

# MCCOOK CITY COUNCIL

## REGULAR MEETING

**Monday, May 11, 2020**  
**5:15 PM - City Council Chambers & Audio Conference**

**[Stream Meeting Here](#)**

Open Meetings Act Announcement.

**Rationale:**

*\*In accordance with Section 84-1412 of the Nebraska Revised Statutes, a current copy of the Open Meetings Act was available for public review on the Home Page of the City of McCook website.*

Items

1. Approve the minutes of the April 13, 2020 regular Planning Commission meeting.
2. Public Hearings and Regular Agenda.
  - A. Public Hearing - Request for a special exception by Chelsey Eng (Project Sponsor) to locate a daycare center in a Residential Medium Density District (RM) - property located at 1211 Norris Avenue.
    1. Adjourn the Public Hearing.
  - B. Recommend approval of a special exception to the City Council to allow a daycare center in a Residential Medium Density District (RM) - property located at 1211 Norris Avenue with the condition that sufficient off-street parking be constructed within a specified time period to be determined by the Planning Commission.
3. Select new officers for the term of April 2020 through March 2021 - Chair, Vice-Chair, and Secretary - pursuant to Chapter 35, Section 35.001 of the City of McCook Code of Ordinances.

Adjournment.

**CITY MANAGER'S REPORT  
MAY 11, 2020 PLANNING COMMISSION MEETING**

---

**ITEM:**          1  

**RECOMMENDATION:**

Approve the minutes of the April 13, 2020 regular meeting.

---

**BACKGROUND:**

Receive and approve the minutes.

**FISCAL**

**IMPACT:**    None.

**APPROVALS:**

  
\_\_\_\_\_  
Lea Ann Doak, City Clerk

May 7, 2020

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

A MEETING OF THE PLANNING COMMISSION OF THE CITY OF MCCOOK, NEBRASKA convened in via public audio/teleconference means at 5:15 o'clock P.M. in the City Council Chambers. The meeting was open to the public via audio/teleconference means pursuant to the Governor's Executive Order No. 20-03 issued on March 17, 2020.

Present via audio/teleconference means were: Chair Vosburg; Vice Chair Hilker; Commissioners Dueland, Friehe, Lyons, McDowell, Stevens.

Absent: Commissioners Bradley, Davidson, Graham.

City Officials present via video and teleconference means were: City Manager Schneider, City Attorney Mustion, City Clerk Doak, Deputy City Clerk Burkey.

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on April 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 public via audio/teleconference means.

Chair Vosburg announced that in accordance with Section 84-1412 of the Nebraska Revised Statutes, a current copy of the Open Meetings Act was available for public review on the Home Page of the City of McCook website.

1. Approve the minutes of the March 9, 2020 regular Planning Commission meeting.

Motion to approve the minutes of the March 9, 2020 regular Planning Commission meeting. This motion, made by Hilker and seconded by Vosburg, passed.

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

2. Public Hearings and Regular Agenda.

- 2.A. Public Hearing - Regarding the Redevelopment Plan for the N-Stant Convenience Redevelopment Project as to its conformity with the general plan for the development of the City as a whole.

Motion to recess as a Planning Commission and convene a public hearing for the purpose of receiving public comment with respect to the proposed Redevelopment Plan for the N-Stant

Convenience Redevelopment Project as to its conformity with the general plan for the development of the City as a whole, with the City Attorney to act as hearing officer. This motion, made by Vosburg and seconded by Dueland, passed.

Vosburg: YEA, Hilker: YEA, Bradley: ABSENT, Davidson: ABSENT, Dueland: YEA, Friehe: YEA, 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 April 13, 2020 Planning Commission meeting (2 pages), Exhibit #2 - Notice of Hearing published (1 page); Exhibit #3 - proposed Resolution No. PC2020-02 (4 pages); Exhibit #4 - Redevelopment Plan for the N-Stant Convenience Redevelopment Project (14 pages); Exhibit #5 - copies of notice of public hearing mailed by certified mail to the required taxing jurisdictions; McCook Community College, Educational Service Unit No. 15, Middle Republican NRD, Red Willow County Commissioners, McCook School District (5 pages); and Exhibit #6 - Project Site Map (1 page).

City Manager Schneider reviewed the following information contained in Exhibit #1: "Earlier this year, Redevelopment Area #4 was approved, declaring an area located near the intersection of Highways 83 and 6/34 as blighted and substandard. A redevelopment application has been received from Smoker's Outlet, Inc., d/b/a N-Stant Convenience, said business owning property within Redevelopment Area #4. City Staff has reviewed the application and found that the request was eligible for Tax Increment Financing (TIF)."

"The project site at issue is located on a lot directly northeast of the Highway 83 and Highway 6/34 intersection. The site is currently a vacant lot that was purchased from the State of Nebraska. In order for development to occur, the Redeveloper is requesting redevelopment assistance."

"The Redeveloper owns and operates a convenience store adjacent to the Project Site and desires to expand its business to offer fuel sales. The project under consideration will consist of the construction and development of a fuel station site that will contain eight-fuel pumps, or four-island double-sided fuel canopies on the Project Site. TIF assistance is being requested in order to assure funding is available for the project. The Redeveloper has confirmed, but for the approval of TIF assistance, the project will not occur."

"The N-Stant Convenience Redevelopment Plan includes a number of costs that would qualify for Tax Increment Finance consideration. Page 4 of the Redevelopment Plan lists the eligible TIF uses in the amount of \$237,000. Pursuant to the Redevelopment Plan's Cost-Benefit Analysis (ie. Exhibit "D"), it is anticipated that approximately \$196,500 of the public improvements can be financed with the proceeds of the TIF generated improvements. There are enough TIF uses to cover the issuance of a Promissory Note in the amount of \$196,500."

"With respect to the statutory elements necessary to qualify under the Nebraska Community Development Law, the N-Stant Convenience Redevelopment Plan qualifies for TIF consideration. The project will not negatively affect population density in the project area. The project will meet the applicable land-coverage ratios and zoning requirements. There will be no adverse impacts with respect to traffic flow. There are no parking concerns related to the project. The land is zoned

appropriately for the intended use.”

“With respect to the City's Comprehensive Plan, the Redevelopment Plan addresses several important goals. The Plan encourages local reinvestment in McCook by both the public and private sectors. It provides needed amenities to support future growth of commercial, industrial, and residential areas. The Plan utilizes available public programs of financing to fund development.”

“As far as how the Plan's Cost-Benefit Analysis works, the current project valuation is \$125,000. It is estimated the completed project will be assessed at \$1,107,724, generating a projected tax increment base of \$982,724. At the estimated tax levy of 1.911555, the annual projected tax shift is \$18,785. This annual projected tax shift will be available to the developer to pay TIF related indebtedness that will be memorialized in a Redevelopment Agreement. While \$196,500 of public improvements will be financed with TIF proceeds, the redeveloper will privately infuse approximately \$1,000,000 of its own money into the project. This means that for every \$1 of public financing the redeveloper will privately spend approximately \$5.”

Discussion included what was the purchase price of the property and when was it purchased?; does the project include a car wash?; what is the location of the current sewer line?; will the bond be paid off sooner?; who provides the projected completed valuation of the project?; will it be necessary to improve the city street which is currently asphalt?

Applicant Nick Nothnagel addressed the Commissions question; the land was purchased in December 2015 for \$125,000; a car wash was proposed in the original plan, but is not included at this time; the current sewer lines runs diagonally (from the NW to the SE) across the property; without knowing the final property value, it is unknown how soon the bond would be paid in full; the County Assessor works with the State to determine the projected completed valuation of the project; and they are aware of the potential improvement needs, but have not discussed that with City Staff.

Andy Long, McCook Economic Development Director, spoke in support of the proposed Redevelopment Plan.

With no further comment, 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: ABSENT, Dueland: YEA, Friehe: YEA, Graham: ABSENT, Lyons: YEA, McDowell: YEA, Stevens: YEA

YEA: 7, NAY: 0, ABSENT: 3

2.B. Approve Resolution No. PC2020-02 recommending approval of a Redevelopment Plan of the City of McCook, Nebraska, approving a Redevelopment Project of the City of McCook, Nebraska; and approval of related actions for the purpose of the development of the N-Stant Convenience Redevelopment Project.

Motion to approve Resolution No. PC2020-02 recommending approval of a Redevelopment Plan of the City of McCook, Nebraska, approving a Redevelopment Project of the City of McCook,

Nebraska; and approval of related actions for the purpose of the development of the N-Stant Convenience Redevelopment Project. This motion, made by Vosburg and seconded by Dueland, passed.

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

Commissioner Dueland expressed concerns with the approval of two projects so close together, are we going to far to fast; this project is on vacant property, his preference would be for housing projects and projects that create jobs.

City Manager Schneider noted that the City is below the TIF property allowed percentage and neither of the two projects create hardship for the City or any of the other taxing entities.

Chair Vosburg requested that election of officers be placed on the agenda for the next meeting.

**Adjournment.**

With no further business, Chair Vosburg declared the Planning Commission meeting adjourned at 5:48 P.M.

---

Lea Ann Doak, Recording Secretary

**CITY MANAGER'S REPORT  
MAY 11, 2020 PLANNING COMMISSION MEETING**

**ITEM: 2.A** Public Hearing - Request for a special exception by Chelsey Eng (Project Sponsor) to locate a daycare center in a Medium Density Residential District (RM) - property located at 1211 Norris Avenue.

**2.B**  
**ITEM:** \_\_\_ Recommend approval of a special exception to the City Council to allow a daycare center in a Medium Density Residential District (RM) - property located at 1211 Norris Avenue with the condition that sufficient off-street parking be constructed within a specified time period to be determined by the Planning Commission.

---

**BACKGROUND:**

An application for a special exception has been submitted by Chelsey Eng to allow for a daycare center in a Medium Density Residential (RM) District. The property at issue is located at 1211 Norris Avenue. The owner of the property is Pat Cherry and Melanie Cherry, and Robert Chalupa and Carol Chalupa. The property owners and Ms. Eng have entered into a purchase agreement for the sale of the property. The purchase agreement is conditioned upon the grant of a special exception. Daycare centers are allowed in the Medium Density Residential District (RM) if a special exception is granted by the City Council.

Prior to the Cherry's and Chalupa's ownership, the property at 1211 Norris Avenue was used as a church. The property also contains a house that was used as a parsonage. Over the past few years, the property has remained vacant. If Ms. Eng's special exception application is approved, Ms. Eng would convert the "church" part of the property into a daycare facility. The "parsonage" would be used by Ms. Eng as her residence.

City Staff has reviewed the application and have engaged in numerous conversations with Ms. Eng about her intended use of the "church". Staff is of the opinion that the grant of a special exception with conditions is appropriate. This opinion is based on Ms. Eng's representations of her project relative to the special exception requirements found in Zoning Ordinance No. 2016-2929, Article 24 - Special Exceptions, Section 2402 (5) (A -I).

Attached to Ms. Eng's application is an attachment that explains how she intends to comply with the special exception requirements. The attachment adequately explains how Ms. Eng will comply with special exception considerations C-I. Upon review, Staff has worked with Ms. Eng to address potential concerns regarding considerations A and B.

With respect to consideration A, the property at 1211 Norris Avenue is fairly unique when compared to other properties in McCook. East M Street borders the property to the north. East M Street is extremely narrow at the East 100 block, then widens as it stretches east. For this reason, two properties in the vicinity have constructed circle drives, in part, to assure traffic safety and convenience. On review, Staff was concerned that a daycare facility at this particular location may negatively impact automotive and pedestrian safety and convenience and traffic flow and control.

This brings us to consideration B. Consideration B requires a property to have sufficient off-street parking and loading areas where required. Due to the narrowness of East M Street, off-street parking becomes critical. Zoning Ordinance No. 2016-2929, Section 2111 - Off-Street Parking, states that a nursery or a primary school is required to have parking spaces equal to 30% of capacity, and 20% of capacity for all other educational facilities. Ms. Eng has informed Staff that at a maximum, her proposed daycare facility would provide care for 30 children. Based on the off-street parking ordinance,

**EXHIBIT #1**

**PAGE(S) - 2**

Ms. Eng would need to provide 9 parking spaces. The "parsonage" sits on the east side of the property, adjacent to the ally. The parsonage has 5 parking spaces available, 6 if the garage is included (which Ms. Eng intends to utilize for her own personal vehicle). That leaves 3 or 4 spaces that must be accounted for. Ms. Eng is in the process of hiring a contractor to construct a parking area whereby 4 stalls will be created to accommodate the property's parking needs. Staff has reviewed the layout of the property. Staff believes Ms. Eng can cut the curb and extend concrete to the sidewalk running along the north side of the property. Based on our observations, Staff believes there is sufficient right-of-way to provide sufficient area for the required 4 parking stalls. The stalls would need to be angled to provide adequate space. Taken together, counting the parking area off of the ally and creating 4 parking spaces by cutting the curb and concreting an area sufficient in size to meet the City's parking regulations, would assure compliance with Section 2111 of the Zoning Ordinance.

City Staff has received one phone call expressing concerns. The individual wasn't opposed to the grant of a special exception provided that Ms. Eng provided sufficient fencing on the south side of her property and accounted for ingress/egress/parking issues. As noted on Ms. Eng's attachment, the plan addresses fencing on the south portion of her property. Additionally, Ms. Eng states that she intends to construct a gated play area for her daycare children. The parking situation is addressed above.

Staff is comfortable with the grant of a special exception conditioned upon the construction of adequate parking spaces. Ms. Eng has stated to Staff that she is amenable to a condition being placed on the special exception that would require the 4 parking stalls on the north side of the property to be constructed as part of a special exception grant. Ms. Eng has spoke with James Hegwood about doing the work. Mr. Hegwood has stated that he can construct the parking area, but that it will take time before he can complete the work due to other work obligations.

Staff encourages the Planning Commission to create a timed condition for the off-street parking to be completed. At this time, Staff is unsure of when Mr. Hegwood would be able to complete the work. As such, any conditional grant should include a time commitment component. Ms. Eng can provide information on the estimated time of completion at the Planning Commission meeting.

#### **RECOMMENDATIONS:**

**ITEM:** \_\_\_Public Hearing - Request for a special exception by Chelsey Eng (Project Sponsor) to locate a daycare center in a Medium Density Residential District (RM) - property located at 1211 Norris Avenue.

**ITEM:** \_\_\_Recommend approval of a special exception to the City Council to allow a daycare center in a Medium Density Residential District (RM) - property located at 1211 Norris Avenue with the condition that sufficient off-street parking be constructed within a specified time period to be determined by the Planning Commission.

#### **APPROVALS:**



Lea Ann Doak, City Clerk

May 7, 2020



Nathan A. Schneider, City Manager

May 7, 2020

**NOTICE OF HEARING  
REQUEST FOR  
SPECIAL EXCEPTION**

NOTICE IS HEREBY GIVEN that a public hearing will be held on a request for a special exception to allow an in home child care center in a Residential Medium Density (RM) District.

ADDRESS: 1211 Norris Avenue

LEGAL DESCRIPTION: North half of Lot 11 and all of Lot 12, Block 11, Hillcrest Addition to the City of McCook, Red Willow County, Nebraska

PROJECT SPONSOR/  
DEVELOPER: Chelsy M. Eng

LAND OWNER: Robert J. Chalupa & Pat Cherry

Public Hearings will be held on the dates, times, and at the places listed below:

MAY 11, 2020 - 5:15 P.M.  
MCCOOK PLANNING COMMISSION  
CITY COUNCIL CHAMBERS  
505 WEST "C" STREET

MAY 18, 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. The hearings will be conducted via audio conferencing means as allowed by the executive order issued by Governor Ricketts on March 17, 2020. The public may access the meeting by utilizing the following video conference link: <https://us04web.zoom.us/j/2470811045>. Meeting ID: 247 081 1045. To provide public comment during the scheduled Public Hearing, please call (308) 345-2022, extension 224. Please direct all inquiries to Nate Schneider, City Manager at 308-345-2022 ext. 225.

-s- Lea Ann Doak  
City Clerk

Publish: May 1, 2020.  
Post: May 1, 2020.  
Mail: May 1, 2020.

**EXHIBIT #2**

**PAGE(S) - 1**

**OWNERSHIP LIST FOR MAILING:**

Tom Bredvick, President  
McCook Public Schools  
600 West 7<sup>th</sup> Street  
McCook NE 69001

Red Willow County  
%Tami Teel  
502 Norris Avenue  
McCook NE 69001

Collin and Jennifer Rogers  
100 8<sup>th</sup> #D1  
Beaver City, NE 68926

Mike and Angela Karr  
1305 West 1  
McCook, NE 69001

Larry and Janet Rich  
1301 West 1<sup>st</sup>  
McCook, NE 69001

DCMJ  
907 West B  
McCook, NE 69001

Joshua and Audrey Stevens  
1205 West 1  
McCook, NE 69001

Gary and Cindy Siebrandt  
1201 West 1<sup>st</sup>  
McCook, NE 69001

Brett and Mindy Schmitz  
1204 Norris Ave  
McCook, NE 69001

Larry and Linda Richards  
1208 Norris  
McCook, NE 69001

Robin Schaffert  
1302 Norris  
McCook, NE 69001

Troy and Rita Erdman  
1306 Norris  
McCook, NE 69001

Red Willow Co. School Dist. #17  
700 West 7<sup>th</sup> Street  
McCook NE 69001

Red Willow County Planning Commission  
502 Norris Avenue  
McCook NE 69001

Sharon and Richard Karr  
PO Box 843  
McCook, NE 69001

Andrea Ostrum  
1303 West 1<sup>st</sup>  
McCook, NE 69001

Daniel and Roxann Hurt  
1211 West 1<sup>st</sup>  
McCook, NE 69001

Spencer Walter  
1207 West 1<sup>st</sup>  
McCook, NE 69001

Craig and Michelle Dickes  
1203 West 1  
McCook, NE 69001

Mary Sue Wurster  
1202 Norris  
McCook, NE 69001

Joseph Weskamp  
1206 Norris  
McCook, NE 69001

Tom and Nancy Buresh  
1212 Norris  
McCook, NE 69001

Timothy and Lisa O'Conner  
1304 Norris  
McCook, NE 69001

Brian and Connie Buhr  
1310 Norris  
McCook, NE 69001

**EXHIBIT #3**

Keenan Meissner  
38463 Rd 731  
McCook, NE 69001

Richard Hauxwell  
1305 Norris  
McCook, NE 69001

Pat Cherry  
Robert Chalupa  
107 S Cherokee  
McCook, NE 69001

Nathaniel Berry  
Erica Rodriguez  
1205 Norris  
McCook, NE 69001

Wesley and Paula Yeager  
1201 Norris  
McCook, NE 69001

Kimberly Johnson  
107 E M  
McCook, NE 69001

John and Susan Chrislip  
110 E N  
McCook, NE 69001

Shane and Marla Messersmith  
113 E M  
McCook, NE 69001

William Whitaker  
103 W 2  
McCook, NE 69001

Eileen Hubert Trust  
901 Sunset  
McCook, NE 69001

Roger and Marjorie Wilson  
1202 East 1<sup>st</sup>  
McCook, NE 69001

Terry Pinkal  
1307 Norris  
McCook, NE 69001

Brenda Kinkaid  
1301 Norris  
McCook, NE 69001

Kenneth and Dorinda Polly  
1207 Norris  
McCook, NE 69001

Betty Bradley  
1203 Norris  
McCook, NE 69001

Delores Henton  
401 Prairie Ridge  
McCook, NE 69001

Tracy and Ana Warner  
109 E M  
McCook, NE 69001

Maureen Johnson  
111 E M  
McCook, NE 69001

Mary and Dale Dueland  
112 E N  
McCook, NE 69001

Makayla Frisch  
1208 East 1  
McCook, NE 69001

James and Lori Stull  
1204 East 1<sup>st</sup>  
McCook, NE 69001

**CITY OF McCOOK**

**LAND USE ACTION REQUEST FORM**

This request is for a:  
(Check all that apply)

- Zone Change
- Special Exception
- Administrative Permit (Personal Wireless Facility)
- Special Exception (Personal Wireless Facility)
- Minor Subdivision
- Major Subdivision
- Planned Development(Includes Zone Change)

Name of Project: Bless Eng's Daycare Center  
Description of Project: I want to turn 1211 Norris Ave into a  
Manday-Friday Daycare facility.

Project sponsor or developer:

Name: Chelsea M Eng  
Address: 411 East 4th St  
Phone number: 308-737-1499  
Fax number: \_\_\_\_\_  
E-mail Address: engchelsea@iclad.com

Land owner or owners:

Name: Pat Cherry  
Address: \_\_\_\_\_  
Phone number: 308-340-4937  
Fax number: \_\_\_\_\_  
E-Mail Address: \_\_\_\_\_

Authorization of the land use action by land owner:

I hereby certify that I own and/or control the following land where the land use action is being requested. (Attach evidence of ownership or control. e.g. power of attorney, deed, or purchase agreement)

Chelsey M Eng  
Printed Name:

\_\_\_\_\_  
Printed Name:

[Signature]  
Signature:

\_\_\_\_\_  
Signature:

3-10-2020  
Date:

Address and physical location of the Proposed Land Use Action: 1211 Morris Ave  
North half lot 11 & all of lot 12 Block 11 Hillcrest addition  
Property Description (Of the parent parcel for subdivisions): North half lot 11  
& all of lot 12 Block 11 Hillcrest addition.

**Required Information:**

See Attached sheets for required information for:

- \_\_\_\_\_ Subdivisions
- \_\_\_\_\_ Zone Changes and special exceptions
- \_\_\_\_\_ Planned developments

**FEE PAID:** \$ \_\_\_\_\_ (See attached schedule of fees)

**Fee, complete application, and required attachments accepted by:**

\_\_\_\_\_  
Printed name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

## REQUIRED ATTACHMENTS:

### For Zone Changes and Special Exceptions:

(For Zone Changes or Amendments see Article 27 of the Zoning Ordinance; for Special Exceptions see Article 24 Special Exceptions)

\_\_\_\_\_ Include a description of the reason for the request for a change of zone:

Currently the property at 1211 Harris Ave is zoned Commercial. We would like to change the zoning to include zoning for special exception daycare.

\_\_\_\_\_ Include a description of any special exception requested including the section of the zoning ordinance under which it is requested: (Example: Special exception to construct multi-family dwellings in (RM) Residential Medium Density area comprised of single family dwellings.)

\_\_\_\_\_ Include a site plan (minimum 17" X 11") and a letter of explanation showing and explaining the following special exception requirements:

- (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, the economic, noise, glare or odor effects of the special exception or change of zone on adjoining properties and the properties generally in the district or the area;
- (C) the location of refuse and service areas, 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;

(H) general compatibility with adjacent properties and other properties in the district;

(I) compatibility with existing and future land use plan in the McCook Comprehensive Plan.

\_\_\_\_\_ Explain how the project complies with the Comprehensive Plan: \_\_\_\_\_

---

---

---

---

---

---

Parcel Information	
<b>Parcel ID:</b>	001208500
<b>Map Number</b>	
<b>State Geo Code</b>	4281-00-0-00000-000-0000
<b>Cadastral #</b>	C1-59-35
<b>Images</b>	<a href="#">Photo #1</a> <a href="#">Sketch #1</a> <a href="#">Sketch #2</a>
<b>Current Owner:</b>	CHALUPA/ROBERT J & PAT CHERRY PO BOX 668 MCCOOK, NE 69001-0668
<b>Situs Address:</b>	1211 NORRIS AVENUE
<b>Tax District:</b>	80
<b>School District:</b>	S.D. #17 GEN/SPEC BLD, 73-0017
<b>Account Type:</b>	Commercial
<b>Legal Description:</b>	0 3 29 HILLCREST ADDITION MCCOOK BLK 11, N/2 LOT 11 & ALL LOT 12
<b>Lot Width:</b>	75.00
<b>Lot Depth:</b>	140.00
<b>Lot Size:</b>	7350.00

Assessed Values				
Year	Total	Land	Outbuilding	Dwelling
2019	\$67,998	\$7,350	\$0	\$60,648
2018	\$67,998	\$7,350	\$0	\$60,648

Yearly Tax Information		
Year	Amount	Levy
2019	\$1,229.00	1.911555
2018	\$1,212.98	1.870361

2019 Tax Levy	
Description	Rate
COUNTY	0.32006800
S.D. #17 BOND	0.07105000
CITY OF MCCOOK GEN	0.34904400
MID-PLAINS GEN/CAP IMP	0.07404300
S.D. #17 GEN/SPEC BLD	1.04913600
ED UNIT #15	0.01499300
NATURAL RESOURCE	0.03157200
HIGH PLAINS HISTORICAL	0.00164900

Sales Information			
Sale Date	Sale Price	Book & Page	Grantor
09/12/2016	\$60,000.00	2016 / 01439	NORRIS AVENUE CHAPEL INC NORRIS AVENUE CHAPEL INC
09/17/2014	\$71,000.00	2014 / 01680	SPENCER/RODERICK D SPENCER/RODERICK D
07/13/2011	\$66,000.00	2011 / 01097	CHURCH OF GOD CHURCH OF GOD
12/13/1947	\$0.00	069 / 556	

Property Classification			
<b>Status:</b>	Improved	<b>Location:</b>	Urban
<b>Property Class:</b>	Commercial	<b>City Size:</b>	5,001-12,000
<b>Zoning:</b>		<b>Lot Size:</b>	10,000-20,000 sq. ft.

Residential Datasheet			
<b>Zoning:</b>		<b>Style:</b>	100% One Story
<b>Year Built:</b>	1924	<b>Bathrooms:</b>	1.00
<b>Exterior:</b>	100% Frame, Siding, Wood	<b>Heating/Cooling:</b>	100% Warmed & Cooled Air
<b>Bedrooms:</b>	3	<b>Min Finish:</b>	441 sq. ft
<b>Roof Cover:</b>	Composition Shingle	<b>Part Finish:</b>	0 sq. ft
<b>Basement Size:</b>	882 sq. ft	<b>Garage 1:</b>	Attached Garage(SF)
<b>Building Size:</b>	882 sq. ft	<b>Garage 1 Size:</b>	240 sq. ft
<b>Quality:</b>	Average		

Commerical Datasheet - Building			
Occupancy	Size	Year Built	Perimeter
100% Church	2,486	1924	226

Dwelling Data		
Description	Units	Value
Raised Slab Porch	118	\$1,675
Single 1-Story Fireplace	1	\$2,720

Photo/Sketch	
<p>11 151 309 2486 51 51 34 12 ROOF W/STEPS</p> <p>Ordnos cartoon wpl</p>	<p>0-13 3017</p>

\* Submitted to the City  
on April 6<sup>th</sup>.  
\* A + B addressed in Report.

- A) On Norris we would keep this area clear. We would tell the parents that no Parking is allowed, and this would help keep traffic flow down.
- a. On M street we would like to put a Child drop off sign on the south side. At a most the drop off time would be 5 mins.  
Also, on the back side of the churches house there is enough room for 6 cars to be parked or a drop of loading zone there.
- B. The only noise that would take place is when children would be outside playing.
- C. Trash pick-up would stay the same at this location.
- D. Utilities would stay the same at this location.
- E. No changes would be made at location.
- F. Would like to have a sign. At this time property does have a sign that meet zoning requirements.
- G. The south side of the church would be fenced in the play area. And all back area would be gated in the keep all children from going to the front of the church. No children would ever be out gates area.
- H. The house on this property myself and children would live in.
- i. No other existing properties would be used.

My proposal meets the City of McCook Comprehensive Plan.

Thank you  
Chelsey M Eng

**EXHIBIT #5**

**PAGE(S) - 1**

## REAL ESTATE PURCHASE AGREEMENT

**THIS AGREEMENT**, is made and entered into by and between Pat Cherry and Melanie A. Cherry, husband and wife, and Robert J. Chalupa and Carol Chalupa, husband and wife, hereinafter referred to as "SELLER," and Chelsey M. Eng, a single person, hereinafter referred to as "BUYER."

Seller agrees to sell and Buyer agrees to purchase the following described real estate on the terms and conditions set forth below.

### I. REAL ESTATE

The North half of Lot 11 and all of Lot 12, Block 11, Hillcrest Addition to the City of McCook, Red Willow County, Nebraska.

Included in this sale to Buyer are two stoves, two microwaves, two refrigerators, and misc. furniture. No part of the purchase price is apportioned to these items of personal property, and Buyer accepts the personal property in as is condition. Seller makes no warranties or representations to Buyer whatsoever as to the condition of the personal property and suitability of any use intended by Buyer. This agreement shall operate as a bill of sale conveying the personal property to Buyer upon closing.

### III. CONTINGENCIES

Buyer's performance under this agreement is contingent upon Buyer receiving financing from Hershey State Bank, which Buyer shall proceed immediately in good faith to obtain. If Buyer is unable to obtain bank financing then Buyer may terminate this agreement, whereupon all obligations of the parties to each other will cease, in which event Buyer's earnest money deposit shall be returned to Buyer less Buyer's share of expenses incurred to the date of termination elected by Buyer.

Buyer's performance under this agreement is also contingent upon the approval and permission of the Nebraska State Fire Marshall for the Buyer to operate Buyer's day/childcare business on the premises and buildings situated thereon in as is condition, which Buyer shall proceed immediately in good faith to obtain. If Buyer does not obtain such approval and permission from the Nebraska State Fire Marshall of the premises and buildings, then Buyer may

**EXHIBIT #6**

**PAGE(S) - 5**

terminate this agreement, whereupon all obligations of the parties to each other will cease, in which event Buyer's earnest money deposit shall be returned to Buyer less Buyer's share of expenses incurred to the date of termination elected by Buyer; or, Buyer may elect to proceed to closing and accept the premises and buildings in as is condition without Nebraska State Fire Marshall approval, and perform any remodeling, modifications, additions, or alterations to the premises and buildings at Buyer's sole expense as required by the Nebraska State Fire Marshall in order for Buyer to gain Nebraska State Fire Marshall approval, which shall only occur after closing and only after ownership and possession is conveyed to Buyer. Seller is under no obligation to perform any remodeling, modifications, additions, or alterations whatsoever to gain Nebraska State Fire Marshall approval.

However, Seller does agree to perform the following at Seller's expense: Repair siding on the east side of the church building; install a gate in the cedar fence between the church building and the house; replace the drywall below or around the electrical box in the house; and open the dryer vent access in the house.

Buyer intends to operate a day/childcare business on the premises and use the buildings to operate such business. Currently there is pending before the City of McCook, Nebraska under its municipal authority Buyer's application to conduct her day/childcare business, which proper zoning, exception, or use Buyer shall continue in good faith to obtain. Buyer's performance under this agreement is also contingent upon Buyer obtaining the proper approval, authority, and permission from the City of McCook to occupy and use the premises and buildings to conduct Buyer's day/childcare business. If Buyer does not obtain such approval and permission from the City of McCook under its municipal authority, then Buyer may terminate this agreement, where upon all obligations of the parties to each other will cease, in which event Buyer's earnest money deposit shall be returned to Buyer less Buyer's share of expenses incurred to the date of termination elected by Buyer; or, Buyer may elect to proceed to closing without the City of McCook's zoning or use approval and at Buyer's own expense Buyer may meet any requirements of the City of McCook to gain zoning or use approval, which shall only occur after closing and only after ownership and possession is conveyed to Buyer. Seller is under no obligation whatsoever to do or perform anything on Buyer's behalf to gain City of McCook approval.

Buyer hereby represents to Seller that these are the only contingencies Buyer desires to be included in this purchase agreement, and that there are no other contingencies whereby Buyer desires the option to terminate this agreement so as to be relieved from Buyer's performance of this agreement.

#### IV. INSPECTIONS

BUYER acknowledges that she has had the opportunity to inspect the property. BUYER shall have the right to perform any additional inspections, including termite and wood destroying insect inspection, survey, and appraisal desired by Buyer upon reasonable notice to Seller. Any such inspections shall be at the sole expense of the Buyer and shall not cause damage to Seller's

property. Seller shall not be under any obligation to Buyer whatsoever to repair, remedy, or treat any damage, defect, condition, or infestation discovered by any inspection conducted by Buyer.

In addition to the contingencies above, Buyer may, at Buyer's sole election, elect to terminate this agreement if material defects or conditions are shown by any inspections, or Buyer may elect to proceed to closing and accept the entire premises in as is condition. If Buyer elects to terminate this agreement, then all obligations of the parties to each other will cease, in which event Buyer's earnest money deposit shall be returned to Buyer less Buyer's share of expenses incurred to the date of termination.

## **V. TITLE**

Seller will convey marketable title to the real estate to Buyer by Warranty Deed. If Seller is unable to convey marketable title due to any defects in title, Seller may, at Seller's sole election, elect to cure the defect or defects within a reasonable time, in which instance the date of closing will be extended accordingly, or, Seller may elect to terminate this agreement, where upon all obligations of the parties to each other will cease and Buyer's earnest money deposit will be returned to Buyer less Buyer's share of expenses incurred to the date of such termination.

The parties agree that an owner's policy of title insurance will be purchased from McCook Abstract Company, the cost of which will be shared equally by Buyer and Seller.

Seller makes no warranties whatsoever as to the condition of the premises, boundaries, use of the premises by others, including easements and restrictions, condition of the property and buildings, or the suitability thereof for any intended use by the Buyer, including any zoning and use of the property intended by Buyer under any zoning and use code and regulations of the City of McCook, Nebraska, and the State of Nebraska. Buyer's acceptance of the property is based solely on Buyer's inspection and investigation thereof and not on any representations of the Seller.

## **VI. RISK OF LOSS**

Seller shall keep the property insured against damage or loss by fire, wind, storm, or other casualty to the date of closing. Risk of Loss shall pass to Buyer at closing. In the event of such damage or loss, Seller may, at Seller's sole election, elect to terminate this agreement, in which event all obligations of the parties to each other will cease, and Buyer's earnest money deposit will be returned to Buyer less Buyer's share of expenses incurred to the date of termination; repair the damage; or assign or transfer the proceeds of any insurance payment to the Buyer.

**VII.  
CLOSING AND EXPENSES**

Closing shall be on or before July 1, 2020, which closing date will be the date of possession. Closing shall be conducted by McCook Abstract Company, the cost of which closing shall be shared equally by the Buyer and Seller, excluding any closing cost attributed to Buyer's loan and lender.

SELLER shall as their expense pay the cost of the preparation of the Warranty Deed, Documentary Stamp Tax, and one-half of the cost of the preparation of this Purchase Agreement.

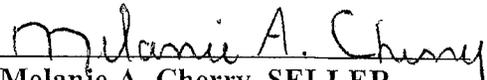
General real estate taxes and special assessments, if any, for 2019 and all prior years shall be paid by Seller. General real estate taxes and any special assessments for 2020 shall be prorated to the date of possession using the general real estate taxes and assessments for 2019 as the basis. Prorated taxes for 2020 and all subsequent years and special assessments are the responsibility of the Buyer. All of Seller's expenses maybe withheld from the purchase price paid by Buyer at closing to the credit of the Seller.

Buyer shall pay as her expense one-half of the cost of the preparation of this Purchase Agreement, the cost of any lender's policy of title insurance, all closing costs associated with her bank loan, and all filing and recording fees.

Failure by Buyer to perform under this agreement, unless terminated for reasons as set forth above, will entitle Seller to retain Buyer's earnest money deposit as liquidated damages.

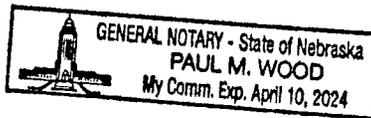
This agreement shall extend to and be binding upon the heirs, successors, and assigns of the parties.

  
Pat Cherry, SELLER

  
Melanie A. Cherry, SELLER

STATE OF NEBRASKA    )  
  ) ss.  
RED WILLOW COUNTY    )

Subscribed and sworn to before me this 29<sup>th</sup> day of April, 2020, by Pat Cherry and Malanie A. Cherry, husband and wife, Sellers.



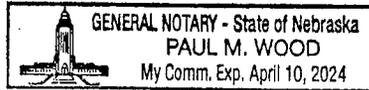
  
Notary Public

Robert J. Chalupa  
Robert J. Chalupa, **SELLER**

Carol Chalupa  
Carol Chalupa, **SELLER**

STATE OF NEBRASKA    )  
  ) ss.  
RED WILLOW COUNTY    )

Subscribed and sworn to before me this 29<sup>th</sup> day of April, 2020, by Robert J. Chalupa and Carol Chalupa, husband and wife, Sellers.

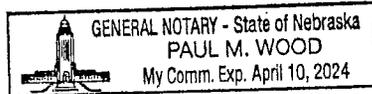


Paul M. Wood  
Notary Public

Chelsey M. Eng  
Chelsey M. Eng, **BUYER**

STATE OF NEBRASKA    )  
  ) ss.  
RED WILLOW COUNTY    )

Subscribed and sworn to before me this 29<sup>th</sup> day of April, 2020, by Chelsey M. Eng, Buyer.



Paul M. Wood  
Notary Public

**FINDINGS AND DETERMINATIONS OF MCCOOK CITY COUNCIL**

CASE NO. \_\_\_\_\_

SIGNED: \_\_\_\_\_

Mayor

DATE \_\_\_\_\_

ATTEST: \_\_\_\_\_

City Clerk

SPECIAL EXCEPTION CONSIDERATIONS:

YES

NO

1. The proposed special exception use would satisfactorily provide for:
  - 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 areas, with particular attention 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 and economic effect and comparability and harmony with properties in the district;
  - g) required yard and other open space;
  - h) general compatibility with adjacent properties and other property in the district.
  - i) Compatibility with existing and future land use plan in the McCook Comprehensive Plan.
  
2. The specific rules governing special exceptions have been complied with.

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

**EXHIBIT #7**

**PAGE(S) - 2**

CITY COUNCIL FINDINGS AND DECISION:

The McCook City Council hereby determines that the special exception will \_\_\_\_\_, will not \_\_\_\_\_ adversely affect the public interest. The special exception herein requested is \_\_\_\_\_, is not \_\_\_\_\_ hereby granted subject to the stipulations noted below, if any.

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.

## 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 #8**

**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.

submitted by the proper officials to the City Council for its approval and no subdivision permit or special use permit may be issued without the approval of these documents by the City Council.

**Section 2111. Off-Street Parking.**<sup>1</sup> Off-street motor vehicle parking and loading space shall be provided on any lot on which any of the indicated structures and uses are hereafter established. Such space shall be provided with vehicular access to a street or any alley. For the purpose of computing the number of parking spaces available in a given area, the formula of one hundred sixty-two (162) square feet per parking space shall be required. Minimum off-street parking and loading requirements, which shall be applicable to the indicated structures and uses in all the zoned districts, except, in the Central Business District (CB) shall be in accordance with the regulations of this division. If minimum off-street parking and loading space cannot be reasonably provided on the same lot on which the principal structure or use is conducted in the opinion of the Board of Zoning Adjustment, the Board may permit such space to be provided on other off-street property, provided, that such space lies within four hundred (400) feet of the entrance to each principal structure or use.

**1. General provisions.**

- A. **Utilization.** Required accessory off-street parking facilities provided for the uses hereinafter listed shall be solely for the parking of motor vehicles in operating condition of patrons, occupants or employees of such uses.
- B. **Area.** A required off-street parking space shall be at least nine (9) feet in width and at least eighteen (18) feet in length, exclusive of access drives or aisles, ramps, columns, office or work areas.
- C. **Access.** Each required off-street parking space shall open directly upon a driving aisle having a width in accordance with the angle of parking as follows:

<u>Aisle Width</u>	<u>Parking Angle</u>			
	0°	45°	60	90°
One-way traffic	12'	12'	18'	24'
Two-way traffic	20'	20'	20'	24'

Driveways connecting an off-street parking area to a street shall not be less than twelve (12) feet in width for one-way traffic and twenty (20) feet in width for two-way traffic except that ten (10) foot wide driveways are permissible for two-way traffic when the driveway is not longer than fifty (50) feet, it provides access to no more than 6 spaces, and sufficient turnaround space is provided so that vehicles will not back into a public street.

- D. **Measurements.** Each required off-street parking space shall be installed as follows:

<u>Parking Angle</u>	<u>Perpendicular To Base Line</u>	<u>Distance Along Curb</u>
90°	18'	9'
60°	16'	10.4'
45°	13'	12.7'

**EXHIBIT #9**

**PAGE(S) - 2**

<sup>1</sup>Revised September 18, 2017 - Ordinance No. 2017-2951

Schedule of Minimum Off-Street Parking and Loading Requirements		
	Minimum Number of Parking Spaces	Minimum Off-Street Loading Spaces
Residential: Single family, two-family dwellings Multifamily: Efficiency and one-bedroom Two-bedrooms Three or more bedrooms Mobile home park	2 per dwelling unit  1 per dwelling unit 1 ½ per dwelling unit 2 per dwelling unit 2 per mobile home	None required. " " " "
Hotel and motels	1 per rental unit plus 1 for every 4 employees.	1 space per establishment.
Hospitals, Nursing Homes, Rest Homes or similar Uses	1 for every 2½ patient beds and 1 for each staff and employee on the largest shift.	3 spaces per establishment.
Medical Clinics	5 spaces per staff doctor or dentist.	None required.
Educational: Nursery and Primary  All other types	Parking spaces = 30% of capacity in students. Parking spaces = 20% of capacity in students.	2 spaces per structure.
Funeral Homes and Chapels	8 spaces per reposeing room.	2 spaces per structure.
Eating and drinking establishments	Parking spaces = 30% of capacity in persons.	2 spaces per structure.
Places of public assembly such as auditoriums, theaters, stadiums, community halls, churches, etc.	1 for every 4 seats	None for churches, all other facilities shall have at least 1.
Bowling alley	4 spaces per alley.	1 space per establishment
Libraries	1 space per 500 square feet of floor area.	1 space per structure.
Private clubs and lodges	1 space per 500 square feet of floor area.	1 space per establishment.
Retail sales department stores, taverns, grocery stores, etc.	1 per 500 square feet of floor area as determined by exterior wall dimensions.	
Professional office establishments.	1 per 500 square feet of floor area as determined by exterior wall dimensions.	1 space per establishment.
Manufacturing, Industrial Uses.	1 space for every 2 employees on the largest shift.	2 spaces per establishment.
Veterinary Establishments	3 spaces per staff doctor.	None required.
Wholesale and Distributing Operations.	1 space per 2 employees on largest shift.	2 spaces per establishment.
Automobile Service Stations	1 space per 2 employees on largest shift.	1 space per establishment.
Manufacturing, Storage, Warehouse and Transportation Terminals	1 space per 1 employee on largest shift.	2 spaces per establishment.

**CITY MANAGER'S REPORT  
APRIL 8, 2019 PLANNING COMMISSION MEETING**

---

**ITEM:**                3    

**RECOMMENDATION:**

Select new officers for the term of April 2020 through March 2021 - Chair, Vice-Chair, and Secretary - pursuant to Chapter 35, Section 35.001 of the City of McCook Code of Ordinances.

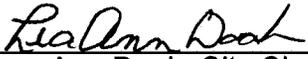
---

**BACKGROUND:**

Current officers are Kurt Vosburg, Chair; Tammie Hilker, Vice-Chair; and Chad Lyons, Secretary. They were elected at the April 8, 2019 meeting.

**FISCAL  
IMPACT:**        None.

**APPROVALS:**

  
\_\_\_\_\_  
Lea Ann Doak, City Clerk

May 7, 2020

## § 35.001 PLANNING COMMISSION.

(A) The Planning Commission shall consist of nine regular members who shall represent, insofar as is possible, the different professions or occupations in the city and shall be appointed by the Mayor, by and with the approval of a majority vote of the members elected to the City Council. Two of the regular members may be residents of the area over which the city is authorized to exercise extraterritorial zoning and subdivision regulation. When there is a sufficient number of residents in the area over which the city exercises extraterritorial zoning and subdivision regulation, one regular member of the Commission shall be a resident from such area. If it is determined by the City Council that a sufficient number of residents reside in the area subject to extraterritorial zoning and subdivision regulation, and no such resident is a regular member of the Commission, the first available vacancy on the Commission shall be filled by the appointment of such an individual.

(B) For purposes of this section, a sufficient number of residents shall mean 1,000 residents. The term of each regular member shall be three years, except that three regular members of the first Commission shall serve for terms of one year, three for terms of two years, and three for terms of three years. All regular members shall hold office until their successors are appointed. Any member may, after a public hearing before the City Council, be removed by the Mayor, with the consent of a majority vote of the members elected to the City Council, for inefficiency, neglect of duty or malfeasance in office, or other good and sufficient cause. Vacancies occurring otherwise than through the expiration of term shall be filled for the unexpired portion of the term by the Mayor.

(C) All regular members of the Commission shall serve without compensation and shall hold no other city office except when appointed to serve on the Board of Adjustment as provided in Neb. RS 19-908. All members of the Commission may be required, in the discretion of the City Council, to give bond in a sum set by resolution of the Council, and conditioned upon the faithful performance of their duties. The Commission shall elect its Chairperson and a Secretary from its members and create and fill other offices as it may determine. The term of the Chairperson and the Secretary shall be one year, and they shall be eligible for reelection. No member of the Commission shall serve in the capacity of both the Chairperson and Secretary of the Commission. It shall be the duty of the Secretary to keep the full and correct minutes and records of all meetings and to file the same with the City Clerk where they shall be available for public inspection during office hours. The Commission shall be funded by the City Council from time to time out of the General Fund. The expenditures of the Commission, exclusive of gifts, shall be within the amounts appropriated for that purpose by the City Council, and no expenditures nor agreements for expenditures shall be valid in excess of those amounts.

(D) A number of Commissioners equal to a majority of the number of regular members appointed to the Commission shall constitute a quorum for the transaction of any business. The Commission shall hold at least one regular meeting in each calendar quarter, except the City Council may require the Commission to meet more frequently and the Chairperson of the Commission may call for a meeting when necessary to deal with business pending before the Commission. Special meetings may also be held upon the call of any three members of the Commission. The Commission shall adopt rules and regulations for the transaction of business and shall keep a record of its resolutions, transactions, findings, and determinations, which shall be a public record. The Commission shall make and adopt plans for the physical development of the city, including any areas outside its boundaries which, in the Commission's judgment, bear relation to the planning of the city, and shall carry out the other duties and exercise the powers specified in Neb. RS 19-929.

(E) All actions by the Commission shall be subject to the review and supervision of the Mayor and City Council. The Commission shall make its recommendations to the City Council so that they are received by the City Council within 30 days after the Commission begins consideration of a matter relating to the comprehensive development plan, capital improvements, building codes, subdivision development, the annexation of territory, or zoning. The Commission shall be responsible for making such reports and performing such other duties as the City Council may, from time to time, designate.

(F) The Mayor, with the approval of a majority vote of the elected members of the City Council, shall appoint one alternate member to the Commission. The alternate member shall serve without compensation and shall hold no other city office. The term of the alternate member shall be three years, and he or she shall hold office until

his or her successor is appointed and approved. The alternate member may be removed from office in the same manner as a regular member. If the alternate member position becomes vacant other than through the expiration of the term, the vacancy shall be filled for the unexpired portion of the term by the Mayor with the approval of a majority vote of the elected members of the City Council. The alternate member may attend any meeting and may serve as a voting and participating member of the Commission at any time when less than the full number of regular Commission members is present and capable of voting.

(Prior Code, § 2-101) (Ord. 99-2514, passed 4-15-1999)

***Statutory reference:***

*Similar state law provisions, see Neb. RS 19-924 through 19-929*