

MCCOOK CITY COUNCIL

REGULAR MEETING

**Monday, August 17, 2020
5:30 PM - City Council Chambers**

Call to Order and Roll Call.

Open Meetings Act Announcement.

Pledge of Allegiance.

Items.

1. Citizen's Comments.
2. Announcements & Recognitions.
3. Public Hearings.
 - A. Public Hearing - Application regarding the Final Plat (for a minor subdivision) for Koch Subdivision, said tract generally described as a tract of land being part of the Southeast Quarter of Section 24, Township 3 North, Range 30 West of the 6th P.M., in Red Willow County, Nebraska.
 1. Adjourn the Public Hearing.
 - B. Adopt Resolution No. 2020-17 providing for the approval of the Final Plat (for a minor subdivision) for Koch Subdivision, said tract generally described as a tract of land being part of the Southeast Quarter of Section 24, Township 3 North, Range 30 West of the 6th P.M., in Red Willow County, Nebraska.
 - C. Approve a subdivision agreement between the City of McCook and Eugene and Joan Koch as a condition to the creation of the Koch Subdivision.
4. Consent Agenda.
 - A. Approve the minutes of the August 3, 2020 regular City Council meeting.
 - B. Receive and file the claims for the month of July 2020 as published August 7, 2020.
 - C. Approve amendments to the "Articles of Incorporation" and "Bylaws" of the League of Nebraska Municipalities by voting "for" Proposed Actions 1, 2, and 3 on the "Regular Member Ballot"; authorize the Mayor to sign said ballot; and return to the League by no later than 5:00 P.M., October 1, 2020.
 - D. Receive and file the minutes of the August 10, 2020 Planning Commission meeting.
 - E. Ratify the Mayor's appointments to the City/County Airport Zoning Board - reappoint Steve Keene and Bruce McDowell - terms expire September 2023.
5. Regular Agenda.
 - A. Approve under suspension of the rules, on its second reading, Ordinance No. 2020-3008 creating Chapter 119: Sidewalk Cafes, appending the City of McCook Code of Ordinances.

1. Chairperson asks Clerk to read Ordinance by title.
 2. Consider statutory rule requiring reading on three separate occasions be suspended. Motion to suspend the rule must be adopted by three-fourths of the Council.
 3. Final passage of Ordinance No. 2020-3008.
 4. Chairperson declaration after vote and passage, if approved under suspension of the rule.
- B. Ordinance No. 2020-3010 providing for the adoption of the budget for FY 2020/2021.
1. Chairperson asks Clerk to read Ordinance by title.
 2. Consider approval of Ordinance No. 2020-3010 upon its first reading.
- C. Ordinance No. 2020-3011 providing for the adoption of the FY 2020/2021 Fiscal Year Employee Classification Pay Plan.
1. Chairperson asks Clerk to read Ordinance by title.
 2. Consider approval of Ordinance No. 2020-3011 upon its first reading.
- D. Council Comments.
- E. 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 collective bargaining - the Fraternal Order of Police Lodge 57.
1. Nebraska Open Meetings Act statement, if the motion to close passes.
 2. Close Executive Session.
- F. An Executive Session may be held upon a majority vote of the Council for the annual evaluation of the job performance of City Manager Nathan A. Schneider.
1. Nebraska Open Meetings Act statement, if the motion to close passes.
 2. Close Executive Session.
- Adjournment.

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

3.A.

ITEM NO. ___ Public Hearing - Application regarding the Final Plat (for a minor subdivision) for Koch Subdivision, Part of the SE 1/4 Section 24, T3N, R30W, of the Sixth P.M., Red Willow County, Nebraska.

3.B.

ITEM NO. ___ Approve the Final Plat (for a minor subdivision) for Koch Subdivision, Part of the SE 1/4 Section 24, T3N, R30W, of the Sixth P.M., Red Willow County, Nebraska, conditioned on the execution of a subdivision agreement..

3.C.

ITEM NO. ___ Approve a subdivision agreement between the City of McCook and Eugene and Joan Koch as a condition to the creation of the Koch Subdivision.

BACKGROUND:

In 2010, a new lot was created in the AG District by the Bishop Family Trust. Eugene and Joan Koch purchased the lot and they currently remain the record owners. The lot is legally described as Part of the SE 1/4 Section 24, T3N, R30W, of the Sixth P.M., Red Willow County, Nebraska. The lot was created for commercial purposes. An application has been submitted by Eugene and Joan Koch, by and through their project sponsor, Miller & Associates Consulting Engineer, P.C., requesting that their lot be subdivided, creating two distinct lots. Due to the fact the lot has been subdivided once before, the request is in the form of a minor subdivision. Per the application, the northern most lot would become Lot 1 of the Koch Subdivision, and would consist of 5.51 net acres. The southern most lot would become Lot 2 of the Koch Subdivision, and would consist of 7.13 net acres. Currently, there is a business located on proposed Lot 1. Proposed Lot 2 remains unimproved. Proposed Lot 2 would be a flag lot, assuring ingress and egress off of Drive 716 and providing for the means of assigning an address. The Koch family would like to build a residence on proposed Lot 2 if the subdivision request is approved by the City Council.

As mentioned above, the land is currently zoned for agricultural use. On review of McCook's future land use map, it appears that both proposed lots are zoned for future industrial and/or commercial use. The land to the west and south is zoned for residential use. Based on prior zoning requests, it appears that land owners in this area intend to develop their properties for residential purposes. This type of development is consistent with McCook's Comprehensive Plan. The Koch's request follows suit with the trend the City has observed over the past few years with respect to the development of residential lots in this area.

As a result of our annexation discussions over the past few years (and particularly noting the discussion held by the City Council in July of 2020), the City Council has required that subdivision agreements be executed when new subdivisions are approved in areas located within McCook's two-mile extraterritorial district. It is advisable that a subdivision agreement be executed by the property owners and the City of McCook.

EXHIBIT #1

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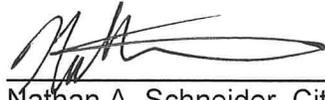
RECOMMENDATIONS:

ITEM NO. ___ Public Hearing - Application regarding the Final Plat (for a minor subdivision) for Koch Subdivision, Part of the SE 1/4 Section 24, T3N, R30W, of the Sixth P.M., Red Willow County, Nebraska.

ITEM NO. ___ Approve the Final Plat (for a minor subdivision) for Koch Subdivision, Part of the SE 1/4 Section 24, T3N, R30W, of the Sixth P.M., Red Willow County, Nebraska, conditioned on the execution of a subdivision agreement..

ITEM NO. ___ Approve a subdivision agreement between the City of McCook and Eugene and Joan Koch as a condition to the creation of the Koch Subdivision.

APPROVALS:



Nathan A. Schneider, City Manager

August 12, 2020



Lea Ann Doak, City Clerk

August 12, 2020

**NOTICE OF PUBLIC HEARING
PRELIMINARY PLAT AND FINAL PLAT APPROVAL**

NOTICE IS HEREBY GIVEN that a public hearing will be held to consider the preliminary plat and the final plat on the following described property to be known as Koch Subdivision:

A tract of land being part of the N1/2 SE1/4 Section 24, Township 3 North, Range 30 West of the 6th P.M. in Red Willow County, Nebraska. This tract of land will be referred to as KOCH SUBDIVISION, and more particularly described as follows:

Referring to the E1/4 corner of said section 24, thence S83°10'43"W (assumed and all bearings relative to) along the quarter section line a distance of 1972.84 feet to the point of beginning,
thence continuing S83°10'43"W along the quarter section line a distance of 400.96 feet to the center corner of said Section 24,
thence S05°21'21"W along the quarter section line a distance of 1385.47 feet to the 1/16 corner,
thence N82°24'37"E along the 1/16 line a distance of 435.08 feet to a point,
thence N04°01'00"E, a distance of 1372.96 feet to the point of beginning.
Said tract containing 12.95 acres more or less of which 0.30 acres is county road right of way leaving a net of 12.65 acres more or less.

Subject to any easements, right-of-ways, or reservations of record.

A PUBLIC HEARING ON THE ABOVE-DESCRIBED FINAL PLAT APPROVAL WILL BE HELD ON THE DATE, TIME, AND AT THE PLACE LISTED BELOW:

AUGUST 10, 2020 - 5:15 P.M.
MCCOOK PLANNING COMMISSION
CITY COUNCIL CHAMBERS
505 WEST "C" STREET

AUGUST 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 preliminary plat may attend the public hearing and will be given an opportunity to be heard. For additional information regarding this notice please contact Nate Schneider, City of McCook City Manager, at 345-2022 ext. 225.

-s- Lea Ann Doak
City Clerk

Publish: July 31, 2020.
Mail: July 31, 2020.
Post: July 31, 2020.

EXHIBIT #2

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Property Owners Notified:

RANDY AND CAROL LASHLEY
38355 DRIVE 716
MCCOOK, NE 69001

CAROL LASHLEY
38335 DR 716
MCCOOK, NE 69001

AARON MARK BISHOP, TRUSTEE
9001 OLD 81 LOOP
RUDY, AR 72952-8519

TOM BREDVICK, PRESIDENT
MCCOOK PUBLIC SCHOOLS
600 WEST 7TH
MCCOOK, NE 69001

RED WILLOW CO. PLANNING COMMISSION
502 NORRIS AVE
MCCOOK, NE 69001

RICHARD AND KATHLEEN CAPPEL
#5 BRASSIE DRIVE
MCCOOK, NE 69001

NEIL AND SARAH GOHL
2311 WEST J
MCCOOK, NE 69001

MARSHALL AND JENNIFER TUCKER
108 W 9
MCCOOK, NE 69001

RED WILLOW CO. SCHOOL DIST. #17
700 WEST 7TH
MCCOOK, NE 69001

RED WILLOW COUNTY
C/O TAMI TEEL
502 NORRIS AVE
MCCOOK, NE 69001

STEVEN AND DEBRA WALTER
#3 BRASSIE DR
MCCOOK, NE 69001

B & S PROPERTIES, LLC
PO BOX 994
MCCOOK, NE 69001

EXHIBIT #3

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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: Koch Subdivision

Description of Project: 2 lot minor subdivision in SE1/4 of Section 24, T3N, R30W

Project sponsor or developer:

Name: Miller & Associates Consulting Engineers, P.C.

Address: 109 East 2nd Street, McCook, NE 69001

Phone number: 308-345-3710

Fax number: 308-345-7370

E-mail Address: sclifford@millers-engineers.com

Land owner or owners:

Name: Eugene F. & Joan P. Koch

Address: 2402 West J Street, McCook, NE 69001

Phone number: 308-340-5315

Fax number: NA

E-Mail Address: NA

X Preliminary Plat Submission:

X (a) Plat Submission Requirements: The subdivider shall submit to the Zoning Administrator:

_____ five (5) copies of the preliminary plat and any supplemental materials specified by the Planning Commission of conditional approval. (The plat submission requirements are stipulated under C-3 Procedure for conditional approval of Preliminary Plat of the City of McCook Subdivision Regulations)

X (b) Fees: A plat review fee shall accompany the preliminary plat in the amount specified in the City Fee Ordinance. (See Attached list of fees for building, zoning, and subdivision actions)

X (c) Scale and Preliminary Plat contents. Preliminary plats shall be a scale of one (1) inch to one hundred (100) feet or 1" = 200' if seventy-five percent (75%) of the lots are one (1) acre or larger, and shall be prepared with the following information:

X (1) The proposed name of the subdivision (the name shall not duplicate or too closely resemble the name or names of any existing subdivision).

X (2) The location of the boundary lines of the subdivision and reference to the section or quarter section lines.

X (3) The names and addresses of the owner, developer, and the engineer who prepared the plat.

X (4) Scale of the plat, one inch = one hundred feet or larger.

X (5) Date of preparation and north point.

X (6) Present zoning.

X (7) Existing conditions:

X aa. Location, width and name of platted streets or other public ways, railroads and utility rights-of-way, parks and other public open spaces and permanent buildings within or adjacent to the proposed subdivision shall be shown on the Preliminary Plat.

X bb. All existing sewers, water mains, gas mains, culverts, or other underground installations, within the proposed subdivision, or adjacent thereto, with pipe size and manholes, grades and location shall be shown. Control elevation of surface drainage entering and existing from the property.

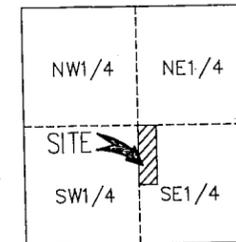
X cc. Names of adjacent subdivisions together with arrangement of streets and lots, and owners of adjacent parcels of unsubdivided land shall be shown.

- dd. Topography (unless specifically waived) with contour intervals of not more than five (5) feet, referred to City or U.S.G.S. datum shall be shown; also location of water courses, bridges, wooded areas, lakes, ravines, and such other features as may be pertinent to the subdivision shall be shown.
- (8) The general arrangement of lots and their approximate size.
- (9) Location and width of proposed streets, alleys, pedestrian ways, and easements. Control elevation shall be shown for all street intersections.
- (10) The general plan of sewage disposal, water supply and utilities in areas where public sewers and/or water are proposed to serve the subdivision. In other cases a notation shall be made on the plat indicating type of sewage disposal, and water system proposed.
- (11) Location and size of proposed parks, playgrounds, churches, school sites, or other special uses of land to be considered for reservation for public use.
- (12) General layout of adjacent unsubdivided property to show how streets and other public facilities, in the proposed subdivision, relate to the unsubdivided property.
- (13) The subdivider shall indicate by letter when improvements as required will be installed or requested.
- (14) Any proposed restrictive covenants for the land involved shall accompany the plat.
- (15) a letter requesting annexation of the subdivision if it is in the planning jurisdiction to be served with city utilities.

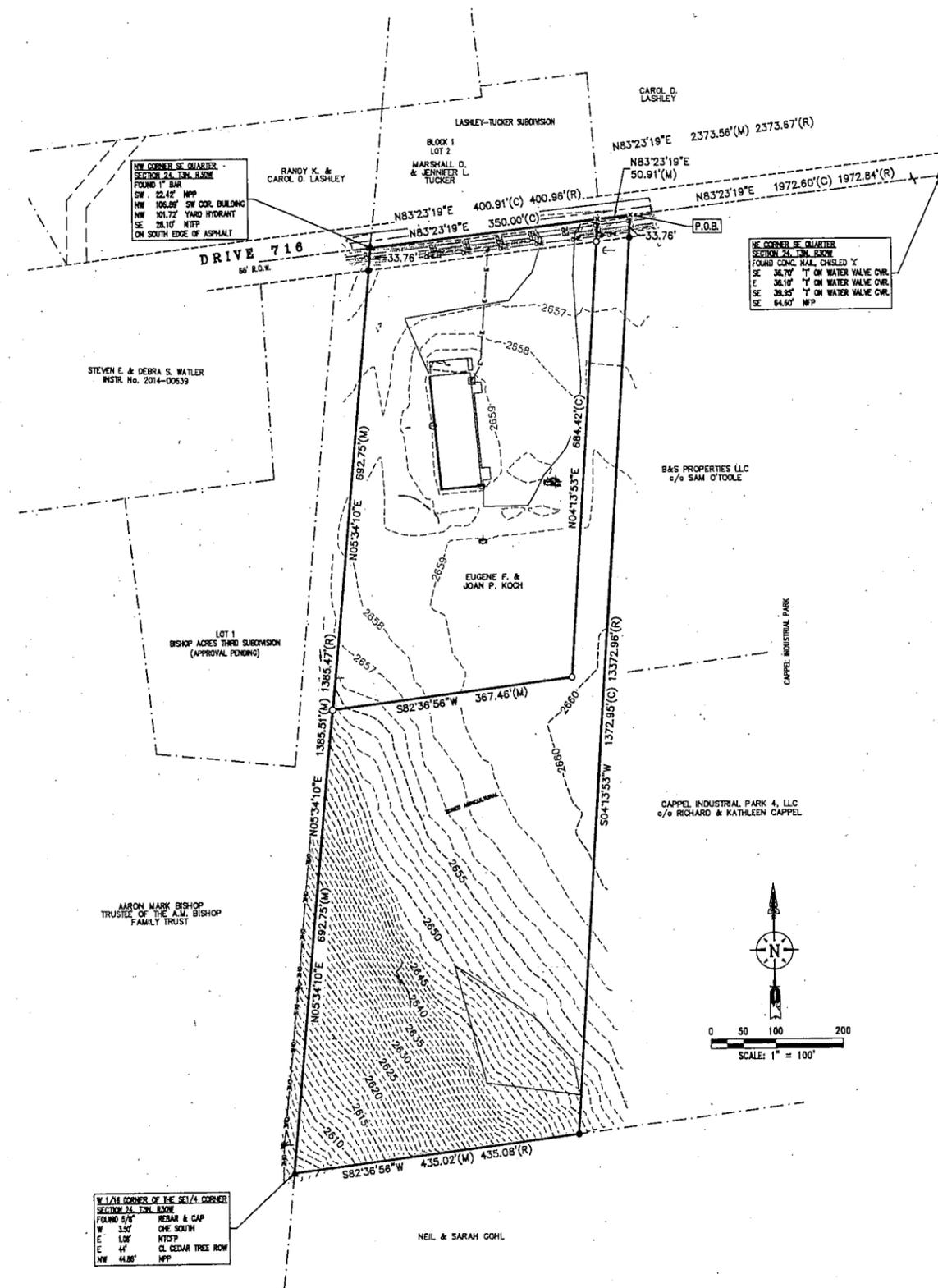
**PRELIMINARY PLAT
-KOCH SUBDIVISION-**
PART OF THE SE1/4 SECTION 24, T3N, R30W,
OF THE SIXTH PRINCIPAL MERIDIAN, RED WILLOW COUNTY, NEBRASKA

LOCATION MAP

SEC. 24-T3N-R30W



NOT TO SCALE



LEGAL DESCRIPTION

Part of the NE1/4 Section 24, Township 3 North, Range 30 West of the 6th P.M. in Red Willow County, Nebraska, more particularly described as follows:

Referring to the E1/4 corner of said section 24, thence S83°10'43"W (assumed and all bearings relative to) along the quarter section line a distance of 1972.84 feet to the point of beginning, thence continuing S83°10'43"W along the quarter section line a distance of 400.96 feet to the center corner of said Section 24, thence S05°21'21"W along the quarter section line a distance of 1385.47 feet to the 1/16 corner, thence N82°24'37"E along the 1/16 line a distance of 435.08 feet to a point, thence N04°01'00"E a distance of 1372.96 feet to the point of beginning. Said tract containing 12.95 acres more or less of which 0.30 acres is county road right of way leaving a net of 12.65 acres more or less.

Subject to any easements, right-of-ways, or reservations of record.

LEGEND

- | | |
|---|--|
| ▲ = SECTION CORNERS FOUND | —○—○— = OVERHEAD ELECTRIC LINE |
| ● = CORNERS FOUND (5/8" REBAR UNLESS OTHERWISE NOTED) | —E—E— = UNDERGROUND ELECTRIC LINE |
| ○ = CORNERS ESTABLISHED (CAPPED 5/8" x 24" REBAR) | —S—S— = STORM SEWER LINE |
| x = TEMPORARY POINT | —SW—SW— = SANITARY SEWER LINE |
| (M) = MEASURED DISTANCES | —F—F— = FENCE |
| (P) = PLATTED DISTANCES | —FD—FD— = UNDERGROUND FIBER-OPTIC LINE |
| (R) = RECORDED DISTANCES | —T—T— = UNDERGROUND TELEPHONE LINE |
| (D) = DEEDED DISTANCES | —G—G— = GAS LINE |
| — = SECTION LINE | —W—W— = WATER LINE |
| — = BOUNDARY LINE | —T— = TELEPHONE TRANSFORMER |
| — = EXISTING R.O.W. LINE | —A— = CITY ANCHOR |
| --- = EXISTING LOT LINES | —P— = TELEPHONE PEDESTAL |
| | —M— = GAS METER OR RISER |
| | —S— = SIGN |
| | —H— = FIRE HYDRANT |
| | —V— = WATER VALVE |
| | —P— = POWER OR TELEPHONE POLE |
| | —L— = LIGHT POLE |
| | —Y— = YARD HYDRANT |
| | —M— = MANHOLE |

EXHIBIT #5

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THIS PLAT PREPARED JULY, 2020 FOR:

EUGENE F. & JOAN P. KOCH
2402 WEST J STREET
MCCOOK, NEBRASKA 69001

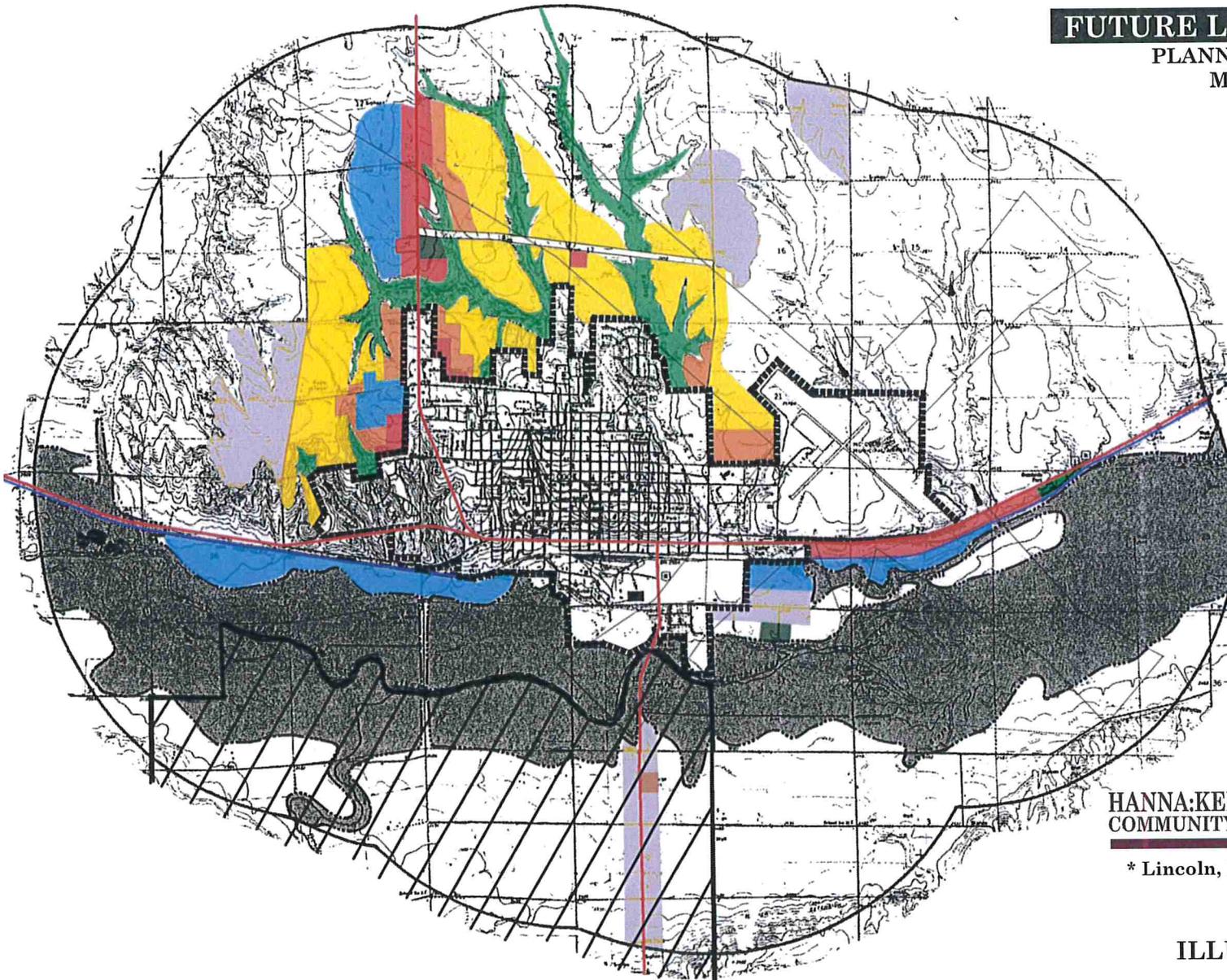
CURRENT ZONING: AG (AGRICULTURAL)
PROPOSED ZONING: AG (AGRICULTURAL)

SHEET 1 OF 1

	PARTY ORDER: 000 E. 90TH, N.E. #12 DRAWN BY: [Name] JOB NUMBER: 20-15-130-20	REVISIONS & NOTES 1111 CENTRAL AVENUE SCARLETT, NE 68137-4633 TEL: 308-234-4128 FAX: 308-234-1114 www.miller-engineers.com
	MILLER & ASSOCIATES Consulting Engineers, P.C.	

RED WILLOW CO-KOCH SUBDIVISION

FUTURE LAND USE MAP
PLANNING JURISDICTION
MCCOOK, NEBRASKA



- LEGEND**
- VACANT / AGRICULTURE
 - PARKS/RECREATION
 - PUBLIC/QUASI-PUBLIC
 - SINGLE FAMILY RESIDENTIAL
 - MULTIFAMILY RESIDENTIAL
 - MOBILE HOME RESIDENTIAL
 - LARGE LOT RESIDENTIAL
 - COMMERCIAL
 - INDUSTRIAL
 - 100-YEAR FLOODPLAIN
 - WELLHEAD PROTECTION AREA
 - CORPORATE LIMIT LINE
 - HIGHWAY CORRIDOR
 - RAILWAY CORRIDOR

HANNA:KEELAN ASSOCIATES, P.C.
 COMMUNITY PLANNING & RESEARCH

* Lincoln, Nebraska * 402.464.5383 *

ILLUSTRATION 4.5

McCook Planning Commission
August 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: Chair Vosburg; Vice Chair Hilker; Commissioners Bradley, Davidson, McDowell, Graham.

Absent: Commissioners Dueland, Friehe, Lyons (arrived 5:18 P.M.), Stevens.

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 August 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.

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 July 13, 2020 regular Planning Commission meeting.

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

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

2. Public Hearing and Regular Agenda.

- A. Public Hearing - Application regarding the Final Plat (for a minor subdivision) for Koch Subdivision, said tract generally described as a tract of land being part of the Southeast Quarter of Section 24, Township 3 North, Range 30 West of the 6th P.M., in Red Willow County, Nebraska.

Motion to recess as a Planning Commission and convene a public hearing for the purpose of receiving public comment with respect to the application regarding the Final Plat (for a minor subdivision) for Koch Subdivision, said tract generally described as a tract of land being part of the Southeast Quarter of Section 24, Township 3 North, Range 30 West of the 6th P.M., in Red Willow County, Nebraska, with the City Attorney to act as hearing officer. This motion, made by Kurt Vosburg and seconded by McDowell, passed.

Vosburg: YEA, Hilker: YEA, Bradley: YEA, Davidson: YEA, Dueland: ABSENT, Friehe:

EXHIBIT #8

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ABSENT, Graham: YEA, Lyons: YEA, McDowell: YEA, Stevens: ABSENT
YEA: 7, NAY: 0, ABSENT: 3

The City Attorney received into evidence Exhibit #1 - City Manager's Report prepared for the August 10, 2020 Planning Commission meeting (2 pages), Exhibit #2 - Notice of Hearing published (1 page); Exhibit #3 - ownership list for mailing of Notice of Hearing (1 page); Exhibit #4 - Land Use Action Request Form and attachments (5 pages); Exhibit #5 - Koch Subdivision Preliminary Plat (1 page); Exhibit #6 - Koch Subdivision Final Plat (1 page); and Exhibit #7 - Future Land Use Map (1 page).

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

“In 2010, a new lot was created in the AG District by the Bishop Family Trust. Eugene and Joan Koch purchased the lot and they currently remain the record owners. The lot is legally described as Part of the SE 1/4 Section 24, T3N, R30W, of the Sixth P.M., Red Willow County, Nebraska. The lot was created for commercial purposes. An application has been submitted by Eugene and Joan Koch, by and through their project sponsor, Miller & Associates Consulting Engineer, P.C., requesting that their lot be subdivided, creating two distinct lots. Due to the fact the lot has been subdivided once before, the request is in the form of a minor subdivision. Per the application, the northern most lot would become Lot 1 of the Koch Subdivision, and would consist of 5.51 net acres. The southern most lot would become Lot 2 of the Koch Subdivision, and would consist of 7.13 net acres. Currently, there is a business located on proposed Lot 1. Proposed Lot 2 remains unimproved. Proposed Lot 2 would be a flag lot, assuring ingress and egress off of Drive 716 and providing for the means of assigning an address. The Koch family would like to build a residence on proposed Lot 2 if the subdivision request is approved by the City Council.”

“As mentioned above, the land is currently zoned for agricultural use. On review of McCook's future land use map, it appears that both proposed lots are zoned for future industrial and/or commercial use. The land to the west and south is zoned for residential use. Based on prior zoning requests, it appears that land owners in this area intend to develop their properties for residential purposes. This type of development is consistent with McCook's Comprehensive Plan. The Koch's request follows suit with the trend the City has observed over the past few years with respect to the development of residential lots in this area.”

“As a result of our annexation discussions over the past few years (and particularly noting the discussion held by the City Council in July of 2020), the City Council has required that subdivision agreements be executed when new subdivisions are approved in areas located within McCook's two-mile extraterritorial district. The planning commission can recommend a subdivision agreement be executed as a condition precedent to the creation of the Koch Subdivision which would require the property owners to submit to a future annexation without protest.”

Scott Clifford, Miller & Associates, and Stephanie Montes, representing the Koch's, presented the request and addressed questions from the Commission.

Steve Walters and Richard Cappel, adjoining property owners, were present. Neither expressed any

objections or concerns regarding the proposed subdivision.

City Manager Schneider stated that Commissioner Friehe had contacted him before the meeting stating he had no concerns or objections to the proposal.

With no one else present to comment, motion to adjourn the public hearing and to reconvene as a Planning Commission. This motion, made by Kurt Vosburg and seconded by McDowell, passed. Vosburg: YEA, Hilker: YEA, Bradley: YEA, Davidson: YEA, Dueland: ABSENT, Friehe: ABSENT, Graham: YEA, Lyons: YEA, McDowell: YEA, Stevens: ABSENT
YEA: 7, NAY: 0, ABSENT: 3

B. Recommend approval to the City Council the Final Plat (for a minor subdivision) for Koch Subdivision, said tract generally described as a tract of land being part of the Southeast Quarter of Section 24, Township 3 North, Range 30 West of the 6th P.M., in Red Willow County, Nebraska.

Motion to recommend approval to the City Council Final Plat for Koch Subdivision, said tract generally described as a tract of land being part of the Southeast Quarter of Section 24, Township 3 North, Range 30 West of the 6th P.M., in Red Willow County, Nebraska. This motion, made by McDowell and seconded by Chad Lyons, passed.

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

City Manager Schneider stated that he was not sure if there would be a meeting in September and that Commissioner Friehe expressed an interest in have a presentation at a future meeting regarding the process of future development/annexation of the City.

It was the consensus of the Commission to have something similar to what Craig Bennett, Miller & Associates, presented to the Council regarding future land development of the City.

Adjournment.

With no further business, Chair Vosburg declared the Planning Commission meeting adjourned at 5:34 P.M.

Recording Secretary

After Recording Return to:

Lea Ann Doak, City Clerk
City of McCook
PO Box 1059
McCook NE 69001-1059

**Subdivision Agreement For Koch Subdivision
Part of the N1/2 SE1/4 Section 24, T3N, R30W, of the Sixth Principal Meridian,
Red Willow County, Nebraska**

WHEREAS, Eugene and Joan Koch (hereinafter referred to as the "Owner"), being the Owner of the following described tract of land:

Part of the N1/2 SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M. in Red Willow County, Nebraska, and more particularly described as follows:

Referring to the E1/4 corner of said Section 24, thence S83°10'43"W (assumed and all bearings relative to) along the quarter section line a distance of 1972.84 feet to the point of beginning, thence continuing S83°10'43"W along the quarter section line a distance of 400.96 feet to the center corner of said Section 24, thence S05°21'21"W along the quarter section line a distance of 1385.47 feet to the 1/16 corner, thence N82°24'37"E along the 1/16 line a distance of 435.08 feet to a point, thence N04°01'00"E a distance of 1372.96 feet to the point of beginning. Said tract containing 12.95 acres more or less of which 0.30 acres is county road right of way leaving a net of 12.65 acres more or less. Subject to any easements, right-of-ways, or reservations of record.

WHEREAS, the Owner desires to subdivide the described property; and

WHEREAS, at some time the City of McCook (hereinafter referred to as the "City") may choose to annex said property into the city limits of the City; and

WHEREAS, City water and corresponding infrastructure is currently unavailable to the aforementioned property; and

WHEREAS, City sanitary sewer and corresponding infrastructure is currently unavailable to the aforementioned property; and

WHEREAS, if annexed, additional public improvements, including but not limited to water mains for fire suppression and domestic service, sewer mains for domestic waste disposal, storm sewer infrastructure for storm water drainage, and streets and sidewalks, may be necessary to allow the development of the property; and

WHEREAS, public improvements must be designed and constructed in compliance with the City's applicable standards and specifications; and

NOW, THEREFORE, the undersigned Owner and City, in consideration of the mutual covenants and agreements herein contained, agree as follows.

OWNER AGREES AS FOLLOWS:

1. That by signing this Subdivision Agreement, the Owner agrees that should annexation occur, the Owner and any subsequent owners of record shall not contest or challenge the City's annexation of the described property. Additionally, should the property be annexed in the future, the Owner and any subsequent owners may be required to enter into a subsequent, more detailed, agreement with the City controlling the design, formation, and installation of improvements in accordance with the City's applicable standards, zoning regulations, as well as with any applicable State and Federal regulations.
2. The Owner or any subsequent owners of record agree to construct, at their own expense, necessary improvements, said improvements including, but not limited to, streets, sidewalks, curbs and gutters, street lights, water, and sewer (including connection districts), and storm sewer.
3. The Owner agrees to not protest water, sanitary sewer, storm sewer, and paving improvement districts to be constructed in the future and agrees to pay assessments levied against the owner's property which are determined by the cost of the improvements.

CITY AND OWNER AGREE AS FOLLOWS:

1. This Subdivision Agreement may be modified at the behest of the City when development warrants and the Owner and/or successor title owners shall be required to participate in the City required modifications.
2. This agreement shall run with the land and be binding upon and inure to the benefit of the parties hereto and shall be binding upon heirs, executors, administrators, and subsequent title owners in interest, devisees, assignees, and successors of the Owner hereto.

Dated this _____ day of August, 2020.

By: _____
Eugene Koch

By: _____
Joan Koch

STATE OF NEBRASKA)
) ss.
COUNTY OF RED WILLOW)

The foregoing instrument was acknowledged before me this _____ day of August 2020, by Eugene Koch.

Notary Public

STATE OF NEBRASKA)
) ss.
COUNTY OF RED WILLOW)

The foregoing instrument was acknowledged before me this _____ day of August 2020, by Joan Koch.

Notary Public

Dated this ____ day of August, 2020.

By: _____
Michael D. Gonzales
City of McCook, Mayor

STATE OF NEBRASKA)
) ss
COUNTY OF RED WILLOW)

The foregoing instrument was acknowledged before me this _____ day of August, 2020, by Michael D. Gonzales, Mayor of the City of McCook, Nebraska, a Municipal Corporation, known to me to be the identical person who signed the foregoing signature to be his voluntary act and deed and that its municipal corporate seal was thereto affixed by proper authority.

Witness my hand and notarial seal this ____ day of August, 2020.

Notary Public

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

ITEM: 4.A.

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

BACKGROUND:

Receive and approve the minutes.

**FISCAL
IMPACT:** None.

APPROVALS:



Lea Ann Doak, City Clerk

August 11, 2020

McCook City Council
August 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 Hepp, Calvin, Weedon, Muehlenkamp.

Absent: None.

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 July 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. 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 was pleased to introduce Joel Smith as the new Chief of Police. He has been with the Nebraska State Patrol for 30 years and has lived in McCook for 25 years. His start date will be August 24, 2020.

3. Public Hearings.

3.A. Public Hearing - A report from the Economic Development Plan Citizen's Advisory Review Committee regarding meeting held July 27, 2020.

Motion to recess as a City Council and convene a public hearing for the purpose of receiving public comment on a report from the Economic Development Plan Citizen's Advisory Review Committee

regarding meeting held July 27, 2020 with the City Attorney to act as hearing officer. This motion, made by Calvin and seconded by Muehlenkamp, passed.

Gonzales: YEA, Hepp: YEA, Calvin: YEA, Weedon: YEA, Muehlenkamp: YEA.
YEA: 5, NAY: 0

The City Attorney offered and received into evidence Exhibit #1 - the City Manager's Report dated August 3, 2020 (1 page); Exhibit #2 - Notice of Hearing published (1 page); Exhibit #3 - Agenda for the July 27, 2020 meeting of the Economic Development Plan Citizen's Advisory Review Committee and attachments (11 pages); and Exhibit #4 - the minutes of the April 27, 2020 Economic Development Plan Citizen's Advisory Review Committee (3 pages).

Andy Long, McCook Economic Development Director, and Sean Wolfe, president of the Economic Development Plan Citizen's Advisory Review Committee, reviewed the information presented in Exhibit #3 and answered questions from the Council.

With no one else present to comment, motion to adjourn the public hearing and reconvene as a City Council. This motion, made by Calvin and seconded by Hepp, passed.

Gonzales: YEA, Hepp: YEA, Calvin: YEA, Weedon: YEA, Muehlenkamp: YEA.
YEA: 5, NAY: 0

3.B. Receive and file the minutes of the April 27, 2020 Economic Development Plan Citizen's Advisory Review Committee meeting.

Motion to receive and file the minutes of the April 27, 2020 Economic Development Plan Citizen's Advisory Review Committee meeting. This motion, made by Calvin and seconded by Muehlenkamp, passed.

Gonzales: YEA, Hepp: YEA, Calvin: YEA, Weedon: YEA, Muehlenkamp: YEA.
YEA: 5, NAY: 0

4. Consent Agenda.

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

Gonzales: YEA, Hepp: YEA, Calvin: YEA, Weedon: YEA, Muehlenkamp: YEA.
YEA: 5, NAY: 0

4.A. Approve the minutes of the July 20, 2020 regular City Council meeting.

4.B. Receive and file the minutes of the March 11, 2020 Library Advisory Board and the June 2, 2020 Special Joint meeting of the McCook Public Library Foundation and the Library Advisory Board meeting.

4.C. Approve an application from Great Plains Communications to occupy City right of way on West "A" Street between West 9th and West 11th Streets, including service to 900 West "B" Street.

- 4.D. Approve an application from Great Plains Communications to occupy City right of way on East "F" Street from East 12th Street to the alley between Gemini Court and East 12th Street to supply fiber optic service to 506 East 12th Street.
- 4.E. Approve an application from Great Plains Communications to occupy City right of way in the alley north of West "O" Street to install fiber optic cable to 1505 North Highway 83.
- 4.F. Approve an application from Great Plains Communications to occupy City right of way on West "E" Street and the alley between West 3rd and West 4th Streets to connect existing cables.
- 4.G. Approve the application for a Special Designated Liquor License submitted by Loop Brewing Company, Liquor License #LK-093351, for a wedding reception to be held at the Red Willow County Fair Grounds Community Building, 1412 West 5th Street, on September 12, 2020 from 4:00 P.M. to 12:00 P.M.; shall be subject to comply with any Directed Health Measures in effect at the time of the event.

5. Regular Agenda.

- 5.A. Approve the concept of the Birdella Nelson Technology Center located at the McCook Public Library, which includes accepting an endowment to be administered by the Nebraska Community Foundation, as well as authorizing the name of the center to be know as the Birdella Nelson Technology Center.

Andy Long, McCook Economic Development Director, and Senator Ben Nelson (present via telephone) presented the request and answered questions from the Council.

Motion to approve the concept of the Birdella Nelson Technology Center located at the McCook Public Library, which includes accepting an endowment to be administered by the Nebraska Community Foundation, as well as authorizing the name of the center to be know as the Birdella Nelson Technology Center. This motion, made by Calvin and seconded by Muehlenkamp, passed. Gonzales: YEA, Hepp: YEA, Calvin: YEA, Weedon: YEA, Muehlenkamp: YEA.
YEA: 5, NAY: 0

- 5.B. Introduce and approve on its first reading Ordinance No. 2020-3008 creating Chapter 119: Sidewalk Cafes, appending the City of McCook Code of Ordinances.

Mayor Gonzales asked the Clerk to read Ordinance No. 2020-3008 by title.

AN ORDINANCE PROVIDING FOR THE AMENDMENT OF THE CITY OF MCCOOK CODE OF ORDINANCES, TITLE XI: BUSINESS REGULATIONS; ADDING CHAPTER 119: SIDEWALK CAFÉS; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

Ordinance No. 2020-3008 has been introduced, read by title, and I move to approve upon its first

reading. This motion, made by Calvin and seconded by Muehlenkamp, passed.
Gonzales: YEA, Hepp: YEA, Calvin: YEA, Weedin: YEA, Muehlenkamp: YEA.
YEA: 5, NAY: 0.

5.C. Receive and file a discussion regarding the FY20/21 budget.

Discussion was held regarding the FY20/21 proposed budget. The budget ordinance will be considered on two reading this year, because the due date falls before the second Council meeting in September.

Councilmember Muehlenkamp asked, that since the pool has been closed for the season, would it be possible to utilize some of the funds saved for exploring future pool options.

5.D. Council Comments.

Councilmember Weedin thanked Dave and Lucy Lines for their donation of a covered gazebo and concrete pathway in Bolles Canyon. The path and gazebo were constructed in memory of their son, Coley.

Mayor Gonzales thanked City Staff for planting a tree in memory of his brother-in-law on the Norris Island in front of their home. Members of his wife's family were amazed that the City would allow them to do so.

5.E. 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 collective bargaining - McCook Professional Firefighters Association Local 2100.

Motion to go into executive session for the protection of public interest for a strategy session with respect to collective bargaining - McCook Professional Firefighters Association Local 2100 at 6:39 P.M. This motion, made by Calvin and seconded by Muehlenkamp, passed.
Gonzales: YEA, Hepp: YEA, Calvin: YEA, Weedin: YEA, Muehlenkamp: YEA.
YEA: 5, NAY: 0

Mayor Gonzales stated for the record that at this time, pursuant to the Nebraska Open Meetings Act, a closed session will be held for the purpose of the protection of public interest for a strategy session with respect to collective bargaining - the McCook Professional Firefighters Association Local 2100. The Council will reconvene in public session following this closed session.

City Manager Schneider, City Attorney Mustion, City Clerk Doak, and Fire Chief Harpham were included in the executive session.

Motion to come out of executive session at 6:57 P.M. This motion, made by Calvin and seconded by Muehlenkamp, passed.
Gonzales: YEA, Hepp: YEA, Calvin: YEA, Weedin: YEA, Muehlenkamp: YEA.
YEA: 5, NAY: 0

5.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 collective bargaining - the Fraternal Order of Police Lodge 57.

Motion to go into executive session for the protection of public interest for a strategy session with respect to collective bargaining - the Fraternal Order of Police Lodge 57 at 6:57 P.M. This motion, made by Calvin and seconded by Muehlenkamp, passed.

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

YEA: 5, NAY: 0

Mayor Gonzales stated for the record that at this time, pursuant to the Nebraska Open Meetings Act, a closed session will be held for the purpose of the protection of public interest for a strategy session with respect to collective bargaining - the Fraternal Order of Police Lodge 57. The Council will reconvene in public session following this closed session.

City Manager Schneider, City Attorney Mustion, City Clerk Doak, and Police Chief Brown were included in the executive session.

Motion to come out of executive session at 7:02 P.M. This motion, made by Calvin and seconded by Hepp, passed.

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

YEA: 5, NAY: 0

Adjournment.

There being no further business to come before the Council, Mayor Gonzales declared the meeting adjourned at 7:02 P.M.

Michael D. Gonzales, Mayor

ATTEST:

Lea Ann Doak, City Clerk-Treasurer

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

ITEM: 4.B.

Receive and file the claims for the month of July 2020 as published August 7, 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

August 11, 2020

CITY OF MCCOOK
CLAIMS FOR JULY 2020

ABBREVIATIONS FOR LEGALS: PS - PERSONAL SERVICES; S- SUPPLIES; SC - SERVICES & CHARGES; CO - CAPITAL OUTLAY; BT - BUDGET TRANSFERS

20/20 TECHS-SC 7369.89; 7-D LOCKSHOP-S 9.80; ACE-S 1267.31; ACME PRINTING-S 24.00; AKRS-S 2011.33; AMERICAN AG LAB-SC 1296.34; AMERICAN ELECTRIC-S 521.36; AMERICAN LEGAL PUBLISHING-SC 3282.00; ANYTIME TRI-STATE TOWING-SC 425.00; APPLIANCE REPAIR TAG-S 89.95; ARROW CAR WASH-S 64.13; AT&T SC 96.89; ATR LIGHTING-SC 113.30; AWWA CUST SRVS-SC 318.00; BARCO MUNI-S 987.76; BLACK HILLS ENERGY-SC 1636.93; BLUE TO GOLD-SC 1639.00; BOOKS BY THE BUSHEL-S 1521.60; BW TELCOM-SC 144.14; C&K-S 1508.52; CASH WA-S 9900.86; CENTURY LINK-SC 1110.36; CITY OF MCCOOK-PS 357675.95; CITY SELF INS-BT 129504.00; UTILITIES-SC 8858.62; COMMON SCENTS-S 372.99; COMMUNITY HOSPITAL-SC 1305.21; CONSOLIDATED MGMT-SC 478.78; CORE BANK-SC 47750.13; CROELL-CO 1003.50; CULLIGAN-S 38.80; D&L PEST-S 278.00; D & S HARDWARE-S 1273.30; DANKO-S 495.49; DAS STATE ACCTG-SC 896.00; DELL MARKETING-SC 2005.12; DEVENY MOTORS-CO 28449.00; DIAMOND VOGEL-S 978.21; DOUCET, J-SC 10.00; EAKES-S 2649.56; ELLERBROCK-NORRIS-SC 498.00; ENGINEERED CONTROLS-S 233.17; ENVIRONMENTAL ANALYSIS-SC 250.00; FASTENAL-S 1051.48; FEDERAL SIGNAL-CO 26529.00; FICA-SC 17785.25; FIGGINS CO-CO 61080.06; F-V COOP-S 14407.08; FRONTIER COMM-SC 34.19; FUSION CLOUD SRVS-SC 408.33; GALLS-S 48.94; GARY'S INC-SC 82.00; GERHOLD-S 1513.97; GERIH CONCRETE-SC 26480.00; GONZALES CONST-CO 1596.00; GOOGLE*SVCS-SC 450.00; GREAT PLAINS COMM-SC 2522.03; HAYS COMPANIES-SC 10000.00; HENNING BROS-SC 59.00; HIGH PLAINS RADIO-SC 54.00; HOMETOWN LEASING-SC 1319.94; HUSKERS ILLUSTRATED-S 64.95; IAFC-SC 290.00; IDEAL LINEN-S 252.47; IIMC-SC 110.00; IRS-SC 382.00; ISLAND SPRINKLER-S 1347.04; J BAR J-SC 46695.22; K & C GRAIN-S 38374.54; KEARNEY HUB-S 425.15; KOHL'S AUTO-S 684.18; LAKESIDE-CO 19018.24; LIFE-ASSIST-S 1370.07; LYNN PEAVEY-S 246.10; MCQUEEN EQUIP-S 1955.39; MARC-S 806.77; R MARIS-S 130.00; MC2-S 245.96; MCCOOK AREA CHAMBER OF COMMERCE-SC 400.00; MC CLINIC-SC 38.64; MCCOOK GAZETTE-SC

1234.95; MC HUMANE SOC-SC 3443.00; MCNET-SC 91.40; MEAD LUMBER-S 62.72; MEDICARE-PS 4964.20; MERCHANT SRVS-SC 851.51; MICROMARKETING-S 2575.84; MILCO-SC 386.50; MILLER AND ASSOCIATES-CO 1490.00; MOUSEL, BROOKS, SCHNEIDER-SC 9133.10; MUNICIPAL SUPPLY-S 19166.48; MUTUAL OF OMAHA-SC 4358.60; NE DEPT OF REV-SC 20498.28; NE LAW ENFORCEMENT-SC 150.00; NE LIBRARY COMM-SC 1810.00; NE SAFETY AND FIRE-S 328.00; NE TRUCK CENTER-S 1786.25; NEBRASKALAND TIRE-S 14.50; NICK'S DIST-S 859.85; NPPD-SC 39720.02; NWEA-SC 40.00; O'REILLY AUTO-S 266.20; OCLC, INC.-SC 1792.53; ONE CALL CONCEPTS-SC 158.26; PARDE ELECTRIC-S 1337.26; PETROTEK-SC 4610.00; PLATTE VALLEY-S 310.00; PLEASANT VALLEY FISH FARM-S 800.00; POWERPLAN-S 69.63; QUADIENT FINANCE-SC 600.00; QUALITY IRRIGATION-S 130.00; QUICK MED CLAIMS-SC 2812.59; QUILL-S 487.44; RAVENSWOOD ELEC-CO 3764.12, S 872.84; RITA'S FRAMING-SC 114.30; D. ROBERTS-SC 10.00; ROCHESTER MIDLAND-S 287.91; D. SAILORS-S 1750.00; SANDRY FIRE SUPPLY-S 1282.00; SENSEL WELDING-S 31.12; SIRCHIE FINGER PRINT-S 406.08; SW FARM & AUTO-S 887.40; ST JUDE CHILDREN'S HOSP-SC 75.00; STATE OF NE-NOTARY-S 30.00; STEVE'S ELEC-S 2245.80; SWANSON SIGNS-SC 140.00; T.O. HAAS-S 2294.60; TITAN MACH-S 101.98; TYLER TECH-SC 232.23; UMR-SC 234935.60; UTILITY REFUND-205.76; UNITECH-S 550.00; USPS-SC 1326.64; US DEPT AG-SC 360.00; USA BLUEBOOK-S 109.10; N VARGAS-SC 494.97; VERIZON-SC 2162.18; VK ELECTRONICS-S 200.00; VOLZ-S 42.00; W DESIGN-CO 4631.68; WAGNER CHEVY-S 301.86; WALMART-S 1298.44; WEIS FIRE & SAFETY-S 449.07.

-s- Lea Ann Doak
City Clerk

Publish: August 7, 2020

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

ITEM: 4.C.

Approve amendments to the "Articles of Incorporation" and "Bylaws" of the League of Nebraska Municipalities by voting "for" Proposed Actions 1, 2, and 3 on the "Regular Member Ballot"; authorize the Mayor to sign said ballot; and return to the League by no later than 5:00 P.M., October 1, 2020.

BACKGROUND:

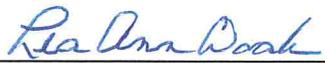
Due to COVID-19, the League Annual Conference and Annual Business Meeting (Election of Officers and Directors to the League Executive Board) will need to be held by telephone conferencing, videoconferencing or similar technological means. In order to do so, it is necessary for the League's "regular members" to vote to approve amendments to the League "Articles of Incorporation" and "Bylaws."

To approve the amendments to the League "Articles of Incorporation" and "Bylaws," it is necessary for the Council to approve the following: 1) Proposed Amendments to the League "Articles of Incorporation"; 2) Proposed Amendments to the League "Bylaws"; and 3) the "Regular Member Ballot."

For this ballot to be counted, both pages must be received by the League no later than by 5 P.M. CT, October. 1, 2020.

**FISCAL
IMPACT:** None.

APPROVALS:



Lea Ann Doak, City Clerk

August 12, 2020



Nathan A. Schneider, City Manager

August 12, 2020

Lea Ann Doak

From: brendae@lonm.org
Sent: Wednesday, August 12, 2020 8:31 AM
To: ldoak@cityofmccook.com
Subject: HIGH PRIORITY: Please Vote on the Proposed Amendments to the League Articles and Bylaws

There have been a few questions from municipal clerks about how to word the actual agenda item for the League's "regular members" to vote to approve amendments to the League "Articles of Incorporation" and "Bylaws" to allow the League Annual Conference and Annual Business Meeting to be held by telephone conferencing, videoconferencing or similar technological means.

The agenda item could be stated as follows:

AGENDA ITEM # ____ Consider a motion to: 1) approve amendments to the "Articles of Incorporation" and "Bylaws" of the League of Nebraska Municipalities by voting "for" Proposed Actions 1, 2 and 3 on the attached "Regular Member Ballot"; 2) authorize the Mayor/Village Board Chair to sign the "Regular Member Ballot"; and 3) return both pages of the "Regular Member Ballot" to the League by no later than 5 p.m. CT, Oct. 1, 2020.

You are not required to include in your meeting packet the background information included in the League's email of August 6 explaining **the proposed amendments to the League "Articles of Incorporation" and "Bylaws."**

As noted on the "Regular Member Ballot," at least 20 properly completed ballots must be returned in order to meet the quorum requirements as provided in the League Bylaws. There is a minor technical change (noted in blue) relating to the introductory text of the "Regular Member Ballot" which does NOT affect the substance of any of the proposed amendments listed on the ballot: *"The percentage of approvals required to approve each matter is 66 2/3% of the votes cast or 51% of the voting power, whichever is less."* **If you have already approved the amendments on the ballot included with the League's email of Aug. 6, it is NOT necessary to approve the revised ballot since it is only a minor technical change.**

[Click here](#) for the revised "Regular Member Ballot."

THANK YOU so much for placing this item on your meeting agenda for approval by your city council/village board. If you have any questions, please feel free to call me at 402-432-4436.

L. Lynn Rex
Executive Director
League of Nebraska Municipalities
1335 L Street
Lincoln, NE 68508
Phone: 402-476-2829
Fax: 402-476-7052

Lea Ann Doak

From: brendae@lonm.org
Sent: Thursday, August 6, 2020 2:40 PM
To: ldoak@cityofmccook.com
Subject: IMPORTANT: Please Vote on the Proposed Amendments to the League Articles and Bylaws

Due to COVID-19, the **League Annual Conference and Annual Business Meeting** (Election of Officers and Directors to the League Executive Board) **will need to be held by telephone conferencing, videoconferencing or similar technological means.** In order to do so, **it is necessary for the League's "regular members" to vote to approve amendments to the League "Articles of Incorporation" and "Bylaws."**

To approve the amendments to the League "Articles of Incorporation" and "Bylaws," **please place on your agenda for an upcoming city council/village board meeting, the following:** 1) Proposed Amendments to the League "Articles of Incorporation"; 2) Proposed Amendments to the League "Bylaws"; and 3) the "Regular Member Ballot."

IMPORTANT: For this ballot to be counted, both pages must be received by the League no later than by 5 p.m. CT, Oct. 1, 2020. To return your ballot, please send it to Brenda Henning by: 1) email to brendah@lonm.org; 2) mail to League of Nebraska Municipalities, 1335 L Street, Lincoln, NE 68508; or 3) fax to (402) 476-7052.

[Click here](#) for background information explaining the proposed amendments to the League "Articles of Incorporation" and "Bylaws" to allow the League Annual Conference and Annual Business Meeting to be held by telephone conferencing, videoconferencing or similar technological means.

[Click here](#) for the proposed amendments to the League "Articles of Incorporation" and "Bylaws."

[Click here](#) for the "Regular Member Ballot."

Thank you so much for placing these items on your meeting agenda for approval by your city council/village board. If you have any questions, please feel free to call me at 402-432-4436.

L. Lynn Rex
Executive Director
League of Nebraska Municipalities
1335 L Street
Lincoln, NE 68508
Phone: 402-476-2829
Fax: 402-476-7052

This e-mail was sent from League Of Nebraska Municipalities (brendae@lonm.org) to ldoak@cityofmccook.com.

**LEAGUE OF NEBRASKA MUNICIPALITIES
REGULAR MEMBER BALLOT**

Twenty properly completed ballots must be returned in response in order to meet the quorum requirements.

The percentage of approvals required to approve each matter is 66 2/3% of the votes cast or 51% of the voting power, whichever is less.

Instructions: Mark “Vote For” to vote for each of the proposed actions listed below, and “Vote Against” to vote against it. Mark one box with respect to each proposed action. Note that the ballot has two pages. Sign where indicated below on the second page.

<input type="checkbox"/> Vote For <input type="checkbox"/> Vote Against	<p>Proposed Action 1: The Articles of Incorporation are amended to add the following provisions:</p> <p style="text-align: center;"><u>ARTICLE VII. PUBLIC BENEFIT CORPORATION; MEMBERSHIP</u></p> <p style="text-align: center;">The Corporation is a public benefit corporation.</p> <p style="text-align: center;">The Corporation shall have regular members, as set forth in its Bylaws.</p> <p style="text-align: center;"><u>ARTICLE VIII. AMENDMENT TO BYLAWS</u></p> <p>A. An amendment to the Bylaws that relates to the number of directors, the composition of the board of directors, the term of office of the directors, or the method or way in which directors are elected or selected must be approved:</p> <p style="padding-left: 40px;">(1) By an affirmative vote of a majority of the directors then serving on the board of directors; and</p> <p style="padding-left: 40px;">(2) By the regular members by two-thirds of the votes cast or a majority of the voting power, whichever is less.</p> <p>B. An amendment to the Bylaws that does not relate to the number of directors, the composition of the board of directors, the term of office of the directors, or the method or way in which directors are elected or selected must be approved:</p> <p style="padding-left: 40px;">(1) By an affirmative vote of a majority of the directors then serving on the board of directors; or</p> <p style="padding-left: 40px;">(2) By the regular members by two-thirds of the votes cast or a majority of the voting power, whichever is less.</p>
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**LEAGUE OF NEBRASKA MUNICIPALITIES
REGULAR MEMBER BALLOT (CONTINUED)**

<input type="checkbox"/> Vote For <input type="checkbox"/> Vote Against	<p>Proposed Action 2: The Bylaws are amended to add the following provision to Article II:</p> <p style="text-align: center;"><u>Section 10.</u> Regular members may participate in annual, regular, and special meetings or conduct such meetings through the use of any means of communication by which all members participating may simultaneously hear each other during the meeting. A regular member participating in a meeting by this means is deemed to be present at the meeting for all purposes, including but not limited to the existence of a quorum and voting.</p>
--	---

<input type="checkbox"/> Vote For <input type="checkbox"/> Vote Against	<p>Proposed Action 3: The Bylaws are amended to revise Article IX, Section 8 to read as follows:</p> <p style="text-align: center;"><u>Section 8.</u> These Bylaws may be amended in whole or in part as provided by the Articles of Incorporation.</p>
--	--

McCook

(Name of City/Village)

By: _____

(Signature)

Michael D. Gonzales

(Printed Name)

Its: **Mayor**

(Title: Mayor or Village Board Chair)

IMPORTANT: For this ballot to be counted, both pages, including signature, must be received by the League no later than by 5:00 p.m. prevailing Central time, October 1, 2020.

To return your ballot send it to Brenda Henning by email to brendah@lonm.org, by mail to: Attention: Brenda Henning, League of Nebraska Municipalities, 1335 L Street, Lincoln, NE 68508, or by fax to (402) 476-7052, to the attention of Brenda Henning.

BACKGROUND: SUMMARY OF PROPOSED AMENDMENTS

- I. Amendments to the Articles of Incorporation.** The League last amended its Articles of Incorporation on Oct. 12, 1990; the Revised Articles of Incorporation were filed with the Nebraska Secretary of State on Feb. 21, 1991. Since then, the Legislature amended the Nebraska Nonprofit Corporation Act (the “Act”) to require certain provisions and permit others. **The first amendment to the Articles adds two statements now required by the Act:** *1) the League is a public benefit corporation; and 2) the League shall have regular members, as set forth in its Bylaws.* “Public benefit corporation” is a category under the Act that includes 501(c)(4) organizations like the League.

The second amendment to the Articles relates to the manner of amending the Bylaws to conform the terms of the Articles to state law, by requiring regular member approval of certain amendments to the Bylaws. *Specifically, approval by the League Executive Board and regular members is required when an amendment relates to the number of directors, the composition of the board, the term of office of directors or the method or way in which directors are selected or approved.* Other amendments to the Bylaws can be approved by the Board or by the regular members.

Since the League Executive Board approved these amendments on July 16, 2020, these amendments will take effect upon approval by the regular members.

- II. Amendments to the Bylaws.** **The first amendment to the Bylaws addresses the manner of participating in members’ meetings.** COVID-19 has added to the difficulties associated with conducting large, in-person meetings. *To facilitate attendance, the League Executive Board approved an amendment authorizing attendance at members’ meetings by telephone conferencing, videoconferencing or similar technological means.* The League Executive Board approved this amendment on July 16, 2020; the regular membership is now being asked to approve it by **Regular Member Ballot** to facilitate participation in members’ meetings by telephone conferencing, videoconferencing or similar technological means.

The second amendment to the Bylaws is necessary to conform to the second amendment to the Articles, described above. *To ensure that the Articles and Bylaws remain in conformity, on July 16, 2020, the League Executive Board conditioned its approval of this amendment on the regular members’ approval of the corresponding amendment to the Articles, by written ballot.* Since this amendment has been approved by the League Executive Board, the amendments will take effect upon approval by the regular members.

ARTICLES OF AMENDMENT
TO
ARTICLES OF INCORPORATION
OF
LEAGUE OF NEBRASKA MUNICIPALITIES

Pursuant to Section 21-19,107 of the Nebraska Nonprofit Corporation Act, the undersigned nonprofit corporation adopts the following Articles of Amendment:

1. The name of the corporation is League of Nebraska Municipalities (the "Corporation").
2. The Articles of Incorporation are amended by adding Article VII, which reads as follows:

ARTICLE VII. PUBLIC BENEFIT CORPORATION; MEMBERSHIP

The Corporation is a public benefit corporation.

The Corporation shall have regular members, as set forth in its Bylaws.

3. The Articles of Incorporation are amended by adding Article VIII, which reads as follows:

ARTICLE VIII. AMENDMENT TO BYLAWS

A. An amendment to the Bylaws that relates to the number of directors, the composition of the board of directors, the term of office of the directors, or the method or way in which directors are elected or selected must be approved:

(1) By an affirmative vote of a majority of the directors then serving on the board of directors; and

(2) By the regular members by two-thirds of the votes cast or a majority of the voting power, whichever is less.

B. An amendment to the Bylaws that does not relate to the number of directors, the composition of the board of directors, the term of office of the directors, or the method or way in which directors are elected or selected must be approved:

(1) By an affirmative vote of a majority of the directors then serving on the board of directors; or

(2) By the regular members by two-thirds of the votes cast or a majority of the voting power, whichever is less.

4. The board of directors of the Corporation approved the foregoing amendment on _____.

5. All regular members were entitled to vote on the foregoing amendment, constituting a single class. ____ regular memberships are outstanding, and each regular member was entitled to cast one vote, for a total of ____ votes entitled to be cast on the matter. ____ undisputed votes were cast for the amendment. The number cast was sufficient for approval of the amendment.
6. No approval of the foregoing amendment was required from any person other than the regular members and the board of directors.

Dated this ____ day of _____, 2020

LEAGUE OF NEBRASKA MUNICIPALITIES

By: _____
Dwight Livingston, President
(Mayor of the City of North Platte)

By: _____
L. Lynn Rex, Secretary

AMENDMENT TO BYLAWS
OF
LEAGUE OF NEBRASKA MUNICIPALITIES

Pursuant to Section 21-19,114 of the Nebraska Nonprofit Corporation Act, the undersigned nonprofit corporation adopts the following amendments to its Bylaws:

1. Article II is amended by adding the following section, effective _____, 2020:

Section 10. Regular members may participate in annual, regular, and special meetings or conduct such meetings through the use of any means of communication by which all members participating may simultaneously hear each other during the meeting. A regular member participating in a meeting by this means is deemed to be present at the meeting for all purposes, including but not limited to the existence of a quorum and voting.

2. Article IX, Section 8 is revised to read as follows, effective _____, 2020:

Section 8. These Bylaws may be amended in whole or in part as provided by the Articles of Incorporation.

Dated this ____ day of _____, 2020

LEAGUE OF NEBRASKA MUNICIPALITIES

By: _____
Dwight Livingston, President
(Mayor of the City of North Platte)

By: _____
L. Lynn Rex, Secretary

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

ITEM: 4.D.

RECOMMENDATION:

Receive and file the minutes of the August 10, 2020 Planning Commission meeting.

BACKGROUND:

Receive minutes from the various board and commission meetings.

**FISCAL
IMPACT:** None.

APPROVALS:



Lea Ann Doak, City Clerk

August 12, 2020

McCook Planning Commission
August 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: Chair Vosburg; Vice Chair Hilker; Commissioners Bradley, Davidson, McDowell, Graham.

Absent: Commissioners Dueland, Friehe, Lyons (arrived 5:18 P.M.), Stevens.

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 August 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.

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 July 13, 2020 regular Planning Commission meeting.

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

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

2. Public Hearing and Regular Agenda.

- A. Public Hearing - Application regarding the Final Plat (for a minor subdivision) for Koch Subdivision, said tract generally described as a tract of land being part of the Southeast Quarter of Section 24, Township 3 North, Range 30 West of the 6th P.M., in Red Willow County, Nebraska.

Motion to recess as a Planning Commission and convene a public hearing for the purpose of receiving public comment with respect to the application regarding the Final Plat (for a minor subdivision) for Koch Subdivision, said tract generally described as a tract of land being part of the Southeast Quarter of Section 24, Township 3 North, Range 30 West of the 6th P.M., in Red Willow County, Nebraska, with the City Attorney to act as hearing officer. This motion, made by Kurt Vosburg and seconded by McDowell, passed.

Vosburg: YEA, Hilker: YEA, Bradley: YEA, Davidson: YEA, Dueland: ABSENT, Friehe:

ABSENT, Graham: YEA, Lyons: YEA, McDowell: YEA, Stevens: ABSENT
YEA: 7, NAY: 0, ABSENT: 3

The City Attorney received into evidence Exhibit #1 - City Manager's Report prepared for the August 10, 2020 Planning Commission meeting (2 pages), Exhibit #2 - Notice of Hearing published (1 page); Exhibit #3 - ownership list for mailing of Notice of Hearing (1 page); Exhibit #4 - Land Use Action Request Form and attachments (5 pages); Exhibit #5 - Koch Subdivision Preliminary Plat (1 page); Exhibit #6 - Koch Subdivision Final Plat (1 page); and Exhibit #7 - Future Land Use Map (1 page).

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

“In 2010, a new lot was created in the AG District by the Bishop Family Trust. Eugene and Joan Koch purchased the lot and they currently remain the record owners. The lot is legally described as Part of the SE 1/4 Section 24, T3N, R30W, of the Sixth P.M., Red Willow County, Nebraska. The lot was created for commercial purposes. An application has been submitted by Eugene and Joan Koch, by and through their project sponsor, Miller & Associates Consulting Engineer, P.C., requesting that their lot be subdivided, creating two distinct lots. Due to the fact the lot has been subdivided once before, the request is in the form of a minor subdivision. Per the application, the northern most lot would become Lot 1 of the Koch Subdivision, and would consist of 5.51 net acres. The southern most lot would become Lot 2 of the Koch Subdivision, and would consist of 7.13 net acres. Currently, there is a business located on proposed Lot 1. Proposed Lot 2 remains unimproved. Proposed Lot 2 would be a flag lot, assuring ingress and egress off of Drive 716 and providing for the means of assigning an address. The Koch family would like to build a residence on proposed Lot 2 if the subdivision request is approved by the City Council.”

“As mentioned above, the land is currently zoned for agricultural use. On review of McCook's future land use map, it appears that both proposed lots are zoned for future industrial and/or commercial use. The land to the west and south is zoned for residential use. Based on prior zoning requests, it appears that land owners in this area intend to develop their properties for residential purposes. This type of development is consistent with McCook's Comprehensive Plan. The Koch's request follows suit with the trend the City has observed over the past few years with respect to the development of residential lots in this area.”

“As a result of our annexation discussions over the past few years (and particularly noting the discussion held by the City Council in July of 2020), the City Council has required that subdivision agreements be executed when new subdivisions are approved in areas located within McCook's two-mile extraterritorial district. The planning commission can recommend a subdivision agreement be executed as a condition precedent to the creation of the Koch Subdivision which would require the property owners to submit to a future annexation without protest.”

Scott Clifford, Miller & Associates, and Stephanie Montes, representing the Koch's, presented the request and addressed questions from the Commission.

Steve Walters and Richard Cappel, adjoining property owners, were present. Neither expressed any

objections or concerns regarding the proposed subdivision.

City Manager Schneider stated that Commissioner Friehe had contacted him before the meeting stating he had no concerns or objections to the proposal.

With no one else present to comment, motion to adjourn the public hearing and to reconvene as a Planning Commission. This motion, made by Kurt Vosburg and seconded by McDowell, passed. Vosburg: YEA, Hilker: YEA, Bradley: YEA, Davidson: YEA, Dueland: ABSENT, Friehe: ABSENT, Graham: YEA, Lyons: YEA, McDowell: YEA, Stevens: ABSENT
YEA: 7, NAY: 0, ABSENT: 3

B. Recommend approval to the City Council the Final Plat (for a minor subdivision) for Koch Subdivision, said tract generally described as a tract of land being part of the Southeast Quarter of Section 24, Township 3 North, Range 30 West of the 6th P.M., in Red Willow County, Nebraska.

Motion to recommend approval to the City Council Final Plat for Koch Subdivision, said tract generally described as a tract of land being part of the Southeast Quarter of Section 24, Township 3 North, Range 30 West of the 6th P.M., in Red Willow County, Nebraska. This motion, made by McDowell and seconded by Chad Lyons, passed.

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

City Manager Schneider stated that he was not sure if there would be a meeting in September and that Commissioner Friehe expressed an interest in have a presentation at a future meeting regarding the process of future development/annexation of the City.

It was the consensus of the Commission to have something similar to what Craig Bennett, Miller & Associates, presented to the Council regarding future land development of the City.

Adjournment.

With no further business, Chair Vosburg declared the Planning Commission meeting adjourned at 5:34 P.M.

Recording Secretary

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

ITEM: 4.E.

RECOMMENDATION:

Ratify the Mayor's appointments to the:

- City/County Airport Zoning Board - reappoint Steve Keene and Bruce McDowell - terms expire September 2023

BACKGROUND:

The Mayor has contacted all appointees and they are willing to serve on the various boards.

**FISCAL
IMPACT:** None.

APPROVALS:



Lea Ann Doak, City Clerk

August 12, 2020

CITY/COUNTY AIRPORT ZONING BOARD

STEVE KEENE 512 Park Avenue Appointed by City - November 2009 Reappointed - August 2020 Term Expires - September 2023	308-227-1604
MIKE KUGLER #13 Sandpiper Rural Route 3 Appointed by County - August 2002 Term Expires - August 2022	278-2436 (O) 345-7006 (H)
AARON PETERSON 1106 Norris Avenue (Replaced Richard Stull) Appointed by City - June 2020 Term Expires - September 2023	345-2370 (O)
BRUCE MCDOWELL 904 West 3 rd Street Appointed by City - November 2009 Reappointed - August 2020 Term Expires - September 2023	345-5439 (H) 303-883-0587 (C)
RON FRIEHE Rural Route 4 Appointed by County - August 4 1998 Term Expires - August 2022	345-2821 (H)
NATE SCHNEIDER City Manager	345-2022

*Denotes Chairperson

CITY MANAGER'S REPORT
AUGUST 17, 2020 MCCOOK CITY COUNCIL MEETING

ITEM **5.A.** Approve Ordinance No. 2020-3008 under suspension of the rules, creating Chapter 119: Sidewalk Cafes, appending the City of McCook Code of Ordinances.

BACKGROUND:

At the August 3rd council meeting, proposed Ordinance No. 2020-3008 was approved upon its first reading. This ordinance establishes the creation of sidewalk cafes, which would give the approved applicant use of the City's sidewalk in order to offer outdoor dining. The ordinance contemplates that alcohol will be allowed with food service.

During the Council's discussion on August 3rd, Staff relayed that Sehnert's Bakery and Bieroc Café would like to begin the process of updating its license with the Nebraska Liquor Control Commission as soon as possible to allow for outdoor dining in late September. In order to meet the time line, Sehnert's requested the three reading rule be suspended. The Council has the authority to suspend the rules if desired.

APPROVALS:



Nathan A. Schneider, ~~City Manager~~

August 12, 2020



Lea Ann Doak, City Clerk

August 12, 2020



Isaac Brown, Chief of Police

August 12, 2020

ORDINANCE NO. 2020-3008

AN ORDINANCE PROVIDING FOR THE AMENDMENT OF THE CITY OF MCCOOK CODE OF ORDINANCES, TITLE XI: BUSINESS REGULATIONS; ADDING CHAPTER 119: SIDEWALK CAFÉS; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

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

SECTION 1. That City of McCook Code of Ordinances, Title XI: Business Regulations, Chapter 119: Sidewalk Cafés, shall be added to read as follows:

CHAPTER 119: SIDEWALK CAFÉS

Section

- 119.01 Sidewalk Café Definition
- 119.02 Sidewalk Cafés Authorized
- 119.03 Sidewalk Café Requirements
- 119.04 License Applications
- 119.05 Granting of License
- 119.06 Criteria for Issuance and Removal
- 119.07 Conditions of License
- 119.08 Transfer of License
- 119.09 Expiration of License
- 119.10 Suspension or Revocation of License
- 119.11 License Fee

§ 119.01 SIDEWALK CAFÉ DEFINITION.

A grouping of tables, chairs and related items located wholly or partially within a public sidewalk or right-of-way for the purposes of service and consumption of food and beverages by patrons, when located immediately adjacent to a food and beverage service establishment having a common operator.

§ 119.02 SIDEWALK CAFÉS AUTHORIZED.

Sidewalk cafés with or without service of alcohol may be located on public sidewalks subject to a license issued by the McCook City Council pursuant to this section.

§ 119.03 SIDEWALK CAFÉ REQUIREMENTS.

Installation and operation of all sidewalk cafés are subject to the following requirements and sidewalk cafés serving intoxicating liquor, beer or wine are subject to the applicable requirements of Chapter 111.

(A) Sidewalk cafés may only be installed and operated during the hours of operation of the food service establishment provided that no sidewalk café may be operated after the hour of 11:00 p.m. A licensee may apply to the McCook

City Council for an exception to extend the operating hours from 11:00 p.m. to 2:00 a.m. The exception shall be issued on a case by case basis. An application to extend the hours must be presented to the City Clerk three weeks prior to the event requiring the exception. The City Council may further restrict the hours of operation of a sidewalk café based upon the proximity to residential dwelling units, and upon considerations relating to the safety, repose and welfare of residents, businesses and other uses near the establishment. Furniture and fixtures may be stored overnight within the sidewalk café area provided the licensee shall ensure all items are stored and secured in a neat and orderly manner.

(B) All sidewalk cafés must abut and be operated as part of the food service establishment operated by the applicant and shall have delineated limits separating the sidewalk café from the travelled portion of the sidewalk. Sidewalk cafés serving intoxicating liquor, beer or wine must have a visually appealing barrier made of fencing or planters surrounding the entire sidewalk café area which must be compact and contiguous with the enclosed portion of the licensed premises. The barrier shall be continuous, except for that portion used as an opening for ingress and egress. The opening can be in the form of a gate or a visually appealing chain. The gate or chain shall remain closed and shall only be used for the purpose of a fire exit, handicap accessibility, or maintenance purposes. No licensee shall expand a sidewalk café without first obtaining an amended sidewalk café license covering the additional space.

(C) Only food or beverages for immediate consumption may be offered for sale and no alcoholic beverages may be dispensed from within the sidewalk café. The licensee shall provide food service in all sidewalk café areas during all hours of operation. Food service may consist of less than a full menu, but shall at all times offer a substantial choice of main courses, other food items, and non-alcoholic beverages. Glassware may be used in the service of food and beverages but only to the extent such use does not create a safety hazard for patrons or the public in adjacent areas and the licensee is responsible to immediately remove any broken glass from the premises.

(D) No licensee shall allow entertainment within a sidewalk café, including non-live entertainment such as radio, taped music and television, unless the same is expressly approved in writing by the City Council, and in no event shall noise be generated that would unreasonably annoy or interfere with neighboring property owners or occupants or the public.

(E) No sidewalk café may: (i) unduly restrict the safe usage of any roadway or the sidewalk by the public after taking into consideration the locations of obstructions, vehicular traffic and other impediments to the passage of vehicles and pedestrians; (ii) be located within ten (10) feet of any traffic signal, crosswalk or pedestrian curb cut; or (iii) adjoin any premises other than the applicant's food service establishment. All signs, including sandwich boards, must comply with city zoning regulations governing signs and no signs may be placed in a manner that would obstruct a pedestrian sidewalk the licensee is otherwise required to keep clear and unobstructed.

(F) No advertising shall be permitted on or in any sidewalk café or any extension thereof except to identify the product and/or the name of the vendor, and shall in all respects comply with all city zoning regulations governing signs.

(G) Fencing and planters shall be visually appealing and constructed of high-quality, durable materials maintained in good condition and shall not be permanently attached to the sidewalk or right-of-way without first obtaining permission from the City Council. Fencing and planters shall not exceed forty-two (42) inches in height, provided live plants may extend to a height of not more than six (6) feet, all as measured from the surface of the sidewalk or right-of-way. Corner posts may exceed forty-two (42) inches if approved by the City Council. Planters must include live plants and must be well maintained at all times.

(H) No umbrella, canopy, or similar device in any sidewalk café shall be more than six and one-half feet above ground level without approval from the city.

(I) A clear, unobstructed passageway not less than six feet in width at all points, entirely across the frontage of the property occupied by the occupant parallel to the line of the street and generally in the line of pedestrian traffic, shall be maintained at all times, except as follows:

a. If the city shall find special circumstances involving site characteristics or the flow of pedestrian traffic at such location, the conditions of approval may require a passageway greater than six feet or may prohibit operation of the sidewalk café for certain specified periods.

(J) Sidewalk cafés shall be handicap accessible and shall be installed in a manner complying with all ADA requirements and shall provide for a minimum of six (6) feet of clear, unobstructed pedestrian walkway between all obstructions and the sidewalk curb. No employee or server may obstruct pedestrian walkways at any time.

(K) No sidewalk café shall be installed or operated, and no license shall be issued, for any location where the same is prohibited by state or local law and the ownership, operation and maintenance of all sidewalk cafés shall be subject to all applicable laws, ordinances and regulations.

(L) The licensee shall maintain the sidewalk café in a clean and sanitary condition and shall be responsible to remove all trash and litter generated by the operation of the sidewalk café within a reasonable distance from the area. The licensee shall be responsible for all costs of repairing any damage to the sidewalk or other public property caused by the use of the sidewalk or public property as a sidewalk café. If the City Council approves any improvements to the sidewalk or right-of-way necessary for the licensee to operate a sidewalk café, the costs of such improvements plus any administrative costs shall be paid for in advance by the licensee.

(M) All sidewalk café licensees must at all times maintain commercial liability insurance covering the licensed premises and the sidewalk café area with minimum policy limits for bodily injury or death of not less than \$1,000,000 per occurrence and \$1,000,000 annual aggregate, and for property damage of not less than \$50,000. Proof of the required liability insurance shall be in the form of a certificate of insurance or some other form acceptable to the City Attorney and City Clerk. All liability insurance policies required herein shall name the city as any additional insured and shall provide that there shall be no cancellation of the policy for any cause, by the insured or by the insurance company, without

first giving 10-days' written notice to the city, addressed to the City Clerk. Operation of a sidewalk café or liquor sales by a licensee without required liability insurance coverage shall be grounds for immediate suspension or revocation of the license. In addition, the licensee shall indemnify and hold harmless the city, the city's public officials, employees and agents from any loss, costs, damages and expenses arising out of the use, design, operation or maintenance of the sidewalk café. These insurance and indemnification requirements shall be memorialized in a license agreement signed by the licensee prior to the initial issuance of the sidewalk café license and upon any renewal thereof, but failure of the city and the licensee to execute such a license agreement shall not alleviate the licensee of its insurance and indemnification obligations hereunder.

(N) The city shall retain the right to remove or cause to be removed any tables, chairs, furnishings, planters, fencing or other obstructions from the sidewalk or public right-of-way as necessary to access public utilities and facilities, during community civic festivals, celebrations and other events, or if the city reasonably determines any such item or items create an unreasonable risk to public health or safety. The city shall endeavor to give reasonable advance notice to the licensee that items need to be removed or relocated.

§ 119.04 LICENSE APPLICATIONS.

An applicant for a sidewalk café license shall file an application on forms provided by the City Clerk which shall include, in addition to any other information required by the city, the following:

(A) The business name, address, phone number and contact person.

(B) A site plan of the proposed sidewalk café drawn to scale covering the entire area between the curb and building showing locations of the property lines, curbs, all streets in front of and adjacent to the property, all sidewalk dimensions measured from the building face to the curb, all existing facilities and obstructions within the right-of-way, the proposed location of all sidewalk café fixtures, including but not limited to, tables, chairs, umbrellas, planters, fencing, barricades, lighting, and heaters, and the proposed limits of the sidewalk café.

(C) Photographs and manufacturer specifications for all proposed sidewalk café furniture and fixtures.

(D) Description and locations of any sound, television or video systems proposed for the sidewalk café.

(E) Description of all food and beverages that will be served within the sidewalk café and the proposed hours of operation.

(F) Description of all points of access between the building and the sidewalk café and exterior areas.

(G) Description of ingress and egress arrangements, including those necessary to provide handicap accessibility and control of persons entering and leaving the premises to prevent consumption of alcohol by minors and to ensure safety of moveable seating arrangements.

(H) Description of all physical improvements to be constructed to accommodate the sidewalk café.

(I) An insurance commitment or binder securing all insurance coverage required under this chapter and Chapter 111, if applicable, on the sidewalk café areas and meeting all requirements for naming the city as an additional insured.

(J) Any other information known to the applicant that may reasonably impact the issuance of the license including, but not limited to, objections to the proposed sidewalk café raised by neighboring property owners or the public, obstructions or other factors that may interfere with pedestrian travel on the affected sidewalk area, or conditions that may impact public health or safety if the sidewalk café license is issued.

Upon submission of a complete application, the City Clerk shall place the application upon the agenda of the next available City Council meeting for which proper notice as required by this section can be given. A public hearing on the application shall be required for all initial sidewalk café applications, all subsequent applications proposing modifications to a sidewalk café site plan, and whenever the city determines a public hearing is necessary to determine whether the criteria for granting a sidewalk café license are satisfied. When applicable, the City Clerk shall cause notice of the public hearing to be given in the same manner as prescribed for special use permits.

§ 119.05 GRANTING OF LICENSE.

Following the required public hearing, if any, the City Council may grant or deny the license or refer the matter to any commission or committee for further study.

§ 119.06 CRITERIA FOR ISSUANCE AND RENEWAL.

No sidewalk café license may be issued or renewed if the results of the investigation or other evidence given to the City Council through any means, shows to the satisfaction of the Council, that the issuance or renewal would not be in the public's interest. The Council shall make written findings, certifying the sidewalk café will comply with the following criteria.

(A) The design and operation satisfy the applicable requirements of this chapter and will be in harmony with the purpose and intent of city zoning regulations.

(B) The design and operation will not unreasonably interfere with or annoy users of neighboring residential, commercial or public property.

(C) The design and operation will not unreasonably interfere with pedestrian or vehicular traffic or access to any public street, utility or other facilities.

(D) Where liquor, wine or beer will be served, the licensed premises is compact and contiguous with the premises licensed under Chapter 111 and the design and operation will safeguard against consumption of alcohol by minors.

§ 119.07 CONDITIONS OF LICENSE.

Every license issued pursuant to this chapter shall be subject to the conditions of this section and all other sections of this chapter and any other applicable ordinance of the city, state law, or federal law, and shall include the following conditions.

(A) *Posting.* The license shall be posted in a conspicuous place in the licensed establishment at all times.

(B) *Additional Conditions.* The Council may, upon a finding of necessity, place the conditions and restrictions upon the license as it, at its discretion, may deem reasonable and justified to protect the public interest.

(C) *Licenses Limited to Certain Areas.* Sidewalk Café licenses shall be limited to the record owners of business property abutting public space in the following area: Beginning at the intersection of East "E" Street and Norris Avenue, west to the intersection of West 2nd Street and East "E" Street, south to the intersection of West 2nd Street and West "A" Street, east to the intersection of West "A" Street and Norris Avenue, north to the point of beginning.

(D) *Inspection by Peace Officers or Health Officials.* All sidewalk cafés shall be subject to compliance inspections and no licensee or employee of a licensee shall hinder or prevent a peace officer, health officer, building official, fire official, or any other employee so designated by the City Council or City Manager from entering upon and inspecting the licensed premises during business hours, without a search warrant.

(E) *Responsibility of Licensee.* Every licensee, whether actually present on the licensed premises or not, shall be responsible for the conduct of the licensed premises and shall maintain conditions of sobriety and order on the licensed premises.

§ 119.08 TRANSFER OF LICENSE.

No license issued pursuant to this chapter shall be transferrable to another person or entity nor may any such license be transferred to a different location.

§ 119.09 EXPIRATION OF LICENSE.

Every license issued under this chapter shall renew from year to year so long as the intended use is made of the premises; provided, however, the maximum term of the license shall be ten (10) years, unless specifically renewed by the City Council.

§ 119.10 SUSPENSION OR REVOCATION OF LICENSE.

The City Council may suspend, revoke or deny renewal of any sidewalk café license upon the violation of any license condition or of any provision or condition of this chapter, any other city ordinance, or of any state or federal law. Before the Council shall suspend or revoke any license issued under this chapter, the licensee shall be given at least 10-days' notice stating the time and place of the hearing and the charges against the licensee.

§ 119.11 LICENSE FEE.

Any person issued a license or license renewal under this chapter shall pay an initial fee of \$100.00 and an annual fee thereafter of \$50.00. The annual fee shall be paid on or before the first day of January each year the license is held.

SECTION 2. 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 3. 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.

Michael D. Gonzales, Mayor

ATTEST:

Lea Ann Doak, City Clerk-Treasurer

Publish:

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

ITEM: 5.B.

Introduce and approve Ordinance No. 2020-3010 providing for the adoption of the budget for FY 2020/2021 upon its first reading.

BACKGROUND:

Ordinance No. 2019-2986 provides for the adoption of the budget for Fiscal Year 2020/2021 after discussion and consideration by the Council.

Budget documents will be presented Monday night.

**FISCAL
IMPACT:** None.

APPROVALS:



Lea Ann Doak, City Clerk

August 12, 2020



Nathan A. Schneider, City Manager

August 12, 2020

ORDINANCE NO. 2020-3010

AN ORDINANCE TO ADOPT THE BUDGET STATEMENT TO BE TERMED THE ANNUAL APPROPRIATION BILL; TO APPROPRIATE SUMS FOR NECESSARY EXPENSES AND LIABILITIES; TO PROVIDE FOR AN EFFECTIVE DATE.

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

Section 1. That after complying with all procedures required by law, the budget presented and set forth in the budget statement is hereby approved as the Annual Appropriation Bill for the fiscal year beginning October 1, 2020, through September 30, 2021. All sums of money contained in the budget statement are hereby appropriated for the necessary expenses and liabilities of the City of McCook. A copy of the budget document shall be forwarded as provided by law to the Auditor of Public Accounts, State Capitol, Lincoln, Nebraska, and the County Clerk of Red Willow County, Nebraska, for use by the levying authority.

Section 2. 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.

-s- Michael D. Gonzales
Mayor

ATTEST:

-s- Lea Ann Doak
City Clerk

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

ITEM: 5.C.

Introduce and approve Ordinance No. 2020-3011 providing for the adoption of the FY 2020/2021 Fiscal Year Employee Classification Pay Plan upon its first reading.

BACKGROUND:

The attached ordinance provides for the adoption of the Employee Classification and Pay Plan for Fiscal Year 2020/2021.

**FISCAL
IMPACT:** None.

APPROVALS:



Lea Ann Doak, City Clerk

August 12, 2020



Nathan A. Schneider, City Manager

August 12, 2020

ORDINANCE NO. 2020-3011

AN ORDINANCE OF THE CITY OF MCCOOK, NEBRASKA PROVIDING FOR THE ADOPTION OF THE 2020/2021 FISCAL YEAR EMPLOYEE CLASSIFICATION AND PAY PLAN; PROVIDING FOR AN EFFECTIVE DATE FOR THE IMPLEMENTATION OF THE CLASSIFICATION AND PAY PLAN; REPEALING ANY AND ALL OTHER ORDINANCES IN CONFLICT HERewith; 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. The 2020/2021 Employee Classification and Pay Plan shall be and is hereby adopted. Said Classification and Pay Plan is incorporated herein by reference the same as if set out in full. A copy of the Classification and Pay Plan shall be on file in the office of the City Clerk and is available for public inspection at any reasonable time. (Ref. City of McCook Code of Ordinances, § 30.075).

SECTION 2. The Employee Classification and Pay Plan shall be effective October 1, 2020.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4. This ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

PASSED AND APPROVED this _____ day of _____, 2020.

-s- Michael D. Gonzales
Mayor

ATTEST:

-s- Lea Ann Doak
City Clerk

Publish:

**CITY OF MCCOOK
CLASSIFICATION AND PAY PLAN
FY 2020-2021**

<u>(PAY GRADE)</u>	<u>POSITION</u>	<u>HOURLY/MONTHLY RATE</u>		<u>12-MONTH ANNUAL RANGE</u>
(S1)	Pool Basket Help	6.750	6.750	
(S2T)	Temporary Seasonal - work less than 90-Days Part-Time Laborer Maintenance Man Part-Time Clerical	9.000	- 10.500	
(3P)	Permanent Part-Time Part-Time Clerical Part-Time Transit Driver Senior Center Aide Part-Time Maintenance	9.000	- 13.000	
(S4)	Pool Seasonal/Seasonal II Pool Manager Seasonal II Assistant Pool Manager Pool Guard	10.200	- 13.000	
(5)	Clerk (No Review)			
(10)	Assistant Cook	12.060	- 16.322	25,085 - 33,950
(15)	Bus Driver (Public Transportation)	12.656	- 17.904	26,322 - 37,244
(20)	Head Cook	12.985	- 19.885	27,008 - 41,356
(25)	Full-Time Custodial/Maintenance	13.056	- 19.606	

<u>(PAY GRADE)</u>	<u>POSITION</u>	<u>HOURLY/MONTHLY RATE</u>	<u>12-MONTH ANNUAL RANGE</u>
(30)	Disposal Plant Operator Trainee (WWTP)	13.556 - 19.186	28,196 - 39,906
(35)	Clerk II (Public Transit Dispatcher)	13.570 - 18.894	28,224 - 39,304
(40)	Circulation Librarian Catalogue/Media Librarian	13.734 - 19.352	28,564 - 40,252
(45)	Laborer I	14.216 - 19.404	29,569 - 40,359
(50)	Equipment Operator I	14.406 - 19.439	29,966 - 40,435
(55)	Public Safety Office Assistant Office Assistant	14.520 - 19.784	30,202 - 41,151
(58)	Public Safety Dispatcher (Union Contract)		
(60)	Laborer II	14.875 - 20.023	30,939 - 41,647
(65)	Disposal Plant Operator WWTP Operator I	15.090 - 20.289	31,388 - 42,205
(70)	Equipment Operator II	15.484 - 21.217	32,205 - 44,128
(75)	Refuse Collection Driver	15.623 - 21.615	32,496 - 44,957
(80)	Administrative Assistant	15.662 - 21.203	32,577 - 44,102
(90)	Utility Service Technician I	15.813 - 20.950	32,893 - 43,574
(95)	Assistant Mechanic	15.903 - 22.406	33,075 - 46,607
(100)	Juvenile Services Librarian	16.067 - 20.746	33,419 - 43,154
(105)	Disposal Plant Operator II	16.523 - 21.976	34,369 - 45,712

<u>(PAY GRADE)</u>	<u>POSITION</u>	<u>HOURLY/MONTHLY RATE</u>	<u>12-MONTH ANNUAL RANGE</u>
(110)	Chief Dispatcher	16.586 - 22.143	34,500 - 46,054
(115)	Utility Service Technician II	17.486 - 23.573	36,370 - 49,034
(120)	Equipment Operator III Tractor-Trailer Operator	17.513 - 23.614	36,424 - 49,115
(125)	Cemetery Sexton	17.614 - 24.512	36,635 - 50,985
(130)	Maintenance/Groundskeeper II	17.755 - 23.334	36,929 - 48,536
(135)	Mechanic	17.956 - 24.334	37,349 - 50,616
(140)	Disposal Plant Operator III Water Plant Operator I	17.956 - 24.070	37,349 - 50,064
(145)	Deputy City Clerk Human Resource Officer	17.995 - 24.932	37,427 - 51,857
(150)	Patrol Officer (42 hour) (Union Contract)		
(155)	Detective (42 hour) (Union Contract)		
(160)	Water Plant Operator II	21.407 - 28.305	44,524 - 58,874
(165)	Police Sergeant (42 hour) Sergeant/Patrol Supervisor	22.432 - 30.028	48,988 - 65,584
(170)	Solid Waste Superintendent Public Works Supervisor Library Director Senior Services Director	22.913 - 31.337	47,664 - 65,183
(175)	Laborer Foreman	22.940 - 29.586	47,716 - 61,532

<u>(PAY GRADE)</u>	<u>POSITION</u>	<u>HOURLY/MONTHLY RATE</u>	<u>12-MONTH ANNUAL RANGE</u>
(175)	Laborer Foreman	22.940 - 29.586	47,716 - 61,532
(180)	Building Inspector/Code Compliance Officer	23.500 - 31.475	48,877 - 65,470
(185)	Wastewater Superintendent Water Superintendent	23.687 - 32.009	49,271 - 66,575
(190)	Airport Maintenance Operator	24.272 - 27.607	50,484 - 57,423
(195)	Library Director (Masters Degree)	26.352 - 34.786	54,813 - 72,354
(200)	City Clerk (No Review)		
(205)	Utilities Director	29.091 - 39.857	60,508 - 82,905
(210)	City Clerk/Treasurer	29.219 - 42.280	60,771 - 87,941
(215)	Public Works Director	31.373 - 42.038	65,256 - 87,443
(220)	Fire Chief Chief of Police	32.147 - 43.537	66,866 - 90,553

NOTE:
20 hour/week = 1,040 hour/year
30 hour/week = 1,560 hour/year
40 hour/week = 2,080 hour/year
42 hour/week = 2,184 hour/year
56 hour/week = 2,912 hour/year

Firefighter/Paramedic - Union Contract

Contract Year	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10	Step 11
10/1/2020 - 9/30/2021	\$ 15.908	\$ 16.571	\$ 17.044	\$ 17.645	\$ 18.277	\$ 18.899	\$ 19.564	\$ 20.245	\$ 20.952	\$ 21.681	\$ 22.441

The pay grid above is for firefighters/paramedics. Firefighters/paramedics/lieutenants will receive 15% more than the salaries shown on this grid. New employees hired as firefighters/EMT-1 will receive 7.5% less than the salaries shown on this grid. New employees hired as firefighters/EMT-B will receive 12.5% less than the salaries shown on this pay grid.

Firefighter/Paramedic (40 hour work week) - Union Contract

Contract Year	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10	Step 11
10/1/2020 - 9/30/2021	\$ 22.268	\$ 23.200	\$ 23.859	\$ 24.701	\$ 25.588	\$ 26.458	\$ 27.390	\$ 28.342	\$ 29.330	\$ 30.356	\$ 31.418

The pay grid above is for firefighters/paramedics. New employees hired as firefighters/EMT-1 will receive 7.5% less than the salaries shown on this grid. New employees hired as firefighters/EMT-B will receive 12.5% less than the salaries shown on this pay grid.

Police Officers/Detectives/Dispatchers - Union Contract
Not Updated - will include new steps approved in the Union Contract

Contract Year	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8
10/1/2019 - 9/30/2021								
Police Officers	\$ 18.162	\$ 18.979	\$ 19.833	\$ 20.725	\$ 21.658	\$ 22.633	\$ 23.627	\$ 24.691
Detectives	\$ 20.160	\$ 21.067	\$ 22.015	\$ 23.006	\$ 24.041	\$ 25.123	\$ 26.759	\$ 27.964
Dispatchers	\$ 13.872	\$ 14.496	\$ 15.148	\$ 15.830	\$ 16.542	\$ 17.286	\$ 18.088	\$ 18.902