

MCCOOK CITY COUNCIL

REGULAR MEETING

**Monday, June 13, 2022
5:15 PM - City Council Chambers**

Open Meetings Act Announcement.

Items

1. Approve the minutes of the May 9, 2022 regular Planning Commission meeting.
2. Public Hearings and Regular Agenda.
 - A. Public Hearing - Regarding the voluntary annexation of a tract of land located north of "R" Street along West 7th Street in the NE ¼ of Section 19, Township 3 North, Range 29 West of the 6th P.M. in Red Willow County, Nebraska.
 1. Adjourn the Public Hearing.
 - B. Approve Planning Commission Resolution No. PC2022-01, recommending approval of the annexation of a part Section 19, Township 3 North, Range 29 West of the 6th P.M., Red Willow County, Nebraska.
3. Discuss the public meeting regarding annexation scheduled for June 27, 2022 with the McCook City Council and property owners.
4. Select new officers for the term of April 2022 through March 2023 - Chair, Vice-Chair, and Secretary - pursuant to Chapter 35, Section 35.001 of the City of McCook Code of Ordinances.

Adjournment.

**CITY MANAGER'S REPORT
JUNE 13, 2022 PLANNING COMMISSION MEETING**

ITEM: 1.

RECOMMENDATION:

Approve the minutes of the May 9, 2022 regular meeting.

BACKGROUND:

Receive and approve the minutes.

FISCAL

IMPACT: None.

APPROVALS:



Lea Ann Doak, City Clerk

June 9, 2022

McCook Planning Commission
May 9, 2022
5:15 P.M. Central

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

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

Absent: Vice Chair Hilker, Commissioners Bradley, Mockry.

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

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on May 4, 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 all members of the Planning Commission. Availability of the agenda was communicated in the advance notice. All proceedings hereafter shown were taken while the meeting was open to the attendance of the public. Open Meetings Act Announcement.

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

1. Presentations.

- 1.A. Presentation from Craig Bennett of Miller & Associates regarding whether to continue with the City of McCook's use of replats to modify existing subdivisions versus adopting a vacation and begin a new system.

Craig Bennett of Miller & Associates gave a presentation via Zoom regarding practices available when modifying an existing subdivision.

2. Approve the minutes of the December 13, 2021 regular Planning Commission meeting.

Motion to approve the minutes of the December 13, 2021 regular Planning Commission meeting. This motion, made by McDowell and seconded by Friehe, passed.

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

YEA: 7, NAY: 0, ABSENT: 3

3. Public Hearings and Regular Agenda.

- 3.A. Public Hearing - Request for a special exception by Jake Thiesen to allow a commercial building in the Agricultural (AG) District, with the property located at Block 1, Cappel

Industrial Park, a part of the north half of the southeast quarter of Section 24, Township 3 North, Range 30, West of the 6th P.M., Red Willow County, Nebraska, property located within the two mile extra-territorial jurisdiction of the City of McCook.

Motion to recess as a Planning Commission and convene a public hearing for the purpose of receiving public comment with respect to the request for a special exception by Jake Thieszen to allow a commercial building in the Agricultural (AG) District, with the property located at Block 1, Cappel Industrial Park, a part of the north half of the southeast quarter of Section 24, Township 3 North, Range 30, West of the 6th P.M., Red Willow County, Nebraska, located within the two mile extra-territorial jurisdiction of the City of McCook, with the City Attorney to act as hearing officer. This motion, made by Vosburg and seconded by McDowell, passed.

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

The City Attorney received into evidence Exhibit #1 - City Manager's Report prepared for the May 9, 2022 Planning Commission meeting (1 page), Exhibit #2 - Notice of Hearing published and posted (1 page); Exhibit #3 - ownership list for mailing of Notice of Hearing (1 page); Exhibit #4 - Land Use Action Request Form and attachments (9 pages); Exhibit #5 - Findings and Determinations of McCook City Council (2 pages).

City Manager Schneider reviewed the information presented in Exhibit #1.

Commissioner Lyons questioned if there would be any odors and Commissioner Dueland questioned why the request was presented after the fact, construction has already started and whether the request fit Section 704, No. 9 of the zoning ordinance.

Jake Thieszen, applicant stated that everything is self-contained, all processes occur in an enclosed building. There should be no odor or dust issues.

With no further comment from the public, motion to adjourn the public hearing and to reconvene as a Planning Commission. This motion, made by Vosburg and seconded by Stevens, passed.

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

3.B. Recommend approval to the City Council the application for a special exception by Jake Thieszen for a commercial building in the Agricultural (AG) District, with the property located at Block 1, Cappel Industrial Park, a part of the north half of the southeast quarter of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska, said special exception based upon compliance with special exception requirements A-I.

After the Commission reviewed special exception requirements A - I and concurred that all were met, a motion was introduced to recommend approval to the City Council the application for a

special exception by Jake Thieszen for a commercial building in the Agricultural (AG) District, with the property located at Block 1, Cappel Industrial Park, a part of the north half of the southeast quarter of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska, said special exception based upon compliance with special exception requirements A-I. This motion, made by Vosburg and seconded by Friehe, passed.

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

3.C. Public Hearing - Consider replat of a portion of South Street right-of-way located in the SE1/4 of the SE1/4 of Section 30, Township 3 North, Range 29 West of the 6th P.M., Red Willow County, Nebraska.

Motion to recess as a Planning Commission and convene a public hearing for the purpose of receiving public comment with respect to the proposed Replat of a portion of South Street right-of-way located in the SE1/4 of the SE1/4 of Section 30, Township 3 North, Range 29 West of the 6th P.M., Red Willow County, Nebraska, with the City Attorney to act as hearing officer. This motion, made by Vosburg and seconded by McDowell, passed.

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

The City Attorney received into evidence Exhibit #1 - City Manager's Report prepared for the May 9, 2022 Planning Commission meeting (1 page), Exhibit #2 - Notice of Hearing published and posted (1 page); Exhibit #3 - ownership list for mailing of Notice of Hearing (1 page); and Exhibit #4 - Proposed Replat of a portion of South Street right-of-way.

City Manager Schneider reviewed the information presented in Exhibit #1.

With no further comment, motion to adjourn the public hearing and to reconvene as a Planning Commission. This motion, made by Vosburg and seconded by McDowell, passed.

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

3.D. Recommend to the McCook City Council final approval of the replat of a portion of South Street right-of-way located in the SE1/4 of the SE1/4 of Section 30, Township 3 North, Range 29 West of the 6th P.M., Red Willow County, Nebraska.

Motion to recommend to the McCook City Council final approval of the Replat of a portion of South Street right-of-way located in the SE1/4 of the SE1/4 of Section 30, Township 3 North, Range 29 West of the 6th P.M., Red Willow County, Nebraska. This motion, made by Vosburg and seconded by Friehe, passed.

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

YEA: 7, NAY: 0, ABSENT: 3

Adjournment.

With no further business, Chair Vosburg declared the Planning Commission meeting adjourned at 6:47 P.M.

Lea Ann Doak
City Clerk/Recording Secretary

**CITY MANAGER'S REPORT
JUNE 13, 2022 PLANNING COMMISSION MEETING**

2.A.
ITEM NO. ___ Public Hearing - Regarding the voluntary annexation of a tract of land located north of "R" Street along West 7th Street in the NE1/2 of Section 19, Township 3 North, Range 29 West of the 6th P.M. in Red Willow County Nebraska, said property owned by the McCook Economic Development Corporation.

2.B.
ITEM NO. ___ Approve Planning Commission Resolution No. PC 2022 - di, recommending approval of the annexation of a Part of Section 19-T3N-R29W, Red Willow County, Nebraska.

BACKGROUND:

The City of McCook has received a written petition from the McCook Economic Development Corporation requesting a voluntary annexation of property it owns north of West "R" Street along West 7th Street in the NE 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M. in Red Willow County Nebraska. The full legal description is included in the attached Notice of Public Hearing for a Proposed Annexation and the Notice of Public Hearing is incorporated into this report by reference. MEDC recently purchased the property at issue as part of its ongoing effort to develop additional residential properties in the Clary Subdivision. Residential development is a pressing community need. According to the City of McCook's 2013-2023 Comprehensive Plan, the development of additional housing is a main priority of the City of McCook. Since 2013, inroads have been made with respect to developing the Clary Subdivision. The first phase of the North Pointe development is complete. Clary Village and Quillan Courts have been built. The next step is to develop the northern portion of Clary Subdivision.

In order to advance the development of Clary Subdivision, infrastructure must be built. It is imperative that streets, water, sewer, storm sewer and other amenities be planned and created. To assure adequate circulation for the above mentioned amenities, Clary Subdivision must connect to West 7th Street. The MEDC believes that in order to pay for these necessary construction projects, TIF may be a viable funding source. In order to qualify for TIF, the property subject to the stated redevelopment area must be located within McCook's corporate boundaries. Currently, the property at issue west of West 7th Street sits outside of McCook's corporate boundary. The MEDC would like to voluntarily annex their property in order to qualify for TIF consideration to assist with developing the remainder of Clary Subdivision.

The annexation laws require McCook's Planning Commission to hold a public hearing regarding the voluntary annexation of the MEDC property. Additionally, the McCook Planning Commission must pass a resolution recommending approval of the annexation to the City Council. Supporting material is included with this report.

APPROVALS:



Nathan A. Schneider, City Manager

June 9, 2022



Lea Ann Doak, City Clerk

June 9, 2022

EXHIBIT #1

**NOTICE OF PUBLIC HEARING
PROPOSED ANNEXATION**

NOTICE IS HEREBY GIVEN that on June 13, 2022 at 5:15 P.M. in the City Council Chambers at the McCook Municipal Center, 505 West "C" Street, the City of McCook Planning Commission will hold a public hearing concerning the annexation of a tract of land located north of "R" Street along West 7th Street in the NE ¼ of Section 19, Township 3 North, Range 29 West of the 6th P.M. in Red Willow County, Nebraska, more particularly described as follows:

Referring to the SW corner of the said NE 1/4 of said Section 19, thence N00°06'58"W (assumed and all bearing relative to) along the 1/4 section line a distance of 565.65 feet to a point on the north line of "R" Street. Thence S85°38'36"E along the north right-of-way of "R" Street a distance of 1082.84 feet to a point, which is the Point of Beginning, thence N00°34'20"W a distance of 633.34 feet, thence S85°38'35"E a distance of 86.79 feet, thence Southerly along a curve having a radius of 2108 feet, a distance of 153.32 feet, thence S00°34'20"E a distance of 479.68 feet, thence N85°38'36"W a distance of 81.20 feet to the Point of Beginning. Said tract containing 1.18 acres more or less subject to any easement, right-of-ways and reservations of record.

All interested parties are invited to attend this public hearing at which time you will have an opportunity to be heard regarding the annexation.

Individuals requiring physical or sensory accommodations including interpreter service, braille, large print, or recorded materials, please contact the City Clerk at 308-345-2022 no later than June 10, 2022.

-s- Lea Ann Doak, City Clerk
PO Box 1059
McCook, Nebraska 69001-1059

Publish: June 3, 2022.

EXHIBIT #2

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June 3, 2022

Lea Ann Doak, City Clerk
City of McCook
P.O. Box 1059
McCook, NE 69001

RE: Voluntary Annexation Petition\Request

Dear Ms. Doak:

The McCook Economic Development Corporation (MEDC) hereby petitions the City of McCook, Nebraska to consider this request to voluntarily annex property into the City's corporate limits. I hereby affirm that the MEDC owns the property described below, for which we are requesting annexation of.

As the owner(s) of the referenced property in which the property is currently undeveloped. We would like the City Council to consider our request for annexation in order to pursue future development opportunities. The property in question, is a tract of land located north of "R" Street along West 7th Street in the NE ¼ of Section 19, Township 3 North, Range 29 West of the 6th P.M. in Red Willow County, Nebraska.

Referring to the SW corner of the said NE ¼ of said Section 19, thence N00°06'58"W (assumed and all bearing relative to) along the ¼ section line a distance of 565.65 feet to a point on the north line of "R" Street. Thence S85°38'36"E along the north right-of-way of "R" Street a distance of 1082.84 feet to a point, which is the Point of Beginning, thence N00°34'20"W a distance of 633.34 feet, thence S85°38'35"E a distance of 86.79 feet, hence Southerly along a curve having a radius of 2108 feet, a distance of 153.32 feet, thence S00°34'20"E a distance of 479.68 feet, thence N85°38'36"W a distance of 81.20 feet to the Point of Beginning. Said tract containing 1.18 acres more or less subject to any easement, right-of-ways and reservation of record.

Sincerely,

Charlie McPherson, Executive Director
McCook Economic Development Corporation

EXHIBIT #3

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MCCOOK PLANNING COMMISSION

RESOLUTION NO. PC2022-01

A RESOLUTION OF THE MCCOOK PLANNING COMMISSION RECOMMENDING APPROVAL OF THE VOLUNTARY ANNEXATION OF A TRACT OF LAND LOCATED NORTH OF "R" STREET ALONG WEST 7TH STREET IN THE NE ¼ OF SECTION 19, TOWNSHIP 3 NORTH, RANGE 29 WEST OF THE 6TH P.M. IN RED WILLOW COUNTY, NEBRASKA.

WHEREAS, at their meeting on February 11, 2019, the Planning Commission held a public hearing concerning the annexation of a tract of land located north of "R" Street along West 7th Street in the NE ¼ of Section 19, Township 3 North, Range 29 West of the 6th P.M. in Red Willow County, Nebraska, legally described in **Exhibit "A"**.

WHEREAS, this commission has reviewed the proposed annexation.

NOW, THEREFORE, BE IT RESOLVED BY THE MCCOOK PLANNING COMMISSION AS FOLLOWS:

Section 1. The Commission hereby recommends approval of the annexation of a tract of land located north of "R" Street along West 7th Street in the NE ¼ of Section 19, Township 3 North, Range 29 West of the 6th P.M. in Red Willow County, Nebraska.

Section 2. All prior resolutions of the Commission in conflict with the terms and provisions of this resolution are hereby expressly repealed to the extent of such conflicts.

Section 3. This resolution shall be in full force and effect from and after its passage as provided by law.

PASSED AND APPROVED by the McCook Planning Commission this 13th day of June, 2022.

MCCOOK PLANNING COMMISSION

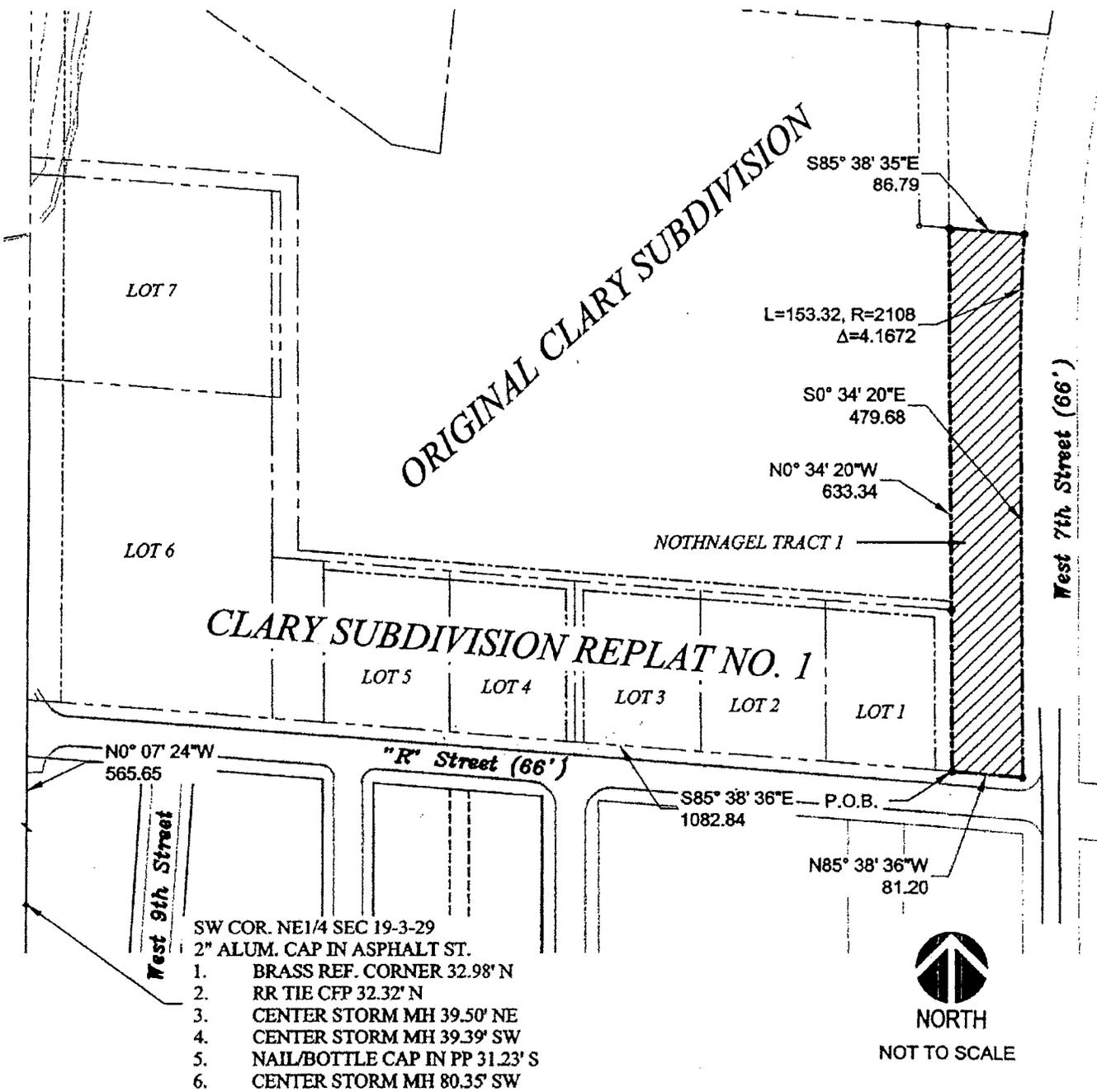
Kurt Vosburg, Chair

ATTEST:

Chad Lyons, Secretary

EXHIBIT #4

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- SW COR. NE1/4 SEC 19-3-29
 2" ALUM. CAP IN ASPHALT ST.
1. BRASS REF. CORNER 32.98' N
 2. RR TIE CFP 32.32' N
 3. CENTER STORM MH 39.50' NE
 4. CENTER STORM MH 39.39' SW
 5. NAIL/BOTTLE CAP IN PP 31.23' S
 6. CENTER STORM MH 80.35' SW

LEGAL DESCRIPTION

A tract of land located in the NE 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M. in Red Willow County, Nebraska, more particularly described as follows:

Referring to the SW corner of the said NE 1/4 of said Section 19, thence N00°06'58"W (assumed and all bearing relative to) along the 1/4 section line a distance of 565.65 feet to a point on the north line of "R" Street. Thence S85°38'36"E along the north right-of-way of "R" Street a distance of 1082.84 feet to a point, which is the Point of Beginning, thence N00°34'20"W a distance of 633.34 feet, thence S85°38'35"E a distance of 86.79 feet, thence Southerly along a curve having a radius of 2108 feet, a distance of 153.32 feet, thence S00°34'20"E a distance of 479.68 feet, thence N85°38'36"W a distance of 81.20 feet to the Point of Beginning.

Said tract containing 1.18 acres more or less subject to any easement, right-of-ways and reservations of record.

EXHIBIT "A"

**CITY MANAGER'S REPORT
JUNE 13, 2022 PLANNING COMMISSION MEETING**

ITEM NO. 3. Discuss the public meeting regarding annexation scheduled for June 27, 2022 with the McCook City Council and property owners.

BACKGROUND:

At the June 6, 2022 McCook City Council meeting, the City Council set a meeting date to discuss annexation with property owners that live on Ravenswood Road, south of the McCook Industrial Park, as well as property owners with residences near and/or adjacent to West 3rd and West 2nd Streets. Staff wants to make sure the McCook Planning Commission is informed of the meeting.

APPROVALS:



Nathan A. Schneider, City Manager

June 9, 2022



Lea Ann Doak, City Clerk

June 9, 2022

**CITY MANAGER'S REPORT
JULY 12, 2021 PLANNING COMMISSION MEETING**

ITEM: 4.

RECOMMENDATION:

Select new officers for the term of April 2022 through March 2023 - Chair, Vice-Chair, and Secretary - pursuant to Chapter 35, Section 35.001 of the City of McCook Code of Ordinances.

BACKGROUND:

Current officers are Kurt Vosburg, Chair; Tammie Hilker, Vice-Chair; and Chad Lyons, Secretary. They were elected at the July 12, 2021 meeting.

**FISCAL
IMPACT:** None.

APPROVALS:



Lea Ann Doak, City Clerk

June 9, 2022