

MCCOOK CITY COUNCIL

REGULAR MEETING

**Monday, July 11, 2022
5:15 PM - City Council Chambers**

Open Meetings Act Announcement.

Items

1. Approve the minutes of the June 13, 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, said property owned by John and Elizabeth Nothnagel.
 1. Adjourn the Public Hearing.
 - B. Approve Planning Commission Resolution No. PC2022-02, 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.
 - C. Discussion regarding potential City of McCook recreational projects.

Adjournment.

**CITY MANAGER'S REPORT
JULY 11, 2022 PLANNING COMMISSION MEETING**

ITEM: 1.

RECOMMENDATION:

Approve the minutes of the June 13, 2022 regular meeting.

BACKGROUND:

Receive and approve the minutes.

**FISCAL
IMPACT:** None.

APPROVALS:



Lea Ann Doak, City Clerk

July 6, 2022

McCook Planning Commission
June 13, 2022
5:15 PM Central

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

Present: Chair Vosburg; Vice Chair Hilker (arrived 5:24 P.M.); Commissioners Bradley, Davidson, Dueland, Lyons, McDowell, Stevens, Mockry.

Absent: Commissioner Friehe.

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 June 9, 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.

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

1. Approve the minutes of the May 9, 2022 regular Planning Commission meeting.

Motion to approve the minutes of the May 9, 2022 regular Planning Commission meeting. This motion, made by McDowell and seconded by Vosburg, passed.

Bradley: YEA, Davidson: YEA, Dueland: YEA, Friehe: ABSENT, Hilker: ABSENT, Lyons: YEA, McDowell: YEA, Mockry: YEA, Stevens: YEA, Vosburg: YEA
YEA: 8, NAY: 0, ABSENT: 2

2. Public Hearings and Regular Agenda.

- 2.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.

Motion to recess as a Planning Commission and convene a public hearing for the purpose of receiving public comment with respect to 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, with the City Attorney to act as hearing officer. This motion, made by Lyons and seconded by Vosburg, passed.

Bradley: YEA, Davidson: YEA, Dueland: YEA, Friehe: ABSENT, Hilker: ABSENT, Lyons: YEA, McDowell: YEA, Mockry: YEA, Stevens: YEA, Vosburg: YEA
YEA: 8, NAY: 0, ABSENT: 2

The City Attorney received and filed Exhibit #1 - City Manager's Report prepared for the June 13, 2022 Planning Commission meeting (1 page), Exhibit #2 - Notice of Hearing published (1 page); Exhibit #3 - Voluntary Annexation Petition/Request from the McCook Economic Development Corporation (1 page); and Exhibit #4 - Proposed Resolution No. PC2022-01 into evidence and took comment from city staff before opening to the public for comment.

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

Charlie McPherson, McCook Economic Development Corporation Executive Director, was present to address questions from the Council.

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

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

YEA: 9, NAY: 0, ABSENT: 1

- 2.B. Approve Planning Commission Resolution No. PC2022-01, recommending approval of the annexation of a part of Section 19, Township 3 North, Range 29 West of the 6th P.M., Red Willow County, Nebraska.

Motion to approve Planning Commission Resolution No. PC2022-01, recommending approval of the annexation of a part of Section 19, Township 3 North, Range 29 West of the 6th P.M., Red Willow County, Nebraska. This motion, made by McDowell and seconded by Vosburg, passed.

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

YEA: 9, NAY: 0, ABSENT: 1

Commissioner Dueland urged the City to consider the annexation of the Nothnagel property to the north and the McCarty property to the east of this proposed annexation area.

3. Discuss the public meeting regarding annexation scheduled for June 27, 2022 with the McCook City Council and property owners.

Discussion was held regarding the public meeting regarding annexation scheduled for June 27.

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.

Motion to nominate and retain the current officers for another term; Kurt Vosburg, Chair; Tammie Hilker, Vice-Chair; and Chad Lyons, Secretary. This motion, made by McDowell and seconded by Dueland, passed.

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

YEA: 9, NAY: 0, ABSENT: 1

Adjournment.

With no further business, Chair Vosburg declared the Planning Commission meeting adjourned at 5:59 P.M.

Lea Ann Doak
City Clerk/Recording Secretary

**CITY MANAGER'S REPORT
JULY 11, 2022 PLANNING COMMISSION MEETING**

- 2.A.**
ITEM NO. ___ Public Hearing - Regarding the voluntary annexation of a tract of land located North of West R Street and west of 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 John and Elizabeth Nothnagel.
- 2.B.**
ITEM NO. ___ Approve Planning Commission Resolution No. PC 2022-02, 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 John and Elizabeth Nothnagel requesting a voluntary annexation of property they own 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. John and Elizabeth Nothnagel's request follows MEDC's voluntary annexation of property, which is located directly to the south of the Nothnagel lot. As discussed at prior meetings, residential development is a pressing community need and annexing both the Nothnagel property and MEDC property could help with defraying the cost of infrastructure development.

In order to advance the development of Clary Subdivision, infrastructure must be built. Additionally, current infrastructure such as West 7th Street needs improvement. By bringing the Nothnagel and MEDC properties into McCook's city limits, there is a possibility that the TIF generated from future residential projects could offset some of the improvement costs associated with a West 7th Street project.

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

APPROVALS:



Nathan A. Schneider, City Manager

July 6, 2022



Lea Ann Doak, City Clerk

July 6, 2022

**NOTICE OF PUBLIC HEARING
PROPOSED ANNEXATION**

NOTICE IS HEREBY GIVEN that on July 11, 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, which is a part of the WILLOW GROVE PRECINCT, 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, thence N00°34'20"W a distance of 633.34 feet to a point, which is the Point of Beginning, thence N00°34'18"W a distance of 234.53 feet to a point, thence S85°38'09"E a distance of 116.81 feet to a point, thence Southerly along a curve having a radius of 2108.5 feet, a distance of 233.97 feet, thence N85°38'35"W a distance of 86.79 feet to the Point of Beginning. Said tract containing .53 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 July 8, 2022.

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

Publish: July 1, 2022.

EXHIBIT #2

PAGE(S) - 1

6/28/2022

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

RE: Voluntary Annexation Petition\Request

Dear Ms. Doak:

(Names) 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 (John K Nothnagel and Elizabeth A Nothnagel) owns the property described below, for which we are requesting annexation of.

As the owner(s) of the referenced property, 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 in the NE 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M. in Red Willow County, Nebraska, which is part of the WILLOW GROVE PRECINCT, 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, thence N00°34'20"W a distance of 633.34 feet to a point, which is the Point of Beginning, thence N00°34'18"W a distance of 234.53 feet to a point, thence S85°38'09"E a distance of 116.81 feet to a point, thence southerly along a curve having a radius of 2108.5 feet a distance of 233.97 feet, thence N85°38'35"W a distance of 86.79 feet to the Point of Beginning.

Said tract containing .53 acres more or less subject to any easement, right-of-ways and reservations of record.

Sincerely,

John K Nothnagel



Elizabeth A Nothnagel

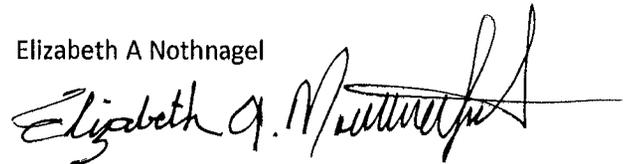
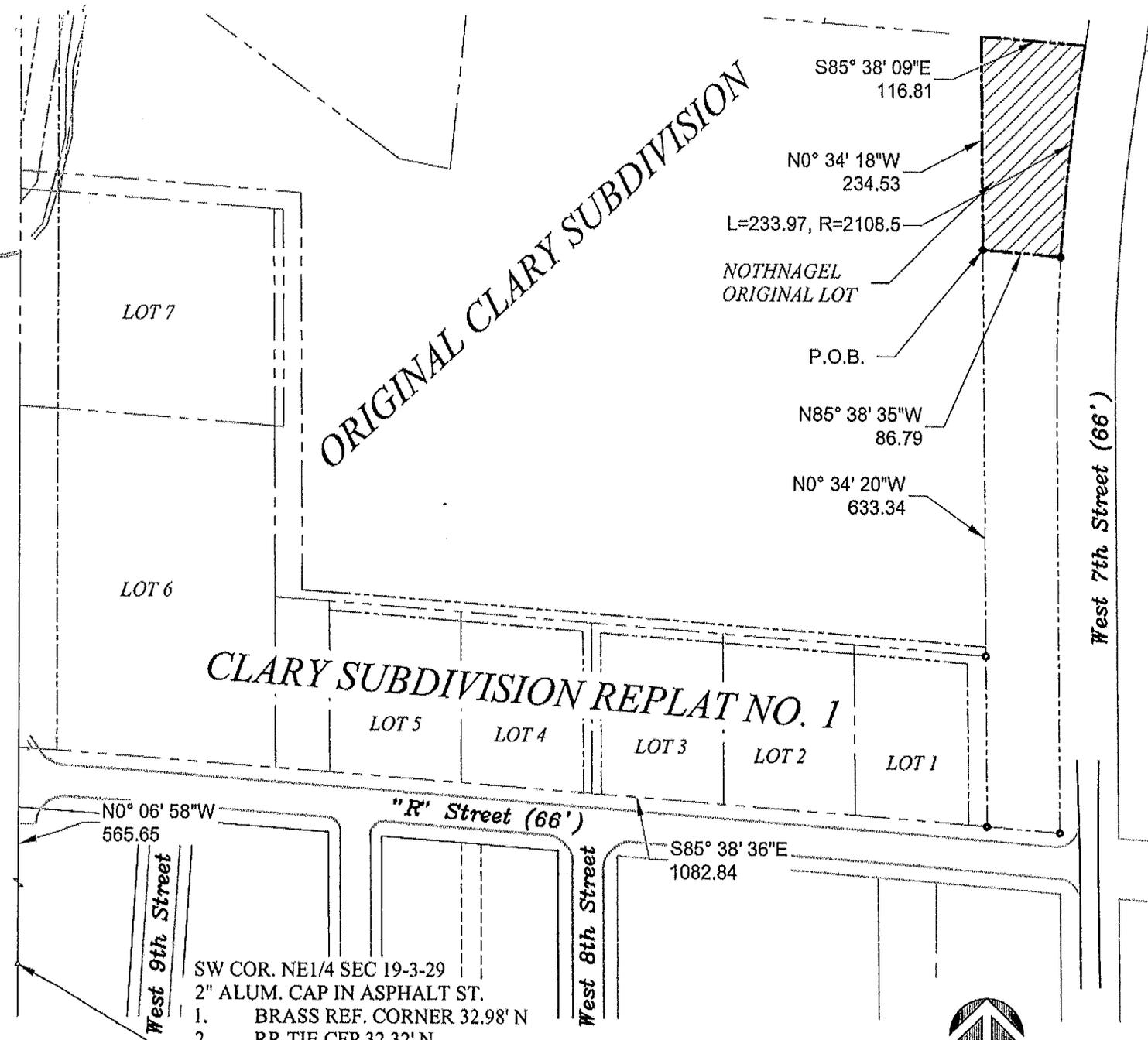


EXHIBIT #3

PAGE(S) - 1



- 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



NORTH
 NOT TO SCALE

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, which is part of the WILLOW GROVE PRECINCT, 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, thence N00°34'20"W a distance of 633.34 feet to a point, which is the Point of Beginning, thence N00°34'18"W a distance of 234.53 feet to a point, thence S85°38'09"E a distance of 116.81 feet to a point, thence southerly along a curve having a radius of 2108.5 feet a distance of 233.97 feet, thence N85°38'35"W a distance of 86.79 feet to the Point of Beginning.

Said tract containing .53 acres more or less subject to any easement, right-of-ways and reservations of record.



June 22, 2022

John Nothnagel
805 Spruce Road
McCook, NE 69001

Dear John:

Per our meeting on June 9, 2022, it was great to connect with you and I appreciated the opportunity to discuss any potential concerns or issues you may have had about the North Pointe housing development project and our efforts to voluntarily annex the property along west 7th Street in order to qualify for Tax Increment Financing (TIF) for the development of the subdivision.

TIF is our main resource we have to fund the new streets, water, and sewer for the subdivision. The priority for the use of TIF proceeds is the development and expansion of West 9th, "S", and "T" Streets and infrastructure within. Our plan to offset the costs of the West 7th Street improvements is to use any additional and/or remaining funds we have. Although, we cannot guarantee the property owners along west 7th street won't have any assessments, we will do everything in our power to minimize the expense to the property owners.

MEDC is working hard to ensure the North Pointe housing development project will make a positive impact for the community and residents in the area. Thank you for taking time out of your busy schedule to come in and meet with us to discuss the North Pointe housing project. We appreciate your partnership on this project.

Sincerely,

Charlie McPherson, Executive Director
McCook Economic Development Corporation

EXHIBIT #5

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MCCOOK PLANNING COMMISSION

RESOLUTION NO. PC2022-02

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, WHICH IS PART OF THE WILLOW GROVE PRECINCT.

WHEREAS, at their meeting on July 11, 2022, 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, which is part of the WILLOW GROVE PRECINCT, more particularly 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, which is part of the WILLOW GROVE PRECINCT.

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 11th day of July, 2022.

MCCOOK PLANNING COMMISSION

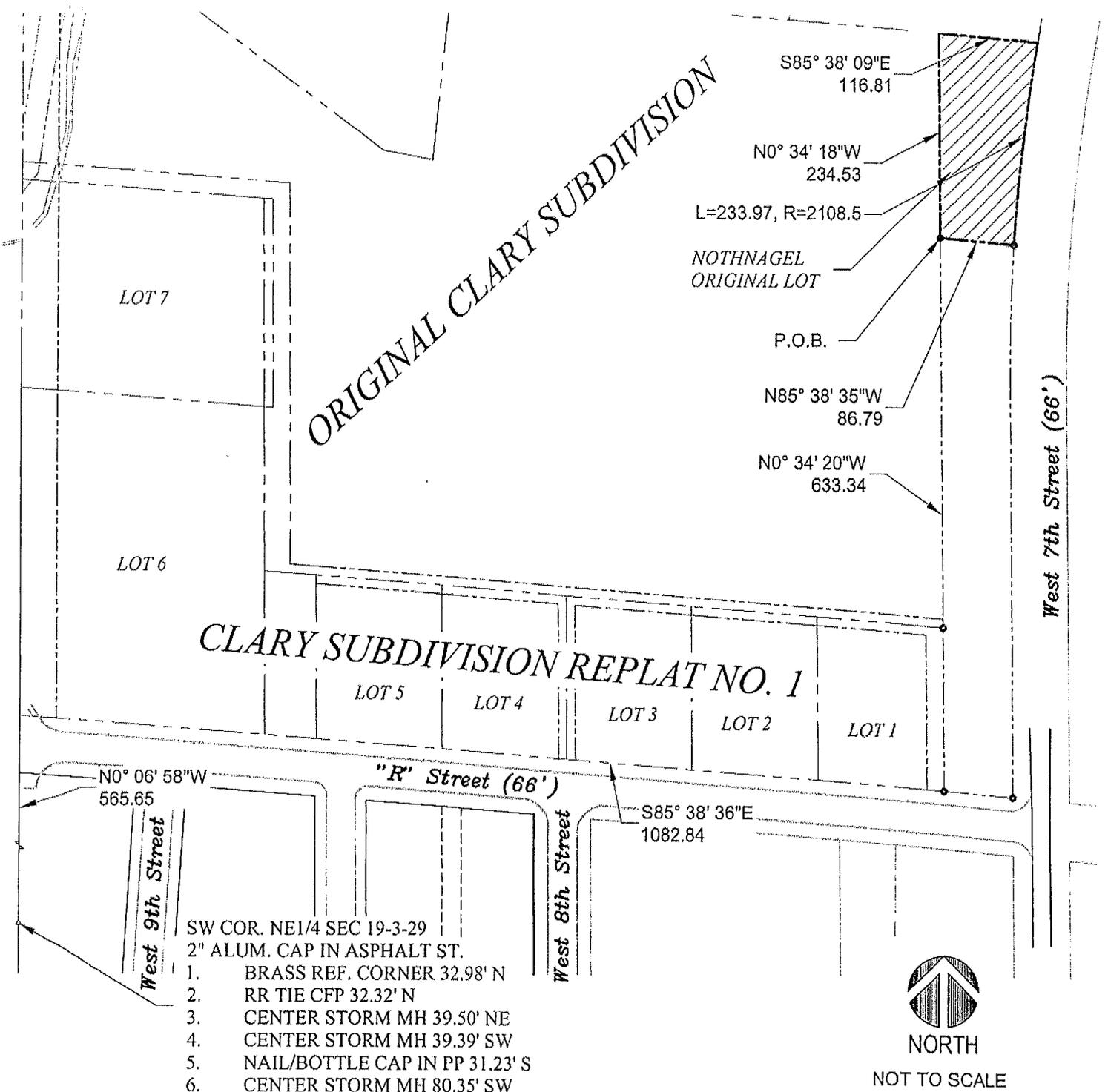
Kurt Vosburg, Chair

ATTEST:

Chad Lyons, Secretary

EXHIBIT #6

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- SW COR. NE1/4 SEC 19-3-29
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LEGAL DESCRIPTION

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Said tract containing .53 acres more or less subject to any easement, right-of-ways and reservations of record.

EXHIBIT A

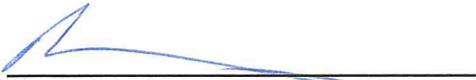
**CITY MANAGER'S REPORT
JULY 11, 2022 PLANNING COMMISSION MEETING**

ITEM NO. 2.C. Discussion regarding potential City of McCook recreational projects.

BACKGROUND:

Staff would like to discuss some of the potential recreational projects being considered by the McCook City Council. Potential projects include a swimming pool and ballpark.

APPROVALS:



Nathan A. Schneider, City Manager

July 6, 2022



Lea Ann Doak, City Clerk

July 6, 2022