

MCCOOK CITY COUNCIL

REGULAR MEETING

Monday, August 15, 2022
5:30 PM - City Council Chambers

Roll Call.

Excuse Absences.

Open Meetings Act Announcement.

Invocation - McCook Ministerial Association - Lisa Mensinger, Our Saviors Lutheran Church.

Pledge of Allegiance.

Call to Order.

Items.

1. Announcements & Recognitions.
2. Public Hearings.
 - A. Public Hearing - A report from the Economic Development Plan Citizen's Advisory Review Committee regarding meeting held July 25, 2022.
 1. Adjourn the Public Hearing.
 - B. Receive and file the minutes of the January 24, 2022 Economic Development Plan Citizen's Advisory Review Committee meeting.
 - C. Public Hearing - Regarding an application from the McCook Economic Development Corporation, John and Elizabeth Nothnagel, and W.A.G.S. Properties, LLC to approve a preliminary plat which serves as the initial step in the creation of the North Pointe Addition to the City of McCook.
 1. Adjourn the Public Hearing.
 - D. Approve the preliminary plat for the creation of the North Pointe Addition to the City of McCook.
3. Consent Agenda.

**The Consent Agenda is approved on one motion. Any item listed on the Consent Agenda may, by the request of any single Council member or public in attendance, be considered as a separate item under the Regular Agenda.*

 - A. Approve the minutes of the August 1, 2022 regular City Council meeting and the August 8, 2022 special City Council meeting.
 - B. Approve the application for a Special Designated Liquor License submitted by the McCook Chamber of Commerce for a Heritage Days Community Celebration to be held at Norris Alley, 406 Norris Avenue, on October 6, 2022

from 8:00 A.M. to 11:00 P.M., alternate location of the Keystone Business Center, 402 Norris Avenue.

- C. Adopt Resolution No. 2022-06 providing for the levy of special assessments for cost of demolition to abate nuisances.
 - D. Accept the draft minutes of the August 8, 2022 Planning Commission meeting.
 - E. Approve the McCook Area Chamber of Commerce Heritage Days request for the use of Norris Park for the Arts & Crafts Show, including the bandshell and electricity, on October 7 & 8, 2022; for the closing of Norris Avenue from “G” Street to “H” Street - after the parade on Saturday until 8:00 p.m., the 100 block of East “G” Street beginning at 1:00 p.m. on Friday, October 7, 2022, the 700 and 800 blocks of East 1st, the 100 and 200 blocks of East “H” Street from 5:00 A.M. to 8:00 P.M. on October 8, 2022, the 100 block of West “G” street from 5:00 a.m. on Saturday October 8, 2022 until after the parade; to allow overnight parking for vendors around Norris Park and to conduct their parade on public streets on October 8, 2022.
 - F. Approve specifications and procurement documents for Fan Press Equipment Procurement and set date to receive bids for September 8, 2022 at 2:00 P.M.
 - G. Approve the appointment of City Manager Nate Schneider, Utilities Director Pat Fawver, Waste Water Operator John White, Council Member Gene Weedon, and Council Member Jerry Calvin to the Selection Board for Engineering Services for the Wastewater Treatment Plant Improvements.
 - H. Appoint Andy Weber to the Board of Zoning Adjustment - term expires January 2023.
 - I. Receive and file the claims for the month of July 2022, published August 12, 2022.
 - J. Ratify and approve the selection of Hays Companies, Inc., a Brown and Brown Company, to serve as the City of McCook's Health Insurance Broker and execute the accompanying agreements.
4. Regular Agenda.
- A. Approve the request from Stacey Aguilar, Emergency Management Director for Community Hospital, to utilize McCook Ben Nelson Regional Airport for a community-wide full scale exercise on Tuesday, September 13, 2022, beginning at 5:30 P.M.
 - B. Introduce and approve on its first reading Ordinance No. 2022-3043 providing for the amendment of Section 7 - Procedures of McCook Subdivision Regulations Ordinance No. 2014-2900, adding Subsection 7.19 - Vacation of Subdivision Plats or portions of Subdivision Plats.
 - 1. Chairperson asks Clerk to read Ordinance by title.
 - 2. Consider statutory rule requiring reading on three separate occasions be suspended. Motion to suspend the rule must be adopted by three-fourths of the Council.
 - 3. Final passage of Ordinance No. 2022-3043.
 - 4. Chairperson declaration after vote and passage, if approved under suspension of the rule.

- C. Approve Resolution No. 2022-07, placing a ballot question on the November 8, 2022 election to approve an increase in the local option sales and use tax by an additional one-half percent (1/2%).
- D. Approve contract with Lagoon Pumping and Dredging Inc. of Columbus, Nebraska for digester cleaning and land application of biosolids in the amount of \$128,395.00 and authorize the Mayor to sign.
- E. Ordinance No. 2022-3045 providing for the adoption of the budget for FY 2022/2023.
 - 1. Chairperson asks Clerk to read Ordinance by title.
 - 2. Consider approval of Ordinance No. 2022-3045 upon its first reading.
- F. Ordinance No. 2022-3044 providing for the adoption of the FY 2022/2023 Fiscal Year Employee Classification Pay Plan.
 - 1. Chairperson asks Clerk to read Ordinance by title.
 - 2. Consider approval of Ordinance No. 2022-3044 upon its first reading.
- G. Consider on its third and final reading Ordinance No. 2022-3042 providing for the voluntary annexation of a tract of land located north of "R" Street along West 7th Street in the NE1/4 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, said property owned by John and Elizabeth Nothnagel.
 - 1. Chairperson asks Clerk to read Ordinance by title.
 - 2. Consider approval of Ordinance No. 2022-3042 upon its third and final reading.
 - 3. Chairperson declaration after vote, if approved.
- H. Council Comments.

Adjournment.

**CITY MANAGER'S REPORT
AUGUST 15, 2022 CITY COUNCIL MEETING**

ITEM: 2.A. Public Hearing - A report from the Economic Development Plan Citizen's Advisory Review committee regarding meeting held July 25, 2022.

ITEM: 2.B. Receive and file the minutes of the May 23, 2022 Economic Development Plan Citizen's Advisory Review Committee meeting.

BACKGROUND:

Quarter Economic Development Plan Citizen's Advisory Review Committee meetings were held on May 23, 2022 and July 25, 2022. Per the City's Plan, a public hearing will be held to discuss the contents of the meetings.

**FISCAL
IMPACT:** None.

APPROVALS:



Lea Ann Doak, City Clerk

August 9, 2022



Nathan A. Schneider, City Manager

August 9, 2022

EXHIBIT #1

PAGE(S) - 1

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Mayor and City Council of McCook, Nebraska will hold a public hearing on August 15, 2022 at 5:30 p.m. in the City Council Chambers of the McCook Municipal Center concerning the findings and suggestions of the LB840 Citizens Advisory Committee regarding the functions and progress of the economic development program for the City of McCook. Individuals requiring physical or sensory accommodations including interpreter services, braille, large print, or recorded materials, please contact the City Clerk at 308-345-2022.

-s- Lea Ann Doak,
City Clerk-Treasurer

Publish: August 1, 2022

EXHIBIT #2

PAGE(S) - 1

AGENDA

**ECONOMIC DEVELOPMENT PLAN
CITIZEN'S ADVISORY REVIEW COMMITTEE**

QUARTERLY MEETING

**MONDAY JULY 25, 2022
12:00 P.M.**

AT THE HERITAGE SENIOR CENTER CONFERENCE ROOM

CALL TO ORDER

*A Copy of the Open Meetings Act is posted and available for public review in the meeting room at the Keystone conference room.

- ITEM NO. 1** Review and approve minutes of May 23, 2022 meeting
- ITEM NO. 2** Review LB840 Economic Development Program quarterly reports
- ITEM NO. 3** Update of Revenues Collected to Date
- ITEM NO. 4** Economic Development Director Report
- ITEM NO. 5** Open discussion
- ITEM NO. 6** Next meeting date: October 24, 2022
- ITEM NO. 7** Adjournment

EXHIBIT #3

PAGE(S) - 8

McCook Growth Fund (LB840) PROGRAM BALANCES (MEDC format)

Program Year 10/01/21 - 9/30/22

6/30/20232

	Beginning	YTD	YTD	Ending	Program
	Cash on Hand	Receipts	Expenditures	Balance	Total
Loan & Grant Program	\$ 618,260.63	\$ 233,927.88	\$ 329,150.90	\$ 598,852.86	
Loan Repayments		\$ 75,790.95			
Legal			\$ 512.50		
Publishing			\$ 58.40		
Miscellaneous				\$ -	
Interest		\$ 595.20			
TOTAL				<u> </u>	\$ 598,852.86
 Ending Balance					 <u><u>\$ 598,852.86</u></u>
 MEDC Administration	\$ -	\$ 101,970.00	\$ 101,970.00	\$ -	

McCook Growth Fund (LB840) AVAILABLE FUNDS

Program Year 10/01/21 - 9/30/2022

Balances as 6/30/2022

	<u>Program Balance</u>	<u>Funds Allocated</u>	<u>Project Commitments</u>	<u>Available</u>
Loan, Grants and Projects	<u>\$ 598,852.86</u>			
Housing				
Rez Housing		\$140,000.00		
Housing Study		\$3,240.00		
Early Childhood Education				
New Provider Scholarship/Startup Funds		\$15,934		
Total Reserved and Committed		<u>\$ 159,174.00</u>	\$ -	
Total Funds Available				<u><u>\$ 439,678.86</u></u>

McCook Growth Fund (LB840) Loan Status Report
06/30/2022

Current Loans	Loan Amount (a)	Late Payment Fees (b)	Interest Rate	Loan Term (Years)	Date Loan Made	Interest Earned (c)	Payments Made (d)	Loan Balance Remaining (a+b+c-d)	Loan Status
Hot Tub Brokers	\$ 100,000.00	0	2	10	12/13/2021	\$ 918.06	\$ 5,517.36	\$ 95,400.70	Current
J and A Mullen, LLC	\$ 56,500.00	\$ -	3%	10	4/30/2020	\$ 3,227.02	\$ 13,640.25	\$ 46,086.77	Current
Early Morning Cackle, LLC	\$ 55,700.00	\$ 240.00	3%	10	3/1/2020	\$ 3,361.14	\$ 14,339.17	\$ 44,961.97	Current
Straight Align, LLC	\$ 50,000.00		3%	10	11/1/2019	\$ 3,545.07	\$ 15,449.60	\$ 38,095.47	Current
C5, LLC (Laundromat)	\$ 50,000.00		3%	10	2/1/2019	\$2,713.49	\$ 49,500.00	\$ 3,213.49	Current
Bailey Kool dba Head 2 Toe Spa	\$ 10,000.00		3%	5	5/1/2018	\$720.43	\$ 8,788.81	\$ 1,931.62	Current
American Agricultural Laboratory	\$ 75,000.00		2%	10	2/5/2017	\$6,095.61	\$ 44,166.45	\$ 36,929.16	Current
MEDC North Pointe Phase I TIF Bond	\$ 208,000.00		0%	22	4/2/2015	\$0.00	\$ 121,060.77	\$ 86,939.23	Current
Clary Village Equity (Non-Recourse Loan - to be paid from residual cash flow)	\$ 120,000.00		4%	15	3/16/2015	\$33,270.38	\$ 28,103.60	\$ 125,166.78	Current
MEDC Clary Village TIF	\$ 178,622.92		0%	17	3/16/2015	\$0.00	\$ 74,572.07	\$ 104,050.85	Current
East Ward Village (Non-Recourse Loan - to be paid from residual cash flow)	\$ 105,000.00		2%	15	7/11/2012	\$14,447.01	\$ 73,746.58	\$ 45,700.43	Current
Totals	\$ 1,008,822.92	\$ 240.00				\$68,298.21	\$448,884.66	\$ 628,476.47	

LB840 PROGRAM BALANCES

6/30/2022

Unaudited

	(C) BEGINNING CASH ON HAND 10/1/2021	(D) FY 21/22 ANTICIPATED RECEIPTS	(E) FY 21/22 YTD RECEIPTS	(F) FY 21/22 YTD EXPENDITURES	(G) ENDING PROGRAM BALANCES (C + E - F = G)
Motor Vehicle Sales Tax ** (**Not available to MEDC)	\$ 261,051.91	\$ 38,200.00	\$ 31,570.84	\$ -	\$ 292,897.78
Interest:			\$ 275.03		
Loan/Grant/Program	\$ 618,260.63	\$ 275,642.00	\$ 233,927.88	\$ 329,150.90	\$ 598,852.86
Loan Repayment		\$ 100,000.00	\$ 75,790.95		
Legal				\$ 512.50	
Publishing				\$ 58.40	
Miscellaneous				\$ -	
Interest			\$ 595.20		
MEDC Administration	\$ -	\$ 135,960.00	\$ 101,970.00	\$ 101,970.00	\$ -
BALANCES	\$ 879,312.54	\$ 549,802.00	\$ 444,129.90	\$ 431,691.80	<u>\$ 891,750.64</u>

CITY OF MCCOOK
LB840
RECEIPT REGISTER
10/01/2021 - 06/30/2022

		Total Receipt	Receipt Breakdown		
			MV Sales Tax	Loan/Grant Prog	MEDC Adm
10/21/2021	Nebr Dept of Rev	\$ 36,757.92		\$ 25,427.92	\$ 11,330.00
11/19/2021	Nebr Dept of Rev	\$ 35,651.34		\$ 24,321.34	\$ 11,330.00
12/21/2021	Nebr Dept of Rev	\$ 37,543.92		\$ 26,213.92	\$ 11,330.00
10/21/2021	MV - Nebr Dept of Rev	\$ 4,408.15	\$ 4,408.15		
11/19/2021	MV - Nebr Dept of Rev	\$ 3,755.39	\$ 3,755.39		
12/21/2021	MV - Nebr Dept of Rev	\$ 3,164.94	\$ 3,164.94		
10/31/2021	Interest	\$ 102.18	\$ 97.87	\$ 4.31	
11/30/2021	Interest	\$ 124.48		\$ 124.48	
12/31/2021	Interest	\$ 81.48		\$ 81.48	
10/12/2021	Loan Repayment	\$ 2,923.51		\$ 2,923.51	
10/12/2021	Kool - Loan Repay	\$ 180.00		\$ 180.00	
10/12/2021	Repass - Loan Repay	\$ 500.00		\$ 500.00	
12/12/2021	C5 LLC - Loan Repay	\$ 500.00		\$ 500.00	
10/12/2021	Mullen - Loan Repay	\$ 545.61		\$ 545.61	
10/12/2021	Str Align - Loan Repay	\$ 482.80		\$ 482.80	
10/12/2021	American Ag Lab - Loan Repay	\$ 690.11		\$ 690.11	
10/12/2021	EMC - Loan Repay	\$ 538.42		\$ 538.42	
10/25/2021	Clary Village Equity Loan	\$ 705.20		\$ 705.20	
12/20/2021	C5 LLC - Loan Repay	\$ 1,000.00		\$ 1,000.00	
12/20/2021	Repass - Loan Repay	\$ 500.00		\$ 500.00	
12/20/2021	Mullen/Bee Little Loan Repay	\$ 545.61		\$ 545.61	
12/20/2021	Str Align - Loan Repay	\$ 482.80		\$ 482.80	
12/20/2021	C5 LLC - Loan Repay	\$ 500.00		\$ 500.00	
12/20/2021	Repass - Loan Repay	\$ 500.00		\$ 500.00	
12/20/2021	Kool - Loan Repay	\$ 179.69		\$ 179.69	
12/20/2021	American Ag Lab - Loan Repay	\$ 690.10		\$ 690.10	
12/20/2021	EMC - Loan Repay	\$ 1,106.84		\$ 1,106.84	
12/20/2021	Str Align - Loan Repay	\$ 482.80		\$ 482.80	
12/20/2021	Repass - Loan Repay	\$ 500.00		\$ 500.00	
12/20/2021	C5 LLC - Loan Repay	\$ 500.00		\$ 500.00	
12/20/2021	Kool - Loan Repay	\$ 180.00		\$ 180.00	
12/20/2021	Mullen/Bee Little Loan Repay	\$ 545.61		\$ 545.61	
12/20/2021	American Ag Lab - Loan Repay	\$ 690.10		\$ 690.10	
12/20/2021	East Ward Village - Loan Repay	\$ 8,180.00		\$ 8,180.00	
12/21/2021	Clary - Loan Repayment	\$ 2,233.14		\$ 2,233.14	
1/20/2022	Nebr Dept of Rev	\$ 37,548.95		\$ 26,218.95	\$ 11,330.00
2/18/2022	Nebr Dept of Rev	\$ 46,516.67		\$ 35,186.67	\$ 11,330.00
3/21/2022	Nebr Dept of Rev	\$ 34,674.16		\$ 23,344.16	\$ 11,330.00
1/20/2022	MV - Nebr Dept of Rev	\$ 3,502.89	\$ 3,502.89		
2/18/2022	MV - Nebr Dept of Rev	\$ 3,069.06	\$ 3,069.06		
3/21/2022	MV - Nebr Dept of Rev	\$ 2,343.35	\$ 2,343.35		
1/31/2022	Interest	\$ 99.85	\$ 81.92	\$ 17.93	
2/28/2022		\$ 84.78		\$ 84.78	
3/31/2022		\$ 87.53		\$ 87.53	
1/20/2022	Mullen/Bee Little Loan Repay	\$ 545.61		\$ 545.61	
1/20/2022	Str Align - Loan Repay	\$ 482.80		\$ 482.80	
1/20/2022	American Ag Lab - Loan Repay	\$ 690.10		\$ 690.10	
1/21/2022	Hot Tub Broker - Loan Repay	\$ 919.56		\$ 919.56	
1/31/2022	Kool - Loan Repay	\$ 200.00		\$ 200.00	
2/3/2022	Repass - Loan Repay	\$ 500.00		\$ 500.00	

2/3/2022	Repass - Loan Repay	\$ 1,000.00		\$ 1,000.00	
2/3/2022	Str Align - Loan Repay	\$ 482.80		\$ 482.80	
2/4/2022	Clary - Loan Repayment	\$ 919.56		\$ 919.56	
2/11/2022	Mullen/Bee Little Loan Repay	\$ 545.61		\$ 545.61	
2/11/2022	EMC - Loan Repay	\$ 1,106.84		\$ 1,106.84	
2/11/2022	American Ag Lab - Loan Repay	\$ 690.10		\$ 690.10	
2/18/2022	Kool - Loan Repay	\$ 180.00		\$ 180.00	
3/4/2022	Hot Tub Broker - Loan Repay	\$ 919.56		\$ 919.56	
3/8/2022	Repass - Loan Repay	\$ 500.00		\$ 500.00	
3/8/2022	Str Align - Loan Repay	\$ 482.80		\$ 482.80	
3/8/2022	EMC - Loan Repay	\$ 538.42		\$ 538.42	
3/8/2022	American Ag Lab - Loan Repay	\$ 690.10		\$ 690.10	
3/28/2022	Mullen/Bee Little Loan Repay	\$ 545.61		\$ 545.61	
3/29/2022	CS LLC - Loan Repay	\$ 1,500.00		\$ 1,500.00	
4/21/2022	Nebr Dept of Rev	\$ 33,175.26		\$ 21,845.26	\$ 11,330.00
5/20/2022	Nebr Dept of Rev	\$ 36,882.18		\$ 25,552.18	\$ 11,330.00
6/21/2022	Nebr Dept of Rev	\$ 37,147.48		\$ 25,817.48	\$ 11,330.00
4/21/2022	MV - Nebr Dept of Rev	\$ 3,370.55	\$ 3,370.55		
5/21/2022	MV - Nebr Dept of Rev	\$ 3,914.29	\$ 3,914.29		
6/21/2022	MV - Nebr Dept of Rev	\$ 4,042.22	\$ 4,042.22		
4/30/2022	Interest	\$ 86.35	\$ 86.35		
5/31/2022	Interest	\$ 102.96	\$ 8.89	\$ -94.07	
6/30/2022	Interest	\$ 100.62		\$ 100.62	
4/4/2022	Hot Tub Broker - Loan Repay	\$ 919.56		\$ 919.56	
4/11/2022	Kool - Loan Repay	\$ 179.69		\$ 179.69	
4/11/2022	Kool - Loan Repay	\$ 180.00		\$ 180.00	
4/11/2022	Str Align - Loan Repay	\$ 482.80		\$ 482.80	
4/11/2022	EMC - Loan Repay	\$ 538.42		\$ 538.42	
4/11/2022	American Ag Lab - Loan Repay	\$ 690.10		\$ 690.10	
4/29/2022	CS LLC - Loan Repay	\$ 500.00		\$ 500.00	
4/29/2022	Str Align - Loan Repay	\$ 482.80		\$ 482.80	
5/5/2022	Hot Tub Broker - Loan Repay	\$ 919.56		\$ 919.56	
5/11/2022	Mullen/Bee Little Loan Repay	\$ 545.61		\$ 545.61	
5/11/2022	Mullen/Bee Little Loan Repay	\$ 545.61		\$ 545.61	
5/11/2022	Mullen/Bee Little Loan Repay	\$ 545.61		\$ 545.61	
5/11/2022	EMC - Loan Repay	\$ 538.42		\$ 538.42	
5/11/2022	American Ag Lab - Loan Repay	\$ 690.10		\$ 690.10	
5/18/2022	Kool - Loan Repay	\$ 200.00		\$ 200.00	
6/2/2022	Hot Tub Broker - Loan Repay	\$ 919.56		\$ 919.56	
6/6/2022	Repass - Loan Repay	\$ 500.00		\$ 500.00	
6/6/2022	Str Align - Loan Repay	\$ 482.80		\$ 482.80	
6/6/2022	EMC - Loan Repay	\$ 538.42		\$ 538.42	
6/30/2022	Clary - Loan Repayment	\$ 4,561.42		\$ 4,561.42	
6/30/2022	N Pointe - Loan Repay	\$ 21,508.66		\$ 21,508.66	
		\$ 444,129.90	\$ 31,845.87	\$ 310,314.03	\$ 101,970.00 \$ 444,129.90

CITY OF MCCOOK
 LB840 FUND
 CHECK REGISTER
 10/01/2021 - 06/30/2022

PAYEE	DESCRIPTION	ACCT. NO.	DATE	CK NO.	AMOUNT
McCook Economic Development	Innovative Housing Program	45 068 54465	10/14/21	1371	\$ 20,000.00
	Infant Incentives	45 068 54465			\$ 3,750.00
	Administration	45 068 54885			\$ 11,330.00
McCook Economic Development	Administration	45 068 54885	11/10/21	1372	\$ 11,330.00
McCook Gazette	Publishing	45 068 54020	11/10/21	1373	\$ 15.20
McCook Economic Development	Digital Façade Program	45 068 54465	12/01/21	1374	\$ 833.90
	Infant Incentives	45 068 54465		1374	\$ 2,250.00
	North Pointe Redevelopment	45 068 54465		1374	\$ 7,615.00
				1375	VOID
McCook Economic Development	Administration	45 068 54885	12/08/21	1376	\$ 11,330.00
MBSM&S, PC, LLO	Hot Tub Brokers	45 068 54465	12/13/21	1377	\$ 100,000.00
Cline Williams	Legal	45 068 54030	12/15/21	1378	\$ 512.50
McCook Gazette	Publishing	45 068 54020	12/15/21	1379	\$ 12.80
McCook Economic Development	Administration	45 068 54885	01/19/22	1380	\$ 11,330.00
McCook Economic Development	Administration	45 068 54885	02/09/22	1381	\$ 11,330.00
McCook Economic Development	Retail Strategies	45 068 54465	03/23/22	1382	\$ 30,000.00
		45 068 54885			\$ 11,330.00
McCook Economic Development	Administration	45 068 54885	04/13/22	1383	\$ 11,330.00
McCook Economic Development	Administration	45 068 54885	05/11/22	1384	\$ 11,330.00
McCook Gazette	Publishing	45 068 54020	05/11/22	1385	\$ 14.80
McCook Economic Development	March - Infant Incentives	45 068 54465	05/25/22	1386	\$ 1,716.00
	April - Infant Incentives				\$ 3,500.00
McCook Economic Development	Mid-State Development	45 068 54465	06/01/22	1387	\$ 2,025.00
	Hanna-Keelan Housing Study				\$ 4,500.00
	Hanna-Keelan Housing Study				\$ 4,500.00
	Reward Membership				\$ 2,500.00
McCook Economic Development	Administration	45 068 54885	06/08/22	1388	\$ 11,330.00
McCook Gazette	Publishing	45 068 54020	06/08/22	1389	\$ 15.60
McCook Economic Development	Loan Payoff - Seminole	45 068 54465	06/22/22	1390	\$ 145,293.75
				1391	VOID
McCook Economic Development	City Façade - Honorbound	45 068 54465	06/29/22	1392	\$ 667.25
	TOTAL				\$ 431,691.80
	TOTAL BY PROGRAM				
	Publishing	45 068 54020			\$ 58.40
	Legal	45 068 54030			\$ 512.50
	LB840 Loan/Grant/Programs	45 068 54465			\$ 329,150.90
	LB840 Street Sales Tax Res	45 068 54835			\$ -
	LB840 MEDC Administration	45 068 54885			\$ 101,970.00
	TOTAL				\$ 431,691.80

**ECONOMIC DEVELOPMENT PLAN
CITIZEN'S ADVISORY REVIEW COMMITTEE
MEETING MINUTES**

Monday – May 23, 2022
12:00 P.M. at the Heritage Senior Center Conference Room

The Economic Development Plan Citizen's Advisory Review Committee of the City of McCook was called to order by Chairperson Sean Wolfe and began at 12:18 P.M.

A copy of the Open Meetings Act is posted on the City of McCook website and available for public review.

Present: Chairperson Sean Wolfe; Nate Schneider, City Manager; Tracy Burkey, Recording Secretary; Members, Sarah Renner, Leon Kuhlen, Jeanette Peters, Bob Elder, and Charlie McPherson, EDC Director.

Absent: Alexis Davidson and Jordan Johnson.

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on May 17, 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 Economic Development Plan Citizen's Advisory Review Committee. 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.

(1) REVIEW AND APPROVE MINUTES OF JANUARY 24, 2022 MEETING.

Kuhlen introduced a motion to approve the January 24, 2022 minutes; Renner seconded the motion. All members present voted in the affirmative. Motion passed. 5 VOTES YEA, 0 NAY, 2 ABSENT.

(2) REVIEW LB840 ECONOMIC DEVELOPMENT PROGRAM QUARTERLY REPORTS.

MEDC Director McPherson reviewed the McCook Growth Fund Program Balances and McCook Growth Fund Available Funds reports prepared by MEDC for the 10/01/21 - 09/30/22 program year with the committee.

As of 3/31/2022 the LB840 Program balance is \$653,706.51. Funds currently allocated in the amount of \$174,057.10. Leaving an available balance of \$479,649.41 of unallocated funds.

(3) UPDATE OF REVENUES COLLECTED.

The McCook Growth Fund Loan Status Report and all loans are current. The LB840 Program Balances report, receipt register and check register were provided.

EXHIBIT #4

PAGE(S) - 3

(4) ECONOMIC DEVELOPMENT DIRECTOR REPORT

Housing Match

The housing match is \$20,000 for an innovative housing grant proposal. The pool of money is to be used between McCook, Benkelman and Cambridge. The \$20,000 pays for construction site preparation. We have been awarded a \$405,000 grant for the innovative housing proposal. Benkelman has completed a home and has it for sale. McCook has set the Wardcraft home and will be completing the garage and porch area soon. EDC will be listing the home with a realtor even before the construction is completed. Once these two homes are sold they will start working on the Cambridge home.

Early Childhood Education New Provider Scholarship/Startup Funds

The Early Childhood Education program has been a huge success. At this point, with this program we have increased the number of childcare spots by 120 children. Most of the spots are due to Bee Little Childcare Center and BlessEng's Childcare Center. Bee Little Childcare Center has opened a second location at Hillcrest Nursing Home. Funds are still available if any other provider is in need. MEDC has leveraged local, state and federal grants to also help these programs.

Digital Facade Program

This program from McCook Economic Development Corporation will provide up to a \$3,500 match to help businesses upgrade their digital presence. This program is sunsetting as there is only one applicant left that has \$667.00 in approved funds.

Rez Housing Purchase

The goal is to recruit a developer or homebuilder to increase the community's housing stock on the land. The purchase was \$210,000. MEDC board approved an initial payment of \$70,000, with a loan covering the rest of the price, but have allocated up to the full purchase price through the LB840 fund. The board elected to borrow a portion of this initially, as rates are low, and it keeps additional funds in the LB840 account if an opportunity would arrive to help the community.

Housing Study

MEDC agreed to work with Hanna-Keelan on an updated housing study. They are getting very close to completing the study and a report will be issued explaining the results. This will allow us to market our property to developers better and allow us to expand our use of TIF financing with a Workforce Housing Plan.

(5) OPEN DISCUSSION

Still struggling to get developers to come out our way. EDC is considering carrying a TIF loan through LB840 loans to get infrastructure placed at North Pointe. Looking at possibly adding apartment complexes out by the Kelley Creek Apartments. City sales tax numbers continue to

stay strong.

(6) NEXT MEETING DATE

Next meeting date will be July 25, 2022 at 12:00 PM at the Heritage Senior Center conference room.

(9) ADJOURNMENT

Meeting adjourned at 12:58 PM.



Tracy Burkey, Recording Secretary

**CITY MANAGER'S REPORT
AUGUST 15, 2022 MCCOOK CITY COUNCIL MEETING**

ITEM NO. 2.C. Public Hearing - Regarding an application from the McCook Economic Development Corporation, John and Elizabeth Nothnagel, and W.A.G.S. Properties, LLC to approve a preliminary plat which serves as the initial step in the creation of the North Pointe Addition to the City of McCook.

ITEM NO. 2.D. Approve the preliminary plat for the creation of the North Pointe Addition to the City of McCook.

BACKGROUND:

The City of McCook has been asked, by the McCook Economic Development Corporation (ie. MEDC), John and Elizabeth Nothnagel, and W.A.G.S. Properties, LLC, to consider a preliminary plat of the North Pointe Addition to the City of McCook. The tract of land to be considered contains 16.36 acres, more or less. The preliminary plat contemplates the creation of 27 single family residential lots. The property is located west of West 7th Street and north of West R Street. The majority of the property is zoned as single family residential, with portions of the four lots adjacent to West 7th Street (ie. Block 1, Lot 8; Block 1, Lot 9; Block 2, Lot 1; and Block 2, Lot 16 of the proposed North Pointe Addition) zoned as agricultural. Accordingly, a rezone will have to occur prior to the approval of the North Pointe Addition final plat. This lapse of time is also required to allow for the finalization of the annexation of the MEDC lot that comprises the eastern edge of the proposed North Pointe Addition and the Nothnagel lot that comprises the northeastern edge of the proposed North Pointe Addition. The North Pointe Addition Preliminary Plat is attached to this packet. The Preliminary Plat is comprised of three documents: the Preliminary Plat, the Preliminary Plat Outlining Proposed and Existing Utilities, and a Preliminary Plat That Overlays the Existing Land. Upon review, the applicant's preliminary plat meets the City of McCook's subdivision requirements. A copy of the subdivision requirements are included with this report. It is important to note that the preliminary plat contemplates the creation of three streets (ie. West 9th Street extended, West S Street from West 7th Street to West 9th Street, and West T Street from West 7th Street to West 9th Street). Additionally, the preliminary plat includes Outlot 2, which is intended to assist with surface drainage. Finally, the preliminary plat includes an easement north of West T Street that provides the Craig and Cheryl Christener property to the north with 50 feet of street frontage, allowing for T Street access to and from the Christener's property. Of note, the Christner property is not included in the proposed North Pointe Addition. It's legal description will remain the same, as will all of the properties that have been previously subdivided as Clary Subdivision replats.

On a related note, at the same time this preliminary plat agenda item is being considered, Staff will ask the City Council to consider passing a vacation ordinance under suspension of the rules. The applicant's have expressed to city staff members a desire to move forward with the preliminary platting process while the vacation process takes place. Based on representations made by the MEDC, time is of the essence. As a result of city staff members' consultation with Craig Bennett of Miller & Associates and city staff's review of McCook's existing Subdivision Regulations, it is clear a vacation ordinance needs to be adopted to provide a clean method for subdividing over the top of existing subdivisions. The replat system that the City of McCook has employed in the past has shown itself to be unwieldy, as evidenced by the six replats created to subdivide the Clary Subdivision.

EXHIBIT #1

PAGE(S) - 2

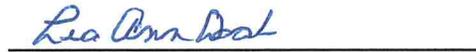
The McCook Planning Commission voted unanimously to recommend approval of the North Pointe Addition Preliminary Plat to the McCook City Council.

APPROVALS:



Nathan A. Schneider, City Manager

August 10, 2022



Lea Ann Doak, City Clerk

August 10, 2022

**NOTICE OF PUBLIC HEARING
PRELIMINARY PLAT APPROVAL**

NOTICE IS HEREBY GIVEN that a public hearing will be held to consider the preliminary plat on the following described property to be known as North Pointe Addition, a Replat of Blocks 2 & 3, Clary Subdivision & Replat No. 5 & No. 6 Clary Subdivision.

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 a Replat of Blocks 2 & 3 of the Clary Subdivision, and Replat No. 5 & No. 6 of the Clary Subdivision of the City of McCook, Red Willow County, Nebraska.

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

AUGUST 8, 2022 - 5:15 P.M.
MCCOOK PLANNING COMMISSION
CITY COUNCIL CHAMBERS
505 WEST "C" STREET

AUGUST 15, 2022 - 5:30 P.M.
MCCOOK CITY COUNCIL
CITY COUNCIL CHAMBERS
505 WEST "C" STREET

ANY AND ALL PERSONS desiring to comment on the above-described final plat may attend the public hearings and will be given an opportunity to be heard. For additional information regarding this notice please contact Nate Schneider, City of McCook City Manager, at 345-2022 ext. 225.

-s- Lea Ann Doak
City Clerk

Mail: July 29, 2022.
Post: July 29, 2022.

EXHIBIT #2

PAGE(S) - 1

Property Owners Notified:

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

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

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

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

JOHN D ALLEN
1203 W Q
MCCOOK, NE 69001

JOHN WALTERS
71822 OLD HWY 17
CULBERTSON, NE 69024

GALEN PERRY
1001 W R ST
MCCOOK, NE 69001

MEDC
C/O CHARLIE MCPHERSON
402 NORRIS AVE
MCCOOK, NE 69001

CRAIG AND CHERYL CHRISTNER
808 SPRUCE
MCCOOK, NE 69001

RICHARD AND STACEE SMOCK
903 W R
MCCOOK, NE 69001

DAVID AND JOANN BARENBERG
901 W R
MCCOOK, NE 69001

THOMAS AND MIKA LENTZ
805 W R
MCCOOK, NE 69001

JOHN AND ELIZABETH NOTHNAGEL
805 SPRUCE
MCCOOK, NE 69001

CHANDLER AND TRISHA WAGNER
803 W R
MCCOOK, NE 69001

MICHAEL AND NANCY HEDKE
801 W R
MCCOOK, NE 69001

BENJAMIN AND LINDSAY WEBB
802 SPRUCE
MCCOOK, NE 69001

DAVE AND ANGELA MCCARTY
1700 W 4
MCCOOK, NE 69001

MICHAEL R WIGGS
3292 E 3180 SOUTH ST
ST GEORGE, UT 84790

TOM AND JODY BENNETT
2101 W 7TH
MCCOOK, NE 69001

GARFIELD GEORGE GRIM
801 SPRUCE
MCCOOK, NE 69001

DARIN AND JENNIFER MORGAN
304 ELIZABETH
MCCOOK, NE 69001

EXHIBIT #3

PAGE(S) - 1

**NOTICE OF PUBLIC HEARING
PRELIMINARY PLAT APPROVAL**

NOTICE IS HEREBY GIVEN that a public hearing will be held by the City of McCook Planning Commission on August 8, 2022, at 5:15 P.M. and by the McCook City Council on August 15, 2022, at 5:30 P.M.. The hearings will be held in the City Council Chambers, 505 West "C" Street, McCook, Nebraska, to consider the preliminary plat on 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 a Replat of Blocks 2 & 3 of the Clary Subdivision, and Replat No. 5 & No. 6 of the Clary Subdivision of the City of McCook, Red Willow County, Nebraska, to be known as North Pointe Addition. A copy of the proposed preliminary plat and legal description are available for public inspection at the office of the City Clerk. Any and all persons desiring to comment on the proposed preliminary plat may attend said public hearings and will be given an opportunity to be heard. For additional information regarding this notice please contact Nate Schneider, City of McCook City Manager, at 345-2022 ext. 225.

-s- Lea Ann Doak
City Clerk

Publish: July 29, 2022.

EXHIBIT #4

PAGE(S) - 1

DEDICATION

McCOOK ECONOMIC DEVELOPMENT CORPORATION, as it appears on the foregoing Plat and as described with the desires of the undersigned owners and proprietors. The said owners hereby dedicate the streets, alleys, easements and other open areas to the Public use and benefit.

By: Trey Bruntz, President MEDC
 By: John & Elizabeth Nuthmager
 By: W.A.G.S. Properties LLC, Chris Wagner

ACKNOWLEDGMENTS

Personally appeared before me a Notary Public in and for the State of Nebraska, Trey Bruntz, known to me to be the identical person whose name is affixed to the foregoing instrument and he acknowledges the same to be his voluntary act and deed.
 Witness my hand and official Seal this ___ day of _____
 My commission expires _____
 Notary Public

Personally appeared before me a Notary Public in and for the State of Nebraska, John & Elizabeth Nuthmager, known to me to be the identical person whose name is affixed to the foregoing instrument and he acknowledges the same to be his voluntary act and deed.
 Witness my hand and official Seal this ___ day of _____
 My commission expires _____
 Notary Public

Personally appeared before me a Notary Public in and for the State of Nebraska, Chris Wagner, known to me to be the identical person whose name is affixed to the foregoing instrument and he acknowledges the same to be his voluntary act and deed.
 Witness my hand and official Seal this ___ day of _____
 My commission expires _____
 Notary Public

PLANNING COMMISSION APPROVAL

This Plat was duly approved by the City of McCook, Red Willow County, Nebraska Planning Commission on this ___ day of _____, 2022.

Nate Schneider, City Manager Kurt Vossburg, Chairman Chad Lyons, Secretary

MUNICIPAL APPROVAL

This Plat was duly approved by the City of McCook, Red Willow County, Nebraska Planning Commission on this ___ day of _____, 2022.

LesAnn Dask, City Clerk Michael Gonzales, Mayor

RECORDING INFORMATION

State of Nebraska) County of Red Willow)
 Instrument No. _____
 DATE: _____
 TIME: _____
 Register of Deeds Trust Text

SURVEYOR
GRUMMERT PROFESSIONAL SERVICES, LLC
 2837 W. HWY 6, STE 206, HASTINGS, NE 68901
 PHONE 402-879-5701 EMAIL jngrummert@yahoo.com
 WWW.GRUMMERTSURVEYING.COM

ENGINEER
DESIGN ASSOCIATES
 4111 135th Street, Lincoln, NE 68504
 402.491.1111 FAX 402.491.1112
 2020 N. ANDERSON AVENUE, SUITE 100, LINCOLN, NE 68504

COPYRIGHT
 This document and the information contained may not be reproduced or used without the express written permission of the Design Associates. Unauthorized copying or dissemination of construction information is prohibited by the copyright law.

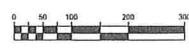
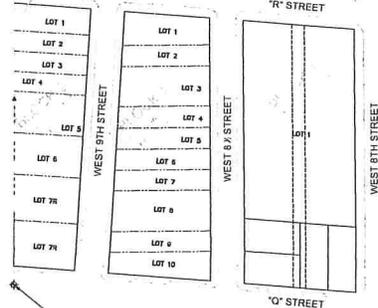
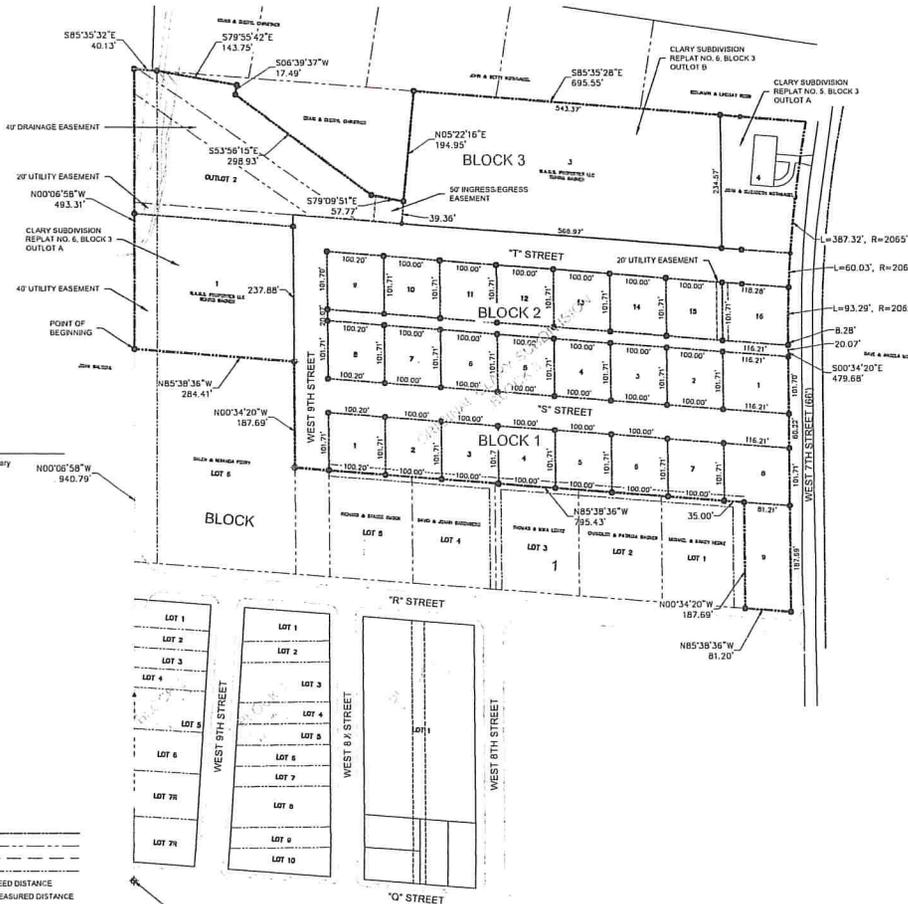


LEGEND

- PROPERTY LINE ————
- LOT LINE - - - - -
- BLDG. SETBACK LINE - - - - -
- EASEMENT ————
- D DEED DISTANCE
- M MEASURED DISTANCE
- R RECORD DISTANCE
- P PLATTED DISTANCE
- G GOVERNMENT DISTANCE
- W.C. WITNESS CORNER
- ⊕ FOUND CORNER
- ⊙ CALCULATED POINT
- ⊙ SET 1/2" REBAR WITH BLUE L575 CAP UNLESS NOTED OTHERWISE

NORTH POINTE ADDITION
AN ADDITION TO THE
City of McCook, Red Willow County, Nebraska

PRELIMINARY PLAT



SURVEYORS CERTIFICATE

A tract of lands 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 a Replat of Blocks 2 & 3 of the CLARY SUBDIVISION, and Replat No. 5 & 6 of the CLARY SUBDIVISION 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 it along the 1/4 section line a distance of 940.79 feet to a point on the South line of Lot 7, said Point being the Point of Beginning. Thence N00°55'55"W along the West 11th Section Line a distance of 493.31 feet to a point, thence S85°35'32"E a distance of 40.13 feet to a point, thence S79°59'42"E a distance of 143.75 feet to a point, thence S06°39'37"W a distance of 17.49 feet to a point, thence S53°56'15"E a distance of 298.93 feet to a point, thence S79°09'51"E a distance of 57.77 feet to a point, thence N05°22'16"E a distance of 194.95 feet to a point, thence S85°35'28"E a distance of 695.55 feet to a point, thence S06°39'37"W a distance of 143.75 feet to a point, thence S53°56'15"E a distance of 298.93 feet to a point, thence S79°09'51"E a distance of 57.77 feet to a point, thence N05°22'16"E a distance of 194.95 feet to a point, thence S85°35'28"E a distance of 695.55 feet to a point, thence Southwesterly along a curve a distance of 307.48 having a Radius of 2065 feet to a point, thence S00°34'20"E a distance of 479.68 feet to a point, thence N85°38'36"W a distance of 284.41 feet to a point, thence N00°34'20"W a distance of 187.69 feet to a point, thence N85°38'36"W a distance of 81.20 feet to the Point of Beginning.

Said tract containing 10.30 acres more or less subject to any easement, right-of-way and reservations of record.

I, Joshua E. Grummert, Licensed Professional Land Surveyor under the laws of the State of Nebraska, do hereby certify this plat of a survey made by me or under my supervision, this ___ day of _____, 2022.

Joshua E. Grummert LS-783



VICINITY MAP

OWNER
 McCOOK ECONOMIC DEVELOPMENT CORPORATION
 TREY BRUNTZ, PRESIDENT
 402 NORRIS AVE SUITE 301
 McCOOK, NE 68901

RESIDENTIAL MEDIUM DENSITY & AC ZONING

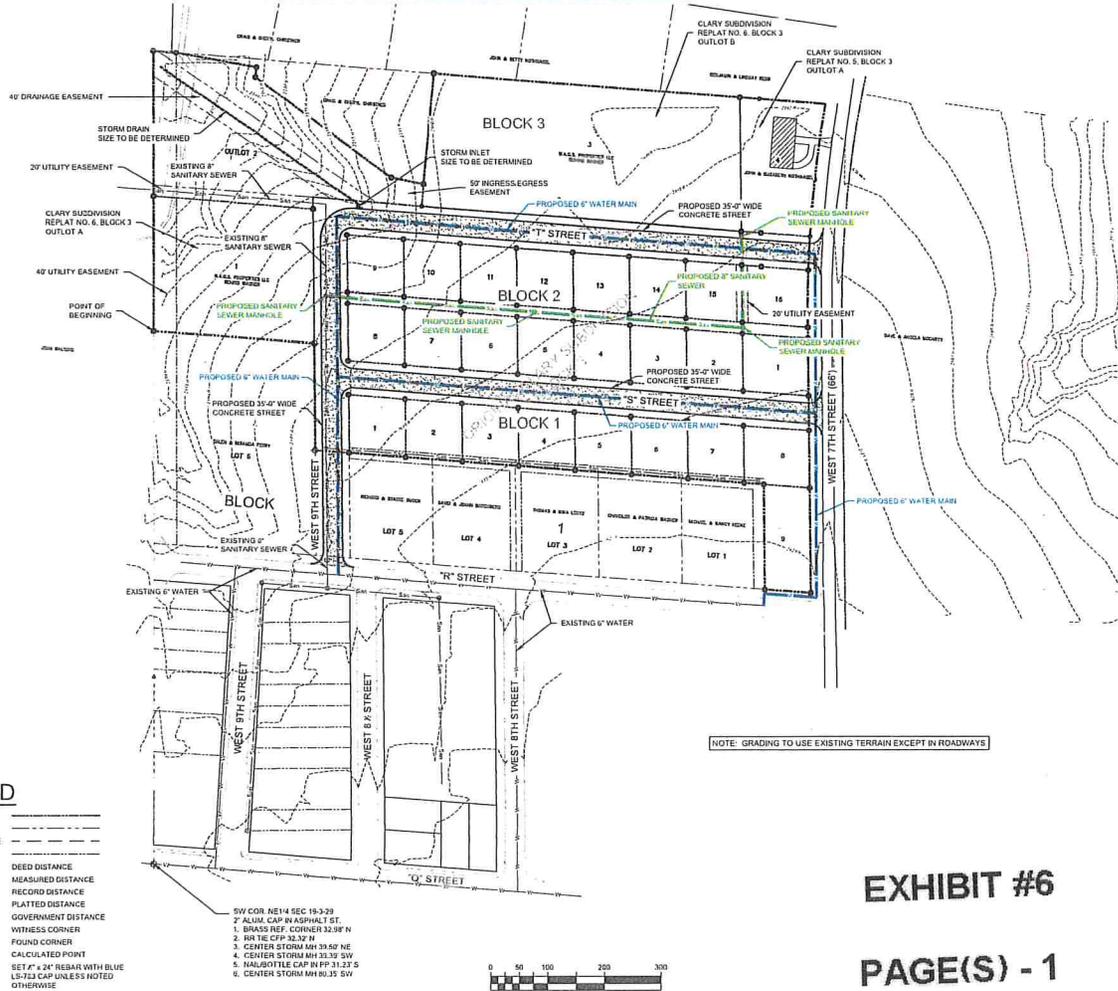
- MINIMUM LOT = 5000 SQ. FEET
- MINIMUM FRONT YARD = 20 FEET
- MINIMUM REAR YARD = 15 FEET
- MINIMUM SIDE YARD = 5 & 6 FEET

EXHIBIT #5

PAGE(S) - 1

NORTH POINTE ADDITION AN ADDITION TO THE City of McCook, Red Willow County, Nebraska

PRELIMINARY PLAT PROPOSED & EXISTING UTILITIES



SURVEYORS CERTIFICATE

A tract of land located in the NE 1/4 of Section 19, Township 3 North, Range 29 West of the 10th P.M. in Red Willow County, Nebraska, which is a Replat of Blocks 2 & 3 of the CLARY SUBDIVISION, and Replat No. 5, 6 & 6 of the CLARY SUBDIVISION more particularly described as follows:

Referring to the SW corner of the said NE 1/4 of said Section 19, thence N00°00'58"W (assumed and all bearing relative to) along the 1/4 section line a distance of 940.78 feet to a point on the South line of Lot 7, said Point being the Point of Beginning. Thence N00°06'50"W along the West 1/4 Section Line a distance of 43.31 feet to a point, thence S85°32'35"E a distance of 40.13 feet to a point, thence S79°55'42"E a distance of 143.75 feet to a point, thence S06°39'37"W a distance of 17.49 feet to a point, thence S55°50'19"E a distance of 298.93 feet to a point, thence S79°09'51"E a distance of 97.77 feet to a point, thence N00°27'16"E a distance of 194.88 feet to a point, thence S85°35'25"E a distance of 695.55 feet to a point, thence Southwesterly along a curve a distance of 207.19 having a Radius of 2065 feet to a point, S00°34'07"E a distance of 478.68 feet to a point, thence N85°38'36"W a distance of 81.20 feet to a point, thence N00°34'20"W a distance of 187.69 feet to a point, thence N85°38'36"W a distance of 795.43 feet to a point, thence N00°34'20"W a distance of 187.69 feet to a point, thence N85°38'36"W a distance of 284.41 feet, to the Point of Beginning.

Said tract containing 16.36 acres more or less subject to any easement, right-of-ways and reservations of record.

I, Joshua E. Grummett, a Licensed Professional Land Surveyor under the laws of the State of Nebraska, do hereby certify this plat of a survey was made by me or under my supervision, this _____ day of _____, 2022.

Joshua E. Grummett LS-783



VICINITY MAP

OWNER
MCCOOK ECONOMIC DEVELOPMENT CORPORATION
TROY BRUNZ, PRESIDENT
402 NORRIS AVE SUITE 301
MCCOOK, NE 68001

RESIDENTIAL MEDIUM DENSITY & AC ZONING
MINIMUM LOT = 5,000 SQ. FEET
MINIMUM FRONT YARD = 20 FEET
MINIMUM REAR YARD = 15 FEET
MINIMUM SIDE YARD = 5 & 9 FEET

SURVEYOR
GRUMMERT PROFESSIONAL SERVICES, LLC
2837 W. HWY 6, STE 206, HASTINGS, NE 68901
PHONE 402-879-5701 EMAIL jmgrummett@yahoo.com
WWW.GRUMMERTSURVEYING.COM

ENGINEER
DESIGN ASSOCIATES
111 E. 10th ST. SUITE 400 McCook, NE 68001
402-879-5701
This document and the information contained may not be reproduced or circulated from without the express written permission of W Design Associates. Unauthorized copying or disclosure of construction data are prohibited by the copyright law.

EXHIBIT #6
PAGE(S) - 1

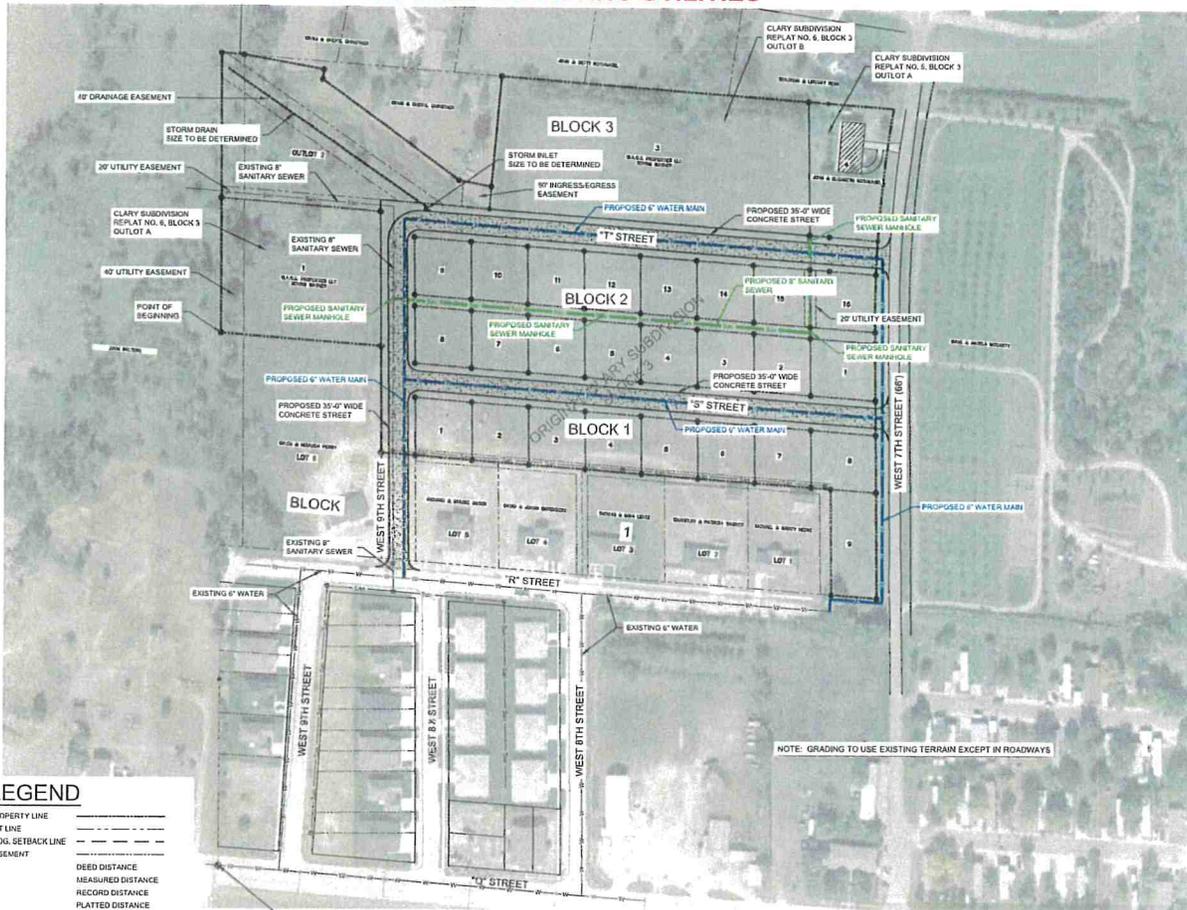
NORTH POINTE ADDITION

AN ADDITION TO THE

City of McCook, Red Willow County, Nebraska

PRELIMINARY PLAT

PROPOSED & EXISTING UTILITIES



SURVEYORS CERTIFICATE

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 a Replat of Blocks 2 & 3 of the CLARY SUBDIVISION, and Replat No. 5 & 6 of the CLARY SUBDIVISION 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 860.79 feet to a point on the South line of Lot 7, said Point being the Point of Beginning. Thence N00°06'58"W along the West 1/4 Section Line a distance of 493.31 feet to a point, thence S85°35'32"E a distance of 40.13 feet to a point, thence S20°54'42"E a distance of 143.26 feet to a point, thence S08°32'27"W a distance of 17.49 feet to a point, thence S53°50'15"E a distance of 298.93 feet to a point, thence S78°09'01"E a distance of 57.77 feet to a point, thence N05°22'16"E a distance of 134.25 feet to a point, thence S85°35'32"E a distance of 655.55 feet to a point, thence Southwesterly along a curve a distance of 387.16 having a Radius of 2063 feet to a point, S00°34'20"E a distance of 479.68 feet to a point, thence N85°38'36"W a distance of 81.20 feet to a point, thence N00°34'20"W a distance of 187.69 feet to a point, thence N85°38'36"W a distance of 795.43 feet to a point, thence N00°34'20"W a distance of 187.69 feet to a point, thence N85°38'36"W a distance of 284.41 feet, to the Point of Beginning.

Said tract containing 16.36 acres more or less subject to any easement, right-of-ways and reservations of record.

I, Joshua Eugene Grummert, a Licensed Professional Land Surveyor under the laws of the State of Nebraska, do hereby certify this plat of a survey was made by me or under my supervision, this _____ day of _____, 2022.

Joshua E. Grummert LS-783



VICINITY MAP

OWNER
MCCOOK ECONOMIC DEVELOPMENT CORPORATION
15 TROY BRUNTZ, PRESIDENT
402 MORRIS AVE SUITE 301
MCCOOK, NE 68901

RESIDENTIAL MEDIUM DENSITY & AC ZONING

MINIMUM LOT = 5,000 SQ. FEET
MINIMUM FRONT YARD = 20 FEET
MINIMUM REAR YARD = 15 FEET
MINIMUM SIDE YARD = 5 & 8 FEET

SURVEYOR
GRUMMERT PROFESSIONAL SERVICES, LLC
2837 W. HWY 6, STE 206, HASTINGS, NE 68901
PHONE 402-879-5701 EMAIL jmgrummert@yahoo.com
WWW.GRUMMERTSURVEYING.COM

LEGEND

- | | |
|--------------------|--|
| PROPERTY LINE | --- |
| LOT LINE | ---- |
| BLDG. SETBACK LINE | ----- |
| EASEMENT | ----- |
| D | DEED DISTANCE |
| M | MEASURED DISTANCE |
| R | RECORD DISTANCE |
| P | PLATTED DISTANCE |
| G | GOVERNMENT DISTANCE |
| W.C. | WITNESS CORNER |
| ⊕ | FOUND CORNER |
| ⊙ | CALCULATED POINT |
| ⊖ | SET 1" x 24" REBAR WITH BLUE L5-783 CAP UNLESS NOTED OTHERWISE |

- SW COR. NE 1/4 SEC. 19-3-29
2' ALUM. CAP IN ASPHALT ST.
1. BRASS REF. CORNER 33.88' N
2. RR TIE CFP 32.32' N
3. CENTER STORM MH 30.90' NE
4. CENTER STORM MH 23.95' SW
5. NAUBURTYLE CAP IN PP 31.23' S
6. CENTER STORM MH 60.35' SW



EXHIBIT #7

ENGINEER
DESIGN ASSOCIATES
214 E. 103rd St., Suite 100, Omaha, NE 68164
402.421.1111 FAX 402.421.1112
WWW.DA-NE.COM

COPYRIGHT
This document and the information contained may not be reproduced or copied without the express written permission of the Design Associates. Unauthorized copying or disclosure of information is prohibited by the copyright law.



CITY OF McCOOK

LAND USE ACTION REQUEST FORM

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

- Zone Change (to be completed when the final plat is brought forward)
 Special Exception
 Administrative Permit (Personal Wireless Facility)
 Special Exception (Personal Wireless Facility)
 Minor Subdivision
 Major Subdivision
 Planned Development (Includes Zone Change)

Name of Project: North Pointe Addition to the City of McCook

Description of Project: MEDC, John + Elizabeth Northrupel, + W.A.G.S. Properties LLC would like to vacate the northeast portion of Clary Subdivision. Following the vacation, a request will be made to approve the North Pointe Addition. The North Pointe Addition is a residential project that would include the development of 27 new residential lots.

Project sponsor or developer:

Name: MEDC, John + Betty Northrupel, + W.A.G.S. Properties, LLC

Address: MEDC → 402 Norris Ave., Suite 301, McCook, NE

Phone number: 345-1200

Fax number: _____

E-mail Address: _____

Land owner or owners:

Name: MEDC, John + Betty Northrupel, + W.A.G.S. Properties

Address: MEDC → 402 Norris Ave., Suite 301, McCook, NE

Phone number: _____

Fax number: _____

E-Mail Address: _____

EXHIBIT #8

PAGE(S) - 6

Authorization of the land use action by land owner:

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

Troy Bruntz

Printed Name:

[Signature]

Signature:

8/8/2022

Date:

WACS Properties LLC

CHRIS WAGNER

Printed Name:

[Signature]

Signature:

Address and physical location of the Proposed Land Use Action: _____

Property Description (Of the parent parcel for subdivisions): See attachments

Required Information:

See Attached sheets for required information for:

- _____ Subdivisions
- _____ Zone Changes and special exceptions
- _____ Planned developments

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

Fee, complete application, and required attachments accepted by:

Printed name

Signature

Date

Authorization of the land use action by land owner:

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

John Notnagel
Printed Name:
John Notnagel
Signature:
8-8-2022
Date:

ELIZABETH NOTNAGEL
Printed Name:
Elizabeth Notnagel
Signature:

Address and physical location of the Proposed Land Use Action: _____

Property Description (Of the parent parcel for subdivisions): See attachments

Required Information:

See Attached sheets for required information for:

- _____ Subdivisions
- _____ Zone Changes and special exceptions
- _____ Planned developments

FEE PAID: \$ 75.00 (See attached schedule of fees) pd 8/8/22 cc.

Fee, complete application, and required attachments accepted by:

Printed name

Signature

Date

REQUIRED ATTACHMENTS:

For Subdivisions:

Sketch Plan:

- (1) General lot layout on a topographic background of the proposed subdivision including approximate location of streets, alleys, lots and other significant features.
- (2) Surrounding streets, alleys, and land use features.
- (3) General location of existing sewer and waterlines (developments not intending to use city sewer and water are to include a written explanation of the proposal to satisfy these utility needs.)
- (4) General location of utility easements and types of utilities to be included.
- (5) General location of any open space and an explanation of the type of facilities that will be provided.

_____ Attachments: in addition to the above noted sketch plat, the subdivider shall attach the following:

- (1) A letter requesting only zoning change or special exception required for the development to proceed. *(a zoning change request will be made following a meeting)*
- (2) Written description of the type of housing, commercial, industrial, or public uses to be included in the subdivision.
- (3) An explanation of what the general character of the area will be when it is developed and how it will relate to the adjacent surrounding areas.
- (4) An explanation of how the proposed development relates to the Comprehensive Plan (Particularly in regard to land use, thoroughfare, and public facilities)
- (5) Is it the intent to use Deed Restrictions or any other method of controlling the character and/or the quality of the area? *No*

_____ If so, briefly explain what they might consist of.

_____ (Attach explanation)

_____ Attach proposed Subdivision Agreement. (See Part D of the Subdivision Regulations)

X Preliminary Plat Submission:

V (a) Plat Submission Requirements: The subdivider shall submit to the Zoning Administrator:
_____ five (5) copies of the preliminary plat and any supplemental materials specified by the Planning Commission of conditional approval. (The plat submission requirements are stipulated under C-3 Procedure for conditional approval of Preliminary Plat of the City of McCook Subdivision Regulations)

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

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

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

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

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

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

X (5) Date of preparation and north point.

X (6) Present zoning.

X (7) Existing conditions:

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

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

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

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

SECTION 7. PROCEDURES

7.1 General Procedure. When the subdivision of land is proposed, before any contract is made for the sale of any part thereof, and before any building permits are granted, the subdivision owner shall apply for and secure approval of such proposed subdivision in accordance with the following procedure:

1. **Administrative Subdivision.** An administrative subdivision shall not be considered a subdivision subject to the requirements of a minor or major subdivision. A Plat reviewed and approved by Zoning Administrator, Utilities Director and City Manager. See Section 7.17.
2. **Minor Subdivision.** A Final Plat is submitted to the City Council for Approval. See Section 7.12
3. **Major Subdivision.** Major Subdivisions are required to submit a Preliminary and Final Plat to the Planning Commission and City Council for approval. See Sections 7.2 and 7.12

7.2 PRELIMINARY PLAT SUBMISSION REQUIREMENTS. The applicant of Major Subdivisions shall prepare and submit an application for preliminary plat approval. The applicant shall prepare and file three (3) copies of a proposed preliminary plat, one (1) full size copy, one (1) copy reduced to 8 ½ by 11 inches, and one (1) full-size electronic copy in portable document format (pdf). The application for preliminary plat approval shall be submitted to the Zoning Administrator at least twenty (20) calendar days before the McCook Planning Commission meeting at which the application will be considered.

7.3 Fees. Fees are set by the McCook City Council.

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

- A. Name, location, acreage, owner and designer of subdivision with legal description as shown by land records.
- B. Present zoning.
- C. Date, north arrow and graphic scale.
- D. Location of property lines, roads, existing utilities with size of lines, and other underground installations and easement.
- E. Names of adjoining properties or subdivisions.
- F. Proposed utility system, including water, sewer and paving.
- G. Dimensions, lot lines, except that in industrial type subdivisions, lot lines may be excluded.
- H. Location of proposed drainage.
- I. Contours at five (5') feet intervals at 1" = 200' scale.
- J. Proposed improvements and grading concepts.
- K. Location of existing buildings.
- L. Proposed easements, dedications and reservations of land required.

7.5 Notification of Initial Improvement Schedule and Subdivision Financing Process. Subdivider shall indicate by a letter when improvements as required will be provided; any proposed restrictive covenants for the land involved shall accompany the letter. The options for financing subdivision improvements shall be in conformance with the provisions of Sections 10

McCook Planning Commission
August 8, 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; Commissioners Bradley, Davidson, Dueland, McDowell, Stevens, Mockry (arrived 5:17 P.M.).

Absent: Commissioners Friehe and Lyons.

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

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on August 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.

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

1. Approve the minutes of the July 11, 2022 regular Planning Commission meeting.

Motion to approve the minutes of the July 11, 2022 regular Planning Commission meeting. This motion, made by Vosburg and seconded by McDowell, passed.

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

2. Public Hearings and Regular Agenda.

- 2.A. Public Hearing - Regarding a request from the McCook Economic Development Corporation to recommend approval of a preliminary plat which serves as the initial step in the creation of the North Pointe Addition to 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 from the McCook Economic Development Corporation to recommend approval of a preliminary plat which serves as the initial step in the creation of the North Pointe Addition to 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: YEA, Bradley: YEA, Davidson: YEA, Dueland: YEA, Friehe: ABSENT, Lyons: ABSENT, McDowell: YEA, Mockry: YEA, Stevens: YEA
YEA: 8, NAY: 0, ABSENT: 2

The City Attorney received into evidence Exhibit #1 - City Manager's Report prepared for the August 8, 2022 Planning Commission meeting (2 pages); Exhibit #2 - Notice of Public Hearing mailed and posted (1 page); Exhibit #3 - listing of property owners notified (1 page); Exhibit #4 - Notice of Public Hearing published (1 page); Exhibit #5 - North Pointe Addition Preliminary Plat (1 page); Exhibit #6 - North Pointe Addition Preliminary Plat proposed and existing utilities (1 page); Exhibit #7 - North Pointe Addition Preliminary Plat overlay map (1 page); Exhibit #8 - Land Use Application and attachments (6 pages); and Exhibit #9 - City of McCook Subdivision Regulations, Section 7. Procedures (1 page).

City Manager Schneider reviewed the information presented in Exhibit 1 and explained the vacation process.

Mr. Schneider reviewed the vacation process to be considered in Agenda Item 2.C.

Greg Wolford, representing the MEDC, reviewed the proposed plat, drainage, utilities, and possible need for a detention pond on the outlot with the Commission.

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 McDowell, passed.

Vosburg: YEA, Hilker: YEA, Bradley: YEA, Davidson: YEA, Dueland: YEA, Friehe: ABSENT, Lyons: ABSENT, McDowell: YEA, Mockry: YEA, Stevens: YEA
YEA: 8, NAY: 0, ABSENT: 3

2.B. Recommend the approval of a preliminary plat for the creation of the North Pointe Addition to the City of McCook.

Motion to recommend the approval of a preliminary plat for the creation of the North Pointe Addition to the City of McCook. This motion, made by McDowell and seconded by Vosburg, passed.

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

2.C. Recommend approval of an ordinance that would allow for the vacation of subdivision plats in order to simplify any potential title and subdivision concerns.

Discussion of this item occurred during Agenda Item 2.A. review.

Motion to recommend approval of an ordinance that would allow for the vacation of subdivision plats in order to simplify any potential title and subdivision concerns. This motion, made by Vosburg and seconded by Dueland, passed.

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

Adjournment.

With no further business, Chair Vosburg declared the Planning Commission meeting adjourned at 6:49 P.M.

Lea Ann Doak
City Clerk/Recording Secretary

DRAFT

**CITY MANAGER'S REPORT
AUGUST 15, 2022 CITY COUNCIL MEETING**

ITEM: 3.A.

Approve the minutes of the August 1, 2022 regular City Council meeting and the August 8, 2022 special City Council meeting.

BACKGROUND:

Receive and approve the minutes.

**FISCAL
IMPACT:** None.

APPROVALS:



Lea Ann Doak, City Clerk

August 11, 2022

McCook City Council
August 1, 2022
5:30 PM Central

A MEETING OF THE MAYOR AND COUNCIL OF THE CITY OF MCCOOK, NEBRASKA convened in open, regular, and public session at 5:30 o'clock P.M. in the City Council Chambers.

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

Absent: None.

City Officials present: City Manager Schneider, City Attorney Mustion, City Clerk Doak, 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 July 28, 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. Jeff Kelley, United Methodist Church, offered the invocation. 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 reminded the Council of the Budget Retreat scheduled for August 8, 2022, in the City Council Chambers, beginning at 6:30 P.M.

Police Chief Smith announced that his departments was able to pick up its three new vehicles this past week. Each need to have the equipment and lights installed before they will be put into service.

2. Consent Agenda.

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

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

2.A. Approve the minutes of the July 18, 2022 regular City Council meeting.

- 2.B. Approve an application from Great Plains Communications of Blair, Nebraska to occupy City right-of-way in the alley between KC Motor and Electric and Glass Express storage units from utility pole southeast to KC Motor & Electric.
- 2.C. Approve an application from Great Plains Communications of Blair, Nebraska to occupy City right-of-way on the west side of Airport Road, starting 240' south of the intersection of East "C" Street, running northeast to the south side of McCook Ben Nelson Regional Airport parking lot.
- 2.D. Approve the amended Fixed Base Operator Lease Agreement with Cleo Spencer, D/B/A Red Willow Aviation and Spraying, Incorporated and authorize the Mayor to sign.
- 2.E. Approve the application for a Special Designated Liquor License submitted by the McCook Chamber of Commerce for a Chamber Mixer to be held at McCook National Bank, 220 Norris Avenue, on October 5, 2022, from 8:00 A.M. to 11:00 P.M.
- 2.F. Receive and file the minutes of the May 11, 2022 Library Advisory Board meeting and the January 18, 2022 and April 19, 2022 Senior Center Advisory Board meetings.
- 2.G. Approve the Request for Qualifications for Professional Engineering Services for improvements to the City of McCook Waste Water Treatment Facility (WWTF) and set the day to receive proposals for August 26, 2022 at 4:00 P.M.

3. Regular Agenda.

- 3.A. Molly Smith, President/CEO McCook Chamber of Commerce, request that \$6,000 in ACE revenue funds be allocated for Chamber use in the city's FY22/23 budget.

Molly Smith, President/CEO of the McCook Chamber of Commerce requested that the Council consider including in next fiscal years budget \$6,000 of ACE to be allocated to the Chamber for promotional items.

- 3.B. Discussion regarding a potential ballpark project.

City Manager Schneider reviewed pool and recreational facilities discussions to date and potential funding options for the projects. Additionally, staff would like to share renderings of a proposed ballpark for the City Council and public to view. As was mentioned at the July 18, 2022 McCook City Council meeting, two generous citizens have offered to donate a sizeable gift to assist in the creation of a new ballpark. Those same citizens have also interviewed many local ballpark users (ie. coaches from McCook Community College, McCook High School, the McCook Legion Program, and other youth teams) to determine necessary amenities. Based on the feedback from these coaches and ballpark users, the generous ballpark donors have created a concept for the City Council's consideration.

Paul Grieger of D.A. Davidson was present via telephone to address questions from the Council and

audience.

Lloyd and Elizabeth Benjamin informed the Council of their desire to donate land for a ballpark. The current ballpark is in disrepair, there are scheduling conflicts due to the number of teams using the facility, it is not adequate to host tournaments. They have been working with several entities with ties to the use of the facility since 2019 to establish the needs for McCook. In July of 2021 they purchased 130 acres west of McCook near Road 383 and Drive 716. Property owners in the area have been contacted regarding their proposal and they are supportive the project. Their conceptual design includes two four-plex fields for softball and baseball, a collegiate softball and baseball field, three full-length soccer fields, concession stands, batting cages, green space that could be used for playground/picnic area, and buildings for maintenance, concession supplies, and coaches and official areas. The estimated project cost is \$15 million that could be built in two phases. The Benjamin family would like to give back to the community and are willing to donate \$2.5 million for initial seed money for the project and also the land. Private donors have already committed to \$5.5 million, the McCook Community College/College Foundation and the Community Hospital Foundation have committed to \$2 million, and a private donation of \$1 million. The additional revenue needed, an estimated \$5 - \$6 million would be generated from a portion of the .5% city sales tax receipts if voters approved increasing the sales tax to 2%.

Representatives for the McCook Community College/College Foundation and the Community Hospital Foundation were present.

Jon Johnson, and his daughter Abbey, and Michelle Seeker spoke in support of the proposal. Bethene Vontz asked about the condition of the roads in the area of the proposed complex.

3.C. Instruct staff to include a potential ballpark project as part of a local option sales tax backed ballot question, said instruction to include creating the necessary documentation to include a potential ballpark project on the requisite ballot question.

Discussion included whether to have the one question on the ballot, or two, one for the pool and one for the ball complex.

Motion to instruct staff to include a potential ballpark project as part of a local option sales tax backed ballot question, said instruction to include creating the necessary documentation to include a potential ballpark project on the requisite ballot question. This motion, made by Calvin and seconded by Weedin, passed.

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

3.D. Adopt a Resolution No. 2022-05, approving an Interlocal Cooperation Agreement between the City of McCook and Red Willow County School District 0017 for the purpose of cooperating in the construction of certain recreational facilities in and for the benefit of the City of McCook and its residents and for the benefit of the Red Willow County School District 0017 and its students.

Motion to adopt a Resolution No. 2022-05, approving an Interlocal Cooperation Agreement between the City of McCook and Red Willow County School District 0017 for the purpose of cooperating in the construction of certain recreational facilities in and for the benefit of the City of McCook and its residents and for the benefit of the Red Willow county School District 0017 and its students. This motion, made by Calvin and seconded by Weedon, passed.

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

3.E. Consider on its second reading Ordinance No. 2022-3042 providing for the voluntary annexation of a tract of land located north of "R" Street along West 7th Street in the NE1/4 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, said property owned by John and Elizabeth Nothnagel.

Mayor Gonzales asked the Clerk to read Ordinance No. 2022-3042 by title.

AN ORDINANCE EXTENDING AND INCREASING THE CORPORATE LIMITS OF THE CITY OF MCCOOK, COUNTY OF RED WILLOW, STATE OF NEBRASKA, BY ANNEXING THERETO A CERTAIN TRACT OF LAND CONTIGUOUS TO AND NOT EMBRACED WITHIN THE PRESENT LIMITS OF THE CITY OF MCCOOK, NEBRASKA; REPEALING ALL OTHER ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING A TIME AND DATE FROM AND AFTER WHICH THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE.

Ordinance No. 2022-3042 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, Weedon: YEA, Muehlenkamp: YEA, Rambali: YEA
YEA: 5, NAY: 0

3.F. Discussion regarding procedural and legal elements associated with the annexation of property by the City of McCook.

City Attorney Mustion reviewed the State of Nebraska statutes and city ordinances outlining the process and requirements for annexation.

3.G. Council Comments.

Council comments including thanking all involved with the two major projects and ballot questions required for the projects.

3.H. An Executive Session may be held upon a majority vote of the Council for the protection of public interest for a strategy session with respect to collective bargaining - the Fraternal Order of Police Lodge 57.

Motion to go into executive session for the protection of public interest for a strategy session with respect to collective bargaining - the Fraternal Order of Police Lodge 57 at 7:34 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

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

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

Motion to come out of executive session at 7:45 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

3.I. Annual evaluation of the job performance of City Manager Nathan A. Schneider; as allowed by state law, upon a majority vote, the Council may go into Closed Session for consideration of this item.

Motion to go into executive session for the annual evaluation of the job performance of City Manager Nathan A. Schneider at 7:46 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

City Manager Schneider was included in the closed session.

Mayor Gonzales stated for the record that at this time, pursuant to the Nebraska Open Meetings Act, a closed session will be held for the purpose of the annual evaluation of the job performance of City Manager Nathan A. Schneider. The Council will reconvene in public session following this closed session.

Motion to come out of executive session at 8:08 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

Adjournment.

There being no further business to come before the Council, Mayor Gonzales declared the meeting adjourned at 8:08 P.M.

Michael D. Gonzales, Mayor

ATTEST:

Lea Ann Doak, City Clerk-Treasurer

McCook City Council
August 8, 2022
6:30 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.

Absent: Councilmember Rambali.

Motion to excuse the absence of Councilmember Rambali. This motion, made by Gonzales and seconded by Weedon, passed.

Gonzales: YEA; Calvin: YEA, Weedon: YEA, Muehlenkamp: YEA
YEA: 4, NAY: 0

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

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on August 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 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.

1. Budget Workshop.

Administrative Staff and Department Heads reviewed budget highlights and capital requests for their respective budgets. Senior Services Director Siegfried and Head Cook Crocker addressed the rising cost of food with the Council.

Adjournment.

There being no further business to come before the Council, Mayor Gonzales declared the meeting adjourned at 8:48 P.M.

Michael D. Gonzales, Mayor

ATTEST:

Lea Ann Doak, City Clerk-Treasurer

**CITY MANAGER'S REPORT
AUGUST 15, 2022 CITY COUNCIL MEETING**

ITEM: 3.B.

Approve the application for a Special Designated Liquor License submitted by the McCook Chamber of Commerce for a Heritage Days Community Celebration to be held at Norris Alley, 406 Norris Avenue, on October 6, 2022 from 8:00 A.M. to 11:00 P.M., alternate location of the Keystone Business Center, 402 Norris Avenue.

BACKGROUND:

The Chamber will be hosting 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

August 10, 2022



Nathan A. Schneider, City Manager

August 10, 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

McCook Chamber of Commerce

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

402 Norris Ave. STE 316, McCook, NE 69001

Retail Liquor License Address or Non-Profit Business Address

47-0233780

Retail License Number or Non-Profit Federal ID #

Consecutive Dates only

Event Date(s):

10/06/2022

Event Start Time(s):

8:00 am

Event End Time(s):

11:00 pm

Alternate Date: _____

Alternate Location Building & Address: _____

Keystone Business Center, 402 Norris Ave., McCook, NE 69001

Event Building Name: _____

Norris Alley

Event Street Address/City: _____

406 Norris Ave., McCook, NE 69001

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

Outdoor area to be licensed in length & width: 150 ft. x 50 ft. (Diagram Form #109 must be attached)

Type of Event: Heritage Days Community Celebration

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: _____

Molly Smith

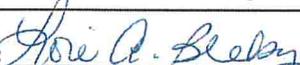
Event Contact Phone Number: _____

308-345-3200

Event Contact Email: _____

molly@mccookchamber.org

*Signature Authorized Representative: _____



Printed Name

LORE A. BEEBY

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 _____

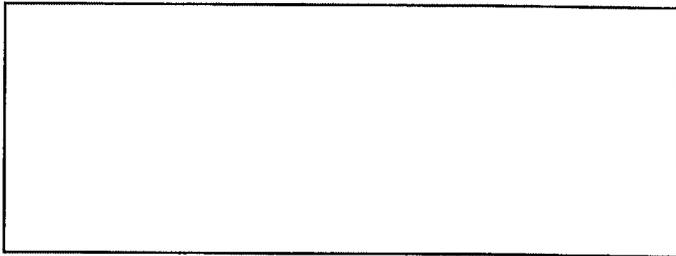
approves

the issuance of a Special Designated License as requested above. (Only one should be written above)

Local Governing Body Authorized Signature

Date

**APPLICATION FOR SPECIAL
DESIGNATED LICENSE
Non-Profit Applicants ONLY**



NEBRASKA LIQUOR CONTROL COMMISSION
301 CENTENNIAL MALL SOUTH
PO BOX 95046
LINCOLN, NE 68509-5046
PHONE: (402) 471-2571
FAX: (402) 471-2814
Website: www.lcc.nebraska.gov/
Email Applications: michelle.porter@nebraska.gov

This page is required to be completed by Non-Profit applicants only.

**Application for Special Designated License
Under Nebraska Liquor Control Act
Affidavit of Non-Profit Status**

I HEREBY DECLARE THAT THE CORPORATION MAKING APPLICATION FOR A SPECIAL DESIGNATED LICENSE UNDER THE NEBRASKA LIQUOR CONTROL ACT IS EITHER A MUNICIPAL CORPORATION, A FINE ARTS MUSEUM INCORPORATED AS A NONPROFIT CORPORATION, A RELIGIOUS NONPROFIT CORPORATION WHICH HAS BEEN EXEMPTED FROM THE PAYMENT OF FEDERAL INCOME TAXES, A POLITICAL ORGANIZATION WHICH HAS BEEN EXEMPTED FROM THE PAYMENT OF FEDERAL INCOME TAXES, OR ANY OTHER NONPROFIT CORPORATION, THE PURPOSE OF WHICH IS FRATERNAL, CHARITABLE, OR PUBLIC SERVICE AND WHICH HAS BEEN EXEMPTED FROM THE PAYMENT OF FEDERAL INCOME TAXES AS PER §53-124.11(1).

AS SIGNATORY I CONSENT TO THE RELEASE OF ANY DOCUMENTS SUPPORTING THIS DECLARATION AND ANY DOCUMENTS SUPPORTING THIS DECLARATION WILL BE PROVIDED TO THE NEBRASKA LIQUOR CONTROL COMMISSION, THE NEBRASKA STATE PATROL OR ANY AGENT OF THE LIQUOR CONTROL COMMISSION IMMEDIATELY UPON DEMAND. I ALSO CONSENT TO THE INVESTIGATION OF THIS CORPORATE ENTITY TO DETERMINE IT'S NONPROFIT STATUS.

I AGREE TO WAIVE ANY RIGHTS OR CAUSES OF ACTION AGAINST THE NEBRASKA LIQUOR CONTROL COMMISSION, THE NEBRASKA STATE PATROL OR ANY PARTY RELEASING INFORMATION TO THE AFOREMENTIONED PARTIES.

McCook Chamber of Commerce

NAME OF CORPORATION

47-0233780

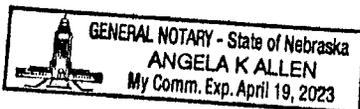
FEDERAL ID NUMBER

Hori A. Beeby

SIGNATURE OF TITLE OF CORPORATE OFFICERS

THE ABOVE INDIVIDUAL STATES THAT THE STATEMENT ABOVE IS TRUE AND CORRECT; IF ANY FALSE STATEMENT IS MADE ON THIS APPLICATION, THE APPLICANT SHALL BE DEEMED GUILTY OF PERJURY AND SUBJECT TO PENALTIES PROVIDED BY LAW. (SEC. §53-131.01) NEBRASKA LIQUOR CONTROL ACT

SUBSCRIBED IN MY PRESENCE AND SWORN TO BEFORE ME THIS 9th DAY OF August, 2022



Angela K Allen
NOTARY PUBLIC SIGNATURE & SEAL

OUTDOOR AREA DIAGRAM

HOW AREA WILL BE PATROLLED 6 volunteer security staff

- IF APPLICABLE, OUTDOOR AREA MUST BE CONNECTED TO INDOOR AREA IF INDOOR AREA IS TO LICENSED
- MEASUREMENT OF OUTER WALLS OF AREA TO BE LICENSED MUST INCLUDED LENGTH & WIDTH IN FEET
- DOUBLE FENCING IS REQUIRED FOR ALL NON-PROFIT ORGANIZATIONS UNLESS FORM #140 IS FILED WITH THIS FORM AND IS APPROVED BY THE COMMISSION
- RETAILER LIQUOR LICENSE HOLDERS ARE NOT REQUIRED TO DOUBLE FENCE, ALTHOUGH MEASURES NEED TO BE TAKEN TO SECURE THE AREA

DIAGRAM OF PROPOSED AREA:



REQUEST FOR EXEMPTION WAIVER OF DOUBLE FENCING RULE

RULES AND REGULATIONS CHAPTER 2 - 013 SPECIAL DESIGNATED LICENSES

<https://lcc.nebraska.gov/sites/lcc.nebraska.gov/files/doc/013%20SPECIAL%20DESIGNATED%20LICENSES%20RULES%20%26%20REGS.pdf>

WHY DOUBLE FENCING IS NOT AVAILABLE Our current supply of orange snow fencing does not meet the length requirement for double fencing.

TYPE OF FENCING TO BE USED Orange Snow Fencing

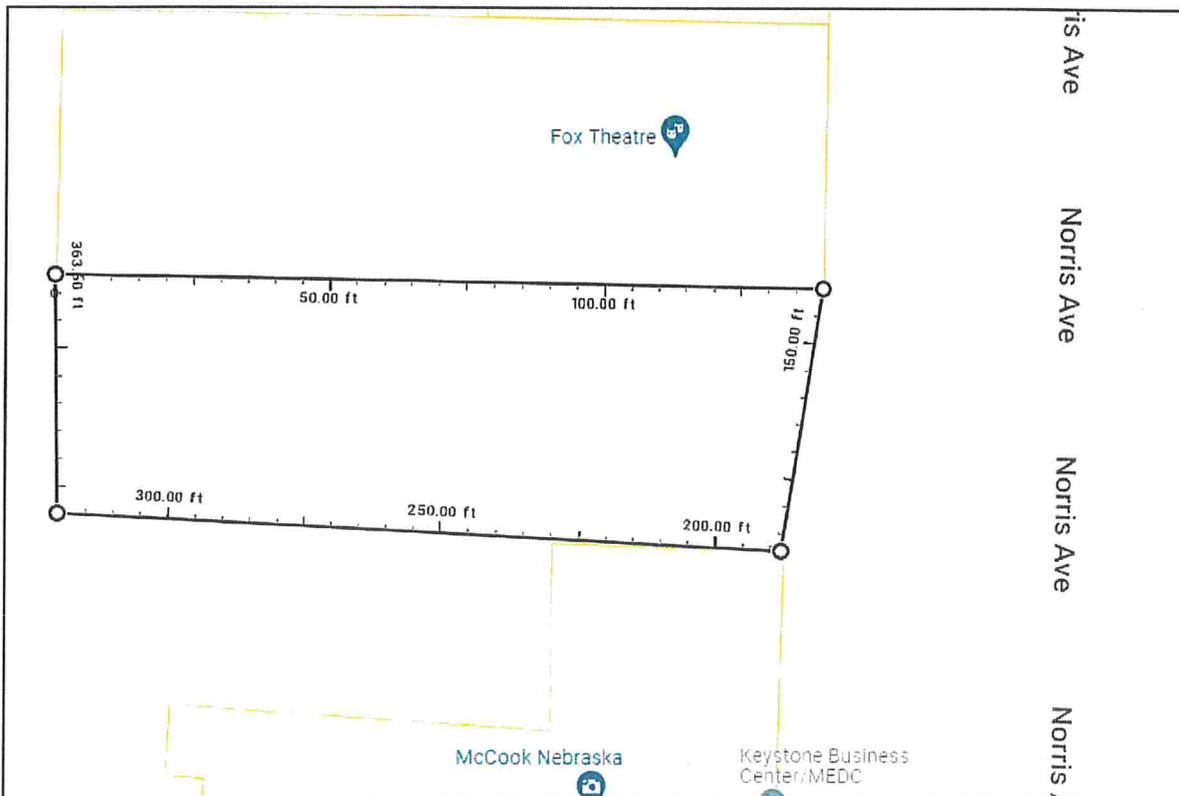
HEIGHT OF FENCING TO BE USED 4'

HOW AREA WILL BE PATROLLED Volunteer security staff

NUMBER OF SECURITY PERSONNEL Six (6)

EXPECTED NUMBER OF ATTENDEES 200

PLEASE DRAW DIAGRAM WITH MEASUREMENTS SHOWING THE METHODS OF FENCING OR MATERIALS BEING USED



Lea Ann Doak

From: Molly Smith <molly@mccookchamber.org> on behalf of Molly Smith
Sent: Tuesday, August 9, 2022 3:23 PM
To: Nate Schneider (nschneider@cityofmccook.com); Clerk Lea Ann Doak
Subject: Chamber SDL Request
Attachments: Mixer Norris Alley 10062022.pdf

Nate and Lea Ann,

Please find the attached SDL Request for a Community Celebration Mixer to be held on October 6, 2022 during Heritage Days.

If its possible, we would like to be on this upcoming Monday's agenda for this as well as the road closures.

Thanks in advance and let me know if you have any questions.

Molly Smith | President/CEO
McCook Chamber of Commerce
402 Norris Avenue | Suite 301
McCook, NE 69001
308.345.3200
molly@mccookchamber.org

Involvement | Education | Advocacy | Marketing

**CITY MANAGER'S REPORT
AUGUST 15, 2022 CITY COUNCIL MEETING**

ITEM: 3.C.

Adopt Resolution No. 2022-06 providing for the levy of special assessments for cost of demolition to abate nuisances.

BACKGROUND:

The Council adopted Resolution No. 2022-04 at the July 18, 2022 council meeting assessing the cost of the nuisance abatement the property owned by William Todd Baker, heirs and/or anyone claiming an interest in said real estate. The incorrect lot and block were listed in the legal description of the original resolution.

The presented resolution repeals Resolution No. 2022-04 and provides for the levy as a special assessment the costs incurred by the City with the demolition of the property owned by William Todd Baker, located at 406 East 1st Street, and provides for filing a lien against the property. Notice has been mailed to Mr. Baker's heirs and has been published in the newspaper.

**FISCAL
IMPACT:** None.

APPROVALS:



Lea Ann Doak, City Clerk

August 10, 2022



Nathan A. Schneider, City Manager

August 10, 2022

RESOLUTION NO. 2022-06

A RESOLUTION REPEALING AND REPLACING RESOLUTION NO. 2022-04 AND FIXING ASSESSMENTS FOR DEMOLITION COSTS TO ABATE NUISANCES ON PROPERTY OWNED BY WILLIAM TODD BAKER, HEIRS AND/OR ANYONE CLAIMING AN INTEREST IN SAID REAL ESTATE.

WHEREAS, on July 18, 2022, the McCook City Council adopted Resolution No. 2022-04 assessing the cost of the nuisance abatement on property owned by William Todd Baker, heirs and/or anyone claiming an interest in said real estate.

WHEREAS, a typographic error has been identified in the Legal Description contained in Resolution No. 2022-04.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of McCook hereby repeals Resolution No. 2022-04, a Resolution of the City Council of the City of McCook fixing the assessments for demolition costs to abate nuisances on a tract of land owned by William Todd Baker, heirs and/or anyone claiming an interest in said real estate.

AND BE IT FURTHER RESOLVED:

SECTION 1. The following lots and parcels of real estate are found to have been specially benefitted in the amount set out for demolition to abate nuisances. Pursuant to Section 95.03 of the City of McCook Code of Ordinances, it is hereby ordered that a special tax assessment be levied this date on the tracts of real estate set out below in the amounts set out for the demolition charges:

<u>OWNER OF RECORD</u>	<u>LEGAL DESCRIPTION</u>	<u>ASSESSMENT AMOUNT</u>
William Todd Baker, heirs and/or anyone claiming an interest in said real estate 1502 West Fairacres Drive McCook NE 69001	Original Town Addition Block 10, Lot 4	\$27,742.58

SECTION 2. That such assessments shall be a lien on the property on which it is levied from the date of levy; becomes due and payable upon the date of levy; and when so paid, the lot, piece or parcel of ground against which it was assessed shall be released from the lien or charge of such levy.

SECTION 3. That the City Clerk of said City of McCook, Red Willow County, Nebraska shall furnish to the County Treasurer of said county a copy of this resolution and shall record with the County Clerk of said county, a certified copy thereof.

PASSED AND APPROVED THIS 15th day of August, 2022.

-s- Michael Gonzales, Mayor

ATTEST:

-s- Lea Ann Doak, City Clerk
(SEAL)

HOUSE DEMOLITION
406 East 1st Street

Milco Environmental Services, Inc.	Asbestos Inspection	\$ 1,458.53
City of McCook Transfer Station	Disposal Fees	\$ 4,027.65
Front Range Environment Services	Asbestos removal/disposal	\$ 8,299.65
T&K Ventures	House Demolition	\$ 13,000.00
MBGS Law Office	Legal Fees	\$ 956.75
TOTAL COSTS		<u>\$ 27,742.58</u>



Parcel Information	
Parcel ID:	000710600
Map Number	
State Geo Code	4281-00-0-00000-000-0000
Cadastral #	C1-66-85
Images	
Current Owner:	BAKER/WILLIAM TODD 1502 WEST FAIRACRES DRIVE MCCOOK, NE 69001-0000
Situs Address:	406 EAST 1ST STREET MCCOOK
Tax District:	80
School District:	S.D. #17 GEN/SPEC BLD, 73-0017
Account Type:	Residential
Legal Description:	0 3 29 ORIGINAL MCCOOK BLK 10 LOT 4
Lot Width:	50.00
Lot Depth:	140.00
Total Lot Size:	7000.00 sq ft

Assessed Values				
Year	Total	Land	Outbuilding	Dwelling
2022	\$4,900	\$4,900	\$0	\$0
2021	\$4,900	\$4,900	\$0	\$0

Yearly Tax Information		
Year	Amount	Levy
2021	\$89.28	1.929606
2020	\$502.28	1.922795

2021 Tax Levy	
Description	Rate
COUNTY	0.33029400
ED UNIT #15	0.01498400
NATURAL RESOURCE	0.03678100
MID-PLAINS GEN/CAP IMP	0.07456000
S.D. #17 GEN/SPEC BLD	1.04574700
CITY OF MCCOOK GEN	0.35904400
HIGH PLAINS HISTORICAL	0.00178600
S.D. #17 BOND	0.06641000

NOTICE OF ASSESSMENT
NUISANCE ABATEMENT CHARGES

NOTICE IS HEREBY GIVEN to all persons interested, that on August 15, 2022, at the hour of 5:30 o'clock P.M., a regular meeting of the City Council will be held in the Council Chambers of said City, in the McCook Municipal Center - 505 West "C" Street, at which meeting the Council will assess the cost of the nuisance abatement on the following parcel of property located within the City of McCook, Red Willow County, Nebraska:

LEGAL DESCRIPTION

Original Town Addition
Block 10, Lot 4

OWNER OF RECORD

William Todd Baker, heirs
and/or anyone claiming an
interest in said real estate
1502 West Fairacres Drive
McCook NE 69001

That the description of said real estate is made with reference to the plats of the City of McCook as the same appear on file and of record in the office of the County Clerk of Red Willow County, Nebraska.

That at said meeting the City Council of the City of McCook, Nebraska will assess said tax upon the piece of property specifically described hereinbefore. And to that end the said City Council will at such meeting do all things in addition to such as are hereinbefore set forth as required by law.

All persons interested in said assessment may appear at such meeting and make statements or objections with reference to the validity and fairness of such assessment as the premises merit.

DATED this 10th day of August, 2022.

-s- Michael D. Gonzales, Mayor

ATTEST:

-s- Lea Ann Doak, City Clerk

**NOTICE OF ASSESSMENT
NUISANCE ABATEMENT CHARGES**

NOTICE IS HEREBY GIVEN that on August 15, 2022, at 5:30 P.M., a regular meeting of the McCook City Council will be held in the Council Chambers, 505 West "C" Street, at which meeting the Council will assess the cost of the nuisance abatement on a parcel of property located in Block 10, Lot 4, Original Town Addition to the City of McCook, Red Willow County, Nebraska; owned by William Todd Baker, his heirs and/or anyone claiming an interest in said real estate.

All persons interested in said assessment may appear at such meeting and make statements or objections with reference to the validity and fairness of such assessment as the premises merit.

-s- Lea Ann Doak
City Clerk

Publish: August 12, 2022.

CITY MANAGER'S REPORT
AUGUST 1, 2022 CITY COUNCIL MEETING

ITEM: 3.D.

RECOMMENDATION:

Accept the draft minutes of the August 8, 2022 Planning Commission meeting,

BACKGROUND:

Accept the draft minutes from the Planning Commission meeting which will be approved at their next meeting.

**FISCAL
IMPACT:** None.

APPROVALS:



Lea Ann Doak, City Clerk

August 10, 2022

McCook Planning Commission
August 8, 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; Commissioners Bradley, Davidson, Dueland, McDowell, Stevens, Mockry (arrived 5:17 P.M.).

Absent: Commissioners Friehe and Lyons.

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

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on August 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.

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

1. Approve the minutes of the July 11, 2022 regular Planning Commission meeting.

Motion to approve the minutes of the July 11, 2022 regular Planning Commission meeting. This motion, made by Vosburg and seconded by McDowell, passed.

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

2. Public Hearings and Regular Agenda.

- 2.A. Public Hearing - Regarding a request from the McCook Economic Development Corporation to recommend approval of a preliminary plat which serves as the initial step in the creation of the North Pointe Addition to 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 from the McCook Economic Development Corporation to recommend approval of a preliminary plat which serves as the initial step in the creation of the North Pointe Addition to 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: YEA, Bradley: YEA, Davidson: YEA, Dueland: YEA, Friehe: ABSENT, Lyons: ABSENT, McDowell: YEA, Mockry: YEA, Stevens: YEA
YEA: 8, NAY: 0, ABSENT: 2

The City Attorney received into evidence Exhibit #1 - City Manager's Report prepared for the August 8, 2022 Planning Commission meeting (2 pages); Exhibit #2 - Notice of Public Hearing mailed and posted (1 page); Exhibit #3 - listing of property owners notified (1 page); Exhibit #4 - Notice of Public Hearing published (1 page); Exhibit #5 - North Pointe Addition Preliminary Plat (1 page); Exhibit #6 - North Pointe Addition Preliminary Plat proposed and existing utilities (1 page); Exhibit #7 - North Pointe Addition Preliminary Plat overlay map (1 page); Exhibit #8 - Land Use Application and attachments (6 pages); and Exhibit #9 - City of McCook Subdivision Regulations, Section 7. Procedures (1 page).

City Manager Schneider reviewed the information presented in Exhibit 1 and explained the vacation process.

Mr. Schneider reviewed the vacation process to be considered in Agenda Item 2.C.

Greg Wolford, representing the MEDC, reviewed the proposed plat, drainage, utilities, and possible need for a detention pond on the outlot with the Commission.

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 McDowell, passed.

Vosburg: YEA, Hilker: YEA, Bradley: YEA, Davidson: YEA, Dueland: YEA, Friehe: ABSENT, Lyons: ABSENT, McDowell: YEA, Mockry: YEA, Stevens: YEA
YEA: 8, NAY: 0, ABSENT: 3

2.B. Recommend the approval of a preliminary plat for the creation of the North Pointe Addition to the City of McCook.

Motion to recommend the approval of a preliminary plat for the creation of the North Pointe Addition to the City of McCook. This motion, made by McDowell and seconded by Vosburg, passed.

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

2.C. Recommend approval of an ordinance that would allow for the vacation of subdivision plats in order to simplify any potential title and subdivision concerns.

Discussion of this item occurred during Agenda Item 2.A. review.

Motion to recommend approval of an ordinance that would allow for the vacation of subdivision plats in order to simplify any potential title and subdivision concerns. This motion, made by Vosburg and seconded by Dueland, passed.

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

Adjournment.

With no further business, Chair Vosburg declared the Planning Commission meeting adjourned at 6:49 P.M.

Lea Ann Doak
City Clerk/Recording Secretary

DRAFT

**CITY MANAGER'S REPORT
AUGUST 15, 2022 CITY COUNCIL MEETING**

ITEM: 3.E.

Approve the McCook Area Chamber of Commerce Heritage Days request for the use of Norris Park for the Arts & Crafts Show, including the bandshell and electricity, on October 7 & 8, 2022; for the closing of Norris Avenue from "G" Street to "H" Street - after the parade on Saturday until 8:00 p.m., the 100 block of East "G" Street beginning at 1:00 p.m. on Friday, October 7, 2022, the 700 and 800 blocks of East 1st, the 100 and 200 blocks of East "H" Street from 5:00 A.M. to 8:00 P.M. on October 8, 2022, the 100 block of West "G" street from 5:00 a.m. on Saturday October 8, 2022 until after the parade; to allow overnight parking for vendors around Norris Park and to conduct their parade on public streets on October 8, 2022.

BACKGROUND:

The McCook Area Chamber of Commerce requests permission to conduct their annual Heritage Days activities in McCook on October 7th and 8th, 2022.

The Chamber of Commerce requests to conduct a parade beginning at 10:00 A.M. on Saturday, October 8, 2022. The parade will necessitate the temporary closing of much of Norris Avenue and West "C" Street during the parade.

The Chamber of Commerce also requests the use of Norris Park, including the bandshell and electricity, as well as the closing of the 700 and 800 blocks of East 1st Street, the 100 and 200 blocks of East "H", the 100 block of East "G" Street and Norris Avenue from East "G" to East "H". The Chamber is also requesting the closing of the 100 block of West "G" street prior to the parade for the staging of parade entries. Overnight parking is also requested for the craft show vendors.

A certificate of Insurance Coverage has been requested.

**FISCAL
IMPACT:** None.

APPROVALS:



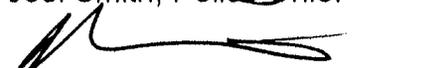
Kyle Potthoff, Public Works Director

August 10, 2022



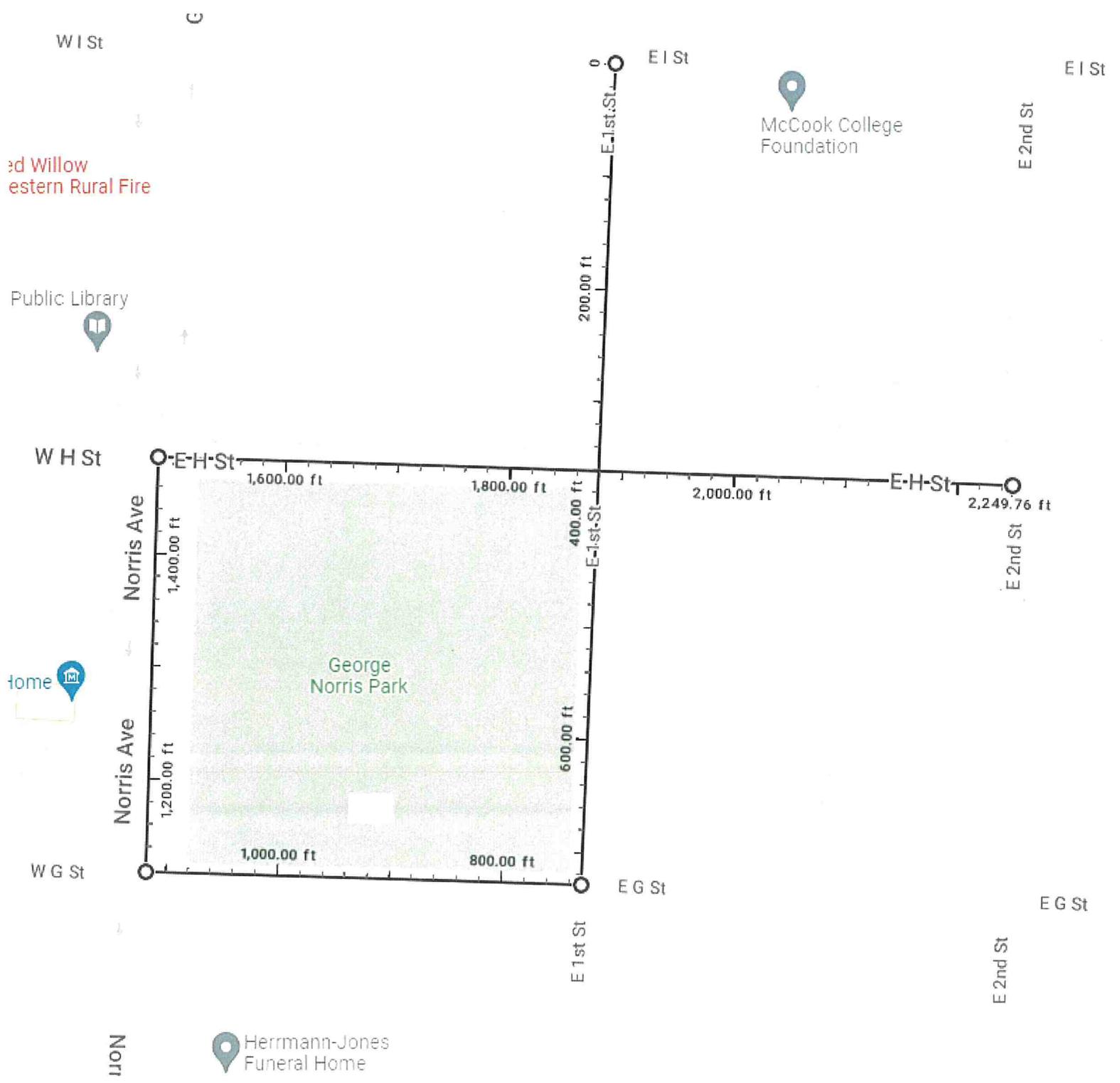
Joel Smith, Police Chief

August 10, 2022



Nate Schneider, City Manager

August 10, 2022



Kyle Potthoff

From: Lea Ann Doak <ldoak@cityofmccook.com>
Sent: Tuesday, August 9, 2022 4:05 PM
To: potthoff
Subject: FW: Chamber Request-Heritage Days
Attachments: Norris Park Road Closure Request.png

Lea Ann Doak, CMC

City Clerk-Treasurer
505 West "C" Street
PO Box 1059
McCook NE 69001-1059
308-345-2022 ext. 226
308-345-1461 (Fax)

From: Molly Smith
Sent: Tuesday, August 9, 2022 11:49 AM
To: Nate Schneider (nschneider@cityofmccook.com) <nschneider@cityofmccook.com>; Clerk Lea Ann Doak <ldoak@cityofmccook.com>
Subject: Chamber Request-Heritage Days

Attached is the amended request to include verbiage surrounding the road closures for the vendor fair on Saturday. I have also attached a map that show what exactly which roads we need closed.

1. Permission to hold the annual Heritage Days Parade on October 8th. The parade will begin at 10:00am with the flag ceremony at the Norris Avenue flagpole at 9:45am. The route is the same as in 2021, and begins at East "F" Street, proceeds south on Norris Avenue to East "C" Street and then turns west toward West 5th Street. The parade will fall out and disband when they arrive at West 5th St. Parade entries will be lined up on both sides of Norris Avenue from East "F" Street north to East "O" Street.
2. Norris Park and surrounding road area closure request
 - a. Permission to use Norris Park for our annual Heritage Days Arts and Crafts Show on Saturday, October 8th.
 - b. We will need the use of the electricity at Norris Park as in years past for the food vendors.
 - c. There will be stage entertainment which will require the use of the bandshell.
 - d. Along with this, we would like to request closing East "G" Street from Norris Avenue to East 1st Street on Friday, October 7th afternoon beginning at 1pm so that our food vendors are able to set up.
 - e. We further request the closing of the streets around Norris Park for October 8th. These roads include East "H" Street, East "G" Street, and East 1st St. They should be blocked off at 5:00am Saturday and remain closed throughout the day opening back up at 8:00pm. East "H" Street should be closed from Norris Ave. to East 2nd Street. East 1st Street should be closed from East "G" Street to East "I" Street.
 - f. Prior to the parade, we request that East "G" St. between Norris Ave. and West 1st St. be closed to vehicle parking.
 - g. We would request Norris Ave. be blocked off after the parade on Saturday from East "G" Street to East "H" Street.

I tried to clear up confusion by splitting up the request into parts specific to location and need. I also attached the map. Let me know if this still needs work.

CITY MANAGER'S REPORT
AUGUST 15, 2022 CITY COUNCIL MEETING

ITEM: **3.F.**

RECOMMENDATION:

APPROVE SPECIFICATIONS AND PROCUREMENT DOCUMENTS FOR FAN PRESS EQUIPMENT PROCUREMENT AND SET DATE TO RECEIVE BIDS FOR SEPTEMBER 8, 2022 AT 2:00 P.M.

BACKGROUND:

This project involves equipment procurement to process sludge generated at the wastewater treatment facility using ARPA Funding.

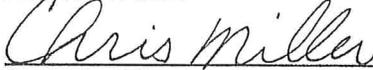
This project is scheduled to bid on September 8, 2022, with a potential Council award on September 19, 2022.

FISCAL IMPACT:

This project is being funded through ARPA Funds.

RECOMMENDATION:

APPROVALS:



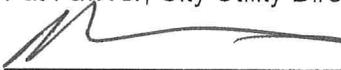
Chris A. Miller, Project Engineer

Date: 8/5/22



Pat Fawver, City Utility Director

Date: 8/9/22



Nate Schneider, City Manager

Date: 8-10-22

REQUEST FOR PROPOSALS

Separate sealed proposals will be received at City Clerk's Office, City of McCook, 505 West "C" Street, McCook, Nebraska, on September 8, 2022 at 2:00 PM, Local Time. The project consists of furnishing a future solids dewatering facility equipment package, to be installed by a General Contractor under separate contract, and other such work as may be incidental to **ROTARY FAN PRESS EQUIPMENT PROCUREMENT** as per specifications and contract documents now on file at the Office of the City Clerk. Said Proposals will be publicly opened, read aloud, and tabulated immediately following in the City Council Chambers.

The City of McCook reserves the right to reject any or all bids, and to waive irregularities or informalities in any bid. Bids received after the specified time of closing will be returned unopened. The envelope shall be marked "FAN PRESS EQUIPMENT PROCUREMENT". The City will accept only those sealed bids, either hand delivered or received via the U.S. Mail or other commercial carrier. Items transmitted by facsimile or electronically will not be accepted.

The Contract Documents may be examined at the following locations:
Miller & Associates, 1111 Central Avenue, Kearney, NE 68847
Miller & Associates, 109 East 2nd Street, McCook, NE 69001
City of McCook, 505 West "C" Street, McCook, NE 69001

Copies of requests for bidding documents may be obtained at the office of Miller & Associates, Consulting Engineers, P.C., Telephone 308/234-6456, upon payment of \$35.00 (non-refundable). A complete set of electronic copies of specifications, contract documents and proposal form may be obtained from www.miller-engineers.com for a fee of \$25.00 (non-refundable). Once logged into the website, go to "Bidding Documents" [in the upper right-hand corner of the homepage] and you can select the set of documents to download.

Each Proposer will be required to submit with his proposal, a certified check, cashier's check or bid bond made payable, without condition, to the City Clerk, McCook, Nebraska, in an amount equal to five percent (5%) of the proposal.

This project is being funded with ARPA Funds.

The Owner is an equal opportunity employer and requires all contractors and consultants to comply with all applicable Federal and State laws and regulations. The Owner, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office the Secretary, Part 21, Nondiscrimination in Federally assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively insure that In any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin, sex, age and disability/handicap in consideration for an award.

The successful bidder will be required to provide a payment bond, and performance bond, each, in the amount of one hundred percent (100%) of the contract price.

Published upon order of the City Council of McCook, Nebraska.

-s- Lea Ann Doak, City Clerk

Publish: August 19, 26 and September 2, 2022.

SECTION 00020

INVITATION FOR PROPOSALS

1. RECEIPT OF BIDS

Sealed bids will be received at the time and place designated in the Request for Proposals.

2. TYPE OF PROPOSAL

A. Proposal shall be a competitive and evaluated sealed proposal. In order for the Proposal to be considered responsive to this Request for Proposals (RFP), the Proposer must submit a full response, without exception, to all requirements stipulated herein.

1. The Owner reserves the right to negotiate with any Proposer to obtain a final contract that best meets the interests and needs of the Owner
2. Any portion or portions of the scope of work, terms and conditions, and price which would simplify the Owner's construction of the facility can be unilaterally assigned to the General Contractor selected to construct the Solids Dewatering Facility Upgrade.

3. DOCUMENT EXAMINATION AND PROCUREMENTS

The Bidding documents may be examined at the following locations:

City of McCook
P.O. Box 1059
505 West "C" Street
McCook, NE 69001
T: (308) 345-2022

Miller & Associates,
Consulting Engineers, P.C.
1111 Central Avenue
Kearney, NE 68847
T: (308) 234-6456

Miller & Associates,
Consulting Engineers, P.C.
109 East 2nd Street
McCook, NE 69001
T: (308) 345-3710

Copies of the Contract Documents and Technical Specifications may be obtained from:

Miller & Associates, Consulting Engineers, P.C.
1111 Central Avenue
Kearney, NE 68847
T: (308) 234-6456

The hard-bound cost of Contract Documents and Technical Specifications is **\$35.00**. Documents may also be obtained electronically, as delineated in the Request for Proposals.

4. PROPOSAL GUARANTEE

A Proposal Guarantee as described under Article 6, Section 00100 – *Proposal Instructions*, shall accompany each Proposal.

5. CONTRACT SECURITY

The executed Agreement delivered by the Successful Proposer shall be accompanied by performance and payment bonds as described in Article 4, Section 00700 – *General Conditions*.

6. PRE-PROPOSAL CONFERENCE

A pre-proposal conference will not be held.

7. CONTRACT TIME

The Contract Time is defined in Section 00700 – *General Conditions*, and specified in Section 00500 – *Procurement Form*.

8. QUALIFICATIONS OF PROPOSER

The qualifications, resources, and experience of the Proposer in the specific areas of dewatering of municipal biosolids process design and fabrication are considered to be essential for timely completion of this project.

Qualification of Proposer shall also be in accordance with Article 3 of Section 00100 – *Proposal Instructions*. Further, the Owner may make such other investigations as it deems necessary to determine the ability of the Proposer to perform the Work, and the Proposer shall furnish to the Owner all such information and data for this purpose as the Owner may request. The Owner reserves the right to reject any Proposal if the evidence submitted by, or investigation of, such Proposer fails to satisfy the Owner that such Proposer is properly qualified to carry out the obligations of the RFP and to complete the Work contemplated therein.

9. OWNER'S RIGHTS

The Owner reserves and holds the following rights and options, which may be, exercised at its sole discretion with respect to this RFP and evaluation of Proposals:

- A. To select and enter into an agreement with a Proposer submitting on this RFP in accordance with the evaluation procedure noted under Section 00100 – *Proposal Instructions*, which best meets the needs and interests of the Owner;
- B. To supplement, amend, or otherwise modify this RFP in writing; and
- C. To award an Agreement to the most responsible and responsive Proposer, as evidenced during the procurement and negotiation process, and who meets the requirements as set forth in the RFP taking into consideration price and the evaluation factors.

Furthermore, the Proposer, by submitting its Proposal, agrees to hold the Owner and its agents harmless and free from all liability, loss, injury, and/or cost and expense, which might be incurred by any Proposer in responding or as a consequence of its response to this RFP.

10. DETERMINATION OF SUCCESSFUL PROPOSER

The successful Proposer shall be determined on the basis of the most responsive and advantageous offering to the Owner, taking into consideration price and evaluations performed by and for the Owner.

END OF SECTION 00020

**CITY MANAGER'S REPORT
AUGUST 15, 2022 CITY COUNCIL MEETING**

ITEM: 3.G.

RECOMMENDATION:

APPROVE THE APPOINTMENT OF CITY MANAGER NATE SCHNEIDER, UTILITIES DIRECTOR PAT FAWVER, WASTE WATER OPERATOR JOHN WHITE, COUNCIL MEMBER GENE WEEDIN, AND COUNCIL MEMBER JERRY CALVIN TO THE SELECTION BOARD FOR ENGINEERING SERVICES FOR THE WASTEWATER TREATMENT PLANT IMPROVEMENTS.

BACKGROUND:

The wastewater treatment facility is starting the selection process for engineering services for the proposed improvements at the wastewater treatment facility. Since this contract is expected to utilize the State Revolving Loan Fund with loan forgiveness, we will be using the procurement process for engineering. This requires the appointment of a selection board made up of at least 3 members who have knowledge of the project and the types of services that are required. Staff is recommending that City Manager Nate Schneider, Utilities Director Pat Fawver, Wastewater Operator John White, Council Member Gene Weedon, and Council Member Jerry Calvin be appointed to this committee.

**FISCAL
IMPACT:**

APPROVALS:



Pat Fawver, Utilities Director

August 15, 2022



Nate Schneider, City Manager

August 15, 2022

CITY MANAGER'S REPORT
AUGUST 15, 2022 MCCOOK CITY COUNCIL MEETING

ITEM NO. 3.H. Appoint Andy Weber to the McCook Board of Zoning Adjustment.

BACKGROUND:

A vacancy exists on the Board of Zoning Adjustment. Andy Weber has agreed to fill the vacancy. If appointed, Mr. Weber's term will expire in January of 2023.

APPROVALS:



Nathan A. Schneider, City Manager

August 10, 2022



Lea Ann Doak, City Clerk

August 10, 2022

(B) The Mayor and City Council of the city are hereby designated to be the Community Development Agency for the city.

(C) The Mayor of the city shall be the Chairperson of the Community Development Agency, the Vice-President of the City Council shall be the Vice-Chairperson, and the City Clerk shall be the Secretary of the Community Development Agency.

(D) The Community Development Agency shall have the power and authority to exercise the power and authority granted to a community redevelopment authority under Neb. RS 18-2101 to 18-2144. The Community Development Agency shall also have the power and authority to do all community development activities, and to do all things necessary to cooperate with the federal government in all matters relating to community development program activities as a grantee, or as an agent or otherwise, under the provisions of the Federal Housing and Community Development Act of 1974, as amended through the Housing and Community Development Amendments of 1981. The Community Development Agency may levy taxes for the exercise of this jurisdiction and authority and may issue general obligation bonds, general obligation notes, revenue bonds, and revenue notes, including those general obligation and revenue refunding bonds and notes for the purposes set forth in the sections and under the powers granted to any community redevelopment authority described therein.

(E) All of the rights and property, both real and personal of the existing Community Redevelopment Authority of the city, and all obligations, including leases, bonds, redevelopment contracts, agreements and other evidence of debt of the Authority, are hereby transferred to and assumed by the City Community Development Agency, created pursuant to this section.
(Ord. 2006-2764, passed 2-20-2006)

BOARDS

§ 35.030 BOARD OF ZONING ADJUSTMENT.

(A) There is hereby established a Board of Zoning Adjustment. The word **BOARD**, when used in the Zoning Ordinance, shall be construed to mean the Board of Zoning Adjustment. The Board of Zoning Adjustment is appointed by the City Council and shall consist of five regular members, plus one additional member designated as an alternate who shall attend and serve only when one of the regular members is unable to attend for any reason. One member only of the city Board of Zoning Adjustment shall be appointed by the City Council from membership of the Planning Commission and the loss of membership on the Planning Commission by such member shall also result in the immediate loss of membership on the Board of Zoning Adjustment and the appointment of another Planning Commissioner to the Board of Zoning Adjustment. At least one member of the Board of Adjustment shall reside outside of the corporate boundaries of the city but within its extraterritorial zoning jurisdiction.

(B) The members appointed shall serve for terms of three years and be removable for cause by the City Council upon written charges and after public hearing. Vacancies shall be filled by appointment for the unexpired term.

(C) The Board of Zoning Adjustment shall annually in October elect one of its members as Chairperson, another as Vice-Chairperson, who shall act as Chairperson in the Chairperson's absence, and appoint a Secretary, who may be an officer or an employee of the city. Each shall serve until his or her successor has been selected. The presence of four members of the Board shall be necessary to constitute a quorum.

(D) All meetings of the Board shall be open to the public. Meetings of the Board shall be held at the call of the chairperson and at such other times as the Board may determine. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, if absent or failing to vote, indicating the fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record. The Board shall adopt from time to time any rules and regulations as it may deem necessary, to carry the appropriate provisions of the Zoning Ordinance into effect and all of its resolutions and order shall be in accordance therewith.

(Prior Code, § 2-102) (Ord. 2017-2949, passed 6-5-2017)

Statutory reference:

Similar state law provisions, see Neb. RS 19-907 through 19-910

§ 35.031 LIBRARY ADVISORY BOARD.

(A) The Library Advisory Board shall be chosen by appointment by a majority vote of the members of the City Council. The Board shall consist of five members who shall be residents of the city. The members of the Library Advisory Board shall serve a four-year term of office. In case of vacancies by resignation, removal, illness or any other reason, the City Council shall immediately appoint a new member to the Board for the unexpired vacated term. The Board shall serve without compensation.

(B) At the time of the Board's first meeting in October of each year, the Board shall organize by selecting from its number a Chairperson, Vice-Chairperson and Secretary. It shall be the duty of the secretary to keep the full and correct minutes and records of all meetings, and to file the same with the City Clerk where they shall be available for public inspection at any reasonable time. A majority of the Board members shall constitute a quorum for the transaction of business. The Board shall meet at times as the City Council may designate. Special meetings may be held upon the call of the Chairperson, or any three members of the Board.

(C) The members of the Board shall have powers and perform duties as may be conferred upon and required of them by the City Council. The Board is an advisory board, thus having only those powers and duties to advise and recommend to the City Council, City Manager, and Library Director as are

BOARD OF ZONING ADJUSTMENT

TAMMIE HILKER**
512 East 5th
Appointed - September 25 1995
Reappointed - June 2020
Term Expires - September 2022
(Planning Commission Representative)
thilker@gpcom.net
345-3717 (H)
340-7861 (C)

GREG LARSON
402 Park Avenue
Appointed - November 2011 (replaced Duane Tappe)
Reappointed - June 2020
Term Expires - January 2023
gat96@yahoo.com
350-1049 (C)
345-2280 (W)

RYAN MOORE
1412 Centennial Drive
Appointed - April 2016 (replaced Fred Shepherd)
Reappointed - June 2020
Term Expires - January 2023
ryan@firstcentral.com
340-1345 (C)
345-4994 (W)

JERRY REITZ*
808 West 4th Street
Appointed - November 2008 (replaced Bill Longnecker)
Reappointed - June 2020
Term Expires - January 2023
jplumber48@gmail.com
345-7828 (H)
340-0866 (C)

RICK HANEY
71392 Road 385
Appointed - June 2017 (Replaced Keith Delano)
Reappointed - June 2020
Term Expires - September 2022
(Extra Territorial Representative)
rickshaney@gmail.com
350-0675(C)

ANDY WEBER - ALTERNATE
1109 Country Club
Appointed - August 2022 (replaced Dennis Chipman)
Term Expires - January 2023

*Denotes Chairperson
**Denotes Vice Chairperson
3 yr. terms

**CITY MANAGER'S REPORT
AUGUST 15, 2022 CITY COUNCIL MEETING**

ITEM: **3.1.**

Receive and file the claims for the month of July 2022, published August 12, 2022.

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

August 9, 2022

CITY OF MCCOOK
CLAIMS FOR JULY 2022

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

20/20 TECHS-SC 4463.00; 7-D LOCKSHOP-S 18.20; ACE-S 1361.13; ACME PRINTING-S 130.90; AKRS-S 4004.28; AMERICAN AG LAB-SC1765.32; AMERICAN ELECTRIC-S 94.32; AMERICAN LEGAL PUBLISHING-SC 1126.55; AMERITAS-DENTAL-SC 350.74; AMERITAS-CLAIMS-SC 2249.52; ANDERSON AUTO GROUP-CO, SC 34791.00, 67,332.48; ANYTIME TRI-STATE TOWING-SC 615.00; APCO, NEBRASKA-SC 878.00; ARROW CAR WASH-S 53.55; AMERICAN WATER WORKS-SC 338.00; BARCO MUNICIPAL-S 353.19; BECCA'S CAKES-S 60.00; BLACK HILLS ENERGY-SC 2136.15; BLUE VALLEY PUBLIC SAFETY-SC 4455.00; BW TELECOM-SC 144.14; C&K-S 1338.62; CAMBRIDGE TELEPHONE-SC 234.12; CARQUEST-S 2821.49; CASH WA-S 17192.17; CDW-G-SC 209.00 ; CENTURY LINK-SC 757.50; CITY OF MCCOOK-PS 290444.26; CITY SELF INS-BT 210343.00; UTILITIES-SC 15136.30; COMFORT INN-SC 384.00; CONSOLIDATED MGMT-SC 372.35; CRAWFORD SUPPLY-S 93.76; CREATIVE PRODUCT SOURCING-S 869.32; J. CROCKER-SC 57.75; CROELL-CO 2540.00; D & L PEST CONTROL-S 233.00; D & S HARDWARE-S 275.90; DAS STATE ACCTG-SC 448.00, DIAMOND VOGEL-S 18.55; DITCH WITCH0S 378.28; DOAK CONST-S 275.00; DOUBLE D LAWN-S 159.00; EAKES-S 3237.87; ELLERBROCK-NORRIS-SC 2500.00; ESC ENG-SC 12740.00; FASTENAL-S 73.21; FICA-PS 19693.85; FORCE EQUIP-S 288.09; FRENCHMAN VALLEY COOP-S 26742.58; FRONTIER COMM-SC 43.19; FUSION CLOUD-SC 89.46; GALLS-S 138.35; GARRISONS-S 830.00; GOOD SKY, LLC-SC 500.00; GOOGLE SVCS-SC 486.00; GREAT PLAINS COMM-SC 2446.33; K. HANSEN-SC 90.00; HENNINGBROS-SC 59.00; HENRY SCHEIN INC-S 11250.00; HERITAGE SENIOR CENTER-SC 67.50; HGTV-S 39.97; HOMETOWN FAMILY RADIO-SC 100.00; HOMETOWN LEASING-SC 1482.43; IDEAL LINEN-S 251.27; IIMC-SC 115.00; IRS-SC 415.03; ISLAND SPRINKLER-S 1116.06; J BAR J LANDFILL-SC 49492.97; K & C GRAIN-S 62671.53; K-C MOTOR & ELEC-S 9709.874; KEARNEY HUB-S 462.59; KOHL'S AUTO-S 479.57; KOMLINE-SANDERSON ENG-S 931.75; KULLY PIPE-S 1351.02; LCL TRUCK EQUIP-S 411.05; LIFE-ASSIST-S 866.24; MARC-S 1332.04; MARIS GEN CONST-S 100.00; MATEHSON-LINWELD-S 266.77;

MBSM&S-SC 3733.00; MCCOOK CHAMBER-SC 1864.00; MC GAZETTE-SC 1087.20; MC HUMANE SOCIETY-S 3530.17; MPPD-SC 2217.28; MC NET-SC 69.95; MCKESSON MEDICAL-S 286.05; MEDICARE-PS 5441.53; MEAD-S 128.34; MENARDS-S 129.99; MICHAEL TODD & CO-S 606.58, MICROMARKETING-S 3559.10; MIDWEST CONNECT-S 325.56, SC 1777.67; MILCO-SC 496.30; MILLER & ASSOC-S 1527.50; MNB INS-SC 50.00; MUNICIPAL SUPPLY-S 10217.65; MUTUAL OF OMAHA-SC 2408.05; NE DEPT OF ENVIR & ENERGY-SC 115.00; NE DEPT REV-SALES TAX-SC 10984.47; LOTTERY-SC 5598.00; NE LIBRARY COMMISSION-SC 756.00; NE LAW ENFORCEMENT INTEL-SC 598.50; NEBRASKA TRUCK CENTER-S 2676.63; NEBRASKALAND TIRE-S 262.40; NICK'S DIST-SC 438.22; NORTH PLATTE MONUMENT-S 250.00; NPPD-SC 41139.29; NSI LAB-S 299.00; O'REILLY-S 700.37; OCLC, INC-SC 1906.09; ONE BILLING-SC 2931.37; ONE CALL-SC 128.80; PAULSEN INC-S 701.53; PEDIATRIC EMERGENCY STANDARDS-SC 939.75; PETROTEK-SC 6452.43; PFM-SC 10000.00; PLATTE VALLEY COMM-S 452.50; PLEASANT VALLEY FISH FARM-S 800.00; POAN-SC 130.00; QUADIANT FINANCE USA-SC 778.76, S 221.24; QUADIANT LEASING-SC 600.00; QUALITY URGENT CARE-SC 161.00; QUICK MED-SC 397.35; QUILL-S 420.16; B RINEHART-SC 100.00; ROCHESTER MIDLAND-S 392.70; RUGGLES-SC 1365.00; SANDRY FIRE SUPPLY-S 226.87; SCHOLASTIC, INC-S 1123.31; B. SIEGFRIED-SC 486.45; SIRCHIE FINGER PRINT LAB-S 325.78; SOUTHWEST FARM & AUTO-S 754.39; SOUTHWESTERN EQUIP-S 1070.14; STATE OF NE-SC 30.00; STEVEN'S PAINTING-S 6670; SWANSON SIGN-SC 117.80; TITAN MACHINERY-S 862.09, SC 5663.75; TOTAL TURF-S 226.67; TRAVELER'S-SC 60969.25; TYLER TECH-SC 125.15; UMR-SC 117990.71; US FOODS-S 568.85; UTILITY REFUNDS-250.47; USA BLUEBOOK-S 16.98; VAN DIEST SUPPLY-S 11069.27; VERATHON INC-S 420.53; VERIZON-SC 2331.45; VOLZ-S 494.31; WAGNER CHEVY-S 234.30; WAGNER FORD-S 113.10; WALMART-S 1354.20; WPCI-SC 32.00; ZOLL MEDICAL-S 84.05.

-s- Lea Ann Doak
City Clerk

Publish: August 12, 2022

**CITY MANAGER'S REPORT
AUGUST 15, 2022 MCCOOK CITY COUNCIL MEETING**

ITEM NO. 3.J. Ratify and approve the selection of Hays Companies, Inc., a Brown and Brown Company, to serve as the City of McCook's Health Insurance Broker and execute the accompanying agreements.

BACKGROUND:

The health insurance committee has selected Hays Companies, Inc., a Brown and Brown Company, to serve as its health insurance broker for a term of three years, beginning October 1, 2022. Hays Companies, Inc. has served as the City of McCook's health insurance broker since 2010. During that time, Hays Companies, Inc., has served the City of McCook exceedingly well, despite the ever changing health insurance landscape.

There are two agreements that need to be executed. The first agreement finalizes the last quarter of the existing contract period (ie. July 1, 2022 to September 30, 2022). The stated compensation amount (ie. \$10,000) is the agreed upon amount for the final quarter of services under the current contract. The second agreement covers the term from October 1, 2022 to September 30, 2025. The services that are to be provided will remain similar to our prior agreements. The compensation will remain at \$40,000 per year. Prior to the expiration of the second agreement, the City of McCook will need to reconvene its selection committee and conduct a new selection process.

APPROVALS:



Nathan A. Schneider, City Manager

August 11, 2022



Lea Ann Doak, City Clerk

August 11, 2022

BROKER SERVICES AGREEMENT

This Short Form **BROKER SERVICES AGREEMENT** (this "Agreement"), effective **July 1, 2022** (the "Effective Date"), is made by and between **Hays Companies, Inc., a Brown & Brown Company** with its principal office located at 1125 17th Street, Suite 1450, Denver, CO 80202 ("Broker"), and **City of McCook** with its principal office located at 505 West C Street, McCook, NE 69001 ("Company").

Company wishes to retain Broker to perform certain specified insurance services as described herein this Agreement. Broker wishes to perform such services according to the terms and conditions in this Agreement for the compensation set forth herein. The term of this Agreement shall commence on the July 1, 2022 through October 1, 2022 unless either party decided to terminate this Agreement, without cause and for any reason whatsoever, by giving written notice of termination to the other party at least 60 days prior to the effective date of termination, which shall be specified in such written notice.

Broker shall provide certain services set forth in the attached Exhibit A. In addition, Broker shall be compensated for the Services performed by Company in an amount equal to **TEN THOUSAND DOLLARS AND 00/100 (\$10,000.00)** (the "Broker Services Fee"). The Broker Services Fee shall be paid in full in one (1) installment payable upon Company's execution and delivery of this Agreement. Company shall remit payment to the Broker within thirty (30) days of the receipt of each invoice.

IN WITNESS WHEREOF, this Agreement has been executed by Company and Client as of the day and year first written above.

COMPANY: City of McCook

BROKER: Hays Companies Inc.,
an affiliate of Brown & Brown, Inc.

By: _____
Name: _____
Title: _____

By: _____
Name: _____
Title: _____

EXHIBIT A

EMPLOYEE BENEFITS SERVICES

Strategic Planning & Objective Setting

- Benefit plan consultation, interviews, and design with all stakeholders
- Quarterly stewardship reviews & carrier/vendor meetings as required
- Multi-year strategic readiness assessment, healthcare plan of action and long-term objectives support
- Development and maintenance of annual and/or multi-year service calendar(s)

Marketing, Negotiating, Consulting, & Implementation

- Requests for Proposals (RFP) development, marketing and implementation support of the following insurance benefit programs, where applicable:
 - Medical/Rx carriers, administrators, and networks
 - Specific and aggregate stop-loss
 - Ancillary lines to include dental, vision, life, disability, and/or voluntary worksite benefits
 - FSA, HSA, COBRA, FMLA and additional leave administration
 - HRIS systems and benefits administration
 - Telehealth, advocacy, and pricing transparency tools
 - Wellness, onsite medical clinics, and disease management programs

Account Management Services

- Develop a benefits coverage profile including program details of all insurance policies placed
- Benefit program knowledge and daily support provided timely
- Daily access to a dedicated Account Management Team
- 24-hour response guarantee and sundown policy
- Claim issue intervention and advocacy
- Annual or periodic employee surveys as needed

Human Resource Support Services

- HR service through Mineral (formerly ThinkHR) to provide additional HR support and expert advice on a variety of complex HR issues
- 100% 'live answer" HR hotline to professional HR advisors Mon - Fri 5a - 5p PST, Closed Fri 12p - 1p PST
- Follow-up on HR issues and researched matters
- Access to online site with 1,000's of forms, documents, tools, checklists and templates for your HR department including assistance with employee handbooks

- Access to 200+ on-demand management and employee training courses
- Access to job description builder and salary benchmarking tools
- Access ACA, HR and benefits compliance support through Mineral (ThinkHR)

HR Technology & Benefits Administration Consultation

- HR Tech and Benefits Administration needs assessment and goal setting
- Development and facilitation of requests for proposal (RFP's) to needs aligned vendors
- Functional vendor capabilities comparisons
- Coordination of vendor interview process
- Assistance through implementation of selected vendors
- Support existing HRIS and Benefits Administration platform and assist in the implementation of add-on services

Compliance & Legislation Leadership

- Form 5500 preparation assistance or 3rd party vendor alignment for client e-signature ready review and filing
- General compliance review of the customer's health and welfare benefit plan
- Core Compliance (proprietary platform) reviews supporting ERISA, Section 125, ACA General Topics, ACA Employer Mandate, Reporting Under the Employer Mandate, COBRA, Wellness Plans, Self-Insured Plans, and HIPAA Privacy and Security through internal compliance team
- Ongoing education and customer support in interpreting new laws and regulations impacting employee benefits
- Monthly updates on various employee benefit topics, including the ACA, HIPAA, FMLA, state laws, and other regulatory changes impacting employee benefit plans
- Local compliance webinars and seminars hosted throughout the year

Employee Communication & Education

- Access to Mobile Benefits Application
 - Customized, comprehensive benefits application
 - Benefit plan information, virtual ID cards, and all carrier/vendor information available on mobile smart phone, tablet, or online 24/7/365
- Enrollment meetings in-person and/or via Webinar
- Development of customized open enrollment brochures, virtual flip book experiences and PowerPoints
- Branded payroll stuffers/postcards/monthly newsletters and/or wellness communications
- Development and administration of employee benefit surveys
- Development of and/or facilitation of third party solutions review for employee total reward and/or total compensation statements
- Development of custom health and wellness employee communications

- Additional custom employee communications as required

Health & Wellness Consultation

- Benefits plan design model and assessment to include wellness initiatives, behavioral health, predictive modeling and large case management and clinical onsite programs
- Implementation and management of outcomes-based wellness program where desired
- Evaluation of wellness vendor activities, strategies, and outcomes pre and post program implementation
- Assistance in implementing medical care management strategies with a special focus on outreach initiatives to the member
- Year-round health strategies planning and support

Medical/RX Plan Design Consultation

- Face-to-face, conference based or virtual meetings (per request) will be provided for plan design consultation based on the outcomes of health and welfare plan design and performance analysis.
- Evaluate purchasing behavior within the context of the current plan design and contribution plan structure, extend recommendations for improved risk pool management
- Analyze member burden and development of recommended member burden balance by out-of-pocket costs and paycheck premiums
- Redefine the value proposition offered to employees through a new employee/employer contribution structure
- Develop contribution strategy models to demonstrate the cost for employer and employees in a variety of scenarios

Customized Financial Stewardship Reporting

- Reporting package includes loss ratio tracking, year to date comparison, projected costs vs. actual costs, and employee/employer contribution tracking. Reporting can be broken down by location and plan as requested.
- Annual demographic analysis of population including review of pre- and post-enrollment migration activity
- Forecasting including trends/budget analysis
- Risk Pool Management analysis and consultation
- High case/specific stop-loss analysis
- Annual COBRA premium analysis and IBNR
- Custom design financial reports as requested

Strategic Financial Analysis - Health Plan Intelligence (HPI)

- Deliver HPI financial analytics service using three primary components
 - HPI Dashboard – management level, key performance indicator and benchmarking report

- HPI Analytics provides powerful view of underlying, value-added healthcare data
- HPI BeneCalc – an online plan modeling application which quantifies the impact of medical and pharmacy plan design alternatives based upon actual claims from the previous plan year

Prescription Drug Program Audit

- Prescription benefit manager (PBM) audit and savings analysis
- Custom Pharmacy reporting provided in monthly reports
- Pharmacy plan design consultation and contract negotiations
- Evaluate PBM pharmacy rebates annually

International Benefits Consulting

- Work with local broker partners for seamless customer service for multinational clients
- One single point of contact for all international benefit needs and a single database for all international policies which our clients have 24/7 access to Overall Global Benefits review and a needs analysis for medical, dental, life, disability, accident, retirement, etc.
- Understand international business goals and human resource objectives around international strategy
- Country analysis, where you are operating currently and future expansion
- Review compliance on each of the local plans in place
- Perform a benefits adequacy review – utilizing benchmarking data and corporate benefits philosophy
- Provide a complete report that allows you to understand what your company's benefits exposure is in each country in which you operate
- Pooling study to see where natural pools exist and where it makes sense to pool international exposure
- Ongoing renewal consulting support and compliance updates

EMPLOYEE BENEFITS INSURANCE SERVICES AGREEMENT

THIS EMPLOYEE BENEFITS INSURANCE SERVICES AGREEMENT (“Agreement”) is made and entered into effective this **1st day of October, 2022** (“Effective Date”), by and between **Hays Companies, Inc., a Brown & Brown Company** with its principal office located at 1125 17th Street, Suite 1450, Denver, CO 80202 (“Company”), and **City of McCook** with its principal office located at 505 West C Street, McCook, NE 69001 (“Client”).

WHEREAS, Client wishes to procure certain employee benefit and/or human resources and insurance broker services (the “Services”); and

WHEREAS, the Company is in the business of providing such Services and desires to render to Client such Services;

NOW, THEREFORE, in consideration of the mutual promises contained herein, the Parties agree as follows:

1. Services.

1.1 **General.** The Client hereby retains the Company, upon the terms and conditions set forth herein, to provide the Services set forth in **Exhibit A**, which is attached hereto and incorporated herein by reference. The Client has exclusively retained the Company to provide the Services set forth in this Agreement.

Client acknowledges that Company, or its parent company, Brown & Brown, Inc., and related or affiliated companies, may provide services as an insurance agent on behalf of certain insurance carriers or risk-bearing entities. Client expressly consents to such relationship(s) if applicable in the rendition of services by Company under this Agreement.

1.2 **Information.** The Company shall make available to the Client upon its request documents and information reasonably requested relating to the Client’s account. The Client shall provide to the Company all information reasonably requested by the Company in order to fulfill its obligations under this Agreement. The Client shall report to the Company any material changes in its exposures, loss or other relevant items which are pertinent to the provision of services under this Agreement. The Company may rely on all information provided by the Client and on all decisions made and approvals given by the Client in connection with this Agreement. The Company is under no obligation to verify the accuracy or completeness of the information provided by the Client, and the Company shall have no liability or responsibility for any inaccuracies in the information provided by the Client. The Company may supply information provided by the Client to any insurance company or intermediary or employee as necessary to fulfill its obligations under this Agreement but will otherwise take reasonable steps to ensure the confidentiality of such information. In addition, Client shall carefully read each insurance policy issued to Client in order to confirm the accuracy of the facts reflected therein and that the policy(ies) contain(s) the terms and coverages desired. Client is responsible for recommending any changes to insurance policies issued to Client.

- 1.3 **Placement of Insurance.** The Company is hereby authorized to assist the Client in discussions and transactions with insurance companies, provided that the Company shall not place any insurance coverage on behalf of the Client unless authorized by the Client to do so. The Parties acknowledge that the Company sells insurance and that the Client is under no obligation to purchase any insurance through the Company and that the Company does not have the authority to make binding commitments on behalf of any particular insurance company. Upon request, the Company shall provide to the Client additional information about its licensure status and the companies by which it is appointed to sell insurance.
- 1.4 **Additional Available Services.** The Company may be able to make available to the Client, for an additional negotiated fee, additional services. The Client may consult with the Company if it is in need of additional services.
2. **Compensation.** Client agrees to pay to Company the following negotiated compensation, which the Parties agree is reasonable in relation to the services to be performed under this Agreement:
- 2.1 **Fees.** The Client shall pay the Company an annual fee of \$40,000.00, payable in quarterly installments commencing October 1, 2022 and continuing throughout the term of this Agreement. Client agrees to remit payment to Company within thirty (30) days of the receipt of each such invoice.
- As described in paragraph 4.2, insurance companies may also pay the Company certain contingent commissions and supplemental incentive payments, which shall be retained by the Company and are in addition to the fees set forth in this paragraph. The fees set forth in this paragraph are not required by or part of the premium payable to any insurance company and are unrelated to the sale of any specific policy.
- 2.2 **Substantial Changes.** In the event that there are significant changes in the Client's operations which materially affect the nature and scope of the Company's obligations under this Agreement, the Company and the Client shall negotiate in good faith an appropriate modification of the fees payable under this Agreement.
- 2.3 **Additional Expenses.** In certain cases, the Company may facilitate insurance placements on the Client's behalf which require the payment of taxes or fees to state regulators, boards, or associations. The Client shall be responsible for any such fees or taxes, which shall be separately identified on invoices provided by the Company to the Client.
- 2.4 **Premium Financing.** If Client chooses to finance its premiums, Company may assist Client in the arrangement of such financing. Any payments or allowances paid to Company for arranging premium financing will not be credited to the compensation paid by Company to Client pursuant to this Agreement.

3. **Term and Termination of Agreement.**

3.1 **Term.** The initial term of this Agreement will be three (3) years commencing on the Effective Date. This Agreement will be automatically extended for additional terms of twelve (12) months thereafter unless terminated as provided in paragraph 3.2. In the event of additional terms, the parties agree to negotiate in good faith and in writing an appropriate modification of the compensation to be paid by Client to Company.

3.2 **Termination.** Either Client or Company may terminate this Agreement without cause with ninety (90) days written notice to the other party. Either party may terminate this Agreement without notice and for cause, which shall include a material breach of this Agreement, including non-payment of fees, gross negligence, or illegal act by the other party. In the event of an early termination of this Agreement, the Company's fee will be deemed earned on a pro-rata basis and/or as set for in paragraph 2.1, except when policies of insurance have been substantially negotiated or placed for the forthcoming carrier renewal term. In that event, the minimum earned fee shall be no less than 50% of annual fee stated in paragraph 2.1.

Termination for cause shall become effective upon the delivery of written notice of termination to the breaching party or at such later time as may be specified in the written notice.

4. **Sources of Insurer Compensation.** The Company may, whether related or unrelated to the services provided under this Agreement, be compensated from insurance companies in a variety of ways, including the following:

4.1 **Regular Commissions.** Insurance companies with which the Company places business generally pay the Company commissions for the placement or renewal of policies ("Commissions"). In most cases, Commissions are calculated as a percentage of the premium paid to the insurance company for a specific policy and are included in the Client's premium costs. Occasionally Commissions may be a fixed amount negotiated between the Company and the insurance company.

4.2 **Contingent Commissions and Other Incentive Payments.** Many of the insurers with which the Company places business grant the Company the opportunity to receive contingent commissions or supplemental income ("Incentive Compensation"). Unlike regular commissions, Incentive Compensation is not tied to a specific policy, but rather is generally tied to various criteria relating to the overall business the Company places with those insurers, typically measured on an annual basis. This Incentive Compensation may be based on a number of factors relating to the business placed by the Company with the insurance company, including growth in premium, loss ratios, total written premium, premium volume, retention of business, profitability and/or other criteria. In connection with the placement of insurance, the Company may also receive Incentive Compensation from intermediaries, such as wholesalers, other agencies and brokers, or re-insurers. In addition, some insurance companies offer the Company other types of incentives or payments, such as marketing or administrative support, promotional fees, educational costs, and/or prizes, gifts, or awards (e.g. meals, trips, etc.) These types of incentives or payments are also considered Incentive Compensation for the purposes of this Agreement. Finally, in some cases, the Company may enter into relationships with an

insurance company whereby the Company provides the insurer with additional services for which the Company receives a fee, such as premium finance contracts, policy or claims administration, or loss control services. In some cases, the Company may own stock in a particular insurance company or reinsurance company.

- 4.3 **Interest Income.** In some cases where the Client pays for insurance policies through the Company, instead of by direct payment to the insurance company which issued the policy, the Company may receive income from interest occurring on amounts held for payment to insurers.
- 4.4 **Additional Information Available.** The Company will disclose to the Client upon its request, to the extent reasonably possible, the actual or anticipated compensation the Company receives in connection with the issuance or placement of insurance business on behalf of the Client and will upon the Client's request provide additional information about the Company's contingency fee and supplemental income arrangements with particular insurance companies.
5. **Use of Hays Reports and Recommendations.** Reports, analyses and other materials Company provides to Client are solely for Client's internal use. With the exception of the Client's advisors who have a need to know, reports, analyses and other materials may not be given to or shared with anyone else without Company prior written consent. Health Plan Intelligence® is proprietary software of Company and is not to be shared with other parties except as specified above.
6. **Confidentiality of Client Information.** Company acknowledges that it will have access to Client's confidential information, including trade secrets and other proprietary information, and further acknowledges that Client owns such confidential information. Company agrees to protect Client's confidential information and further agrees it will not, directly or indirectly, disclose it to any third parties or use it for its own benefit or the benefit of any other person or entity, except as required by law, as is reasonably necessary to perform the Services or as otherwise authorized by Client or as reasonably required in the ordinary course of performing the Services to insurance companies and other insurance intermediaries. Company shall take necessary precautions to prevent unauthorized disclosure or use of Client's confidential information by its principals, officers, directors, employees and agents and agrees that their unauthorized disclosure or use of Client's confidential information shall constitute its breach of this Agreement. The preceding two sentences shall not apply to any information that is publicly available or becomes publicly available through no fault of Company. Company will return to Client all of its confidential information upon Client's request.

Company occasionally uses data provided by its clients to build normative databases for use by Company consultants. These databases benefit all clients and do not identify individual clients or the Client's information.

The obligations of Company outlined in this paragraph 6 of this Agreement shall survive its termination and continue in full force and effect for a period of five (5) years thereafter.

7. General Provisions

- 7.1 **Independent Contractor Status.** This Agreement is one of an independent contractor relationship and does not constitute any type of employment, partnership, joint venture, or similar undertaking between the Company and Client.
- 7.2 **Legal Responsibility.** Neither party shall have liability for any failure or delay in performance of its obligations under this Agreement because of circumstances beyond its reasonable control, including, without limitation, acts of God, fires, floods, earthquakes, acts of war or terrorism, civil disturbances, sabotage, pandemics, etc. The Company shall not be responsible for the solvency or claims payments or denials of any insurance company. The Company shall not be responsible for the adequacy or effectiveness of any insurance policies or programs arranged by another broker prior to the retention of the Company.
- 7.3 **Governing Law.** This Agreement shall be governed by and construed in accordance with the laws of the State of Florida without reference to its conflicts or choice of law principles.
- 7.4 **Limitation of Liability; Waiver of Jury Trial.** THE PARTIES WAIVE ANY RIGHT TO A TRIAL BY JURY IN THE EVENT OF LITIGATION ARISING OUT OF THIS AGREEMENT. IN NO EVENT WILL EITHER PARTY BE LIABLE TO THE OTHER PARTY OR ANY OTHER PERSON FOR ANY CONSEQUENTIAL, INDIRECT, SPECIAL OR INCIDENTAL DAMAGES, INCLUDING LOSS OF PROFITS, RENEVUE, DATA OR USE, EVEN IF SUCH PARTY HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH POTENTIAL LOSS OR DAMAGE.
- 7.5 **Entire Agreement.** This Agreement constitutes the entire and complete understanding of the Parties with respect to the subject matter contained herein and supersedes all prior oral or written agreements, understandings, and negotiations with respect to such matters. This Agreement may be modified or amended only in a writing signed by the Parties.
- 7.6 **No Waiver.** No failure or delay on the part of any party in exercising any of its rights, powers, or remedies hereunder shall operate as a waiver thereof.
- 7.7 **Assignments.** Neither this Agreement or any of the rights, interests or obligations hereunder shall be assigned by any of the parties hereto (whether by operation of law or otherwise) without the prior written consent of the other party, which consent shall not be unreasonably withheld, conditioned or delayed. This Agreement will be binding upon, inure to the benefit of, and be enforceable by the parties and their respective successors and permitted assigns.
- 7.8 **Severability.** The invalidity or unenforceability of any particular provision of this Agreement shall not affect the other provisions hereof, and this Agreement shall be construed in all respects as if the invalid or unenforceable provision had been omitted.
- 7.9 **General Use and Disclosure of Health Care Data.** This Agreement will encompass the terms of the Business Associate Agreement mutually executed on September 1, 2013 by and between Company and Client.

- 7.10 **Indemnification.** The Parties agree that they shall indemnify, defend and hold harmless each other and their subsidiaries, officers, managers, employees and agents from and against any and all claims, damages, losses or expenses (including attorneys' fees) incurred by them as the result of the other's breach of its obligations under this Agreement or wrongful and/or negligent conduct in performing its services and/or obligations under this Agreement.
- 7.11 **Electronic Delivery.** Subject to applicable laws and regulations, the Parties agree to the electronic delivery of any and all information related to or contained within, insurance policies, including the policies themselves.
- 7.12 **Notices.** Any notice given pursuant to this Agreement shall be addressed to Client and/or Company at the addresses set forth in the preamble hereinabove. A copy of such notice shall also be sent to Brown & Brown, Inc., 300 North Beach Street, Daytona Beach, FL 32114, Attn: General Counsel.

COMPANY: Hays Companies, Inc., a Brown & Brown Company

By: _____
Its: _____
Print Name: _____

CLIENT: City of McCook

By: _____
Its: _____
Print Name: _____

EXHIBIT A

EMPLOYEE BENEFITS SERVICES

Strategic Planning & Objective Setting

- Benefit plan consultation, interviews, and design with all stakeholders
- Quarterly stewardship reviews & carrier/vendor meetings as required
- Multi-year strategic readiness assessment, healthcare plan of action and long-term objectives support
- Development and maintenance of annual and/or multi-year service calendar(s)

Marketing, Negotiating, Consulting, & Implementation

- Requests for Proposals (RFP) development, marketing and implementation support of the following insurance benefit programs, where applicable:
 - Medical/Rx carriers, administrators, and networks
 - Specific and aggregate stop-loss
 - Ancillary lines to include dental, vision, life, disability, and/or voluntary worksite benefits
 - FSA, HSA, COBRA, FMLA and additional leave administration
 - HRIS systems and benefits administration
 - Telehealth, advocacy, and pricing transparency tools
 - Wellness, onsite medical clinics, and disease management programs

Account Management Services

- Develop a benefits coverage profile including program details of all insurance policies placed
- Benefit program knowledge and daily support provided timely
- Daily access to a dedicated Account Management Team
- 24-hour response guarantee and sundown policy
- Claim issue intervention and advocacy
- Annual or periodic employee surveys as needed

Human Resource Support Services

- HR service through Mineral (formerly ThinkHR) to provide additional HR support and expert advice on a variety of complex HR issues
- 100% 'live answer" HR hotline to professional HR advisors Mon - Fri 5a - 5p PST, Closed Fri 12p - 1p PST
- Follow-up on HR issues and researched matters
- Access to online site with 1,000's of forms, documents, tools, checklists and templates for your HR department including assistance with employee handbooks
- Access to 200+ on-demand management and employee training courses
- Access to job description builder and salary benchmarking tools
- Access ACA, HR and benefits compliance support through Mineral (ThinkHR)

HR Technology & Benefits Administration Consultation

- HR Tech and Benefits Administration needs assessment and goal setting

- Development and facilitation of requests for proposal (RFP's) to needs aligned vendors
- Functional vendor capabilities comparisons
- Coordination of vendor interview process
- Assistance through implementation of selected vendors
- Support existing HRIS and Benefits Administration platform and assist in the implementation of add-on services

Compliance & Legislation Leadership

- Form 5500 preparation assistance or 3rd party vendor alignment for client e-signature ready review and filing
- General compliance review of the customer's health and welfare benefit plan
- Core Compliance (proprietary platform) reviews supporting ERISA, Section 125, ACA General Topics, ACA Employer Mandate, Reporting Under the Employer Mandate, COBRA, Wellness Plans, Self-Insured Plans, and HIPAA Privacy and Security through internal compliance team
- Ongoing education and customer support in interpreting new laws and regulations impacting employee benefits
- Monthly updates on various employee benefit topics, including the ACA, HIPAA, FMLA, state laws, and other regulatory changes impacting employee benefit plans
- Local compliance webinars and seminars hosted throughout the year

Employee Communication & Education

- Access to Mobile Benefits Application
 - Customized, comprehensive benefits application
 - Benefit plan information, virtual ID cards, and all carrier/vendor information available on mobile smart phone, tablet, or online 24/7/365
- Enrollment meetings in-person and/or via Webinar
- Development of customized open enrollment brochures, virtual flip book experiences and PowerPoints
- Branded payroll stuffers/postcards/monthly newsletters and/or wellness communications
- Development and administration of employee benefit surveys
- Development of and/or facilitation of third party solutions review for employee total reward and/or total compensation statements
- Development of custom health and wellness employee communications
- Additional custom employee communications as required

Health & Wellness Consultation

- Benefits plan design model and assessment to include wellness initiatives, behavioral health, predictive modeling and large case management and clinical onsite programs
- Implementation and management of outcomes-based wellness program where desired
- Evaluation of wellness vendor activities, strategies, and outcomes pre and post program implementation
- Assistance in implementing medical care management strategies with a special focus on outreach initiatives to the member
- Year-round health strategies planning and support

Medical/RX Plan Design Consultation

- Face-to-face, conference based or virtual meetings (per request) will be provided for plan design consultation based on the outcomes of health and welfare plan design and performance analysis.
- Evaluate purchasing behavior within the context of the current plan design and contribution plan structure, extend recommendations for improved risk pool management
- Analyze member burden and development of recommended member burden balance by out-of-pocket costs and paycheck premiums
- Redefine the value proposition offered to employees through a new employee/employer contribution structure
- Develop contribution strategy models to demonstrate the cost for employer and employees in a variety of scenarios

Customized Financial Stewardship Reporting

- Reporting package includes loss ratio tracking, year to date comparison, projected costs vs. actual costs, and employee/employer contribution tracking. Reporting can be broken down by location and plan as requested.
- Annual demographic analysis of population including review of pre- and post-enrollment migration activity
- Forecasting including trends/budget analysis
- Risk Pool Management analysis and consultation
- High case/specific stop-loss analysis
- Annual COBRA premium analysis and IBNR
- Custom design financial reports as requested

Strategic Financial Analysis - Health Plan Intelligence (HPI)

- Deliver HPI financial analytics service using three primary components
 - HPI Dashboard – management level, key performance indicator and benchmarking report
 - HPI Analytics provides powerful view of underlying, value-added healthcare data
 - HPI BeneCalc – an online plan modeling application which quantifies the impact of medical and pharmacy plan design alternatives based upon actual claims from the previous plan year

Prescription Drug Program Audit

- Prescription benefit manager (PBM) audit and savings analysis
- Custom Pharmacy reporting provided in monthly reports
- Pharmacy plan design consultation and contract negotiations
- Evaluate PBM pharmacy rebates annually

International Benefits Consulting

- Work with local broker partners for seamless customer service for multinational clients
- One single point of contact for all international benefit needs and a single database for all international policies which our clients have 24/7 access to Overall Global Benefits review and a needs analysis for medical, dental, life, disability, accident, retirement, etc.

- Understand international business goals and human resource objectives around international strategy
- Country analysis, where you are operating currently and future expansion
- Review compliance on each of the local plans in place
- Perform a benefits adequacy review – utilizing benchmarking data and corporate benefits philosophy
- Provide a complete report that allows you to understand what your company's benefits exposure is in each country in which you operate
- Pooling study to see where natural pools exist and where it makes sense to pool international exposure
- Ongoing renewal consulting support and compliance updates

**CITY MANAGER'S REPORT
AUGUST 15, 2022 CITY COUNCIL MEETING**

ITEM: 4.A.

APPROVE THE REQUEST FROM STACEY AGUILAR, EMERGENCY MANAGEMENT DIRECTOR FOR COMMUNITY HOSPITAL, TO UTILIZE McCOOK BEN NELSON REGIONAL AIRPORT FOR A COMMUNITY-WIDE FULL SCALE EXERCISE ON TUESDAY SEPTEMBER 13, 2022 BEGINNING AT 5:30 P.M.

BACKGROUND:

Stacey Aguilar, Emergency Management Director for Community Hospital, is requesting the use of McCook Ben Nelson Regional Airport to conduct a community-wide full scale exercise on Tuesday September 13, 2022 beginning at 5:30 p.m.

This exercise will centered around a mock airplane accident that results in 6 adult victims. The location of the drill will primarily take place around the terminal area and taxiway D which is adjacent to the terminal. To make this as realistic as possible, those participating as victims will be made up to simulate real injuries.

An emergency Planning Committee from Community Hospital has been working with local First Responders, City Staff, the Transportation Security Administration(TSA), Red Willow Aviation and Spraying Incorporated and Denver Air Connection.

Just like with an actual emergency, portions of Airport Road may be shut down for a period of time during the exercise.

This exercise will take place beginning at 5:30 p.m. on Tuesday September 13, 2022. This time was chosen as Denver Air Connection does not have an evening flight on Tuesday nights. Airport staff will make sure that all necessary NOTAM's are issued for this event. A NOTAM is a written notification issued to pilots before a flight, advising them of circumstances relating to the state of flying.

**FISCAL
IMPACT:** None.

APPROVALS:



Kyle Potthoff, Public Works Director

August 10, 2022



Nate Schneider, City Manager

August 10, 2022



To: McCook City Council
From: Stacey Aguilar, Emergency Management Director
Community Hospital
RE: Community-wide Exercise
Date: August 1, 2022

Community Hospital, Denver Air, TSA and community First Responders (Fire, Police, EMS) would like to conduct a community-wide full scale exercise on runway D of the airport.

We would like to use this area as the location of the exercise as we used an airplane accident for our TTX to fulfill requirements for the airport. We would like to take the scenario and play it out to fulfill our requirements for a full scale drill.

We plan to have 6 adult victims. We will have an airplane staged on the runway with victims placed near the airplane and terminal. We will have identified observers staged in this area. We may block traffic on Airport Road just to contain the area. We like to drill like it is real.

An emergency Management planning committee has been working with local First Responders, the city Manager, Nate Schneider, Kyle Potthoff and members of the TSA and Denver Air.

We would like to hold the exercise on **September 13, 2022** beginning at 5:30 p.m. This way we can stage the victims, observers, etc. simulating the event. We will assign Safety and Site Officers for the exercise.

Thank you for your attention and consideration for the 2022 Community-wide exercise.

Stacey Aguilar, CHEP, CHOP

Emergency Management Director

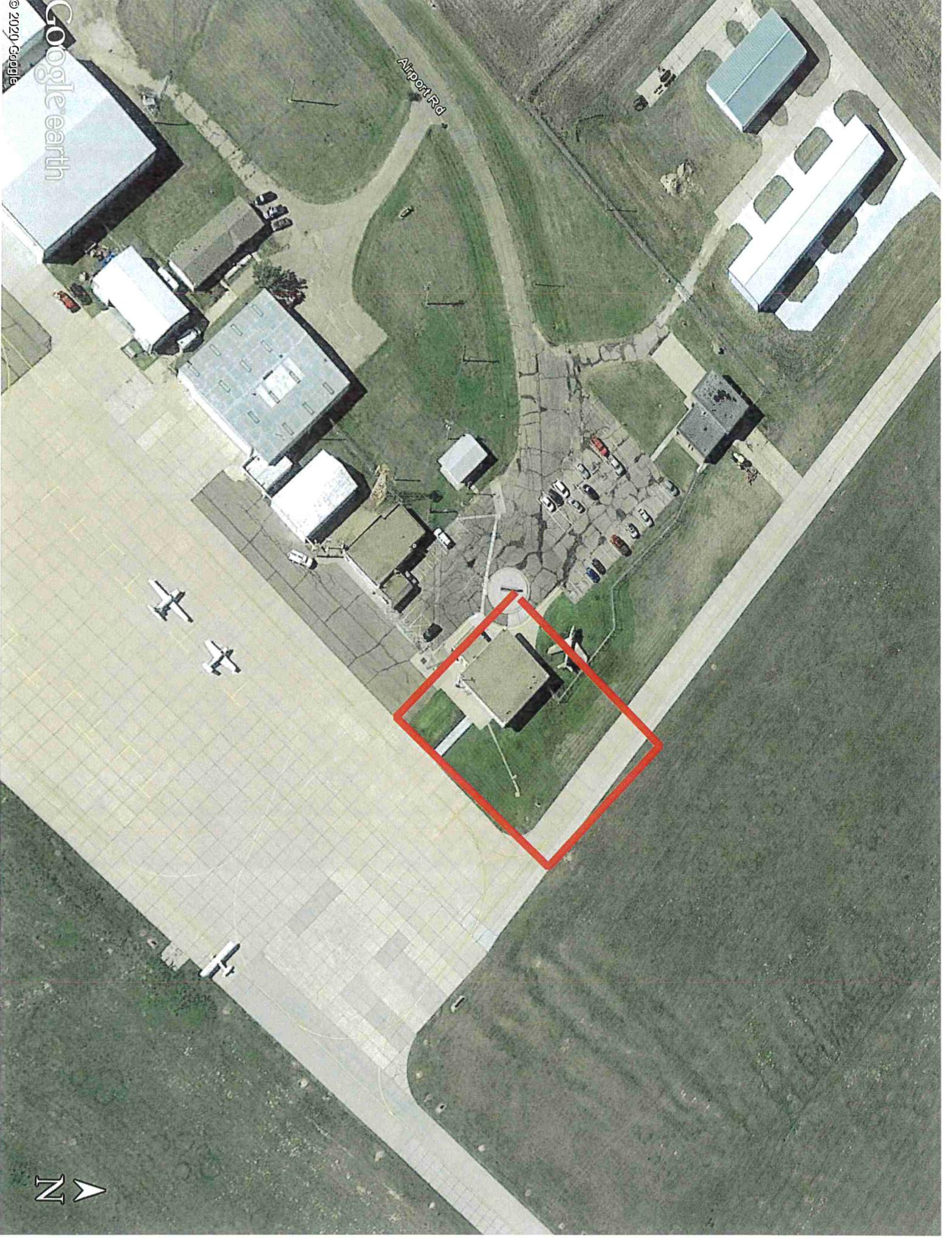
Community Hospital

PO Box 1328 | McCook, NE 69001

308.344.8362 | Fax 308.344.8358

saguilar@chmccook.org

Airport Rd



**CITY MANAGER'S REPORT
AUGUST 15, 2022 MCCOOK CITY COUNCIL MEETING**

ITEM NO. 4.B. Adopt Ordinance No. 2022- 3043 on first reading and under suspension of the rules, said ordinance to allow for the vacation of currently subdivided plats in order to simplify any potential title and subdivision concerns.

BACKGROUND:

The McCook Planning Commission and McCook City Council have held discussions regarding the possibility of adopting an ordinance that would permit the vacation of subdivision plats or portions of subdivision plats. The discussions have been held relative to the development of the Clary Subdivision, but the difficulties associated with the current replat process have been in existence for a much longer period of time. Case in point, six replats of the Clary Subdivision have been approved over the course of the past 7 years. With each additional Clary Subdivision replat, the descriptions got a little more muddled. During the Clary Subdivision replatting process, staff began to question whether there was a cleaner way to subdivide an already existing subdivision. Craig Bennett of Miller & Associates explained to staff that some communities vacate existing subdivisions prior to a new subdivision project on the property in question. By doing so, a clean slate is created so as to avoid confusion with respect to the identification of new lots and properties. Per State law, city's are permitted to vacate existing subdivisions. A copy of Neb. Rev. Stat. 19-917 is attached to this report for Council's review.

After careful deliberation, staff believes it is prudent to establish a subdivision vacation ordinance. It appears more communities favor the vacation process over the replat process. For purposes of administrative subdivisions, staff believes the replat process should remain in place.

The McCook Planning Commission unanimously voted to recommend the establishment of a vacation ordinance to the McCook City Council.

APPROVALS:



Nathan A. Schneider, City Manager

August 10, 2022



Lea Ann Doak, City Clerk

August 10, 2022

ORDINANCE NO. 2022-3043

AN ORDINANCE OF THE CITY OF MCCOOK, NEBRASKA PROVIDING FOR THE AMENDMENT OF MCCOOK SUBDIVISION REGULATIONS ORDINANCE NO. 2014-2900, AMENDING SECTION 7 - PROCEDURES, ADDING SUBSECTION 7.19 - VACATION OF SUBDIVISION PLATS OR PORTIONS OF SUBDIVISION PLATS; PROVIDING FOR THE REPEAL OF 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. Section 7 - Procedures, of McCook Subdivision Regulations Ordinance No. 2014-2900 shall be amended, adding subsection 7.19 to read as follows:

7.19 VACATION OF SUBDIVISION PLATS OR PORTIONS OF SUBDIVISION PLATS. An existing plat or portion of an existing plat must be vacated by ordinance prior to replatting, after hearings by the Planning Commission and City Council upon petition by the owners of such lands.

- A. The ordinance granting the vacation shall specify if any public highways, streets, alleys or other public grounds are to be retained by the City. If the City does not retain any such lands, ownership shall revert to abutting lot owners.
- B. Any vacation approved shall, at the owner's expense, be certified to the appropriate County Register of Deeds and be so recorded. The Register of Deeds shall then note such vacation on the plat by writing in plain, legible letters. Such notation shall also contain a reference to the volume and page in which the ordinance of vacation is recorded. The owners of the lands vacated shall cause the same to be replatted in accordance with the requirements of this Chapter.
- C. Where a plat or portion of a plat is vacated where water, sewer and paving are already installed, it shall be the responsibility of the petitioner to provide water and sewer to any newly created lots in the manner prescribed by the City's Utilities Department.

(Ord. No. 2022-3043, September 2022)

State law reference(s)—Similar provisions, Neb. Rev. Stat. 19-917

SECTION 4. Any and all other ordinances or parts of ordinances in conflict herewith shall be and are hereby repealed.

SECTION 5. This ordinance shall take effect 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.

Michael D. Gonzales, Mayor

ATTEST:

Lea Ann Doak, City Clerk-Treasurer

19-917. Additions; vacating; powers; procedure; costs.

A city of the first class, city of the second class, or village may vacate any existing plat and addition to such municipality or such part or parts thereof as such municipality may deem advantageous and best for its interests, and the power hereby granted shall be exercised by such municipality upon the petition of the owner or all the owners of lots or lands in such plat or addition. Such ordinance vacating such plat or addition shall specify whether, and, if any, what public highways, streets, alleys, and public grounds thereof are to be retained by such municipality. Any such ways, streets, and public grounds not retained shall upon such vacation revert to the owner or owners of lots or lands abutting such ways, streets, and public grounds in proportion to the respective ownerships of such lots or grounds. In case of total or partial vacation of such plat or addition, the ordinance providing therefor shall be, at the cost of the owner or owners, certified to the office of the register of deeds and be there recorded by the owner or owners. The register of deeds shall note such total or partial vacation of such plat or addition by writing in plain and legible letters upon such plat or portion thereof so vacated the word vacated, and also make on the same reference to the volume and page in which such ordinance of vacation is recorded, and the owner or owners of the lots and lands in a plat so vacated shall cause the same and the proportionate part of the abutting highway, streets, alleys, and public grounds so vacated to be replatted and numbered by the city surveyor or county surveyor. When such replat so executed is acknowledged by such owner or owners and is recorded in the office of the register of deeds of such county, such property so replatted may be conveyed and assessed by the numbers given in such replat.

Source: Laws 1901, c. 18, § 6, p. 228; R.S.1913, § 4812; C.S.1922, § 3980; C.S.1929, § 16-109; R.S.1943, § 16-113; Laws 1975, LB 410, § 3; Laws 2019, LB193, § 84.

Annotations

This section is applicable to quiet title of owner of adjoining lots when nominal street of platted addition vacated. *Trahan v. Council Bluffs Steel Erection Co.*, 183 Neb. 170, 159 N.W.2d 207 (1968).

**CITY MANAGER'S REPORT
AUGUST 15, 2022 MCCOOK CITY COUNCIL MEETING**

4.C.
ITEM NO. Approve Resolution 2022-~~07~~, placing a ballot question on the November 8, 2022 election to approve an increase in the local option sales and use tax by an additional one-half percent (1/2%).

BACKGROUND:

Per the Nebraska Local Option Revenue Act, a Nebraska municipality may submit a ballot question to voters modifying the existing sales and use tax to a rate greater than one and one-half percent, which is the current amount the City of McCook has established for taxable sales within its corporate boundaries. The accompanying Resolution would allow the City of McCook to increase its sales and use tax by one-half of one percent (.5%), with said revenue generated by the additional sales and use tax to be used for public infrastructure projects, said projects specifically being the creation of a new swimming pool facility and a ballpark facility. With respect to a new swimming pool, the McCook City Council approved a recommendation from the McCook Pool Committee for a swimming pool to be constructed at an estimated cost of \$6,000,000. With respect to a ballpark facility, two options have been discussed. Under Option 1, a new ballpark would be built at an estimated cost of \$15,000,000. A portion of the funding for a new ballpark would come from the voter approved local option sales tax with the remaining balance to be paid for by donations from private individuals and public entities. Under Option 2, if the amount fundraised is insufficient to build a new ballpark facility, the revenue generated from the additional local option sales tax would be used to upgrade the City of McCook's current ballpark facilities.

If the accompanying Resolution is approved by the City Council, a ballot question will be placed on the November 8, 2022 election ballot asking the citizens of McCook if they approve an increase in the local option sales and use tax, said modification increasing the City of McCook's sales and use tax from 1.5% to 2%. The additional local option sales and use tax would continue for a period of 10 years or until any bonds issued with the additional revenues pledged are paid in full. Based upon the costs associated with the two projects, the latter of the aforementioned durations is anticipated in the accompanying Resolution. In order to achieve the objective of the recreational bond, it is anticipated that \$12,000,000 will need to be raised through the issuance and sale of municipal bonds. Based on the calculations made by Paul Grieger of D.A. Davidson, if \$12,000,000 worth of bonds are issued, full payback is estimated to occur after 20 years. Once the bonds are paid in full, the sales tax would automatically discontinue. A copy of the Sources and Uses of Funds Calculation is included with this report. Please note, the estimate provided is based upon the City of McCook's current local option sales and use tax receipts.

Staff has worked with Mike Rogers of Gilmore and Bell, P.C., to create the ballot question language. Mr. Rogers has utilized similar language for local option sales tax ballot questions in other Nebraska communities.

APPROVALS:



Nathan A. Schneider, City Manager

August 10, 2022



Lea Ann Doak, City Clerk

August 10, 2022



Kyle Potthoff, Public Works Director

August 10, 2022

RESOLUTION NO. 2022-07

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF MCCOOK, NEBRASKA, PLACING A BALLOT QUESTION ON THE BALLOT FOR THE STATEWIDE GENERAL ELECTION ON NOVEMBER 8, 2022, TO APPROVE AN INCREASE IN THE LOCAL OPTION SALES AND USE TAX BY AN ADDITIONAL ONE-HALF OF ONE PERCENT.

WHEREAS, the City of McCook (the "City") has imposed a local sales and use tax at a current rate of one and one-half percent (1.50%) pursuant to Nebraska Revised Statute § 77-27,142; and

WHEREAS, upon affirmative vote of at least 70% of the members of the City Council of the City, the Nebraska Local Option Revenue Act (Nebraska Revised Statutes § 77-27,142, *et seq.*) authorizes the City to submit to voters at a general election held within the City a proposal to approve a modification of the existing City sales and use tax to a rate greater than one and one-half percent (1.50%); and

WHEREAS, the City Council finds that it is necessary to fund the costs of public infrastructure projects, which shall include swimming pool and ballpark facilities, (the "Facilities") by increasing the sales and use tax by one-half of one percent (0.50%) (the "Additional Sales Tax") to a rate of two percent (2.00%); and

WHEREAS, the Facilities are expected to improve the health and well-being of the citizens of McCook, provide recreational programming for the community, be available for use by the general public at rates and fees set by or at the direction of the City Council, and generally enhance economic development for the City; and

WHEREAS, no reductions or elimination of other taxes or fees are expected to result from the imposition of the Additional Sales Tax, and no savings or efficiencies are expected to result from the Facilities.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of McCook, Nebraska:

Section 1. That at the statewide general election to be held on Tuesday, November 8, 2022, there shall be submitted to a vote of the qualified electors of the City of McCook, Nebraska, for adoption or rejection, the following ballot question:

BALLOT QUESTION

Shall the City Council of the City of McCook, Nebraska, increase the local sales and use tax rate by one-half of one percent (0.50%) upon the same transactions within the City of McCook on which the State of Nebraska is authorized to impose a tax, with all revenues generated by the additional one-half percent (0.5%) to be used for public infrastructure projects under the following terms and conditions?

- (1) Use of Additional Sales Tax. Revenues generated by the additional one-half of one percent (0.50%) shall be used to pay the costs to construct, acquire, improve, furnish, and equip public infrastructure projects, which shall include swimming pool and ballpark facilities.
- (2) Expiration of Tax Rate Change. The increased sales and use tax rate will be implemented and related revenues collected beginning as soon as practicable after voter approval and

continuing for a period of ten (10) years, unless bonds are issued with some or all of the additional revenues pledged for payment of such bonds, in which case the increased sales and use tax rate will remain in effect and additional revenues will be collected until payment in full of such bonds and any refunding bonds.

- (3) Interlocal Agreement. The City of McCook and Red Willow County School District 0017 have entered into an Interlocal Agreement for the long-term development of unified governance of public infrastructure projects in the City. Additional revenue collected from the additional one-half percent (0.5%) sales and use tax will not be used for the purposes of such Interlocal Agreement, but will be used for the public infrastructure projects of the City of McCook as described above.

VOTE FOR or AGAINST

- I vote FOR authorizing an increase of one-half percent (.5%) in the City of McCook's local sales and use tax under such terms and conditions
- I vote AGAINST authorizing an increase of one-half percent (.5%) in the City of McCook's local sales and use tax under such terms and conditions

If a majority of the votes cast upon such question shall be in favor, then the governing body of the City of McCook shall be empowered as provided by Section 77-27, 142 to levy said sales and use tax and shall proceed to impose a tax pursuant to the Local Option Revenue Act. If a majority of those voting on the question shall be opposed to such tax, then the governing body of the City of McCook shall not impose such sales and use tax.

Section 2. The City Clerk of the City shall be and hereby is authorized and directed to certify a copy of this Resolution to the County Clerk/Election Commissioner of Red Willow County not later than September 1, 2022, who shall designate polling places and determine voting procedures as set out in the Election Act, appoint the election officials and otherwise conduct the election as provided by law. The City does hereby agree to reimburse said County for the expenses of conducting the election. As required by the Election Act, the County Clerk/Election Commissioner shall provide for publication of the Notice of Election in a newspaper designated by the County Clerk/Election Commissioner no later than forty-two (42) days prior to the day of said election.

Section 3. The form of ballot and form of notice of said election shall be substantially in the form submitted to this meeting, a copy of which forms shall be made a part of the minutes. The City Clerk is hereby authorized and directed, in conjunction with the County Clerk/Election Commissioner conducting the election, to arrange for the printing of the necessary ballots for said election and to do all other things and take all other action appropriate or necessary in order to cause said proposition to be submitted to the qualified electors of the City as above provided.

PASSED AND APPROVED THIS 15TH DAY OF AUGUST, 2022.

CITY OF MCCOOK, NEBRASKA

Michael D. Gonzales, Mayor

ATTEST:

Lea Ann Doak, City Clerk

NOTICE OF ELECTION
CITY OF MCCOOK, NEBRASKA

Public Notice is hereby given to the qualified electors of the City of McCook, Nebraska, that an election has been called and will be held in the City of McCook, Nebraska, on Tuesday, November 8, 2022, in conjunction with the Statewide General election, at which there shall be submitted to the qualified electors of said City the following proposition:

BALLOT QUESTION

Shall the City Council of the City of McCook, Nebraska, increase the local sales and use tax rate by one-half of one percent (0.50%) upon the same transactions within the City of McCook on which the State of Nebraska is authorized to impose a tax, with all revenues generated by the additional one-half percent (0.5%) to be used for public infrastructure projects under the following terms and conditions?

- (1) Use of Additional Sales Tax. Revenues generated by the additional one-half of one percent (0.50%) shall be used to pay the costs to construct, acquire, improve, furnish, and equip public infrastructure projects, which shall include swimming pool and ballpark facilities.
- (2) Expiration of Tax Rate Change. The increased sales and use tax rate will be implemented and related revenues collected beginning as soon as practicable after voter approval and continuing for a period of ten (10) years, unless bonds are issued with some or all of the additional revenues pledged for payment of such bonds, in which case the increased sales and use tax rate will remain in effect and additional revenues will be collected until payment in full of such bonds and any refunding bonds.
- (3) Interlocal Agreement. The City of McCook and Red Willow County School District 0017 have entered into an Interlocal Agreement for the long-term development of unified governance of public infrastructure projects in the City. Additional revenue collected from the additional one-half percent (0.5%) sales and use tax will not be used for the purposes of such Interlocal Agreement, but will be used for the public infrastructure projects of the City of McCook as described above.

VOTE FOR or AGAINST

- I vote FOR authorizing an increase of one-half percent (.5%) in the City of McCook's local sales and use tax under such terms and conditions
- I vote AGAINST authorizing an increase of one-half percent (.5%) in the City of McCook's local sales and use tax under such terms and conditions

If a majority of the votes cast upon such question shall be in favor, then the governing body of the City of McCook shall be empowered as provided by Section 77-27,142 to levy said sales and use tax and shall proceed to impose a tax pursuant to the Local Option Revenue Act. If a majority of those voting on the question shall be opposed to such tax, then the governing body of the City of McCook shall not impose such sales and use tax.

The polling places will be such places as shall be determined by the County Clerk/Election Commissioner of Red Willow County. Such polling places will be open continuously from 8:00 a.m. to 8:00 p.m. on said date. Such polling places are accessible to individuals with physical mobility limitations.

Qualified electors wishing to vote early, as permitted by law, may do so in person or by requesting a ballot for early voting from the County Clerk/Election Commissioner of Red Willow County, at such County Clerk/Election Commissioner's offices in McCook, Nebraska, _____, McCook, Nebraska.

BY ORDER OF THE MAYOR AND CITY COUNCIL OF SAID CITY.

POST – in County Clerk's office at least 42 days prior to election

PUBLISH – One time at least 42 days prior to election – County Clerk

PUBLISH – one time at least 10 but not more than 30 days immediately prior to election (City Clerk)

(SAMPLE BALLOT)

ELECTION
CITY OF MCCOOK, NEBRASKA

TUESDAY, NOVEMBER 8, 2022

BALLOT QUESTION

Shall the City Council of the City of McCook, Nebraska, increase the local sales and use tax rate by one-half of one percent (0.50%) upon the same transactions within the City of McCook on which the State of Nebraska is authorized to impose a tax, with all revenues generated by the additional one-half percent (0.5%) to be used for public infrastructure projects under the following terms and conditions?

- (1) Use of Additional Sales Tax. Revenues generated by the additional one-half of one percent (0.50%) shall be used to pay the costs to construct, acquire, improve, furnish, and equip public infrastructure projects, which shall include swimming pool and ballpark facilities.
- (2) Expiration of Tax Rate Change. The increased sales and use tax rate will be implemented and related revenues collected beginning as soon as practicable after voter approval and continuing for a period of ten (10) years, unless bonds are issued with some or all of the additional revenues pledged for payment of such bonds, in which case the increased sales and use tax rate will remain in effect and additional revenues will be collected until payment in full of such bonds and any refunding bonds.
- (3) Interlocal Agreement. The City of McCook and Red Willow County School District 0017 have entered into an Interlocal Agreement for the long-term development of unified governance of public infrastructure projects in the City. Additional revenue collected from the additional one-half percent (0.5%) sales and use tax will not be used for the purposes of such Interlocal Agreement, but will be used for the public infrastructure projects of the City of McCook as described above.

VOTE FOR or AGAINST

- I vote FOR authorizing an increase of one-half percent (.5%) in the City of McCook's local sales and use tax under such terms and conditions
- I vote AGAINST authorizing an increase of one-half percent (.5%) in the City of McCook's local sales and use tax under such terms and conditions

If a majority of the votes cast upon such question shall be in favor, then the governing body of the City of McCook shall be empowered as provided by Section 77-27,142 to levy said sales and use tax and shall proceed to impose a tax pursuant to the Local Option Revenue Act. If a majority of those voting on the question shall be opposed to such tax, then the governing body of the City of McCook shall not impose such sales and use tax.

PUBLISH – One week immediately prior to election.

CERTIFICATE OF FILING

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

I, the undersigned, the duly qualified and acting Clerk of the City of McCook, Nebraska, do hereby certify that attached hereto is a true and correct copy of a Resolution of the Mayor and City Council of the City of McCook, calling an election to be held in the City of McCook, in conjunction with the Statewide General election on the 8th day of November 2022.

IN WITNESS WHEREOF, I have hereunto set my hand officially this ____ day of August, 2022.

City Clerk

[SEAL]

I, the undersigned, the duly qualified and acting County Clerk/Election Commissioner of the County of Red Willow, in the State of Nebraska, do hereby acknowledge receipt of the aforesaid Resolution calling an election to be held in the City of McCook, Nebraska, in conjunction with the Statewide General election on the 8th day of November, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand officially and affixed the seal of my office this ____ day of _____, 2022.

County Clerk/Election Commissioner,
Red Willow County, Nebraska

[SEAL]

SOURCES AND USES OF FUNDS

**CITY OF McCOOK, NEBRASKA
TAX SUPPORTED SALES TAX REVENUE BONDS, SERIES 2023
Assumes Non-BQ, 'A+' Rating, 2043 Final Maturity
[Preliminary – for discussion only]**

Dated Date	03/15/2023
Delivery Date	03/15/2023

Sources:

Bond Proceeds:	
Par Amount	12,000,000.00
Net Premium	50,801.60
	<hr/>
	12,050,801.60
	<hr/> <hr/>

Uses:

Project Fund Deposits:	
Project Fund	10,977,701.60
Other Fund Deposits:	
Debt Service Reserve Fund	893,100.00
Cost of Issuance:	
Cost of Issuance (est'd)	180,000.00
	<hr/>
	12,050,801.60
	<hr/> <hr/>

BOND PRICING

**CITY OF McCOOK, NEBRASKA
TAX SUPPORTED SALES TAX REVENUE BONDS, SERIES 2023
Assumes Non-BQ, 'A+' Rating, 2043 Final Maturity
[Preliminary -- for discussion only]**

Bond Component	Maturity Date	Amount	Rate	Yield	Price	Yield to Maturity	Call Date	Call Price
Serial Bonds:								
	09/15/2023	215,000	5.000%	2.180%	101.394			
	09/15/2024	365,000	5.000%	2.570%	103.553			
	09/15/2025	385,000	5.000%	2.750%	105.400			
	09/15/2026	405,000	5.000%	2.850%	107.113			
	09/15/2027	425,000	5.000%	2.990%	108.404			
	09/15/2028	445,000	5.000%	3.140%	109.328			
	09/15/2029	465,000	5.000%	3.240%	108.801 C	3.476%	09/15/2028	100.000
	09/15/2030	490,000	5.000%	3.340%	108.277 C	3.725%	09/15/2028	100.000
	09/15/2031	515,000	5.000%	3.420%	107.860 C	3.904%	09/15/2028	100.000
	09/15/2032	540,000	5.000%	3.500%	107.445 C	4.048%	09/15/2028	100.000
	09/15/2036	640,000	5.000%	3.650%	106.672 C	4.342%	09/15/2028	100.000
	09/15/2037	670,000	5.000%	3.700%	106.416 C	4.397%	09/15/2028	100.000
		<u>5,560,000</u>						
Term Bond due 2035:								
	09/15/2033	570,000	4.000%	4.350%	96.652			
	09/15/2034	590,000	4.000%	4.350%	96.652			
	09/15/2035	615,000	4.000%	4.350%	96.652			
		<u>1,775,000</u>						
Term Bond due 2043:								
	09/15/2038	705,000	4.000%	4.450%	93.989			
	09/15/2039	730,000	4.000%	4.450%	93.989			
	09/15/2040	760,000	4.000%	4.450%	93.989			
	09/15/2041	790,000	4.000%	4.450%	93.989			
	09/15/2042	825,000	4.000%	4.450%	93.989			
	09/15/2043	855,000	4.000%	4.450%	93.989			
		<u>4,665,000</u>						
		<u>12,000,000</u>						

Dated Date	03/15/2023	
Delivery Date	03/15/2023	
First Coupon	09/15/2023	
Par Amount	12,000,000.00	
Premium	50,801.60	
Production	12,050,801.60	100.423347%
Underwriter's Discount		
Purchase Price	12,050,801.60	100.423347%
Accrued Interest		
Net Proceeds	12,050,801.60	

BOND SUMMARY STATISTICS

**CITY OF McCOOK, NEBRASKA
TAX SUPPORTED SALES TAX REVENUE BONDS, SERIES 2023
Assumes Non-BQ, 'A+' Rating, 2043 Final Maturity
[Preliminary -- for discussion only]**

Dated Date	03/15/2023
Delivery Date	03/15/2023
First Coupon	09/15/2023
Last Maturity	09/15/2043
Arbitrage Yield	4.155068%
True Interest Cost (TIC)	4.266849%
Net Interest Cost (NIC)	4.250994%
All-In TIC	4.435398%
Average Coupon	4.285573%
Average Life (years)	12.243
Weighted Average Maturity (years)	11.967
Duration of Issue (years)	9.151
Par Amount	12,000,000.00
Bond Proceeds	12,050,801.60
Total Interest	6,296,150.00
Net Interest	6,245,348.40
Bond Years from Dated Date	146,915,000.00
Bond Years from Delivery Date	146,915,000.00
Total Debt Service	18,296,150.00
Maximum Annual Debt Service	893,100.00
Average Annual Debt Service	892,495.12
Underwriter's Fees (per \$1000)	
Average Takedown	
Other Fee	
Total Underwriter's Discount	
Bid Price	100.423347

Bond Component	Par Value	Price	Average Coupon	Average Life	Average Maturity Date	PV of 1 bp change
Serial Bonds	5,560,000.00	107.026	5.000%	7.546	09/30/2030	2,442.30
Term Bond due 2035	1,775,000.00	96.652	4.000%	11.525	09/22/2034	1,668.50
Term Bond due 2043	4,665,000.00	93.989	4.000%	18.114	04/25/2041	5,971.20
	12,000,000.00			12.243		10,082.00

	TIC	All-In TIC	Arbitrage Yield
Par Value	12,000,000.00	12,000,000.00	12,000,000.00
+ Accrued Interest			
+ Premium (Discount)	50,801.60	50,801.60	50,801.60
- Underwriter's Discount			
- Cost of Issuance Expense		-180,000.00	
- Other Amounts			
Target Value	12,050,801.60	11,870,801.60	12,050,801.60
Target Date	03/15/2023	03/15/2023	03/15/2023
Yield	4.266849%	4.435398%	4.155068%

BOND DEBT SERVICE
CITY OF McCOOK, NEBRASKA
TAX SUPPORTED SALES TAX REVENUE BONDS, SERIES 2023
Assumes Non-BQ, 'A+' Rating, 2043 Final Maturity
[Preliminary -- for discussion only]

Dated Date 03/15/2023
Delivery Date 03/15/2023

Period Ending	Principal	Coupon	Interest	Debt Service	Annual Debt Service
09/15/2023	215,000	5.000%	267,800	482,800	
09/30/2023					482,800
03/15/2024			262,425	262,425	
09/15/2024	365,000	5.000%	262,425	627,425	
09/30/2024					889,850
03/15/2025			253,300	253,300	
09/15/2025	385,000	5.000%	253,300	638,300	
09/30/2025					891,600
03/15/2026			243,675	243,675	
09/15/2026	405,000	5.000%	243,675	648,675	
09/30/2026					892,350
03/15/2027			233,550	233,550	
09/15/2027	425,000	5.000%	233,550	658,550	
09/30/2027					892,100
03/15/2028			222,925	222,925	
09/15/2028	445,000	5.000%	222,925	667,925	
09/30/2028					890,850
03/15/2029			211,800	211,800	
09/15/2029	465,000	5.000%	211,800	676,800	
09/30/2029					888,600
03/15/2030			200,175	200,175	
09/15/2030	490,000	5.000%	200,175	690,175	
09/30/2030					890,350
03/15/2031			187,925	187,925	
09/15/2031	515,000	5.000%	187,925	702,925	
09/30/2031					890,850
03/15/2032			175,050	175,050	
09/15/2032	540,000	5.000%	175,050	715,050	
09/30/2032					890,100
03/15/2033			161,550	161,550	
09/15/2033	570,000	4.000%	161,550	731,550	
09/30/2033					893,100
03/15/2034			150,150	150,150	
09/15/2034	590,000	4.000%	150,150	740,150	
09/30/2034					890,300
03/15/2035			138,350	138,350	
09/15/2035	615,000	4.000%	138,350	753,350	
09/30/2035					891,700
03/15/2036			126,050	126,050	
09/15/2036	640,000	5.000%	126,050	766,050	
09/30/2036					892,100
03/15/2037			110,050	110,050	
09/15/2037	670,000	5.000%	110,050	780,050	
09/30/2037					890,100
03/15/2038			93,300	93,300	
09/15/2038	705,000	4.000%	93,300	798,300	
09/30/2038					891,600
03/15/2039			79,200	79,200	
09/15/2039	730,000	4.000%	79,200	809,200	
09/30/2039					888,400
03/15/2040			64,600	64,600	
09/15/2040	760,000	4.000%	64,600	824,600	
09/30/2040					889,200
03/15/2041			49,400	49,400	
09/15/2041	790,000	4.000%	49,400	839,400	
09/30/2041					888,800
03/15/2042			33,600	33,600	
09/15/2042	825,000	4.000%	33,600	858,600	
09/30/2042					892,200
03/15/2043			17,100	17,100	
09/15/2043	855,000	4.000%	17,100	872,100	
09/30/2043					889,200
	12,000,000		6,296,150	18,296,150	18,296,150

DISCLAIMER

**CITY OF McCOOK, NEBRASKA
TAX SUPPORTED SALES TAX REVENUE BONDS, SERIES 2023
Assumes Non-BQ, 'A+' Rating, 2043 Final Maturity
[Preliminary – for discussion only]**

D.A. Davidson and Co. ('The Firm or 'D.A. Davidson') is serving as underwriter or placement agent on the prospective transaction, not as municipal advisor. As an underwriter, D.A. Davidson's primary role is to purchase or place securities or notes for distribution in an arms-length transaction. D.A. Davidson is acting in its own interests and does not owe you a fiduciary duty with respect to the information presented herein, or with respect to the transaction contemplated and any discussions, undertakings and procedures leading thereto. Pursuant to the federal securities laws, during the course of this transaction D.A. Davidson also owes certain duties to the capital markets and to the investing public. Furthermore, no information contained within constitutes a 'recommendation' or 'advice' within the meaning of Section 15B of the Exchange Act, with any existing or proposed Municipal Securities Rulemaking Board rules, or any other state or federal law, regulation, or statute. You should discuss the information and material contained in this communication with any and all internal or external advisors and experts, including without limitation your own legal, accounting, tax, financial and other advisors, that the municipal entity or obligated person deems appropriate before acting on this information or material. The information contained herein is limited to factual information describing one or more types of debt financing structures, and may include options such as fixed rate debt, variable rate debt, general obligation debt, debt secured by various types of revenues, or insured debt, among other alternatives.

Furthermore, should D.A. Davidson present multiple scenarios or even a comparison of the general characteristics of potential debt financing structures along with the risks, advantages, and disadvantages of each, D.A. Davidson is not providing any recommendation(s) or advice in regards to the scenarios presented or features of any particular option. The factual information presented herein and described above does not, and should not be construed to, contain subjective assumptions, opinions, or views. The conduct of D.A. Davidson's personnel or the content and manner of their presentation(s) should not in any way be construed as a suggestion, advice, or an opinion.

Information about interest rates and terms for SLGs is based on current publicly available data, and treasury or agency rates for open-market escrows are tied to prevailing market interest rates for these types of credits; these do not necessarily reflect costs or rates that D.A. Davidson will be able to secure should you select the firm to act as underwriter or placement agent. All such information is gathered from publicly available sources or from prevailing market rates. Should you retain D.A. Davidson as underwriter or placement agent, the firm will be able to provide more particular information as well as advice in connection with the relevant transaction.

**CITY MANAGER'S REPORT
AUGUST, 15TH 2022 CITY COUNCIL MEETING**

ITEM: 4.D.

RECOMMENDATION:

Approve contract with Lagoon Pumping & Dredging Inc. of Columbus, Ne for digester cleaning and land application of biosolids in the amount of \$128,395.00 and authorize the Mayor to sign.

BACKGROUND:

The wastewater Treatment plant is moving forward with the cleaning of the primary and secondary digesters at the wastewater treatment facility. The digesters have not been cleaned out since 2009 and have a substantial number of rags inside them causing pumping issues.

For the cleaning to take place the digesters must be empty of all fluid. Lagoon Pumping and Dredging has quoted this job to pump out, haul, land apply and clean both digesters in the amount of \$128,395.00. The project should take no more than 10 calendar days.

**FISCAL
IMPACT:**

APPROVALS:



Pat Fawver, Utility Director

8-9-2022

Date



Nate Schneider, City Manager

8/9/2022

Date



Lea Ann Doak, City Clerk

8/10/2022

Date

AGREEMENT

THIS AGREEMENT ,made this 10th day of August 2022, by and between the **CITY OF MCCOOK, P.O. BOX 1059, 505 WEST "C" STREET, MCCOOK, NE 69001**, hereinafter called "OWNER" and **LAGOON PUMPING AND DREDGING, INC., 1116 EAST 9TH STREET, COLUMBUS, NE 68601**, hereinafter called "CONTRACTOR".

WITNESSETH: That for and in consideration of the payments and agreements hereinafter mentioned:

1. The CONTRACTOR will commence and complete the construction of:
Digester cleaning and hauling/land application of Bio-solids, McCook, Nebraska
2. The CONTRACTOR will furnish all of the material, supplies, tools, equipment, labor and other services necessary for the construction and completion of the PROJECT described herein.
3. The CONTRACTOR will commence the work required by the CONTRACT DOCUMENTS and will complete the same within 10 calendar days unless the period for completion is extended otherwise by the CONTRACT DOCUMENTS.
4. The CONTRACTOR agrees to perform all of the WORK described in the CONTRACT DOCUMENTS and comply with the terms therein for the sum of **\$128,395.00**, or as shown in the QUOTATION (Unit Price Schedule).
5. The term "CONTRACT DOCUMENTS" means and includes the following:
 - (A) Request for Proposal
 - (B) Quotation/Proposal
 - (C) Agreement
 - (D) Certificate of Insurance

6. The OWNER will pay to the CONTRACTOR in the manner set forth in the unit price Quotation, upon completion of all work. The OWNER will provide the CONTRACTOR with a Purchasing Agent Appointment, upon request, for tax exemption purposes.

7. This Agreement shall be binding upon all parties hereto and their respective heirs, executors, administrators, successors, and assigns.

8. The CONTRACTOR shall comply with and continue to comply with Fair labor standards, and other State and City requirements, in the pursuit of his business and in the execution of this contract.

IN WITNESS WHEREOF, the parties hereto have executed, or caused to be executed by their duly authorized officials, this Agreement in five (5) copies each of which shall be deemed an original on the date first above written.

OWNER: CITY OF McCOOK

By _____

Name:
Title:

(SEAL)

ATTEST:

Title: City Clerk

CONTRACTOR:

By _____

Name: _____

(SEAL)

ATTEST:

Name _____

(Please type)

Title _____

CITY MANAGER'S REPORT
AUGUST 15, 2022 CITY COUNCIL MEETING

ITEM: 4.E.

Introduce and approve Ordinance No. 2022-3045 providing for the adoption of the budget for FY 2022/2023 upon its first reading.

BACKGROUND:

Ordinance No. 2022-3045 provides for the adoption of the budget for Fiscal Year 2022/2023 after discussion and consideration by the Council.

Budget documents will be presented at the meeting on Monday.

**FISCAL
IMPACT:** None.

APPROVALS:



Lea Ann Doak, City Clerk

August 10, 2022



Nathan A. Schneider, City Manager

August 10, 2022

ORDINANCE NO. 2022-3045

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

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

Section 1. That after complying with all procedures required by law, the budget presented and set forth in the budget statement is hereby approved as the Annual Appropriation Bill for the fiscal year beginning October 1, 2022, through September 30, 2023. All sums of money contained in the budget statement are hereby appropriated for the necessary expenses and liabilities of the City of McCook. A copy of the budget document shall be forwarded as provided by law to the Auditor of Public Accounts, State Capitol, Lincoln, Nebraska, and the County Clerk of Red Willow County, Nebraska, for use by the levying authority.

Section 2. This ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

PASSED AND APPROVED THIS ____ day of _____, 2022.

-s- Michael D. Gonzales
Mayor

ATTEST:

-s- Lea Ann Doak
City Clerk

**CITY MANAGER'S REPORT
AUGUST 15, 2022 CITY COUNCIL MEETING**

ITEM: **4.F.**

Introduce and approve Ordinance No. 2022-3044 providing for the adoption of the FY 2022/2023 Fiscal Year Employee Classification Pay Plan upon its first reading.

BACKGROUND:

The attached ordinance provides for the adoption of the Employee Classification and Pay Plan for Fiscal Year 2022/2023.

**FISCAL
IMPACT:** None.

APPROVALS:



Lea Ann Doak, City Clerk

August 10, 2022



Nathan A. Schneider, City Manager

August 10, 2022

ORDINANCE NO. 2022-3044

AN ORDINANCE OF THE CITY OF MCCOOK, NEBRASKA PROVIDING FOR THE ADOPTION OF THE 2022/2023 FISCAL YEAR EMPLOYEE CLASSIFICATION AND PAY PLAN; PROVIDING FOR AN EFFECTIVE DATE FOR THE IMPLEMENTATION OF THE CLASSIFICATION AND PAY PLAN; REPEALING ANY AND ALL OTHER ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR A TIME AND DATE FROM AND AFTER WHICH THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE.

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

SECTION 1. The 2022/2023 Employee Classification and Pay Plan shall be and is hereby adopted. Said Classification and Pay Plan is incorporated herein by reference the same as if set out in full. A copy of the Classification and Pay Plan shall be on file in the office of the City Clerk and is available for public inspection at any reasonable time. (Ref. City of McCook Code of Ordinances, § 30.075).

SECTION 2. The Employee Classification and Pay Plan shall be effective October 1, 2022.

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

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

PASSED AND APPROVED this _____ day of _____, 2022.

-s- Michael D. Gonzales
Mayor

ATTEST:

-s- Lea Ann Doak
City Clerk

Publish:

**CITY OF MCCOOK
CLASSIFICATION AND PAY PLAN
FY 2022-2023**

<u>(PAY GRADE)</u>	<u>POSITION</u>	<u>HOURLY/MONTHLY RATE</u>		<u>12-MONTH ANNUAL RANGE</u>
(S1)	Pool Basket Help	6.750	6.750	
(S2T)	Temporary Seasonal - work less than 90-Days Part-Time Laborer Maintenance Man Part-Time Clerical	10.000	- 11.000	
(S4)	Pool Seasonal/Seasonal II Pool Manager Seasonal II Assistant Pool Manager Pool Guard	10.500	- 14.000 9.000 - 11.000 9.000 - 11.000	
(3P)	Permanent Part-Time (No annual range adjustment - employees eligible for annual COLA & merit) Part-Time Clerical Part-Time Transit Driver Senior Center Aide Part-Time Custodian/Maintenance	10.500	- 15.500	
(100)	Public Transportation Driver	13.490	- 19.084	28,059 - 39,694
(105)	Full-Time Custodial/Maintenance	13.916	- 20.898	28,945 - 43,468
(110)	Assistant Cook	14.232	- 18.711	29,603 - 38,918
(115)	Clerk II (Public Transit Dispatcher)	15.150	- 20.841	31,513 - 43,351

<u>(PAY GRADE)</u>	<u>POSITION</u>	<u>HOURLY/MONTHLY RATE</u>	<u>12-MONTH ANNUAL RANGE</u>
(120)	Head Cook	15.330 - 22.810	31,887 - 47,445
(125)	Laborer I Equipment Operator I	15.689 - 22.288	32,632 - 46,358
(130)	Transfer Station Assistant	15.949 - 20.712	33,174 - 43,081
(135)	Circulation Librarian	16.254 - 21.385	33,808 - 44,480
(140)	Public Safety Office Assistant Office Assistant	16.124 - 21.711	33,538 - 45,159
(145)	Disposal Plant Operator I	16.808 - 23.081	34,960 - 48,008
(150)	Catalogue/Media Librarian	17.001 - 22.331	35,363 - 46,448
(155)	Administrative Assistant	16.694 - 22.600	34,723 - 47,008
(160)	Laborer II	17.308 - 22.831	36,001 - 47,489
(165)	Equipment Operator II	17.254 - 23.092	35,888 - 48,032
(170)	Refuse Collection Driver	17.286 - 23.039	35,955 - 47,922
(175)	Utility Service Technician I (Meters)	17.363 - 23.451	36,114 - 48,777
(180)	Juvenile Services Librarian	17.363 - 23.984	36,114 - 49,886
(185)	Disposal Plant Operator II	18.478 - 23.994	38,434 - 49,908
(190)	Assistant Mechanic	18.884 - 26.561	39,279 - 55,246
(195)	Chief Dispatcher	19.091 - 24.354	39,710 - 50,655

<u>(PAY GRADE)</u>	<u>POSITION</u>	<u>HOURLY/MONTHLY RATE</u>	<u>12-MONTH ANNUAL RANGE</u>
(200)	Equipment Operator III Tractor-Trailer Operator Financial Administrative Assistant E911 Office Coordinator	18.667 - 25.170	38,827 - 52,353
(205)	Utility Service Technician II	19.505 - 26.343	40,570 - 54,795
(210)	Cemetery Sexton	20.766 - 26.963	43,194 - 56,083
(215)	Disposal Plant Operator III Water Plant Operator I	20.147 - 26.997	41,905 - 56,153
(220)	Equipment Operator/Groundskeeper II - Parks Equipment Operator/Groundskeeper II - Street	20.135 - 27.408	41,880 - 57,009
(225)	Mechanic	19.907 - 27.833	41,407 - 57,892
(230)	Airport Maintenance Operator	24.035 - 30.917	49,993 - 64,308
(235)	Deputy City Clerk Human Resource Coordinator	20.853 - 31.996	43,374 - 66,912
(240)	Water Plant Operator II	23.245 - 31.225	48,350 - 64,947
(245)	Laborer Foreman	24.452 - 31.536	50,860 - 65,595
(250)	Building Inspector/Code Compliance Officer	25.474 - 33.550	52,986 - 69,784
(255)	Police Sergeant (42 hour) Sergeant/Patrol Supervisor	25.985 - 34.639	56,751 - 75,651

<u>(PAY GRADE)</u>	<u>POSITION</u>	<u>HOURLY/MONTHLY RATE</u>	<u>12-MONTH ANNUAL RANGE</u>
(260)	Library Director Senior Services Director Public Works Superintendent Solid Waste Superintendent Wastewater Superintendent Water Superintendent	28.778 - 37.346	59,859 - 77,680
(265)	City Clerk/Treasurer	31.573 - 45.066	65,671 - 93,737
(270)	Utilities Director	35.443 - 47.642	73,722 - 99,094
(275)	Public Works Director	36.313 - 49.849	75,531 - 103,685
(280)	Fire Chief Chief of Police	36.564 - 49.370	76,052 - 102,690

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

Firefighter/Paramedic - Union Contract

Contract Year	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10	Step 11
10/1/2022 - 9/30/2023	\$ 16.958	\$ 17.664	\$ 18.169	\$ 18.809	\$ 19.483	\$ 20.146	\$ 20.855	\$ 21.581	\$ 22.335	\$ 23.112	\$ 23.922

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

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

Contract Year	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10	Step 11
10/1/2022 - 9/30/2023	\$ 23.738	\$ 24.731	\$ 25.433	\$ 26.332	\$ 27.277	\$ 28.204	\$ 29.198	\$ 30.213	\$ 31.266	\$ 32.360	\$ 33.491

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

Police Officers/Detectives/Dispatchers - Union Contract

Contract Year	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8
10/1/2021 - 9/30/2022								
Police Officers	\$ 20.247	\$ 21.108	\$ 22.058	\$ 23.050	\$ 24.087	\$ 25.292	\$ 26.557	\$ 27.885
Detectives	\$ 23.011	\$ 23.931	\$ 24.888	\$ 25.884	\$ 26.919	\$ 27.996	\$ 29.256	\$ 30.645
Dispatchers	\$ 15.310	\$ 15.877	\$ 16.464	\$ 17.073	\$ 17.704	\$ 18.377	\$ 19.076	\$ 19.839

**NOT UPDATED - CURRENT CONTRACT EXPIRES 9/30/22
WILL UPDATE WHEN CONTRACT RENEWED**

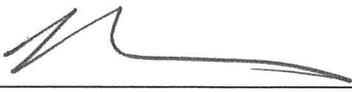
**CITY MANAGER'S REPORT
AUGUST 15, 2022 MCCOOK CITY COUNCIL MEETING**

ITEM NO. 4.G. Approve Ordinance No. 2022-3042 on its third and final reading, providing for the voluntary annexation of a tract of land located north of "R" Street along West 7th Street in the NE1/4 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, said property owned by John and Elizabeth Nothnagel.

BACKGROUND:

A copy of the City Manager's Report presented for the July 18, 2022 meeting is attached to this report for background information. Staff has received no inquires regarding the Nothnagel's annexation request following the August 1, 2022 McCook City Council meeting. The ordinance is now ready for approval on its third and final reading.

APPROVALS:



Nathan A. Schneider, City Manager

July 27, 2022



Lea Ann Doak, City Clerk

July 27, 2022

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

ITEM NO. 2.A. Public Hearing - Regarding the voluntary annexation of a tract of land located north of "R" Street along West 7th Street in the NE1/4 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.

ITEM NO. 2.B. Approve Ordinance No. 2022- 3042, on its first reading, providing for the annexation of a tract of land located north of "R" Street along West 7th Street in the NE1/4 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.

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 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 if Tax Increment Financing is determined to be a viable funding option per the Nebraska Community Development law.

To this end, 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 costs associated with a West 7th Street improvement project.

On July 11th, the McCook Planning Commission unanimously voted in favor of passing a resolution recommending approval of the annexation request to the McCook City Council.

APPROVALS:



Nathan A. Schneider, City Manager

July 13, 2022



Lea Ann Doak, City Clerk

July 13, 2022

ORDINANCE NO. 2022-3042

AN ORDINANCE EXTENDING AND INCREASING THE CORPORATE LIMITS OF THE CITY OF MCCOOK, COUNTY OF RED WILLOW, STATE OF NEBRASKA, BY ANNEXING THERETO A CERTAIN TRACT OF LAND CONTIGUOUS TO AND NOT EMBRACED WITHIN THE PRESENT LIMITS OF THE CITY OF MCCOOK, NEBRASKA; REPEALING ALL OTHER ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING A TIME AND DATE FROM AND AFTER WHICH THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE.

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

SECTION 1. The following described real property is contiguous and adjacent to the City of McCook, Nebraska, is urban or suburban in nature, and has been proposed for annexation by the act, authority and acquiescence of the owners thereof:

A tract of land located 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.

SECTION 2. The corporate limits of the City of McCook, Nebraska, are hereby extended and increased so as to include and embrace within the corporate limits of the City of McCook, Nebraska, the territory described in SECTION 1 hereof, and such territory is hereby annexed and declared to be a part of the City of McCook, Nebraska.

SECTION 3. The real property hereby included within the corporate limits of the City of McCook and the persons residing thereon shall hereinafter be subject to all of the rules, regulations, ordinances, taxes and all other burdens and benefits of other persons and territory included with the City of McCook, Nebraska.

SECTION 4. The map or plat attached to this Ordinance is an accurate map of the territory annexed, and the same is hereby adopted as the official map and plat of the territory hereby annexed, which map and plat show the legal boundaries thereof.

SECTION 5. This Ordinance, with the certified copy of the official map attached hereto, shall be recorded in the office of the Clerk and Recorder of Red Willow County, Nebraska.

SECTION 6. If any provision of this Ordinance shall be held invalid, its invalidity shall not affect any other provisions of this Ordinance that can be in effect without the invalid provision, and for this purpose the provisions of this Ordinance are hereby declared to be separable.

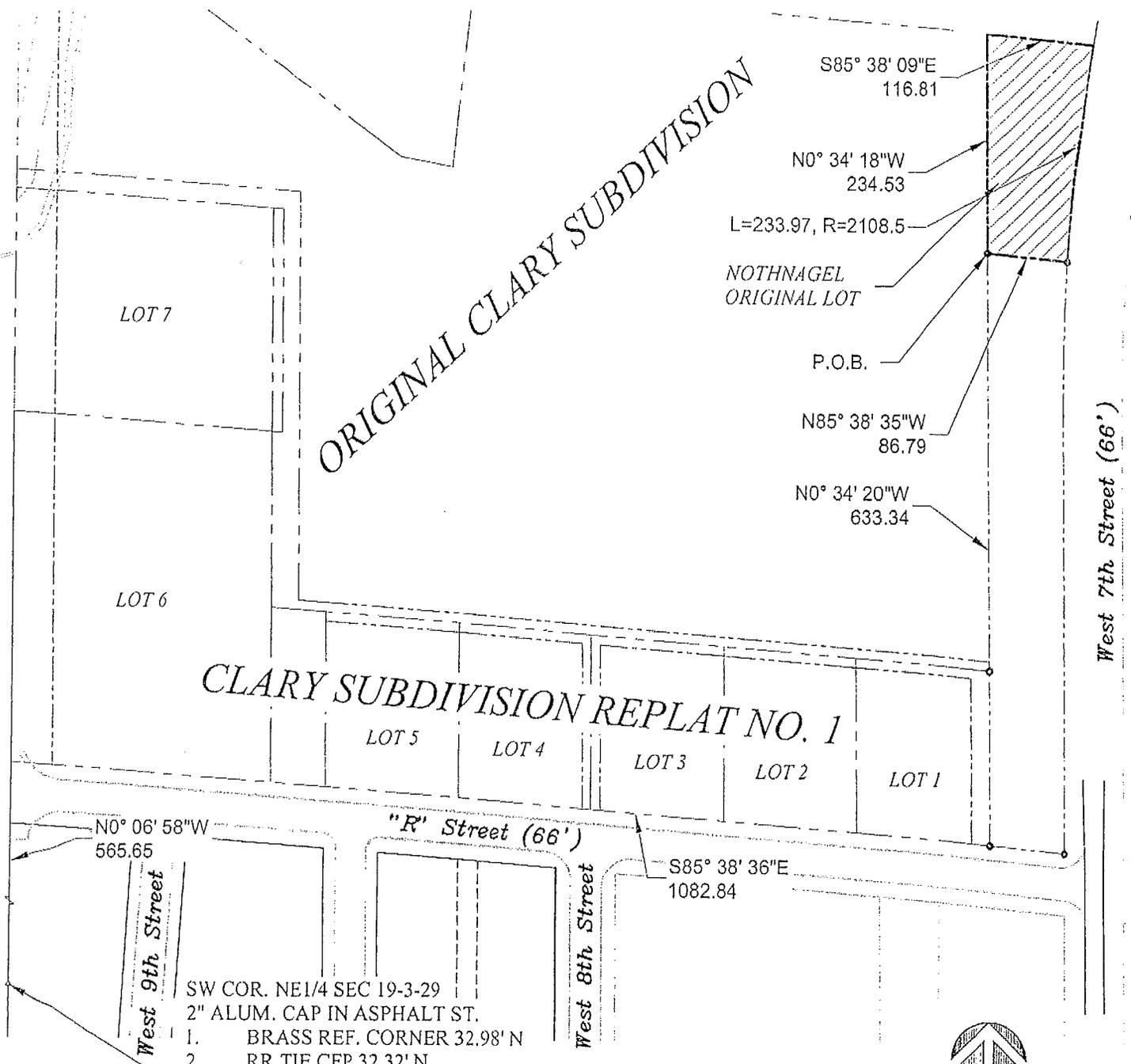
SECTION 7. This ordinance shall take effect and be in full force from and after its passage, approval, and publication as required by law in its entirety or in pamphlet form, as the case may be.

PASSED AND APPROVED this _____ day of _____, 2022.

Michael D. Gonzales, Mayor

ATTEST:

Lea Ann Doak, City Clerk



- 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, 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.

EXHIBIT A