

# **MCCOOK CITY COUNCIL**

## **REGULAR MEETING**

**Monday, April 18, 2022  
5:30 PM - City Council Chambers**

Roll Call.

Excuse Absences.

Open Meetings Act Announcement.

Pledge of Allegiance.

Call to Order.

Items.

1. Announcements & Recognitions.
2. Presentation.
  - A. Presentation from Billie Cole with Red Willow Western Rural Fire Department regarding wildfires and community preparedness.
3. Proclamations.
  - A. Approve the proclamation designating April 28, 2022 as "Arbor Day" in the City of McCook and authorize the Mayor to sign.
  - B. Approve the proclamation designating the week of April 17-23, 2022 as "National Public Transit Week" and authorize the Mayor to sign.
4. Consent Agenda.
  - A. Approve the minutes of the April 4, 2022 regular City Council meeting and the April 5, 2022 special community City Council meeting.
  - B. Approve the application for a Special Designated Liquor License submitted by Uppa Crik Tap Room, Liquor License #C-123586, for a wedding reception to be held at the Red Willow County Community Building, 1412 West 5th Street, on July 9, 2022 from 5:30 P.M. to 11:00 P.M.
  - C. Approve the application for a Special Designated Liquor License submitted by Just 1 More Bar and Grill, Liquor License #C-123114, for a wedding reception to be held at the Red Willow County Community Building, 1412 West 5th Street, on June 11, 2022 at 6:00 P.M. to 1:00 A.M. June 12, 2022.
  - D. Approve the application for a Special Designated Liquor License submitted by Loop Brewing Company LLC, Liquor License #LK-093351, for a wedding reception to be held at the McCook Municipal Auditorium, 302 West 5th Street, on May 28, 2022 from 4:00 P.M. to 12:00 A.M.
  - E. Receive and file the City of McCook - Tax Increment Financing Annual Report - dated April 2022.

- F. Receive and file the claims for the month of March 2022, published April 12, 2022.
- 5. Regular Agenda.
  - A. Approve a request to allow a private group to upgrade the concrete pad structure at Russell Park to allow for permanent pickleball courts, with the City of McCook to maintain the courts after construction is completed.
  - B. Receive and file a report from staff regarding annexation.
  - C. Approve the closure of the McCook Public Pool for the Summer of 2022 for safety reasons.
  - D. Update regarding the City of McCook's entry sign project.
  - E. Consider Ordinance No. 2022-3036 providing for the amendment of Chapter 38: Fee Schedule - Appendix E, setting the rate to be charged for water by the McCook Water Department.
    - 1. Chairperson asks Clerk to read Ordinance by title.
    - 2. Consider approval of Ordinance No. 2022-3036 upon its third and final reading.
    - 3. Chairperson declaration after vote, if approved.
  - F. Consider Ordinance No. 2022-3037 providing for the amendment of Chapter 38: Appendix D, Sewer Department Rates and Fees.
    - 1. Chairperson asks Clerk to read Ordinance by title.
    - 2. Consider approval of Ordinance No. 2022-3037 upon its third and final reading.
    - 3. Chairperson declaration after vote, if approved.
  - G. Council Comments.

Adjournment.

**CITY MANAGER'S REPORT  
APRIL 18, 2021 MCCOOK CITY COUNCIL MEETING**

**ITEM NO. 2.A.** Receive and file a presentation from Billie Cole with Red Willow Western Rural Fire Department regarding wildfires and community preparedness.

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**BACKGROUND:**

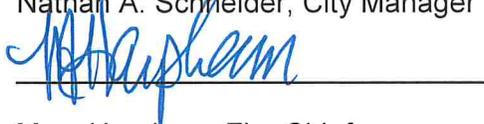
Billie Cole of Red Willow Western Rural Fire Department has requested the opportunity to give information on the topic of wildfires and community preparedness. With the recent issues our region has faced, the information is timely and important.

**APPROVALS:**

  
\_\_\_\_\_

April 13, 2022

Nathan A. Schneider, City Manager

  
\_\_\_\_\_

April 13, 2022

Marc Harpham, Fire Chief

  
\_\_\_\_\_

April 13, 2022

Lea Ann Doak, City Clerk

**TOPIC FOR CONSIDERATION**

First Name:*	billie
Last Name:*	cole
Street Address:*	38715 Rd 726
City:*	McCook
State:	NE
Zip:	69001
Phone Number:	308-340-2273
Email Address:	rwwfiredept@gmail.com
Date of Request:	4/4/2022

Description of Requested Topic:

(Please be as specific as possible)\*

Red Willow Western Rural Fire Department would like the opportunity to give information on the topic of wildfires and community preparedness to council. What resources that may be required if a wildfire event occurs again and what to expect from RWW and the responses that will occur during and after the event. RWW has been working extensively with State to train it's firefighters on wildland fires. Not just fighting fire but working with the Nebraska Emergency Management's incident management team, Wildland Incident Response Assistance Team and other resources across the State. Locally, there are numerous tasks that could be done to slow the spread of a wildfire into the City limits.

For a printable form please use this link: [Topic for Consideration Form](#)

\* indicates required fields.

Export For: TOPIC FOR CONSIDERATION  
Start Date: 03/21/2022  
End Date: 04/04/2022

Date Submitted IP Address ReferrerPage First Name: Last Name:  
Street Address: City: State: Zip: Phone Number: Email Address: Date of  
Request: Description of Requested Topic: (Please be as specific as possible)

4/4/2022 11:35:43 AM 199.47.65.190 <https://www.cityofmccook.com/77/City-Council>  
billie cole 38715 Rd 726 McCook NE 69001 308-340-2273  
rwwrfiredept@gmail.com 4/4/2022 Red Willow Western Rural Fire Department  
would like the opportunity to give information on the topic of wildfires and  
community preparedness to council. What resources that may be required if a wildfire  
event occurs again and what to expect from RWW and the responses that will occur  
during and after the event. RWW has been working extensively with State to train  
it's firefighters on wildland fires. Not just fighting fire but working with the  
Nebraska Emergency Management's incident management team, Wildland Incident Response  
Assistance Team and other resources across the State. Locally, there are numerous  
tasks that could be done to slow the spread of a wildfire into the City limits.

**CITY MANAGER'S REPORT  
APRIL 18, 2022 CITY COUNCIL MEETING**

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**ITEM:**        3.A.

**RECOMMENDATION:**

**APPROVE THE PROCLAMATION DESIGNATING APRIL 28, 2022 AS "ARBOR DAY" IN THE CITY OF McCOOK AND AUTHORIZE THE MAYOR TO SIGN.**

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**BACKGROUND:**

The City of McCook is designating April 28, 2022 as "Arbor Day" to promote the planting of trees in the City. The location and time of our celebration is yet to be determined. Once this information is known, we will share with the local media.

We are also very pleased to announce that Chrissy Land, who is a community forest specialist with the Nebraska Forest Service, will also be joining us for the celebration.

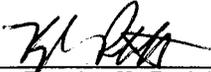
The City of McCook tree rebate program runs from March 22<sup>nd</sup> thru June 4<sup>th</sup> and then again in the fall from August 23<sup>rd</sup> thru November 19<sup>th</sup>.

Members of the McCook Tree Board are Leigh Farrell, Dan Dueland, Ashley Sydow and Johanna Scott. The board is assisted by local Arborist Bruce Hoffman.

A description of the Tree Rebate Program is attached.

**FISCAL  
IMPACT:**     None.

**APPROVALS:**

  
\_\_\_\_\_  
Kyle Potthoff, Public Works Director

April 13, 2022

  
\_\_\_\_\_  
Nate Schneider, City Manager

April 13, 2022

Office of the Mayor  
McCook, Nebraska

# Proclamation

## "ARBOR DAY"

- WHEREAS, In 1872 J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and
- WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and Arbor Day is now observed throughout the nation and the world, and
- WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife, and
- WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and
- WHEREAS, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and
- WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal, and
- WHEREAS, McCook has been recognized as a Tree City USA by The National Arbor Day Foundation and desires to continue its tree-planting practices,

NOW, THEREFORE, I, Michael Gonzales, Mayor of the City of McCook, Nebraska, do hereby proclaim April 28, 2022 as the day of celebration of "ARBOR DAY" in the City of McCook, and urge all citizens to plant a tree and to support efforts to protect our trees and woodlands.

Dated this 18<sup>th</sup> day of April, 2022.



*In witness whereof I have hereunto set by hand and caused this seal to be affixed.*

\_\_\_\_\_  
Michael Gonzales, Mayor

ATTEST:

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

# 2022 TREE REBATE PROGRAM

The City of McCook is sponsoring a Tree Rebate Program in an effort to encourage property owners to plant trees. This rebate program, as developed by the McCook Tree Advisory Board, is available to purchasers of trees under the following conditions:

1. The tree(s) must be planted on your property located in the city limits of McCook.
2. Two trees will be rebated per property owner or tenant, per lot, per spring and per fall. A third tree may be purchased and rebated if at least one of the three trees is planted on the terrace street right-of-way in the spring or in the fall. The owner must contact Digger's Hotline at 1-800-331-5666 for locates prior to planting the tree.
3. Shade, Ornamental, and Focus Trees must be a minimum of six feet (6') high. Conifer Trees must be a minimum of four feet (4') high, limited to **ONE** and **CANNOT** be planted on the terrace.
4. Trees must be one of the following types:

<b>SHADE TREES:</b> Amur Corktree Catalpa Hackberry Elm (Dutch Elm Disease Resistant) Golden Raintree Emerald Queen Maple Red Pointe Maple Hot WingsTatarian Maple Kentucky Coffee Linden Thornless, Seedless Honey Locust Oak (English, White, Heritage or Bur Oak) Pecan Oak Leaf Mountain Ash Ginkgo	<b>ORNAMENTAL TREES:</b> Canadian Red Cherry Flowering Crab Apple Flowering Hawthorne Weeping Mulberry Weeping Cherry Japanese Lilac Yellow Wood	<b>CONIFER TREES:</b> Ponderosa	<b>FOCUS TREE:</b> Sugar Maple
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5. Trees must be purchased by residents of McCook from McCook businesses.
6. Trees must be purchased and paid for in full between the dates of March 21, 2022 and June 3, 2022 with rebate requests received by June 17, 2022 in the spring. Trees must be purchased between the dates of August 22, 2022 and November 18, 2022 with rebate requests received by December 2, 2022 in the fall.
7. Upon planting the tree, the property owner shall mulch around the base of the tree a diameter of three (3') feet and two (2") inches deep, with a shredded wood or wood chip type mulching material. The cost of this mulching material may be included in the cost of the tree provided that the cost does not exceed the maximum rebate amount.
8. In order to receive a rebate, the purchaser must present a paid sales receipt stating the type, size and cost of the tree to the City Clerk at the McCook City Offices. Upon presenting the paid sales receipt, the purchaser will be required to sign a certification stating that the tree will be planted in accordance with these guidelines.
9. **FOCUS TREE - SUGAR MAPLE:** A rebate equal to 75% of the total purchase price of each focus tree (price of tree plus price of mulch material), not to exceed \$100.00 per tree (maximum of three trees total), will be paid upon meeting the guidelines set out above.
10. **SHADE, ORNAMENTAL, & CONIFER TREES:** A rebate equal to 75% of the total purchase price of each shade, ornamental, & conifer tree (price of tree plus price of mulch material), not to exceed \$75.00 per tree (maximum of three trees total), will be paid upon meeting the guidelines set out above.
11. Non residential or any other special exception plantings must be approved by the McCook Tree Advisory Board before the rebate will be offered

# TREE REBATE CERTIFICATION

DATE: \_\_\_\_\_

NAME: \_\_\_\_\_ ADDRESS: \_\_\_\_\_

PHONE #: \_\_\_\_\_ MCCOOK, NEBRASKA 69001

TREE #1: TYPE: \_\_\_\_\_

COST OF TREE: \_\_\_\_\_ COST OF MULCH: \_\_\_\_\_ TOTAL: \_\_\_\_\_

TREE #2: TYPE: \_\_\_\_\_

COST OF TREE: \_\_\_\_\_ COST OF MULCH: \_\_\_\_\_ TOTAL: \_\_\_\_\_

TREE #3: TYPE: \_\_\_\_\_

COST OF TREE: \_\_\_\_\_ COST OF MULCH: \_\_\_\_\_ TOTAL: \_\_\_\_\_

ADDRESS WHERE TREE(S) WILL BE PLANTED: \_\_\_\_\_  
(ONLY IF DIFFERENT FROM ABOVE)

WHERE PURCHASED: \_\_\_\_\_

DATE OF PURCHASE: \_\_\_\_\_

By signing this certificate, the above-named tree purchaser hereby agrees to plant the tree(s) in compliance with the guidelines set out under the Tree Rebate Program of the City of McCook.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

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~ FOR OFFICE USE ONLY ~

ACCOUNT NUMBER: 10-028-52590

REBATE NUMBER: # \_\_\_\_\_

AMOUNT OF REBATE: \$ \_\_\_\_\_

APPROVED BY: \_\_\_\_\_

CITY MANAGER'S REPORT  
April 18, 2022 CITY COUNCIL MEETING

ITEM 3.B.

RECOMMENDATION: PROCLAIM THE WEEK OF APRIL 17-23 AS NATIONAL PUBLIC TRANSIT WEEK AND AUTHORIZE THE MAYOR TO SIGN THE PROCLAMATION.

BACKGROUND:

Across the state of Nebraska in many smaller towns and rural counties Public Transit provides the only public transit service. Nebraska is served by two urban, five small urban and 55 rural transit systems in 88 Nebraska counties. Even during the pandemic for fiscal year 2021 over 1.9 million rides were provided by Public Transit with over 5.4 miles traveled in Nebraska.

The City of McCook Public Transit is celebrating Public Transit Week the third week of April (April 17-23). The City of McCook Public Transit provides transportation within the city limits of McCook for riders to have access to medical, business, employment, social and supportive services. City of McCook Public Transit provided 4,610 rides for the fiscal year 2021. Transit professionals must maintain stringent educational requirements and standards. Recognition needs to be extended to the City of McCook Transit Drivers, Dispatcher and Manager. We would like to increase awareness of public transit in McCook.

FISCAL IMPACT: None

RECOMMENDATION: Adopt the Public Transit week proclamation designating the week of April 17-23 as Public Transit Week.

APPROVALS:

  
\_\_\_\_\_  
Beth Siegfried, Senior Services Director

4/14/2022  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Nate Schneider, City Manager

4-14-22  
\_\_\_\_\_  
Date

Office of the Mayor  
McCook, Nebraska

## Proclamation

### "PUBLIC TRANSIT WEEK"

WHEREAS, public transit provides Nebraskans access to medical, business, employment, social and supportive services; and

WHEREAS, public transit allows individuals to remain independent, contributes to economic development, reduces traffic congestion, decreases carbon emissions, and improves rural and urban mobility; and

WHEREAS, public transit provides the only public transportation service to many of the smaller towns and rural counties in Nebraska; and

WHEREAS, Nebraska is served by two urban transit systems, five small urban transit systems, and 55 rural transit systems in 88 Nebraska counties; and

WHEREAS, the City of McCook has provided public transit to its citizens since 1974; and

WHEREAS, during the pandemic, McCook Public Transit traveled 13,651 miles during 2021, providing 4,610 rides; and

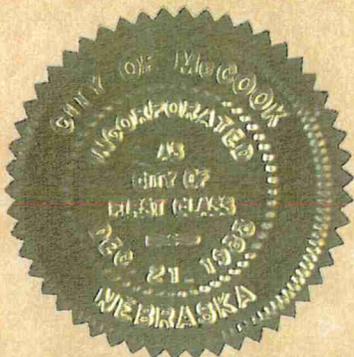
WHEREAS, McCook Public Transit employees must maintain stringent educational requirements and standards; and

WHEREAS, the City of McCook recognizes the important role that its public transit professionals play, and wishes to acknowledge that role; and

WHEREAS, public transportation in the state is provided by the collaborated efforts of the Nebraska Department of Roads and Federal Transit Administration to provide resources to transport individuals every day.

NOW, THEREFORE, Be It Resolved that the City Council of City of McCook declares the week of April 17 through 23, 2022 to be "Public Transit Week" in the City of McCook and do hereby urge all citizens to increase their understanding and awareness of their local transit systems, and the many services provided.

Dated this 18<sup>th</sup> day of April, 2022.



*In witness whereof I have hereunto set by  
hand and caused this seal to be affixed.*

\_\_\_\_\_  
Michael D. Gonzales, Mayor

ATTEST:

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

# STATE OF NEBRASKA



## Proclamation

- WHEREAS, Public transit provides Nebraskans access to medical, business, employment, social, and supportive services; and*
- WHEREAS, Public transit allows individuals to remain independent, contributes to economic development, reduces traffic congestion, decreases emissions, and improves rural and urban mobility; and*
- WHEREAS, Public transit provides the only public transportation service to many of the smaller towns and rural counties in Nebraska; and*
- WHEREAS, Nebraska is served by two urban transit systems, five small urban transit systems, and 55 rural transit systems in 88 Nebraska counties; and*
- WHEREAS, Even during a pandemic, over 1.9 million rides were provided by public transit in Nebraska during fiscal year 2021, with over 5.4 million miles traveled; and*
- WHEREAS, Nebraska has numerous public transit professionals who provide service to Nebraskans and must maintain stringent educational requirements and standards; and*
- WHEREAS, The Nebraska Association of Transportation Providers recognizes the important role that public transit professionals play, and wishes to acknowledge that role; and*
- WHEREAS, Public transportation in the state is provided by the collaborative efforts of the Nebraska Department of Transportation and Federal Transit Administration to provide resources to transport individuals every day.*
- NOW, THEREFORE, I, Pete Ricketts, Governor of the State of Nebraska, DO HEREBY congratulate the Nebraska Association of Transportation Providers on its 41 years of service to our state's citizens and PROCLAIM the week of April 17 – 23, 2022 as*

### **PUBLIC TRANSIT WEEK**

*in Nebraska, and I do hereby urge all citizens to increase their understanding and awareness of their local transit systems and the many services provided.*

*IN WITNESS WHEREOF, I have hereunto set my hand, and cause the Great Seal of the State of Nebraska to be affixed this Second day of February, in the year of our Lord Two Thousand Twenty-two.*



Attest:

  
Secretary of State

  
Governor

**CITY MANAGER'S REPORT  
APRIL 18, 2022 CITY COUNCIL MEETING**

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**ITEM:**        4.A.

Approve the minutes of the April 4, 2022 regular City Council meeting and the April 5, 2022 special community City Council meeting.

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**BACKGROUND:**

Receive and approve the minutes.

**FISCAL  
IMPACT:**     None.

**APPROVALS:**

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

April 14, 2022

McCook City Council  
April 4, 2022  
5:30 P.M. 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 Calvin, Weedon, Muehlenkamp, Rambali.

Absent: None.

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

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on March 31, 2022, 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. Announcements & Recognitions.**

City Manager Schneider introduced Pat Fawver as the new Utilities Director and announced that a Pool Town Hall meeting will be held tomorrow night, April 5 at 7:00 P.M. on the McCook Evangelical Free Church.

**2. Public Hearings.**

- 2.A. Conduct a public hearing on the application of Hurling Hatchets, LLC; dba "The Axe House", for Class "C" License #124768 - (Beer, Wine Distilled Spirits, On and Off Sale) License under the Nebraska Liquor Control Commission, to be located at 219 Norris Avenue, McCook, Nebraska.

Motion to recess as a City Council and convene a public hearing for the purpose of receiving public comment on the application of Hurling Hatchets, LLC; dba "The Axe House", for Class "C" License #124768 - (Beer, Wine Distilled Spirits, On and Off Sale) License under the Nebraska Liquor Control Commission, to be located at 219 Norris Avenue, McCook, Nebraska, with the City

Attorney to act as hearing officer. This motion, made by Calvin and seconded by Weedin, passed.  
Gonzales: YEA, Calvin: YEA, Weedin: YEA, Muehlenkamp: YEA, Rambali: YEA  
YEA: 5, NAY: 0

The City Attorney offered and received into evidence Exhibit #1 - the City Manager's Report dated April 4, 2022 (1 page); Exhibit #2 - Notice of Hearing published (1 page); Exhibit #3 - Notice of Receipt from NLCC - Kim Frederick and email indicating the form was returned on March 7, 2022 (2 pages); Exhibit #4 - Application and all attachments (29 pages); Exhibit #5 - Police Department Report (6 pages); Exhibit #6 - Building & Zoning Planning Report (2 pages); and Exhibit #7 - Recommendation to the Nebraska Liquor Control Commission (1 page).

Applicant Ben Springer was present to address questions from the Council.

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

Gonzales: YEA, Calvin: YEA, Weedin: YEA, Muehlenkamp: YEA, Rambali: YEA  
YEA: 5, NAY: 0

- 2.B. Recommend approval to the Nebraska Liquor Control Commission the application of Hurling Hatchets, LLC; dba "The Axe House", for Class "C" License #124768 - (Beer, Wine Distilled Spirits, On and Off Sale) License under the Nebraska Liquor Control Commission, to be located at 219 Norris Avenue, McCook, Nebraska.

Motion to recommend approval to the Nebraska Liquor Control Commission the application of Hurling Hatchets, LLC; dba "The Axe House", for Class "C" License #124768 - (Beer, Wine Distilled Spirits, On and Off Sale) License under the Nebraska Liquor Control Commission, to be located at 219 Norris Avenue, McCook, Nebraska. This motion, made by Calvin and seconded by Gonzales, passed.

Gonzales: YEA, Calvin: YEA, Weedin: YEA, Muehlenkamp: YEA, Rambali: YEA  
YEA: 5, NAY: 0

### **3. Proclamations.**

- 3.A. Approve the proclamation designating the week of April 3 - 9, 2022 as "National Library Week" in the City of McCook and authorize the Mayor to sign.

Motion to approve the proclamation designating the week of April 3 - 9, 2022 as "National Library Week" in the City of McCook and authorize the Mayor to sign. This motion, made by Weedin and seconded by Calvin, passed.

Gonzales: YEA, Calvin: YEA, Weedin: YEA, Muehlenkamp: YEA, Rambali: YEA  
YEA: 5, NAY: 0

Councilmember Weedin read a letter from Denise Harders, Director of the Central Plains Library System recognizing Library Director Crocker for her dedication to the Library System in helping them to be successful.

- 3.B. Approve the proclamation designating the week of April 10 through 16, 2022, as "National Public Safety Telecommunicators Week" and authorize the Mayor to sign.

Motion to approve the proclamation designating the week of April 10 through 16, 2022, as "National Public Safety Telecommunicators Week" and authorize the Mayor to sign. This motion, made by Calvin and seconded by Weedin, passed.

Gonzales: YEA, Calvin: YEA, Weedin: YEA, Muehlenkamp: YEA, Rambali: YEA  
YEA: 5, NAY: 0

#### **4. Consent Agenda.**

Councilmember Calvin requested that Item 4C and 4D be removed from the consent agenda and placed on the regular agenda. Councilmember Weedin requested that Item 4E be removed from the consent agenda and placed on the regular agenda.

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

Gonzales: YEA, Calvin: YEA, Weedin: YEA, Muehlenkamp: YEA, Rambali: YEA  
YEA: 5, NAY: 0

- 4.A. Approve the minutes of the March 21, 2022 regular City Council meeting.
- 4.B. Approve bid specifications and documents for a Fire Safety Trailer Simulator and set the date to receive bids as April 25, 2022, at 2:00 P.M.

#### **5. Regular Agenda.**

- 4.C. Approve an application from Pinpoint Communications, Inc. of Cambridge, Nebraska to occupy city right-of-way for the purpose of installing underground conduit and a vault for fiber optic cable starting at East "J" Street and East 11th Street, continuing north approximately 2900 feet.

Motion to approve an application from Pinpoint Communications, Inc. of Cambridge, Nebraska to occupy city right-of-way for the purpose of installing underground conduit and a vault for fiber optic cable starting at East "J" Street and East 11th Street, continuing north approximately 2900 feet. This motion, made by Calvin and seconded by Weedin, passed.

Gonzales: YEA, Calvin: YEA, Weedin: YEA, Muehlenkamp: YEA, Rambali: YEA  
YEA: 5, NAY: 0

- 4.D. Approve the Encroachment Agreement with Black Hills Nebraska Gas, LLC(BHENEG) for the sole purpose of gathering soil samples, along West 1st Street, West 2nd Street, West 3rd Street, West 4th Street and the alley connecting West 2nd Street and West 3rd Street south of West "B" Street and north of West "A" Street and authorize the Mayor to sign.

Motion to approve the Encroachment Agreement with Black Hills Nebraska Gas, LLC(BHENEG)

for the sole purpose of gathering soil samples, along West 1st Street, West 2nd Street, West 3rd Street, West 4th Street and the alley connecting West 2nd Street and West 3rd Street south of West "B" Street and north of West "A" Street and authorize the Mayor to sign. This motion, made by Calvin and seconded by Weedin, passed.

Gonzales: YEA, Calvin: YEA, Weedin: YEA, Muehlenkamp: YEA, Rambali: YEA  
YEA: 5, NAY: 0

- 4.E. Receive and file the confirmation of an emergency purchase of one (1) new Manitex A62 truck mounted aerial work platform mounted on a 2022 Ford F550 Chassis for the Street Department, from Crane and Machinery at a cost of \$176,400.00, due to the ongoing supply chain issues.

Motion to receive and file the confirmation of an emergency purchase of one (1) new Manitex A62 truck mounted aerial work platform mounted on a 2022 Ford F550 Chassis for the Street Department, from Crane and Machinery at a cost of \$176,400.00, due to the ongoing supply chain issues. This motion, made by Weedin and seconded by Muehlenkamp, passed.

Gonzales: YEA, Calvin: YEA, Weedin: YEA, Muehlenkamp: YEA, Rambali: YEA  
YEA: 5, NAY: 0

- 5.A. Approve the job description for an assistant city manager position and associated pay grade.

Motion to approve the job description for an assistant city manager position and associated pay grade and to amend the Title to Assistant City Administrator. This motion, made by Calvin and seconded by Weedin, passed.

Gonzales: YEA, Calvin: YEA, Weedin: YEA, Muehlenkamp: YEA, Rambali: YEA  
YEA: 5, NAY: 0

Discussion was held regarding the title of the position, the duties of the position, and the time line for filling of the position.

- 5.B. Approve a request from Adamark Investments, LLC to allow the former St. Catherine's Apartments facility to be rehabilitated contingent upon: 1) Adamark Investments, LLC developing a rehabilitation plan by April 1, 2023; 2) upon completion of the rehabilitation plan, Adamark Investments, LLC beginning the process of physically rehabilitating the structure; and 3) during the course of its ownership, Adamark Investments, LLC maintaining the exterior portions of the lot in a condition that conforms with the City of McCook's Code of Ordinances.

Motion to approve a request from Adamark Investments, LLC to allow the former St. Catherine's Apartments facility to be rehabilitated contingent upon: 1) Adamark Investments, LLC developing a rehabilitation plan by April 1, 2023; 2) upon completion of the rehabilitation plan, Adamark Investments, LLC beginning the process of physically rehabilitating the structure; and 3) during the course of its ownership, Adamark Investments, LLC maintaining the exterior portions of the lot in a condition that conforms with the City of McCook's Code of Ordinances. This motion, made by Calvin and seconded by Weedin, passed.

Gonzales: YEA, Calvin: YEA, Weedin: YEA, Muehlenkamp: YEA, Rambali: YEA  
YEA: 5, NAY: 0

Maria Prusakowski, representative of Adamark Investments, addressed the Council via phone regarding their purchase of St. Catherine's and their concerns with the proposed demolition of the building in the City of McCook's Comprehensive Plan.

- 5.C. Consider on its second reading Ordinance No. 2022-3036 providing for the amendment of Chapter 38: Fee Schedule - Appendix E, Water Department Rates and Fees.

Mayor Gonzales asked the Clerk to read Ordinance No. 2022-3036 by title.

AN ORDINANCE PROVIDING FOR THE AMENDMENT OF CHAPTER 38: FEE SCHEDULE - APPENDIX E , WATER DEPARTMENT RATES AND FEES; OF THE CITY OF MCCOOK CODE OF ORDINANCES; PROVIDING FOR A RATE TO BE CHARGED FOR WATER BY THE MCCOOK WATER DEPARTMENT; PROVIDING FOR THE REPEAL OF ORDINANCE NO. 2021-3014 AND ANY AND ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR A TIME AND DATE FROM AND AFTER WHICH THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE.

Ordinance No. 2022-3036 has been read by title and I move to approve upon its second reading. This motion, made by Calvin and seconded by Rambali, passed.

Gonzales: YEA, Calvin: YEA, Weedin: YEA, Muehlenkamp: YEA, Rambali: YEA  
YEA: 5, NAY: 0

- 5.D. Consider on its first reading Ordinance No. 2022-3037 providing for the amendment of Chapter 38: Appendix D, Sewer Department Rates and Fees.

Mayor Gonzales asked the Clerk to read Ordinance No. 2022-3037 by title.

AN ORDINANCE PROVIDING FOR THE AMENDMENT OF CHAPTER 38: FEE SCHEDULE - APPENDIX D, SEWER DEPARTMENT RATES AND FEES, OF THE CITY OF MCCOOK CODE OF ORDINANCES; PROVIDING FOR THE REPEAL OF ORDINANCE NO. 2021-3015 AND ANY AND ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING A TIME AND DATE FROM AND AFTER WHICH THIS ORDINANCE SHALL TAKE EFFECT AND BE ENFORCED.

Ordinance No. 2022-3037 has been read by title and I move to approve upon its first reading. This motion, made by Calvin and seconded by Muehlenkamp, passed.

Gonzales: YEA, Calvin: YEA, Weedin: YEA, Muehlenkamp: YEA, Rambali: YEA  
YEA: 5, NAY: 0

- 5.E. Consider Ordinance No. 2022-3038 amending Ordinance No. 2021-3016 to correct certain provisions related to defined terms.

Mayor Gonzales asked the Clerk to read Ordinance No. 2022-3038 by title.

AN ORDINANCE OF THE CITY OF MCCOOK, NEBRASKA, AMENDING ORDINANCE NO. 2021-3016 TO CORRECT CERTAIN PROVISIONS RELATED TO DEFINED TERMS; PROVIDING FOR THE PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM; AND PRESCRIBING OTHER MATTERS RELATING THERETO.

Ordinance No. 2022-3038 has been introduced, read by title, and I move that the statutory rule requiring reading on three different days be suspended. Motion to suspend the rule must be adopted by three-fourths of the Council. This motion, made by Weedin and seconded by Muehlenkamp, passed.

Gonzales: YEA, Calvin: YEA, Weedin: YEA, Muehlenkamp: YEA, Rambali: YEA  
YEA: 5, NAY: 0

Motion for final passage of Ordinance No. 2022-3038. This motion, made by Weedin and seconded by Muehlenkamp, passed.

Gonzales: YEA, Calvin: YEA, Weedin: YEA, Muehlenkamp: YEA, Rambali: YEA  
YEA: 5, NAY: 0

Mayor Gonzales stated that Ordinance No. 2022-3039 is declared lawfully passed and adopted upon publication as required by law.

5.F. Consider Ordinance No. 2022-3039 authorizing an amendment of an existing loan agreement between the City of McCook and the Nebraska Department of Environment and Energy to adjust prepayment provisions.

Mayor Gonzales asked the Clerk to read Ordinance No. 2022-3039 by title.

AN ORDINANCE OF THE CITY OF MCCOOK, NEBRASKA, AUTHORIZING AN AMENDMENT OF AN EXISTING LOAN AGREEMENT BETWEEN THE ISSUER AND THE NEBRASKA DEPARTMENT OF ENVIRONMENT AND ENERGY TO ADJUST PREPAYMENT PROVISIONS; PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE; AND AUTHORIZING CERTAIN ACTIONS AND DOCUMENTS AND PRESCRIBING OTHER MATTERS RELATING THERETO.

Ordinance No. 2022-3039 has been introduced, read by title, and I move that the statutory rule requiring reading on three different days be suspended. Motion to suspend the rule must be adopted by three-fourths of the Council. This motion, made by Calvin and seconded by Weedin, passed.

Gonzales: YEA, Calvin: YEA, Weedin: YEA, Muehlenkamp: YEA, Rambali: YEA  
YEA: 5, NAY: 0

Motion for final passage of Ordinance No. 2022-3039. This motion, made by Calvin and seconded by Muehlenkamp, passed.

Gonzales: YEA, Calvin: YEA, Weedin: YEA, Muehlenkamp: YEA, Rambali: YEA  
YEA: 5, NAY: 0

Mayor Gonzales stated that Ordinance No. 2022-3039 is declared lawfully passed and adopted upon publication as required by law.

5.G. Consider Ordinance No. 2022-3040 authorizing and providing for the issuance of a \$2,490,000 aggregate principal amount Combined Utilities Revenue Bond, Series 2022, in the form of a promissory note of the City of McCook, to pay the costs of acquiring, constructing, improving, extending, equipping, and furnishing improvements to the City's water works plant and water system, as well as, approving the execution and delivery of a loan agreement with the Nebraska Department of Environment and Energy.

Mayor Gonzales asked the Clerk to read Ordinance No. 2022-3040 by title.

AN ORDINANCE OF THE CITY OF MCCOOK, NEBRASKA AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF A \$2,490,000 AGGREGATE PRINCIPAL AMOUNT COMBINED UTILITIES REVENUE BOND, SERIES 2022, IN THE FORM OF A PROMISSORY NOTE OF THE CITY, TO PAY THE COSTS OF ACQUIRING, CONSTRUCTING, IMPROVING, EXTENDING, EQUIPPING AND FURNISHING IMPROVEMENTS TO THE CITY'S WATER WORKS PLANT AND WATER SYSTEM; APPROVING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT WITH THE NEBRASKA DEPARTMENT OF ENVIRONMENT AND ENERGY (NDEE PROJECT NO. D311681); PRESCRIBING THE FORM AND DETAILS OF THE BOND AND THE COVENANTS AND AGREEMENTS TO PROVIDE FOR THE PAYMENT AND SECURITY THEREOF; PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE; AND AUTHORIZING CERTAIN ACTIONS AND DOCUMENTS AND PRESCRIBING OTHER MATTERS RELATING THERETO.

Ordinance No. 2022-3040 has been introduced, read by title, and I move that the statutory rule requiring reading on three different days be suspended. Motion to suspend the rule must be adopted by three-fourths of the Council. This motion, made by Calvin and seconded by Muehlenkamp, passed.

Gonzales: YEA, Calvin: YEA, Weedon: YEA, Muehlenkamp: YEA, Rambali: YEA  
YEA: 5, NAY: 0

Motion for final passage of Ordinance No. 2022-3040. This motion, made by Calvin and seconded by Weedon, passed.

Gonzales: YEA, Calvin: YEA, Weedon: YEA, Muehlenkamp: YEA, Rambali: YEA  
YEA: 5, NAY: 0

Mayor Gonzales stated that Ordinance No. 2022-3040 is declared lawfully passed and adopted upon publication as required by law.

5.H. Council Comments.

Councilmember Weedon reminded everyone that the Choice Gas Selection period is April 4 - 21 and strongly urged selecting ACE as your provider - noting that they give back to the City of McCook.

5.I. Meeting of the McCook Community Development Agency.

Motion to recess as a City Council and to convene as the McCook Community Development Agency for consideration of the CDA Agenda at 7:26 o'clock P.M. This motion, made by Calvin and seconded by Weedin, passed.

Gonzales: YEA, Calvin: YEA, Weedin: YEA, Muehlenkamp: YEA, Rambali: YEA  
YEA: 5, NAY: 0

A meeting of the Mayor and City Council of the City of McCook, Nebraska, acting as the governing body of the Community Development Agency of the City of McCook, Nebraska was convened in open and public session at 7:26 o'clock P.M. on April 4, 2022, at the McCook Municipal Center in McCook, Nebraska. Agency Members present were: Gonzales, Calvin, Weedin, Muehlenkamp, Rambali. Absent: None. Notice of the meeting was given in advance thereof by publication, one of the City's designated methods for giving notice, a copy of the proof of publication being attached to these minutes. Advanced notice of the meeting was given to each member of the Agency and a copy of their acknowledgment of receipt of notice and the agenda is attached to these minutes. Availability of the agenda was communicated in the advance notice and in the notice to the Mayor and all members of the Council. Mayor Gonzales presided and City Clerk Doak recorded the proceedings. All proceedings hereafter shown were taken while the meeting was open to the attendance of the public.

The Mayor publicly stated to all in attendance that a current copy of the Nebraska Open Meetings Act was available for review and indicated the location of such copy posted in the room where the meeting was being held.

5.I.4. Approve Resolution No. CDA 2022-01 making a minor modification and amendment to the MEDC Infill Housing Project Redevelopment Plan Amendment to correct the legal description identified therein.

Motion to approve Resolution CDA No. 2022-01 making a minor modification and amendment to the MEDC Infill Housing Project Redevelopment Plan Amendment to correct the legal description identified therein. This motion, made by Calvin and seconded by Gonzales, passed.

Gonzales: YEA, Calvin: YEA, Weedin: YEA, Muehlenkamp: YEA, Rambali: YEA  
YEA: 5, NAY: 0

5.I.5. Approve Resolution No. CDA 2022-02 authorizing and approving the first amendment to the redevelopment agreement for the MEDC Infill Housing Project to adjust the Effective Date contemplated in the original Redevelopment Agreement.

Motion to approve Resolution No. CDA 2022-02 authorizing and approving the first amendment to the redevelopment agreement for the MEDC Infill Housing Project to adjust the Effective Date contemplated in the original Redevelopment Agreement. This motion, made by Weedin and seconded by Muehlenkamp, passed.

Gonzales: YEA, Calvin: YEA, Weedin: YEA, Muehlenkamp: YEA, Rambali: YEA  
YEA: 5, NAY: 0

Motion to adjourn the meeting of the McCook Community Development Agency at 7:29 P.M. and to reconvene as the McCook City Council. This motion, made by Gonzales and seconded by Muehlenkamp, passed.

Gonzales: YEA, Calvin: YEA, Weedon: YEA, Muehlenkamp: YEA, Rambali: YEA  
YEA: 5, NAY: 0

5.J. An Executive Session may be held upon a majority vote of the Council for the protection of public interest for a strategy session with respect to litigation as evidenced by communication of notice of appeal from SBA Towers IV, LLC of the special exception granted to Parallel Infrastructure for a telecommunications tower.

Motion to go into executive session for the protection of public interest for a strategy session with respect to litigation as evidenced by communication of notice of appeal from SBA Towers IV, LLC of the special exception granted to Parallel Infrastructure for a telecommunications tower at 7:30 P.M. This motion, made by Calvin and seconded by Weedon, passed.

Gonzales: YEA, Calvin: YEA, Weedon: YEA, Muehlenkamp: YEA, Rambali: 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 protection of public interest for a strategy session with respect to litigation as evidenced by communication of notice of appeal from SBA Towers IV, LLC of the special exception granted to Parallel Infrastructure for a telecommunications tower. The Council will reconvene in public session following this closed session.

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

Motion to come out of executive session at 7:43 P.M. This motion, made by Calvin and seconded by Weedon, passed.

Gonzales: YEA, Calvin: YEA, Weedon: YEA, Muehlenkamp: YEA, Rambali: YEA  
YEA: 5, NAY: 0

5.K. An Executive Session may be held upon a majority vote of the Council for the protection of public interest for a strategy session with respect to litigation Case No. CI 21-159, City of McCook vs. Sarah L. Wederski.

Motion to go into executive session for the protection of public interest for a strategy session with respect to litigation Case No. CI 21-159, City of McCook vs. Sarah L. Wederski at 7:43 P.M. This motion, made by Calvin and seconded by Weedon, passed.

Gonzales: YEA, Calvin: YEA, Weedon: YEA, Muehlenkamp: YEA, Rambali: 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 protection of public interest for a strategy session with respect to litigation Case No. CI 21-159, City of McCook vs. Sarah L. Wederski. The Council will

reconvene in public session following this closed session.

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

Motion to come out of executive session at 7:50 P.M. This motion, made by Calvin and seconded by Muehlenkamp, passed.

Gonzales: YEA, Calvin: YEA, Weedon: YEA, Muehlenkamp: YEA, Rambali: YEA  
YEA: 5, NAY: 0

**Adjournment.**

There being no further business to come before the Council, Mayor Gonzales declared the meeting adjourned at 7:50 P.M.

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Michael D. Gonzales, Mayor

ATTEST:

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Lea Ann Doak, City Clerk-Treasurer

McCook City Council  
Community Meeting  
April 5, 2022  
7:00 P.M. Central

A COMMUNITY MEETING REGARDING A POTENTIAL SWIMMING POOL PROJECT was held in open, special, and public session at 7:00 o'clock P.M. at the McCook Evangelical Free Church.

Present: Mayor Gonzales, Councilmembers Calvin, Weedon, Muehlenkamp, Rambali.

Absent: None.

City Officials present: City Manager Schneider, City Attorney Mustion, City Clerk Doak, Library Director Crocker, Public Works Director Potthoff, Senior Services Director Siegfried.

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on April 1, 2022, 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.

A copy of the Open Meetings Act was posted by the entrance to the McCook Evangelical Free Church and available for public review.

1. Presentation and discussion with Kyle McCawley, Lamp Rynearson, regarding a possible pool project.
  - 1.A. Pool Committee representative Grant Norgaard gave a summary key finds from the survey and recent committee actions.
  - 1.B. Mr. McCawley gave a presentation on the conceptual plan and reviewed the advantages of locating a new pool at the current location in Kelley Park. Four concepts were presented along with possible amenities such as water slides, a lazy river, diving boards, a zero-entry location, children's play areas, and fountains.
  - 1.C. City Manager Schneider reviewed possible funding options which included an additional ½ cent sales tax for a period of ten years, a general obligation bond, a restaurant occupation tax on food, which could also include alcohol. These options must be approved by a vote. The ballot questions must be to the Red Willow County Clerk by September 1.
  - 1.D. Mr. McCawley gave a presentation on the status of the current pool. At the time of their

inspection corrosion was observed on the filter tanks, strainer basket, and piping components. Additionally, extensive cracked and delamination of the concrete structure was observed. Without extensive repairs and renovations, the current conditions within the mechanical room create a cause for concern. There is uncertainty for the safety of staff.

2.E. Open Forum.

Traci Taylor, Steve Batty, Jerry Reitz, Ronda Graff, Candy Crosby, Dale Dueland, Anthony Rodewald, James Foster, Susan Doris, Jody Crocker, Katie Farrell, Tom Bredvick, Beth Siegfried, Jamie Mockry, and Steve Renner spoke during open forum.

City Manager Schneider also addressed questions from the public as presented.

Adjournment.

The meeting adjourned at 8:49 P.M.

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Michael D. Gonzales, Mayor

ATTEST:

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Lea Ann Doak, City Clerk-Treasurer

**CITY MANAGER'S REPORT  
APRIL 18, 2022 CITY COUNCIL MEETING**

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**ITEM: 4.B.**

Approve the application for a Special Designated Liquor License submitted by Uppa Crik Tap Room, Liquor License #C-123586, for a wedding reception to be held at the Red Willow County Community Building, 1412 West 5<sup>th</sup> Street, on July 9, 2022 from 5:30 P.M. to 11:00 P.M.

---

**BACKGROUND:**

Uppa Crik will be catering this event. They are making application to allow them to serve alcohol at this temporary location. Approval of the City Council is required with all applications.

**FISCAL  
IMPACT:** None.

**APPROVALS:**

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

April 14, 2022

  
\_\_\_\_\_  
Nathan A. Schneider, City Manager

April 14, 2022

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

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

**Uppa Crik Tap Room**

Retail Liquor License Name or \*Non-Profit Organization (\*Must include Form #201 as Page 2)  
32621 Rock Creek Rd, Parks, NE 69041

Retail Liquor License Address or Non-Profit Business Address  
123586

Retail License Number or Non-Profit Federal ID #

Consecutive Dates only 7/9/2022  
Event Date(s): \_\_\_\_\_  
Event Start Time(s): 5:30 pm \_\_\_\_\_  
Event End Time(s): 11 pm \_\_\_\_\_

Alternate Date: \_\_\_\_\_

Alternate Location Building & Address: \_\_\_\_\_

Event Building Name: Community building at Red Willow Fairgrounds

Event Street Address/City: 1412 West 5th Street, McCook NE 69001

Indoor area to be licensed in length & width: 50' X 145'

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

Type of Event: Wedding Reception Estimate # of attendees: 300

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

Event Contact Name: Chance Koetter Event Contact Phone Number: 308-737-6850

Event Contact Email: koetter81@hotmail.com

\*Signature Authorized Representative: [Signature] Printed Name: Sye Tecker

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

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

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

**Local Governing Body completes below:**

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

\_\_\_\_\_  
Local Governing Body Authorized Signature

\_\_\_\_\_  
Date

**CITY MANAGER'S REPORT  
APRIL 18, 2022 CITY COUNCIL MEETING**

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**ITEM:**        4.C.

Approve the application for a Special Designated Liquor License submitted by Just 1 More Bar and Grill, Liquor License #C-123114, for a wedding reception to be held at the Red Willow County Community Building, 1412 West 5<sup>th</sup> Street, on June 11, 2022 at 6:00 P.M. to June 12, 2022 1:00 A.M.

---

**BACKGROUND:**

Just 1 More Bar will be catering this event. They are making application to allow them to serve alcohol at this temporary location. Approval of the City Council is required with all applications.

**FISCAL  
IMPACT:**     None.

**APPROVALS:**

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

April 14, 2022

  
\_\_\_\_\_  
Nathan A. Schneider, City Manager

April 14, 2022

Special Designated License  
Local Recommendation (Form 200)

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

Just 1 More Bar and Grill  
Retail Liquor License Name or \*Non-Profit Organization (\*Must include Form #201 as Page 2)

503 Francis St Hayes Center NE 69032  
Retail Liquor License Address or Non-Profit Business Address

123114  
Retail License Number or Non-Profit Federal ID #

Consecutive Dates only

Event Date(s): \_\_\_\_\_

Event Start Time(s): June 11th 6 P.M.

Event End Time(s): June 12th 1 A.M.

Alternate Date: \_\_\_\_\_

Alternate Location Building & Address: \_\_\_\_\_

Event Building Name: Community Building

Event Street Address/City: 1412 West 5th Street McCook NE

Indoor area to be licensed in length & width: 150' x 50'

Outdoor area to be licensed in length & width: 60' x 20' (Diagram Form #109 must be attached)

Type of Event: Wedding Reception Estimate # of attendees: 400

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

Event Contact Name: Jeremy Loomis Event Contact Phone Number: 308-737-0502

Event Contact Email: loomisconstruction@hotmail.com

\*Signature Authorized Representative: [Signature] Printed Name Jeremy Loomis

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

\*Retail licensee – Must be signed by a member listed on permanent license  
\*Non-Profit Organization – Must be signed by a Corporate Officer

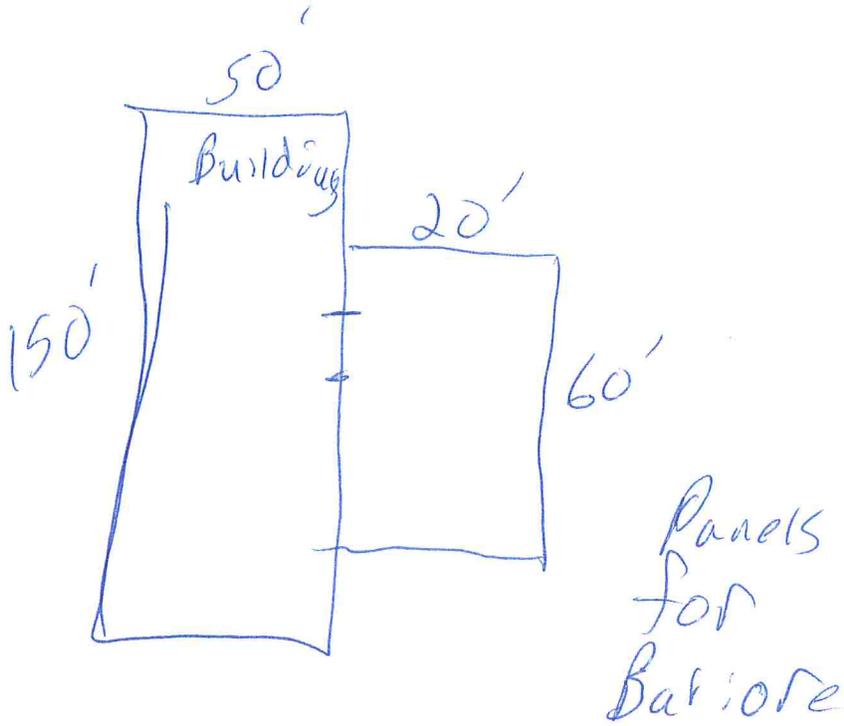
Local Governing Body completes below:

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

\_\_\_\_\_  
Local Governing Body Authorized Signature Date

Form 109

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**CITY MANAGER'S REPORT  
APRIL 18, 2022 CITY COUNCIL MEETING**

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**ITEM:**        4.D.

Approve the application for a Special Designated Liquor License submitted by Loop Brewing Company LLC, Liquor License #LK-093351, for a wedding reception to be held at the McCook Municipal Auditorium, 302 West 5<sup>th</sup> Street, on May 28, 2022 from 4:00 P.M. to 12:00 A.M.

---

**BACKGROUND:**

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

**FISCAL  
IMPACT:**     None.

**APPROVALS:**

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

April 14, 2022

\_\_\_\_\_  
Nathan A. Schneider, City Manager

April 14, 2022

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

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

Loop Brewing Company LLC  
Retail Liquor License Name or \*Non-Profit Organization (\*Must include Form #201 as Page 2)

404 West A Street McCook Ne, 68401  
Retail Liquor License Address or Non-Profit Business Address  
LK- 93351

Retail License Number or Non-Profit Federal ID #

Consecutive Dates only  
Event Date(s): ~~April 3~~ May 28th

Event Start Time(s): 4p.m

Event End Time(s): 12:00 a.m

Alternate Date: \_\_\_\_\_

Alternate Location Building & Address: \_\_\_\_\_

Event Building Name: McCook City Auditorium

Event Street Address/City: 302 West 5th Street

Indoor area to be licensed in length & width: 150 X 80

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

Type of Event: Wedding Reception Estimate # of attendees: 200

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

Event Contact Name: Adam Siegfried Event Contact Phone Number: 308-340-2400

Event Contact Email: Coppermillrestaurantllc@yahoo.com

\*Signature Authorized Representative: [Signature] Printed Name Adam Siegfried

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

\*Retail licensee – Must be signed by a member listed on permanent license  
\*Non-Profit Organization – Must be signed by a Corporate Officer

**Local Governing Body completes below:**

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

\_\_\_\_\_  
Local Governing Body Authorized Signature Date

**CITY MANAGER'S REPORT  
APRIL 18, 2022 MCCOOK CITY COUNCIL MEETING**

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ITEM NO. **4.E.** Receive and file the City of McCook - Tax Increment Financing Annual Report - dated April 2022.

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**BACKGROUND:**

On or before May 1 of each year, the City of McCook Community Development Agency (CDA) is required to compile information on the progress of redevelopment projects that are financed in whole or in part through Tax Increment Financing (TIF). The attached report is for calendar year 2022. The CDA must report this information to the City Council and other taxing entities affected by the division of taxes.

**APPROVALS:**

  
\_\_\_\_\_  
Nathan A. Schneider, City Manager

April 13, 2022

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

April 13, 2022

**CITY OF MCCOOK  
TAX INCREMENT FINANCING ANNUAL REPORT  
APRIL 2022**

On or before May 1 of each year, the City of McCook Community Development Agency (CDA) is required to compile information on the progress of redevelopment projects that are financed in whole or in part through Tax Increment Financing (TIF). The CDA reports this information to the McCook City Council and other taxing entities affected by the division of taxes.

Redevelopment project plans are evaluated based on zoning regulations, land utilization, compliance with the City's Comprehensive Plan, TIF criteria set forth by the City and the Nebraska Community Development Law. The City of McCook has five Redevelopment Areas as outlined in attached Exhibit #1.

During 2021 the McCook Economic Development Corporation (MEDC) requested that Area #3 be extended to include two parcels of land suitable for residential development. The first parcel of property is located adjacent to East 11th Street, just south and west of the Kelley Creek Apartments. The second parcel of property is located adjacent to West 7th Street and is located on the east side of the Clary Subdivision. A map illustrating the exact location of the two areas is attached as Exhibit #2.

The Quillan Court Redevelopment Plan was amended in 2021. An area in the southwest portion of the Quillan Courts project was not utilized for the 2015 building project and was split into two lots. The MEDC would like to construct a residential unit on each lot. The amendment to the Plan separates the two lots from the previously constructed project.

The City of McCook has ten active redevelopment projects that have been financed in whole or in part through TIF. The total estimated costs for these redevelopment projects totals \$41,498,342.

In 2021, the MEDC Infill Housing Project was approved. It is in Redevelopment Area #3 and includes private improvements of the construction of a single family residential dwelling unit on the project site. Public Improvements include land acquisition, site preparation, public water, sanitary sewer, and electrical improvements, and other eligible public improvements on the site and in the Redevelopment Area.

Two project agreements were amended during 2021.

- (1) The N-Stant Convenience Redevelopment Agreement was amended authorizing the assignment and assumption entered into by the Community Development Agency of the City of McCook, Nebraska and Smoker's Outlet, Inc. d/b/a N-Stant Convenience, with Nothnagel Holdings, LLC to stand as assignee.
- (2) The Blackwood Enterprises Redevelopment Agreement was amended modifying the effective date of the project from January 1, 2021 to January 1, 2022. The amendment request was due to unanticipated delays in construction of the project. The new maturity date will become December 31, 2037. The remaining terms will remain unchanged.

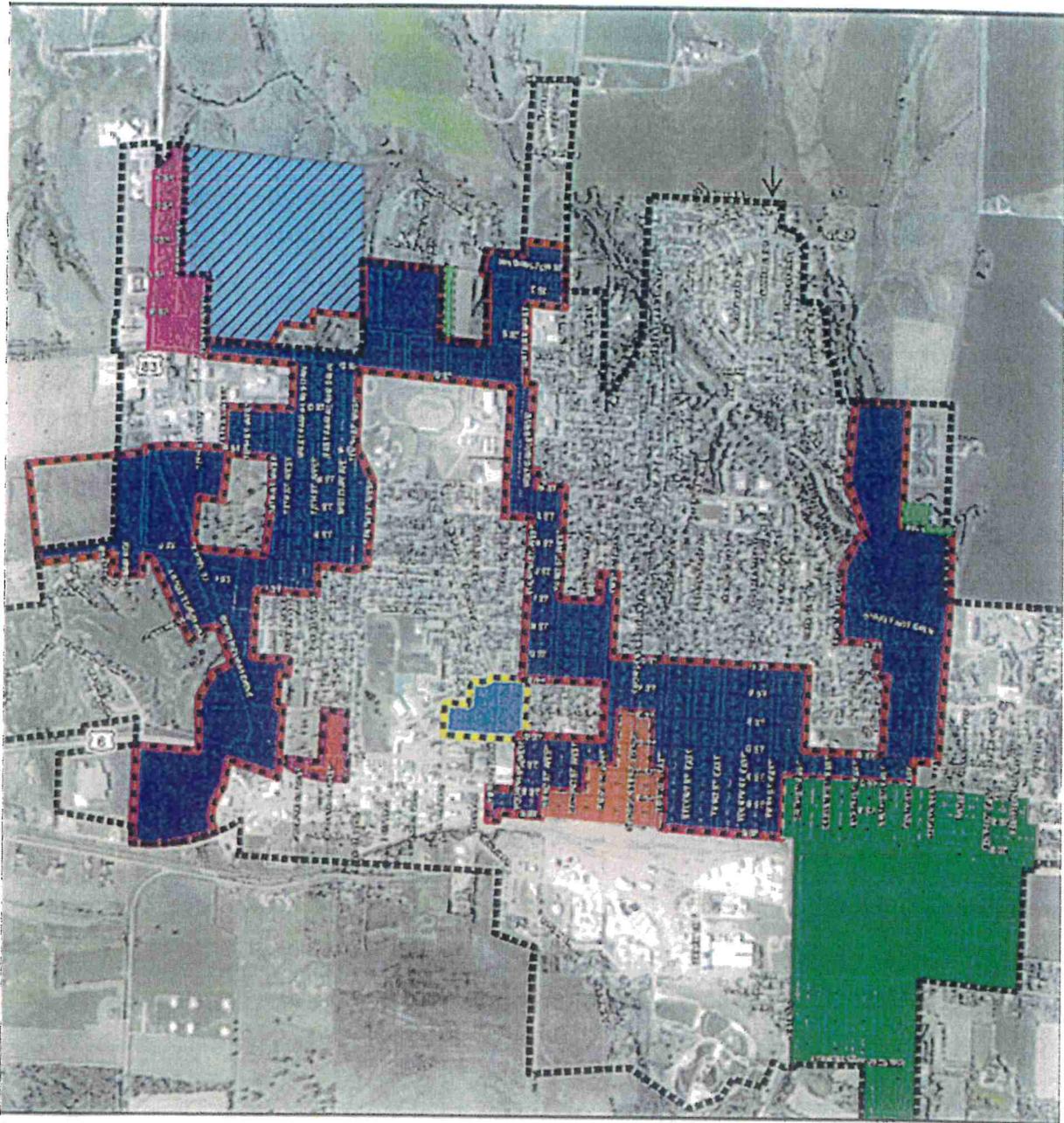
There was one new plan approved during 2021. The Redevelopment Plan for North Pointe Redevelopment Project #2 was approved in 2021. The MEDC owns the Project Site and desires to recruit a redeveloper to build approximately 25 market rate, workforce residential dwelling units and the necessary public infrastructure improvements on the Project Site. The redevelopment of the Project Site will help provide needed additional housing in the City. The proposed timeline for construction is unknown at this time. The Project may be constructed in up to five (5) phases, with a separate effective date for each phase.

Included with this report is a table which summarizes the City of McCook's Tax Increment Projects through December 31, 2021. The table provides a comparison between the initial project valuation of property included in each redevelopment project (as described in the individual redevelopment contracts) and the assessed value of the property included in each redevelopment project. The table is attached hereto, marked as Exhibit #3, and is incorporated into this document by reference.

During 2021, there were no TIF project bonds paid in full or that reached the 15-year term.

The percent of land within the corporate limits of the City of McCook designated as blighted as of 12/31/2021 was 29.3%

## Exhibit B New Redevelopment Area Map

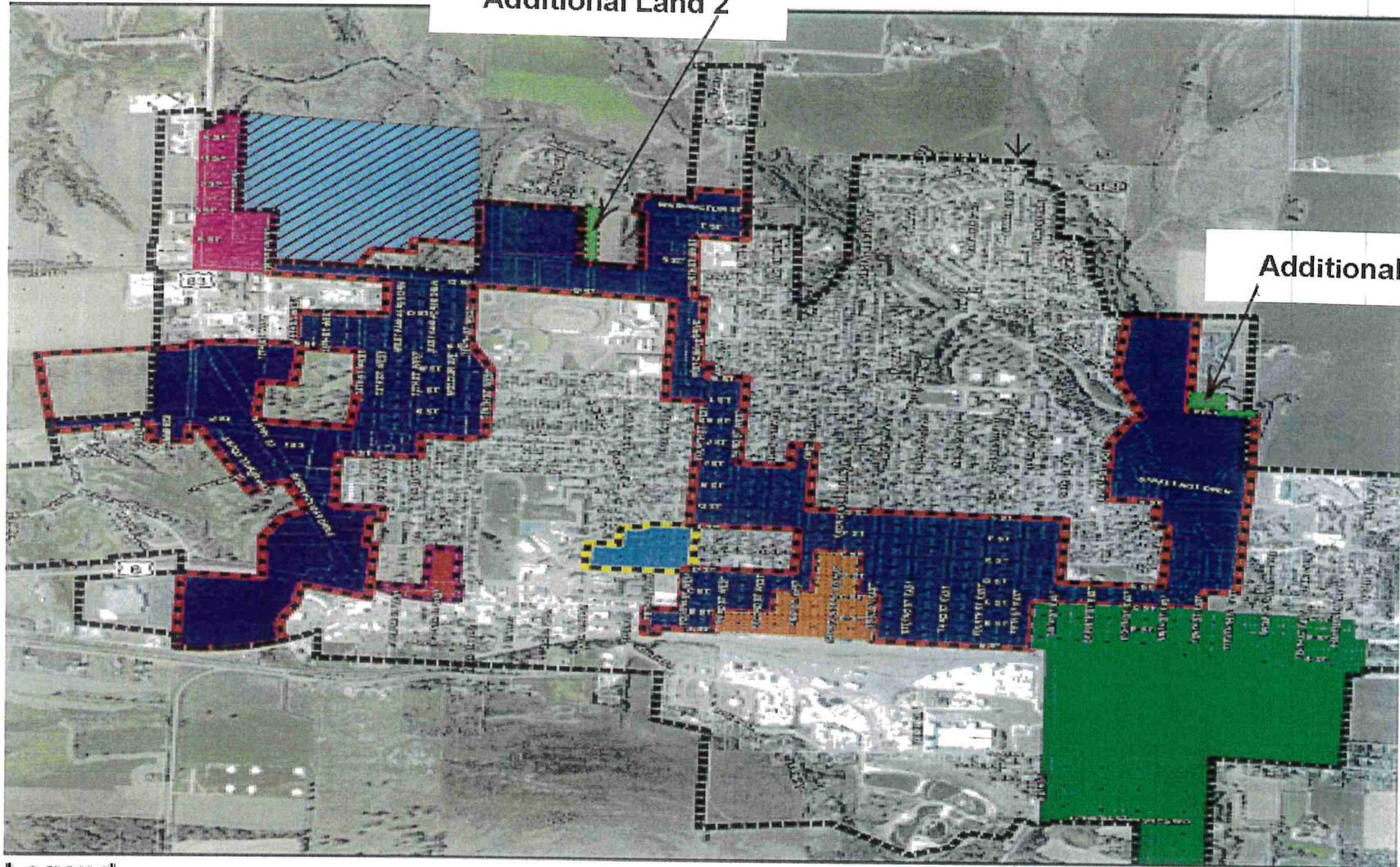


**Legend**

- |                                     |  |
|-------------------------------------|--|
| McCook Corp. Boundary (3494.41 AC.) | Amendment to Redevelopment Area #3 (17.43 AC.) |
| 1997 Area #1 (30.13 AC.)            | Redevelopment Area #4 (8.62 AC.)               |
| 1997 Area #2 (263.69 AC.)           | 2019 Area 5 [Inside] (46.57 AC.)               |
| 2013 Area 3 (698.29 AC.)            | 2019 Area 5 [Outside] (124.06 AC.)             |
| 2013 Area #3 [Inside] (644.31 AC.)  | Amendment to Redevelopment Area #3 (4.9 AC.)   |

Additional Land 2

Additional Land 1



**Legend**

- McCook Corp. Boundary (3494.41 AC.)
- 1997 Area #1 (30.13 AC.)
- 1997 Area #2 (263.69 AC.)
- 2013 Area 3 (698.29 AC.)
- 2013 Area #3 [Inside] (644.31 AC.)

- Amendment to Redevelopment Area #3 (17.43 AC.)
- Redevelopment Area #4 (8.62 AC.)
- 2019 Area 5 [Inside] (46.57 AC.)
- 2019 Area 5 [Outside] (124.06 AC.)
- Amendment to Redevelopment Area #3 (4.9 AC.)

**CITY OF MCCOOK**  
**TAX INCREMENT PROJECTS YEAR ENDING 12/31/2021**

PROJECT NAME	AREA	TYPE	CONTRACT DATE	TIF BOND	ESTIMATED PROJECT COST	INITIAL PROJECTED VALUATION	BASE VALUE	BASE VALUE DATE	TIF EXCESS VALUE TAX YEAR 2021
Keystone Hotel Rehabilitation Amended Area - removed undeveloped Lots 8 & 9	1	Commercial	05/18/09 11/20/17	\$ 320,000.00	\$ 3,931,264.00	\$ 2,000,000.00	\$ 120,000.00 \$ 109,500.00	08/03/09 12/18/17	\$ 1,496,500.00
North Pointe Properties, LLC (27 lots in three phases) Phase I - 6 lots Phase I-Amend No. 1 (Lots 1 & 3) Phase I-Amend No. 2 (Lots 2 & 4) Phase I-Amend No. 3 (Lots 5 & 6)	3	Housing	07/07/14  05/16/16 05/15/17 05/07/18	\$ 208,000.00	\$ 208,000.00 + Developer Costs	\$ 5,000,000.00  \$ 1,750,000.00 **	\$ 89,079.00  \$ 27,268.00 \$ 38,420.00	04/20/15  07/14/17	\$ 602,023.00 \$ 636,030.00 \$ 539,721.00
Clary Village Amended Plan Area	3	Housing	03/16/15 11/20/17	\$ 180,000.00	\$ 2,657,520.00	\$ 716,000.00 ***	\$ 12,778.00	03/10/16	\$ 452,345.00
McCook Hotel Group, LLC (Cobblestone)	3	Commercial	05/04/15	\$ 628,875.00	\$ 4,628,000.00	\$ 3,580,000.00	\$ 211,563.00	03/11/16	\$ 2,738,437.00
Quillan Courts 1st Amendment	3	Housing	06/06/16 10/18/21	\$ 110,000.00	\$ 3,566,160.00	\$ 557,000.00 ***	\$ 85,074.00 \$ 74,097.00	07/14/17 03/14/22	\$ 427,610.00
Next Generation, Inc., Facility Amended Plan	2	Industrial	02/20/17 09/04/18	\$ 720,000.00 \$ 1,024,000.00	\$ 9,061,907.00 \$ 6,529,616.00	\$ 4,500,000.00 \$ 10,485,856.00	\$ 51,475.00	11/02/17	\$ 11,261,851.00
McCook Lodging, LLC (Holiday Inn & Suites) 1st Amendment 2nd Amendment 3rd Amendment	3	Commercial	03/21/16  08/29/16 07/16/18 10/15/18	\$ 1,400,000.00	\$ 8,892,000.00	\$ 6,750,000.00 ***	\$ 202,995.00	08/01/18	\$ 4,975,021.00
Blackwood Enterprises 1st Amendment	3	Commercial	03/16/20 07/06/21	\$ 200,000.00	\$ 647,875.00	\$ 1,139,857.00	\$ 135,000.00	07/29/20	\$ -
N-Stant Convenience 1st Amendment	4	Commercial	04/20/20 03/01/21	\$ 196,500.00	\$ 1,110,000.00	\$ 1,107,724.00	\$ 71,874.00	07/29/20	\$ -
MEDC Infill Housing	3	Housing	10/18/21	\$ 45,225.00	\$ 266,000.00	\$ 236,172.00			

TOTAL ESTIMATED PROJECT COSTS

\$ 41,498,342.00

\*\*Estimated Fair Market Value

\*\*\*Estimated valuation increase

**EXHIBIT #3**

COPIES OF ANNUAL REPORT TO:

McCook Community College  
President  
1205 East 3rd  
McCook, NE 69001

Chairman of the Board  
Educational Service Unit No 15  
344 Main  
PO Box 398  
Trenton, NE 69044

Chairman of the Board  
Middle Republican NRD  
208 Center Ave  
PO Box 81  
Curtis, NE 69025

Earl McNutt, Chairman  
Red Willow County Commissioners  
502 Norris Avenue  
McCook, NE 69001

Tom Bredvick, President  
McCook School District  
600 West 7th  
McCook, NE 69001

**CITY MANAGER'S REPORT  
APRIL 18, 2022 CITY COUNCIL MEETING**

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**ITEM:**        4.F.

Receive and file the claims for the month of March 2022, published April 12, 2022.

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**BACKGROUND:**

Claims are presented to the Council and published each month as outlined 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

April 14, 2022

CITY OF MCCOOK  
CLAIMS FOR MARCH 2022

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

20/20 TECHS-SC 3300.00; 7-D LOCKSHIP-S 54.21; ACE-S 2395.48; ACME-S 78.64; AKRS-S 36875.75; AMBULANCE REFUND-SC 1344.51; AMERICAN AG LAB-SC 2767.43; AMERICAN ELECTRIC-S 34.42; AMERITAS-DENTAL-SC 390.26; AMERITAS-CLAIMS-SC 3509.98; ANYTIME TRI-STATE TOWING-SC 680.00; APPLIED CONNECTIVE-SC 75.00; ARROW CAR WASH-S 38.70; AXON ENT-S 375.00; B STREET AUTO-S 45.90; BAMFORD, INC-S 750.00; BISHOP BUSINESS EQUIP-SC 1246.00; BLACK HILLS ENERGY-SC 7756.04; T. BURKEY-SC 295.45; BW TELCOM-SC 144.14; C&K-S 687.83; CAMBRIDGE TELEPHONE-SC 234.12; CARQUEST-S 4400.16; CASH WA-S 16607.88; CDW-G-SC 492.16; CENTURY LINK-SC 12470.42; CITY OF MCCOOK-PS 540207.17; CITY SELF INS-BT 173258.00; UTILITIES-SC 2113.78; CONSOLIDATED MGMT-SC 467.96; CORNHUSKER-SC 1448.00; CORNHUSKER CLEANING-S 23.02; CRANE & MACHINERY-CO 17640.00; T. CROCKER-SC 153.44; J. CROCKER-SC 71.25; CROELL, INC-CO 918.00; D & L PEST CONTROL-S 298.00; D & S HARDWARE-S 228.06; DAS STATE ACCTG-SC 896.00; DEMCO, INC-S 158.22; DEVENY-S 749.33; DIAMOND VOGEL-S 3790.41; L DOAK-SC 221.67; DVORAK LAW-SC 146.00; EAKES-S 6084.88; ENGINEERED CONTROLS-S 186.98; EVIDENCE MGMT-SC 355.00; FASTENAL-S 2040.86; FICA-PS 27009.33; FRENCHMAN VALLEY COOP-S 21676.08; FRONTIER COMM-SC 68.38; FULL CIRCLE TRAINING-SC 429.00; FUSION CLOUD-SC 89.24; GALLS-S 30.11; GARRISONS-S 1579.38; GARVER, LLC-SC 15017.16; GOOGLE SVCS-SC 486.00; GREAT PLAINS COMM-SC 2498.15; GYNAN MACHINE & STEEL-S 3414.84; HAYS COMPANIES-SC 10000.00; HENNING BROS-SC 59.00; HERITAGE SENIOR CENTER-SC 90.00; HIGH PLAINS RADIO-SC 58.00; HOMETOWN LEASING-SC 1482.43; IDEAL-S 218.25; IIMC-SC 175.00; INDUSTRIAL PROCESS TECH-CO 26862.00; INTERNATIONAL SOCIETY OF FIRE-SC 250.00; J BAR J LANDFILL-SC 35369.92; JUSTICE DATA SOL-SC 6100.00; K & C GRAIN-S 8753.32; K-C MOTOR & ELEC-SC 4443.19; KOHL'S AUTO-S 528.04; KOHLER TRAILER-SC 1288.29; KULLY PIPE & STEEL-S 725.38; LEAGUE OF NE MUN-SC 1828.75; LEWIS MOTOR SPORTS-CO 24016.00; LIFE-ASSIST-S 703.22; ;

MBSM&S-SC 5617.00; MC GAZETTE-SC 1192.96; MC HUMANE SOCIETY-S 3548.83; MPPD-SC 832.64; MC NET-SC 69.95; T. MCGINLEY-SC 60.00; MCKESSON MEDICAL-S 619.28; MEAD-S 63.65; MEDICARE-PS 7510.47; MERCHANT SRVS-SC 995.60; MICHAELTODD & CO-SC 607.33; MICROMARKETING-S 2999.13; MPCC-SC 70.00; MIDAMERICAN BOOKS-S 502.64; MIDWEST CONNECT-S 1306.95, SC 5472.86; MILLER & ASSOC-CO 3550.98; MNB BANK-CO 31068.08; MOTOROLA SOLUTIONS-CO 177834.44; MUNICIPAL SUPPLY-S 2895.73; NASC-SC 20.00; NE DEPT OF ENVIRO & ENERGY-SC 640.00; NE DEPT HEALTH LABS-SC 16.00; NE DEPT OF LICENSURE-SC 40.00; NE DEPT REV-SALES TAX-SC 8662.32; NE DEPT OF REV-LOTTERY-SC 100.00; NE LAW ENFORCEMENT INTEL-SC 244.00; HNE TRUCK CENTER-S 596.40; NEBRASKALAND TIRE-S 47.98; NICK'S DIST-S 1074.75; NE MACHINERY-SC 767.42; NORTHERN TOOL & EQUIP-S 1346.71; NPPD-SC 30459.34; NUTRI-SYSTEM-S 563.52; O'REILLY-S 57.65; ODEY'S INC-S 874.50; ONE CALL-SC 83.78; PAULSEN INC-SC 427.95; PLATTE VALLEY COMM-S 310.00; PRAISE WINDOWS, INC-S 1030.00; PROTEX CENTRAL-S 420.00; QUALITY URGENT CARE-SC 497.00; QUICK MED-SC 4476.75; QUILL-S 141.23; RAMADA-SC 464.75; RED WILLOW COUNTY CRT-SC 17.00; RED WILLOW CO TREAS-SC 75.00, CO 660.44; REWARD COMMITTEE-SC 2500.00; ROCKMOUNT RESEARCH & ALLOYS-S 976.08; RUGGLES-SC 40.00; RUTT'S-S 1902.75; SANDRY FIRE-CO 20350.00; SHURCO, LLC-S 1189.64; B SIEGFRIED-SC 188.75; SOUTHWEST FARM & AUTO-S 1548.34; SUPER 8-SC 195.08; SWANSON SIGN-SC 105.00; TASTE OF HOME-S 77.00; TERRY FAMILY SURVEYING-SC 510.00; TITAN MACHINERY-S 72.71; TK ELEVATOR-SC 349.11; TLR RADIATOR & REPAIR-SC 1198.00; TYLER TECH-SC 1198.00; UMR-SC 152452.06; US FOODS-S 882.49; USA BLUEBOOK-S 65.37; UTILITY REFUNDS-39.62; VAN DIEST SUPPLY-S 5758.80; VERIZON-SC 2341.70; VOLZ-S 772.08; WAGNER FORD-S 183.19; WALMART-S 1204.20; WASTE SYSTEMS-S 426.34; WCNAAS-SC 4670.16; WPCI-SC 29.50; ZOLL-SC 765.00, S 39.32.

-s- Lea Ann Doak  
City Clerk

Publish: April 12, 2022

**CITY MANAGER'S REPORT**  
**APRIL 18, 2022 MCCOOK CITY COUNCIL MEETING**

---

ITEM NO. **5.A.** Approve a request to allow a private group to upgrade the concrete pad structure at Russell Park to allow for permanent pickleball courts, with the City of McCook to maintain the courts after construction is completed.

---

**BACKGROUND:**

Brian Michaelis has been in communications with City of McCook staff members regarding the possibility of locating permanent pickleball courts at Russell Park. Mr. Michaelis would work with the McCook Community Foundation, private individuals, and public works employees to accomplish the project. In particular, Mr. Michaelis has proposed the following modifications to the existing concrete pad to allow for permanent pickleball courts:

- 1) Lengthen the pad, from 50 feet to 64 feet, in order to make the court official length;
- 2) Improve the concrete surface in order to reduce slickness;
- 3) Install permanent nets;
- 4) Add a fence around the perimeter of the courts to keep the ball out of the street;
- 5) Install lights to allow for the use of the courts at night; and
- 6) Remove the basketball hoops at the ends of the concrete pad.

Mr. Michaelis has spoke with Marty Russell about the project and Mr. Russell has no objections to the pickleball proposal.

Pursuant to the proposal, the full court basketball court would be eliminated, but staff would relocate the basketball hoops to allow for half court play.

**APPROVALS:**

  
\_\_\_\_\_  
Nathan A. Schneider, City Manager

April 13, 2022

  
\_\_\_\_\_  
Kyle Potthoff, Public Works Director

April 13, 2022

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

April 13, 2022

## Nate Schneider

---

**From:** BRIAN Michaelis <brianterra@msn.com>  
**Sent:** Sunday, April 3, 2022 2:19 PM  
**To:** Nate Schneider; ldoak@cityofmccook.com  
**Cc:** Kyle  
**Subject:** Re: Russell Park Pickleball

Sounds great, thank you!

Get [Outlook for iOS](#)

---

**From:** Nate Schneider <n Schneider@cityofmccook.com>  
**Sent:** Sunday, April 3, 2022 1:38:42 PM  
**To:** 'BRIAN Michaelis' <brianterra@msn.com>; ldoak@cityofmccook.com <ldoak@cityofmccook.com>  
**Cc:** Kyle <potthoff@cityofmccook.com>  
**Subject:** RE: Russell Park Pickleball

Thanks, Brian. It is awesome that you are leading the charge on this project!

We will put this on the agenda April 18<sup>th</sup>.

If I have any questions, I will give you a call.

Nate

**From:** BRIAN Michaelis  
**Sent:** Friday, April 1, 2022 2:27 PM  
**To:** ldoak@cityofmccook.com; nschneider@cityofmccook.com  
**Subject:** Russell Park Pickleball

City of McCook, my name is Brian Michaelis. I have been playing pickleball in McCook at Russell Park since the courts were painted. We are very glad we have courts to play on outside, as pickleball is a great sport to get fresh air and exercise! I would like to ask the city permission to upgrade the pickleball courts in Russell Park.

1. The court length is not official size; currently the length is 50 feet, we would like to extend this to 64 feet
2. The surface is painted concrete that is very slick to move around on; we would put an official court surface on the concrete
3. There are no nets for people to use; we would add permanent nets and posts
4. We would add fence around the perimeter of the courts to prevent balls from going everywhere, especially the street!
5. We would add lights so people could enjoy playing at night in the summer when the temperature cools.
6. We would remove the basketball hoops on the ends of the concrete.

I have talked with Marty Russell about this project. He said he wanted the park to get used and he sees the value with the changes proposed.

We have talked with many people in the community and have received an overwhelming amount of support and monetary pledges of money for this project. We understand that the city is on a tight budget and would accept all costs for the project. We are currently forming a committee with the McCook Community Foundation Fund to manage the project.

Thank you for your consideration,  
Brian Michaelis

**CITY MANAGER'S REPORT**  
**APRIL 18, 2022 MCCOOK CITY COUNCIL MEETING**

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**ITEM 5.B.**

Receive and file a report from staff regarding annexation.

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**BACKGROUND:**

Staff has worked with Craig Bennett of Miller and Associates to develop a plan regarding potential annexation. Specifically, the City of McCook and Mr. Bennett identified areas that already are adjacent to the City of McCook's boundaries, receive water from the City of McCook, and rest next to established City of McCook streets. Mr. Bennett will give a report regarding annexation.

Additionally, City Attorney, Nathaniel J. Mustion, has prepared a memo for the Council's consideration which answers two questions posed to staff during an annexation discussion that occurred at the McCook City Council meeting held on February 21, 2022. The first question addressed is, "what property can be annexed by cities of the first class and what is the legal process to do so"? The second question addressed is, "have there been any recent developments in Nebraska case law concerning annexation"? Staff will discuss the memo as part of the annexation discussion.

**APPROVALS:**



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

April 13, 2022



\_\_\_\_\_  
Nate Schneider, City Manager

April 13, 2022

**MOUSEL, BROOKS, SCHNEIDER, MUSTION & SHIFFLET P.C., L.L.O.**

**TO:** City of McCook

**FROM:** Nathaniel J. Mustion, Esq.

**DATE:** April 11, 2022

**RE:** Process For Annexation for Cities of the First Class and Recent Case Law Updates

*QUESTION PRESENTED*

What property can be annexed by cities of the first class and what is the legal process to do so?

Have there been any recent developments in Nebraska case law concerning annexation?

*SHORT ANSWER*

Cities of the first class may annex contiguous or adjacent lands which are urban or suburban in character and not agricultural lands which are rural in character. Nebraska Revised Statutes §§ 16-117 through 16-128 outline the procedure for cities of the first class to annex property. There are three important recent cases that the effect what property may/may not be annexed. Specifically, addressing what it means to be a “rural property” and what it means to be “contiguous” to city property.

*DISCUSSION*

The City of McCook is granted statutory authority to annex property into its corporate limits any contiguous or adjacent land that are “urban or suburban in character.” Neb. Rev. Stat. § 16-117(1). The terminology “contiguous or adjacent” and “urban or suburban in character” have been further defined in recent Nebraska Supreme Court Cases. I will discuss each in turn herein below.

**I. Case Law Update**

***Sanitary & Improvement Dist. No. 196 v. City of Valley, 290 Neb. 1 (2015)***

Valley is a city of the second class, located between Omaha and Fremont. Valley City Council passed three different ordinances to annex three different areas near Valley. Ordinance No. 611 annexed land that included Sanitary & Improvement Dist. No. 196 (herein “SID 196”).

This annexed land is labeled annexation "Area A" on the map I attached to this memo as Appendix A. Annexation area A consists of six different parcels: A1 through A6. SID 196 is located in area A1. The legal description in ordinance No. 611 describes annexation area A as a whole, and does not individually describe the parcels which make up area A.

Area A1 (Ginger Cove) and Area A2 (Ginger Woods) at the time of annexation were almost completely developed residential areas with residential homes surrounding sandpit lakes. Area A3 (Plant Site 11) and Area A4 (Plant Site 7) are owned by Lyman-Richey Corporation (Lyman-Richey). Plant Site 11 was used as a gravel and sand mine for approximately 50 years, until operations were substantially completed in 2007. It shares a common border with Valley, along with areas A1, A2, A4, and A5. At the time of annexation, Lyman-Richey had plans to potentially develop the area into a residential property or sell the property. Plant Site 7 had an operating gravel and sand mine on it at the time of annexation. This area is east of area A3 and shares a common border with Valley, along with areas A3 and A5. Lyman-Richey was conducting mining operations on the site in a manner that would better accommodate residential development after mining is completed. Land within the area not used in mining operations is leased to a farmer.

After ordinance No. 611 passed, SID 196 filed a complaint in Douglas County District Court seeking to have the ordinance be declared invalid and seeking to enjoin Valley from enforcing the ordinance. No other residents or entities within the proposed annexation area challenged the ordinances.

SID 196 challenged the validity of ordinance No. 611 on several grounds two of which I will discuss. SID 196 alleged that (1) some land within annexation area A was not urban or suburban in character; and (2) area A1, the parcel SID 196 was located on, failed to meet the contiguous or adjacent requirement.

SID 196 contended that the two properties owned by Lyman-Richey should not be classified as urban or suburban, because the primary use of the property at the time of annexation was Lyman-Richey's mining operations, which it argued were an agricultural use of the property. SID 196 also argued that both of the Lyman-Richey parcels were zoned as transitional agriculture and that at the time of summary judgment, and that there had been no residential development on either Lyman-Richey property. SID 196 argued that the possible future use of the property could not be used as a justification for classifying the property as urban or suburban.

The Nebraska Supreme Court held that land need not already be zoned and developed into a nonagricultural use before it can be annexed. The Court reasoned that such a construction of the statute "would seriously impair intelligent planning and coordination of the change-over in the use of land for urban purposes." The test is "whether a city has arbitrarily and irrationally used the power granted therein to include lands entirely disconnected, agricultural in character, and bearing no rational relation to the legitimate purposes of annexation."

The Court held that the land in question, at the time of annexation, did bear a "rational relation to the legitimate purposes of annexation." Lyman-Richey's actions prior to the passage of ordinance No. 611 indicated that the two mining sites would eventually be used for residential development. The Court also found that the parcels used for mining gravel and sand did not qualify as agricultural land under § 17-405.01. The Court had previously defined agriculture as "the art or science of cultivating the ground, including harvesting of crops and rearing and management of livestock." *Wagner v. City of Omaha*, 156 Neb. 163, 168 (1952).

SID 196's second argument concerned whether or not SID 196 was contiguous with or adjacent to Valley. SID 196 has a common connection with plant site 7, plant site 11, and McCann's Lake. At the time the ordinance passed, plant site 7, plant site 11, and McCann's Lake shared a common border with Valley. At the time the suit was filed, SID 196, by itself, did not share a common border with Valley.

The Court reasoned that generally, a municipality may annex several tracts as long as one tract is substantially adjacent to the municipality and the other tracts are substantially adjacent to each other. SID 196 attempted to argue that the annexation of plant site 7, plant site 11, and McCann's Lake were in effect a "strip annexation" designed to satisfy the contiguous or adjacent requirement under the statute for SID 196. The Court has consistently held that cities are not permitted to annex a strip or corridor of land in order to reach a larger area of land that is not itself contiguous with or adjacent to the annexing city.

The Court found that annexation area A, as a whole, met the contiguous or adjacent requirement in § 17-405.01. The significant shared border between annexation area A and the existing corporate boundary of Valley constituted substantial adjacency. Therefore, at the time the ordinance was passed, SID 196 was contiguous with or adjacent to Valley because it was within annexation area A.

***County of Sarpy v. City of Gretna*, 309 Neb. 320 (2021)**

Gretna is a city of the second class located entirely within Sarpy County. On November 21, 2017, the Gretna City Council adopted ordinances Nos. 2003 and 2004, which together annexed 2,953 acres contiguous or adjacent to the municipal boundaries. On December 14, 2017, Sarpy County contested the ordinances in district court for Sarpy County, seeking to enjoin the ordinances adopted by Gretna and have them declared invalid. Sarpy County argued that because the annexed area included 22 parcels with agricultural land that the annexed properties were rural in character.

The parties stipulated that all of the contested parcels contain undeveloped land used for agricultural purposes and that all of the contested parcels were accessed by unimproved roads and lacked connections to municipal water and sewer services. Gretna has planned for future street, interchange, and highway improvements for the contested areas and has planned to provide water, sewer, and utilities services to the contested areas. However, the timeframe for these plans depends on future development.

The district court issued its order granting Sarpy County's motion for summary judgment. The court accepted Sarpy County's arguments that the contested parcels qualified as agricultural land that is rural in character, because the parcels were undeveloped and were being used for agricultural purposes, the parcels would not be connected to municipal services until development occurred, and the parcels received greenbelt tax assessment status. The district court found that none of the contested parcels were currently being developed and that while Gretna had substantially grown in recent years, the growth had not trended in the general direction of the areas which Gretna sought to annex. Gretna appealed.

Essentially, in this case, the Nebraska Supreme Court had to decide whether Gretna had the authority to annex an area which is in close proximity to developing areas and which is planned for development, but was presently undeveloped and was being used for agricultural purposes. The Court had previously recognized that the prohibition against annexing "agricultural lands which are rural in character" does not prohibit annexation of all agricultural lands, but only those agricultural lands which are rural in character. See, e.g., *Bierschenk v. City of Omaha*, 178 Neb. 715 (1965). "[L]ands may be currently utilized in an agricultural fashion and still not be rural in character." *Voss v. City of Grand Island*, 186 Neb. 232, 236 (1970).

The Court found that the Sarpy County District Court's analysis needed to go beyond the disputed territories current use. In determining whether agricultural land is rural in character, in addition to considering the annexed area's current use, the court needed to consider other factors such as an area's proximity to growth areas, including the undisputed location, character, and degree of development of the land.

The Sarpy County District Court failed to give sufficient consideration to contemplated future development of the annexed area. Under the city's 2017 comprehensive plan update, the proposed I-80 interchange at 192d Street and the existing Highway 370 corridor are designated as community entrance and special character areas and are expected to develop the contested areas into the city's future growth areas. The city, the county, the state, and other governmental agencies all have plans to develop the area, because it is the fastest growing area in Nebraska. These are characteristics "belonging to a city" and not "pertaining to the country" and are accordingly urban or suburban in nature. Further, the future development or residential value of the annexed territory exceeded its agricultural use value.

For the foregoing reasons, the Nebraska Supreme Court held that the annexed areas were urban in character and that the ordinances were a lawful exercise of Gretna's annexation powers.

***Darling Ingredients, Inc. v. City of Bellevue, 309 Neb. 338 (2021)***

In 2019, Bellevue, a city of the first class, adopted ordinances that provided for the annexation of various areas. One of the ordinances annexed a portion of land referred to as "Area #9." Area #9 consisted of properties owned by Darling Ingredients Inc. and Darling National LLC (collectively Darling), and Frank R. Krejci, trustee of the Frank R. Krejci Revocable Trust (Krejci).

The northwestern portion of Area #9 is a 55-acre strip owned by Krejci; it comprises the majority of the western border of Area #9. The Krejci property has been used exclusively for raising crops since before 2011. It contains no structures or buildings; does not have City water, sewer, or gas service; and has no residents. Although the entire Krejci property has greenbelt tax valuation status, record cards from the Sarpy County assessor listed the location of the property as "[s]uburban."

Darling owns the remaining portion of Area #9. The Darling property totals 265 acres including 220 acres of farmland and an industrial plan. The farmland has been used exclusively

for agricultural purposes. The Darling farmland has never been platted and has no improvements other than those related to agricultural purposes.

Area #9 borders an area that Bellevue had previously annexed that did not border Bellevue. The area had been annexed for use as a baseball facility. However, the baseball facility had since failed. No one challenged the annexation of the area when it was annexed even though it created an island of municipal property unconnected to Bellevue.

Darling and Krejci filed separate complaints in the district court for Sarpy County, naming the City as a defendant. They asserted that the City had exceeded the authority and powers granted to a city of the first class by Neb. Rev. Stat. § 16-130 (Cum. Supp. 2020). They claimed that the City lacked authority under § 16-130, because the land in question was not adjacent to or contiguous with the existing City limits and was agricultural and rural in character rather than urban or suburban.

The district court entered separate but identical orders in the Darling action and the Krejci action, finding in favor of Darling and Krejci. The district court determined that in annexing Area #9, the Bellevue had exceeded its statutory authority under § 16-130 because the Darling and Krejci properties were neither urban nor suburban in character and included a substantial portion of agricultural lands which were rural in character. It reasoned that the properties were not located in close proximity to city amenities, they were located in the middle of an isolated and undeveloped part of the county, the predominant use of the properties and the surrounding lands was agricultural, not a single residence existed in Area #9, and the annexation memorandum was silent as to any development plans for the annexed area.

Alternatively, the district court found that the ordinance did not comply with the requirement in § 16-130 that annexed lands be contiguous or adjacent to the city limits. It observed that the City's "boundaries" were not adjacent to the Darling and Krejci properties. Instead, the district court reasoned, the City was attempting to rely on the baseball complex area, an "isolated island of municipal control" completely detached from the body of the City. The district court characterized this as a separate distinct mass that was not a part of the City, such that it could be used for an adjacency connection.

The district court declared the ordinance invalid and void and permanently enjoined the City from taking any action to enforce it. Bellevue appealed.

In analyzing the character of Area #9, the Nebraska Supreme Court cited its previous decision in *County of Sarpy v. City of Gretna*. The Court explained that Sarpy County District Court erred in not considering other factors beyond Area #9's current uses. The Court stated other factors must be considered; including the location of the area, its character, its proximity to growth areas, the degree of development of the land involved, and contemplated future development.

As to location, the Court found that Area #9 is not isolated and is instead near features that suggest an urban or suburban character. Highway 75, a major arterial roadway, runs just outside the western edge of Area #9. On the other side of Highway 75, less than 1 mile from Area #9, are several residential subdivisions and an elementary school. Another residential subdivision, Normandy Hills, is immediately south of Area #9. While not part of the City, the Court found that Offutt AFB, located less than 1 mile north of Area #9, is also informative as to Area #9's character. The nearby presence of a military base that employs approximately 10,000 people suggests an area that is urban or suburban rather than rural in character. Also within a 1-mile radius of Area #9 at the time of trial were a commercial storage establishment and six industrial establishments, including the Darling plant. Finally, the baseball complex to the east of Area #9, even if attempts to operate it had been unsuccessful as of the time of trial, is also more indicative of an area that is urban or suburban in character than one that is rural in character.

As for current uses, much of Area #9 was zoned and being used for agricultural purposes at the time of trial and had been used in that fashion for years before. But in applying the same statutory requirements to cities of various classes, the Nebraska Supreme Court has long held that the use of land for agricultural purposes does not necessarily mean it is rural in character. See, e.g., *Swedlund v. City of Hastings, supra*; *Omaha Country Club v. City of Omaha*, 214 Neb. 3 (1983); *Voss v. City of Grand Island*, 186 Neb. 232 (1970). The Court has said that "[i]t is the nature of its location as well as its use which determines whether it is rural or urban in character." *Sullivan v. City of Omaha*, 183 Neb. 511, 514 (1968). The Court has also emphasized that land need not already be zoned and developed into a nonagricultural use before it can be annexed. See *Sanitary & Improvement Dist. No. 196 v. City of Valley*, 290 Neb. 1 (2015). Instead, lands may be currently utilized in an agricultural fashion and yet, due to other factors, be urban or suburban in character and thus subject to annexation.

One factor that can render land urban or suburban in character despite being currently put to an agricultural use is contemplated future development. Here, the Court found that the contemplated future development to transition Area #9 from agricultural use to nonagricultural use was relevant. According to the comprehensive plan, Bellevue anticipates the whole of Area #9 will be used for industrial and other nonagricultural purposes in the future, based on its proximity to a proposed industrial park and Offutt AFB.

The Court also considered evidence of development in the vicinity of the contested area to determine its character. Bellevue was not aware of any proposed or planned development of Area #9 itself. However, affidavits by City officials cited continuous and future growth and development in the area as a reason for annexing Area #9. The City's comprehensive plan projected population growth between 2000 and 2030 requiring the City to double its footprint and encouraged the City to annex land before it was developed. In particular, it recommended immediate annexation if commercial development occurred in the region of Area #9. The comprehensive plan anticipated significant population growth in the area around the intersection southwest of Area #9 and expected it to become the City's "new southern gateway." The comprehensive plan classified the section of Highway 75 bordering Area #9 as a principal arterial and recommended planning a major regional activity center for the area southwest of Area #9. Changes to Highway 75 and intersections near Area #9 had been approved to address existing congestion caused by development in the area and anticipated population growth. Maps in evidence show that in 2019, several neighborhoods just to the west and northwest of Area #9 were annexed as part of the same development plan that annexed Area #9. The City had also initiated procedures to annex the Normandy Hills development immediately south of Area #9.

Given the evidence regarding Area #9's location, its present use, and its contemplated future uses and existing plans for development the Court held that the district court erred in finding the ordinance that annexed Area #9 invalid based on the character of Area #9.

Likewise, the Court found that the district court erred in finding that Area #9 was not adjacent and contiguous to Bellevue. The Court reasoned that Darling's and Krejci's true adjacency objection is to the 2009 annexation of the area that includes the baseball complex. That Court admitted that the baseball complex area does indeed appear to be isolated from the rest of the City, and its annexation may well have created "distinct masses" within the City. But the annexation of the area including the baseball complex was not before the district court or the

Nebraska Supreme Court. Because the area including the baseball complex was annexed into the City and was not subject to challenge in this case, it could be used to establish adjacency. And there was no dispute that Area #9 is adjacent and contiguous to the area of Bellevue that includes the baseball complex. Consequently, the district court erred in finding that Area #9 was not contiguous or adjacent to Bellevue.

## **II. Annexation Procedure for Cities of the First Class**

The procedure cities of the first class must follow to annex land is found in Neb. Rev. Stat. § 16-117. The city council proposing to annex land under the authority of this section shall first adopt both a resolution stating that the city is proposing the annexation of the land and a plan for extending city services to the land. The resolution shall state:

- (a) The time, date, and location of the public hearing required by subsection (5) of this section;
- (b) A description of the boundaries of the land proposed for annexation; and
- (c) That the plan of the city for the extension of city services to the land proposed for annexation is available for inspection during regular business hours in the office of the city clerk.

The plan adopted by the city council shall contain sufficient detail to provide a reasonable person with a full and complete understanding of the proposal for extending city services to the land proposed for annexation. The plan shall (a) state the estimated cost impact of providing the services to such land, (b) state the method by which the city plans to finance the extension of services to the land and how any services already provided to the land will be maintained, (c) include a timetable for extending services to the land proposed for annexation, and (d) include a map drawn to scale clearly delineating the land proposed for annexation, the current boundaries of the city, the proposed boundaries of the city after the annexation, and the general land-use pattern in the land proposed for annexation.

A public hearing on the proposed annexation shall be held within sixty days following the adoption of the resolution proposing to annex land to allow the city council to receive testimony from interested persons. The city council may recess the hearing, for good cause, to a time and date specified at the hearing.

A copy of the resolution providing for the public hearing shall be published in a legal newspaper in or of general circulation in the city at least once not less than ten days preceding the date of the public hearing. A map drawn to scale delineating the land proposed for

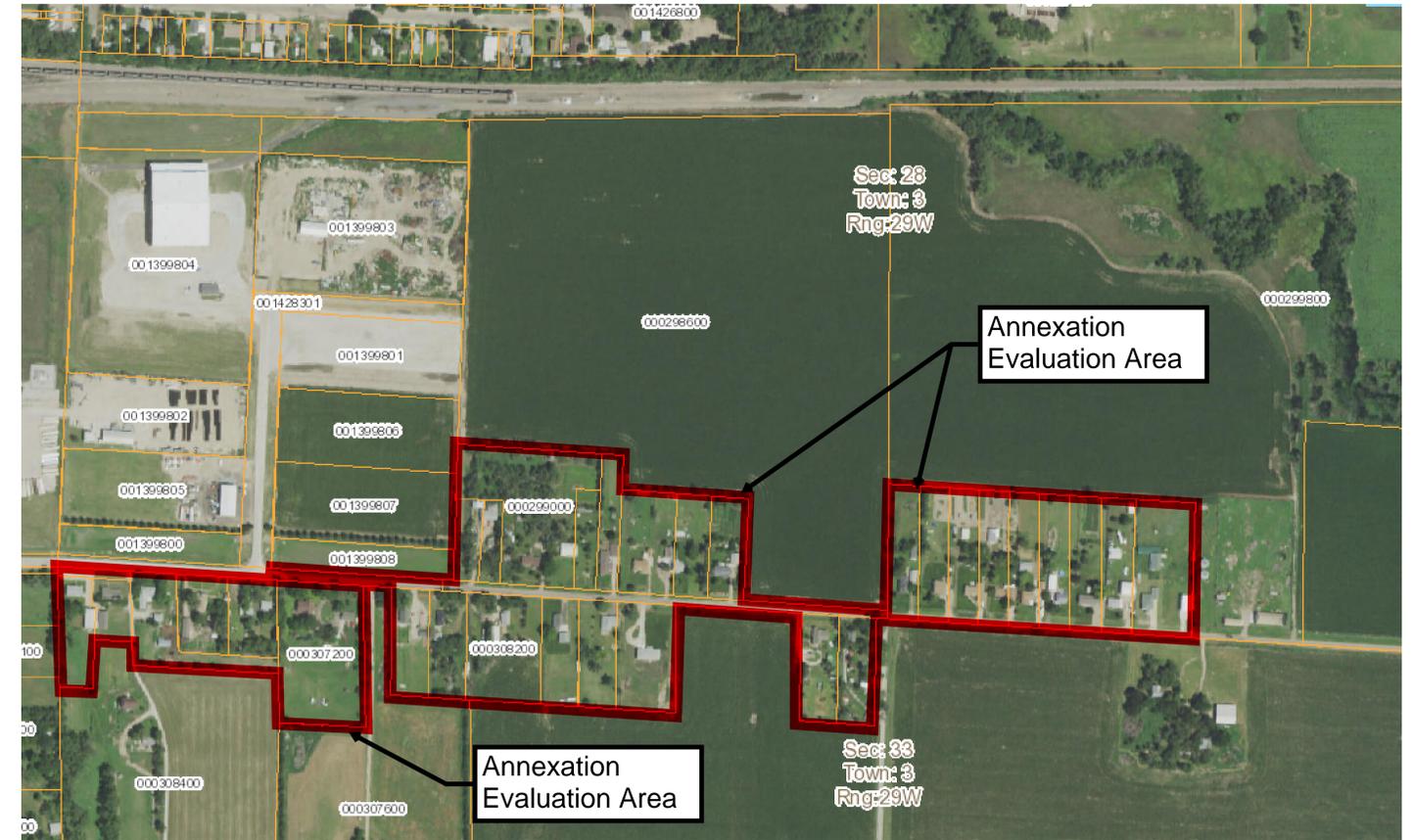
annexation shall be published with the resolution. A copy of the resolution providing for the public hearing shall be sent by first-class mail following its passage to the school board of any school district in the land proposed for annexation.

### Area 1 - Northeast McCook



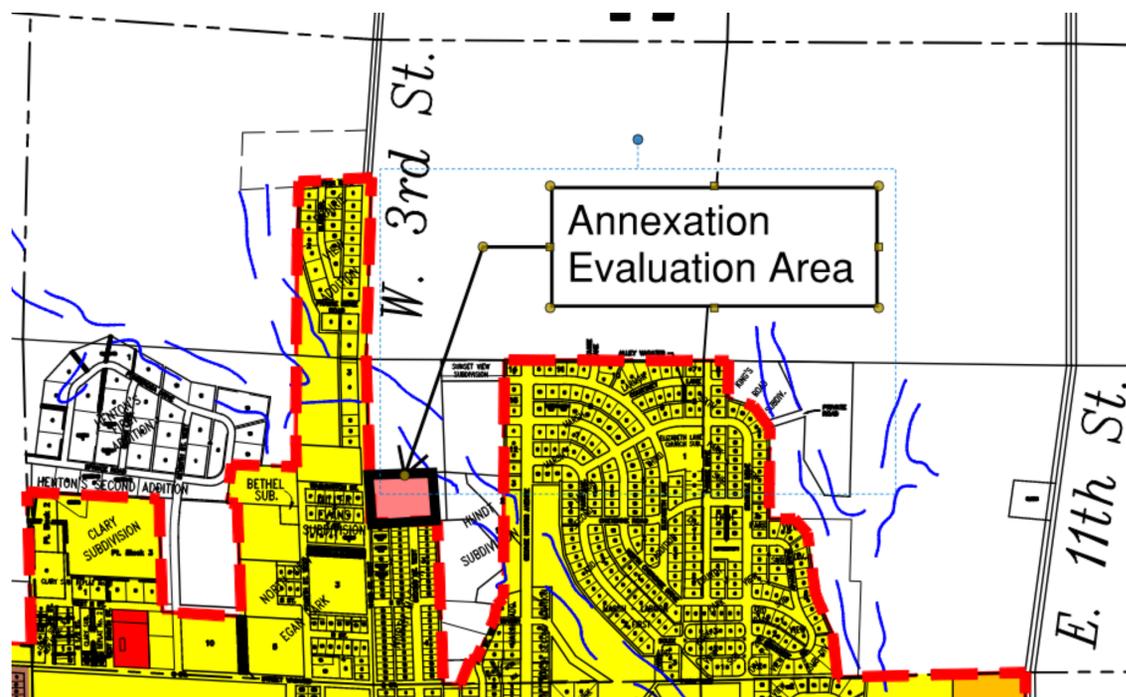
Background Base Map Source: Red Willow County GIS

### Area 2 - Southeast McCook



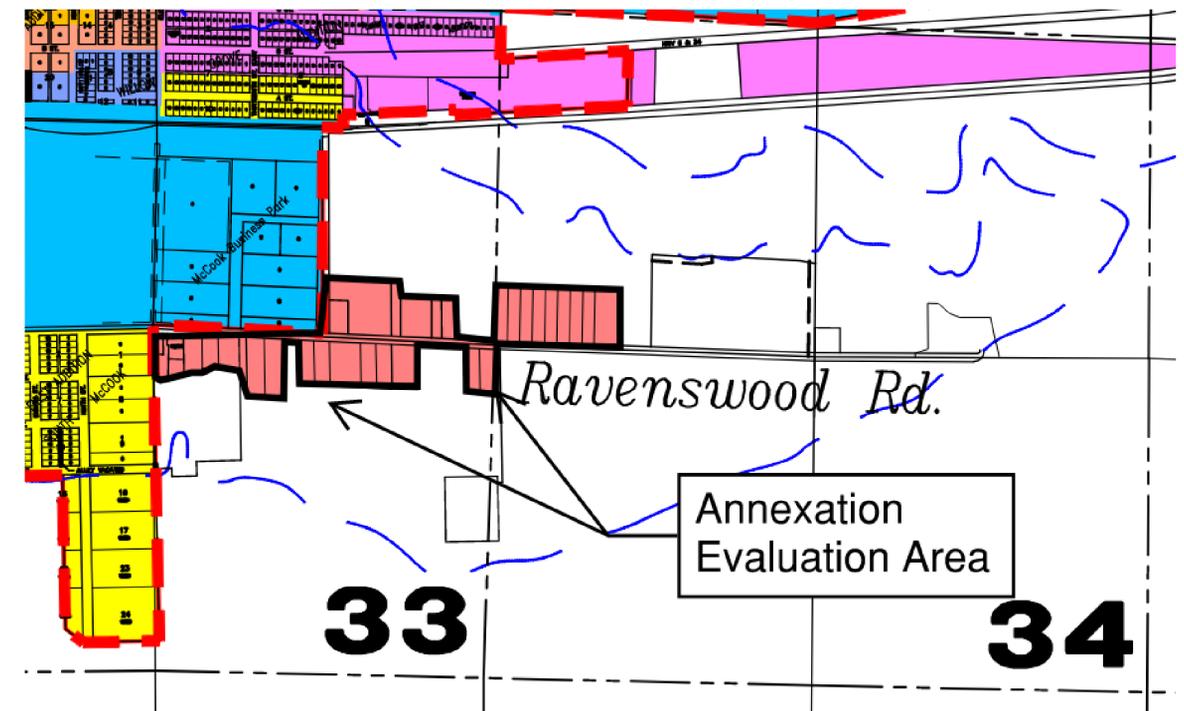
Background Base Map Source: Red Willow County GIS

### Area 1 - Northeast McCook



Background Base Map Source: McCook 3-19-2020 ETJ Map

### Area 2 - Southeast McCook



Background Base Map Source: McCook 3-19-2020 ETJ Map



**CITY MANAGER'S REPORT  
APRIL 18, 2022 MCCOOK CITY COUNCIL MEETING**

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ITEM NO. **5.C.** Approve the closure of the McCook Public Swimming Pool for the Summer of 2022 for safety reasons.

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**BACKGROUND:**

During the summer of 2021, McCook's pool personnel relayed to City of McCook administration and others that they were concerned about the safety of the mechanical room at the McCook Public Swimming Pool. This concern was shared with the McCook City Council and the public during the town hall meeting held on August 11, 2021. The matter was discussed during budget season as well. Based on these concerns and discussions, city staff asked Kyle McCawley of Lamp Rynearson, who serves as the City of McCook's planning engineer for a potential pool project, to provide an evaluation of the McCook Public Swimming Pool in order to determine the best course of action to take with the pool.

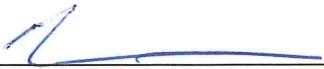
Staff received a technical memo from Mr. McCawley, dated March 30, 2022, outlining some of the critical issues needing to be addressed at the pool. Mr. McCawley's technical memo was shared with the public at the April 5, 2022 town hall meeting. In particular, Mr. McCawley highlighted the following:

- 1) Crack/deteriorated main pool basin - exceeds the anticipated useful life;
- 2) Crack/deteriorated wading pool basin - at the anticipated useful life;
- 3) Corroded filter tanks - far exceeds the anticipated useful life of the system;
- 4) Deteriorated perimeter deck - at the anticipated useful life;
- 5) Limited mechanical space - not compatible with current code design parameters.

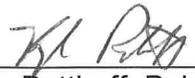
The technical memo continues, "*Without extensive repairs and renovations, the current conditions within the mechanical room create a cause for concern. There is uncertainty for the safety of staff.*"

Due to the concerns highlighted in Mr. McCawley's technical memo, administrative staff is concerned with opening the pool during the summer of 2022. Staff understands that summer swimming is an important service the City of McCook offers to the public and has looked at alternatives to address immediate recreational concerns. Staff has been in contact with Mitch Gross at the Ed Thomas YMCA to determine if a summer public swimming schedule at the Ed Thomas YMCA would be a potential option until a decision is made regarding a future pool project. Based on our discussions with Mr. Gross, open swimming to the public would be an available option to the City of McCook for the summer of 2022. While all of the potential details have not been ironed out regarding a collaborative City/YMCA summer partnership as of today's date, administrative staff is comfortable stating a collaborative partnership between the City of McCook and the Ed Thomas YMCA will occur if the McCook Public Swimming Pool is closed this summer.

**APPROVALS:**

  
\_\_\_\_\_  
Nathan A. Schneider, City Manager

April 13, 2022

  
\_\_\_\_\_  
Kyle Potthoff, Public Works Director

April 13, 2022

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

April 13, 2022

March 30, 2022

Nate Schneider  
City Administrator  
West 5th and C Street  
McCook, NE 69001

(Sent via email: nschneider@cityofmccook.com)

RE: McCook Swimming Pool – Existing Conditions  
Technical Memorandum

Dear Mr. Schneider:

The McCook Swimming Pool is rich in history. It has been a valued amenity for the community. Over the years repairs and upgrades that have taken place have helped prolong the life of the facility.

However, there are issues that need to be addressed. The most critical areas for the City to address are the deteriorated basins, deteriorated filtration system, lack of accommodations for young visitors – i.e. zero-depth entry and interactive spray features – and the Americans with Disabilities Act compliancy.

From Lamp Rynearson's visual inspection of the pool basin, pool deck, amenities and associated systems we are reporting the following findings:

<b>Issue</b>	<b>Status</b>
Crack/deteriorated main pool basin	Exceeds the anticipated useful life
Crack/deteriorated wading pool basin	At the anticipated useful life
Rusted fence	Exceeds the anticipated useful life
Corroded filter tanks	Far exceeds the anticipated useful life of this type of system
Deteriorated perimeter deck	At the anticipated useful life
Limited mechanical space	Not compatible with current code design parameters

At the time of the facility inspection corrosion was observed on the filter tanks, strainer basket, and piping components. Additionally, extensive cracked and delamination of the concrete structure was observed.

Without extensive repairs and renovations, the current conditions within the mechanical room create a cause for concern. There is uncertainty for the safety of staff.

There will be a significant capital investment to repair the facility. Making the investment would allow the facility to function properly and be compliant, however it would not change the overall configuration – size, shape, water depths, etc. – of the facility. Therefore, it is recommended the City explore the option of complete replacement with a modernized design.

If you have any questions or comments, please do not hesitate to call.

Sincerely,  
Lamp Rynearson

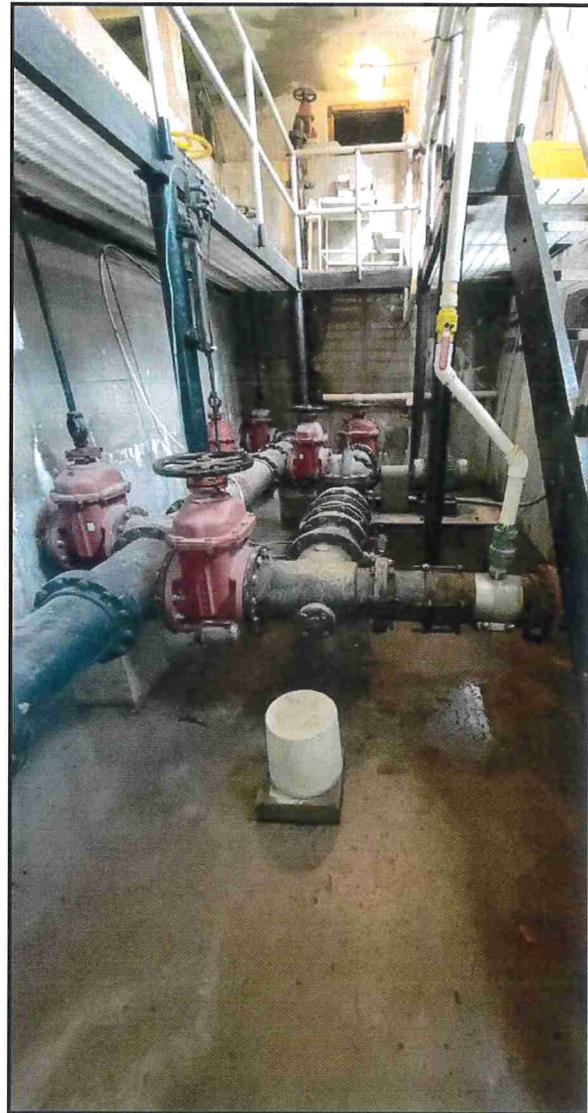


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Kyle A. McCawley, P.E.  
Senior Project Manager

Enclosed

Photos





**CITY MANAGER'S REPORT  
APRIL 18, 2021 MCCOOK CITY COUNCIL MEETING**

ITEM NO. 5.D. Update regarding the City of McCook's entry sign project.

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**BACKGROUND:**

After discussions with the Nebraska Department of Transportation, administrative staff believes monument signs are the most realistic options for entrance signs. Previously, electronic signs were being considered. Staff is in the process of working with local vendors to secure quotes.

**APPROVALS:**

  
\_\_\_\_\_

April 13, 2022

Nathan A. Schneider, City Manager

  
\_\_\_\_\_

April 13, 2022

Kyle Potthoff, Public Works Director

  
\_\_\_\_\_

April 13, 2022

Lea Ann Doak, City Clerk

**CITY MANAGER'S REPORT  
APRIL 18, 2022 CITY COUNCIL MEETING**

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**ITEM: 5.E.**

**RECOMMENDATION:**

APPROVE ON THIRD READING ORDINANCE NO. 2022-3036 PROVIDING FOR THE AMENDMENT TO CHAPTER 38: APPENDIX E. SETTING THE RATE TO BE CHARGED FOR WATER BY THE MCCOOK WATER DEPARTMENT

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**BACKGROUND:**

Based on data in the 2022 Water Enterprise Fund Cashflow Model, as prepared by Public Financial Management (PFM), City Staff is recommending that the current water rate be increased by six percent (6%). The rate increase provides funds to cover inflation, staff wages and pay for capital projects. The current rates have been in place since May of 2021. The Ready to Serve fee is \$18.82, first 5,000 cu. ft. is \$1.92 per 100 cu. ft. and over 5,000 cu ft costs \$1.423 per 100 cu. ft.

The proposed increase would see the ready-to-serve fee increase by \$1.129 to **\$19.949 per month**. The price per 100 cubic feet (748 gallons) would also increase. The first 5,000 cubic feet will cost **\$2.035** per 100 cubic feet an increase of **11.5** cents. Usage above 5,000 cubic feet will increase to **\$1.508** per 100 cubic feet an increase of **8.5** cents.

The attached spreadsheet shows the per month increase to customers using various amounts of water. The row, listing 2,289 cubic feet of usage demonstrates a customer that uses 557 cubic feet in the home and 1,732 cubic feet of water to irrigate the lawn. Based on applying 1 inch of water per week to 5,000 square feet of lawn, the customer will see an increase of **\$4.03** per month during the watering season. See attached sheet showing cost to various usage amounts.

**FISCAL IMPACT:** based on a 6% rate increase and water sales at 70 million cu. ft. revenue should be \$2.4 million dollars. Slightly less than the \$2.5 million dollars during the 20/21 budget when 79.9 million cu. ft. were sold.

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**APPROVALS:**

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

4/14/2022  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Pat Fawver, Utilities Director

4-13-22  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Nate Schneider, City Manager

4-14-2022  
\_\_\_\_\_  
Date

ORDINANCE NO. 2022-3036

AN ORDINANCE PROVIDING FOR THE AMENDMENT OF CHAPTER 38: FEE SCHEDULE - APPENDIX E, WATER DEPARTMENT RATES AND FEES; OF THE CITY OF MCCOOK CODE OF ORDINANCES; PROVIDING FOR A RATE TO BE CHARGED FOR WATER BY THE MCCOOK WATER DEPARTMENT; PROVIDING FOR THE REPEAL OF ORDINANCE NO. 2021-3014 AND ANY AND ALL 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. That Chapter 38: Fee Schedule - Appendix E, Water Department Rates and Fees; Section A - Water Rates, of the City of McCook Code of Ordinances, shall be and is hereby amended to read as follows:

A. Water Rates. The following rates for water have been set by the City Council in accordance with the provisions of Section 52.01 of this Code.

1. CUSTOMERS WITHIN THE CITY. The rates for water used by customers within the City shall be as follows:

(A) 2.035 dollars per one hundred cubic feet for the first five thousand (5,000) cubic feet of water used;

(B) 1.508 dollars per one hundred cubic feet for all water used over five thousand (5,000) cubic feet.

In addition to the above, a ready-to-serve fee of nineteen and 95/100 dollars (\$19.95) per month shall be charged to each customer.

2. CUSTOMERS OUTSIDE THE CITY. The amount to be charged for water used by customers outside the city boundaries shall be computed by taking the water consumption of the customer times the rates fixed in division (A)(1) above, plus additional charges as specified therein, and multiplying the final sum times the factor of one and one-half to get the total charge to be billed the customer.

3. BULK WATER. The rate for bulk water purchases shall be \$5.00 per one hundred cubic feet.

4. FIRE HYDRANT METER. Fire hydrant meter rent shall be \$50.00 per week, plus water usage charged at the rate for bulk water. The deposit required for a fire hydrant meter is set at \$250.00

SECTION 2. Ordinance No. 2021-3014 and any and all other ordinances or parts of ordinances in conflict herewith shall be and are hereby repealed and abrogated.

SECTION 3. This ordinance shall take effect with the bills dated May 1, 2022 and be in full force from and after its passage, approval and publication as required by law in its entirety or in pamphlet form, as the case may be.

PASSED AND APPROVED THIS \_\_\_\_\_ day of \_\_\_\_\_, 2022.

-s- Michael D. Gonzales  
Mayor

ATTEST:

-s- Lea Ann Doak  
City Clerk



**CITY MANAGER'S REPORT  
APRIL 18, 2022 CITY COUNCIL MEETING**

---

**ITEM: 5.F.**

**RECOMMENDATION:**

APPROVE ON THIRD READING ORDINANCE NO. 2022-3037 PROVIDING FOR THE AMENDMENT TO CHAPTER 38: APPENDIX D. SEWER DEPARTMENT RATES AND FEES.

---

**BACKGROUND:**

Based on the Sewer Enterprise Fund Cashflow Model prepared by Public Financial Management (PFM), City Staff is recommending that the current sewer rate be increased by three percent (3%). The rate increase provides the funds to cover inflation, pay for capital projects and maintain a healthy bottom line.

The proposed increase would see the base fee for residential customers go from \$17.03 to **\$17.541** per month (51 cents). The commercial base fee will go from \$24.81 to **\$25.554** per month (74 cents). Both residential and commercial monthly base fees include 333 cubic feet of usage. The fee for usage above 333 cubic feet (2,490 gallons) would also increase by 3% from the current \$3.677 per 100 cubic feet (748 gallons) to **\$3.787** per 100 cubic feet of usage (11 cents). **See attached sheet showing cost to various customers.**

Using the PFM model as the guide, a 3% increase will not generate additional revenue for FY 21/22. What the increase does do is maintain a steady revenue stream if cubic feet sales drops back to the anticipated 31 million cu. ft range. If sales were to remain at or near 33.9 million cubic feet revenue could increase as much as \$45,000.

The higher than normal cubic feet sales for FY 20/21 can be attributed to industrial and commercial usage which has seen declines during the 4th quarter of 21 and 1st quarter of 22.

**FISCAL IMPACT: None, maintain current revenue for FY 21/22 based on sales at or near 31,000,000 cubic feet.**

---

**APPROVALS:**

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

4/14/2022  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Pat Fawver, Utilities Director

4-13-22  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Nate Schneider, City Manager

4-14-2022  
\_\_\_\_\_  
Date

ORDINANCE NO. 2022-3037

AN ORDINANCE PROVIDING FOR THE AMENDMENT OF CHAPTER 38: FEE SCHEDULE - APPENDIX D, SEWER DEPARTMENT RATES AND FEES, OF THE CITY OF MCCOOK CODE OF ORDINANCES; PROVIDING FOR THE REPEAL OF ORDINANCE NO. 2021-3015 AND ANY AND ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING A TIME AND DATE FROM AND AFTER WHICH THIS ORDINANCE SHALL TAKE EFFECT AND BE ENFORCED.

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

SECTION 1. That Chapter 38: Fee Schedule - Appendix D, Sewer Department Rates and Fees; shall be amended to read as follows:

- A. Sewer connection permit. The fee required for the obtaining of a sewer connection permit as required by § 51.020 is hereby set at \$500.
- B. Sewer connection fees. The fees required by § 51.022 pertaining to sewer connections are hereby set as follows:
  1. Where connection to an existing sewer main is requested, a sewer connection fee of \$150 will be required.
  2. In certain cases, where a larger than normal service connection is required, a fee will be charged to the applicant based on labor and material charges involved in installing the sewer connection.
  3. All fees required by this section are due and payable in advance of the inspection or sewer connection.
- C. Private sewage disposal permit. The fee required by § 51.055 pertaining to private sewage disposal permits is hereby set at \$10.
- D. Sewer Use Charges.
  1. Residential. The residential sewer use charges provided for in Section 51.072 are as follows:

Minimum Charges of \$17.54 per month based on the first 333 cubic feet of water usage.

Residential Rate - \$3.787 per 100 cubic feet for everything over 333 cubic feet water usage.
  2. Commercial. The commercial sewer use charges provided for in Section 51.072 are as follows:

Minimum Charge of \$25.55 per month based on the first 333 cubic feet of water usage.

Commercial Rate - \$3.787 per 100 cubic feet for everything over 333 cubic feet water usage.

3. Sewage Disposal at the Treatment Plant. All sewage that is transported by truck or any vehicle to the plant for disposal will be assessed a fee of \$0.10 per gallon during regular business hours. Non-business hours will be assessed an additional \$35.00 per load.

SECTION 2. Ordinance No. 2021-3015 and any and all other ordinances or parts of ordinances in conflict herewith shall be and are hereby repealed.

SECTION 3. This ordinance shall take effect with the bills dated May 1, 2022 and be in full force from and after its passage, approval, and publication as required by law in its entirety or in pamphlet form, as the case may be.

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

- s - Michael D. Gonzales, Mayor

ATTEST:

-s- Lea Ann Doak, City Clerk

21/22

## SEWER RATES

4/4/22

Sewer Only Residential	SMALL user	20/21	2 persons	Current Amount		Increase 3.00%
		Rate	Usage		Rate	
Winter usage De, Ja, Fe	RTS Fee / 100 cu ft fee	\$3.677	356 cu. ft	\$17.030 \$0.85	\$3.787	\$17.54 \$0.87
	Sales Tax 7%			\$1.25		\$1.29
	Monthly Total			\$19.13		\$19.70
		Average Residential (Small)			Mo. Increase	\$0.57
Sewer Only Residential	Medium user	2018	4 persons	Current Amount		Increase 3.00%
		Rate	Usage		Rate	
Winter usage De Ja Fe	RTS Fee inc first 333 cu Ft. / 100 cuft fee	\$3.677	532 cu. ft	\$17.030 \$7.32	\$3.787	\$17.54 \$7.54
	Sales Tax			\$1.70		\$1.76
	Monthly Total			\$26.05		\$26.83
		Average Residential (Medium)			Mo. Increase	\$0.78
Sewer Only Residential	Large user	2018	6 persons	Current Amount		Increase 3.00%
		Rate	Usage		Rate	
Winter usage De Ja Fe	RTS Fee inc first 333 cu ft / 100 cu. ft fee	\$3.677	830 cu. ft	\$17.030 \$18.27	\$3.787	\$17.54 \$18.82
	Sales Tax			\$2.47		\$2.55
	Monthly Total			\$37.78		\$38.91
		Average Residential (Large)			Mo. Increase	\$1.13
Sewer Only Commercial	Small user	2018		Current Amount		Increase 3.00%
		Rate	Usage		Rate	
Winter usage De, Ja, Fe	RTS Fee inc first 333 cu ft / 100 cuft fee	\$3.677	234 cu. ft	\$24.81 \$0.00	\$3.787	\$25.55 \$0.00
	Sales Tax 7%			\$1.74		\$1.79
	Monthly Total			\$26.55		\$27.34
		Average Commercial (small)			Mo. Increase	\$0.80

21/22

## SEWER RATES

4/4/22

Sewer Only		2018		Current	Increase	
Commercial	Medium user	Rate	Usage	Amount	Rate	3.00%
Winter usage De, Ja, Fe	RTS Fee inc first 333 cu ft / 100 cu ft fee	<b>\$3.677</b>	<b>5,306</b> cu. ft	<b>\$24.81</b> \$182.86	<b>\$3.787</b>	<b>\$25.55</b> \$188.34
	Sales Tax 7%			\$1.74		\$1.79
	<b>Monthly Total</b>			<b>\$209.40</b>		<b>\$215.69</b>
				Average Commercial (Medium)	Mo. Increase	<b>\$6.28</b>
Sewer Only		2018		Current	Increase	
Commercial	Large user	Rate	Usage	Amount	Rate	3.00%
Winter usage De, Ja, Fe	RTS Fee inc first 333 cu ft / 100 cu ft fee	<b>\$3.677</b>	<b>13,651</b> cu. ft	<b>\$24.81</b> \$489.70	<b>\$3.787</b>	<b>\$25.55</b> \$504.39
	Sales Tax 7%			\$1.74		\$1.79
	<b>Monthly Total</b>			<b>\$516.25</b>		<b>\$531.74</b>
				Average Commercial (Large)	Mo. Increase	<b>\$15.49</b>
Sewer Only		2018		Current	Increase	
Industrial	Industrial	Rate	Usage	Amount	Rate	3.00%
Winter usage De, Ja, Fe	RTS Fee inc first 333 cu ft / 100 cu ft fee	<b>\$3.677</b>	<b>25,300</b> cu. ft	<b>\$24.81</b> \$918.04	<b>\$3.787</b>	<b>\$25.55</b> \$945.58
	Sales Tax 7%			\$1.74		\$1.79
	<b>Monthly Total</b>			<b>\$944.58</b>		<b>\$972.92</b>
				Average Industrial	Mo. Increase	<b>\$28.34</b>

3 % rate increase

RTS &amp; 333 Cu Ft

Commerical  
\$0.74Residential 100 cuft  
\$0.51      \$0.110