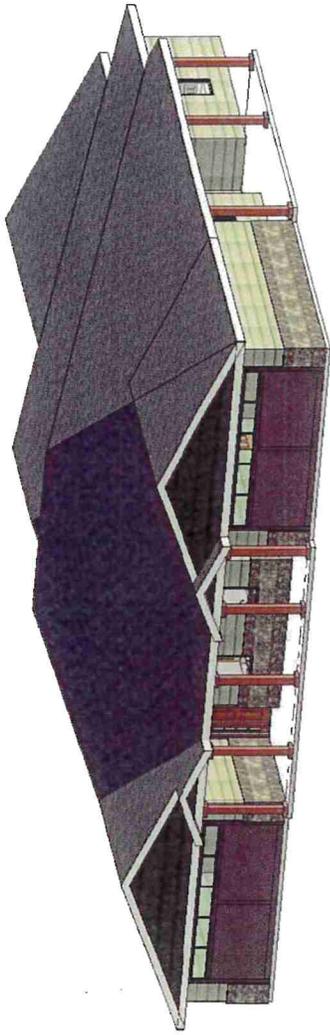
3 BED

MW DRAFTING	McCook, Nebraska 60523-40-0188	E
OWNER	CTE CONSTRUCTION Duplex's along Seminole Dr., McCook, NE	
DATE:	1/11/19	SHEET SIZE: 11 x 17
SCALE:	As Indicated	

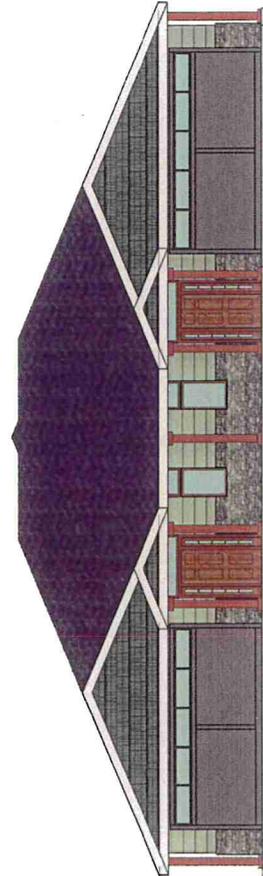
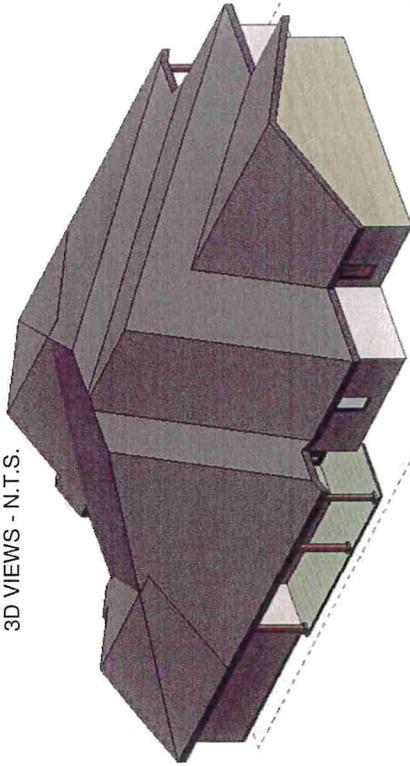
THESE PLANS ARE THE PROPERTY OF THE OWNER AND FOR ILLUSTRATIVE PURPOSES ONLY. OWNER TO VERIFY ALL DIMENSIONS AND SPECIFICATIONS PRIOR TO CONSTRUCTION AND ASSUME ALL LIABILITIES OF FAILURE AND CONSTRUCTION DEFECTS AND INSURE CONSTRUCTION COMPANY FOR ALL BUILDING COSTS.



① FLOOR PLAN
1/16" = 1'-0"



3D VIEWS - N.T.S.



② FRONT ELEVATION
3/32" = 1'-0"

CLG
9' - 0"

MAIN FLOOR
0' - 0"

BOTTOM FTG
-3' - 0"

2 BEDS

MW DRAFTING	McCook, Nebraska (309)340-0189	F	SHEET SIZE: 11x17
OWNER	CTE CONSTRUCTION Duplex units along Seminole Dr., McCook, NE		
DATE: 1/18/19	SCALE: As Indicated		

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 RISK IN THE EVENT OF MISSING OR INADEQUATE INFORMATION FOR CONSTRUCTION PURPOSES.

**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.

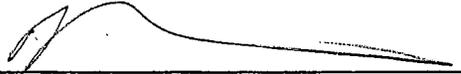
BACKGROUND:

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

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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

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