

MCCOOK CITY COUNCIL

REGULAR MEETING

Monday, September 19, 2022
5:30 PM - City Council Chambers

Roll Call.

Excuse Absences.

Open Meetings Act Announcement.

Invocation - McCook Ministerial Association - Kyle Dellevoet, McCook Christian Church.

Pledge of Allegiance.

Call to Order.

Items.

1. Announcements & Recognitions.
2. Public Hearings.
 - A. Public Hearing - Consider a request from William Watts to rezone the following described property from Industrial Light (IL) to Business Commercial District (BC): Lot Three, Block One, Happy Hollow Addition, to the City of McCook, Red Willow County, Nebraska, except that tract deeded to the State of Nebraska.
 1. Adjourn the Public Hearing.
 - B. Ordinance No. 2022-3049 changing the zoning classification of Lot Three (3), Block One (1), Happy Hollow Addition, to the City of McCook, Red Willow County, Nebraska, except that tract deeded to the State of Nebraska.
 1. Chairperson asks Clerk to read Ordinance by title.
 2. Consider approval of Ordinance No. 2022-3049 upon its first reading.
 - C. Public Hearing - Regarding the Preliminary Plat and Final Plat for Heritage Pointe Addition Lot 2, a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska.
 1. Adjourn the Public Hearing.
 - D. Adopt Resolution No. 2022-11, approving the Preliminary Plat and Final Plat for Heritage Pointe Addition Lot 2, a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska.
 - E. Public Hearing - Regarding the voluntary annexation of a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the

6th P.M., Red Willow County, Nebraska, said tract of land included in the parcel to be referred to as Heritage Pointe Addition Lot 2.

1. Adjourn the Public Hearing.
 - F. Ordinance No. 2022-3050 approving the voluntary annexation of a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska, said tract of land included in the parcel to be referred to as Heritage Pointe Addition Lot 2.
 1. Chairperson asks Clerk to read Ordinance by title.
 2. Consider approval of Ordinance No. 2022-3050 upon its first reading.
 - G. Public Hearing - Regarding a zoning change request for Heritage Pointe Addition Lot 2, a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska; said zoning change to amend the current zoning designation from Residential Medium Density District (RM) and Agricultural District (AG), to Business Commercial District (BC).
 1. Adjourn the Public Hearing.
 - H. Ordinance No. 2022-3051 approving the zoning change request for Heritage Pointe Addition Lot 2, a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska; said zoning change to amend the current zoning designation from Residential Medium Density District (RM) and Agricultural District (AG), to Business Commercial District (BC).
 1. Chairperson asks Clerk to read Ordinance by title.
 2. Consider approval of Ordinance No. 2022-3051 upon its first reading.
 - I. Public Hearing - To consider the preliminary plat of Heritage Pointe which is located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska.
 1. Adjourn the Public Hearing.
 - J. Approve the Heritage Pointe preliminary plat which is located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska.
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 September 6, 2022 Budget Hearing City Council meeting and the September 6, 2022 regular City Council meeting.
 - B. Accept the minutes of the September 12, 2022 Planning Commission meeting.
 - C. Receive and file the claims for the month of August 2022, published September 9, 2022.
 - D. Approve the St. Patrick Catholic Church request to close portions of East 4th and East "G" Streets and to utilize city property for their Annual Fall Festival on September 25, 2022.
 - E. Approve the application for a Special Designated Liquor License submitted by Ambriz Ventures, LLC, Liquor License #CK-124450, for a fundraiser for

- CASA, at Norris Alley, 406 Norris Avenue, on October 15, 2022 from 8:00 A.M. to 1:00 A.M., with an alternate location of The Barn, 1701 US-83.
- F. Receive and file the Financial Report for the period ending August 31, 2022.
 - G. Select and approve Miller & Associates to serve as engineer for the Wastewater Treatment Plant improvement project.
 - H. Approve the request from Emily Young to utilize city streets and walking trails for the 2022 Republican River Fitness Series Heritage Days 5K and Kids Fun Run to be held on the afternoon of October 8, 2022.
 - I. Approve the plans and specifications for the North Highway 83 Draining Improvement Project and set the time and date to receive bids as 2:30 P.M. October 11, 2022.
 - J. Adopt Resolution No. 2022-12 ratifying the Collective Bargaining Agreement between the city of McCook and the Fraternal Order of Police, Lodge 57 for the period of October 1, 2022 to September 30, 2024 and authorize the Mayor to sign said agreement.
4. Regular Agenda.
- A. Approve on its third and final reading, Ordinance No. 2022-3045 providing for the adoption of the budget for FY2022/2023.
 - 1. Chairperson asks Clerk to read Ordinance by title.
 - 2. Consider approval of Ordinance No. 2022-3045 upon its third and final reading.
 - 3. Chairperson declaration after vote, if approved.
 - B. Approve on its third and final reading, Ordinance No. 2022-3044 providing for the adoption of the FY2022/2023 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 third and final reading.
 - 3. Chairperson declaration after vote, if approved.
 - C. Ordinance No. 2022-3048 providing for the amendment of Appendix F, Solid Waste Collection Fees of the City of McCook Code of Ordinances.
 - 1. Chairperson asks Clerk to read Ordinance by title.
 - 2. Consider statutory rule requiring reading on three separate occasions be suspended. Motion to suspend the rule must be adopted by three-fourths of the Council.
 - 3. Final passage of Ordinance No. 2022-3048.
 - 4. Chairperson declaration after vote, if approved.
 - D. Ordinance No. 2022-3047 providing for an amendment of Chapter 38: Fee Schedule - Appendix E, Water Department Rates and Fees.
 - 1. Chairperson asks Clerk to read Ordinance by title.
 - 2. Consider approval of Ordinance No. 2022-3047 upon its first reading.
 - E. Council Comments.

Adjournment.

Meeting of the McCook Community Development Agency.

- 1. Call to Order and Roll Call.
- 2. Open Meetings Act Announcement.

3. Approve Resolution No. CDA 2022-03 amending Resolution No. CDA 2015-03 and authorizing and approving the amended and restated tax increment development revenue bond (Cobblestone Redevelopment Project) series 2015 to amend and correct the maturity date of said bond.
4. Approve Resolution No. CDA 2022-04 authorizing and approving the form of investor letter and assignment of bond for the Cobblestone Redevelopment Project.
5. Adjourn the McCook Community Development Agency meeting.

**CITY MANAGER'S REPORT
SEPTEMBER 19, 2022 MCCOOK CITY COUNCIL MEETING**

ITEM NO. 2A. Public Hearing - Consider a request from William Watts to rezone the following described property from Industrial Light (IL) to Business Commercial District (BC): Lot Three, Block One, Happy Hollow Addition, to the City of McCook, Red Willow County, Nebraska, except that track deeded to the State of Nebraska.

ITEM NO. 2B. Approve on first reading, Ordinance No. 2022- 3049, allowing for the zoning change from Industrial Light (IL) to Business Commercial District (BC) for property legally described as: Lot Three, Block One, Happy Hollow Addition, to the City of McCook, Red Willow County, Nebraska, except that track deeded to the State of Nebraska.

BACKGROUND:

An application for a zone change has been filed by William Watts for property he owns located at 1002 East B Street. The legal description of the property is included in the heading above. Mr. Watts has requested that the lot be rezoned from Industrial Light (IL) to Business Commercial (BC). Mr. Watts is requesting the zoning change so the property can be used for an RV repair shop. Mr. Watts would own and operate the RV repair shop.

The lot is located at the southeast intersection of East B Street and East 9th Street. The lot measures 50 feet by 118.57 feet. A map of the lot and surrounding vicinity is attached to this report.

The lot currently sits in an IL district. The lots located directly west of Mr. Watt's lot (located on the west side of East 9th Street) are zoned BC. A map of the City of McCook's zoning districts is attached to this report. Mr. Watts has made a rezone request for two reasons:

1) McCook's Zoning Ordinance No. 2016-2929 has differing permitted principal uses and special exception uses depending on the zoning designations. Under Article 16 - Industrial Light District, there is no specific provision for a repair shop. Under Article 13 - Business Commercial District, automobile repair and services is listed as a permitted principal use.

2) More importantly, per Article 16, Section 1607 - Height and Area Regulations, lots located within an IL District must have a lot area of 10,000 square feet. The property owned by Mr. Watts only has a lot area of 5,928.5 square feet. The lot was created prior to the adoption of any zoning ordinances. The problem for Mr. Watts is that McCook Zoning Ordinance Article 22 - Non-Conforming Lots and Non-Conforming uses of Land, does not allow for additional development on a non-conforming lot or the expansion of a lot when the use is non-conforming. Both the non-conforming lot size and the potential non-conforming use would violate McCook's zoning ordinance. As of now, Mr. Watts is not permitted to use the lot for any other purpose than what the lot is currently used for.

If a rezone of the lot were to occur, and the zoning designation of the lot were changed from IL to BC, the non-conforming lot area issue would be resolved. Per Article 12, Section 1306 - BC Height and Area Regulations, the lot area for permitted principal uses and structures in the BC District is 4,500 square feet. Mr. Watts' lot would exceed the minimum requirements and development of an RV repair shop would be allowed.

EXHIBIT #1

It should be noted that staff has considered whether a change in zoning designation could possibly create “spot zoning” issues. Based on the fact that the lot is adjacent to the BC District, there are no concerns with potential spot zoning challenges.

The McCook Planning Commission unanimously voted to recommend approval of Mr. Watts’ request.

APPROVALS:



Nathan A. Schneider, City Manager

September 13, 2022

Lea Ann Doak, City Clerk

September 13, 2022

**NOTICE OF PUBLIC HEARING
REZONING**

NOTICE IS HEREBY GIVEN that public hearings will be held to rezone the following described property from Industrial Light (IL) to Business Commercial District (BC), to-wit:

Lot Three (3), Block One (1), Happy Hollow Addition, to the City of McCook, Red Willow County, Nebraska, except that tract deeded to the State of Nebraska in Book 131, page 406.

Project Sponsor/
Land Owner: William Watts

Public Hearings on the above-described Rezoning will be held on the Dates, Times, and at the places listed below:

September 12, 2022 - 5:15 P.M.
McCook Planning Commission
City Council Chambers
505 West "C" Street

September 19, 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 request will be given an opportunity to be heard. Please direct all inquiries to Nate Schneider, City of McCook City Manager at 308-345-2022 ext. 225.

-s- Lea Ann Doak
City Clerk

Publish: September 2, 2022.

Post: September 2, 2022

Mail: September 2, 2022

EXHIBIT #2

PAGE(S) - 1

Notices Mailed to:

RED WILLOW COUNTY PLANNING
COMMISSION
C/O TAMI TEEL
502 NORRIS AVENUE
MCCOOK, NE 69001

PRESIDENT
McCOOK SCHOOL BOARD
302 ELIZABETH LANE
MCCOOK, NE 69001

BRIAN DONNELLY
130 COLUMBIA DRIVE
JULESBURG, CO 80737

PATRICIA AUSTIN
908 EAST C
MCCOOK, NE 69001

JACOB WAGNER
1002 EAST C ST
MCCOOK, NE 69001

JEFFREY SCOTT
4236 SPUR LANE
GRAND ISLAND, NE 68803

KENNETH YEAGER
1006 EAST B
MCCOOK, NE 69001

JAMES AND PATTI DEVENY
1013 S BURLINGTON AVE
HASTINGS, NE 68901

GEORGE AND SYLVIA PATTERSON
104 EAST 10TH
MCCOOK, NE 69004

BNSF
PO BOX 961089
FORT WORTH, TX 76161

McCOOK PUBLIC SCHOOL DISTRICT
C/O GRANT NORGAARD
600 WEST 7th ST
MCCOOK, NE 69001

RED WILLOW COUNTY CLERK
502 NORRIS AVE
MCCOOK, NE 69001

DARIN MESSERSMITH
906 EAST C
MCCOOK, NE 69001

BRUCE & DONNA NIELSEN
901 EAST C
MCCOOK, NE 69001

VOLZ, INC
PO BOX 185
MCCOOK, NE 69001

EAST B CAR WASH, LLC
809 WEST L
MCCOOK, NE 69001

PARKVIEW MANOR, LLC
C/O THOMAS & LOIS BEATTIE
611 NORRIS AVE
MCCOOK, NE 69001

TIMOTHY AND ALYSSA SPULAK
108 EAST 10TH
MCCOOK, NE 69001

RANDY CLAPP
102 EAST 10TH
MCCOOK, NE 69001

EXHIBIT #3

PAGE(S) - 1

CITY OF McCOOK

LAND USE ACTION REQUEST FORM

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

- Zone Change
- Special Exception
- Administrative Permit (Personal Wireless Facility)
- Special Exception (Personal Wireless Facility)
- Minor Subdivision
- Major Subdivision
- Planned Development(Includes Zone Change)

Name of Project: 1002 EAST Rezoning
Description of Project: Rezone 1002 EAST to Business
commercial in order to develop the
property for an RV Repair shop

Project sponsor or developer:

Name: William Watts
Address: 1206 W 3rd St. McCook
Phone number: (308) 340-2552
Fax number: _____
E-mail Address: RepublicanValleyRV@gmail.com

Land owner or owners:

Name: William Watts
Address: 1206 W 3rd St. McCook, NE
Phone number: (308) 340-2552
Fax number: _____
E-Mail Address: RepublicanValleyRV@gmail.com

EXHIBIT #4

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)

William Watts
Printed Name:

Printed Name:

William Watts
Signature:

Signature:

8-4-22
Date:

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

1002 E B ST McCook NE 69001

Property Description (Of the parent parcel for subdivisions): _____

Lot Three (3), Block One (1), Happy Hollow Addition to the
City of McCook, Red Willow County, Nebraska,
except that Tract deeded to the State of Nebraska
in Book 131, page 406

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)

CK # 1027 8/8/22

Fee, complete application, and required attachments accepted by:

Printed name

Signature

Date

REQUIRED ATTACHMENTS:

For Zone Changes and Special Exceptions:

(For Zone Changes or Amendments see Article 27 of the Zoning Ordinance; for Special Exceptions see Article 24 Special Exceptions)

____ Include a description of the reason for the request for a change of zone:

See Attached

____ Include a description of any special exception requested including the section of the zoning ordinance under which it is requested: (Example: Special exception to construct multi-family dwellings in (RM) Residential Medium Density area comprised of single family dwellings.)

____ Include a site plan (minimum 17" X 11") and a letter of explanation showing and explaining the following special exception requirements:

- (A) ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;
- (B) off-street parking and loading areas where required, with particular attention to the items in (A) above, the economic, noise, glare or odor effects of the special exception or change of zone on adjoining properties and the properties generally in the district or the area;
- (C) the location of refuse and service areas, with particular reference to the items in (A) and (B) above;
- (D) utilities, with reference to locations, availability, and compatibility;
- (E) screening and buffering with reference to type, dimensions, and character;
- (F) signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;

Attachment for Zone Change

Lot Three, Block one, Happy Hollow Addition is 5900 sq ft and currently zoned as light industrial which requires 10,000 sq ft in order to develop the property. The lot predates 1930s and is plotted at 5900 sq ft and does not conform to light industrial lot requirements rendering the lot unusable.

Business Commercial requires the lot to be 4500 sq ft, that would make the lot of 5900 sq ft, conform to code and therefor usable.

The area directly to the west of this lot is zoned business commercial.

Upon recording, return to:

MOUSEL, BROOKS, SCHNEIDER, MUSTION & SHIFFLET, P.C., L.L.O., 101 WEST C ST., McCOOK, NE 69001

JOINT TENANCY WARRANTY DEED

Jerry Reitz and Debra Reitz, Husband and Wife, GRANTOR, in consideration of One Dollar and other good and valuable consideration received from GRANTEES, William Watts and Angela Watts, conveys to GRANTEES, as joint tenants and not as tenants in common, the following described real estate (as defined in Neb. Rev. Stat. 76-201):

Lot Three (3), Block One (1), Happy Hollow Addition to the City of McCook, Red Willow County, Nebraska, except that tract deeded to the State of Nebraska in Book 131, Page 406

GRANTOR covenants (jointly and severally, if more than one) with GRANTEES that GRANTOR

- a. is lawfully seised of such real estate and that it is free from encumbrances, except easements, reservations, covenants and restrictions of record;
- b. has legal power and lawful authority to convey the same; and
- c. warrants and will defend title to the real estate against the lawful claims of all persons.

Executed: July 22, 2022



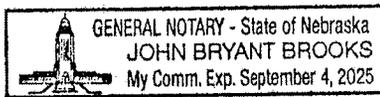
Jerry Reitz, Grantor



Debra Reitz, Grantor

State of Nebraska, County of Red Willow -- ss.

The foregoing Joint Tenancy Warranty Deed was acknowledged before me on July ____, 2022, by Jerry Reitz.

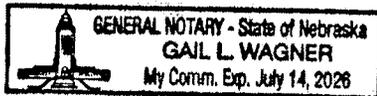




Notary Public
My commission expires 9-4-25

State of Nebraska, County of Red Willow -- ss.

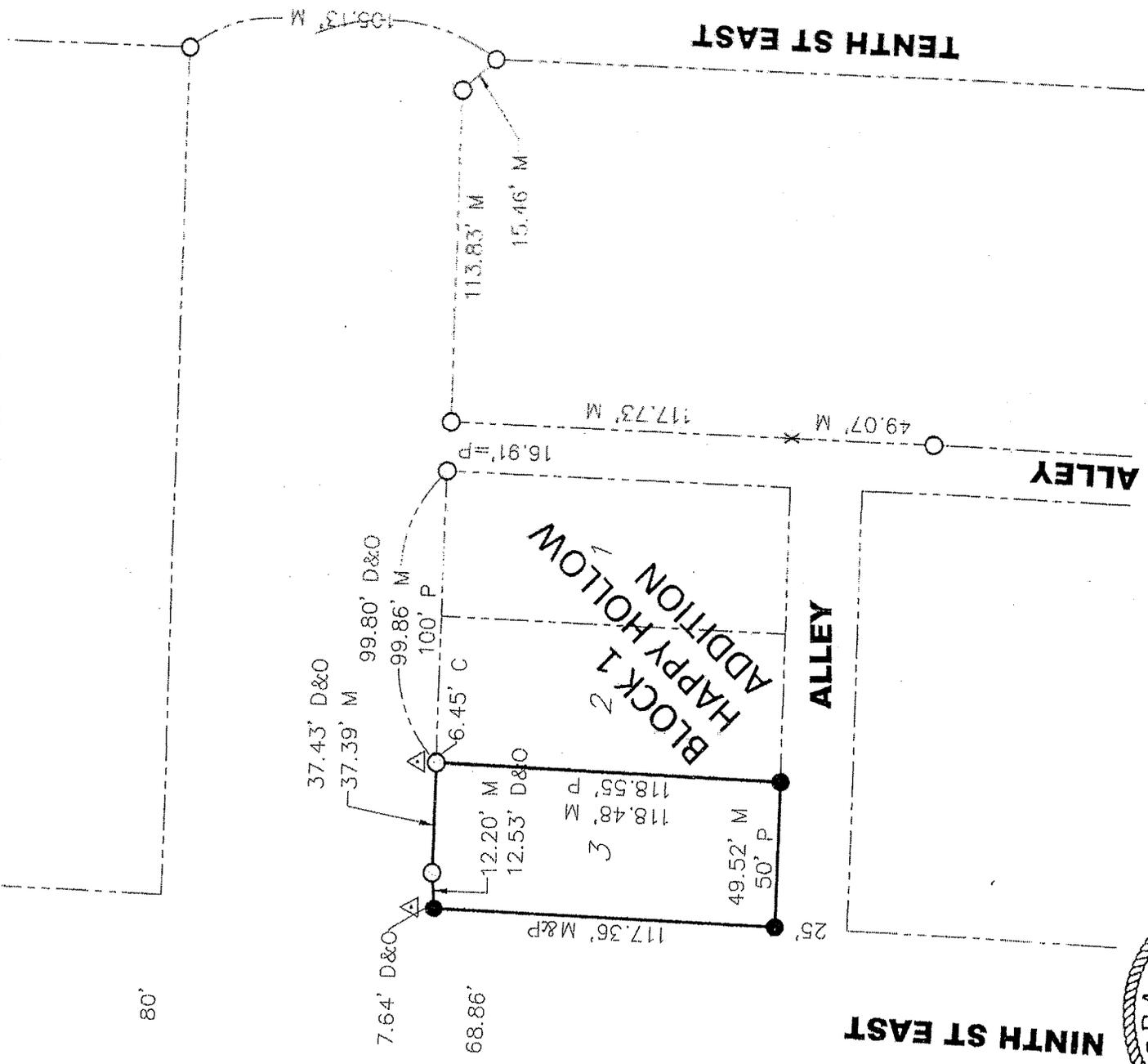
The foregoing Joint Tenancy Warranty Deed was acknowledged before me on July 25th, 2022, by Debra Reitz.





Notary Public
My commission expires 7-14-2026

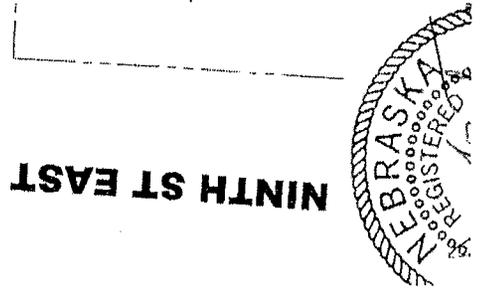
MCCOOK, REDWILLOW COUNTY, NEBRASKA



THIS PLAT OF SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY DEWY FAMILY SURVEYING, LLC. TO DETERMINE OWNERSHIP, EASEMENTS OR RIGHTS OF RECORD.

Legend

- △ = CALC OLD IRON POINT
- = FOUND PROPERTY PIN
- = SET 1/2" REBAR W/3" RI / CAI
- M = MEASURED DISTANCE
- P = PLAT DISTANCE
- X = CALC POINT
- D = Dicento 2005
- O = Olson 2001





September 7, 2022 **DISCLAIMER:** This map is not intended for conveyances, nor is it a legal survey. The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments.

Parcels

Sections

1:1,113

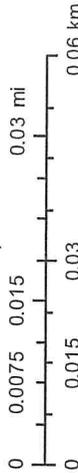
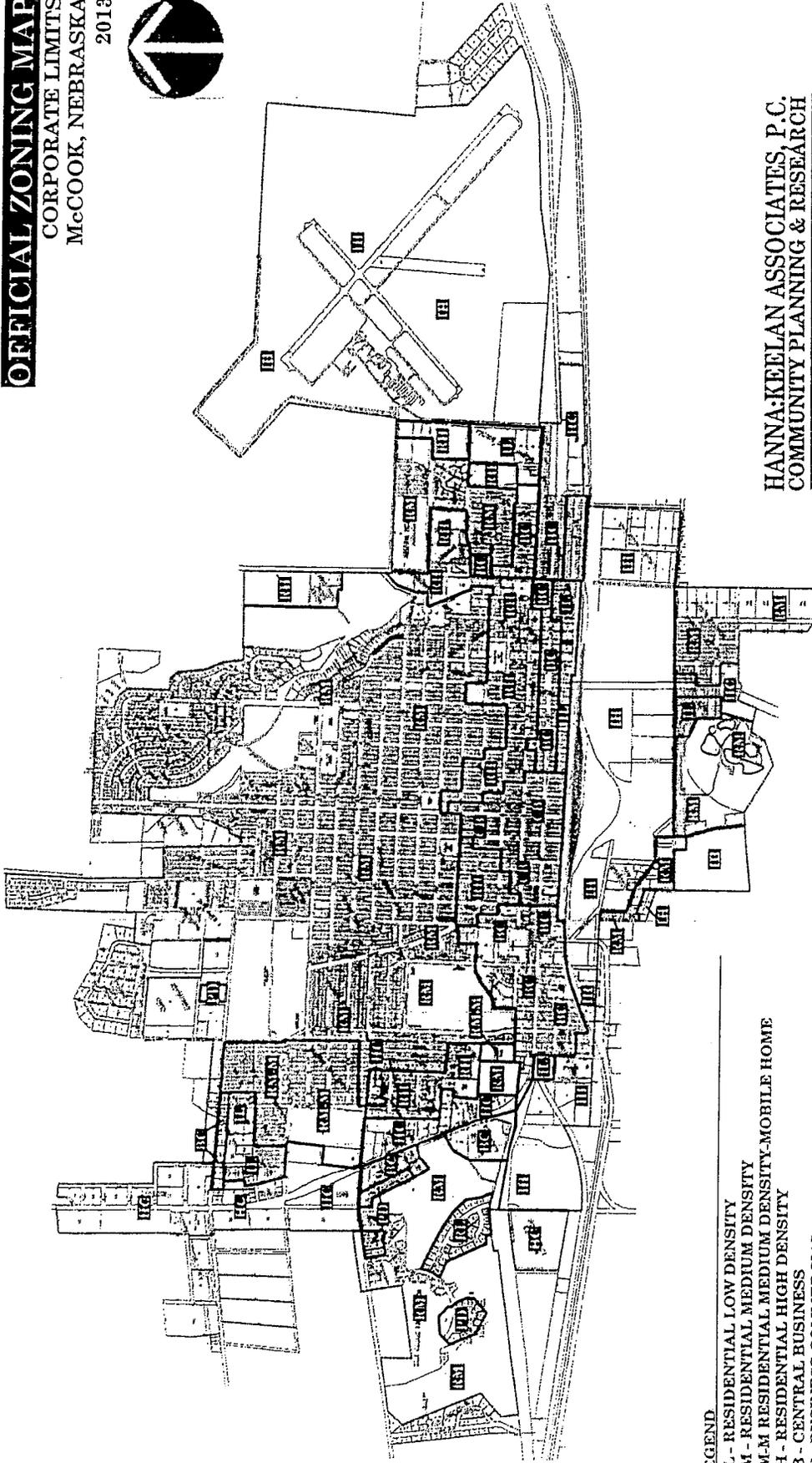


EXHIBIT #5

OFFICIAL ZONING MAP

CORPORATE LIMITS
McCOOK, NEBRASKA
2013



- LEGEND
- RL - RESIDENTIAL LOW DENSITY
 - RM - RESIDENTIAL MEDIUM DENSITY
 - RM-M RESIDENTIAL MEDIUM DENSITY-MOBILE HOME
 - RH - RESIDENTIAL HIGH DENSITY
 - CB - CENTRAL BUSINESS
 - IC - HIGHWAY COMMERCIAL
 - IL - INDUSTRIAL LIGHT
 - IH - INDUSTRIAL HEAVY
 - McCOOK CORPORATE LIMITS

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

* Lincoln, Nebraska * 402.464.5383 *

ILLUSTRATION 4.7

McCook Planning Commission
September 12, 2022
5:15 P.M. Central

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

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

Absent: Vice Chair Hilker; Commissioner Friehe; City Attorney Mustion.

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

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on September 8, 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 August 8, 2022 regular Planning Commission meeting.

Motion to approve the minutes of the August 8, 2022 regular Planning Commission meeting. This motion, made by Dueland and seconded by McDowell, passed.

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

2. Public Hearings and Regular Agenda.

- 2.A. Public Hearing - Consider a request from William Watts to rezone the following described property from Industrial Light (IL) to Business Commercial District (BC): Lot Three, Block One, Happy Hollow Addition, to the City of McCook, Red Willow County, Nebraska, except that track deeded to the State of Nebraska.

Motion to recess as a Planning Commission and convene a public hearing for the purpose of receiving public comment with respect to the request request from William Watts to rezone the following described property from Industrial Light (IL) to Business Commercial District (BC): Lot Three, Block One, Happy Hollow Addition, to the City of McCook, Red Willow County, Nebraska, except that track deeded to the State of Nebraska, with the City Manager to act as hearing officer. This motion, made by Vosburg and seconded by McDowell, passed.

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

EXHIBIT #7

McDowell: YEA, Mockry: YEA, Stevens: YEA, Vosburg: YEA
YEA: 8, NAY: 0, ABSENT: 2

The City Manager received into evidence Exhibit #1 - City Manager's Report prepared for the September 12, 2022 Planning Commission meeting (3 pages), Exhibit #2 - Notice of Hearing published and posted (1 page); Exhibit #3 - ownership list for mailing of Notice of Hearing (1 page); Exhibit #4 - Land Use Action Request Form and attachments (6 pages); and Exhibit #5 - A map of the lot and surrounding vicinity (1 page); Exhibit #6 - Map of the City of McCook's zoning districts (1 page).

City Manager Schneider reviewed the information presented in Exhibit 1. Mr. Schneider clarified that there no longer was a residential structure on the lot.

Bill Watts, applicant, was present to address questions from the Commission.

Kenny Yeager, owner of Lot 1 of Happy Hollow Addition questioned what effect the special exception would have on his property.

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

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

2.B. Recommend the approval of a rezone from Industrial Light (IL) to Business Commercial District (BC): Lot Three, Block One, Happy Hollow Addition, to the City of McCook, Red Willow County, Nebraska, except that track deeded to the State of Nebraska.

Motion to recommend to the McCook City Council the approval the rezone from Industrial Light (IL) to Business Commercial District (BC); Lot Three, Block One, Happy Hollow Addition, to the City of McCook, Red Willow County, Nebraska, except that track deeded to the State of Nebraska. This motion, made by McDowell and seconded by Davidson, passed.

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

2.C. Public Hearing - Regarding the Preliminary Plat and Final Plat for Heritage Pointe Addition No. 2, a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska.

Motion to recess as a Planning Commission and convene a public hearing for the purpose of receiving public comment regarding the Preliminary Plat and Final Plat for Heritage Pointe Addition No. 2, a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska. This motion, made by Vosburg and seconded by Mockry, passed.

Bradley: YEA, Davidson: ABSTAIN, Dueland: YEA, Friehe: ABSENT, Hilker: ABSENT, Lyons:

YEA, McDowell: YEA, Mockry: YEA, Stevens: YEA, Vosburg: YEA
YEA: 7, NAY: 0, ABSENT: 2, ABSTAIN: 1

Chair Vosburg received into evidence Exhibit #1 - City Manager's Report prepared for the September 12, 2022 Planning Commission meeting (2 pages); Exhibit #2 - Notice of Public Hearing published (1 page); Exhibit #3 - mailed and posted (1 page); Exhibit #4 - listing of property owners notified (1 page); Exhibit #5 - Heritage Pointe Addition No. 2 Preliminary Plat (1 page); Exhibit #6 - Heritage Pointe Addition No. 2 Final Plat (1 page); Exhibit #7 - Land Use Application and attachments (6 pages); and Exhibit #8 - City of McCook Subdivision Regulations, Section 7. Procedures (4 pages).

City Manager Schneider reviewed the information presented in Exhibit 1.

Scott Clifford, representing the applicant, was present to address questions from 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.

Bradley: YEA, Davidson: ABSTAIN, Dueland: YEA, Friehe: ABSENT, Hilker: ABSENT, Lyons: YEA, McDowell: YEA, Mockry: YEA, Stevens: YEA, Vosburg: YEA
YEA: 7, NAY: 0, ABSENT: 2, ABSTAIN: 1

2.D. Recommend to the McCook City Council approval of the Preliminary Plat and Final Plat for Heritage Pointe Addition No. 2, a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska.

Motion to recommend to the McCook City Council approval of the Preliminary Plat and Final Plat for Heritage Pointe Addition No. 2, a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska. This motion, made by McDowell and seconded by Stevens, passed.

Bradley: YEA, Davidson: ABSTAIN, Dueland: YEA, Friehe: ABSENT, Hilker: ABSENT, Lyons: YEA, McDowell: YEA, Mockry: YEA, Stevens: YEA, Vosburg: YEA
YEA: 7, NAY: 0, ABSENT: 2, ABSTAIN: 1

2.E. Public Hearing - Regarding a zoning change request for Heritage Pointe Addition No. 2, a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska; said zoning change to amend the current zoning designation from Residential Medium Density District (RM) and Agricultural District (AG), to Business Commercial District (BC).

Motion to recess as a Planning Commission and convene a public hearing for the purpose of receiving public comment with respect to a zoning change request for Heritage Pointe Addition No. 2, a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska; said zoning change to amend the current zoning designation from Residential Medium Density District (RM) and Agricultural District (AG), to Business Commercial District (BC). This motion, made by Vosburg and seconded by McDowell, passed.

Bradley: YEA, Davidson: ABSTAIN, Dueland: YEA, Friehe: ABSENT, Hilker: ABSENT, Lyons: YEA, McDowell: YEA, Mockry: YEA, Stevens: YEA, Vosburg: YEA
YEA: 7, NAY: 0, ABSENT: 2, ABSTAIN: 1

Chair Vosburg received into evidence Exhibit #1 - City Manager's Report prepared for the September 12, 2022 Planning Commission meeting (3 pages), Exhibit #2 - Notice of Hearing published and posted (1 page); Exhibit #3 - ownership list for mailing of Notice of Hearing (1 page); Exhibit #4 - Land Use Action Request Form and attachments (5 pages); and Exhibit #5 - Map of the City of McCook's zoning districts (1 page).

City Manager Schneider reviewed the information presented in Exhibit 1.

Scott Clifford, representing the applicant, was present to address questions from 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 Stevens, passed.

Bradley: YEA, Davidson: ABSTAIN, Dueland: YEA, Friehe: ABSENT, Hilker: ABSENT, Lyons: YEA, McDowell: YEA, Mockry: YEA, Stevens: YEA, Vosburg: YEA
YEA: 7, NAY: 0, ABSENT: 2, ABSTAIN: 1

2.F. Recommend to the McCook City Council approval of the zoning change request for Heritage Pointe Addition No. 2, a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska; said zoning change to amend the current zoning designation from Residential Medium Density District (RM) and Agricultural District (AG), to Business Commercial District (BC).

Motion to recommend to the McCook City Council approval of the zoning change request for Heritage Pointe Addition No. 2, a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska; said zoning change to amend the current zoning designation from Residential Medium Density District (RM) and Agricultural District (AG), to Business Commercial District (BC). This motion, made by Vosburg and seconded by Lyons, passed.

Bradley: YEA, Davidson: ABSTAIN, Dueland: YEA, Friehe: ABSENT, Hilker: ABSENT, Lyons: YEA, McDowell: YEA, Mockry: YEA, Stevens: YEA, Vosburg: YEA
YEA: 7, NAY: 0, ABSENT: 2, ABSTAIN: 1

2.G. Public Hearing - Regarding the voluntary annexation of a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska, said tract of land included in the parcel to be referred to as Heritage Pointe Addition No. 2.

Motion to recess as a Planning Commission and convene a public hearing for the purpose of receiving public comment with respect to the voluntary annexation of a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska, said tract of land included in the parcel to be referred to as Heritage Pointe Addition No. 2. This motion, made by Vosburg and seconded by Mockry, passed.

Bradley: YEA, Davidson: ABSTAIN, Dueland: YEA, Friehe: ABSENT, Hilker: ABSENT, Lyons: YEA, McDowell: YEA, Mockry: YEA, Stevens: YEA, Vosburg: YEA
YEA: 7, NAY: 0, ABSENT: 2, ABSTAIN: 1

Chair Vosburg received into evidence Exhibit #1 - City Manager's Report prepared for the September 12, 2022, Planning Commission meeting (2 pages), Exhibit #2 - Notice of Hearing published (1 page); Exhibit #3 - Voluntary Annexation Petition/Request from Matt Davidson on behalf of Jerry Gohl (1 page); Exhibit #4 - Legal Description of the proposed annexation area (1 page); Exhibit #5 - Proposed Resolution No. PC2022-03 (2 pages).

City Manager Schneider reviewed the information presented in Exhibit 1.

Scott Clifford, representing the applicant, was present to address questions from 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.

Bradley: YEA, Davidson: ABSTAIN, Dueland: YEA, Friehe: ABSENT, Hilker: ABSENT, Lyons: YEA, McDowell: YEA, Mockry: YEA, Stevens: YEA, Vosburg: YEA
YEA: 7, NAY: 0, ABSENT: 2, ABSTAIN: 1

2.H. Approve Planning Commission Resolution No. PC2022-03, recommending approval of the voluntary annexation of a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska, said tract of land included in the parcel to be referred to as Heritage Pointe Addition No. 2.

Motion to approve Planning Commission Resolution No. PC2022-03, recommending approval of the voluntary annexation of a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska, said tract of land included in the parcel to be referred to as Heritage Pointe Addition No. 2. This motion, made by McDowell and seconded by Bradley, passed.

Bradley: YEA, Davidson: ABSTAIN, Dueland: YEA, Friehe: ABSENT, Hilker: ABSENT, Lyons: YEA, McDowell: YEA, Mockry: YEA, Stevens: YEA, Vosburg: YEA
YEA: 7, NAY: 0, ABSENT: 2, ABSTAIN: 1

2.I. Public Hearing - To consider the preliminary plat of Heritage Pointe which is located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska.

Motion to recess as a Planning Commission and convene a public hearing for the purpose of receiving public comment regarding the Preliminary Plat of Heritage Pointe which is located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska. This motion, made by Vosburg and seconded by Stevens, passed.

Bradley: YEA, Davidson: ABSTAIN, Dueland: YEA, Friehe: ABSENT, Hilker: ABSENT, Lyons: YEA, McDowell: YEA, Mockry: YEA, Stevens: YEA, Vosburg: YEA
YEA: 7, NAY: 0, ABSENT: 2, ABSTAIN: 1

Chair Vosburg received into evidence Exhibit #1 - City Manager's Report prepared for the September 12, 2022 Planning Commission meeting (2 pages); Exhibit #2 - Notice of Public Hearing published, mailed, and posted (1 page); Exhibit #3 - listing of property owners notified (1 page); Exhibit #4 - Heritage Pointe Preliminary Plat (1 page); Exhibit #5 - Land Use Application and attachments (6 pages); and Exhibit #6 - City of McCook Subdivision Regulations, Section 7. Procedures (4 pages).

City Manager Schneider reviewed the information presented in Exhibit 1.

Scott Clifford, representing the applicant, was present to address questions from 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 Lyons, passed.

Bradley: YEA, Davidson: ABSTAIN, Dueland: YEA, Friehe: ABSENT, Hilker: ABSENT, Lyons: YEA, McDowell: YEA, Mockry: YEA, Stevens: YEA, Vosburg: YEA
YEA: 7, NAY: 0, ABSENT: 2, ABSTAIN: 1

2.J. Recommend approval to the City Council the Heritage Pointe preliminary plat which is located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska.

Motion to recommend to the McCook City Council approval of the Heritage Pointe preliminary plat which is located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska. This motion, made by Vosburg and seconded by Mockry, passed.

Bradley: YEA, Davidson: ABSTAIN, Dueland: YEA, Friehe: ABSENT, Hilker: ABSENT, Lyons: YEA, McDowell: YEA, Mockry: YEA, Stevens: YEA, Vosburg: YEA
YEA: 7, NAY: 0, ABSENT: 2, ABSTAIN: 1

The Commission set a special meeting for September 26, 2022, at 5:15 P.M., to consider the North Pointe Final Plat, required vacation for the plat, and rezoning a portion of the area included in the plat.

Adjournment.

With no further business, Chair Vosburg declared the Planning Commission meeting adjourned at 6:11 P.M.

Lea Ann Doak
City Clerk/Recording Secretary

ORDINANCE NO. 2022-3049

AN ORDINANCE OF THE CITY OF MCCOOK, NEBRASKA AMENDING MCCOOK ZONING ORDINANCE NO. 2016-2929 CHANGING THE ZONING CLASSIFICATION OF LOT THREE (3), BLOCK ONE (1), HAPPY HOLLOW ADDITION, TO THE CITY OF MCCOOK, RED WILLOW COUNTY, NEBRASKA, FROM INDUSTRIAL LIGHT (IL) TO BUSINESS COMMERCIAL (BC) DISTRICT; PROVIDE FOR THE REPEAL OF ANY OTHER CONFLICTING ORDINANCES; 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 COUNCIL OF THE CITY OF MCCOOK, NEBRASKA:

SECTION 1. In accordance with Article 27 of Zoning Ordinance No. 2016-2929 of the City of McCook, Red Willow County, Nebraska, the zoning classification of the following described property shall be and is hereby changed from Industrial Light (IL) to Business Commercial (BC) District, to wit:

Lot Three (3), Block One (1), Happy Hollow Addition, to the City of McCook, Red Willow County, Nebraska.

SECTION 2. The City Clerk of the City of McCook, Nebraska is hereby directed to change the official zoning map of the City of McCook, Nebraska to show the above-described property to have a zoning classification of Business Commercial (BC) District.

SECTION 3. The provisions of Zoning Ordinance 2016-2929 are hereby amended as provided herein.

SECTION 4. This ordinance shall be in full force and take effect from and after its passage, approval and publication as required by law.

PASSED AND APPROVED THIS ____ day of _____, 2022.

Michael D. Gonzales, Mayor

ATTEST:

Lea Ann Doak, City Clerk-Treasurer

EXHIBIT #8

PAGE(S) - 1

**CITY MANAGER'S REPORT
SEPTEMBER 19, 2022 MCCOOK CITY COUNCIL MEETING**

ITEM NO. 2.C, Public Hearing - Regarding the Preliminary Plat and Final Plat for Heritage Pointe Addition Lot 2, a tract of land located in the S ½ of the SE 1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska.

ITEM NO. 2.D, Approve Resolution 2022-11, authorizing the Preliminary Plat and Final Plat for Heritage Pointe Addition Lot 2, a tract of land located in the S ½ of the SE 1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska.

ITEM NO. ___ Public Hearing - Regarding the voluntary annexation of a tract of land located in the S ½ of the SE 1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska, said tract of land to be included in what is to be referred to as Heritage Pointe Addition Lot 2.

ITEM NO. ___ Approve on first reading, Ordinance No. 2022-_____, allowing for the voluntary annexation of a tract of land located in the S ½ of the SE 1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska, said tract of land to be included in what is to be referred to as Heritage Pointe Addition Lot 2.

ITEM NO. ___ Public Hearing - Regarding a zoning change request for Heritage Pointe Addition Lot 2, a tract of land located in the S ½ of the SE 1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska; said zoning change to amend the current zoning designation from Residential Medium Density District (RM) and Agricultural District (AG), to Business Commercial District (BC).

ITEM NO. ___ Approve on first reading, Ordinance No. 2022-_____, allowing for the zoning change for Heritage Pointe Addition Lot 2, a tract of land located in the S ½ of the SE 1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska; said zoning change to amend the current zoning designation from Residential Medium Density District (RM) and Agricultural District (AG), to Business Commercial District (BC).

ITEM NO. ___ Public Hearing - To consider the Preliminary Plat of Heritage Pointe which is located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska.

ITEM NO. ___ Approve the Heritage Pointe Preliminary Plat which is located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska.



BACKGROUND:

A minor subdivision application has been filed by Jerry Gohl for the purpose of authorizing a tract of land to be known as Heritage Pointe Addition Lot 2. A similar request was filed by Mr. Gohl in 2019. Mr. Gohl requests that a tract of land located north of West J Street (north of the McCook Congregation of Jehovah's Witnesses) be divided from a larger tract. All of the property

in question is currently owned by Mr. Gohl. Mr. Gohl's intent is to develop the lot for commercial purposes. Utilities have been extended to the tract at issue.

The proposed lot meets the requirements of the City of McCook's Subdivision Regulations. Additionally, the application meets the requirements of the City of McCook's Zoning Ordinance, if the applicant's zone change request is permitted.

In conjunction with the subdivision request, an application has been filed to voluntarily annex portions of the proposed Heritage Pointe Addition Lot 2 subdivision. A part of the proposed subdivision is located within the City's corporate limits, while the northern portion is not. The annexation request focuses on the real estate currently located outside of McCook's corporate limits, but within McCook's Two Mile Extra Territorial Jurisdiction. Mr. Gohl is requesting that the entirety of the proposed Heritage Pointe Addition Lot 2 be located within McCook's corporate limits.

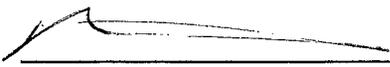
Finally, Mr. Gohl's application requests a zoning change of the current land uses for the property at issue, from Residential Medium Density (RM - which is the current designation for the southern portion of proposed Heritage Pointe Addition Lot 2) and Agricultural (AG - which is the designation for the northern portion of proposed Heritage Pointe Addition No. 2), to Business Commercial (BC). The intent behind Heritage Pointe Addition Lot 2 is to allow for the building of a commercial structure on the created lot. The current land uses prescribed to the property at issue, RM and AG, don't allow for a commercial business to be principally permitted. Staff has reviewed the zone change request. Staff has noted there are commercial businesses in close proximity to the proposed Heritage Pointe Addition Lot 2. Further, the City of McCook's Comprehensive Plan/Future Land Use Map contemplates the property north of West J Street to be dedicated to Business Commercial (BC) uses and structures. Mr. Gohl's application is consistent with McCook's long term goals.

Finally, a Preliminary Plat of the larger comprehensive plan has been included. The proposed name of the potential development is Heritage Pointe Addition. The Preliminary Plat provides a more defined plan for future development of the land at issue, extending from West J Street north to land that may contain West N Street extended. The proposal consists of two blocks, with Block One to contain six (6) lots and Block Two to contain seven (7) lots. A north/south street is included to connect West J Street to a prospective West N Street. All of the lots are capable of meeting McCook's Zoning Ordinance.

If approved, the preliminary plat would be filed with the City of McCook. It would not be filed with the Red Willow County Register of Deeds. A final plat would need to be developed at a future date for the subdivision to become officially recognized with sellable, individual lots.

The McCook Planning Commission voted unanimously on all four requests to recommend approval to the McCook City Council.

APPROVALS:



Nathan A. Schneider, City Manager

September 13, 2022



Lea Ann Doak, City Clerk

September 13, 2022

**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 September 12, 2022, at 5:15 P.M. and by the McCook City Council on September 19, 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 S ½ of Section 24, Township 3 North, Range 30 West of the 6th P.M. in Red Willow County, Nebraska, to be known as Heritage 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: September 2, 2022.

EXHIBIT #2

PAGE(S) - 1

NOTICE OF PUBLIC HEARING
PRELIMINARY PLAT AND FINAL PLAT APPROVAL

NOTICE IS HEREBY GIVEN that a public hearing will be held to consider the preliminary and final plat on the following described property to be known as Heritage Pointe Addition No. 2:

A tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska. This tract of land will be referred to as HERITAGE POINTE ADDITION NO. 2.

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

SEPTEMBER 12, 2022 - 5:15 P.M.
MCCOOK PLANNING COMMISSION
CITY COUNCIL CHAMBERS
505 WEST "C" STREET

SEPTEMBER 19, 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 hearing and will be given an opportunity to be heard. For additional information regarding this notice please contact Nate Schneider, City of McCook City Manager, at 345-2022 ext. 225.

-s- Lea Ann Doak
City Clerk

Publish: September 1, 2022.

EXHIBIT #3

PAGE(S) - 1

Property Owners Notified:

RED WILLOW COUNTY PLANNING
COMMISSION
C/O TAMI TEEL
502 NORRIS AVENUE
MCCOOK, NE 69001

McCOOK PUBLIC SCHOOL DISTRICT
C/O GRANT NORGAARD
600 WEST 7th ST
MCCOOK, NE 69001

PRESIDENT
McCOOK SCHOOL BOARD
302 ELIZABETH LANE
MCCOOK, NE 69001

RED WILLOW COUNTY CLERK
502 NORRIS AVE
MCCOOK, NE 69001

TYLER & TYLER SUE LOOP
2005 WEST J
MCCOOK, NE 69001

CJC, LLC
PO BOX 449
MCCOOK, NE 69001

MIKE DEVENEY
PO BOX 449
MCCOOK, NE 69001

AUGUSTUS PROPERTIES, LLC
315 WARREN
BARTLEY, NE 69020

RICHARD CAPPEL
#5 BRASSIE DRIVE
MCCOOK, NE 69001

WANDA MICHAELIS
#9 BRASSIE DRIVE
MCCOOK, NE 69001

GENE AND CAROL ERDMAN
PO BOX 69
LIVERMORE, CO 80536

BRADLEY HAYS
MOLLY HERZBERG
#6 BRASSIE DRIVE
MCCOOK, NE 69001

MAUREEN GIORGIONE
PO BOX 756
MCCOOK, NE 69001

MCCOOK CONGREGATION OF
JEHOVAH'S WITNESS
C/O MARK WAGNER
916 EAST 6
MCCOOK, NE 69001

DONNA LOOP
1402 N HWY 83
MCCOOK, NE 69001

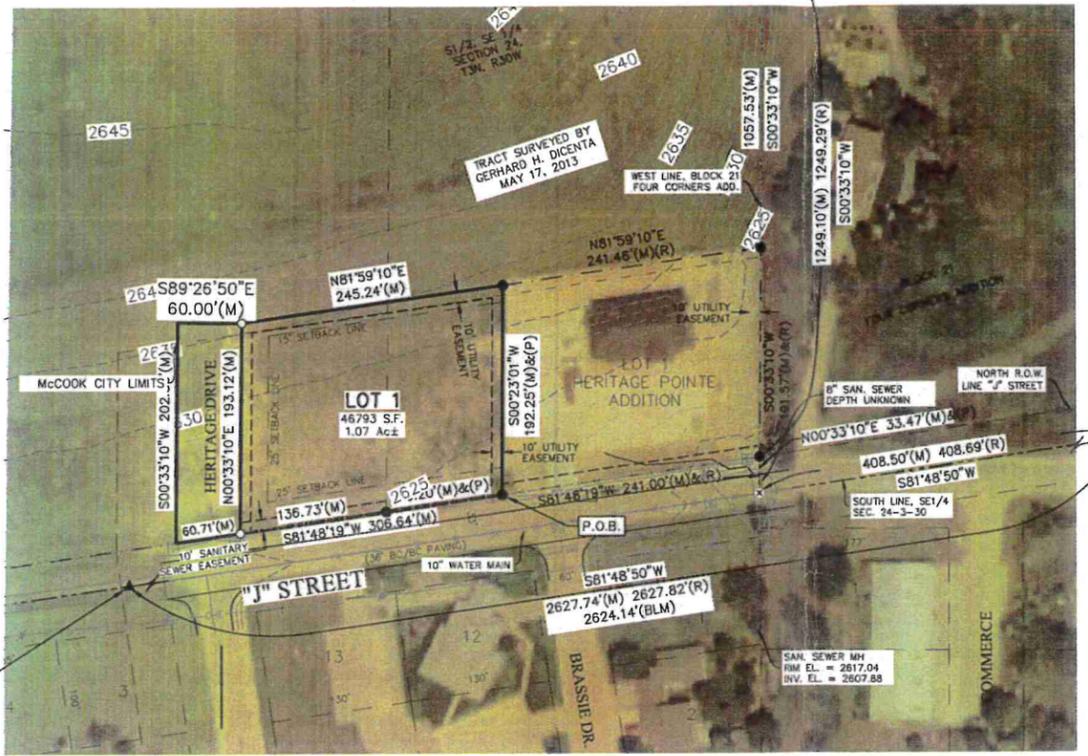
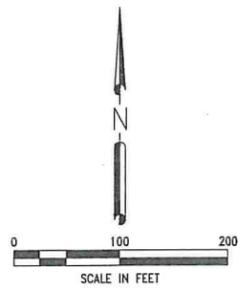
PRELIMINARY PLAT
-HERITAGE POINTE ADDITION No. 2-
 AN ADDITION TO THE CITY OF MCCOOK, RED WILLOW COUNTY, NEBRASKA

LEGEND

- ▲ = SECTION CORNERS FOUND
- = CORNERS FOUND (5/8" REBAR UNLESS OTHERWISE NOTED)
- = CORNERS ESTABLISHED (CAPPED 5/8" x 24" REBAR)
- x = TEMPORARY POINT
- (M) = MEASURED DISTANCES
- (P) = PLATTED DISTANCES
- (R) = RECORDED DISTANCES
- = SECTION LINE
- = BOUNDARY LINE
- - - = NEW EASEMENT LINE
- · - · - = EXISTING LOT LINES
- · - - - = BUILDING SETBACK LINE
- · - · - · - = CITY LIMITS LINE
- = CONCRETE LINE
- = BUILDING LINE
- = FLOOD ZONE LINE
- = OVERHEAD ELECTRIC LINE
- = UNDERGROUND ELECTRIC LINE
- = STORM SEWER LINE
- = SANITARY SEWER LINE
- = FENCE
- = UNDERGROUND FIBER-OPTIC LINE
- = UNDERGROUND TELEPHONE LINE
- = GAS LINE
- = WATER LINE
- ↑ = GUY ANCHOR
- ⊕ = TELEPHONE PEDESTAL
- ⊕ = GAS METER OR RISER
- ⊕ = SIGN
- ⊕ = FIRE HYDRANT
- ⊕ = WATER VALVE
- ⊕ = POWER OR TELEPHONE POLE
- ⊕ = LIGHT POLE
- ⊕ = MANHOLE
- ★ = CONIFEROUS TREE
- = DECIDUOUS TREE

ZONING NOTES:

- BUSINESS COMMERCIAL DISTRICT (BC)
- FRONT YARD SETBACK = 25 FEET
- SIDE YARD SETBACK = 10 FEET
- REAR YARD SETBACK = 15 FEET



SOUTH QUARTER CORNER, SECTION 24, T. 3 N., R. 30 W. FOUND BLM BRASS CAP. NE 54.21' TOP OF POWER TAG IN PP SE 48.78' NAIL IN POWER POLE S 4.92' NAIL/DISK IN CFP SW 54.81' NW CORNER METAL BLDG.

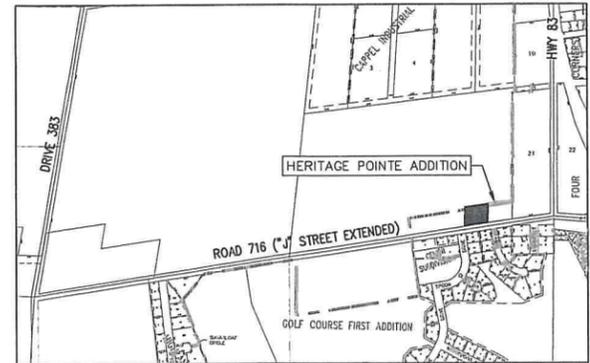
SOUTHEAST CORNER, SECTION 24, T. 3 N., R. 30 W. FOUND 2-1/2" PIPE. SSW 33.44' 5/8" REBAR SW 28.33' NAIL IN TOP FENCE POST W 20.89' 5/8" REBAR W 21.29' NAIL IN TOP FENCE POST NW 31.25' NAIL IN TOP FENCE POST

LEGAL DESCRIPTION

A tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska, being more particularly described as follows:

Considering the south line of the SE1/4 of said Section 24 as assumed bearing S81°48'50"W and with all bearings contained herein relative thereto:

Commencing at the SE corner of said Section 24; thence S81°48'50"W on the south line of the SE1/4 of said Section 24, a distance of 408.50 feet; thence N00°33'10"E leaving said south line, a distance of 33.47 feet to a point on the north right-of-way line of "J" Street in the City of McCook, Nebraska, also being the southwest corner of Block 21, Four Corners Addition to the City of McCook, Nebraska, and the southeast corner of Lot 1, Heritage Pointe Addition to the City of McCook, Nebraska; thence S81°48'19"W on the north right-of-way line of said "J" Street and the south line of said Heritage Pointe Addition, a distance of 241.00 feet to the southwest corner of said Heritage Pointe Addition and the POINT OF BEGINNING; thence continuing on said north right-of-way line S81°48'19"W a distance of 306.64 feet; thence N00°33'10"E parallel with the West line of Block 21 in said Four Corners Addition and leaving said north right-of-way line a distance of 202.36 feet; thence S89°26'50" E a distance of 60.00 feet; thence N81°59'10" E a distance of 245.24 feet; thence S00°23'01" W on the west line of said Heritage Pointe Addition a distance of 192.25 feet to the Point of Beginning. Said tract containing 1.35 acres more or less, subject to any easements, rights-of-way now on record or indicated on the attached survey or reservations of record.



VICINITY MAP

NOTES

This plat prepared July 2022 for:
 Jerry Gohl
 37146 Old Highway 17
 Culbertson, NE 69024
 Current Zoning: RM & AG
 Proposed Zoning: BC

EXHIBIT #5

PAGE(S) - 1

	PARTY CHIEF: Scott S. Clifford L.S. 647	SURVEY COMPLETED: July 29, 2022
	DRAWN BY: Brynn Moxson	REVISION: DATE & REASON
109 EAST 2ND STREET MCCOOK, NE 69001 TEL: 505-245-3710 FAX: 505-245-3710 www.miller-and-associates.com		F.S. #
RED WILLOW CO - MCCOOK - HERITAGE POINTE ADD. No. 2		

C:\Projects\2000\200-LS\2022 SURVEYS\200-LS-57-22 HERITAGE POINTE ADD No. 2\Civil-Dwg\Design Drawings\Survey Design\Heritage Pointe Add No. 2 FP.dwg
 PLOTTED: 9/7/2022 3:31 PM
 SAVED: 9/7/2022 3:30 PM

475.00 - ZC fee
\$20000 - For HP#2
Fin
\$5000 - Prelim.
plat

CITY OF McCOOK

LAND USE ACTION REQUEST FORM

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

- Zone Change
 Special Exception
 Administrative Permit (Personal Wireless Facility)
 Special Exception (Personal Wireless Facility)
 Minor Subdivision + comprehensive preliminary plat
 Major Subdivision
 Planned Development (Includes Zone Change)

Name of Project: Heritage Point Addition No. 2

Description of Project: Create one lot for commercial construction. Sewer was extended through the proposed lot by lot owner when creating Heritage Point Addition in 2019.

Project sponsor or developer:

Name: Jerry Gohl

Address: 38278 Road 717, McCook, NE 69001

Phone number: 308-340-5432

Fax number: _____

E-mail Address: Jerry@golight.com

Land owner or owners:

Name: Gerald L. Gohl Revocable Trust

Address: 37146 Old Highway 17, Culbertson, NE 69024

Phone number: 308-278-3131

Fax number: _____

E-Mail Address: Jerry@golight.com

EXHIBIT #7

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)

Jerry Gohl
Printed Name:

Printed Name:

Signature:

Signature:

Date:

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

Property Description (Of the parent parcel for subdivisions): S 1/2 of the SE 1/4 of Section 24, Township 3 North, Range 30 W of the 6th P.M.

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

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.
- (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?

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:

- X (a) Plat Submission Requirements: The subdivider shall submit to the Zoning Administrator:
_____ five (5) copies of the preliminary plat and any supplemental materials specified by the Planning Commission of conditional approval. (The plat submission requirements are stipulated under C-3 Procedure for conditional approval of Preliminary Plat of the City of McCook Subdivision Regulations)
- X (b) Fees: A plat review fee shall accompany the preliminary plat in the amount specified in the City Fee Ordinance. (See Attached list of fees for building, zoning, and subdivision actions)
- X (c) Scale and Preliminary Plat contents. Preliminary plats shall be a scale of one (1) inch to one hundred (100) feet or 1" = 200' if seventy-five percent (75%) of the lots are one (1) acre or larger, and shall be prepared with the following information:
- X (1) The proposed name of the subdivision (the name shall not duplicate or too closely resemble the name or names of any existing subdivision).
 - X (2) The location of the boundary lines of the subdivision and reference to the section or quarter section lines.
 - X (3) The names and addresses of the owner, developer, and the engineer who prepared the plat.
 - X (4) Scale of the plat, one inch = one hundred feet or larger.
 - X (5) Date of preparation and north point.
 - X (6) Present zoning.
 - X (7) Existing conditions:
 - X aa. Location, width and name of platted streets or other public ways, railroads and utility rights-of-way, parks and other public open spaces and permanent buildings within or adjacent to the proposed subdivision shall be shown on the Preliminary Plat.
 - X bb. All existing sewers, water mains, gas mains, culverts, or other underground installations, within the proposed subdivision, or adjacent thereto, with pipe size and manholes, grades and location shall be shown. Control elevation of surface drainage entering and existing from the property.
 - X cc. Names of adjacent subdivisions together with arrangement of streets and lots, and owners of adjacent parcels of unsubdivided land shall be shown.

- 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.
- X (14) Any proposed restrictive covenants for the land involved shall accompany the plat.
- X (15) a letter requesting annexation of the subdivision if it is in the planning jurisdiction to be served with city utilities.

GOLIGHT

INC.

August 16, 2022

Nate Schneider
City Manager, City of McCook
505 West 5th & C Street
McCook, Nebraska 69001

RE: Heritage Pointe Addition No. 2 – Rezoning and Annexation

Dear Nate,

This letter is a formal request on behalf of the owner, Jerry Gohl, to change the zoning for the above-described property, which is located northwest of the intersection of "J" Street and Brassie Drive. The proposed project consists of a commercial office development, similar to the property built on the Heritage Pointe Addition located just east of the property.

The current zoning is both Residential Medium Density District (RM) and Agricultural District (AG) for the proposed subdivision area. The owner has requested the proposed Heritage Pointe Addition No. 2 subdivision to be rezoned for RM and AG to Business Commercial District (BC).

The current Comprehensive Plan Future Land Use Map for the proposed subdivision area is delineated as Commercial. The proposed zoning of Business Commercial District (BC) is compatible and consistent with the future land use map use map designation of Commercial.

Portions of the proposed Heritage Pointe subdivision are located within the corporate limits of the City of McCook and the Two Mile Extra Territorial Jurisdiction. The owner is requesting this subdivision to be annexed entirely into the City Limits of the City of McCook, Nebraska.

We are requesting the rezoning and annexation changes to be presented at the upcoming associated Planning Commission and City Council meetings. If you have any further questions or comments, please do not hesitate to give me a call.

Sincerely,



Matt Davidson

Cc: Jerry Gohl, 38278 Road 717, McCook, NE 69001

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.

EXHIBIT #8

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 and 11 of this Ordinance and the subdivider shall indicate in a letter what financing options are planned to be used for the proposed subdivision.

7.6 Notification of County Planning Commission. The City shall notify the Red Willow County Planning Commission of any proposed subdivision plat and provide the Commission with all available materials on the proposed plat, when such proposed plat lies partially or totally within the extraterritorial subdivision jurisdiction being exercised by that Municipality in such County. The Commission shall be given four (4) weeks to officially comment on the appropriateness of the design and improvements proposed in the plat. The review period shall run concurrently with subdivision review activities of the City after the Commission receives all available material for a proposed subdivision plat.

7.7 Notification of School Board. At least ten (10) days prior to the McCook Planning Commission meeting at which the preliminary plat is to be considered for approval, the Planning Commission shall submit a copy of the proposal to the School Board of each School District which the proposed development affects, and shall notify the School Board of the meeting date. Copies of the plat may be submitted to any other agency which may be affected.

7.8 Approval or Rejection. After review of the preliminary plat and negotiations with the subdivider, and before the City Council reviews and acts on the Preliminary Plat, the McCook Planning Commission shall reject or conditionally approve the preliminary plat, within thirty (30) days after the official meeting at which the plat was considered.

7.9 Recording of Action. The action of the McCook Planning Commission shall be noted on three (3) copies of the preliminary plat, referenced and attached to any conditions determined. One (1) copy shall be returned to the subdivider, one (1) copy relayed to the City Council and one (1) copy retained by the Planning Commission.

7.10 Approval is Conditional. Approval of a preliminary plat shall not constitute approval of the final plat; it shall be deemed an expression of approval or conditional approval of the submitted plat, as a guide for the preparation of the final plat, which will be subject to further consideration by the McCook Planning Commission and the McCook City Council. Any conditional approval of the preliminary plat shall be effective for a period of one (1) year unless an extension is granted by the Planning Commission.

7.11 Installation of Improvements for Final Plat Approval. The subdivision design standards contained in this ordinance and hereinafter referred to as Subdivision Regulations are formulated to assure that the style, character, and form of new developments will conform to minimum requirements promoting the health, safety, and general welfare of the public. In addition to these regulations and to insure that future developments are consistent with the growth objectives and goals of the City and its Two-Mile Planning Jurisdiction, subdivisions shall conform to the Comprehensive Plan of the City of McCook, to the Zoning and Subdivision Ordinances and to any other applicable ordinances of the City of McCook. Following approval of the preliminary plat, the subdivider shall:

- (1) Agree to install the required improvements or;
- (2) Sign an agreement, which shall be entered into only at the option of the City, thereby guaranteeing the installation of improvements; or
- (3) Furnish a bond or enter into an escrow or security agreement approved by the City Attorney in an amount sufficient to guarantee the installation of the required improvements.

7.12 FINAL PLAT SUBMISSION REQUIREMENTS. The Subdivider of Major Subdivisions shall submit a Final Plat, showing entire concept, to the City Clerk within twelve (12) months of approval of the preliminary plat; unless an extension is granted by the Planning Commission. The final plat shall conform to the preliminary plat as approved and to the requirements of all applicable ordinances and State statutes; and, if desired by the subdivider, it may constitute only that portion of the approved preliminary plat which the subdivider proposes to record and develop at the time; provided, however, that such portion conforms to all requirements of these Regulations.

A Subdivider of a Minor Subdivision can submit the final plat to the City Clerk after review and approval of the City Manager.

7.13 Scale and Final Plat Contents. One (1) original and two (2) original ink copies of the final plat and other exhibits required for approval shall be submitted. The final plat shall be drawn in ink on mylar and shall be at a scale of one (1") inch to one hundred (100') feet or larger. The final plat shall show the following:

- A. Date, title, name and location of subdivision.
- B. Streets and street names, lots, setback lines, lot numbers, etc, except that in industrial type subdivision lot designation may be excluded.
- C. Graphic scale and north arrow.
- D. Monuments (ferrous) minimum one-half (1/2) inch diameter, maximum, Twenty-Four (24) inches in length with surveyor's cap and number.
- E. Dimensions, angles and bearings, and complete legal description of the property.
- F. Sufficient survey data to reproduce any line on the ground.
- G. Names of adjoining subdivisions.
- H. Location and dimensions of any easements.

- I. Purpose for which sites are dedicated or reserved, and the transfer of ownership of the same.
- J. Certification by surveyor as to accuracy of survey and plat.
- K. Certification signed and acknowledged by all parties holding title or having any title interest in the land subdivided and consenting to the preparation and recording of the plat as submitted.
- L. Certification recording the approval by the Planning Commission.
- M. Certification recording the approval by the City Council and the acceptance of any dedications.

7.14 Supplementary Data Required. The final plat shall be accompanied with Construction plans of all required public improvements, and a Drainage Study approved and sealed by a Nebraska Professional Engineer and any State Offices requiring review and approval.

7.15 Professional Assistance. The City Council or the Planning Commission may request such professional assistance as it deems necessary to properly evaluate the plats submitted.

7.16 Planning Commission Recommendations. The Planning Commission shall reject or approve the final plat and have prepared a recommendation to the City Council recommending rejection or approval. All reasons for recommending rejection shall be clearly stated. Notification of approval or rejection by the Planning Commission or City Council shall be given the subdivider within sixty (60) days after submission of the final plat to the Planning Commission.

7.17 ADMINISTRATIVE SUBDIVISION. An owner may file application with the Zoning Administrator of the City for approval of a proposed administrative subdivision plat as provided in this section. As used herein, the term "administrative subdivision" shall mean the re-subdivision of existing subdivided lots and blocks, involving the adjustment of existing lot boundaries or the consolidation of lots, in a manner consistent with the Zoning Ordinance concerning minimum area and dimensions of lots, but not necessitating the dedication of additional public right-of-way or easements or the installation of required public improvements.

1. **Plat.** The property owner shall submit an accurately drawn plat showing the proposed lots including all pertinent dimension lines. The plat shall be on eight and one-half (8½) by eleven (11) inch sheet(s) of paper; be drawn to a scale of not less than one (1) inch equals one hundred (100) feet; show the direction north by an arrow; reflect all adjoining public streets and alleys and public easements; and show any existing buildings or structures on the tract of land being changed. Except in the case of the consolidation of lots or the re-subdivision of two lots where a portion of a lot is added to the other lot, attached to the plat shall be a certificate signed by a registered land surveyor licensed in the State of Nebraska certifying that each proposed lot has been accurately surveyed and that each lot corner has been well and accurately staked and marked.

McCook Planning Commission
September 12, 2022
5:15 P.M. Central

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

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

Absent: Vice Chair Hilker; Commissioner Friehe; City Attorney Mustion.

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

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on September 8, 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 August 8, 2022 regular Planning Commission meeting.

Motion to approve the minutes of the August 8, 2022 regular Planning Commission meeting. This motion, made by Dueland and seconded by McDowell, passed.

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

2. Public Hearings and Regular Agenda.

- 2.A. Public Hearing - Consider a request from William Watts to rezone the following described property from Industrial Light (IL) to Business Commercial District (BC): Lot Three, Block One, Happy Hollow Addition, to the City of McCook, Red Willow County, Nebraska, except that track deeded to the State of Nebraska.

Motion to recess as a Planning Commission and convene a public hearing for the purpose of receiving public comment with respect to the request request from William Watts to rezone the following described property from Industrial Light (IL) to Business Commercial District (BC): Lot Three, Block One, Happy Hollow Addition, to the City of McCook, Red Willow County, Nebraska, except that track deeded to the State of Nebraska, with the City Manager to act as hearing officer. This motion, made by Vosburg and seconded by McDowell, passed.

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

McDowell: YEA, Mockry: YEA, Stevens: YEA, Vosburg: YEA
YEA: 8, NAY: 0, ABSENT: 2

The City Manager received into evidence Exhibit #1 - City Manager's Report prepared for the September 12, 2022 Planning Commission meeting (3 pages), Exhibit #2 - Notice of Hearing published and posted (1 page); Exhibit #3 - ownership list for mailing of Notice of Hearing (1 page); Exhibit #4 - Land Use Action Request Form and attachments (6 pages); and Exhibit #5 - A map of the lot and surrounding vicinity (1 page); Exhibit #6 - Map of the City of McCook's zoning districts (1 page).

City Manager Schneider reviewed the information presented in Exhibit 1. Mr. Schneider clarified that there no longer was a residential structure on the lot.

Bill Watts, applicant, was present to address questions from the Commission.

Kenny Yeager, owner of Lot 1 of Happy Hollow Addition questioned what effect the special exception would have on his property.

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

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

- 2.B. Recommend the approval of a rezone from Industrial Light (IL) to Business Commercial District (BC): Lot Three, Block One, Happy Hollow Addition, to the City of McCook, Red Willow County, Nebraska, except that track deeded to the State of Nebraska.

Motion to recommend to the McCook City Council the approval the rezone from Industrial Light (IL) to Business Commercial District (BC); Lot Three, Block One, Happy Hollow Addition, to the City of McCook, Red Willow County, Nebraska, except that track deeded to the State of Nebraska. This motion, made by McDowell and seconded by Davidson, passed.

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

- 2.C. Public Hearing - Regarding the Preliminary Plat and Final Plat for Heritage Pointe Addition No. 2, a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska.

Motion to recess as a Planning Commission and convene a public hearing for the purpose of receiving public comment regarding the Preliminary Plat and Final Plat for Heritage Pointe Addition No. 2, a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska. This motion, made by Vosburg and seconded by Mockry, passed.

Bradley: YEA, Davidson: ABSTAIN, Dueland: YEA, Friehe: ABSENT, Hilker: ABSENT, Lyons:

YEA, McDowell: YEA, Mockry: YEA, Stevens: YEA, Vosburg: YEA
YEA: 7, NAY: 0, ABSENT: 2, ABSTAIN: 1

Chair Vosburg received into evidence Exhibit #1 - City Manager's Report prepared for the September 12, 2022 Planning Commission meeting (2 pages); Exhibit #2 - Notice of Public Hearing published (1 page); Exhibit #3 - mailed and posted (1 page); Exhibit #4 - listing of property owners notified (1 page); Exhibit #5 - Heritage Pointe Addition No. 2 Preliminary Plat (1 page); Exhibit #6 - Heritage Pointe Addition No. 2 Final Plat (1 page); Exhibit #7 - Land Use Application and attachments (6 pages); and Exhibit #8 - City of McCook Subdivision Regulations, Section 7. Procedures (4 pages).

City Manager Schneider reviewed the information presented in Exhibit 1.

Scott Clifford, representing the applicant, was present to address questions from 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.

Bradley: YEA, Davidson: ABSTAIN, Dueland: YEA, Friehe: ABSENT, Hilker: ABSENT, Lyons: YEA, McDowell: YEA, Mockry: YEA, Stevens: YEA, Vosburg: YEA
YEA: 7, NAY: 0, ABSENT: 2, ABSTAIN: 1

2.D. Recommend to the McCook City Council approval of the Preliminary Plat and Final Plat for Heritage Pointe Addition No. 2, a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska.

Motion to recommend to the McCook City Council approval of the Preliminary Plat and Final Plat for Heritage Pointe Addition No. 2, a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska. This motion, made by McDowell and seconded by Stevens, passed.

Bradley: YEA, Davidson: ABSTAIN, Dueland: YEA, Friehe: ABSENT, Hilker: ABSENT, Lyons: YEA, McDowell: YEA, Mockry: YEA, Stevens: YEA, Vosburg: YEA
YEA: 7, NAY: 0, ABSENT: 2, ABSTAIN: 1

2.E. Public Hearing - Regarding a zoning change request for Heritage Pointe Addition No. 2, a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska; said zoning change to amend the current zoning designation from Residential Medium Density District (RM) and Agricultural District (AG), to Business Commercial District (BC).

Motion to recess as a Planning Commission and convene a public hearing for the purpose of receiving public comment with respect to a zoning change request for Heritage Pointe Addition No. 2, a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska; said zoning change to amend the current zoning designation from Residential Medium Density District (RM) and Agricultural District (AG), to Business Commercial District (BC). This motion, made by Vosburg and seconded by McDowell, passed.

Bradley: YEA, Davidson: ABSTAIN, Dueland: YEA, Friehe: ABSENT, Hilker: ABSENT, Lyons: YEA, McDowell: YEA, Mockry: YEA, Stevens: YEA, Vosburg: YEA
YEA: 7, NAY: 0, ABSENT: 2, ABSTAIN: 1

Chair Vosburg received into evidence Exhibit #1 - City Manager's Report prepared for the September 12, 2022 Planning Commission meeting (3 pages), Exhibit #2 - Notice of Hearing published and posted (1 page); Exhibit #3 - ownership list for mailing of Notice of Hearing (1 page); Exhibit #4 - Land Use Action Request Form and attachments (5 pages); and Exhibit #5 - Map of the City of McCook's zoning districts (1 page).

City Manager Schneider reviewed the information presented in Exhibit 1.

Scott Clifford, representing the applicant, was present to address questions from 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 Stevens, passed.

Bradley: YEA, Davidson: ABSTAIN, Dueland: YEA, Friehe: ABSENT, Hilker: ABSENT, Lyons: YEA, McDowell: YEA, Mockry: YEA, Stevens: YEA, Vosburg: YEA
YEA: 7, NAY: 0, ABSENT: 2, ABSTAIN: 1

2.F. Recommend to the McCook City Council approval of the zoning change request for Heritage Pointe Addition No. 2, a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska; said zoning change to amend the current zoning designation from Residential Medium Density District (RM) and Agricultural District (AG), to Business Commercial District (BC).

Motion to recommend to the McCook City Council approval of the zoning change request for Heritage Pointe Addition No. 2, a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska; said zoning change to amend the current zoning designation from Residential Medium Density District (RM) and Agricultural District (AG), to Business Commercial District (BC). This motion, made by Vosburg and seconded by Lyons, passed.

Bradley: YEA, Davidson: ABSTAIN, Dueland: YEA, Friehe: ABSENT, Hilker: ABSENT, Lyons: YEA, McDowell: YEA, Mockry: YEA, Stevens: YEA, Vosburg: YEA
YEA: 7, NAY: 0, ABSENT: 2, ABSTAIN: 1

2.G. Public Hearing - Regarding the voluntary annexation of a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska, said tract of land included in the parcel to be referred to as Heritage Pointe Addition No. 2.

Motion to recess as a Planning Commission and convene a public hearing for the purpose of receiving public comment with respect to the voluntary annexation of a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska, said tract of land included in the parcel to be referred to as Heritage Pointe Addition No. 2. This motion, made by Vosburg and seconded by Mockry, passed.

Bradley: YEA, Davidson: ABSTAIN, Dueland: YEA, Friehe: ABSENT, Hilker: ABSENT, Lyons: YEA, McDowell: YEA, Mockry: YEA, Stevens: YEA, Vosburg: YEA
YEA: 7, NAY: 0, ABSENT: 2, ABSTAIN: 1

Chair Vosburg received into evidence Exhibit #1 - City Manager's Report prepared for the September 12, 2022, Planning Commission meeting (2 pages), Exhibit #2 - Notice of Hearing published (1 page); Exhibit #3 - Voluntary Annexation Petition/Request from Matt Davidson on behalf of Jerry Gohl (1 page); Exhibit #4 - Legal Description of the proposed annexation area (1 page); Exhibit #5 - Proposed Resolution No. PC2022-03 (2 pages).

City Manager Schneider reviewed the information presented in Exhibit 1.

Scott Clifford, representing the applicant, was present to address questions from 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.

Bradley: YEA, Davidson: ABSTAIN, Dueland: YEA, Friehe: ABSENT, Hilker: ABSENT, Lyons: YEA, McDowell: YEA, Mockry: YEA, Stevens: YEA, Vosburg: YEA
YEA: 7, NAY: 0, ABSENT: 2, ABSTAIN: 1

2.H. Approve Planning Commission Resolution No. PC2022-03, recommending approval of the voluntary annexation of a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska, said tract of land included in the parcel to be referred to as Heritage Pointe Addition No. 2.

Motion to approve Planning Commission Resolution No. PC2022-03, recommending approval of the voluntary annexation of a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska, said tract of land included in the parcel to be referred to as Heritage Pointe Addition No. 2. This motion, made by McDowell and seconded by Bradley, passed.

Bradley: YEA, Davidson: ABSTAIN, Dueland: YEA, Friehe: ABSENT, Hilker: ABSENT, Lyons: YEA, McDowell: YEA, Mockry: YEA, Stevens: YEA, Vosburg: YEA
YEA: 7, NAY: 0, ABSENT: 2, ABSTAIN: 1

2.I. Public Hearing - To consider the preliminary plat of Heritage Pointe which is located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska.

Motion to recess as a Planning Commission and convene a public hearing for the purpose of receiving public comment regarding the Preliminary Plat of Heritage Pointe which is located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska. This motion, made by Vosburg and seconded by Stevens, passed.

Bradley: YEA, Davidson: ABSTAIN, Dueland: YEA, Friehe: ABSENT, Hilker: ABSENT, Lyons: YEA, McDowell: YEA, Mockry: YEA, Stevens: YEA, Vosburg: YEA
YEA: 7, NAY: 0, ABSENT: 2, ABSTAIN: 1

Chair Vosburg received into evidence Exhibit #1 - City Manager's Report prepared for the September 12, 2022 Planning Commission meeting (2 pages); Exhibit #2 - Notice of Public Hearing published, mailed, and posted (1 page); Exhibit #3 - listing of property owners notified (1 page); Exhibit #4 - Heritage Pointe Preliminary Plat (1 page); Exhibit #5 - Land Use Application and attachments (6 pages); and Exhibit #6 - City of McCook Subdivision Regulations, Section 7. Procedures (4 pages).

City Manager Schneider reviewed the information presented in Exhibit 1.

Scott Clifford, representing the applicant, was present to address questions from 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 Lyons, passed.

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

YEA: 7, NAY: 0, ABSENT: 2, ABSTAIN: 1

2.J. Recommend approval to the City Council the Heritage Pointe preliminary plat which is located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska.

Motion to recommend to the McCook City Council approval of the Heritage Pointe preliminary plat which is located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska. This motion, made by Vosburg and seconded by Mockry, passed.

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

YEA: 7, NAY: 0, ABSENT: 2, ABSTAIN: 1

The Commission set a special meeting for September 26, 2022, at 5:15 P.M., to consider the North Pointe Final Plat, required vacation for the plat, and rezoning a portion of the area included in the plat.

Adjournment.

With no further business, Chair Vosburg declared the Planning Commission meeting adjourned at 6:11 P.M.

Lea Ann Doak
City Clerk/Recording Secretary

RESOLUTION NO. 2022-11

WHEREAS, Gerald L. Gohl Revocable Trust applied for approval of a subdivision of a part of the S ½ of the SE 1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska located within the corporate limits of the City of McCook to be known as Heritage Point Addition Lot 2, to the City of McCook, Red Willow County, Nebraska.

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

SECTION 1. That the plat of Heritage Point Addition Lot 2, to the City of McCook, Red Willow County, Nebraska, duly made out, acknowledged and certified, and the same hereby is approved in accordance with the provisions and requirements of Section 19-916 of the Nebraska Revised Statutes and accepted and ordered filed and recorded in the Office of the Register of Deeds of Red Willow County, Nebraska.

SECTION 2. That the Mayor and City Clerk be and are hereby authorized and directed to execute the final plat on behalf of the City of McCook, Nebraska.

PASSED AND APPROVED THIS _____ DAY OF _____, 2022.

Michael D. Gonzales, Mayor

ATTEST:

Lea Ann Doak, City Clerk

EXHIBIT #10

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: _____
Troy Bruntz, President MEDC

By: _____
John or Elizabeth Nothnagel

By: _____
W.A.G.S. Properties LLC, Chris Wagner

ACKNOWLEDGMENTS

Personally appeared before me a Notary Public in and for the State of Nebraska, Troy 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 or Elizabeth Nothnagel, 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 Vosburg, 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.

LeaAnn Doak, City Clerk Michael Gonzales, Mayor

RECORDING INFORMATION

State of Nebraska) County of Red Willow)
Instrument No. _____

DATE: _____
TIME: _____

Register of Deeds: Tami Teel

SURVEYOR
GRUMMERT PROFESSIONAL SERVICES, LLC
PO BOX 37, KENESAW, NE 68956
PHONE 402-879-5701 EMAIL jmgrummert@yahoo.com
WWW.GRUMMERTSURVEYING.COM

ENGINEER
W DESIGN ASSOCIATES
214 E. 1ST ST. McCOOK, NE 68001 | 308.345.2370 | ENGINEERS ARCHITECTS
2025 W. 2ND ST. HASTINGS, NE 68901 | 402.463.2377 | WWW.WDESIGNA.COM

© COPYRIGHT This document and the information contained may not be reproduced or excerpted from without the express written permission of W Design Associates. Unauthorized copying or disclosure of construction use are prohibited by the copyright law.



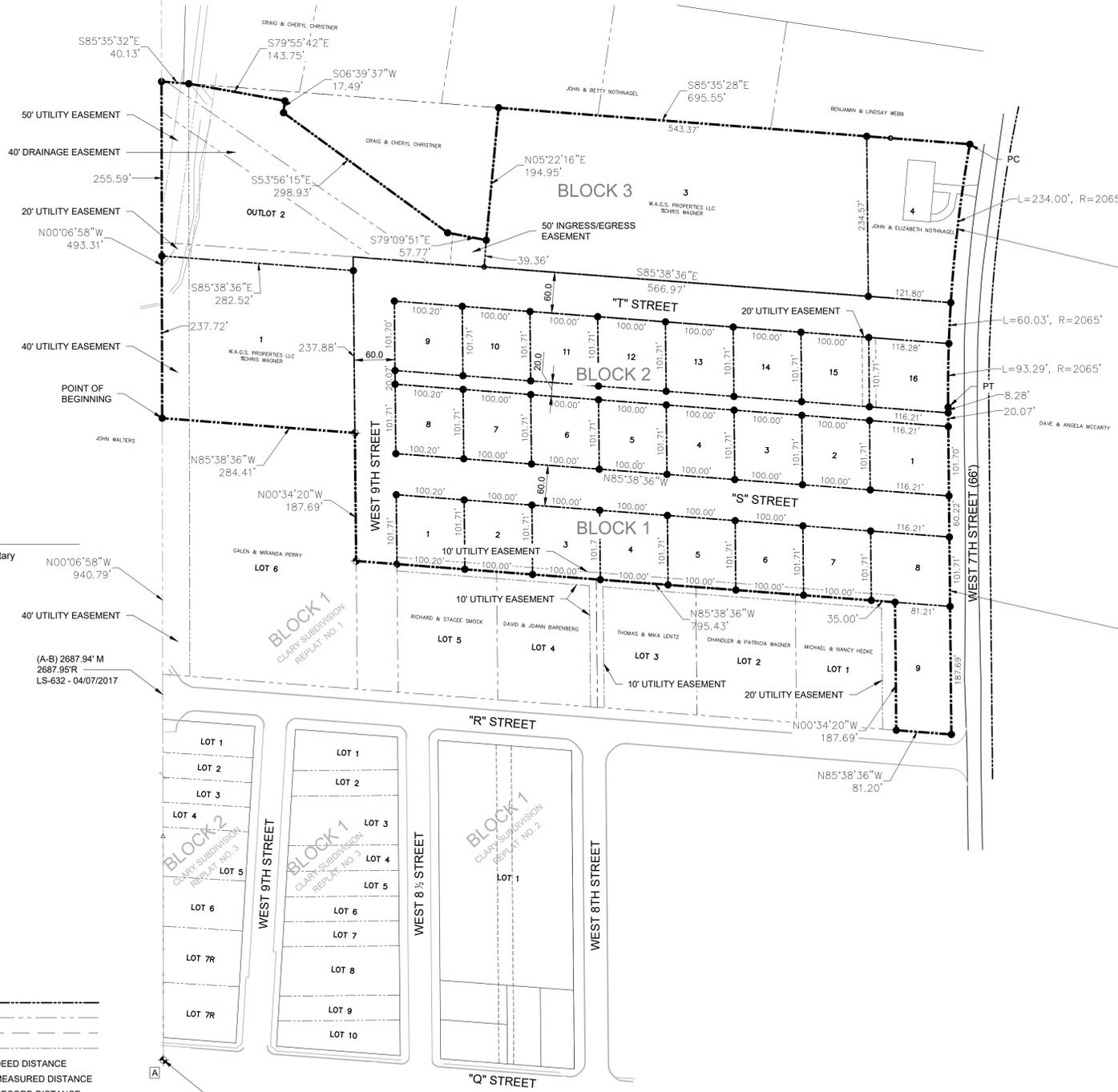
LEGEND

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
o	CALCULATED POINT
•	SET 3/8" x 24" REBAR WITH BLUE LS-783 CAP UNLESS NOTED OTHERWISE

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

FINAL PLAT

NORTH 1/4 CORNER SECTION 19-T3N-R29W
FOUND BRASS CAP
SE 24.75' TO SPIKE IN TOP OF FENCE POST
E. 17.20' TO NAIL IN POWER POLE
E. 6.0' TO FENCE LINE SOUTH
W. 0.5' TO FENCE LINE NORTH
S. 0.3' TO EAST - WEST FENCE LINE



Chord Length = 386.75
Chord Bearing = S04° 44' 47" W
Arc Length = 387.32'
Radius = 2065'

L = 60.03', R = 2065'

L = 93.29', R = 2065'

S00°34'20"E
479.68'

SW COR. NE 1/4 SEC 19-3-29
2" ALLUM. 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



SURVEYORS CERTIFICATE

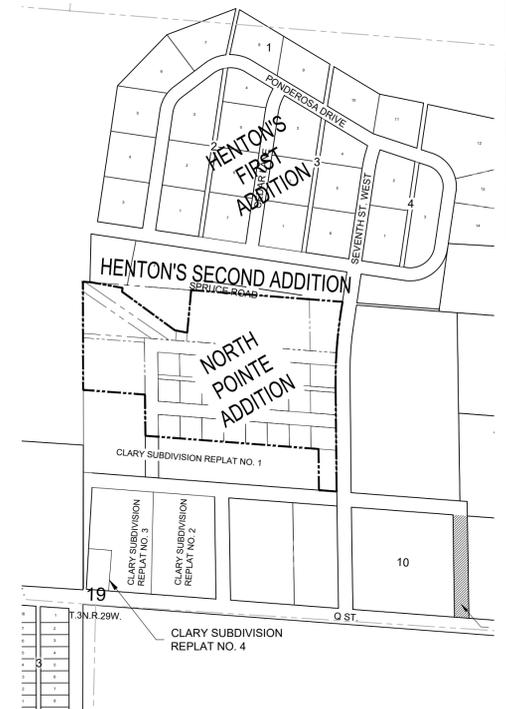
A tract of land located in the NE 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M. in Red Willow County, Nebraska, which is the NORTH POINTE ADDITION, an Addition to the City of McCook, Nebraska, more particularly described as follows:

Referring to the SW corner of the said NE 1/4 of said Section 19, thence N00°06'58"W (assumed and all bearing relative to) along the 1/4 section line a distance of 940.79 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 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 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 to the left, with a Chord Bearing of S04°44'47"W, a Chord Distance of 386.75 feet, an Arc Length of 387.32 feet and 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 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 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
%TROY BRUNTZ, PRESIDENT
402 NORRIS AVE SUITE 301
McCOOK, NE 68001

RESIDENTIAL MEDIUM DENSITY ZONING

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

**CITY MANAGER'S REPORT
SEPTEMBER 19, 2022 MCCOOK CITY COUNCIL MEETING**

ITEM NO. ____ Public Hearing - Regarding the Preliminary Plat and Final Plat for Heritage Pointe Addition Lot 2, a tract of land located in the S ½ of the SE 1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska.

ITEM NO. ____ Approve Resolution 2022-11, authorizing the Preliminary Plat and Final Plat for Heritage Pointe Addition Lot 2, a tract of land located in the S ½ of the SE 1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska.

ITEM NO. ~~2.F~~ Public Hearing - Regarding the voluntary annexation of a tract of land located in the S ½ of the SE 1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska, said tract of land to be included in what is to be referred to as Heritage Pointe Addition Lot 2.

ITEM NO. ~~2.F~~ Approve on first reading, Ordinance No. 2022- 3050, allowing for the voluntary annexation of a tract of land located in the S ½ of the SE 1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska, said tract of land to be included in what is to be referred to as Heritage Pointe Addition Lot 2.

ITEM NO. ____ Public Hearing - Regarding a zoning change request for Heritage Pointe Addition Lot 2, a tract of land located in the S ½ of the SE 1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska; said zoning change to amend the current zoning designation from Residential Medium Density District (RM) and Agricultural District (AG), to Business Commercial District (BC).

ITEM NO. ____ Approve on first reading, Ordinance No. 2022-_____, allowing for the zoning change for Heritage Pointe Addition Lot 2, a tract of land located in the S ½ of the SE 1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska; said zoning change to amend the current zoning designation from Residential Medium Density District (RM) and Agricultural District (AG), to Business Commercial District (BC).

ITEM NO. ____ Public Hearing - To consider the Preliminary Plat of Heritage Pointe which is located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska.

ITEM NO. ____ Approve the Heritage Pointe Preliminary Plat which is located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska.

BACKGROUND:

A minor subdivision application has been filed by Jerry Gohl for the purpose of authorizing a tract of land to be known as Heritage Pointe Addition Lot 2. A similar request was filed by Mr. Gohl in 2019. Mr. Gohl requests that a tract of land located north of West J Street (north of the McCook Congregation of Jehovah's Witnesses) be divided from a larger tract. All of the property

EXHIBIT #1

PAGE(S) - 2

in question is currently owned by Mr. Gohl. Mr. Gohl's intent is to develop the lot for commercial purposes. Utilities have been extended to the tract at issue.

The proposed lot meets the requirements of the City of McCook's Subdivision Regulations. Additionally, the application meets the requirements of the City of McCook's Zoning Ordinance, if the applicant's zone change request is permitted.

In conjunction with the subdivision request, an application has been filed to voluntarily annex portions of the proposed Heritage Pointe Addition Lot 2 subdivision. A part of the proposed subdivision is located within the City's corporate limits, while the northern portion is not. The annexation request focuses on the real estate currently located outside of McCook's corporate limits, but within McCook's Two Mile Extra Territorial Jurisdiction. Mr. Gohl is requesting that the entirety of the proposed Heritage Pointe Addition Lot 2 be located within McCook's corporate limits.

Finally, Mr. Gohl's application requests a zoning change of the current land uses for the property at issue, from Residential Medium Density (RM - which is the current designation for the southern portion of proposed Heritage Pointe Addition Lot 2) and Agricultural (AG - which is the designation for the northern portion of proposed Heritage Pointe Addition No. 2), to Business Commercial (BC). The intent behind Heritage Pointe Addition Lot 2 is to allow for the building of a commercial structure on the created lot. The current land uses prescribed to the property at issue, RM and AG, don't allow for a commercial business to be principally permitted. Staff has reviewed the zone change request. Staff has noted there are commercial businesses in close proximity to the proposed Heritage Pointe Addition Lot 2. Further, the City of McCook's Comprehensive Plan/Future Land Use Map contemplates the property north of West J Street to be dedicated to Business Commercial (BC) uses and structures. Mr. Gohl's application is consistent with McCook's long term goals.

Finally, a Preliminary Plat of the larger comprehensive plan has been included. The proposed name of the potential development is Heritage Pointe Addition. The Preliminary Plat provides a more defined plan for future development of the land at issue, extending from West J Street north to land that may contain West N Street extended. The proposal consists of two blocks, with Block One to contain six (6) lots and Block Two to contain seven (7) lots. A north/south street is included to connect West J Street to a prospective West N Street. All of the lots are capable of meeting McCook's Zoning Ordinance.

If approved, the preliminary plat would be filed with the City of McCook. It would not be filed with the Red Willow County Register of Deeds. A final plat would need to be developed at a future date for the subdivision to become officially recognized with sellable, individual lots.

The McCook Planning Commission voted unanimously on all four requests to recommend approval to the McCook City Council.

APPROVALS:



Nathan A. Schneider, City Manager

September 13, 2022



Lea Ann Doak, City Clerk

September 13, 2022

**NOTICE OF PUBLIC HEARING
PROPOSED VOLUNTARY ANNEXATION**

NOTICE IS HEREBY GIVEN that a public hearing will be held by the City of McCook Planning Commission on September 12, 2022, at 5:15 P.M. and by the McCook City Council on September 19, 2022, at 5:30 P.M. The hearings will be held in the City Council Chambers at the McCook Municipal Center, 505 West "C" Street, concerning the voluntary annexation of a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M. in Red Willow County, Nebraska.

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

Individuals requiring physical or sensory accommodations including interpreter service, braille, large print, or recorded materials, please contact the City Clerk at 308-345-2022.

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

Publish: September 9, 2022.

EXHIBIT #2

PAGE(S) - 1

GOLIGHTTM

INC.

August 16, 2022

Nate Schneider
City Manager, City of McCook
505 West 5th & C Street
McCook, Nebraska 69001

RE: Heritage Pointe Addition No. 2 – Rezoning and Annexation

Dear Nate,

This letter is a formal request on behalf of the owner, Jerry Gohl, to change the zoning for the above-described property, which is located northwest of the intersection of "J" Street and Brassie Drive. The proposed project consists of a commercial office development, similar to the property built on the Heritage Pointe Addition located just east of the property.

The current zoning is both Residential Medium Density District (RM) and Agricultural District (AG) for the proposed subdivision area. The owner has requested the proposed Heritage Pointe Addition No. 2 subdivision to be rezoned for RM and AG to Business Commercial District (BC).

The current Comprehensive Plan Future Land Use Map for the proposed subdivision area is delineated as Commercial. The proposed zoning of Business Commercial District (BC) is compatible and consistent with the future land use map use map designation of Commercial.

Portions of the proposed Heritage Pointe subdivision are located within the corporate limits of the City of McCook and the Two Mile Extra Territorial Jurisdiction. The owner is requesting this subdivision to be annexed entirely into the City Limits of the City of McCook, Nebraska.

We are requesting the rezoning and annexation changes to be presented at the upcoming associated Planning Commission and City Council meetings. If you have any further questions or comments, please do not hesitate to give me a call.

Sincerely,



Matt Davidson

Cc: Jerry Gohl, 38278 Road 717, McCook, NE 69001

EXHIBIT #3

PAGE(S) - 1

ANNEXATION TRACT DESCRIPTION

A tract of land in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska, more particularly described as follows:

Considering the West line of Lot 1, Heritage Pointe Addition to the City of McCook, Nebraska, with the platted bearing being S00°23'01"W and with all bearings contained herein relative thereto:

Beginning at the Northwest corner of said Lot 1, Heritage Pointe Addition;
Thence S00°23'01"W on the West line of said Lot 1, a distance of 9.22 feet;
Thence S89°49'56"W, a distance of 306.07 feet;
Thence N00°33'10"E, a distance of 19.10 feet;
Thence S89°26'50"E, a distance of 60.00 feet;
Thence N81°59'10"E, a distance of 245.24 feet to the Point of Beginning.

The above described tract contains 3216 square feet more or less.

EXHIBIT #4

PAGE(S) - 1

MCCOOK PLANNING COMMISSION

RESOLUTION NO. PC2022-03

A RESOLUTION OF THE MCCOOK PLANNING COMMISSION RECOMMENDING APPROVAL OF THE VOLUNTARY ANNEXATION OF A TRACT OF LAND LOCATED IN THE S1/2 OF THE SE1/4 OF SECTION 24, TOWNSHIP 3 NORTH, RANGE 30 WEST OF THE 6TH P.M. IN RED WILLOW COUNTY, NEBRASKA, SAID TRACT OF LAND INCLUDED IN THE PARCEL TO BE REFERRED TO AS HERITAGE POINTE ADDITION NO. 2.

WHEREAS, at their meeting on September 12, 2022, the Planning Commission held a public hearing concerning the annexation of a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M. in Red Willow County, Nebraska, said tract of land included in the parcel to be referred to as Heritage Pointe Addition No. 2, more particularly described in **Exhibit "A"**.

WHEREAS, this commission has reviewed the proposed annexation.

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

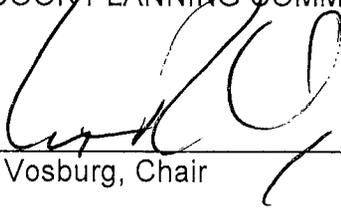
Section 1. The Commission hereby recommends approval of the annexation of a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M. in Red Willow County, Nebraska, said tract of land included in the parcel to be referred to as Heritage Pointe Addition No. 2.

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

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

PASSED AND APPROVED by the McCook Planning Commission this 12th day of September, 2022.

MCCOOK PLANNING COMMISSION


Kurt Vosburg, Chair

ATTEST:


Chad Lyons, Secretary

EXHIBIT #5

PAGE(S) - 2

ANNEXATION TRACT DESCRIPTION

A tract of land in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska, more particularly described as follows:

Considering the West line of Lot 1, Heritage Pointe Addition to the City of McCook, Nebraska, with the platted bearing being S00°23'01"W and with all bearings contained herein relative thereto:

Beginning at the Northwest corner of said Lot 1, Heritage Pointe Addition;
Thence S00°23'01"W on the West line of said Lot 1, a distance of 9.22 feet;
Thence S89°49'56"W, a distance of 306.07 feet;
Thence N00°33'10"E, a distance of 19.10 feet;
Thence S89°26'50"E, a distance of 60.00 feet;
Thence N81°59'10"E, a distance of 245.24 feet to the Point of Beginning.

The above described tract contains 3216 square feet more or less.

McCook Planning Commission
September 12, 2022
5:15 P.M. Central

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

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

Absent: Vice Chair Hilker; Commissioner Friehe; City Attorney Mustion.

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

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on September 8, 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 August 8, 2022 regular Planning Commission meeting.

Motion to approve the minutes of the August 8, 2022 regular Planning Commission meeting. This motion, made by Dueland and seconded by McDowell, passed.

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

2. Public Hearings and Regular Agenda.

- 2.A. Public Hearing - Consider a request from William Watts to rezone the following described property from Industrial Light (IL) to Business Commercial District (BC): Lot Three, Block One, Happy Hollow Addition, to the City of McCook, Red Willow County, Nebraska, except that track deeded to the State of Nebraska.

Motion to recess as a Planning Commission and convene a public hearing for the purpose of receiving public comment with respect to the request request from William Watts to rezone the following described property from Industrial Light (IL) to Business Commercial District (BC): Lot Three, Block One, Happy Hollow Addition, to the City of McCook, Red Willow County, Nebraska, except that track deeded to the State of Nebraska, with the City Manager to act as hearing officer. This motion, made by Vosburg and seconded by McDowell, passed.

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

EXHIBIT #6

PAGE(S) - 6

McDowell: YEA, Mockry: YEA, Stevens: YEA, Vosburg: YEA
YEA: 8, NAY: 0, ABSENT: 2

The City Manager received into evidence Exhibit #1 - City Manager's Report prepared for the September 12, 2022 Planning Commission meeting (3 pages), Exhibit #2 - Notice of Hearing published and posted (1 page); Exhibit #3 - ownership list for mailing of Notice of Hearing (1 page); Exhibit #4 - Land Use Action Request Form and attachments (6 pages); and Exhibit #5 - A map of the lot and surrounding vicinity (1 page); Exhibit #6 - Map of the City of McCook's zoning districts (1 page).

City Manager Schneider reviewed the information presented in Exhibit 1. Mr. Schneider clarified that there no longer was a residential structure on the lot.

Bill Watts, applicant, was present to address questions from the Commission.

Kenny Yeager, owner of Lot 1 of Happy Hollow Addition questioned what effect the special exception would have on his property.

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

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

2.B. Recommend the approval of a rezone from Industrial Light (IL) to Business Commercial District (BC): Lot Three, Block One, Happy Hollow Addition, to the City of McCook, Red Willow County, Nebraska, except that track deeded to the State of Nebraska.

Motion to recommend to the McCook City Council the approval the rezone from Industrial Light (IL) to Business Commercial District (BC); Lot Three, Block One, Happy Hollow Addition, to the City of McCook, Red Willow County, Nebraska, except that track deeded to the State of Nebraska. This motion, made by McDowell and seconded by Davidson, passed.

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

2.C. Public Hearing - Regarding the Preliminary Plat and Final Plat for Heritage Pointe Addition No. 2, a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska.

Motion to recess as a Planning Commission and convene a public hearing for the purpose of receiving public comment regarding the Preliminary Plat and Final Plat for Heritage Pointe Addition No. 2, a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska. This motion, made by Vosburg and seconded by Mockry, passed.

Bradley: YEA, Davidson: ABSTAIN, Dueland: YEA, Friehe: ABSENT, Hilker: ABSENT, Lyons:

YEA, McDowell: YEA, Mockry: YEA, Stevens: YEA, Vosburg: YEA
YEA: 7, NAY: 0, ABSENT: 2, ABSTAIN: 1

Chair Vosburg received into evidence Exhibit #1 - City Manager's Report prepared for the September 12, 2022 Planning Commission meeting (2 pages); Exhibit #2 - Notice of Public Hearing published (1 page); Exhibit #3 - mailed and posted (1 page); Exhibit #4 - listing of property owners notified (1 page); Exhibit #5 - Heritage Pointe Addition No. 2 Preliminary Plat (1 page); Exhibit #6 - Heritage Pointe Addition No. 2 Final Plat (1 page); Exhibit #7 - Land Use Application and attachments (6 pages); and Exhibit #8 - City of McCook Subdivision Regulations, Section 7. Procedures (4 pages).

City Manager Schneider reviewed the information presented in Exhibit 1.

Scott Clifford, representing the applicant, was present to address questions from 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.

Bradley: YEA, Davidson: ABSTAIN, Dueland: YEA, Friehe: ABSENT, Hilker: ABSENT, Lyons: YEA, McDowell: YEA, Mockry: YEA, Stevens: YEA, Vosburg: YEA
YEA: 7, NAY: 0, ABSENT: 2, ABSTAIN: 1

2.D. Recommend to the McCook City Council approval of the Preliminary Plat and Final Plat for Heritage Pointe Addition No. 2, a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska.

Motion to recommend to the McCook City Council approval of the Preliminary Plat and Final Plat for Heritage Pointe Addition No. 2, a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska. This motion, made by McDowell and seconded by Stevens, passed.

Bradley: YEA, Davidson: ABSTAIN, Dueland: YEA, Friehe: ABSENT, Hilker: ABSENT, Lyons: YEA, McDowell: YEA, Mockry: YEA, Stevens: YEA, Vosburg: YEA
YEA: 7, NAY: 0, ABSENT: 2, ABSTAIN: 1

2.E. Public Hearing - Regarding a zoning change request for Heritage Pointe Addition No. 2, a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska; said zoning change to amend the current zoning designation from Residential Medium Density District (RM) and Agricultural District (AG), to Business Commercial District (BC).

Motion to recess as a Planning Commission and convene a public hearing for the purpose of receiving public comment with respect to a zoning change request for Heritage Pointe Addition No. 2, a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska; said zoning change to amend the current zoning designation from Residential Medium Density District (RM) and Agricultural District (AG), to Business Commercial District (BC). This motion, made by Vosburg and seconded by McDowell, passed.

Bradley: YEA, Davidson: ABSTAIN, Dueland: YEA, Friehe: ABSENT, Hilker: ABSENT, Lyons: YEA, McDowell: YEA, Mockry: YEA, Stevens: YEA, Vosburg: YEA
YEA: 7, NAY: 0, ABSENT: 2, ABSTAIN: 1

Chair Vosburg received into evidence Exhibit #1 - City Manager's Report prepared for the September 12, 2022 Planning Commission meeting (3 pages), Exhibit #2 - Notice of Hearing published and posted (1 page); Exhibit #3 - ownership list for mailing of Notice of Hearing (1 page); Exhibit #4 - Land Use Action Request Form and attachments (5 pages); and Exhibit #5 - Map of the City of McCook's zoning districts (1 page).

City Manager Schneider reviewed the information presented in Exhibit 1.

Scott Clifford, representing the applicant, was present to address questions from 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 Stevens, passed.

Bradley: YEA, Davidson: ABSTAIN, Dueland: YEA, Friehe: ABSENT, Hilker: ABSENT, Lyons: YEA, McDowell: YEA, Mockry: YEA, Stevens: YEA, Vosburg: YEA
YEA: 7, NAY: 0, ABSENT: 2, ABSTAIN: 1

2.F. Recommend to the McCook City Council approval of the zoning change request for Heritage Pointe Addition No. 2, a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska; said zoning change to amend the current zoning designation from Residential Medium Density District (RM) and Agricultural District (AG), to Business Commercial District (BC).

Motion to recommend to the McCook City Council approval of the zoning change request for Heritage Pointe Addition No. 2, a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska; said zoning change to amend the current zoning designation from Residential Medium Density District (RM) and Agricultural District (AG), to Business Commercial District (BC). This motion, made by Vosburg and seconded by Lyons, passed.

Bradley: YEA, Davidson: ABSTAIN, Dueland: YEA, Friehe: ABSENT, Hilker: ABSENT, Lyons: YEA, McDowell: YEA, Mockry: YEA, Stevens: YEA, Vosburg: YEA
YEA: 7, NAY: 0, ABSENT: 2, ABSTAIN: 1

2.G. Public Hearing - Regarding the voluntary annexation of a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska, said tract of land included in the parcel to be referred to as Heritage Pointe Addition No. 2.

Motion to recess as a Planning Commission and convene a public hearing for the purpose of receiving public comment with respect to the voluntary annexation of a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska, said tract of land included in the parcel to be referred to as Heritage Pointe Addition No. 2. This motion, made by Vosburg and seconded by Mockry, passed.

Bradley: YEA, Davidson: ABSTAIN, Dueland: YEA, Friehe: ABSENT, Hilker: ABSENT, Lyons: YEA, McDowell: YEA, Mockry: YEA, Stevens: YEA, Vosburg: YEA
YEA: 7, NAY: 0, ABSENT: 2, ABSTAIN: 1

Chair Vosburg received into evidence Exhibit #1 - City Manager's Report prepared for the September 12, 2022, Planning Commission meeting (2 pages), Exhibit #2 - Notice of Hearing published (1 page); Exhibit #3 - Voluntary Annexation Petition/Request from Matt Davidson on behalf of Jerry Gohl (1 page); Exhibit #4 - Legal Description of the proposed annexation area (1 page); Exhibit #5 - Proposed Resolution No. PC2022-03 (2 pages).

City Manager Schneider reviewed the information presented in Exhibit 1.

Scott Clifford, representing the applicant, was present to address questions from 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.

Bradley: YEA, Davidson: ABSTAIN, Dueland: YEA, Friehe: ABSENT, Hilker: ABSENT, Lyons: YEA, McDowell: YEA, Mockry: YEA, Stevens: YEA, Vosburg: YEA
YEA: 7, NAY: 0, ABSENT: 2, ABSTAIN: 1

2.H. Approve Planning Commission Resolution No. PC2022-03, recommending approval of the voluntary annexation of a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska, said tract of land included in the parcel to be referred to as Heritage Pointe Addition No. 2.

Motion to approve Planning Commission Resolution No. PC2022-03, recommending approval of the voluntary annexation of a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska, said tract of land included in the parcel to be referred to as Heritage Pointe Addition No. 2. This motion, made by McDowell and seconded by Bradley, passed.

Bradley: YEA, Davidson: ABSTAIN, Dueland: YEA, Friehe: ABSENT, Hilker: ABSENT, Lyons: YEA, McDowell: YEA, Mockry: YEA, Stevens: YEA, Vosburg: YEA
YEA: 7, NAY: 0, ABSENT: 2, ABSTAIN: 1

2.I. Public Hearing - To consider the preliminary plat of Heritage Pointe which is located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska.

Motion to recess as a Planning Commission and convene a public hearing for the purpose of receiving public comment regarding the Preliminary Plat of Heritage Pointe which is located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska. This motion, made by Vosburg and seconded by Stevens, passed.

Bradley: YEA, Davidson: ABSTAIN, Dueland: YEA, Friehe: ABSENT, Hilker: ABSENT, Lyons: YEA, McDowell: YEA, Mockry: YEA, Stevens: YEA, Vosburg: YEA
YEA: 7, NAY: 0, ABSENT: 2, ABSTAIN: 1

Chair Vosburg received into evidence Exhibit #1 - City Manager's Report prepared for the September 12, 2022 Planning Commission meeting (2 pages); Exhibit #2 - Notice of Public Hearing published, mailed, and posted (1 page); Exhibit #3 - listing of property owners notified (1 page); Exhibit #4 - Heritage Pointe Preliminary Plat (1 page); Exhibit #5 - Land Use Application and attachments (6 pages); and Exhibit #6 - City of McCook Subdivision Regulations, Section 7. Procedures (4 pages).

City Manager Schneider reviewed the information presented in Exhibit 1.

Scott Clifford, representing the applicant, was present to address questions from 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 Lyons, passed.

Bradley: YEA, Davidson: ABSTAIN, Dueland: YEA, Friehe: ABSENT, Hilker: ABSENT, Lyons: YEA, McDowell: YEA, Mockry: YEA, Stevens: YEA, Vosburg: YEA
YEA: 7, NAY: 0, ABSENT: 2, ABSTAIN: 1

2.J. Recommend approval to the City Council the Heritage Pointe preliminary plat which is located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska.

Motion to recommend to the McCook City Council approval of the Heritage Pointe preliminary plat which is located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska. This motion, made by Vosburg and seconded by Mockry, passed.

Bradley: YEA, Davidson: ABSTAIN, Dueland: YEA, Friehe: ABSENT, Hilker: ABSENT, Lyons: YEA, McDowell: YEA, Mockry: YEA, Stevens: YEA, Vosburg: YEA
YEA: 7, NAY: 0, ABSENT: 2, ABSTAIN: 1

The Commission set a special meeting for September 26, 2022, at 5:15 P.M., to consider the North Pointe Final Plat, required vacation for the plat, and rezoning a portion of the area included in the plat.

Adjournment.

With no further business, Chair Vosburg declared the Planning Commission meeting adjourned at 6:11 P.M.

Lea Ann Doak
City Clerk/Recording Secretary

ORDINANCE NO. 2022-3050

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 in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska, more particularly described as follows:

Considering the West line of Lot 1, Heritage Pointe Addition to the City of McCook, Nebraska, with the platted bearing being S00°23'01"W and with all bearings contained herein relative thereto:

Beginning at the Northwest corner of said Lot 1, Heritage Pointe Addition;
Thence S00°23'01"W on the West line of said Lot 1, a distance of 9.22 feet;
Thence S89°49'56"W, a distance of 306.07 feet;
Thence N00°33'10"E, a distance of 19.10 feet;
Thence S89°26'50"E, a distance of 60.00 feet;
Thence N81°59'10"E, a distance of 245.24 feet to the Point of Beginning.

The above described tract contains 3216 square feet more or less.

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,

EXHIBIT #7

PAGE(S) - 2

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

Publish:

**CITY MANAGER'S REPORT
SEPTEMBER 19, 2022 MCCOOK CITY COUNCIL MEETING**

ITEM NO. ____ Public Hearing - Regarding the Preliminary Plat and Final Plat for Heritage Pointe Addition Lot 2, a tract of land located in the S ½ of the SE 1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska.

ITEM NO. ____ Approve Resolution 2022-11, authorizing the Preliminary Plat and Final Plat for Heritage Pointe Addition Lot 2, a tract of land located in the S ½ of the SE 1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska.

ITEM NO. ____ Public Hearing - Regarding the voluntary annexation of a tract of land located in the S ½ of the SE 1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska, said tract of land to be included in what is to be referred to as Heritage Pointe Addition Lot 2.

ITEM NO. ____ Approve on first reading, Ordinance No. 2022-_____, allowing for the voluntary annexation of a tract of land located in the S ½ of the SE 1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska, said tract of land to be included in what is to be referred to as Heritage Pointe Addition Lot 2.

ITEM NO. ~~2.6~~ Public Hearing - Regarding a zoning change request for Heritage Pointe Addition Lot 2, a tract of land located in the S ½ of the SE 1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska; said zoning change to amend the current zoning designation from Residential Medium Density District (RM) and Agricultural District (AG), to Business Commercial District (BC).

ITEM NO. ~~2.4~~ Approve on first reading, Ordinance No. 2022- 3051 _____, allowing for the zoning change for Heritage Pointe Addition Lot 2, a tract of land located in the S ½ of the SE 1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska; said zoning change to amend the current zoning designation from Residential Medium Density District (RM) and Agricultural District (AG), to Business Commercial District (BC).

ITEM NO. ____ Public Hearing - To consider the Preliminary Plat of Heritage Pointe which is located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska.

ITEM NO. ____ Approve the Heritage Pointe Preliminary Plat which is located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska.

BACKGROUND:

A minor subdivision application has been filed by Jerry Gohl for the purpose of authorizing a tract of land to be known as Heritage Pointe Addition Lot 2. A similar request was filed by Mr. Gohl in 2019. Mr. Gohl requests that a tract of land located north of West J Street (north of the McCook Congregation of Jehovah's Witnesses) be divided from a larger tract. All of the property

EXHIBIT #1

PAGE(S) - 2

in question is currently owned by Mr. Gohl. Mr. Gohl's intent is to develop the lot for commercial purposes. Utilities have been extended to the tract at issue.

The proposed lot meets the requirements of the City of McCook's Subdivision Regulations. Additionally, the application meets the requirements of the City of McCook's Zoning Ordinance, if the applicant's zone change request is permitted.

In conjunction with the subdivision request, an application has been filed to voluntarily annex portions of the proposed Heritage Pointe Addition Lot 2 subdivision. A part of the proposed subdivision is located within the City's corporate limits, while the northern portion is not. The annexation request focuses on the real estate currently located outside of McCook's corporate limits, but within McCook's Two Mile Extra Territorial Jurisdiction. Mr. Gohl is requesting that the entirety of the proposed Heritage Pointe Addition Lot 2 be located within McCook's corporate limits.

Finally, Mr. Gohl's application requests a zoning change of the current land uses for the property at issue, from Residential Medium Density (RM - which is the current designation for the southern portion of proposed Heritage Pointe Addition Lot 2) and Agricultural (AG - which is the designation for the northern portion of proposed Heritage Pointe Addition No. 2), to Business Commercial (BC). The intent behind Heritage Pointe Addition Lot 2 is to allow for the building of a commercial structure on the created lot. The current land uses prescribed to the property at issue, RM and AG, don't allow for a commercial business to be principally permitted. Staff has reviewed the zone change request. Staff has noted there are commercial businesses in close proximity to the proposed Heritage Pointe Addition Lot 2. Further, the City of McCook's Comprehensive Plan/Future Land Use Map contemplates the property north of West J Street to be dedicated to Business Commercial (BC) uses and structures. Mr. Gohl's application is consistent with McCook's long term goals.

Finally, a Preliminary Plat of the larger comprehensive plan has been included. The proposed name of the potential development is Heritage Pointe Addition. The Preliminary Plat provides a more defined plan for future development of the land at issue, extending from West J Street north to land that may contain West N Street extended. The proposal consists of two blocks, with Block One to contain six (6) lots and Block Two to contain seven (7) lots. A north/south street is included to connect West J Street to a prospective West N Street. All of the lots are capable of meeting McCook's Zoning Ordinance.

If approved, the preliminary plat would be filed with the City of McCook. It would not be filed with the Red Willow County Register of Deeds. A final plat would need to be developed at a future date for the subdivision to become officially recognized with sellable, individual lots.

The McCook Planning Commission voted unanimously on all four requests to recommend approval to the McCook City Council.

APPROVALS:



Nathan A. Schneider, City Manager

September 13, 2022



Lea Ann Doak, City Clerk

September 13, 2022

**NOTICE OF PUBLIC HEARING
REZONING**

NOTICE IS HEREBY GIVEN that public hearings will be held to rezone the following described property from Agricultural District (AG) to Business Commercial District (BC), to-wit:

A tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska. This tract of land will be referred to as HERITAGE POINTE ADDITION NO. 2.

Project Sponsor/
Land Owner: Jerry Gohl - Gerald L. Gohl Revocable Trust

Public Hearings on the above-described Rezoning will be held on the Dates, Times, and at the places listed below:

September 12, 2022 - 5:15 P.M.
McCook Planning Commission
City Council Chambers
505 West "C" Street

September 19, 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 request will be given an opportunity to be heard. Please direct all inquiries to Nate Schneider, City of McCook City Manager at 308-345-2022 ext. 225.

-s- Lea Ann Doak
City Clerk

Publish: September 2, 2022.

Post: September 2, 2022

Mail: September 2, 2022

EXHIBIT #2

PAGE(S) - 1

Notices Mailed to:

RED WILLOW COUNTY PLANNING
COMMISSION
C/O TAMI TEEL
502 NORRIS AVENUE
MCCOOK, NE 69001

PRESIDENT
McCOOK SCHOOL BOARD
302 ELIZABETH LANE
MCCOOK, NE 69001

TYLER & TYLER SUE LOOP
2005 WEST J
MCCOOK, NE 69001

MIKE DEVENEY
PO BOX 449
MCCOOK, NE 69001

RICHARD CAPPEL
#5 BRASSIE DRIVE
MCCOOK, NE 69001

GENE AND CAROL ERDMAN
PO BOX 69
LIVERMORE, CO 80536

MAUREEN GIORGIONE
PO BOX 756
MCCOOK, NE 69001

DONNA LOOP
1402 N HWY 83
MCCOOK, NE 69001

McCOOK PUBLIC SCHOOL DISTRICT
C/O GRANT NORGAARD
600 WEST 7th ST
MCCOOK, NE 69001

RED WILLOW COUNTY CLERK
502 NORRIS AVE
MCCOOK, NE 69001

CJC, LLC
PO BOX 449
MCCOOK, NE 69001

AUGUSTUS PROPERTIES, LLC
315 WARREN
BARTLEY, NE 69020

WANDA MICHAELIS
#9 BRASSIE DRIVE
MCCOOK, NE 69001

BRADLEY HAYS
MOLLY HERZBERG
#6 BRASSIE DRIVE
MCCOOK, NE 69001

MCCOOK CONGREGATION OF JEHOVAH'S
WITNESS
C/O MARK WAGNER
916 EAST 6
MCCOOK, NE 69001

Al 75-06 - ZC fee
\$20000 - For HP#2
Form
\$500.22 - Prelim.
plat

CITY OF McCOOK

LAND USE ACTION REQUEST FORM

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

- Zone Change
- Special Exception
- Administrative Permit (Personal Wireless Facility)
- Special Exception (Personal Wireless Facility)
- Minor Subdivision + comprehensive preliminary plat
- Major Subdivision
- Planned Development (Includes Zone Change)

Name of Project: Heritage Point Addition No. 2

Description of Project: Create one lot for commercial construction. Sewer was extended through the proposed lot by lot owner when creating Heritage Point Addition in 2019.

Project sponsor or developer:

Name: Jerry Gohl

Address: 38278 Road 717, McCook, NE 69001

Phone number: 308-340-5432

Fax number: _____

E-mail Address: Jerry@golight.com

Land owner or owners:

Name: Gerald L. Gohl Revocable Trust

Address: 37146 Old Highway 17, Culbertson, NE 69024

Phone number: 308-278-3131

Fax number: _____

E-Mail Address: Jerry@golight.com

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)

Jerry Gohl
Printed Name:

Printed Name:

Signature:

Signature:

Date:

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

Property Description (Of the parent parcel for subdivisions): S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 W of the 6th P.M.

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

REQUIRED ATTACHMENTS:

For Zone Changes and Special Exceptions:

(For Zone Changes or Amendments see Article 27 of the Zoning Ordinance; for Special Exceptions see Article 24 Special Exceptions)

X Include a description of the reason for the request for a change of zone:

For a Commercial Business

NA Include a description of any special exception requested including the section of the zoning ordinance under which it is requested: (Example: Special exception to construct multi-family dwellings in (RM) Residential Medium Density area comprised of single-family dwellings.)

NA Include a site plan (minimum 17" X 11") and a letter of explanation showing and explaining the following special exception requirements:

- (A) ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;
- (B) off-street parking and loading areas where required, with particular attention to the items in (A) above, the economic, noise, glare or odor effects of the special exception or change of zone on adjoining properties and the properties generally in the district or the area;
- (C) the location of refuse and service areas, with particular reference to the items in (A) and (B) above;
- (D) utilities, with reference to locations, availability, and compatibility;
- (E) screening and buffering with reference to type, dimensions, and character;
- (F) signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;

- (G) required yards and other open space;
- (H) general compatibility with adjacent properties and other properties in the district;
- (I) compatibility with existing and future land use plan in the McCook Comprehensive Plan.

X Explain how the project complies with the Comprehensive Plan:

Consistent with effective comprehensive plan. Plans future land maps designation of commercial.

GOLIGHT

INC.

August 16, 2022

Nate Schneider
City Manager, City of McCook
505 West 5th & C Street
McCook, Nebraska 69001

RE: Heritage Pointe Addition No. 2 – Rezoning and Annexation

Dear Nate,

This letter is a formal request on behalf of the owner, Jerry Gohl, to change the zoning for the above-described property, which is located northwest of the intersection of "J" Street and Brassie Drive. The proposed project consists of a commercial office development, similar to the property built on the Heritage Pointe Addition located just east of the property.

The current zoning is both Residential Medium Density District (RM) and Agricultural District (AG) for the proposed subdivision area. The owner has requested the proposed Heritage Pointe Addition No. 2 subdivision to be rezoned for RM and AG to Business Commercial District (BC).

The current Comprehensive Plan Future Land Use Map for the proposed subdivision area is delineated as Commercial. The proposed zoning of Business Commercial District (BC) is compatible and consistent with the future land use map use map designation of Commercial.

Portions of the proposed Heritage Pointe subdivision are located within the corporate limits of the City of McCook and the Two Mile Extra Territorial Jurisdiction. The owner is requesting this subdivision to be annexed entirely into the City Limits of the City of McCook, Nebraska.

We are requesting the rezoning and annexation changes to be presented at the upcoming associated Planning Commission and City Council meetings. If you have any further questions or comments, please do not hesitate to give me a call.

Sincerely,



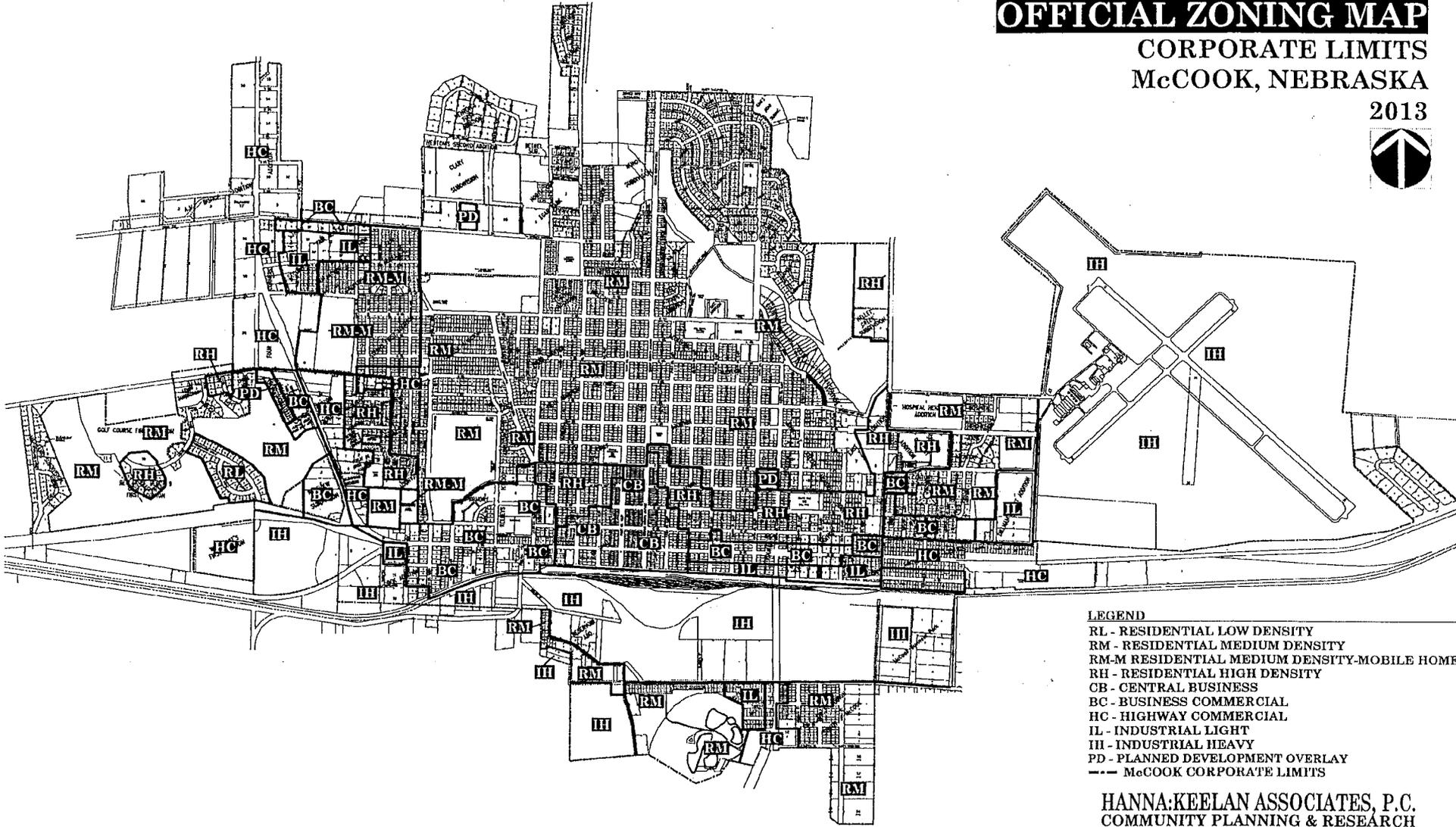
Matt Davidson

Cc: Jerry Gohl, 38278 Road 717, McCook, NE 69001

OFFICIAL ZONING MAP

CORPORATE LIMITS
McCOOK, NEBRASKA

2013



- LEGEND**
RL - RESIDENTIAL LOW DENSITY
RM - RESIDENTIAL MEDIUM DENSITY
RM-M RESIDENTIAL MEDIUM DENSITY-MOBILE HOME
RH - RESIDENTIAL HIGH DENSITY
CB - CENTRAL BUSINESS
BC - BUSINESS COMMERCIAL
HC - HIGHWAY COMMERCIAL
IL - INDUSTRIAL LIGHT
IH - INDUSTRIAL HEAVY
PD - PLANNED DEVELOPMENT OVERLAY
--- McCOOK CORPORATE LIMITS

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

* Lincoln, Nebraska * 402.464.5383 *

EXHIBIT #5
PAGE(S) - 1

McCook Planning Commission
September 12, 2022
5:15 P.M. Central

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

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

Absent: Vice Chair Hilker; Commissioner Friehe; City Attorney Mustion.

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

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on September 8, 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 August 8, 2022 regular Planning Commission meeting.

Motion to approve the minutes of the August 8, 2022 regular Planning Commission meeting. This motion, made by Dueland and seconded by McDowell, passed.

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

2. Public Hearings and Regular Agenda.

- 2.A. Public Hearing - Consider a request from William Watts to rezone the following described property from Industrial Light (IL) to Business Commercial District (BC): Lot Three, Block One, Happy Hollow Addition, to the City of McCook, Red Willow County, Nebraska, except that track deeded to the State of Nebraska.

Motion to recess as a Planning Commission and convene a public hearing for the purpose of receiving public comment with respect to the request request from William Watts to rezone the following described property from Industrial Light (IL) to Business Commercial District (BC): Lot Three, Block One, Happy Hollow Addition, to the City of McCook, Red Willow County, Nebraska, except that track deeded to the State of Nebraska, with the City Manager to act as hearing officer. This motion, made by Vosburg and seconded by McDowell, passed.

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

EXHIBIT #6

PAGE(S) - 6

McDowell: YEA, Mockry: YEA, Stevens: YEA, Vosburg: YEA
YEA: 8, NAY: 0, ABSENT: 2

The City Manager received into evidence Exhibit #1 - City Manager's Report prepared for the September 12, 2022 Planning Commission meeting (3 pages), Exhibit #2 - Notice of Hearing published and posted (1 page); Exhibit #3 - ownership list for mailing of Notice of Hearing (1 page); Exhibit #4 - Land Use Action Request Form and attachments (6 pages); and Exhibit #5 - A map of the lot and surrounding vicinity (1 page); Exhibit #6 - Map of the City of McCook's zoning districts (1 page).

City Manager Schneider reviewed the information presented in Exhibit 1. Mr. Schneider clarified that there no longer was a residential structure on the lot.

Bill Watts, applicant, was present to address questions from the Commission.

Kenny Yeager, owner of Lot 1 of Happy Hollow Addition questioned what effect the special exception would have on his property.

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

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

2.B. Recommend the approval of a rezone from Industrial Light (IL) to Business Commercial District (BC); Lot Three, Block One, Happy Hollow Addition, to the City of McCook, Red Willow County, Nebraska, except that track deeded to the State of Nebraska.

Motion to recommend to the McCook City Council the approval the rezone from Industrial Light (IL) to Business Commercial District (BC); Lot Three, Block One, Happy Hollow Addition, to the City of McCook, Red Willow County, Nebraska, except that track deeded to the State of Nebraska. This motion, made by McDowell and seconded by Davidson, passed.

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

2.C. Public Hearing - Regarding the Preliminary Plat and Final Plat for Heritage Pointe Addition No. 2, a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska.

Motion to recess as a Planning Commission and convene a public hearing for the purpose of receiving public comment regarding the Preliminary Plat and Final Plat for Heritage Pointe Addition No. 2, a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska. This motion, made by Vosburg and seconded by Mockry, passed.

Bradley: YEA, Davidson: ABSTAIN, Dueland: YEA, Friehe: ABSENT, Hilker: ABSENT, Lyons:

YEA, McDowell: YEA, Mockry: YEA, Stevens: YEA, Vosburg: YEA
YEA: 7, NAY: 0, ABSENT: 2, ABSTAIN: 1

Chair Vosburg received into evidence Exhibit #1 - City Manager's Report prepared for the September 12, 2022 Planning Commission meeting (2 pages); Exhibit #2 - Notice of Public Hearing published (1 page); Exhibit #3 - mailed and posted (1 page); Exhibit #4 - listing of property owners notified (1 page); Exhibit #5 - Heritage Pointe Addition No. 2 Preliminary Plat (1 page); Exhibit #6 - Heritage Pointe Addition No. 2 Final Plat (1 page); Exhibit #7 - Land Use Application and attachments (6 pages); and Exhibit #8 - City of McCook Subdivision Regulations, Section 7. Procedures (4 pages).

City Manager Schneider reviewed the information presented in Exhibit 1.

Scott Clifford, representing the applicant, was present to address questions from 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.

Bradley: YEA, Davidson: ABSTAIN, Dueland: YEA, Friehe: ABSENT, Hilker: ABSENT, Lyons: YEA, McDowell: YEA, Mockry: YEA, Stevens: YEA, Vosburg: YEA
YEA: 7, NAY: 0, ABSENT: 2, ABSTAIN: 1

2.D. Recommend to the McCook City Council approval of the Preliminary Plat and Final Plat for Heritage Pointe Addition No. 2, a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska.

Motion to recommend to the McCook City Council approval of the Preliminary Plat and Final Plat for Heritage Pointe Addition No. 2, a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska. This motion, made by McDowell and seconded by Stevens, passed.

Bradley: YEA, Davidson: ABSTAIN, Dueland: YEA, Friehe: ABSENT, Hilker: ABSENT, Lyons: YEA, McDowell: YEA, Mockry: YEA, Stevens: YEA, Vosburg: YEA
YEA: 7, NAY: 0, ABSENT: 2, ABSTAIN: 1

2.E. Public Hearing - Regarding a zoning change request for Heritage Pointe Addition No. 2, a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska; said zoning change to amend the current zoning designation from Residential Medium Density District (RM) and Agricultural District (AG), to Business Commercial District (BC).

Motion to recess as a Planning Commission and convene a public hearing for the purpose of receiving public comment with respect to a zoning change request for Heritage Pointe Addition No. 2, a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska; said zoning change to amend the current zoning designation from Residential Medium Density District (RM) and Agricultural District (AG), to Business Commercial District (BC). This motion, made by Vosburg and seconded by McDowell, passed.

Bradley: YEA, Davidson: ABSTAIN, Dueland: YEA, Friehe: ABSENT, Hilker: ABSENT, Lyons: YEA, McDowell: YEA, Mockry: YEA, Stevens: YEA, Vosburg: YEA
YEA: 7, NAY: 0, ABSENT: 2, ABSTAIN: 1

Chair Vosburg received into evidence Exhibit #1 - City Manager's Report prepared for the September 12, 2022 Planning Commission meeting (3 pages), Exhibit #2 - Notice of Hearing published and posted (1 page); Exhibit #3 - ownership list for mailing of Notice of Hearing (1 page); Exhibit #4 - Land Use Action Request Form and attachments (5 pages); and Exhibit #5 - Map of the City of McCook's zoning districts (1 page).

City Manager Schneider reviewed the information presented in Exhibit 1.

Scott Clifford, representing the applicant, was present to address questions from 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 Stevens, passed.

Bradley: YEA, Davidson: ABSTAIN, Dueland: YEA, Friehe: ABSENT, Hilker: ABSENT, Lyons: YEA, McDowell: YEA, Mockry: YEA, Stevens: YEA, Vosburg: YEA
YEA: 7, NAY: 0, ABSENT: 2, ABSTAIN: 1

2.F. Recommend to the McCook City Council approval of the zoning change request for Heritage Pointe Addition No. 2, a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska; said zoning change to amend the current zoning designation from Residential Medium Density District (RM) and Agricultural District (AG), to Business Commercial District (BC).

Motion to recommend to the McCook City Council approval of the zoning change request for Heritage Pointe Addition No. 2, a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska; said zoning change to amend the current zoning designation from Residential Medium Density District (RM) and Agricultural District (AG), to Business Commercial District (BC). This motion, made by Vosburg and seconded by Lyons, passed.

Bradley: YEA, Davidson: ABSTAIN, Dueland: YEA, Friehe: ABSENT, Hilker: ABSENT, Lyons: YEA, McDowell: YEA, Mockry: YEA, Stevens: YEA, Vosburg: YEA
YEA: 7, NAY: 0, ABSENT: 2, ABSTAIN: 1

2.G. Public Hearing - Regarding the voluntary annexation of a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska, said tract of land included in the parcel to be referred to as Heritage Pointe Addition No. 2.

Motion to recess as a Planning Commission and convene a public hearing for the purpose of receiving public comment with respect to the voluntary annexation of a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska, said tract of land included in the parcel to be referred to as Heritage Pointe Addition No. 2. This motion, made by Vosburg and seconded by Mockry, passed.

Bradley: YEA, Davidson: ABSTAIN, Dueland: YEA, Friehe: ABSENT, Hilker: ABSENT, Lyons: YEA, McDowell: YEA, Mockry: YEA, Stevens: YEA, Vosburg: YEA
YEA: 7, NAY: 0, ABSENT: 2, ABSTAIN: 1

Chair Vosburg received into evidence Exhibit #1 - City Manager's Report prepared for the September 12, 2022, Planning Commission meeting (2 pages), Exhibit #2 - Notice of Hearing published (1 page); Exhibit #3 - Voluntary Annexation Petition/Request from Matt Davidson on behalf of Jerry Gohl (1 page); Exhibit #4 - Legal Description of the proposed annexation area (1 page); Exhibit #5 - Proposed Resolution No. PC2022-03 (2 pages).

City Manager Schneider reviewed the information presented in Exhibit 1.

Scott Clifford, representing the applicant, was present to address questions from 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.

Bradley: YEA, Davidson: ABSTAIN, Dueland: YEA, Friehe: ABSENT, Hilker: ABSENT, Lyons: YEA, McDowell: YEA, Mockry: YEA, Stevens: YEA, Vosburg: YEA
YEA: 7, NAY: 0, ABSENT: 2, ABSTAIN: 1

2.H. Approve Planning Commission Resolution No. PC2022-03, recommending approval of the voluntary annexation of a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska, said tract of land included in the parcel to be referred to as Heritage Pointe Addition No. 2.

Motion to approve Planning Commission Resolution No. PC2022-03, recommending approval of the voluntary annexation of a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska, said tract of land included in the parcel to be referred to as Heritage Pointe Addition No. 2. This motion, made by McDowell and seconded by Bradley, passed.

Bradley: YEA, Davidson: ABSTAIN, Dueland: YEA, Friehe: ABSENT, Hilker: ABSENT, Lyons: YEA, McDowell: YEA, Mockry: YEA, Stevens: YEA, Vosburg: YEA
YEA: 7, NAY: 0, ABSENT: 2, ABSTAIN: 1

2.I. Public Hearing - To consider the preliminary plat of Heritage Pointe which is located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska.

Motion to recess as a Planning Commission and convene a public hearing for the purpose of receiving public comment regarding the Preliminary Plat of Heritage Pointe which is located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska. This motion, made by Vosburg and seconded by Stevens, passed.

Bradley: YEA, Davidson: ABSTAIN, Dueland: YEA, Friehe: ABSENT, Hilker: ABSENT, Lyons: YEA, McDowell: YEA, Mockry: YEA, Stevens: YEA, Vosburg: YEA
YEA: 7, NAY: 0, ABSENT: 2, ABSTAIN: 1

Chair Vosburg received into evidence Exhibit #1 - City Manager's Report prepared for the September 12, 2022 Planning Commission meeting (2 pages); Exhibit #2 - Notice of Public Hearing published, mailed, and posted (1 page); Exhibit #3 - listing of property owners notified (1 page); Exhibit #4 - Heritage Pointe Preliminary Plat (1 page); Exhibit #5 - Land Use Application and attachments (6 pages); and Exhibit #6 - City of McCook Subdivision Regulations, Section 7. Procedures (4 pages).

City Manager Schneider reviewed the information presented in Exhibit 1.

Scott Clifford, representing the applicant, was present to address questions from 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 Lyons, passed.

Bradley: YEA, Davidson: ABSTAIN, Dueland: YEA, Friehe: ABSENT, Hilker: ABSENT, Lyons: YEA, McDowell: YEA, Mockry: YEA, Stevens: YEA, Vosburg: YEA
YEA: 7, NAY: 0, ABSENT: 2, ABSTAIN: 1

2.J. Recommend approval to the City Council the Heritage Pointe preliminary plat which is located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska.

Motion to recommend to the McCook City Council approval of the Heritage Pointe preliminary plat which is located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska. This motion, made by Vosburg and seconded by Mockry, passed.

Bradley: YEA, Davidson: ABSTAIN, Dueland: YEA, Friehe: ABSENT, Hilker: ABSENT, Lyons: YEA, McDowell: YEA, Mockry: YEA, Stevens: YEA, Vosburg: YEA
YEA: 7, NAY: 0, ABSENT: 2, ABSTAIN: 1

The Commission set a special meeting for September 26, 2022, at 5:15 P.M., to consider the North Pointe Final Plat, required vacation for the plat, and rezoning a portion of the area included in the plat.

Adjournment.

With no further business, Chair Vosburg declared the Planning Commission meeting adjourned at 6:11 P.M.

Lea Ann Doak
City Clerk/Recording Secretary

ORDINANCE NO. 2022-3051

AN ORDINANCE OF THE CITY OF MCCOOK, NEBRASKA AMENDING MCCOOK ZONING ORDINANCE NO. 2016-2929 CHANGING THE ZONING CLASSIFICATION OF LOT TWO (2), HERITAGE POINTE ADDITION, TO THE CITY OF MCCOOK, RED WILLOW COUNTY, NEBRASKA, FROM RESIDENTIAL MEDIUM DENSITY (RM) AND AGRICULTURAL (AG) TO BUSINESS COMMERCIAL (BC) DISTRICT; PROVIDE FOR THE REPEAL OF ANY OTHER CONFLICTING ORDINANCES; 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 COUNCIL OF THE CITY OF MCCOOK, NEBRASKA:

SECTION 1. In accordance with Article 27 of Zoning Ordinance No. 2016-2929 of the City of McCook, Red Willow County, Nebraska, the zoning classification of the following described property shall be and is hereby changed from Residential Medium Density (IL) AND Agricultural (AG) to Business Commercial (BC) District, to wit:

Lot Two (2), Heritage Pointe Addition, to the City of McCook, Red Willow County, Nebraska.

SECTION 2. The City Clerk of the City of McCook, Nebraska is hereby directed to change the official zoning map of the City of McCook, Nebraska to show the above-described property to have a zoning classification of Business Commercial (BC) District.

SECTION 3. The provisions of Zoning Ordinance 2016-2929 are hereby amended as provided herein.

SECTION 4. This ordinance shall be in full force and take effect from and after its passage, approval and publication as required by law.

PASSED AND APPROVED THIS ____ day of _____, 2022.

Michael D. Gonzales, Mayor

ATTEST:

Lea Ann Doak, City Clerk-Treasurer

EXHIBIT #7

PAGE(S) - 1

**CITY MANAGER'S REPORT
SEPTEMBER 19, 2022 MCCOOK CITY COUNCIL MEETING**

ITEM NO. ____ Public Hearing - Regarding the Preliminary Plat and Final Plat for Heritage Pointe Addition Lot 2, a tract of land located in the S ½ of the SE 1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska.

ITEM NO. ____ Approve Resolution 2022-11, authorizing the Preliminary Plat and Final Plat for Heritage Pointe Addition Lot 2, a tract of land located in the S ½ of the SE 1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska.

ITEM NO. ____ Public Hearing - Regarding the voluntary annexation of a tract of land located in the S ½ of the SE 1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska, said tract of land to be included in what is to be referred to as Heritage Pointe Addition Lot 2.

ITEM NO. ____ Approve on first reading, Ordinance No. 2022-_____, allowing for the voluntary annexation of a tract of land located in the S ½ of the SE 1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska, said tract of land to be included in what is to be referred to as Heritage Pointe Addition Lot 2.

ITEM NO. ____ Public Hearing - Regarding a zoning change request for Heritage Pointe Addition Lot 2, a tract of land located in the S ½ of the SE 1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska; said zoning change to amend the current zoning designation from Residential Medium Density District (RM) and Agricultural District (AG), to Business Commercial District (BC).

ITEM NO. ____ Approve on first reading, Ordinance No. 2022-_____, allowing for the zoning change for Heritage Pointe Addition Lot 2, a tract of land located in the S ½ of the SE 1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska; said zoning change to amend the current zoning designation from Residential Medium Density District (RM) and Agricultural District (AG), to Business Commercial District (BC).

ITEM NO. [2.I](#) Public Hearing - To consider the Preliminary Plat of Heritage Pointe which is located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska.

ITEM NO. [2.J](#) Approve the Heritage Pointe Preliminary Plat which is located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska.

BACKGROUND:

A minor subdivision application has been filed by Jerry Gohl for the purpose of authorizing a tract of land to be known as Heritage Pointe Addition Lot 2. A similar request was filed by Mr. Gohl in 2019. Mr. Gohl requests that a tract of land located north of West J Street (north of the McCook Congregation of Jehovah's Witnesses) be divided from a larger tract. All of the property

in question is currently owned by Mr. Gohl. Mr. Gohl's intent is to develop the lot for commercial purposes. Utilities have been extended to the tract at issue.

The proposed lot meets the requirements of the City of McCook's Subdivision Regulations. Additionally, the application meets the requirements of the City of McCook's Zoning Ordinance, if the applicant's zone change request is permitted.

In conjunction with the subdivision request, an application has been filed to voluntarily annex portions of the proposed Heritage Pointe Addition Lot 2 subdivision. A part of the proposed subdivision is located within the City's corporate limits, while the northern portion is not. The annexation request focuses on the real estate currently located outside of McCook's corporate limits, but within McCook's Two Mile Extra Territorial Jurisdiction. Mr. Gohl is requesting that the entirety of the proposed Heritage Pointe Addition Lot 2 be located within McCook's corporate limits.

Finally, Mr. Gohl's application requests a zoning change of the current land uses for the property at issue, from Residential Medium Density (RM - which is the current designation for the southern portion of proposed Heritage Pointe Addition Lot 2) and Agricultural (AG - which is the designation for the northern portion of proposed Heritage Pointe Addition No. 2), to Business Commercial (BC). The intent behind Heritage Pointe Addition Lot 2 is to allow for the building of a commercial structure on the created lot. The current land uses prescribed to the property at issue, RM and AG, don't allow for a commercial business to be principally permitted. Staff has reviewed the zone change request. Staff has noted there are commercial businesses in close proximity to the proposed Heritage Pointe Addition Lot 2. Further, the City of McCook's Comprehensive Plan/Future Land Use Map contemplates the property north of West J Street to be dedicated to Business Commercial (BC) uses and structures. Mr. Gohl's application is consistent with McCook's long term goals.

Finally, a Preliminary Plat of the larger comprehensive plan has been included. The proposed name of the potential development is Heritage Pointe Addition. The Preliminary Plat provides a more defined plan for future development of the land at issue, extending from West J Street north to land that may contain West N Street extended. The proposal consists of two blocks, with Block One to contain six (6) lots and Block Two to contain seven (7) lots. A north/south street is included to connect West J Street to a prospective West N Street. All of the lots are capable of meeting McCook's Zoning Ordinance.

If approved, the preliminary plat would be filed with the City of McCook. It would not be filed with the Red Willow County Register of Deeds. A final plat would need to be developed at a future date for the subdivision to become officially recognized with sellable, individual lots.

The McCook Planning Commission voted unanimously on all four requests to recommend approval to the McCook City Council.

APPROVALS:



Nathan A. Schneider, City Manager

September 13, 2022



Lea Ann Doak, City Clerk

September 13, 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 Heritage Pointe Addition:

A tract of land being part of the S ½ of SE 1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska. This tract of land will be referred to as HERITAGE POINTE ADDITION.

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

SEPTEMBER 12, 2022 - 5:15 P.M.
MCCOOK PLANNING COMMISSION
CITY COUNCIL CHAMBERS
505 WEST "C" STREET

SEPTEMBER 19, 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 preliminary plat may attend the public hearing and will be given an opportunity to be heard. For additional information regarding this notice please contact Nate Schneider, City Manager, at 345-2022 ext. 225.

-s- Lea Ann Doak
City Clerk

Publish: September 2, 2022.

EXHIBIT #2

PAGE(S) - 1

RED WILLOW COUNTY PLANNING
COMMISSION
C/O TAMI TEEL
502 NORRIS AVENUE
MCCOOK, NE 69001

PRESIDENT
McCOOK SCHOOL BOARD
302 ELIZABETH LANE
MCCOOK, NE 69001

TYLER & TYLER SUE LOOP
2005 WEST J
MCCOOK, NE 69001

MIKE DEVENEY
PO BOX 449
MCCOOK, NE 69001

RICHARD CAPPEL
#5 BRASSIE DRIVE
MCCOOK, NE 69001

GENE AND CAROL ERDMAN
PO BOX 69
LIVERMORE, CO 80536

MAUREEN GIORGIONE
PO BOX 756
MCCOOK, NE 69001

DONNA LOOP
1402 N HWY 83
MCCOOK, NE 69001

STAK' N STORE, LLC
C/O TERRY AND SHELLEY HOFFMASTER
809 WEST 3RD
MCCOOK, NE 69001

DDRD, LLC
PO BOX 122
LA BARGE, WY 83123

JANE FRANCES HOPPENS
620 VALLEY VIEW DRIVE
OGALLALA, NE 69153

McCOOK PUBLIC SCHOOL DISTRICT
C/O GRANT NORGAARD
600 WEST 7th ST
MCCOOK, NE 69001

RED WILLOW COUNTY CLERK
502 NORRIS AVE
MCCOOK, NE 69001

CJC, LLC
PO BOX 449
MCCOOK, NE 69001

AUGUSTUS PROPERTIES, LLC
315 WARREN
BARTLEY, NE 69020

WANDA MICHAELIS
#9 BRASSIE DRIVE
MCCOOK, NE 69001

BRADLEY HAYS
MOLLY HERZBERG
#6 BRASSIE DRIVE
MCCOOK, NE 69001

MCCOOK CONGREGATION OF
JEHOVAH'S WITNESS
C/O MARK WAGNER
916 EAST 6
MCCOOK, NE 69001

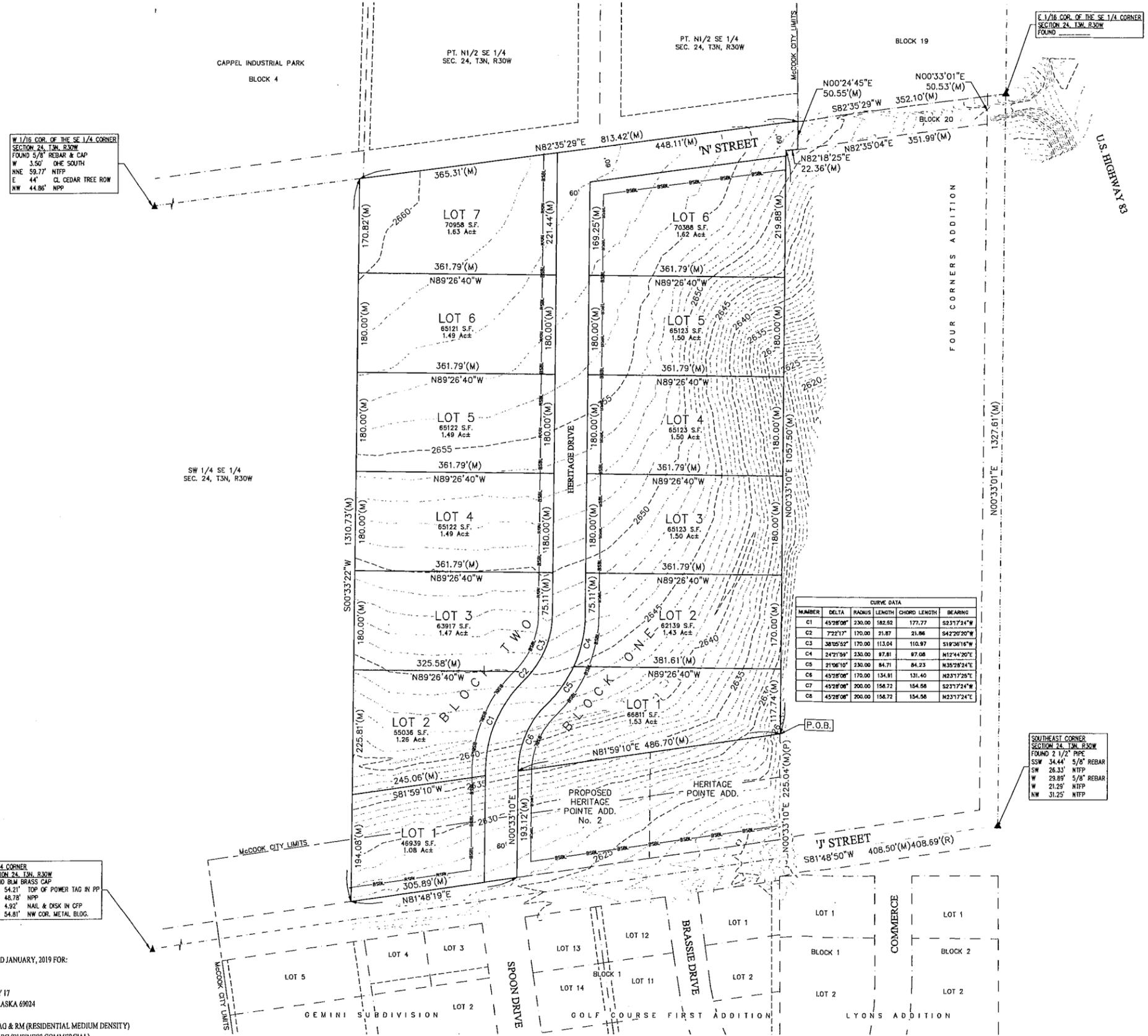
BLACKHILLS GAS COMPANY
PO BOX 1400
RAPID CITY, SD 57709

MCCOOK PUBLIC POWER DISTRICT
N HWY 83
MCCOOK, NE 69001

TRACY LOPER
BOBBIE ALLEN
1402 N HWY 83
MCCOOK, NE 69001

STEVE AND SHARON FRIMANN
22264 N MAXWELL RD
MCCOOK, NE 69001

**PRELIMINARY PLAT
-HERITAGE POINTE-
AN ADDITION TO THE CITY OF MCCOOK, RED WILLOW COUNTY, NEBRASKA**



NUMBER	DELTA	RADIUS	LENGTH	CHORD LENGTH	BEARING
C1	45°28'08"	230.00	182.52	177.77	S23°17'24"W
C2	7°22'17"	170.00	21.87	21.86	S42°20'20"W
C3	38°05'52"	170.00	113.04	110.97	S19°36'16"W
C4	24°21'59"	230.00	87.81	87.08	N12°44'20"E
C5	21°06'10"	230.00	84.71	84.23	N35°28'24"E
C6	45°28'08"	170.00	134.81	131.40	N23°17'25"E
C7	45°28'08"	200.00	154.72	154.58	S23°17'24"W
C8	45°28'08"	200.00	154.72	154.58	N23°17'24"E

LEGAL DESCRIPTION

A tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska, being more particularly described as follows:

Considering the south line of the SE1/4 of said Section 24 as assumed bearing S81°48'50"W and with all bearings contained herein relative thereto:

Commencing at the SE corner of said Section 24;

thence S81°48'50"W on the south line of the SE1/4 of said Section 24, a distance of 408.50 feet;

thence N00°33'10"E leaving said south line, a distance of 225.04 feet to the Northeast corner of Heritage Pointe Addition, an addition to the City of McCook, Red Willow County, Nebraska and the POINT OF BEGINNING;

thence continuing N00°33'10"E a distance of 1057.50 feet;

thence N82°18'25"E a distance of 22.36 feet;

thence N00°24'45"E a distance of 50.55 feet to the North line of the S1/2 of the SE1/4 of said Section 24;

thence S82°35'29"W on said North line of the S1/2 of the SE1/4 a distance of 813.42 feet;

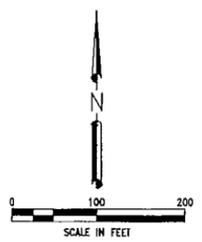
thence S00°33'22"W a distance of 1310.73 feet to the north right-of-way line of "J" Street in the City of McCook, Nebraska;

thence N81°48'19"E a distance of 305.89 feet;

thence leaving said north right-of-way line of "J" Street a distance of 193.12 feet to the Westerly extension of the North line of said Heritage Pointe Addition;

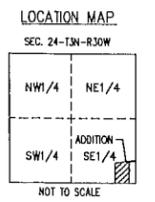
thence N81°59'10"E on said Westerly extension a distance of 486.70 feet to the Point of Beginning.

Said tract containing 21.38 acres more or less, subject to any easements, rights-of-way now on record or indicated on the attached survey or reservations of record.



- LEGEND**
- ▲ = SECTION CORNERS FOUND
 - = CORNERS FOUND (5/8" REBAR UNLESS OTHERWISE NOTED)
 - = CORNERS ESTABLISHED (CAPPED 5/8" x 24" REBAR)
 - x = TEMPORARY POINT
 - (M) = MEASURED DISTANCES
 - (P) = PLATTED DISTANCES
 - (R) = RECORDED DISTANCES
 - (XX.XX') = CHORD DIST. AT SETBACK LINE (TYP.)
 - = SECTION LINE
 - - - = BOUNDARY LINE
 - - - = NEW EASEMENT LINE
 - - - = EXISTING EASEMENT LINE
 - - - = EXISTING LOT LINES
 - - - = 25' BUILDING SETBACK LINE
 - - - = SPECIAL FLOOD HAZARD LINE

EXHIBIT #4
PAGE(S) - 1



SHEET 1 OF 1

MA
Miller & Associates
Consulting Engineers, P.C.
RED WILLOW CO-MCCOOK-GOHL

THIS PLAT PREPARED JANUARY, 2019 FOR:
JERRY GOHL
37146 OLD HIGHWAY 17
CULBERTSON, NEBRASKA 69024
CURRENT ZONING: AG & RM (RESIDENTIAL MEDIUM DENSITY)
PROPOSED ZONING: BC (BUSINESS COMMERCIAL)

A-75-06 - ZC fee
\$20000 - for HP #2
Form
\$5000 - Prelim.
plat

CITY OF McCOOK

LAND USE ACTION REQUEST FORM

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

- Zone Change
- Special Exception
- Administrative Permit (Personal Wireless Facility)
- Special Exception (Personal Wireless Facility)
- Minor Subdivision + comprehensive preliminary plat
- Major Subdivision
- Planned Development (Includes Zone Change)

Name of Project: Heritage Point Addition No. 2

Description of Project: Create one lot for commercial construction. Sewer was extended through the proposed lot by lot owner when creating Heritage Point Addition in 2019.

Project sponsor or developer:

Name: Jerry Gohl

Address: 38278 Road 717, McCook, NE 69001

Phone number: 308-340-5432

Fax number: _____

E-mail Address: Jerry@golight.com

Land owner or owners:

Name: Gerald L. Gohl Revocable Trust

Address: 37146 Old Highway 17, Culbertson, NE 69024

Phone number: 308-278-3131

Fax number: _____

E-Mail Address: Jerry@golight.com

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)

Jerry Gohl
Printed Name:

Printed Name:

Signature:

Signature:

Date:

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

Property Description (Of the parent parcel for subdivisions): S 1/2 of the SE 1/4 of
Section 24, Township 3 North, Range 30 W of the 6th P.M.

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

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.
- (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?

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:

- X (a) Plat Submission Requirements: The subdivider shall submit to the Zoning Administrator:
_____ five (5) copies of the preliminary plat and any supplemental materials specified by the Planning Commission of conditional approval. (The plat submission requirements are stipulated under C-3 Procedure for conditional approval of Preliminary Plat of the City of McCook Subdivision Regulations)
- X (b) Fees: A plat review fee shall accompany the preliminary plat in the amount specified in the City Fee Ordinance. (See Attached list of fees for building, zoning, and subdivision actions)
- X (c) Scale and Preliminary Plat contents. Preliminary plats shall be a scale of one (1) inch to one hundred (100) feet or 1" = 200' if seventy-five percent (75%) of the lots are one (1) acre or larger, and shall be prepared with the following information:
- X (1) The proposed name of the subdivision (the name shall not duplicate or too closely resemble the name or names of any existing subdivision).
 - X (2) The location of the boundary lines of the subdivision and reference to the section or quarter section lines.
 - X (3) The names and addresses of the owner, developer, and the engineer who prepared the plat.
 - X (4) Scale of the plat, one inch = one hundred feet or larger.
 - X (5) Date of preparation and north point.
 - X (6) Present zoning.
 - X (7) Existing conditions:
 - X aa. Location, width and name of platted streets or other public ways, railroads and utility rights-of-way, parks and other public open spaces and permanent buildings within or adjacent to the proposed subdivision shall be shown on the Preliminary Plat.
 - X bb. All existing sewers, water mains, gas mains, culverts, or other underground installations, within the proposed subdivision, or adjacent thereto, with pipe size and manholes, grades and location shall be shown. Control elevation of surface drainage entering and existing from the property.
 - X cc. Names of adjacent subdivisions together with arrangement of streets and lots, and owners of adjacent parcels of unsubdivided land shall be shown.

- 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.
- X (14) Any proposed restrictive covenants for the land involved shall accompany the plat.
- X (15) a letter requesting annexation of the subdivision if it is in the planning jurisdiction to be served with city utilities.

GOLIGHTTM

INC.

August 16, 2022

Nate Schneider
City Manager, City of McCook
505 West 5th & C Street
McCook, Nebraska 69001

RE: Heritage Pointe Addition No. 2 – Rezoning and Annexation

Dear Nate,

This letter is a formal request on behalf of the owner, Jerry Gohl, to change the zoning for the above-described property, which is located northwest of the intersection of "J" Street and Brassie Drive. The proposed project consists of a commercial office development, similar to the property built on the Heritage Pointe Addition located just east of the property.

The current zoning is both Residential Medium Density District (RM) and Agricultural District (AG) for the proposed subdivision area. The owner has requested the proposed Heritage Pointe Addition No. 2 subdivision to be rezoned for RM and AG to Business Commercial District (BC).

The current Comprehensive Plan Future Land Use Map for the proposed subdivision area is delineated as Commercial. The proposed zoning of Business Commercial District (BC) is compatible and consistent with the future land use map use map designation of Commercial.

Portions of the proposed Heritage Pointe subdivision are located within the corporate limits of the City of McCook and the Two Mile Extra Territorial Jurisdiction. The owner is requesting this subdivision to be annexed entirely into the City Limits of the City of McCook, Nebraska.

We are requesting the rezoning and annexation changes to be presented at the upcoming associated Planning Commission and City Council meetings. If you have any further questions or comments, please do not hesitate to give me a call.

Sincerely,



Matt Davidson

Cc: Jerry Gohl, 38278 Road 717, McCook, NE 69001

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 and 11 of this Ordinance and the subdivider shall indicate in a letter what financing options are planned to be used for the proposed subdivision.

7.6 Notification of County Planning Commission. The City shall notify the Red Willow County Planning Commission of any proposed subdivision plat and provide the Commission with all available materials on the proposed plat, when such proposed plat lies partially or totally within the extraterritorial subdivision jurisdiction being exercised by that Municipality in such County. The Commission shall be given four (4) weeks to officially comment on the appropriateness of the design and improvements proposed in the plat. The review period shall run concurrently with subdivision review activities of the City after the Commission receives all available material for a proposed subdivision plat.

7.7 Notification of School Board. At least ten (10) days prior to the McCook Planning Commission meeting at which the preliminary plat is to be considered for approval, the Planning Commission shall submit a copy of the proposal to the School Board of each School District which the proposed development affects, and shall notify the School Board of the meeting date. Copies of the plat may be submitted to any other agency which may be affected.

7.8 Approval or Rejection. After review of the preliminary plat and negotiations with the subdivider, and before the City Council reviews and acts on the Preliminary Plat, the McCook Planning Commission shall reject or conditionally approve the preliminary plat, within thirty (30) days after the official meeting at which the plat was considered.

7.9 Recording of Action. The action of the McCook Planning Commission shall be noted on three (3) copies of the preliminary plat, referenced and attached to any conditions determined. One (1) copy shall be returned to the subdivider, one (1) copy relayed to the City Council and one (1) copy retained by the Planning Commission.

7.10 Approval is Conditional. Approval of a preliminary plat shall not constitute approval of the final plat; it shall be deemed an expression of approval or conditional approval of the submitted plat, as a guide for the preparation of the final plat, which will be subject to further consideration by the McCook Planning Commission and the McCook City Council. Any conditional approval of the preliminary plat shall be effective for a period of one (1) year unless an extension is granted by the Planning Commission.

7.11 Installation of Improvements for Final Plat Approval. The subdivision design standards contained in this ordinance and hereinafter referred to as Subdivision Regulations are formulated to assure that the style, character, and form of new developments will conform to minimum requirements promoting the health, safety, and general welfare of the public. In addition to these regulations and to insure that future developments are consistent with the growth objectives and goals of the City and its Two-Mile Planning Jurisdiction, subdivisions shall conform to the Comprehensive Plan of the City of McCook, to the Zoning and Subdivision Ordinances and to any other applicable ordinances of the City of McCook. Following approval of the preliminary plat, the subdivider shall:

- (1) Agree to install the required improvements or;
- (2) Sign an agreement, which shall be entered into only at the option of the City, thereby guaranteeing the installation of improvements; or
- (3) Furnish a bond or enter into an escrow or security agreement approved by the City Attorney in an amount sufficient to guarantee the installation of the required improvements.

7.12 FINAL PLAT SUBMISSION REQUIREMENTS. The Subdivider of Major Subdivisions shall submit a Final Plat, showing entire concept, to the City Clerk within twelve (12) months of approval of the preliminary plat; unless an extension is granted by the Planning Commission. The final plat shall conform to the preliminary plat as approved and to the requirements of all applicable ordinances and State statutes; and, if desired by the subdivider, it may constitute only that portion of the approved preliminary plat which the subdivider proposes to record and develop at the time; provided, however, that such portion conforms to all requirements of these Regulations.

A Subdivider of a Minor Subdivision can submit the final plat to the City Clerk after review and approval of the City Manager.

7.13 Scale and Final Plat Contents. One (1) original and two (2) original ink copies of the final plat and other exhibits required for approval shall be submitted. The final plat shall be drawn in ink on mylar and shall be at a scale of one (1") inch to one hundred (100') feet or larger. The final plat shall show the following:

- A. Date, title, name and location of subdivision.
- B. Streets and street names, lots, setback lines, lot numbers, etc, except that in industrial type subdivision lot designation may be excluded.
- C. Graphic scale and north arrow.
- D. Monuments (ferrous) minimum one-half (1/2) inch diameter, maximum, Twenty-Four (24) inches in length with surveyor's cap and number.
- E. Dimensions, angles and bearings, and complete legal description of the property.
- F. Sufficient survey data to reproduce any line on the ground.
- G. Names of adjoining subdivisions.
- H. Location and dimensions of any easements.

- I. Purpose for which sites are dedicated or reserved, and the transfer of ownership of the same.
- J. Certification by surveyor as to accuracy of survey and plat.
- K. Certification signed and acknowledged by all parties holding title or having any title interest in the land subdivided and consenting to the preparation and recording of the plat as submitted.
- L. Certification recording the approval by the Planning Commission.
- M. Certification recording the approval by the City Council and the acceptance of any dedications.

7.14 Supplementary Data Required. The final plat shall be accompanied with Construction plans of all required public improvements, and a Drainage Study approved and sealed by a Nebraska Professional Engineer and any State Offices requiring review and approval.

7.15 Professional Assistance. The City Council or the Planning Commission may request such professional assistance as it deems necessary to properly evaluate the plats submitted.

7.16 Planning Commission Recommendations. The Planning Commission shall reject or approve the final plat and have prepared a recommendation to the City Council recommending rejection or approval. All reasons for recommending rejection shall be clearly stated. Notification of approval or rejection by the Planning Commission or City Council shall be given the subdivider within sixty (60) days after submission of the final plat to the Planning Commission.

7.17 ADMINISTRATIVE SUBDIVISION. An owner may file application with the Zoning Administrator of the City for approval of a proposed administrative subdivision plat as provided in this section. As used herein, the term "administrative subdivision" shall mean the re-subdivision of existing subdivided lots and blocks, involving the adjustment of existing lot boundaries or the consolidation of lots, in a manner consistent with the Zoning Ordinance concerning minimum area and dimensions of lots, but not necessitating the dedication of additional public right-of-way or easements or the installation of required public improvements.

1. **Plat.** The property owner shall submit an accurately drawn plat showing the proposed lots including all pertinent dimension lines. The plat shall be on eight and one-half (8½) by eleven (11) inch sheet(s) of paper; be drawn to a scale of not less than one (1) inch equals one hundred (100) feet; show the direction north by an arrow; reflect all adjoining public streets and alleys and public easements; and show any existing buildings or structures on the tract of land being changed. Except in the case of the consolidation of lots or the re-subdivision of two lots where a portion of a lot is added to the other lot, attached to the plat shall be a certificate signed by a registered land surveyor licensed in the State of Nebraska certifying that each proposed lot has been accurately surveyed and that each lot corner has been well and accurately staked and marked.

McCook Planning Commission
September 12, 2022
5:15 P.M. Central

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

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

Absent: Vice Chair Hilker; Commissioner Friehe; City Attorney Mustion.

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

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on September 8, 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 August 8, 2022 regular Planning Commission meeting.

Motion to approve the minutes of the August 8, 2022 regular Planning Commission meeting. This motion, made by Dueland and seconded by McDowell, passed.

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

2. Public Hearings and Regular Agenda.

- 2.A. Public Hearing - Consider a request from William Watts to rezone the following described property from Industrial Light (IL) to Business Commercial District (BC): Lot Three, Block One, Happy Hollow Addition, to the City of McCook, Red Willow County, Nebraska, except that track deeded to the State of Nebraska.

Motion to recess as a Planning Commission and convene a public hearing for the purpose of receiving public comment with respect to the request request from William Watts to rezone the following described property from Industrial Light (IL) to Business Commercial District (BC): Lot Three, Block One, Happy Hollow Addition, to the City of McCook, Red Willow County, Nebraska, except that track deeded to the State of Nebraska, with the City Manager to act as hearing officer. This motion, made by Vosburg and seconded by McDowell, passed.

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

EXHIBIT #7

PAGE(S) - 6

McDowell: YEA, Mockry: YEA, Stevens: YEA, Vosburg: YEA
YEA: 8, NAY: 0, ABSENT: 2

The City Manager received into evidence Exhibit #1 - City Manager's Report prepared for the September 12, 2022 Planning Commission meeting (3 pages), Exhibit #2 - Notice of Hearing published and posted (1 page); Exhibit #3 - ownership list for mailing of Notice of Hearing (1 page); Exhibit #4 - Land Use Action Request Form and attachments (6 pages); and Exhibit #5 - A map of the lot and surrounding vicinity (1 page); Exhibit #6 - Map of the City of McCook's zoning districts (1 page).

City Manager Schneider reviewed the information presented in Exhibit 1. Mr. Schneider clarified that there no longer was a residential structure on the lot.

Bill Watts, applicant, was present to address questions from the Commission.

Kenny Yeager, owner of Lot 1 of Happy Hollow Addition questioned what effect the special exception would have on his property.

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

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

2.B. Recommend the approval of a rezone from Industrial Light (IL) to Business Commercial District (BC): Lot Three, Block One, Happy Hollow Addition, to the City of McCook, Red Willow County, Nebraska, except that track deeded to the State of Nebraska.

Motion to recommend to the McCook City Council the approval the rezone from Industrial Light (IL) to Business Commercial District (BC); Lot Three, Block One, Happy Hollow Addition, to the City of McCook, Red Willow County, Nebraska, except that track deeded to the State of Nebraska. This motion, made by McDowell and seconded by Davidson, passed.

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

2.C. Public Hearing - Regarding the Preliminary Plat and Final Plat for Heritage Pointe Addition No. 2, a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska.

Motion to recess as a Planning Commission and convene a public hearing for the purpose of receiving public comment regarding the Preliminary Plat and Final Plat for Heritage Pointe Addition No. 2, a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska. This motion, made by Vosburg and seconded by Mockry, passed.

Bradley: YEA, Davidson: ABSTAIN, Dueland: YEA, Friehe: ABSENT, Hilker: ABSENT, Lyons:

YEA, McDowell: YEA, Mockry: YEA, Stevens: YEA, Vosburg: YEA
YEA: 7, NAY: 0, ABSENT: 2, ABSTAIN: 1

Chair Vosburg received into evidence Exhibit #1 - City Manager's Report prepared for the September 12, 2022 Planning Commission meeting (2 pages); Exhibit #2 - Notice of Public Hearing published (1 page); Exhibit #3 - mailed and posted (1 page); Exhibit #4 - listing of property owners notified (1 page); Exhibit #5 - Heritage Pointe Addition No. 2 Preliminary Plat (1 page); Exhibit #6 - Heritage Pointe Addition No. 2 Final Plat (1 page); Exhibit #7 - Land Use Application and attachments (6 pages); and Exhibit #8 - City of McCook Subdivision Regulations, Section 7. Procedures (4 pages).

City Manager Schneider reviewed the information presented in Exhibit 1.

Scott Clifford, representing the applicant, was present to address questions from 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.

Bradley: YEA, Davidson: ABSTAIN, Dueland: YEA, Friehe: ABSENT, Hilker: ABSENT, Lyons: YEA, McDowell: YEA, Mockry: YEA, Stevens: YEA, Vosburg: YEA
YEA: 7, NAY: 0, ABSENT: 2, ABSTAIN: 1

2.D. Recommend to the McCook City Council approval of the Preliminary Plat and Final Plat for Heritage Pointe Addition No. 2, a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska.

Motion to recommend to the McCook City Council approval of the Preliminary Plat and Final Plat for Heritage Pointe Addition No. 2, a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska. This motion, made by McDowell and seconded by Stevens, passed.

Bradley: YEA, Davidson: ABSTAIN, Dueland: YEA, Friehe: ABSENT, Hilker: ABSENT, Lyons: YEA, McDowell: YEA, Mockry: YEA, Stevens: YEA, Vosburg: YEA
YEA: 7, NAY: 0, ABSENT: 2, ABSTAIN: 1

2.E. Public Hearing - Regarding a zoning change request for Heritage Pointe Addition No. 2, a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska; said zoning change to amend the current zoning designation from Residential Medium Density District (RM) and Agricultural District (AG), to Business Commercial District (BC).

Motion to recess as a Planning Commission and convene a public hearing for the purpose of receiving public comment with respect to a zoning change request for Heritage Pointe Addition No. 2, a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska; said zoning change to amend the current zoning designation from Residential Medium Density District (RM) and Agricultural District (AG), to Business Commercial District (BC). This motion, made by Vosburg and seconded by McDowell, passed.

Bradley: YEA, Davidson: ABSTAIN, Dueland: YEA, Friehe: ABSENT, Hilker: ABSENT, Lyons: YEA, McDowell: YEA, Mockry: YEA, Stevens: YEA, Vosburg: YEA
YEA: 7, NAY: 0, ABSENT: 2, ABSTAIN: 1

Chair Vosburg received into evidence Exhibit #1 - City Manager's Report prepared for the September 12, 2022 Planning Commission meeting (3 pages), Exhibit #2 - Notice of Hearing published and posted (1 page); Exhibit #3 - ownership list for mailing of Notice of Hearing (1 page); Exhibit #4 - Land Use Action Request Form and attachments (5 pages); and Exhibit #5 - Map of the City of McCook's zoning districts (1 page).

City Manager Schneider reviewed the information presented in Exhibit 1.

Scott Clifford, representing the applicant, was present to address questions from 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 Stevens, passed.

Bradley: YEA, Davidson: ABSTAIN, Dueland: YEA, Friehe: ABSENT, Hilker: ABSENT, Lyons: YEA, McDowell: YEA, Mockry: YEA, Stevens: YEA, Vosburg: YEA
YEA: 7, NAY: 0, ABSENT: 2, ABSTAIN: 1

2.F. Recommend to the McCook City Council approval of the zoning change request for Heritage Pointe Addition No. 2, a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska; said zoning change to amend the current zoning designation from Residential Medium Density District (RM) and Agricultural District (AG), to Business Commercial District (BC).

Motion to recommend to the McCook City Council approval of the zoning change request for Heritage Pointe Addition No. 2, a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska; said zoning change to amend the current zoning designation from Residential Medium Density District (RM) and Agricultural District (AG), to Business Commercial District (BC). This motion, made by Vosburg and seconded by Lyons, passed.

Bradley: YEA, Davidson: ABSTAIN, Dueland: YEA, Friehe: ABSENT, Hilker: ABSENT, Lyons: YEA, McDowell: YEA, Mockry: YEA, Stevens: YEA, Vosburg: YEA
YEA: 7, NAY: 0, ABSENT: 2, ABSTAIN: 1

2.G. Public Hearing - Regarding the voluntary annexation of a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska, said tract of land included in the parcel to be referred to as Heritage Pointe Addition No. 2.

Motion to recess as a Planning Commission and convene a public hearing for the purpose of receiving public comment with respect to the voluntary annexation of a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska, said tract of land included in the parcel to be referred to as Heritage Pointe Addition No. 2. This motion, made by Vosburg and seconded by Mockry, passed.

Bradley: YEA, Davidson: ABSTAIN, Dueland: YEA, Friehe: ABSENT, Hilker: ABSENT, Lyons: YEA, McDowell: YEA, Mockry: YEA, Stevens: YEA, Vosburg: YEA
YEA: 7, NAY: 0, ABSENT: 2, ABSTAIN: 1

Chair Vosburg received into evidence Exhibit #1 - City Manager's Report prepared for the September 12, 2022, Planning Commission meeting (2 pages), Exhibit #2 - Notice of Hearing published (1 page); Exhibit #3 - Voluntary Annexation Petition/Request from Matt Davidson on behalf of Jerry Gohl (1 page); Exhibit #4 - Legal Description of the proposed annexation area (1 page); Exhibit #5 - Proposed Resolution No. PC2022-03 (2 pages).

City Manager Schneider reviewed the information presented in Exhibit 1.

Scott Clifford, representing the applicant, was present to address questions from 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.

Bradley: YEA, Davidson: ABSTAIN, Dueland: YEA, Friehe: ABSENT, Hilker: ABSENT, Lyons: YEA, McDowell: YEA, Mockry: YEA, Stevens: YEA, Vosburg: YEA
YEA: 7, NAY: 0, ABSENT: 2, ABSTAIN: 1

2.H. Approve Planning Commission Resolution No. PC2022-03, recommending approval of the voluntary annexation of a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska, said tract of land included in the parcel to be referred to as Heritage Pointe Addition No. 2.

Motion to approve Planning Commission Resolution No. PC2022-03, recommending approval of the voluntary annexation of a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska, said tract of land included in the parcel to be referred to as Heritage Pointe Addition No. 2. This motion, made by McDowell and seconded by Bradley, passed.

Bradley: YEA, Davidson: ABSTAIN, Dueland: YEA, Friehe: ABSENT, Hilker: ABSENT, Lyons: YEA, McDowell: YEA, Mockry: YEA, Stevens: YEA, Vosburg: YEA
YEA: 7, NAY: 0, ABSENT: 2, ABSTAIN: 1

2.I. Public Hearing - To consider the preliminary plat of Heritage Pointe which is located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska.

Motion to recess as a Planning Commission and convene a public hearing for the purpose of receiving public comment regarding the Preliminary Plat of Heritage Pointe which is located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska. This motion, made by Vosburg and seconded by Stevens, passed.

Bradley: YEA, Davidson: ABSTAIN, Dueland: YEA, Friehe: ABSENT, Hilker: ABSENT, Lyons: YEA, McDowell: YEA, Mockry: YEA, Stevens: YEA, Vosburg: YEA
YEA: 7, NAY: 0, ABSENT: 2, ABSTAIN: 1

Chair Vosburg received into evidence Exhibit #1 - City Manager's Report prepared for the September 12, 2022 Planning Commission meeting (2 pages); Exhibit #2 - Notice of Public Hearing published, mailed, and posted (1 page); Exhibit #3 - listing of property owners notified (1 page); Exhibit #4 - Heritage Pointe Preliminary Plat (1 page); Exhibit #5 - Land Use Application and attachments (6 pages); and Exhibit #6 - City of McCook Subdivision Regulations, Section 7. Procedures (4 pages).

City Manager Schneider reviewed the information presented in Exhibit 1.

Scott Clifford, representing the applicant, was present to address questions from 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 Lyons, passed.

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

YEA: 7, NAY: 0, ABSENT: 2, ABSTAIN: 1

2.J. Recommend approval to the City Council the Heritage Pointe preliminary plat which is located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska.

Motion to recommend to the McCook City Council approval of the Heritage Pointe preliminary plat which is located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska. This motion, made by Vosburg and seconded by Mockry, passed.

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

YEA: 7, NAY: 0, ABSENT: 2, ABSTAIN: 1

The Commission set a special meeting for September 26, 2022, at 5:15 P.M., to consider the North Pointe Final Plat, required vacation for the plat, and rezoning a portion of the area included in the plat.

Adjournment.

With no further business, Chair Vosburg declared the Planning Commission meeting adjourned at 6:11 P.M.

Lea Ann Doak
City Clerk/Recording Secretary

**CITY MANAGER'S REPORT
SEPTEMBER 19, 2022 CITY COUNCIL MEETING**

ITEM: **3.A.**

Approve the minutes of the September 6, 2022 Budget Hearing City Council meeting and the September 6, 2022 regular City Council meeting.

BACKGROUND:

Receive and approve the minutes.

**FISCAL
IMPACT:** None.

APPROVALS:



Lea Ann Doak, City Clerk

September 14, 2022

McCook City Council
September 6, 2022
5:30 P.M. Central
Budget Hearing

THE BUDGET HEARING OF THE MAYOR AND COUNCIL OF THE CITY OF MCCOOK, NEBRASKA was held the 6th day of September, 2022, at 5:30 P.M. in the City Council Chambers. Notice of the budget hearing was published in McCook Gazette on the 30th day of August, 2022.

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

Absent: Councilmember Rambali.

Motion to excuse the absence of Councilmember Rambali. This motion, made by Calvin 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, Utilities Director Fawver, Fire Chief Harpham, Public Works Director Potthoff, Water Superintendent Riggs, Senior Services Director Siegfried, and Police Chief Smith.

Others present: Lorri Sughroue, McCook Gazette report; Jim Olson spoke during the public hearing.

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. Public Hearings.

1.A. Public Hearing - FY 2022/2023 Annual Budget.

At 5:33 P.M., motion to recess as a City Council and convene a public hearing for the purpose of receiving public comment on the proposed FY 2022/2023 Annual Budget with the City Attorney to act as hearing officer. This motion, made by Calvin and seconded by Muehlenkamp, passed.

Gonzales: YEA, Calvin: YEA, Weedon: YEA, Muehlenkamp: YEA, Rambali: ABSENT.
YEA: 4, NAY: 0, ABSENT: 1

The City Attorney offered and received into evidence Exhibit #1 - the City Manager's Report dated September 6, 2022 meeting (1 page); Exhibit #2 - Notice of Hearing published (1 page); and Exhibit #3 - Transmittal Letter dated September 6, 2022 (5 pages). Three copies of the proposed budget statement were available to the public.

City Manager Schneider read the Budget Transmittal Letter, outlining the key provisions of the proposed budget statement, including, but not limited to, a comparison with the prior year's budget.

The floor was then opened for public comment on the proposed budget statement. Jim Olson expressed concerns with the ballot question for the extra ½% Sales Tax. No other members of the public were present to comment.

The Council discussed various items from the Transmittal letter.

With no one present to comment, motion to close the budget hearing. This motion, made by Calvin and seconded by Weedin, passed.

Gonzales: YEA, Calvin: YEA, Weedin: YEA, Muehlenkamp: YEA, Rambali: ABSENT.
YEA: 4, NAY: 0, ABSENT: 1

The budget hearing was closed at 5:54 P.M.

Adjournment.

There being no further business, motion to adjourn the budget hearing. This motion, made by Calvin and seconded by Weedin, passed.

Gonzales: YEA, Calvin: YEA, Weedin: YEA, Muehlenkamp: YEA, Rambali: ABSENT.
YEA: 4, NAY: 0, ABSENT: 1

Michael D. Gonzales, Mayor

ATTEST:

Lea Ann Doak, City Clerk-Treasurer

McCook City Council
September 6, 2022
5:30 P.M. Central

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

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

Absent: Councilmember Rambali.

Motion to excuse the absence of Councilmember Rambali. This motion, made by Calvin 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, Water Superintendent Riggs, 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 September 1, 2022, the designated method of giving notice, a copy of the proof of publication being attached to these minutes. Advance notice of the meeting was also given to the Mayor and members of the City Council and a copy of the Acknowledgement of Receipt of such notice is attached to these minutes. Availability of the agenda was communicated in the advance notice to the Mayor and Council. All proceedings hereafter shown were taken while the meeting was open to the attendance of the public.

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 Donelan, McCook Evangelical Free Church, provided 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 informed that a Planning Commission meeting is scheduled for September 12, 2022 for consideration of a minor subdivision, rezoning of the subdivision, and annexation of a portion of the subdivision.

Public Works Director Potthoff informed the Council that there has been a substantial increase in illegal dumping at the city's brush pile located at the Transfer Station. A recent inspection by the Nebraska Department of Environment and Energy found the City in violation of the permitted use of the brush pile. They will continue to monitor the situation and if violations continue, the City could potentially be fined up to \$10,000 per day. To help prevent further illegal dumping, barricades

have been installed for one-way in, and one-way out access. The area will still be open 24 hours a day, including weekends. Security cameras and lights will be installed.

2. Presentation.

- 2.A. Accept a presentation from the McCook Masonic Templecraft and approve a conditional gift in the amount of \$250,000 for the new City of McCook swimming pool project, said gift subject to conditions.

Greg Wolford, Chris Smith, Greg Fine, and Karen Lyne, members of the McCook Masonic Templecraft were present for the presentation.

Motion to accept a presentation from the McCook Masonic Templecraft and approve a conditional gift in the amount of \$250,000 for the new City of McCook swimming pool project, said gift subject to conditions. This motion, made by Calvin and seconded by Weedon, passed.

Rambali: ABSENT, Gonzales: YEA, Calvin: YEA, Weedon: YEA, Muehlenkamp: YEA
YEA: 4, NAY: 0, ABSENT: 1

3. Public Hearings.

- 3.A. Public Hearing - Set Final Tax Request at a different amount than the prior year.

Motion to recess as a City Council and convene a public hearing for the purpose of receiving public comment on setting the final tax request at a different amount than the prior year, with the City Attorney to act as hearing officer. This motion, made by Calvin and seconded by Muehlenkamp, passed.

Rambali: ABSENT, Gonzales: YEA, Calvin: YEA, Weedon: YEA, Muehlenkamp: YEA
YEA: 4, NAY: 0, ABSENT: 1

The City Attorney offered and received into evidence Exhibit #1 - the City Manager's Report dated September 6, 2022 (1 page) and Exhibit #2 - Notice of Hearing published (1 page).

City Manager Schneider reviewed the information contained in the Notice of Hearing.

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

Rambali: ABSENT, Gonzales: YEA, Calvin: YEA, Weedon: YEA, Muehlenkamp: YEA
YEA: 4, NAY: 0, ABSENT: 1

- 3.B. Public Hearing - consider the 2023 McCook Plan of Street Improvements.

Motion to recess as a City Council and convene a public hearing for the purpose of receiving public comment on the 2023 McCook Plan of Street Improvements with the City Attorney to act as hearing officer. This motion, made by Weedon and seconded by Muehlenkamp, passed.

Rambali: ABSENT, Gonzales: YEA, Calvin: YEA, Weedon: YEA, Muehlenkamp: YEA

YEA: 4, NAY: 0, ABSENT: 1

The City Attorney offered and received into evidence Exhibit #1 - the City Manager's Report dated September 6, 2022 (1 page); Exhibit #2 - Notice of Hearing published (1 page); Exhibit #3 - proposed Resolution No. 2022-08 (1 page); Exhibit #4 - One Year Street Plan (1 page); Exhibit #5 - Long Range Street Plan (1 page); Exhibit #6 - Map of 2023 - Plan of Street Improvements (1 page); Exhibit #7 - 2023 One & Six Year Plan Budget (1 page); and Exhibit #8 - Projects Completed or Contracted in the Last Fiscal Year (1 page).

Greg Wolford and Kyle Potthoff discussed the progress of the current street plan. They also discussed what will be coming up in the next couple of years.

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

Rambali: ABSENT, Gonzales: YEA, Calvin: YEA, Weedin: YEA, Muehlenkamp: YEA
YEA: 4, NAY: 0, ABSENT: 1

3.C. Adopt Resolution No. 2022-08 approving the 2023 McCook Plan of Street Improvements.

I move to adopt Resolution No. 2022-08 approving the 2023 McCook Plan of Street Improvements. This motion, made by Calvin and seconded by Weedin, passed.

Rambali: ABSENT, Gonzales: YEA, Calvin: YEA, Weedin: YEA, Muehlenkamp: YEA
YEA: 4, NAY: 0, ABSENT: 1

4. Consent Agenda.

Councilmember Calvin requested that Item K be removed from the Consent Agenda and placed on the Regular Agenda.

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

Rambali: ABSENT, Gonzales: YEA, Calvin: YEA, Weedin: YEA, Muehlenkamp: YEA
YEA: 4, NAY: 0, ABSENT: 1

- 4.A. Approve the minutes of the August 15, 2022 regular City Council meeting and the August 24, 2022 special City Council meeting.
- 4.B. Set a meeting date for the Selection Board for Engineering Services for the Wastewater Treatment Plant Improvements on September 7, 2022 at 10:00 A.M.
- 4.C. Approve Resolution No. 2022-09 authorizing the Mayor to sign the 2022 Municipal Annual Certification of Program Compliance to the Nebraska Board of Public Roads Classifications and Standards.
- 4.D. Approve and authorize the Mayor to sign a Professional Engineering Agreement with Miller

& Associates, Consulting Engineers, P.C., for rotary fan press equipment procurement for the Wastewater Treatment Facility.

- 4.E. Adopt Resolution No. 2022-10 approving a Sexual Abuse and Molestation Prevention Policy for the City of McCook's employees, volunteers, independent contractors, board and committee members, and other associated individuals.
 - 4.F. Approve an application from Great Plains Communications to occupy city right-of-way for the purpose of replacing a fiber optic vault and installing a new fiber cabinet at the northeast corner of the intersection of S. Highway 83 and South Street and authorize the Mayor to sign.
 - 4.G. Approve the application for a Special Designated Liquor License submitted by the McCook Chamber of Commerce for Wagner's After Hours Mixer to be held at Wagner Chevrolet & Buick, 201 East "B" Street, on November 2, 2022, from 8:00 A.M. to 11:00 P.M., with an alternate date of November 9, 2022, from 8:00 A.M. to 11:00 P.M.
 - 4.H. Approve the application for a Special Designated Liquor License submitted by Loop Brewing Company LLC, Liquor License #LK-093351, for a wedding reception to be held at the McCook Municipal Auditorium, 302 West 5th Street, on October 22, 2022 from 4:00 P.M. to 12:00 A.M.
 - 4.I. Approve the application for a Special Designated Liquor License submitted by Loop Brewing Company LLC, Liquor License #LK-093351, for a wedding reception to be held at the McCook Municipal Auditorium, 302 West 5th Street, on November 5, 2022 from 4:00 P.M. to 12:00 A.M.
 - 4.J. Approve the application for a Special Designated Liquor License submitted by Ambriz Ventures, LLC, Liquor License #CK-124450, for a Benefit Concert to be held at the Red Willow County Fairgrounds Kiplinger Arena, 1412 West 5th Street, on October 8, 2022 from 8:00 A.M. to 12:00 A.M.
 - 4.L. Approve the application for a Special Designated Liquor License submitted by Citta' Deli, Liquor License #C-121305, for Farrell's Sip 'n Shop event to be held at Farrell's Hallmark Shop, 116 West "B" Street, on October 21, 2022 from 1:00 P.M. to 8:00 P.M.
 - 4.M. Receive and file the Financial Report for the period ending July 31, 2022.
 - 4.N. Approve a Memorandum of Understanding with the McCook Area Chamber of Commerce whereby ACE funds will be appropriated for promotional activities that benefit the City of McCook.
- 5. Regular Agenda.**
- 4.K. Approve the application for a Special Designated Liquor License submitted by Ambriz Ventures, LLC, Liquor License #CK-124450, for a School Reunion, at the High Plains

Museum, 413 Norris Avenue, on October 8, 2022 from 8:00 A.M. to 12:00 A.M.

Motion to approve the application for a Special Designated Liquor License submitted by Ambriz Ventures, LLC, Liquor License #CK-124450, for a School Reunion, at the High Plains Museum, 413 Norris Avenue, on October 8, 2022 from 8:00 A.M. to 12:00 A.M. This motion, made by Calvin and seconded by Muehlenkamp, passed.

Rambali: ABSENT, Gonzales: YEA, Calvin: YEA, Weedin: YEA, Muehlenkamp: YEA
YEA: 4, NAY: 0, ABSENT: 1

5.A. Ordinance No. 2022-3045 providing for the adoption of the budget for FY 2022/2022.

Mayor Gonzales asked the Clerk to read Ordinance No. 2022-3045 by title:

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.

Ordinance No. 2022-3045 has been read by title and I move to approve upon its second reading. This motion, made by Calvin and seconded by Weedin, passed.

Rambali: ABSENT, Gonzales: YEA, Calvin: YEA, Weedin: YEA, Muehlenkamp: YEA
YEA: 4, NAY: 0, ABSENT: 1

5.B. Ordinance No. 2022-3044 providing for the adoption of the FY 2022/2023 Fiscal Year Employee Classification Pay Plan.

Mayor Gonzales asked the Clerk to read Ordinance No. 2022-3044 by title:

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.

Ordinance No. 2022-3044 has been read by title and I move to approve upon its second reading. This motion, made by Calvin and seconded by Muehlenkamp, passed.

Rambali: ABSENT, Gonzales: YEA, Calvin: YEA, Weedin: YEA, Muehlenkamp: YEA
YEA: 4, NAY: 0, ABSENT: 1

5.C. Approve increase of Restricted Funds Limit by an additional 1% for Unused Restricted Funds Authority.

Motion to approve an increase of the Restricted Funds Limit by an additional 1% for Unused Restricted Funds Authority. This motion, made by Muehlenkamp and seconded by Calvin, passed.
Rambali: ABSENT, Gonzales: YEA, Calvin: YEA, Weedin: YEA, Muehlenkamp: YEA

YEA: 4, NAY: 0, ABSENT: 1

5.D. Approve Employment Agreement with City Manager Nathan A. Schneider and authorize the Mayor to sign.

Motion to approve the Employment Agreement with City Manager Nathan A. Schneider and authorize the Mayor to sign. This motion, made by Weedin and seconded by Muehlenkamp, passed. Rambali: ABSENT, Gonzales: YEA, Calvin: YEA, Weedin: YEA, Muehlenkamp: YEA
YEA: 4, NAY: 0, ABSENT: 1

5.E. Consider Ordinance No. 2022-3046 setting the salary and compensation of City Manager Nathan A. Schneider.

Mayor Gonzales introduced Ordinance No. 2022-3046 and asked the Clerk to read it by title. The Clerk read the title:

AN ORDINANCE OF THE CITY OF MCCOOK, NEBRASKA SETTING THE SALARY AND COMPENSATION OF THE CITY MANAGER OF THE CITY OF MCCOOK; REPEALING ALL 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. 2022-3046 has been introduced, read by title, and I move that the statutory rule requiring reading on three different days be suspended, said motion must be adopted by three-fourths of the Council. This motion, made by Weedin and seconded by Calvin, passed.
Rambali: ABSENT, Gonzales: YEA, Calvin: YEA, Weedin: YEA, Muehlenkamp: YEA
YEA: 4, NAY: 0, ABSENT: 1

I move for final passage of Ordinance No. 2022-3046. This motion, made by Gonzales and seconded by Calvin, passed.
Rambali: ABSENT, Gonzales: YEA, Calvin: YEA, Weedin: YEA, Muehlenkamp: YEA
YEA: 4, NAY: 0, ABSENT: 1

Mayor Gonzales stated for the record that Ordinance No. 2022-3046 is declared lawfully passed and adopted upon publication as required by law.

5.F. Council Comments.

Councilmember Gonzales thanked the staff for all they do with the preparation of the budget, Councilmember Weedin, thanked Jody and Richie Crocker for the cleaning of the story book pages along the walking trail, they are a joy to read.

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

Motion to go into executive session for the protection of public interest for a strategy session with respect to collective bargaining - the Fraternal Order of Police Lodge 57 at 6:34 P.M. This motion, made by Weedin and seconded by Calvin, passed.

Rambali: ABSENT, Gonzales: YEA, Calvin: YEA, Weedin: YEA, Muehlenkamp: YEA
YEA: 4, NAY: 0, ABSENT: 1

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

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

Motion to come out of executive session at 6:46 P.M. This motion, made by Calvin and seconded by Weedin, passed.

Rambali: ABSENT, Gonzales: YEA, Calvin: YEA, Weedin: YEA, Muehlenkamp: YEA
YEA: 4, NAY: 0, ABSENT: 1

Adjournment.

There being no further business to come before the Council, Mayor Gonzales declared the meeting adjourned at 6:46 P.M.

Michael D. Gonzales, Mayor

ATTEST:

Lea Ann Doak, City Clerk-Treasurer

**CITY MANAGER'S REPORT
SEPTEMBER 19, 2022 CITY COUNCIL MEETING**

ITEM: 3.B.

RECOMMENDATION:

Accept the minutes of the September 12, 2022 Planning Commission meeting.

BACKGROUND:

Accept minutes from the various board and commission meetings.

**FISCAL
IMPACT:** None.

APPROVALS:



Lea Ann Doak, City Clerk

September 14, 2022

McCook Planning Commission
September 12, 2022
5:15 P.M. Central

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

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

Absent: Vice Chair Hilker; Commissioner Friehe; City Attorney Mustion.

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

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on September 8, 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 August 8, 2022 regular Planning Commission meeting.

Motion to approve the minutes of the August 8, 2022 regular Planning Commission meeting. This motion, made by Dueland and seconded by McDowell, passed.

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

2. Public Hearings and Regular Agenda.

- 2.A. Public Hearing - Consider a request from William Watts to rezone the following described property from Industrial Light (IL) to Business Commercial District (BC): Lot Three, Block One, Happy Hollow Addition, to the City of McCook, Red Willow County, Nebraska, except that track deeded to the State of Nebraska.

Motion to recess as a Planning Commission and convene a public hearing for the purpose of receiving public comment with respect to the request request from William Watts to rezone the following described property from Industrial Light (IL) to Business Commercial District (BC): Lot Three, Block One, Happy Hollow Addition, to the City of McCook, Red Willow County, Nebraska, except that track deeded to the State of Nebraska, with the City Manager to act as hearing officer. This motion, made by Vosburg and seconded by McDowell, passed.

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

McDowell: YEA, Mockry: YEA, Stevens: YEA, Vosburg: YEA
YEA: 8, NAY: 0, ABSENT: 2

The City Manager received into evidence Exhibit #1 - City Manager's Report prepared for the September 12, 2022 Planning Commission meeting (3 pages), Exhibit #2 - Notice of Hearing published and posted (1 page); Exhibit #3 - ownership list for mailing of Notice of Hearing (1 page); Exhibit #4 - Land Use Action Request Form and attachments (6 pages); and Exhibit #5 - A map of the lot and surrounding vicinity (1 page); Exhibit #6 - Map of the City of McCook's zoning districts (1 page).

City Manager Schneider reviewed the information presented in Exhibit 1. Mr. Schneider clarified that there no longer was a residential structure on the lot.

Bill Watts, applicant, was present to address questions from the Commission.

Kenny Yeager, owner of Lot 1 of Happy Hollow Addition questioned what effect the special exception would have on his property.

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

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

2.B. Recommend the approval of a rezone from Industrial Light (IL) to Business Commercial District (BC): Lot Three, Block One, Happy Hollow Addition, to the City of McCook, Red Willow County, Nebraska, except that track deeded to the State of Nebraska.

Motion to recommend to the McCook City Council the approval the rezone from Industrial Light (IL) to Business Commercial District (BC); Lot Three, Block One, Happy Hollow Addition, to the City of McCook, Red Willow County, Nebraska, except that track deeded to the State of Nebraska. This motion, made by McDowell and seconded by Davidson, passed.

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

2.C. Public Hearing - Regarding the Preliminary Plat and Final Plat for Heritage Pointe Addition No. 2, a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska.

Motion to recess as a Planning Commission and convene a public hearing for the purpose of receiving public comment regarding the Preliminary Plat and Final Plat for Heritage Pointe Addition No. 2, a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska. This motion, made by Vosburg and seconded by Mockry, passed.

Bradley: YEA, Davidson: ABSTAIN, Dueland: YEA, Friehe: ABSENT, Hilker: ABSENT, Lyons:

YEA, McDowell: YEA, Mockry: YEA, Stevens: YEA, Vosburg: YEA
YEA: 7, NAY: 0, ABSENT: 2, ABSTAIN: 1

Chair Vosburg received into evidence Exhibit #1 - City Manager's Report prepared for the September 12, 2022 Planning Commission meeting (2 pages); Exhibit #2 - Notice of Public Hearing published (1 page); Exhibit #3 - mailed and posted (1 page); Exhibit #4 - listing of property owners notified (1 page); Exhibit #5 - Heritage Pointe Addition No. 2 Preliminary Plat (1 page); Exhibit #6 - Heritage Pointe Addition No. 2 Final Plat (1 page); Exhibit #7 - Land Use Application and attachments (6 pages); and Exhibit #8 - City of McCook Subdivision Regulations, Section 7. Procedures (4 pages).

City Manager Schneider reviewed the information presented in Exhibit 1.

Scott Clifford, representing the applicant, was present to address questions from 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.
Bradley: YEA, Davidson: ABSTAIN, Dueland: YEA, Friehe: ABSENT, Hilker: ABSENT, Lyons: YEA, McDowell: YEA, Mockry: YEA, Stevens: YEA, Vosburg: YEA
YEA: 7, NAY: 0, ABSENT: 2, ABSTAIN: 1

2.D. Recommend to the McCook City Council approval of the Preliminary Plat and Final Plat for Heritage Pointe Addition No. 2, a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska.

Motion to recommend to the McCook City Council approval of the Preliminary Plat and Final Plat for Heritage Pointe Addition No. 2, a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska. This motion, made by McDowell and seconded by Stevens, passed.
Bradley: YEA, Davidson: ABSTAIN, Dueland: YEA, Friehe: ABSENT, Hilker: ABSENT, Lyons: YEA, McDowell: YEA, Mockry: YEA, Stevens: YEA, Vosburg: YEA
YEA: 7, NAY: 0, ABSENT: 2, ABSTAIN: 1

2.E. Public Hearing - Regarding a zoning change request for Heritage Pointe Addition No. 2, a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska; said zoning change to amend the current zoning designation from Residential Medium Density District (RM) and Agricultural District (AG), to Business Commercial District (BC).

Motion to recess as a Planning Commission and convene a public hearing for the purpose of receiving public comment with respect to a zoning change request for Heritage Pointe Addition No. 2, a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska; said zoning change to amend the current zoning designation from Residential Medium Density District (RM) and Agricultural District (AG), to Business Commercial District (BC). This motion, made by Vosburg and seconded by McDowell, passed.

Bradley: YEA, Davidson: ABSTAIN, Dueland: YEA, Friehe: ABSENT, Hilker: ABSENT, Lyons: YEA, McDowell: YEA, Mockry: YEA, Stevens: YEA, Vosburg: YEA
YEA: 7, NAY: 0, ABSENT: 2, ABSTAIN: 1

Chair Vosburg received into evidence Exhibit #1 - City Manager's Report prepared for the September 12, 2022 Planning Commission meeting (3 pages), Exhibit #2 - Notice of Hearing published and posted (1 page); Exhibit #3 - ownership list for mailing of Notice of Hearing (1 page); Exhibit #4 - Land Use Action Request Form and attachments (5 pages); and Exhibit #5 - Map of the City of McCook's zoning districts (1 page).

City Manager Schneider reviewed the information presented in Exhibit 1.

Scott Clifford, representing the applicant, was present to address questions from 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 Stevens, passed.

Bradley: YEA, Davidson: ABSTAIN, Dueland: YEA, Friehe: ABSENT, Hilker: ABSENT, Lyons: YEA, McDowell: YEA, Mockry: YEA, Stevens: YEA, Vosburg: YEA
YEA: 7, NAY: 0, ABSENT: 2, ABSTAIN: 1

2.F. Recommend to the McCook City Council approval of the zoning change request for Heritage Pointe Addition No. 2, a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska; said zoning change to amend the current zoning designation from Residential Medium Density District (RM) and Agricultural District (AG), to Business Commercial District (BC).

Motion to recommend to the McCook City Council approval of the zoning change request for Heritage Pointe Addition No. 2, a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska; said zoning change to amend the current zoning designation from Residential Medium Density District (RM) and Agricultural District (AG), to Business Commercial District (BC). This motion, made by Vosburg and seconded by Lyons, passed.

Bradley: YEA, Davidson: ABSTAIN, Dueland: YEA, Friehe: ABSENT, Hilker: ABSENT, Lyons: YEA, McDowell: YEA, Mockry: YEA, Stevens: YEA, Vosburg: YEA
YEA: 7, NAY: 0, ABSENT: 2, ABSTAIN: 1

2.G. Public Hearing - Regarding the voluntary annexation of a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska, said tract of land included in the parcel to be referred to as Heritage Pointe Addition No. 2.

Motion to recess as a Planning Commission and convene a public hearing for the purpose of receiving public comment with respect to the voluntary annexation of a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska, said tract of land included in the parcel to be referred to as Heritage Pointe Addition No. 2. This motion, made by Vosburg and seconded by Mockry, passed.

Bradley: YEA, Davidson: ABSTAIN, Dueland: YEA, Friehe: ABSENT, Hilker: ABSENT, Lyons: YEA, McDowell: YEA, Mockry: YEA, Stevens: YEA, Vosburg: YEA
YEA: 7, NAY: 0, ABSENT: 2, ABSTAIN: 1

Chair Vosburg received into evidence Exhibit #1 - City Manager's Report prepared for the September 12, 2022, Planning Commission meeting (2 pages), Exhibit #2 - Notice of Hearing published (1 page); Exhibit #3 - Voluntary Annexation Petition/Request from Matt Davidson on behalf of Jerry Gohl (1 page); Exhibit #4 - Legal Description of the proposed annexation area (1 page); Exhibit #5 - Proposed Resolution No. PC2022-03 (2 pages).

City Manager Schneider reviewed the information presented in Exhibit 1.

Scott Clifford, representing the applicant, was present to address questions from 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.

Bradley: YEA, Davidson: ABSTAIN, Dueland: YEA, Friehe: ABSENT, Hilker: ABSENT, Lyons: YEA, McDowell: YEA, Mockry: YEA, Stevens: YEA, Vosburg: YEA
YEA: 7, NAY: 0, ABSENT: 2, ABSTAIN: 1

2.H. Approve Planning Commission Resolution No. PC2022-03, recommending approval of the voluntary annexation of a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska, said tract of land included in the parcel to be referred to as Heritage Pointe Addition No. 2.

Motion to approve Planning Commission Resolution No. PC2022-03, recommending approval of the voluntary annexation of a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska, said tract of land included in the parcel to be referred to as Heritage Pointe Addition No. 2. This motion, made by McDowell and seconded by Bradley, passed.

Bradley: YEA, Davidson: ABSTAIN, Dueland: YEA, Friehe: ABSENT, Hilker: ABSENT, Lyons: YEA, McDowell: YEA, Mockry: YEA, Stevens: YEA, Vosburg: YEA
YEA: 7, NAY: 0, ABSENT: 2, ABSTAIN: 1

2.I. Public Hearing - To consider the preliminary plat of Heritage Pointe which is located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska.

Motion to recess as a Planning Commission and convene a public hearing for the purpose of receiving public comment regarding the Preliminary Plat of Heritage Pointe which is located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska. This motion, made by Vosburg and seconded by Stevens, passed.

Bradley: YEA, Davidson: ABSTAIN, Dueland: YEA, Friehe: ABSENT, Hilker: ABSENT, Lyons: YEA, McDowell: YEA, Mockry: YEA, Stevens: YEA, Vosburg: YEA
YEA: 7, NAY: 0, ABSENT: 2, ABSTAIN: 1

Chair Vosburg received into evidence Exhibit #1 - City Manager's Report prepared for the September 12, 2022 Planning Commission meeting (2 pages); Exhibit #2 - Notice of Public Hearing published, mailed, and posted (1 page); Exhibit #3 - listing of property owners notified (1 page); Exhibit #4 - Heritage Pointe Preliminary Plat (1 page); Exhibit #5 - Land Use Application and attachments (6 pages); and Exhibit #6 - City of McCook Subdivision Regulations, Section 7. Procedures (4 pages).

City Manager Schneider reviewed the information presented in Exhibit 1.

Scott Clifford, representing the applicant, was present to address questions from 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 Lyons, passed.

Bradley: YEA, Davidson: ABSTAIN, Dueland: YEA, Friehe: ABSENT, Hilker: ABSENT, Lyons: YEA, McDowell: YEA, Mockry: YEA, Stevens: YEA, Vosburg: YEA
YEA: 7, NAY: 0, ABSENT: 2, ABSTAIN: 1

2.J. Recommend approval to the City Council the Heritage Pointe preliminary plat which is located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska.

Motion to recommend to the McCook City Council approval of the Heritage Pointe preliminary plat which is located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska. This motion, made by Vosburg and seconded by Mockry, passed.

Bradley: YEA, Davidson: ABSTAIN, Dueland: YEA, Friehe: ABSENT, Hilker: ABSENT, Lyons: YEA, McDowell: YEA, Mockry: YEA, Stevens: YEA, Vosburg: YEA
YEA: 7, NAY: 0, ABSENT: 2, ABSTAIN: 1

The Commission set a special meeting for September 26, 2022, at 5:15 P.M., to consider the North Pointe Final Plat, required vacation for the plat, and rezoning a portion of the area included in the plat.

Adjournment.

With no further business, Chair Vosburg declared the Planning Commission meeting adjourned at 6:11 P.M.

Lea Ann Doak
City Clerk/Recording Secretary

**CITY MANAGER'S REPORT
SEPTEMBER 19, 2022 CITY COUNCIL MEETING**

ITEM: 3.C.

Receive and file the claims for the month of August 2022, published September 9, 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

September 13, 2022

CITY OF MCCOOK
CLAIMS FOR AUGUST 2022

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

20/20 TECHS-SC 4265.00; ACE-S 1226.49; AKRS-S 5312.34; AMERICAN AG LAB-SC835.29; AMERICAN ELECTRIC-S 73.62; AMERITAS-DENTAL-SC 434.72; AMERITAS-CLAIMS-SC 4480.68; ANYTIME TRI-STATE TOWING-SC 510.00; ARROW CAR WASH-S 46.13; BLACK HILLS ENERGY-SC 2637.41; BW TELECOM-SC 144.14; C&K-S 800.67; CAMBRIDGE TELEPHONE-SC 234.12; CAROLINA-S 200.00; CARQUEST-S 2041.04; CASH WA-S 17169.89; CDW-G-SC 9251.10, CO 904.21; CENTURY LINK-SC 757.50; CITY OF MCCOOK-PS 569640.14; CITY SELF INS-BT 173258.00; UTILITIES-SC 23487.29; CONSOLIDATED MGMT-SC 254.75; CORNHUSKER CLEANING SUPPLY-S 102.31; J. CROCKER-SC 35.00; CULLIGAN-S 116.99; D & S HARDWARE-S 3051.37; DAS STATE ACCTG-SC 470.00; DEMCO, INC-S 452.97; DEVENY-S 201.31; DIAMOND LAKE-S 184.36; DIAMOND VOGEL-S 2431.58; DITCH WITCH-S 3254.53; DJ EXPRESS-S 2664.70; L. DOAK-SC 341.25; D. DOWNING-SC 150.00; EAKES-S 468.95; EASTERN SKY, INC-S 5685.00; ELECTRIC PUMP, INC-CO 36331.90; ENGINEERED CONTROLS-S 214.00; ESC ENG-SC 12740.00; FASTENAL-S 488.70; FICA-PS 28726.65; FIGGINS CONST-CO 55271.75; FRENCHMAN VALLEY COOP-S 23624.93; FRONTIER COMM-SC 34.19; FUSION CLOUD-SC 89.31; GARRISONS-S 11.00; GARVER-SC 10025.37; GEO-COMM, INC-SC 1037.00; GIS WORKSHOP-SC 655.00; GLASS EXPRESS-S 149.85; M. GONZALES-SC 374.38; GOOD SKY, LLC-SC 2000.00; GOOGLE SVCS-SC 486.00; GREAT PLAINS COMM-SC 2382.16; K. HANSEN-SC 90.00; HEGWOOD CONCRETE-CO 5056.80; HELLO DIRECT-SC 1000.61; HENNING BROS-SC 59.00; HIGH PLAINS RADIO-SC 116.00; HOMETOWN LEASING-SC 769.56; HOTSEY EQUIP-S 975.00; IAAI, INC-SC 675.00; IDEAL LINEN-S 284.93; ISLAND SPRINKLER-S 935.44; J BAR J LANDFILL-SC 45811.34; K & C GRAIN-S 9434.93; K-C MOTOR & ELEC-S 335.00; KIDS REFERENCE-S 105.22; KLUTE TRUCK-CO 17025.00; KNOWLEN & YATES-S 10.00; KOHL'S AUTO-S 1772.17; A. KOTSCHWAR-SC 100.00; KULLY PIPE-S 407.69; LEAGUE OF NE MUN-SC 19190.00; LEAGUE OF NE-UTILITIES-SC 2529.00; LIFE-ASSIST-S 2507.92; MACQUEEN EQUIP-S 1156.38; MALLECK OIL, LLC-S 486.40; MARIS GEN CONST-S 100.00;

MC GAZETTE-SC 1419.20; MCHUMANE SOCIETY-S 3842.96; MPPD-SC 2698.00; MC NET-SC 69.95; MCKESSON MEDICAL-S 770.65; MEDICARE-PS 7935.59; MEAD-S 185.68; MICROMARKETING-S 2556.61; MIDWEST CONNECT-SC 2203.69 S 223.00; MILLER & ASSOC-S 620.00; MOUSEL, BROOKS, SCHNEIDER, MUSTION-SC 3031.62; MOTION PICTURE LICENSING-S 286.69; MUNICIPAL SUPPLY-S 5032.00, CO 1447.12; MUTUAL OF OMAHA-SC 396.40; NATP-SC 50.00; NE DEPT REV-SALES TAX-SC 10312.83; NE SAFETY AND FIRE-S 1400.00; NE LAW ENFORCEMENT-SC 485.00; NE LIBRARY ASSOC-SC 70.00; NEBRASKA MACHINERY-S 177.30; NEBRASKA TRUCK CENTER-S 601.73; NEBRASKALAND TIRE-S 228.90; NEW PIC CORP-S 542.35; NICK'S DIST-SC 889.83; NPPD-SC 43571.96; O'REILLY-S 362.10; ONE BILLING SOL-SC 3231.38; ONE CALL-SC 128.88; PAPER TIGER-S 90.00; PAULSEN INC-S 1849.17; PAVEMENT REPAIR & SUPPLY-CO 1195.00; PLATTE VALLEY COMM-S 412.90; QUADIENT FINANCE USA-SC 216.59, S 783.41; QUALITY IRRIGATION-S 10.25; QUICK MED-SC 469.27; QUILL-S 615.82; RAVENSWOOD ELEC-S 293.83; S REICHERT-SC 50.00; RELIANCE BARCODE-456.43 RIVISTAS, LLC-S 1230.22; RUGGLES-SC 330.00; RUTT'S HEATING & AC-S 1902.75; SANDRY FIRE SUPPLY-S 5395.00; N SCHNEIDER-SC 50.00; SEHNERT'S-SC 157.10; SHELCO CONST-CO 484654.77; M. SIDES-SC 75.00; SOUTHWEST FARM & AUTO-S 1338.96; SW NE LEADERSHIP INST-SC 300.00; SWANSON SIGN-SC 105.00; TASTE OF HOME-S 154.00; TELELANGUAGE-S 7.19; TIRADO, LLC-CO 12100.00; TITAN MACHINERY-S 319.75; TK ELEVATOR-SC 1646.04; TRAVELER'S-SC 56709.50; TRI AIR TESTING-SC 227.00; UMR-SC 138398.28; US FOODS-S 1990.15; UTILITY REFUNDS-1306.85; USA BLUEBOOK-S 2027.72; VANGUARD SAFETY WEAR-CO 1634.40; VERIZON-SC 2391.45; VOLZ-S 1395.60; WAGNER CHEVY-S 140.29; WAGNER FORD-S 987.50; WALMART-S 1719.59; WASTE SYSTEMS-S 212.68; WEATHERCRAFT-S 532.00; G. WEEDIN-SC 341.25; WESTSIDE WELDING-CO 200.20; ZOLL MEDICAL-S 776.25.

-s- Lea Ann Doak
City Clerk

Publish: September 9, 2022

**CITY MANAGER'S REPORT
SEPTEMBER 19, 2022 CITY COUNCIL MEETING**

ITEM: 3.D.

RECOMMENDATION:

APPROVE THE ST. PATRICK CATHOLIC CHURCH REQUEST TO CLOSE PORTIONS OF EAST 4TH AND EAST "G" STREETS AND TO UTILIZE CITY PROPERTY FOR THEIR ANNUAL FALL FESTIVAL ON SEPTEMBER 25, 2022.

BACKGROUND:

St. Patrick Catholic Church is conducting their annual Fall Festival on September 25, 2022. The church requests permission to close East 4th Street between F and G Streets and East G Street between 3rd and 4th Streets between the hours of 10:00 a.m. and 8:00 p.m. on Sunday September 25, 2022. The Church also requests the use of City property. The Church requests the use of eighteen to twenty extra trash containers, barricades/cones to close the streets and park benches for seating.

The Public Works Departments have sufficient manpower to respond to the request of St. Patrick Catholic Church without overtime cost or other added expense to the City. The City has assisted with this annual event for numerous years.

A certificate of insurance has been requested.

**FISCAL
IMPACT:** None.

RECOMMENDATION:

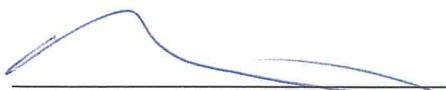
APPROVE THE ST. PATRICK CATHOLIC CHURCH REQUEST TO CLOSE PORTIONS OF EAST 4TH AND EAST "G" STREETS AND TO UTILIZE CITY PROPERTY FOR THEIR ANNUAL FALL FESTIVAL ON SEPTEMBER 25, 2022.

APPROVALS:



Kyle Potthoff, Public Works Director

September 12, 2022



Nate Schneider, City Manager

September 12, 2022

Kyle Potthoff

From: Nate Schneider <nshneider@cityofmccook.com>
Sent: Tuesday, September 13, 2022 11:55 AM
To: 'St. Patrick Church & School McCook'
Cc: Clerk Lea Ann Doak; Kyle
Subject: RE: Fall Festival street closing request

Got it!

What time are you thinking the streets will need to be blocked off?

Thanks,
Nate

-----Original Message-----

From: St. Patrick Church & School McCook
Sent: Monday, September 12, 2022 7:15 PM
To: Nate Schneider <nshneider@cityofmccook.com>; St. Patrick <st.patrick.mccook@gmail.com>
Subject: Fall Festival street closing request

Dear City of McCook,
St. Pats school and parish will be hosting their 48th annual Fall Festival event on Sunday, September 25th.
We would like to have the streets of East 4th and East G blocked off for our games, snack shack, and other activities.
Thank you for your assistance with this!

Shannon Corder
Development Director
308-345-8871

**CITY MANAGER'S REPORT
SEPTEMBER 19, CITY COUNCIL MEETING**

ITEM: 3.E.

Approve the application for a Special Designated Liquor License submitted by Ambriz Ventures, LLC, Liquor License #CK-124450, for a fundraiser for CASA, at Norris Alley, 406 Norris Avenue, on October 15, 2022 from 8:00 A.M. to 1:00 A.M., with an alternate location of The Barn, 1701 US-83.

BACKGROUND:

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

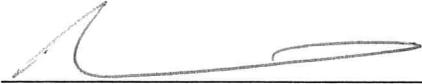
**FISCAL
IMPACT:** None.

APPROVALS:



Lea Ann Doak, City Clerk

September 13, 2022



Nathan A. Schneider, City Manager

September 13, 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

Ambriz Ventures, LLC

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

312 Norris Ave Mccook Ne

Retail Liquor License Address or Non-Profit Business Address

124450

Retail License Number or Non-Profit Federal ID #

Consecutive Dates only

Event Date(s):

Oct 15, 2022

Event Start Time(s):

8 AM

Event End Time(s):

1 AM

Alternate Date:

Alternate Location Building & Address:

The Barn 1701 US -83 McCook Ne 69001

Event Building Name:

Norris Alley

Event Street Address/City:

406 Norris Ave McCook

Indoor area to be licensed in length & width: ___ X ___

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

Type of Event:

Fundraiser for CASA

Estimate # of attendees: **150**

Type of alcohol to be served:

Beer **XX**

Wine **XX**

Distilled Spirits **XX**

(If not marked, you will not be able to serve this type of alcohol)

Event Contact Name:

Andrew Ambriz

Event Contact Phone Number:

3083456500

Event Contact Email:

andrew@sehnerts.com

*Signature Authorized Representative:



Printed Name

Andrew Ambriz

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

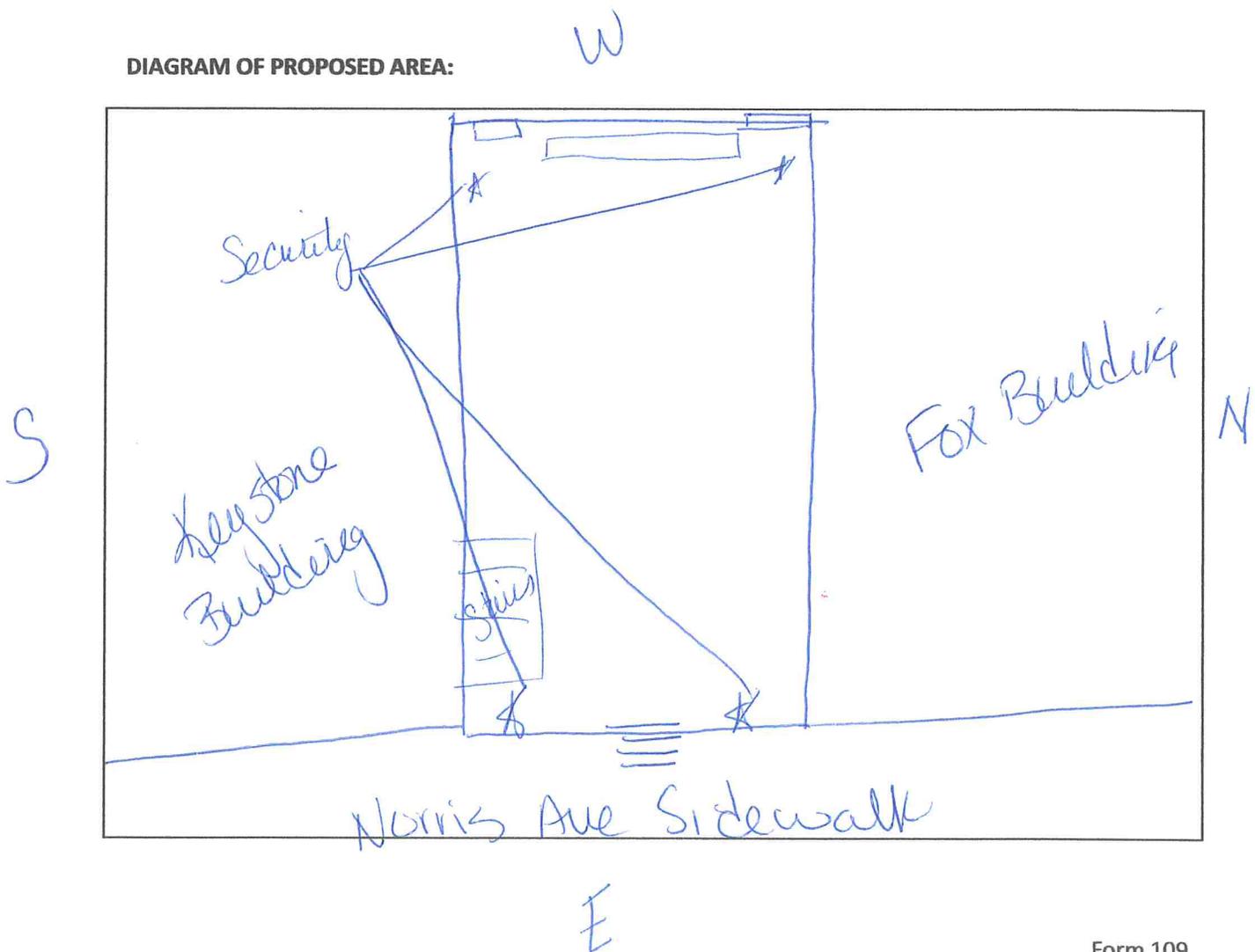
Date

OUTDOOR AREA DIAGRAM

HOW AREA WILL BE PATROLLED 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:



**CITY MANAGER'S REPORT
SEPTEMBER 19, 2022 CITY COUNCIL MEETING**

ITEM: 3.F.

Receive and file the Financial Report for the period ending August 31, 2022.

BACKGROUND:

The Treasurer's Report (Attachment A) gives the beginning cash balances as of October 1, 2021, plus Total (YTD) Receipts, minus Total (YTD) Disbursements, giving the ending cash balance on August 31, 2022.

Per the Banking Services Agreement with McCook National Bank, all funds are deposited into the Public Funds Account at a higher rate of interest. The bank then sweeps in increments of \$100,000 to the Primary Operating Account to cover disbursements as they clear the bank. The Payroll Account is also a sweep account and maintains a \$1,000 balance.

All of the bank accounts are interest bearing, except the Payroll Account and the Purchase Account. The Purchase Account is our VISA credit card.

Attachment B gives the ending cash balances by fund as of August 31, 2022.

Attachment C is a Financial Summary of Revenue and Expense by Fund for the quarter ending August 31, 2022.

Staff is always available to address any questions that the Council may have. The Department Heads receive monthly financial reports and it is their responsibility to monitor their individual budgets. It is the bottom-line per department that is monitored. If they go over on a line item, that must adjust for it in another line item.

**FISCAL
IMPACT:** None.

APPROVALS:



Lea Ann Doak, City Clerk-Treasurer

September 13, 2022



Nathan A. Schneider, City Manager

September 13, 2022

ATTACHMENT

A

City of McCook, Nebraska
 TREASURER'S REPORT
 Period Ending August 31, 2022 (unaudited)

Beginning Cash on Hand, October 1, 2021			
McCook National Bank - Public Funds	\$	17,042,616.65	
McCook National Bank - Primary Operating	\$	(279,443.92)	
McCook National Bank - LB840 Funds	\$	879,312.54	
McCook National Bank - Payroll	\$	1,000.00	
McCook National Bank - CRA	\$	57.93	
Purchases Account	\$	9,630.65	
Petty Cash	\$	1,000.00	
NDEQ Irrevocable Escrow	\$	83,564.97	
McCook National Bank - Pension	\$	5,212.19	
TOTAL BEGINNING CASH			\$ 17,742,951.01
Receipts:			
Taxes	\$	5,224,611.18	
Fees, Permits and Licenses	\$	451,464.76	
Intergovernmental Services	\$	2,503,208.96	
Charges - Current Services	\$	1,775,440.55	
Public Utilities	\$	3,709,418.09	
Use of Money & Property	\$	1,877,527.07	
Interfund Transfers	\$	4,514,460.03	
Other Revenue	\$	1,845,640.49	
Unapplied/Accounts Payable	\$	(3,351.20)	
PLUS TOTAL RECEIPTS			\$ 21,898,419.93
Disbursements:			
Personal Services	\$	6,510,147.22	
Supplies	\$	1,392,928.51	
Services & Charges	\$	6,353,093.33	
Budget Transfers	\$	3,279,889.53	
Capital Outlay	\$	2,635,845.18	
Unapplied/Accounts Payable	\$	(16.19)	
MINUS TOTAL DISBURSEMENTS			\$ 20,171,887.58
Ending Cash Balance August 31, 2022			
McCook National Bank - Public Funds	\$	18,236,885.37	
McCook National Bank - Primary Operating	\$	163,289.37	
McCook National Bank - LB840 Funds	\$	965,632.98	
McCook National Bank - Payroll	\$	1,000.00	
McCook National Bank - CRA	\$	57.93	
Petty Cash	\$	1,150.00	
Purchase Account	\$	10,000.00	
NDEQ Irrevocable Escrow	\$	84,552.00	
McCook National Bank - Pension	\$	6,915.71	
TOTAL ENDING CASH	\$	19,469,483.36	\$ 19,469,483.36

Dated: August 31, 2022

-s- Lea Ann Doak, City Clerk

ATTACHMENT B

City of McCook, Nebraska
 TREASURER'S REPORT
 CASH BALANCE BY FUNDS
 Period Ending August 31, 2022 (unaudited)

Beginning Cash on Hand, October 1, 2021	Beginning Cash	YTD Revenue	YTD Expenditures	Ending Cash
General Fund - 10	\$ 3,166,009.66	\$ 7,407,332.83	\$ 7,281,088.78	\$ 3,292,253.71
General Fund Unapplied/Accts. Payable	\$ 6,930.00	\$ (3,606.00)	\$ (16.19)	\$ 3,340.19
Street Fund - 15	\$ 562,460.09	\$ 151,024.02	\$ 2,000.00	\$ 711,484.11
Special Revenue - 20	\$ 2,225,074.50	\$ 1,097,783.36	\$ 1,388,656.62	\$ 1,934,201.24
Special Revenue Unapplied/Accts. Payable	\$ -	\$ -	\$ -	\$ -
Debt Service - 30	\$ 395,909.07	\$ 2,214.00	\$ 122.84	\$ 398,000.23
Community Redevelopment Authority - 40	\$ 72,402.36	\$ 256,074.99	\$ 252,876.80	\$ 75,600.55
Economic Development Fund - 45	\$ 879,312.54	\$ 543,927.44	\$ 457,607.00	\$ 965,632.98
Pension Trust - 50	\$ 5,212.19	\$ 19,004.12	\$ 17,300.60	\$ 6,915.71
Trust & Agency - 60	\$ 331,559.78	\$ 162,296.21	\$ 132,063.89	\$ 361,792.10
Internal Service Fund - 65	\$ 361,345.20	\$ 2,497,269.59	\$ 1,893,332.85	\$ 965,281.94
Enterprise Fund - 70	\$ 8,899,188.10	\$ 9,171,973.94	\$ 8,014,274.88	\$ 10,056,887.16
Enterprise Fund Unapplied/Accts. Payable	\$ -	\$ 254.80	\$ -	\$ 254.80
Capital Improvement - 80	\$ 837,547.52	\$ 592,870.63	\$ 732,579.51	\$ 697,838.64
BALANCES	\$ 17,742,951.01	\$ 21,898,419.93	\$ 20,171,887.58	\$ 19,469,483.36

Dated: August 31, 2022

-s- Lea Ann Doak, City Clerk

ATTACHMENT C

CITY OF McCOOK
STATEMENT OF REVENUES - BUDGET VS. ACTUAL
AS OF: AUGUST 31ST, 2022

10 -GENERAL FUND
FINANCIAL SUMMARY

% OF YEAR COMPLETED: 91.67

	ORIGINAL BUDGET	CURRENT BUDGET	MONTHLY REVENUE	YEAR-TO-DATE REVENUE	PRIOR YEAR YEAR-TO-DATE	BUDGET REMAINING	% BUDGET REMAINING
REVENUE SUMMARY							
GENERAL REVENUE	9,439,695	9,439,695	581,130.05	7,190,266.87	7,319,440.56	2,249,428.13	23.83
RESERVES/CO TREASURER BAL	<u>1,756,659</u>	<u>1,756,659</u>	<u>11,229.00</u>	<u>217,065.96</u>	<u>236,310.10</u>	<u>1,539,593.04</u>	<u>87.64</u>
TOTAL REVENUES	11,196,354	11,196,354	592,359.05	7,407,332.83	7,555,750.66	3,789,021.17	33.84
	=====	=====	=====	=====	=====	=====	=====
	ORIGINAL BUDGET	CURRENT BUDGET	MONTHLY EXPENDITURES	YEAR-TO-DATE EXPENDITURES	PRIOR YEAR YEAR-TO-DATE	BUDGET REMAINING	% BUDGET REMAINING
ADMINISTRATION	762,814	762,814	83,160.36	552,104.30	503,274.50	210,709.70	27.62
PUBLICITY	8,750	8,750	199.74	4,179.99	3,725.20	4,570.01	52.23
AUDITORIUM	50,056	50,056	7,377.18	44,136.09	38,391.25	5,919.91	11.83
COUNCIL	562,228	562,228	23,849.38	223,007.43	319,937.19	339,220.57	60.34
POLICE	2,188,434	2,188,434	189,415.03	1,669,471.28	1,496,107.40	518,962.72	23.71
MUNICIPAL CENTER	117,179	117,179	11,684.81	89,505.92	86,436.51	27,673.08	23.62
FIRE	1,609,965	1,609,965	612.66	1,081,450.44	1,223,800.29	528,514.56	32.83
AMBULANCE	174,880	174,880	13,886.85	133,893.95	146,758.26	40,986.05	23.44
CIVIL DEFENSE	10,075	10,075	105.58	5,037.38	4,787.11	5,037.62	50.00
BUILDING & ZONING	99,604	99,604	10,724.35	86,966.33	70,684.47	12,637.67	12.69
LIBRARY	361,567	361,567	38,302.39	306,520.84	290,668.66	55,046.16	15.22
STREET	1,050,567	1,050,567	84,064.87	894,028.17	816,000.90	156,538.83	14.90
CEMETERY	236,078	236,078	21,411.46	204,622.81	173,936.11	31,455.19	13.32
PARKS	281,264	281,264	30,708.54	240,088.43	174,938.54	41,175.57	14.64
BALL PARKS	156,669	156,669	16,124.75	133,666.10	106,199.22	23,002.90	14.68
POOL	99,232	99,232	330.10	4,496.48	76,630.15	94,735.52	95.47
AIRPORT	173,619	173,619	16,215.35	125,517.07	136,723.92	48,101.93	27.71
UNEMPLOYMENT	10,000	10,000	0.00	0.00	174.00	10,000.00	100.00
UNCOLLECTABLE TAX	15,000	15,000	246.38	11,301.20	11,370.49	3,698.80	24.66
SENIOR CENTER	447,304	447,304	45,781.68	397,239.36	335,933.06	50,064.64	11.19
PUBLIC TRANSPORTATION	177,330	177,330	16,781.25	163,501.03	143,670.52	13,828.97	7.80
HEALTH OPERATING	787,075	787,075	65,589.50	721,484.50	647,163.00	65,590.50	8.33
RESERVES/CO TREASURER BAL	<u>656,659</u>	<u>656,659</u>	<u>0.00</u>	<u>188,869.68</u>	<u>70,467.40</u>	<u>467,789.32</u>	<u>71.24</u>
TOTAL EXPENDITURES	10,036,349	10,036,349	675,346.89	7,281,088.78	6,877,778.15	2,755,260.22	27.45
	=====	=====	=====	=====	=====	=====	=====
REVENUES OVER/(UNDER) EXPENDITURES	1,160,005	1,160,005	(82,987.84)	126,244.05	677,972.51	1,033,760.95	89.12

CITY OF MCCOOK
 STATEMENT OF REVENUES - BUDGET VS. ACTUAL
 AS OF: AUGUST 31ST, 2022

15 -STREET FUND
 FINANCIAL SUMMARY

% OF YEAR COMPLETED: 91.67

	ORIGINAL BUDGET	CURRENT BUDGET	MONTHLY REVENUE	YEAR-TO-DATE REVENUE	PRIOR YEAR YEAR-TO-DATE	BUDGET REMAINING	% BUDGET REMAINING
<u>REVENUE SUMMARY</u>							
STREET IMPROVEMENTS	522,367	522,367	1,443.00	151,024.02	161,076.14	371,342.98	71.09
TOTAL REVENUES	522,367	522,367	1,443.00	151,024.02	161,076.14	371,342.98	71.09
	=====	=====	=====	=====	=====	=====	=====
	ORIGINAL BUDGET	CURRENT BUDGET	MONTHLY EXPENDITURES	YEAR-TO-DATE EXPENDITURES	PRIOR YEAR YEAR-TO-DATE	BUDGET REMAINING	% BUDGET REMAINING
STREET IMPROVEMENTS	522,367	522,367	0.00	2,000.00	0.00	520,367.00	99.62
TOTAL EXPENDITURES	522,367	522,367	0.00	2,000.00	0.00	520,367.00	99.62
	=====	=====	=====	=====	=====	=====	=====
REVENUES OVER/(UNDER) EXPENDITURES	0	0	1,443.00	149,024.02	161,076.14	(149,024.02)	0.00

CITY OF MCCOOK
STATEMENT OF REVENUES - BUDGET VS. ACTUAL
AS OF: AUGUST 31ST, 2022

20 -SPECIAL REVENUE
FINANCIAL SUMMARY

% OF YEAR COMPLETED: 91.67

	ORIGINAL BUDGET	CURRENT BUDGET	MONTHLY REVENUE	YEAR-TO-DATE REVENUE	PRIOR YEAR YEAR-TO-DATE	BUDGET REMAINING	% BUDGET REMAINING
REVENUE SUMMARY							
FAA GRANTS	7,262	7,262	21,895.20	211,382.20	86,666.84 (	204,120.20)	2,810.80-
PUBLIC TRANSIT GRANTS	66,000	66,000	0.00	18,709.70	0.00	47,290.30	71.65
ACE REVENUE SHARING	30,961	30,961	52.00	9,228.00	19,739.00	21,733.00	70.19
MCCOOK RECREATIONAL TRAIL	53,979	53,979	111.00	302.00	84.00	53,677.00	99.44
CCCF GRANT-SWIMMING POOL	25,000	25,000	0.00	0.00	6,250.00	25,000.00	100.00
MCCOOK COMM FOUNDATION	0	0	0.00	0.00	25,000.00	0.00	0.00
COVID-19 CARES ACT	718,337	718,337	775.00	43,252.32	742,661.12	675,084.68	93.98
ENHANCED E911	166,497	166,497	1,261.27	26,899.34	27,675.48	139,597.66	83.84
RAVENSWOOD RD PROJECT	0	0	0.00	0.00	0.00	0.00	0.00
INSURANCE REIMBURSEMENT	426,233	426,233	967.00	13,728.25	25,765.78	412,504.75	96.78
PSAP FUNDS	117,992	117,992	4,039.70	71,368.87	46,888.60	46,623.13	39.51
MUNICIPAL FACILITY CONST	34,785	34,785	0.00	0.00	0.00	34,785.00	100.00
SKATE PARK IMPROVEMENTS	4,642	4,642	0.00	0.00	0.00	4,642.00	100.00
AUD/CONVEN CTR FEASIBILI	0	0	0.00	0.00	0.00	0.00	0.00
AME RESCUE PLAN ACT-ARPA	1,338,028	1,338,028	669,596.68	702,912.68	669,109.68	635,115.32	47.47
BIRDELLA NELSON TECH CTR	0	0	0.00	0.00	0.00	0.00	0.00
TOTAL REVENUES	2,989,716	2,989,716	698,697.85	1,097,783.36	1,649,840.50	1,891,932.64	63.28
	=====	=====	=====	=====	=====	=====	=====
	ORIGINAL BUDGET	CURRENT BUDGET	MONTHLY EXPENDITURES	YEAR-TO-DATE EXPENDITURES	PRIOR YEAR YEAR-TO-DATE	BUDGET REMAINING	% BUDGET REMAINING
FAA GRANTS	7,262	7,262	10,025.37	183,962.93	66.00 (	176,700.93)	2,433.23-
PUBLIC TRANSIT GRANTS	66,000	66,000	0.00	18,709.70	0.00	47,290.30	71.65
ACE REVENUE SHARING	30,961	30,961	0.00	18,960.00	36,117.80	12,001.00	38.76
MCCOOK RECREATIONAL TRAIL	53,979	53,979	0.00	0.00	0.00	53,979.00	100.00
CCCF GRANT-SWIMMING POOL	25,000	25,000 (	5,738.05)	1,293.75	6,250.00	23,706.25	94.83
MCCOOK COMM FOUNDATION	0	0	0.00	0.00	25,000.00	0.00	0.00
COVID-19 CARES ACT	718,337	718,337	139,674.95	524,466.27	15,803.04	193,870.73	26.99
ENHANCED E911	166,497	166,497	1,000.61	151,150.46	80,009.63	15,346.54	9.22
RAVENSWOOD RD PROJECT	0	0	0.00	0.00	0.00	0.00	0.00
INSURANCE REIMBURSEMENT	426,233	426,233	0.00	9,251.00	6,793.40	416,982.00	97.83
PSAP FUNDS	117,992	117,992	2,540.74	62,326.83	64,349.92	55,665.17	47.18
MUNICIPAL FACILITY CONST	34,785	34,785	0.00	0.00	0.00	34,785.00	100.00
SKATE PARK IMPROVEMENTS	4,642	4,642	0.00	0.00	0.00	4,642.00	100.00
AUD/CONVEN CTR FEASIBILI	0	0	0.00	0.00	0.00	0.00	0.00
AME RESCUE PLAN ACT-ARPA	1,338,028	1,338,028	0.00	416,418.21	0.00	921,609.79	68.88
BIRDELLA NELSON TECH CTR	0	0	2,117.47	2,117.47	0.00 (	2,117.47)	0.00
TOTAL EXPENDITURES	2,989,716	2,989,716	149,621.09	1,388,656.62	234,389.79	1,601,059.38	53.55
	=====	=====	=====	=====	=====	=====	=====
REVENUES OVER/(UNDER) EXPENDITURES	0	0	549,076.76 (	290,873.26)	1,415,450.71	290,873.26	0.00

CITY OF MCCOOK
 STATEMENT OF REVENUES - BUDGET VS. ACTUAL
 AS OF: AUGUST 31ST, 2022

30 -DEBT SERVICE
 FINANCIAL SUMMARY

% OF YEAR COMPLETED: 91.67

	ORIGINAL BUDGET	CURRENT BUDGET	MONTHLY REVENUE	YEAR-TO-DATE REVENUE	PRIOR YEAR YEAR-TO-DATE	BUDGET REMAINING	% BUDGET REMAINING
<u>REVENUE SUMMARY</u>							
GENERAL OBLIGATION	0	0	0.00	0.00	0.00	0.00	0.00
AIRBASE JUDGEMENT	0	0	0.00	0.00	0.00	0.00	0.00
SPECIAL ASSESSMENTS	395,856	395,856	808.00	2,214.00	36,754.82	393,642.00	99.44
BOND RESERVE	0	0	0.00	0.00	0.00	0.00	0.00
TOTAL REVENUES	395,856	395,856	808.00	2,214.00	36,754.82	393,642.00	99.44
	=====	=====	=====	=====	=====	=====	=====
	ORIGINAL BUDGET	CURRENT BUDGET	MONTHLY EXPENDITURES	YEAR-TO-DATE EXPENDITURES	PRIOR YEAR YEAR-TO-DATE	BUDGET REMAINING	% BUDGET REMAINING
GENERAL OBLIGATION	0	0	0.00	0.00	0.00	0.00	0.00
AIRBASE JUDGEMENT	0	0	0.00	0.00	0.00	0.00	0.00
SPECIAL ASSESSMENTS	395,856	395,856	0.00	122.84	0.00	395,733.16	99.97
BOND RESERVE	0	0	0.00	0.00	0.00	0.00	0.00
TOTAL EXPENDITURES	395,856	395,856	0.00	122.84	0.00	395,733.16	99.97
	=====	=====	=====	=====	=====	=====	=====
REVENUES OVER/(UNDER) EXPENDITURES	0	0	808.00	2,091.16	36,754.82 (	2,091.16)	0.00

CITY OF MCCOOK
 STATEMENT OF REVENUES - BUDGET VS. ACTUAL
 AS OF: AUGUST 31ST, 2022

40 -COMMUNITY DEVELOPMENT
 FINANCIAL SUMMARY

% OF YEAR COMPLETED: 91.67

	ORIGINAL BUDGET	CURRENT BUDGET	MONTHLY REVENUE	YEAR-TO-DATE REVENUE	PRIOR YEAR YEAR-TO-DATE	BUDGET REMAINING	% BUDGET REMAINING
REVENUE SUMMARY							
KEYSTONE BUS CENTER PROJ	31,000	31,000	0.00	28,587.79	28,486.89	2,412.21	7.78
CITY INVESTMENTS	72,489	72,489	148.00	404.00	6,003.00	72,085.00	99.44
NORTH POINTE	30,000	30,000	955.16	23,418.98	28,768.27	6,581.02	21.94
CLARY VILLAGE LLC	9,500	9,500	0.00	4,561.42	4,534.21	4,938.58	51.99
MCCOOK HOTEL GROUP/COBBL	60,000	60,000	0.00	27,614.18	27,449.49	32,385.82	53.98
QUILLAN COURTS	15,000	15,000	0.00	7,304.02	16,050.94	7,695.98	51.31
MCCOOK LODGING/HOLIDAY I	134,000	134,000	0.00	50,620.97	50,321.38	83,379.03	62.22
NEXT GENERATION	200,000	200,000	0.00	113,563.63	108,850.83	86,436.37	43.22
N-STANT CONVENIENCE	20,000	20,000	0.00	0.00	0.00	20,000.00	100.00
BLACKWOOD ENTERPRISES	200,000	200,000	0.00	0.00	0.00	200,000.00	100.00
TOTAL REVENUES	771,989	771,989	1,103.16	256,074.99	270,465.01	515,914.01	66.83
<hr/>							
	ORIGINAL BUDGET	CURRENT BUDGET	MONTHLY EXPENDITURES	YEAR-TO-DATE EXPENDITURES	PRIOR YEAR YEAR-TO-DATE	BUDGET REMAINING	% BUDGET REMAINING
KEYSTONE BUS CENTER PROJ	31,000	31,000	0.00	28,587.79	28,486.89	2,412.21	7.78
CITY INVESTMENTS	72,489	72,489	0.00	0.00	105.00	72,489.00	100.00
NORTH POINTE	30,000	30,000	0.00	21,508.66	17,998.55	8,491.34	28.30
CLARY VILLAGE LLC	9,500	9,500	0.00	4,561.42	4,534.21	4,938.58	51.99
MCCOOK HOTEL GROUP/COBBL	60,000	60,000	0.00	27,614.18	27,449.49	32,385.82	53.98
QUILLAN COURTS	15,000	15,000	0.00	6,420.15	14,303.08	8,579.85	57.20
MCCOOK LODGING/HOLIDAY I	134,000	134,000	0.00	50,620.97	50,321.38	83,379.03	62.22
NEXT GENERATION	200,000	200,000	0.00	113,563.63	108,850.83	86,436.37	43.22
N-STANT CONVENIENCE	20,000	20,000	0.00	0.00	0.00	20,000.00	100.00
BLACKWOOD ENTERPRISES	200,000	200,000	0.00	0.00	0.00	200,000.00	100.00
TOTAL EXPENDITURES	771,989	771,989	0.00	252,876.80	252,049.43	519,112.20	67.24
<hr/>							
REVENUES OVER/(UNDER) EXPENDITURES	0	0	1,103.16	3,198.19	18,415.58 (	3,198.19)	0.00

CITY OF MCCOOK
 STATEMENT OF REVENUES - BUDGET VS. ACTUAL
 AS OF: AUGUST 31ST, 2022

45 -ECONOMIC DEVELOPMENT FUND
 FINANCIAL SUMMARY

% OF YEAR COMPLETED: 91.67

	ORIGINAL BUDGET	CURRENT BUDGET	MONTHLY REVENUE	YEAR-TO-DATE REVENUE	PRIOR YEAR YEAR-TO-DATE	BUDGET REMAINING	% BUDGET REMAINING
<u>REVENUE SUMMARY</u>							
ECONOMIC DEVELOPMENT FUN	1,268,739	1,268,739	51,682.36	543,927.44	547,359.27	724,811.56	57.13
KEYSTONE BOND RESERVE	0	0	0.00	0.00	0.00	0.00	0.00
KEYSTONE BOND REDEMPTION	0	0	0.00	0.00	0.00	0.00	0.00
TOTAL REVENUES	1,268,739	1,268,739	51,682.36	543,927.44	547,359.27	724,811.56	57.13
	=====	=====	=====	=====	=====	=====	=====
	ORIGINAL BUDGET	CURRENT BUDGET	MONTHLY EXPENDITURES	YEAR-TO-DATE EXPENDITURES	PRIOR YEAR YEAR-TO-DATE	BUDGET REMAINING	% BUDGET REMAINING
ECONOMIC DEVELOPMENT FUN	1,268,739	1,268,739	14,585.20	457,607.00	458,591.30	811,132.00	63.93
KEYSTONE BOND RESERVE	0	0	0.00	0.00	0.00	0.00	0.00
KEYSTONE BOND REDEMPTION	0	0	0.00	0.00	0.00	0.00	0.00
TOTAL EXPENDITURES	1,268,739	1,268,739	14,585.20	457,607.00	458,591.30	811,132.00	63.93
	=====	=====	=====	=====	=====	=====	=====
REVENUES OVER/(UNDER) EXPENDITURES	0	0	37,097.16	86,320.44	88,767.97 (	86,320.44)	0.00

CITY OF McCOOK
 STATEMENT OF REVENUES - BUDGET VS. ACTUAL
 AS OF: AUGUST 31ST, 2022

50 -PENSION TRUST
 FINANCIAL SUMMARY

% OF YEAR COMPLETED: 91.67

	ORIGINAL BUDGET	CURRENT BUDGET	MONTHLY REVENUE	YEAR-TO-DATE REVENUE	PRIOR YEAR YEAR-TO-DATE	BUDGET REMAINING	% BUDGET REMAINING
<u>REVENUE SUMMARY</u>							
POLICE OFFICER DISABILIT	21,213	21,213	0.39	19,004.12	15,005.95	2,208.88	10.41
TOTAL REVENUES	21,213	21,213	0.39	19,004.12	15,005.95	2,208.88	10.41
	=====	=====	=====	=====	=====	=====	=====
	ORIGINAL BUDGET	CURRENT BUDGET	MONTHLY EXPENDITURES	YEAR-TO-DATE EXPENDITURES	PRIOR YEAR YEAR-TO-DATE	BUDGET REMAINING	% BUDGET REMAINING
POLICE OFFICER DISABILIT	21,213	21,213	1,572.83	17,300.60	17,301.13	3,912.40	18.44
TOTAL EXPENDITURES	21,213	21,213	1,572.83	17,300.60	17,301.13	3,912.40	18.44
	=====	=====	=====	=====	=====	=====	=====
REVENUES OVER/(UNDER) EXPENDITURES	0	0	(1,572.44)	1,703.52	(2,295.18)	(1,703.52)	0.00

CITY OF MCCOOK
STATEMENT OF REVENUES - BUDGET VS. ACTUAL
AS OF: AUGUST 31ST, 2022

60 -AGENCY FUND
FINANCIAL SUMMARY

% OF YEAR COMPLETED: 91.67

	ORIGINAL BUDGET	CURRENT BUDGET	MONTHLY REVENUE	YEAR-TO-DATE REVENUE	PRIOR YEAR YEAR-TO-DATE	BUDGET REMAINING	% BUDGET REMAINING
<u>REVENUE SUMMARY</u>							
PERPETUAL CARE	157,271	157,271	624.00	7,187.00	4,283.00	150,084.00	95.43
SENIOR CENTER CONTRIBUTIO	65,064	65,064	941.00	8,967.25	11,977.66	56,096.75	86.22
SCHOOL	8,050	8,050	0.00	6,725.00	6,365.00	1,325.00	16.46
FIRE CONTRIBUTIONS	5,228	5,228	15.00	658.06	1,035.20	4,569.94	87.41
LIBRARY MEMORIAL	38,714	38,714	300.00	22,490.00	14,271.07	16,224.00	41.91
COMMUNITY BETTERMENT	141,634	141,634	7,864.23	89,313.86	92,720.96	52,320.14	36.94
DARE CONTRIBUTIONS	3,152	3,152	750.00	1,184.66	550.00	1,967.34	62.42
PUBLIC WORKS CONTRIBUTION	6,365	6,365	0.00	0.00	1,341.00	6,365.00	100.00
AMBULANCE CONTRIBUTIONS	9,246	9,246	820.00	13,020.00	4,325.00 (	3,774.00)	40.82-
COMMUNITY PARAMEDIC PROG	4,316	4,316	0.00	0.00	0.00	4,316.00	100.00
POLICE CONTRIBUTIONS	2,771	2,771	0.00	2,750.38	2,567.89	20.62	0.74
FIRE TRAINING TRAILER	0	0	10,000.00	10,000.00	0.00 (	10,000.00)	0.00
TOTAL REVENUES	441,811	441,811	21,314.23	162,296.21	139,436.78	279,514.79	63.27

	ORIGINAL BUDGET	CURRENT BUDGET	MONTHLY EXPENDITURES	YEAR-TO-DATE EXPENDITURES	PRIOR YEAR YEAR-TO-DATE	BUDGET REMAINING	% BUDGET REMAINING
PERPETUAL CARE	157,271	157,271	0.00	0.00	0.00	157,271.00	100.00
SENIOR CENTER CONTRIBUTIO	65,064	65,064	0.00	1,571.96	13,849.58	63,492.04	97.58
SCHOOL	8,050	8,050	0.00	6,725.00	6,365.00	1,325.00	16.46
FIRE CONTRIBUTIONS	5,228	5,228	0.00	1,497.61	0.00	3,730.39	71.35
LIBRARY MEMORIAL	38,714	38,714	0.00	13,682.88	18,463.81	25,031.12	64.66
COMMUNITY BETTERMENT	141,634	141,634	5,833.00	91,273.00	68,082.00	50,361.00	35.56
DARE CONTRIBUTIONS	3,152	3,152	0.00	2,063.44	1,061.04	1,088.56	34.54
PUBLIC WORKS CONTRIBUTION	6,365	6,365	0.00	0.00	712.00	6,365.00	100.00
AMBULANCE CONTRIBUTIONS	9,246	9,246	0.00	15,250.00	0.00 (	6,004.00)	64.94-
COMMUNITY PARAMEDIC PROG	4,316	4,316	0.00	0.00	0.00	4,316.00	100.00
POLICE CONTRIBUTIONS	2,771	2,771	0.00	0.00	1,481.88	2,771.00	100.00
FIRE TRAINING TRAILER	0	0	0.00	0.00	0.00	0.00	0.00
TOTAL EXPENDITURES	441,811	441,811	5,833.00	132,063.89	110,015.31	309,747.11	70.11
REVENUES OVER/(UNDER) EXPENDITURES	0	0	15,481.23	30,232.32	29,421.47 (	30,232.32)	0.00

CITY OF MCCOOK
 STATEMENT OF REVENUES - BUDGET VS. ACTUAL
 AS OF: AUGUST 31ST, 2022

65 -INTERNAL SERVICE FUND
 FINANCIAL SUMMARY

% OF YEAR COMPLETED: 91.67

	ORIGINAL BUDGET	CURRENT BUDGET	MONTHLY REVENUE	YEAR-TO-DATE REVENUE	PRIOR YEAR YEAR-TO-DATE	BUDGET REMAINING	% BUDGET REMAINING
REVENUE SUMMARY							
FLEX DEPENDENT CARE	11,994	11,994	576.00	4,148.34	3,115.49	7,845.66	65.41
FLEX - MEDICAL	65,297	65,297	4,219.38	33,935.42	30,144.89	31,361.58	48.03
SELF INSURED HEALTH INSUR	<u>2,588,281</u>	<u>2,588,281</u>	<u>193,352.82</u>	<u>2,459,185.83</u>	<u>1,964,390.63</u>	<u>129,095.17</u>	<u>4.99</u>
TOTAL REVENUES	<u>2,665,572</u>	<u>2,665,572</u>	<u>198,148.20</u>	<u>2,497,269.59</u>	<u>1,997,651.01</u>	<u>168,302.41</u>	<u>6.31</u>
	ORIGINAL BUDGET	CURRENT BUDGET	MONTHLY EXPENDITURES	YEAR-TO-DATE EXPENDITURES	PRIOR YEAR YEAR-TO-DATE	BUDGET REMAINING	% BUDGET REMAINING
FLEX DEPENDENT CARE	11,994	11,994	20.00	3,938.42	4,198.16	8,055.58	67.16
FLEX - MEDICAL	65,297	65,297	1,475.92	37,252.46	34,187.34	28,044.54	42.95
SELF INSURED HEALTH INSUR	<u>2,588,281</u>	<u>2,588,281</u>	<u>142,214.16</u>	<u>1,852,141.97</u>	<u>2,000,338.13</u>	<u>736,139.03</u>	<u>28.44</u>
TOTAL EXPENDITURES	<u>2,665,572</u>	<u>2,665,572</u>	<u>143,710.08</u>	<u>1,893,332.85</u>	<u>2,038,723.63</u>	<u>772,239.15</u>	<u>28.97</u>
REVENUES OVER/(UNDER) EXPENDITURES	0	0	54,438.12	603,936.74 (	41,072.62)(	603,936.74)	0.00

CITY OF MCCOOK
STATEMENT OF REVENUES - BUDGET VS. ACTUAL
AS OF: AUGUST 31ST, 2022

70 -ENTERPRISE FUND
FINANCIAL SUMMARY

% OF YEAR COMPLETED: 91.67

	ORIGINAL BUDGET	CURRENT BUDGET	MONTHLY REVENUE	YEAR-TO-DATE REVENUE	PRIOR YEAR YEAR-TO-DATE	BUDGET REMAINING	% BUDGET REMAINING
REVENUE SUMMARY							
SOLID WASTE-LANDFILL POST	0	0	0.00	0.00	0.00	0.00	0.00
SOLID WASTE - RECYCLING	360,800	360,800	5,957.24	86,748.05	88,137.09	274,051.95	75.96
SOLID WASTE - COLLECTION	955,830	955,830	71,181.29	762,938.11	740,465.44	192,891.89	20.18
SOLID WASTE - TRANSFER ST	1,293,095	1,293,095	101,460.90	986,002.34	934,016.26	307,092.66	23.75
LANDFILL RESERVE	786,644	786,644	7,829.00	72,997.00	74,271.00	713,647.00	90.72
SOLID WASTE - DISPOSAL	357,996	357,996	35,130.87	316,565.06	263,243.11	41,430.94	11.57
WATER MAINTENANCE & OPERA	4,458,576	4,458,576	338,057.92	2,345,355.67	2,222,421.56	2,113,220.33	47.40
WATER BOND & INTEREST RED	1,383,272	1,383,272	38,628.00	407,524.00	459,102.37	975,748.00	70.54
WATER CAPITAL - REPLACEME	3,913,215	3,913,215	745,865.00	1,022,839.00	300,260.00	2,890,376.00	73.86
WATER CAPITAL - DEVELOPME	0	0	0.00	0.00	0.00	0.00	0.00
WATER QUALITY SOLUTION	170,527	170,527	354.61	1,012.00	342.56	169,515.00	99.41
SEWER MAINTENANCE & OPERA	2,669,422	2,669,422	156,334.73	1,512,533.74	1,366,951.46	1,156,888.26	43.34
SEWER BOND & INTEREST RES	122,212	122,212	251.00	684.00	190.00	121,528.00	99.44
SEWER CAPITAL - REPLACEME	2,789,990	2,789,990	676,053.00	439,688.00	394,002.00	2,350,302.00	84.24
SEWER CAPITAL - DEVELOPME	1,356	1,356	4.00	8.00	0.00	1,348.00	99.41
COMBINED UTILITIES	700,325	700,325	0.00	0.00	0.00	700,325.00	100.00
ELECTRIC UTILITY	1,330,000	1,330,000	153,165.06	1,217,078.97	1,212,880.37	112,921.03	8.49
TOTAL REVENUES	21,293,260	21,293,260	978,166.62	9,171,973.94	8,056,283.22	12,121,286.06	56.93
	=====	=====	=====	=====	=====	=====	=====
	ORIGINAL BUDGET	CURRENT BUDGET	MONTHLY EXPENDITURES	YEAR-TO-DATE EXPENDITURES	PRIOR YEAR YEAR-TO-DATE	BUDGET REMAINING	% BUDGET REMAINING
SOLID WASTE-LANDFILL POST	14,550	14,550	0.00	7,194.24	4,572.75	7,355.76	50.56
SOLID WASTE - RECYCLING	387,706	387,706	10,986.45	104,369.75	102,027.31	283,336.25	73.08
SOLID WASTE - COLLECTION	955,830	955,830	91,995.26	751,950.31	739,971.53	203,879.69	21.33
SOLID WASTE - TRANSFER ST	1,251,639	1,251,639	107,238.27	971,720.61	859,446.69	279,918.39	22.36
LANDFILL RESERVE	786,644	786,644	0.00	0.00	0.00	786,644.00	100.00
SOLID WASTE - DISPOSAL	357,996	357,996	35,130.87	317,815.06	264,493.11	40,180.94	11.22
WATER MAINTENANCE & OPERA	4,458,576	4,458,576	198,283.34	2,117,767.30	2,016,058.98	2,340,808.70	52.50
WATER BOND & INTEREST RED	1,383,272	1,383,272	0.00	445,771.46	532,413.91	937,500.54	67.77
WATER CAPITAL - REPLACEME	3,913,215	3,913,215	27,330.21	572,052.19	387,051.90	3,341,162.81	85.38
WATER CAPITAL - DEVELOPME	0	0	0.00	0.00	1,014.00	0.00	0.00
WATER QUALITY SOLUTION	170,527	170,527	0.00	0.00	0.00	170,527.00	100.00
SEWER MAINTENANCE & OPERA	2,669,422	2,669,422	116,376.51	1,179,315.47	1,092,235.49	1,490,106.53	55.82
SEWER BOND & INTEREST RES	122,212	122,212	0.00	0.00	0.00	122,212.00	100.00
SEWER CAPITAL - REPLACEME	2,789,990	2,789,990	36,549.07	329,239.52	537,481.89	2,460,750.48	88.20
SEWER CAPITAL - DEVELOPME	1,356	1,356	0.00	0.00	0.00	1,356.00	100.00
COMBINED UTILITIES	700,325	700,325	0.00	0.00	171,368.73	700,325.00	100.00
ELECTRIC UTILITY	1,330,000	1,330,000	153,165.06	1,217,078.97	1,212,880.37	112,921.03	8.49
TOTAL EXPENDITURES	21,293,260	21,293,260	777,055.04	8,014,274.88	7,921,016.66	13,278,985.12	62.36
	=====	=====	=====	=====	=====	=====	=====
REVENUES OVER/(UNDER) EXPENDITURES	0	0	201,111.58	1,157,699.06	135,266.56	(1,157,699.06)	0.00

CITY OF McCOOK
 STATEMENT OF REVENUES - BUDGET VS. ACTUAL
 AS OF: AUGUST 31ST, 2022

80 -CAPITAL IMPROVEMENTS FUND
 FINANCIAL SUMMARY

% OF YEAR COMPLETED: 91.67

	ORIGINAL BUDGET	CURRENT BUDGET	MONTHLY REVENUE	YEAR-TO-DATE REVENUE	PRIOR YEAR YEAR-TO-DATE	BUDGET REMAINING	% BUDGET REMAINING
<u>REVENUE SUMMARY</u>							
CAPITAL IMPROVE 2018	1,035,782	1,035,782	54,909.33	590,540.63	557,027.63	445,241.37	42.99
CAPITAL IMPROVE PRE 2018	<u>440,707</u>	<u>440,707</u>	<u>867.00</u>	<u>2,330.00</u>	<u>694.00</u>	<u>438,377.00</u>	<u>99.47</u>
TOTAL REVENUES	1,476,489	1,476,489	55,776.33	592,870.63	557,721.63	883,618.37	59.85
	=====	=====	=====	=====	=====	=====	=====
	ORIGINAL BUDGET	CURRENT BUDGET	MONTHLY EXPENDITURES	YEAR-TO-DATE EXPENDITURES	PRIOR YEAR YEAR-TO-DATE	BUDGET REMAINING	% BUDGET REMAINING
CAPITAL IMPROVE 2018	1,035,782	1,035,782	573,173.78	731,778.15	312,116.61	304,003.85	29.35
CAPITAL IMPROVE PRE 2018	<u>440,707</u>	<u>440,707</u>	<u>(14,214.21)</u>	<u>801.36</u>	<u>252,524.24</u>	<u>439,905.64</u>	<u>99.82</u>
TOTAL EXPENDITURES	1,476,489	1,476,489	558,959.57	732,579.51	564,640.85	743,909.49	50.38
	=====	=====	=====	=====	=====	=====	=====
REVENUES OVER/(UNDER) EXPENDITURES	0	0	(503,183.24)	(139,708.88)	(6,919.22)	139,708.88	0.00

**CITY MANAGER'S REPORT
SEPTEMBER 19, 2022 MCCOOK CITY COUNCIL MEETING**

3.G.

ITEM NO. ___ Select and approve Miller & Associates to serve as engineer for the Wastewater Treatment Plant improvement project.

BACKGROUND:

The Selection Board for Engineering Services for the Wastewater Treatment Plant met on September 7, 2022 to review the Requests for Qualifications submitted for improvements to the City's wastewater treatment facility. Since the State Revolving Loan Fund will more than likely be utilized as a funding source, a procurement process for engineering services was necessary. Following a thorough review that included interviews, reference checks, and discussions, the Selection Board recommends Miller & Associates to serve as the City of McCook's Wastewater Treatment Plant improvement project engineer.

APPROVALS:



Nathan A. Schneider, City Manager

September 13, 2022



Lea Ann Doak, City Clerk

September 13, 2022



Pat Fawver, Utilities Director

September 13, 2022

**CITY MANAGER'S REPORT
SEPTEMBER 19, 2022 CITY COUNCIL MEETING**

ITEM: 3.H.

RECOMMENDATION:

APPROVE THE REQUEST FROM EMILY YOUNG TO UTILIZE CITY STREETS AND WALKING TRAILS FOR THE 2022 REPUBLICAN RIVER FITNESS SERIES HERITAGE DAYS 5K AND KIDS FUN RUN TO BE HELD ON THE AFTERNOON OF OCTOBER 8TH, 2022.

BACKGROUND:

Emily Young is requesting the use of city streets and walking trails for the Heritage Days 5K and Kids Fun Run to be held in the afternoon on Saturday October 8th. There should be no impact to City resources during these events. The race organizer will be responsible for providing resources to assure safe travel for the participants. A map of the race route is attached. A certificate of insurance has been requested.

**FISCAL
IMPACT:** None.

APPROVALS:



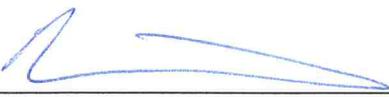
Kyle Potthoff, Public Works Director

September 13, 2022



Joel Smith, Chief of Police

September 13, 2022



Nate Schneider, City Manager

September 13, 2022

**CITY MANAGER'S REPORT
SEPTEMBER 19, 2022 CITY COUNCIL MEETING**

ITEM: 3.1.

RECOMMENDATION:

APPROVE THE PLANS AND SPECIFICATIONS FOR THE NORTH HIGHWAY 83 DRAINAGE IMPROVEMENT PROJECT AND SET THE TIME AND DATE TO RECEIVE BIDS AS 2:30 P.M. OCTOBER 11, 2022

BACKGROUND

This project involves the repair of a major washout that has occurred over the past several years on the east side of Highway 83, just north of NPPD's office. It includes repair of an existing corrugated metal culvert under a platted street in Four Corners Addition, the installation of a concrete drainage channel and culvert pipe to get the water to the bottom of the canyon.

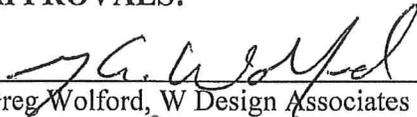
The most difficult work item in this project is the cleaning out and filling in of the washout, as in places it is up to 20 ft. deep with near vertical sides, and the area is overgrown with small trees.

This project is planned to be paid for with ARPA funds.

This project is on the One Year Plan.

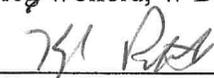
FISCAL IMPACT: None.

APPROVALS:



Greg Wolford, W Design Associates

Date: 14 Sep 22



Kyle Potthoff, Public Works Director

Date: 9/14/22



Nate Schneider, City Manager

Date: 9-14-22

ADVERTISEMENT FOR BIDS

The CITY OF McCOOK, Nebraska will receive sealed bids for the North Highway 83 Drainage Improvements. Sealed bids prepared in accordance with the Plans and Specifications will be accepted at the Office of the City Clerk, McCook Municipal Center, P.O. Box 1059, 505 West "C" Street, McCook, Nebraska, 69001-1059 until 2:30 P.M. CDST on October 11, 2022 and then such bids shall be immediately publicly opened and read aloud in the City Council Chambers, McCook Municipal Center, McCook, Nebraska.

All bids must be made on the Proposal Form provided with the Plans and Specifications as prepared by W DESIGN ASSOCIATES, Consulting Engineers and Architects. Bids received after the closing will be returned unopened and shall not be considered.

Contractors may obtain paper Plans and Specifications from W Design Associates, 214 East 1st Street, McCook, Nebraska 69001 upon payment of \$75.00 for each set requested. One half of the deposit shall be refunded if a bid is submitted and the Plans and Specifications are returned in good condition within ten days after the bid opening. Electronic copies of the plans and specifications may be obtained at NO COST by calling Breanna Spitz 402-463-2378 or emailing at breanna@wdesignea.com.

Each bid shall be accompanied by a certified check, cashier's check, or bid bond in an amount of not less than five percent (5%) of the total bid amount, and shall be made payable to the City of McCook, Nebraska as security that the bidder to whom the contract may be awarded will enter into contract to construct the project and give bond in the sum of the total contract amount for the construction of the project. Checks accompanying bids not accepted shall be returned to the bidders. Performance and Payment Bonds will be required for this project.

No bid shall be withdrawn after opening the bids without the consent of the McCook City Council (Owner) for a period of 45 days.

The City of McCook (Owner) reserves the right to accept, reject, or negotiate any or all bids and to waive any irregularity in the bidding.

Dated this 19th day of September, 2022.

-s- Lea Ann Doak
City Clerk

Publish: September 22, 29, and October 6, 2022.

**CITY MANAGER'S REPORT
SEPTEMBER 19, 2022 MCCOOK CITY COUNCIL MEETING**

ITEM NO. 3.J. Adopt Resolution No. 2022 - 12 ratifying the Collective Bargaining Agreement between the City of McCook and the Fraternal Order of Police, Lodge 57 for the period of October 1, 2022 to September 30, 2024, and authorize the Mayor to sign said agreement.

BACKGROUND:

Per custom and contractual obligations, every two years the City of McCook and the Fraternal Order of Police, Lodge 57 negotiate terms within the parties' collective bargaining agreement. This year, the following amendments were made:

- Bargaining members who temporarily perform as acting sergeants in the absence of a supervisor will be compensated premium pay rate of 5% of their base pay immediately upon assuming appointed supervisory responsibility.

- Bargaining members who elect to work extra hours during approved federal or state grant-funded enforcement periods will receive pay at 1.5 times their regular rate of pay regardless of hours worked in that pay period.

- Bargaining members who are required to appear in court as witnesses on their days off will be compensated a minimum of 2 hours.

- Two additional holidays are added - Veterans Day and a floating holiday. The bargaining member will have to use one of their floating holidays prior to July 1 of each year or one floating holiday will be forfeited.

- The stipend for detective's dress attire will be increased to \$200/year.

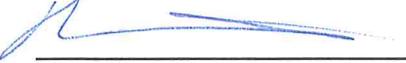
- The wage for dispatchers for each step on their pay scale will be increased by \$1.25/hour in order to be more in line with similarly situated dispatchers in other municipalities.

APPROVALS:



Lea Ann Doak, City Clerk

September 13, 2022



Nate Schneider, City Manager

September 13, 2022

RESOLUTION NO. 2022-12

WHEREAS, the City of McCook, Nebraska recognizes the Fraternal Order of Police Lodge 57 as the exclusive collective bargaining agent for all full-time police officers, detectives, and dispatchers below the rank of sergeant and chief dispatcher, excluding the Police Chief, sergeants, chief dispatcher and all other employees.

NOW, THEREFORE, be it resolved by the Mayor and Council of the City of McCook, Nebraska:

SECTION 1. That the Mayor and Council hereby ratifies the execution of the Collective Bargaining Agreement with the Fraternal Order of Police Lodge 57 for the period of October 1, 2022 - September 30, 2024.

SECTION 2. That said agreement referred to hereinabove is inserted in full and attached herewith, and made a part hereof.

PASSED AND APPROVED this 19th day of September, 2022.

Michael D. Gonzales, Mayor

ATTEST:

Lea Ann Doak, City Clerk

CITY OF McCOOK, NEBRASKA

AND

FRATERNAL ORDER OF POLICE LODGE 57

COLLECTIVE BARGAINING AGREEMENT

OCTOBER 1, 2022 - SEPTEMBER 30, 2024

TABLE OF CONTENTS

	PAGE
AGREEMENT	1
ARTICLE 1. UNION RECOGNITION	1
Section 1. Bargaining Unit	1
Section 2. Exclusion of Supervisors	1
ARTICLE 2. MANAGEMENT RIGHTS	2
Section 1. Recognition of Management Rights	2
Section 2. Drug Testing	2
ARTICLE 3. WORK STOPPAGES	2
ARTICLE 4. GRIEVANCE PROCEDURE	3
Section 1. Definition of Grievance	3
Section 2. Grievance Form	3
Section 3. Employee Grievances	3
Section 4. Time Limits	4
Section 5. Waiver	4
ARTICLE 5. NONDISCRIMINATION	4
Section 1. Prohibition of Discrimination	4
Section 2. Gender Reference	5
Section 3. Union Membership	5
Section 4. A.D.A. Compliance	5
Section 5. Application	5
ARTICLE 6. HOURS OF WORK	6
Section 1. Work Schedule	6
Section 2. Overtime - Sworn Officers	6
Section 3. Overtime - Non-Sworn Employees	6
Section 4. Compensatory Time - Sworn Officers	7
Section 5. Compensatory Time - Non-Sworn Employees	7
Section 6. Accumulation	7
Section 7. Emergencies	7
Section 8. Separation	7
ARTICLE 7. PROBATIONARY PERIOD	8
Section 1. Sworn, Non-Sworn Officers	8
Section 2. Sworn, Certified Officers	8
Section 3. Non-Sworn Employees	8

ARTICLE 8. WORK RULES	9
ARTICLE 9. WAGES	
Section 1. Pay Grid	9
Section 2. Call In Pay	9
Section 3. Longevity	9
Section 4. Merit Increases/Step Schedule	9
Section 5. Performance Evaluations	10
Section 6. Premium Pay Positions	10
Section 7. Promotion of Sworn Certified Officers to Detective	11
Section 8. Selective/Grant Funded Overtime	11
Section 9. Court Appearances	11
ARTICLE 10. DISCIPLINE AND DISCHARGE	
Section 1. Civil Service Act	12
Section 2. Discipline and Discharge	12
Section 3. Letters of Reprimand	12
ARTICLE 11. LAYOFF 16	
Section 1. Notice	13
Section 2. Procedure - Sworn Officers	13
Section 3. Consideration for Other Employment	13
Section 4. Miscellaneous Provisions	13
ARTICLE 12. UNPAID LEAVE OF ABSENCE	
Section 1. Military Leave of Absence	14
Section 2. Family Leave	14
ARTICLE 13. HOLIDAYS	
Section 1. Eligibility	14
Section 2. Designated Holidays	14
Section 3. Floating Holidays	15
Section 4. Holiday Pay	15
Section 5. Holiday Hours	16
Section 6. Separation	16
ARTICLE 14. VACATION	
Section 1. Eligibility	16
Section 2. Benefit	16
Section 3. Usage	17
Section 4. Accumulation	17
Section 5. Vacation Hours	17
Section 6. Separation	17

ARTICLE 15. SICK LEAVE	17
Section 1. Eligibility	17
Section 2. Qualifications	17
Section 3. Benefit	17
Section 4. Separation	17
Section 5. Notification	17
Section 6. Release	18
Section 7. Verification	18
Section 8. Sick Leave Hours	18
ARTICLE 16. FUNERAL LEAVE	19
Section 1. Definition	19
Section 2. Benefit	19
Section 3. Verification	19
ARTICLE 17. INSURANCE	20
Section 1. Plan	20
Section 2. Modifications	20
Section 3. Premium Payments	20
Section 4. Term Life Insurance	20
Section 5. Maintain Level of Benefits	21
ARTICLE 18. RETIREMENT	21
Section 1. Sworn Officers	21
Section 2. Non-Sworn Employees	21
ARTICLE 19. UNIFORMS	21
Section 1. Benefit	21
Section 2. Employee Obligation	22
ARTICLE 20. EDUCATIONAL ASSISTANCE	22
ARTICLE 21. JURY DUTY	23
Section 1. Benefit	23
Section 2. Compensation	23
Section 3. Compensation Qualification	23
ARTICLE 22. WORKERS' COMPENSATION	24
ARTICLE 23. SAFETY COMMITTEE	24
ARTICLE 24. SCOPE OF AGREEMENT	24
Section 1. Complete Agreement	24
Section 2. Interpretation	24
Section 3. Negotiations	24

ARTICLE 25. OUTSIDE EMPLOYMENT 25

ARTICLE 26. SAVINGS CLAUSE 26

ARTICLE 27. BULLETIN BOARD 26

 Section 1. Designation..... 26

 Section 2. Materials 26

 Section 3. Meetings 26

ARTICLE 28. EMPLOYEE RIGHTS 27

ARTICLE 29. DURATION 30

 Section 1. Contract Term..... 30

ATTACHMENT A PAY GRID..... 31

AGREEMENT

This contract made and entered into this 30th day of September, 2022 at McCook, Nebraska, by and between the City of McCook, Nebraska (hereinafter referred to as the City or the Employer) and the Fraternal Order of Police Lodge 57 (hereinafter referred to as the Union), is for the purpose of setting forth the agreement between the parties concerning wages, hours and working conditions for employees of the City described below, establishing a mutually agreeable means of resolving grievances without work stoppages and lock-outs, and achieving the highest level of employee performance consistent with safety, good health and sustained effort.

ARTICLE 1.

UNION RECOGNITION

Section 1. Bargaining Unit. The City recognizes the Union as the exclusive collective bargaining agent for all police officers, detectives and dispatchers below the rank of sergeant and chief dispatcher, excluding the Police Chief, sergeants, chief dispatcher, and all other employees.

Section 2. Exclusion of Supervisors. For the purposes of this Agreement, the term "supervisor" means any individual having authority, in the interest of the City, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibility to direct them, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is

not of a merely routine or clerical nature, but requires the use of independent judgment. The parties agree that supervisors, i.e. Sergeants, Chief Dispatcher, and Chief of Police, shall be automatically excluded from the bargaining unit.

ARTICLE 2.

MANAGEMENT RIGHTS

Section 1. Recognition of Management Rights. Except where limited by the express provisions of this Agreement, nothing in this Agreement shall be construed to restrict, limit, or impair the rights, powers and the authority of the City as granted to it under the laws of the State of Nebraska, City Ordinances, the Nebraska Civil Service Act, or the City of McCook employee handbook.

Section 2. Drug Testing. The City retains the right to continue or modify its current drug testing program.

ARTICLE 3.

WORK STOPPAGES

Neither the FOP or any officers, agents, or employee, will instigate, promote, sponsor, engage in or condone any strike, slowdown, concerted stoppage of work, or any other intentional interruption of operations by a coordinating effort to create absences of the Department by employees of the Department. Violation by any member may result in discipline including dismissal of the employee(s) involved. All parties agree to abide by the laws of the State of Nebraska.

ARTICLE 4.

GRIEVANCE PROCEDURE

Section 1. Definition of Grievance. A grievance is jointly defined as any disagreement concerning the interpretation or application of the specific and express provisions of this Agreement relating to wages, fringe benefits or working conditions.

Section 2. Grievance Form. In reducing a grievance to writing, the following information must be stated with reasonable clearness: the nature of the grievance, the act or acts of commission or omission, the date of the act or acts, the identity of the party or parties who claim to be aggrieved, the identity of the party or parties alleged to have caused the grievance, the provisions of this contract which are alleged to have been violated, and the remedy sought. Failure to substantially comply with this Section shall result in the dismissal of the grievance.

Section 3. Employee Grievances. A grievance initiated by a bargaining unit member or by the Union on behalf of a bargaining unit member shall be handled in the following manner:

- (a) Step 1. A grievance initiated by a bargaining unit member or by the Union on behalf of a bargaining unit member, shall be provided in writing, in the form set out above to the immediate supervisor. The grievance must be initiated promptly, and at least within ten (10) working days after the occurrence of the event or when one becomes aware of the event. The immediate supervisor shall then have ten (10) working days to respond to the grievance and to give an answer to the bargaining unit member.
- (b) Step 2. A grievance not settled in Step 1 and which the bargaining unit member and the union wish to pursue further shall be initiated promptly by filing an appeal within ten (10) working days after receipt of the answer provided for in Step 1 above to the Police Chief. A written response to the

employee's appeal will be required by the Police Chief within ten (10) working days. If the matter is not resolved within the department, the employee may submit a written appeal to the City Manager within ten (10) working days following the Police Chief's response.

- (c) Step 3. After reviewing the situation, the City Manager will respond to the employee within twenty-one (21) working days following receipt of the appeal. The City Manager may affirm the Police Chief's decision or reverse the decision. The decision of the City Manager is the final order of the City. If the employee is not satisfied with the decision of the City Manager, the employee may seek redress from the courts as provided by law.

Section 4. Time Limits. The time limits provided for in this Article shall be strictly construed and the failure of any party to meet the time limits stated in this grievance procedure relative to the submittal of the grievance shall constitute an unconditional acceptance of the remedy promulgated at the previous step, or shall constitute a withdrawal of the grievance, whichever is appropriate. In the event, that the Employer fails to answer a grievance within the time specified, the grievance may be processed to the next higher level and the same time limits shall apply as if the Employer's answer had been timely filed on the last day.

Section 5. Waiver. The Employer and the FOP or Grievant, by mutual agreement in writing, may extend time limits or waive any, or all of the steps cited above.

ARTICLE 5.

NONDISCRIMINATION

Section 1. Prohibition of Discrimination. All provisions of this Agreement shall be applied equally to all employees in the bargaining unit without discrimination as to sex, race, religion, color, creed, protected age, disability, veteran status, national origin, political

affiliation, Union, or non-Union membership.

Section 2. Gender References. All references to employees in this Agreement designate both sexes, and whenever the male or female gender is used, such term shall be construed to include both male and female employees.

Section 3. Union Membership. The parties hereby agree that no officers, agents, representatives, members, or anyone connected with either party shall in any manner intimidate, coerce, restrain, or interfere with the rights of employees to form, join, or assist labor organizations, or to refrain from any of these activities, including the right of employees to withdraw, revoke, or cancel Union membership.

Section 4. A.D.A. Compliance. In order to allow the City to deal directly with disabled employees and to maintain confidentiality as required by the Americans with Disabilities Act, the Union hereby agrees to waive its right to object to the City's good faith efforts to comply with the Americans with Disabilities Act with respect to employees in the bargaining unit. The union agrees to this waiver which shall include, but is not limited to, the City's direct dealing with employees in the bargaining unit with respect to accommodations, and the obligation of the City to maintain Confidentiality with respect to medical conditions or medical histories of employees in the bargaining unit.

Section 5. Application. The City and the Union agree to apply the terms of the contract in a nondiscriminatory manner.

ARTICLE 6.

HOURS OF WORK

Section 1. Work Schedule. Employees covered by this agreement will have the following work schedules, subject to change by the Chief of Police when change is necessary for the benefit of the Department, said determination to be made solely by the Chief of Police:

- (a) The sworn Employees covered by this agreement assigned to uniform posts are governed by a work schedule of eighty-four (84) hours in a fourteen (14) day period.
- (b) The sworn Employees covered by this agreement assigned to non-uniform posts are governed by a work schedule of eighty-four (84) hours in a fourteen (14) day period.
- (c) The non-sworn Employees covered by this agreement are classified either as full time Employees and/or non full time Employees. In order to be classified as a full time Employee under this heading, the Employees are governed by a work schedule of forty (40) hours per week, a week to be a seven (7) day work period. During the course of the non-sworn Employees two week pay period, the non-sworn Employees shall be guaranteed a minimum of two (2) consecutive days off.

Section 2. Overtime - Sworn Officers. Bargaining unit employees who are sworn law enforcement officers shall receive overtime compensation at the rate of not less than one and one-half times their regular rate of pay for all hours worked (excludes vacation, sick and holiday) in excess of 84 hours in a two-week work period.

Section 3. Overtime - Non-Sworn Employees. Bargaining unit full-time and regular part-time employees who are not sworn law enforcement officers shall receive overtime compensation at a rate of not less than one and one-half times their regular rate of pay for

all hours worked (excludes vacation, sick and holiday) in excess of 40 hours in a seven-day work period, which is one calendar week.

Section 4. Compensatory Time - Sworn Officers. Bargaining unit employees who are sworn law enforcement officers may choose to receive compensatory time in lieu of overtime compensation at the rate of not less than one and one-half times their regular rate for all hours worked (excludes vacation, sick and holiday) in excess of 84 hours in a two-week work period.

Section 5. Compensatory Time - Non-Sworn Employees. Bargaining unit full-time and regular part-time employees who are not sworn law enforcement officers may choose to receive compensatory time in lieu of overtime compensation at a rate of not less than one and one-half times their regular rate for all hours worked (excludes vacation, sick and holiday) in excess of 40 hours in a seven-day work period, which is one calendar week.

Section 6. Accumulation. Bargaining unit employees may not accrue more than 84 hours of compensatory time and shall be required to receive payment for overtime compensation after reaching such limit. The rate of pay for compensatory time shall be one and one-half times the regular rate.

Section 7. Emergencies. During an emergency as declared by the Chief of Police, each employee's shifts, hours, and duties maybe established at the discretion of the Chief of Police.

Section 8. Separation. Payment for accrued compensatory time upon

termination of employment shall be calculated at the average regular rate of pay for the final three years of employment or the final regular rate received by the union employee, whichever is higher.

ARTICLE 7.

PROBATIONARY PERIOD

Section 1. Sworn, Non-Certified Officers. New sworn civil service officers that are not certified at the time of hire shall be considered on probation for the first twelve (12) months of employment; at the end of which time, if still employed, they shall be either discharged without recourse or placed on the seniority listing. The twelve (12) months may be extended to fifteen (15) months if the probationary employee was delayed attending training or the city can demonstrate just cause in extending the probationary period. An employee's seniority shall commence the first day of his/her employment providing he/she remains beyond twelve (12) months or any extension thereof.

Section 2. Sworn, Certified Officers. New sworn civil service officers that are certified at the time of hire shall be considered on probation for the first six (6) months of employment; at the end of which time, if still employed, they shall be either discharged without recourse or placed on the seniority listing. An employee's seniority shall commence the first day of his/her employment providing he/she remains beyond six (6) months.

Section 3. Non-Sworn Employees. New non-sworn employees covered by this contract and hired by the City shall be considered on probation for the first six (6) months of employment; at the end of which time, if still employed, they shall be either discharged

without recourse or placed on the seniority listing. An employee's seniority shall commence the first day of his/her employment providing he/she remains beyond six (6) months.

ARTICLE 8.

WORK RULES

The City may adopt rules and regulations for the operation of the Department and the conduct of its employees; provided any such rules and regulations shall not conflict with any provisions of this Agreement or the laws of the State of Nebraska or the United States of America. Any rule so promulgated shall be posted for five (5) calendar days prior to becoming effective, except in emergency situations.

ARTICLE 9.

WAGES

Section 1. Pay Grid. The pay grid to be utilized during the term of this Agreement is attached hereto and made a part hereof as Attachment A.

Section 2. Call In Pay. Bargaining unit employees called in to work after completing their regular shift and being off duty before being called in to work, shall receive one and one-half hour (1.5) of pay or one and one-half times the actual hours worked whichever is greater.

Section 3. Longevity. All full-time bargaining unit employees shall receive longevity pay at the rate of 1% of base pay for each five (5) years of continuous service. The years of service shall be figured from the date of permanent full-time status with the City.

Section 4. Merit Increases/Step Schedule. The City and Bargaining Unit have

adopted a step schedule for yearly wage increases. The step schedule is attached to this agreement, made a part of this agreement by this reference, and is marked as Attachment A. The City and Bargaining Unit agree that the bargaining unit member shall advance up the step schedule on a yearly basis so long as the bargaining unit member receives a satisfactory performance evaluation. Should the bargaining unit member receive an unsatisfactory performance evaluation, that member will remain at their current step on the step schedule. Each of the bargaining unit members shall be placed on the step that corresponds with their current status on the pay grid, except when the City hires a sworn certified officer. If a sworn certified officer is hired, the City, at its discretion, may start the new employee at Step 1, Step 2, or Step 3 on the Step Schedule (Attachment A).

Section 5. Performance Evaluations. Performance evaluations shall be completed on an annual basis. Date of evaluation is determined by the most recent of the employee's hire date or job classification change date. Evaluations shall be completed, signed, and submitted to the payroll office at least 5 working days prior to the effective date of any salary increases.

Section 6. Premium Pay Positions. Police Officers are eligible for an additional 5% of Base Pay for the following assigned Premium Pay Positions - Firearms Instructor, Evidence Custodian, Training Officer/Self Defense Instructor, Computer Systems Manager, and Field Training Officer (FTO). FTO will only be paid premium pay when the FTO is actually in the process of providing field training. Dispatchers are eligible for an additional 5% of Base Pay for the following assigned Premium Pay Position - Training Dispatcher. Training Dispatcher

will only be paid premium pay when the Training Dispatcher is actually in the process of providing training to new dispatchers. The Chief of Police will authorize and designate the length of training time in respect to determining premium payout.

Additionally, Certified Law Enforcement Officers who temporarily perform as Acting Sergeants in the absence of a Supervisor, will be compensated the Premium Pay Rate of 5% of their base pay immediately upon assuming appointed supervisory responsibility. The Chief of Police may designate a Certified Law Enforcement Officer on the shift to serve as Acting Sergeant in the absence of the Supervisor to receive the Premium Pay Rate adjustment. The Chief of Police has the authority to serve as Acting Sergeant at his discretion. If the Chief of Police selects a Detective as Officer in Charge, the Detective will be required to work the twelve (12) hour shift that the absent Sergeant works.

Section 7. Promotion of Sworn Certified Officers to Detective. If a sworn certified officer covered by this contract is promoted to detective, that officer shall not incur a pay decrease. If the promoted officer is on Step 1, Step 2, or Step 3 of the Police Officer Step Schedule, the promoted officer shall start at Step 1 of the Detective Step Schedule. If the promoted officer is at Step 4 or higher on the Police Officer Step Schedule, the promoted officer shall be placed on the Detective Step Schedule, no less than 2 steps behind their current placement.

Section 8. Selective/Grant Funded Overtime. Sworn bargaining unit members who elect to work extra hours during an approved federal or state selective or grant-funded enforcement period shall receive pay at one and one half (1.5) times their regular rate of pay

regardless of hours worked in that pay period.

Section 9. Court Appearances. Sworn bargaining unit members who are required to appear in court as witnesses while off duty, shall be compensated a minimum of two (2) hours.

ARTICLE 10.

DISCIPLINE AND DISCHARGE

Section 1. Civil Service Act. Full time sworn police officers in the bargaining unit covered by this Agreement shall be hired, disciplined and/or terminated in accordance with the Nebraska Civil Service Act. Any employees in the bargaining unit who are not full-time sworn police officers shall be considered at-will employees who may be hired, disciplined and/or terminated at the discretion of the City.

Section 2. Discipline and Discharge. Employees in the bargaining unit may be disciplined or discharged in accordance with the Nebraska Civil Service Act (if applicable) or in accordance with City and Department policies.

Section 3. Letters of Reprimand. Any letter of reprimand issued to an employee may be removed from the employee's personnel file and presented to the employee three (3) years after the inclusion of such letter in the file, provided the employee has not received an additional letter or letters of reprimand during the three-year period of time. The employee shall request in writing that letters may be removed and if the request is approved by the Police Chief, action will be initiated which will remove the letters from the personnel record. If the request is not approved, the Police Chief shall state the reasons why not. This

section only pertains to letters of written reprimand as outlined in the City of McCook Employee Handbook and does not include any other forms of discipline.

ARTICLE 11.

LAYOFF

Section 1. Notice. The City Manager may lay off an employee due to lack of work or funds or any other reason. Two (2) week notice will be given prior to layoff.

Section 2. Procedure-Sworn Officers. Layoffs for sworn officers and non-sworn officers shall be made on the basis of: 1) the multiple job skills recently or currently being performed by the employee, 2) the knowledge, skills, and abilities of the employee, 3) the performance appraisal of the employee including any recent or pending disciplinary actions involving the employee, 4) the employment policies and staffing needs of the department together with contracts, ordinances, and statutes related thereto, 5) required federal, state, or local certifications or licenses, and 6) seniority accumulated as a sworn officer with the Police Department.

Section 3. Consideration for Other Employment. An Employee whose position has been eliminated by such a reduction may request the City Manager to be considered for retention in another City position, subject to the Employee=s qualifications for the other City position and procedural requirements.

Section 4. Miscellaneous Provisions. The names of regular employees who have been laid off shall be placed on a lay-off list, maintained by the City. The City shall rehire in reverse order of lay-off, provided, such employees are otherwise qualified to perform the

duties of the position. No new Employees will be hired by the City until all laid off employees have been offered positions. If a laid off employee is offered and refuses employment, he/she may be removed from the layoff list. Employees who have been laid off shall have recall rights for one year from the date of their layoff. A senior employee covered by this contract may choose to lay-off

ARTICLE 12.

UNPAID LEAVES OF ABSENCE

Section 1. Military Leave of Absence. A military leave of absence shall be granted in accordance with the provisions of the Uniformed Services Employment and Reemployment Rights Act (USERRA) and state law.

Section 2. Family Leave. The City and Union agree to abide by any policy covering the Family and Medical Leave Act of 1993 adopted by the City.

ARTICLE 13.

HOLIDAYS

Section 1. Eligibility. All employees in the bargaining unit shall be entitled to holiday pay benefits.

Section 2. Designated Holidays. The following specific days are designated holidays for employees in the bargaining unit:

- (a) January 1 New Year's Day
- (b) May; Last Monday Memorial Day
- (c) July 4 Independence Day
- (d) September; First Monday Labor Day

- (e) November; 4th Thursday Thanksgiving Day
- (f) November; 4th Friday After Thanksgiving Day
- (g) November 11 Veterans Day
- (h) 1/2 of December 24 Christmas Eve
- (i) December 25 Christmas Day
- (j) Two floating holidays

Section 3. Floating Holidays. The Floating Holidays referred to above are to be celebrated each calendar year on a mutually agreeable date between the employee and the City. It is understood that it is the employee's responsibility to give the City at least one (1) weeks notice of the date when he/she intends to celebrate the Floating Holiday. At least one (1) Floating Holiday day must be used by July 1 of each year or it shall be forfeited. Bargaining unit employees who utilize the Floating Holiday will be compensated for the amount of hours the employee is normally assigned at their regular rate of pay.

Section 4. Holiday Pay. Bargaining unit employees working a full shift on a designated holiday shall be compensated 16 hours of holiday pay at their regular rate of pay in addition to their regular hours of pay. Bargaining unit employees who do not work on a designated holiday shall be compensated with 12 hours of holiday pay at their regular rate of pay. Bargaining unit employees who work less than a full shift will be paid 12 hours plus a prorated number of additional holiday hours based on the number of hours actually worked. For Christmas Eve, the bargaining unit employees shall be compensated at 8 hours of holiday pay at their regular rate of pay in addition to their regular hours of pay. For Christmas Eve, the bargaining unit employee who does not work, shall be compensated at 6 hours of holiday pay at their regular rate of pay. For Christmas Eve, bargaining unit

employees who work less than a full shift will be paid 6 hours plus a prorated number of additional holiday hours based on the number of hours actually worked. Bargaining unit employees will not be compensated for vacation and sick leave on a designated holiday.

Section 5. Holiday Hours. Holiday hours will not be considered as time worked in the compensation of overtime.

Section 6. Separation. Employees separated from employment will receive pay for any holidays occurring prior to the date of separation which have not been paid.

ARTICLE 14.

VACATION

Section 1. Eligibility. All bargaining unit employees are eligible for vacation benefits after completing six (6) months of employment. After becoming eligible the employee will be credited with accrued vacation leave in an amount equal to that which would have been accrued if the accrual had commenced as of the initial date of employment.

Section 2. Benefit. Vacation leave shall be earned and accrued from the most recent date of employment. Vacation leave shall accrue to regular employees at the following rate per bi-weekly pay period:

Regular Full-Time Employees	32-Hour	40-Hour	42-Hour
Commencement date thru 4 th year	2.47	3.08	3.23
From start of 5 th year	2.96	3.69	3.88
From start of 8 th year	3.70	4.62	4.85
From start of 13 th year	4.19	5.23	5.49
From start of 18 th year	4.92	6.15	6.46

From start of 22nd year	5.54	6.92	7.27
-------------------------	------	------	------

Section 3. Usage. To accommodate scheduling requirements, eligible employees must request vacation time in advance in writing. No employee will be allowed to take vacation time unless approved in advance by management.

Section 4. Accumulation. The maximum number of vacation hours which may be accumulated by an eligible employee is 1.5 times the yearly accrual.

Section 5. Vacation Hours. Vacation hours will not be considered as time worked in the computation of overtime.

Section 6. Separation. Employees separating from employment due to retirement, dismissal, resignation or death will be paid 100% of all accrued but unused vacation pay, up to the maximum accumulation allowed as provided in Section 4.

ARTICLE 15.

SICK LEAVE

Section 1. Eligibility. A bargaining unit employee is eligible for sick leave upon employment.

Section 2. Qualifications. Sick leave shall be granted to employees in the bargaining unit for any of the following reasons:

- (a) Personal illness or physical incapacity resulting from causes beyond the control of the employee.
- (b) A quarantine of the employee in accordance with community health regulations.

- (c) An appointment with a doctor or dentist.
- (d) An illness or condition of an immediate family member which requires the employee's presence. Immediate family is defined as the spouse, employee's parents, children, grandparents, grandchildren and any person relation actually living in the household of the employee and dependent on the employee for care.

Section 3. Benefit. Sick leave shall accrue for bargaining unit employees from their initial date of employment:

	32-Hour (working 20 to 40 hours per week)	40-Hour Non-sworn Employee	42-Hour Sworn Officers
Bi-weekly accrual:	2.96	3.69	3.88
Maximum accrual:	600	800	960

Section 4. Separation. Any employees leaving the employment of the City in good standing will be paid 25% of their accumulated unused sick leave.

Section 5. Notification. An employee on sick leave shall report to the Chief or current on-duty supervisor at least one (1) hour prior to the beginning of the work shift when he or she will be absent. The employee shall keep the Chief or his designee informed of his or her condition.

Section 6. Release. The City may require a written release and authorization to return to work from a physician any time a person has been under a physician's care for sick leave.

Section 7. Verification. The City reserves the right to require verification for any sick leave usage.

Section 8. Sick Leave Hours. Sick leave hours will not be considered as time worked in the computation of overtime.

ARTICLE 16.

FUNERAL LEAVE

Section 1. Definition. For the purposes of this Agreement, the term immediate family shall include: spouse, children, parents, brothers, sisters, grandparents, grandchildren and the same relatives of the employee's spouse.

Section 2. Benefit. In the event of a death in the immediate family of an employee covered by this Agreement, the City will grant reasonable time off with pay of up to thirty-six (36) working hours for sworn officers and twenty-four (24) working hours for non-sworn officers for making arrangements for and/or attendance at the funeral of such family member. Funeral leave must be taken within a year of the date of the immediate family members death.

Section 3. Verification. An employee must be on the current payroll as of the date of the death of the member of the immediate family in order to qualify for the benefit and must notify his supervisor not later than the first (1st) day of such absence. When requested, the employee must furnish proof satisfactory to the City of the death, the relationship to the deceased, the date of the funeral, and the employee's actual attendance at such funeral.

ARTICLE 17.

INSURANCE

Section 1. Plan. The City agrees to provide health, dental and life insurance benefits to employees in the bargaining unit pursuant to the City of McCook Employee Medical and Dental Benefit Plan.

Section 2. Modifications. The City reserves its right to modify plan benefits, insurance carriers, third party administrators and otherwise make changes and modifications in the health, dental and life insurance benefits provided to employees in the bargaining unit during the life of this contract.

Section 3. Premium Payments. The bargaining unit employee agrees to pay to pay health insurance premiums at the following rates for the life of this contract (i.e. from October 1, 2022 through September 30, 2024):

\$20 per pay period for a single member

\$47 per pay period for employee and spouse

\$40 per pay period for employee and children

\$80 per pay period for employee and family.

The bargaining unit employee agrees to pay to pay a minimal health insurance premium by payroll deduction each bi-weekly pay period. The bargaining unit employee's share of premium will be reviewed and determined during each annual renewal process and employees will be notified of changes, if any.

Section 4. Term Life Insurance. The City will provide life insurance equal to one

year's salary rounded to the nearest \$10,000 for each eligible permanent full-time employee.

Section 5. Maintain Level of Benefits. The City agrees that the above insurance benefits shall be maintained, at not less than the highest standards in effect at the time of this agreement. In the event that it becomes necessary to change carriers, the City and Union agree to meet to ensure that the level of benefits does not subtract in value from what is currently in effect.

ARTICLE 18.

RETIREMENT

Section 1. Sworn Officers. Each eligible full-time sworn officer is covered under the Nebraska Police Officer's Retirement System pursuant to NEB. REV. STAT. ' 16-1006 (Rev. 1997).

Section 2. Non-Sworn Employees. Each eligible full-time non-sworn employee is covered under the City of McCook Employee Retirement Plan. Contributions will be made by the City and benefits will be paid to employees in accordance with the Summary Plan Description of said Plan.

ARTICLE 19.

UNIFORMS

Section 1. Benefit. All employees required to wear uniforms and equipment will have uniforms furnished by the City in sufficient supply so that each employee may, at all times present a clean and neat appearance. Such uniforms shall not include socks or shoes which will be provided by the individuals. These uniforms are City property and shall not be

converted to personal use.

The City shall provide such Police equipment as shall be required by the Department, to all sworn officers, i.e., leather gear, badges, handcuffs, batons, ammo pouches, ammo, holsters, clips, and weapons. The City will provide for a bullet-resistant vest. Regular replacement articles shall be provided as necessary for reasonable wear or damage or loss of uniforms or equipment occurring while in the performance of duties. Repairs shall be provided by the City if the damage occurred in the line of duty. The Chief of Police may authorize repair or reimbursement for clothing of non-uniformed employees or shoes of any employee when such clothing or shoes have been damaged while in the performance of duties. For sworn, non-uniform members (ie. Detectives), the City shall provide a stipend of \$200.00 per year for City approved dress attire. Approved attire shall be determined by the Chief of Police, after consultation with the non-uniform members (ie. Detectives).

Section 2. Employee Obligation. The employee shall maintain the uniform in good condition and shall also wear the prescribed uniform during all hours of employment unless directed otherwise by the Police Chief. The employee shall maintain a neat appearance at all times. Upon separation from employment, each employee shall be obligated to return all uniforms and equipment provided by the City. Failure by the employee to return such uniforms or equipment shall allow the City to reduce wages accordingly as provided by law.

ARTICLE 20.

EDUCATIONAL ASSISTANCE

The City provides an educational assistance program to encourage personal

development through formal education. The City will be responsible for 100% of the cost for courses the City requires the employee to take for job certification or related classwork. Employees who take courses at the specific request, direction or with the prior consent of their Department Head or City Manager shall be reimbursed for all costs.

ARTICLE 21.

JURY DUTY

Section 1. Benefit. Any employee who is summoned to serve on jury duty shall not be subject to discharge of employment, loss of pay, loss of sick leave, loss of vacation time or any other form of penalty as a result of his or her absence from employment due to such jury duty upon giving reasonable notice to the City of such summons.

Section 2. Compensation. Employees on jury duty shall provide to the City the full amount of any compensation paid to the employee for jury duty. Employees will be provided their regular pay for the time they are on jury duty. Employees who are released from jury duty, on any given day during the jury term, must report to work within one hour if four (4) consecutive work hours or more remain in the work day. Combination of jury duty hours and actual work hours shall not exceed scheduled number of hours for that shift.

Section 3. Compensation Qualification. In order to qualify for any payment by the City, employees must work at their assigned jobs on any scheduled work day or days during the jury leave period referred to in Section 1, that they are not required to report for jury duty.

ARTICLE 22.

WORKERS' COMPENSATION

An employee receiving benefits from Workers' Compensation due to a work-related injury must notify his or her supervisor immediately. The employee will receive all Nebraska workers' compensation benefits as provided in the Nebraska Workers' Compensation Act; however, they will not be entitled during any period of disability to receive in full both his or her sick leave, salary and his or her workers' compensation benefits. If the employee's workers' compensation benefits are less than the regular City pay, he or she may verify the amount of benefits to the City Manager, who will authorize a City check for the difference between the workers' compensation benefits and his or her regular City pay. Payments for the difference will be deducted from the employee's sick leave account and/or vacation.

ARTICLE 23.

SAFETY COMMITTEE

Employees in the bargaining unit may select a representative to serve on the McCook Safety Committee. The length of service on this committee is outlined under the guidelines of the City of McCook Safety Committee. The recommendations of the City of McCook Safety Committee are non-binding recommendations to the City.

ARTICLE 24.

SCOPE OF AGREEMENT

Section 1. Complete Agreement. The parties mutually agree that this contract constitutes the entire Agreement and understanding concerning all proper subjects of

collective bargaining for the duration of the contract between the parties and supersedes all previous agreements. This contract shall not be modified, altered, changed, or amended in any respect unless in writing and signed by both parties. There are no oral agreements nor is this Agreement based upon any oral representation covering the subject matter of this Agreement.

Section 2. Interpretation. This Agreement has been executed in accordance with the statutes and the laws of the State of Nebraska and the United States of America, and any dispute, disagreement, or litigation arising under this Agreement shall be adjudged in accordance with the statutes and laws of the State of Nebraska and of the United States of America.

Section 3. Negotiations. The parties agree that the negotiations preceding the signing of this Agreement included negotiations on all proper subjects of bargaining and that all negotiations were conducted in accordance with all applicable federal and state requirements.

ARTICLE 25.

OUTSIDE EMPLOYMENT

All employees must obtain prior approval from the City Manager before any outside employment or other work activities are taken. Employees may hold other part-time employment as long as such other employment, in the judgment of the City Manager, does not affect the performance of their jobs with the City or negatively affect public perception of this employee or other City employees generally.

ARTICLE 26.

SAVINGS CLAUSE

If any provision of this Contract is subsequently declared by the proper legislative or judicial authority to be unlawful or unenforceable or not in accordance with applicable statutes or ordinances, all other provisions of this Contract shall remain in full force and effect for the duration of this Contract.

ARTICLE 27.

BULLETIN BOARD

Section 1. Designation. The City shall designate a bulletin board which may be utilized by the Union for the posting of Union materials.

Section 2. Materials. Materials posted shall concern elections, meetings, reports, and other official Union business or notices of social and recreational activities, but no materials will be posted of a political nature; nor shall any materials be derogatory to the City or other employees be posted. All materials posted on the bulletin board shall either be on Union Stationary or otherwise authenticated and shall be authorized on its face by an officer of the Union.

Section 3. Meetings. The City shall allow the Bargaining Unit to conduct scheduled meetings in the conference room or other meeting room(s) of the Police Department for the purpose of handling lodge business. The Bargaining Unit will provide ample notification to the Chief of Police of such meetings, so as to not in any way interfere with necessary police business and functions. Bargaining unit agrees that rooms made available to them by the

City will not be used for political activity.

ARTICLE 28.

EMPLOYEE RIGHTS

Section 1. Each Employee shall, upon request, have the right to review his or her personnel file during regular business hours in the presence of the Human Resource Coordinator or his/her representative.

Section 2. No record of complaints, allegations, personnel action taken, or any disciplinary action pertaining to an Employee shall be kept by the Employer in any location other than the personnel file maintained by the Employer.

Section 3. Any, and all allegations which may result in suspension, demotion, removal, or discharge shall be provided to the Employee via written notice within 24 hours of commencing investigation of such allegations or as soon as possible in extenuating circumstances. If such action is based upon a citizen complaint, the Employee shall be provided a copy of the complaint. The Employer shall not solicit complaints against Employees. An unfounded complaint shall not be kept in an Employee's personnel file.

Section 4. For actions which may result in suspension, demotion, removal or discharge, any interrogation of an Employee shall be mechanically recorded in its entirety. Completed interrogations shall be transcribed and a copy shall be furnished, if requested by the Employee, at no cost and no later than five (5) days before any scheduled pre-disciplinary (Loudermill) meeting.

Section 5. Prior to interrogation, the Employee will be given a copy of the AGarrity@

warning to sign if disciplinary action may result in suspension, demotion, removal, or discharge. Note: AGarrity@ still applies if disciplinary action may result in administrative action less than suspension, demotion, removal, or discharge; however, copies of Garrity need not be distributed or read.

Garrity. I wish to inform you that you are being questioned as part of an official investigation of the Police Department. You will be asked questions specifically directed narrowly related to the performance of your official duties or fitness for office. You are entitled to all the rights and privileges guaranteed by the laws and the Constitution of the United States, including the right to not be compelled to incriminate yourself. I further wish to advise you that if you refuse to testify or to answer questions relating to the performance of your official duties or fitness for duty, you will be subject to departmental charges which could result in your dismissal from the department. If you do answer, neither your statements or any information or evidence such is gained by reason of such statements can be used against you in any subsequent criminal proceedings. However, these statements may be used against you in relation to subsequent departmental charges.

Section 6. The interrogation of an Employee shall be conducted in a private location at a reasonable hour, and when the Employee is on duty, unless the investigation dictates otherwise. Employees shall be relieved of responsibilities without loss of pay when being interrogated. The questioning shall be completed with reasonable dispatch. This action shall not prohibit any law enforcement agency from conducting criminal investigations whether alleged occurring during employment hours or any other time. The accused shall

be informed prior to the interview of the name and rank of the person in charge of the interview. Questions directed to the Employee during the interview shall be asked by only on (1) interviewer at a time. The Employee has a right to have a FOP representative or attorney of his choosing during the interrogation.

Section 7. An Employee shall not be subjected to offensive language nor be threatened with dismissal, transfer, or other disciplinary action as a guise to attempt to obtain an Employee=s resignation, nor shall an Employee be intimidated in any form. The employer may advise an employee of the possible disciplinary options the employer could impose for the alleged incident.

Section 8. The City, Police Chief or FOP shall not make any press releases regarding ongoing internal administrative or criminal investigations or disciplinary actions. The City agrees that press releases concerning bargaining unit members under criminal investigation will be provided to the President of the Bargaining Unit prior to the release to the public. If there is a press conference, the city will discuss the issues to be addressed with the President of the Bargaining Unit beforehand.

DURATION

Section 1. Contract Term. This Agreement shall be in full force and effect from October 1, 2022 through September 30, 2024.

IN WITNESS WHEREOF, the parties have set their hands this 30th day of September, 2022.

CITY OF McCOOK, NEBRASKA

FRATERNAL ORDER OF POLICE
LODGE 57

BY _____
Michael Gonzales, Mayor

BY _____
Luke McGinley, President

CITY OF MCCOOK, NEBRASKA
 AND
 FRATERNAL ORDER OF POLICE LODGE 57

ATTACHMENT A - Step Schedule

October 1, 2022 - SEPTEMBER 30, 2024

Police - Union Contract

Contract Year	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8
	1.025	4.25%	4.50%	1.025	1.025	1.025	1.025	1.025
10/1/2022	\$ 15.520	\$ 16.167	\$ 16.628	\$ 17.215	\$ 17.831	\$ 18.438	\$ 19.087	\$ 19.751
- 9/30/2024	\$21.158	\$22.058	\$23.051	\$24.087	\$25.171	\$26.430	\$27.752	\$29.140

Premium Pay Positions will receive an additional 5% of base pay for Firearms Instructor, Evidence Custodian, Training Officer/Self Defense Instructor, and Computer Systems Manager, FTO and Officer In Charge. (See Union Contract for FTO and Officer in Charge)

Detectives - Union Contract

Contract Year	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8
	1.025	1.025	1.025	1.025	1.025	1.025	1.025	1.025
10/1/2022	\$ 21.725	\$ 22.634	\$ 23.277	\$ 24.099	\$ 24.964	\$ 25.813	\$ 26.722	\$ 27.651
- 9/30/2024	\$24.046	\$25.008	\$26.008	\$27.049	\$28.130	\$29.256	\$30.573	\$32.024

Dispatch - Union Contract

Contract Year	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8
	1.025	1.025	1.025	1.025	1.025	1.025	1.025	1.025
10/1/2022	\$ 15.520	\$ 16.167	\$ 16.628	\$ 17.215	\$ 17.831	\$ 18.438	\$ 19.087	\$ 19.751
- 9/30/2024	\$17.305	\$17.898	\$18.511	\$19.148	\$19.807	\$20.510	\$21.241	\$22.038

Dispatchers are eligible for an additional 5% of base pay for a Premium Pay Position - Training Dispatcher. (See Union Contract)

**Cost Of Living Adjustments (COLA) for the contract year of October 1, 2022-September 30, 2024, will be based upon the Consumer Price Index (CPI) - All Urban Consumers, U.S. City Average, All Items, Not Seasonally Adjusted. The COLA percentage increase will be based upon the percent change between February 2022 and January 2023. Using the CPI as a guide, during the four (4) years of this contract, the annual across the board increase will not exceed the maximum of 4.5% nor go below the minimum of 2% as agreed upon and stated in Article 9, Section 4 of this agreement.

**CITY MANAGER'S REPORT
SEPTEMBER 19, 2022 CITY COUNCIL MEETING**

ITEM: 4.A.

Approve Ordinance No. 2022-3045 providing for the adoption of the budget for FY 2022/2023 on its third and final 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.

**FISCAL
IMPACT:** None.

APPROVALS:



Lea Ann Doak, City Clerk

September 13, 2022



Nathan A. Schneider, City Manager

September 13, 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
SEPTEMBER 19, 2022 CITY COUNCIL MEETING**

ITEM: 4.B.

Approve Ordinance No. 2022-3044 providing for the adoption of the FY 2022/2023 Fiscal Year Employee Classification Pay Plan on its third and final 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

September 13, 2022



Nathan A. Schneider, City Manager

September 13, 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	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 Assistant City Manager	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
10/1/2022 - 9/30/2023								
Police Officers	\$ 21.158	\$ 22.058	\$ 23.051	\$ 24.087	\$ 25.171	\$ 26.430	\$ 27.752	\$ 29.140
Detectives	\$ 24.046	\$ 25.008	\$ 26.008	\$ 27.049	\$ 28.130	\$ 29.256	\$ 30.573	\$ 32.024
Dispatchers	\$ 17.305	\$ 17.898	\$ 18.511	\$ 19.148	\$ 19.807	\$ 20.510	\$ 21.241	\$ 22.038

**CITY MANAGER'S REPORT
SEPTEMBER 19, 2022 CITY COUNCIL MEETING**

ITEM: 4.C.

RECOMMENDATION:

**INTRODUCE ON FIRST READING ORDINANCE NO. 2022-3048
PROVIDING FOR THE AMENDMENT OF APPENDIX F, SOLID WASTE
COLLECTION FEES OF THE CITY MCCOOK CODE OF ORDINANCES
AND APPROVE UNDER THE SUSPENSION OF THE RULES.**

BACKGROUND:

This Ordinance provides for the increase to the solid waste collection fees as included in the proposed FY 2022-2023 budget.

As we all know, fuel prices have increased substantially over the past year. The Transfer Station, in particular, the hauling segment of our operation utilizes a substantial amount of fuel. The Transfer Station hauls, on average, 4 semi loads of solid waste to J Bar J Landfill which is near Ogallala per day Monday thru Thursday. We occasionally haul additional loads on Friday and/or Saturday, depending on the amount of solid waste that is brought in each day. The landfill is located approximately 105 miles north/northwest of McCook making each roundtrip approximately 210 miles.

The solid waste that is received at the Transfer Station consists of both commercial waste and residential waste. The commercial waste makes up approximately 77% of all waste received at the Transfer Station, with residential waste making up the remaining 23%.

The fee for Residential Trash Collection will increase from \$24.50 to \$26.25 per month which includes a \$2.00/month recycling fee to help support the recycling program. The last increase was in October 2021 where the fee increased from \$23.75/month to \$24.50/month.

The fee for Household/Commercial Waste will increase from \$67.00/ton to \$77.00/ton. The last increase was in October 2021 where the fee increased from \$65.00 to \$67.00.

This Ordinance also includes a \$1.00/month increase from \$5.00 to \$6.00 for the yard waste collection service. This service is provided beginning in April and running thru November. It includes the weekly pickup up of grass and leaves that are placed in a city provided roll out container. This service has not had an increase since April 2002.

Staff would recommend to suspend the rule in order to make the changes effective on October 1, 2022.

**FISCAL
IMPACT:** None.

APPROVALS:



Kyle Potthoff, Public Works Director

SEPTEMBER 14, 2022



Nate Schneider, City Manager

SEPTEMBER 14, 2022

ORDINANCE NO. 2022-3048

AN ORDINANCE PROVIDING FOR THE AMENDMENT OF APPENDIX F, SOLID WASTE COLLECTION FEES, OF THE CITY OF MCCOOK, NEBRASKA CODE OF ORDINANCES; PROVIDING FOR A RATE TO BE CHARGED FOR SOLID WASTE COLLECTION AND DISPOSAL; PROVIDING FOR THE REPEAL OF ORDINANCE NO. 2021-3022 AND ANY AND ALL ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM AND FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

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

SECTION 1. That Appendix F, Solid Waste Collection Fees, of the City of McCook, Nebraska Code of Ordinances, shall be and is hereby amended to read as follows:

**APPENDIX F: SOLID WASTE COLLECTION FEES
SOLID WASTE COLLECTION FEES**

(A) In order to pay for the cost of operation and maintenance of the Transfer Station and to provide funds necessary for equipment and future land acquisition, the following fees are hereby established in compliance with Section 55.02:

(1) All residents of the corporate limits of the City of McCook shall not be charged a fee at the Transfer Station for any refuse or debris that is generated on their own residential property and personally delivered to the Transfer Station. Except as provided in Section E of this Appendix, residents and nonresidents delivering construction, demolition, or remodeling and all persons hauling for hire, commercial, contract for commercial tree trimmers, lawn caretakers, or nonresidents of the City of McCook shall be assessed according to the Solid Waste Collection schedule of fees.

(2) The City will operate in accordance with Nebraska Department of Environmental Quality's *Title 132 Integrated Solid Waste Management* regulations.

(B) (1) *Solid Waste Collection schedule of fees.* See Chapter 38, Fee Schedule.

Household/Commercial Waste No Yard Waste	\$.038500 per pound (\$77.00 per ton) minimum charge - \$5.00
Yard Waste Only	\$.012675 per pound (\$25.35 per ton) minimum charge - \$5.00
Non Solid Waste Scale Fee	\$5.00

(2) *Solid Waste Collection payment due.* Payment of the above fee(s) is due and payable upon entrance into the Transfer Station.

(C) *Fee for U-Load-It Clean-up program.* A fee of fifty dollars (\$50.00) for the use of a city truck is hereby provided for use of the City's U-Load-It Clean-Up Program. Scale fees will be charged according to the above schedule as outlined in Sections A and B of the Appendix.

(D) *Solid Waste Collection/Disposal fee.*

(1) All residential units within the corporate City Limits shall be charged a monthly solid waste collection/disposal fee of \$24.25 and a monthly recycling fee of \$2.00.

(2) All residential units within the corporate City Limits may request an additional container to be used for yard waste only, and shall be charged a monthly disposal fee of \$6.00 per month, effective April 1, 2023, during those months that yard waste is banned from Landfills.

(3) Tracts of land or buildings containing three (3) or more residential units may choose alternative solid waste collection/disposal methods upon the approval of the City Manager.

(4) All solid waste collection/disposal fees prescribed by this Appendix shall be a lien upon the premises and real estate for which the service is supplied and if not paid when due such charge shall be certified to the City Treasurer and may be recovered by the City in an action at law and it may be certified to the County Clerk and assessed against said real estate and premises served and be collected and returned in the same manner as other City taxes are certified, assessed, collected and returned.

(5) Bills for solid waste collection/disposal fees charged pursuant to this Appendix shall be rendered at the same time that bills are rendered for water service, and all collection/disposal fees levied by this Appendix which are not paid at or before water service charges are required to be paid, shall be deemed delinquent and the water service of such user may be discontinued.

(E) *Waiver of fees for affordable housing projects.* Disposal fees shall be waived for the deposit at the Transfer Station of solid waste that was generated by the remodeling or clean up of a residential dwelling located within the corporate limits of the City of McCook using funds provided by the Nebraska Department of Economic Development pursuant to the Nebraska Affordable Housing Trust Fund Act.

(F) *Partial waiver of fees for demolition of certain residential dwelling units.* Thirty percent of the total disposal fees shall be waived for the deposit at the Transfer Station of solid waste generated by the demolition of a residential dwelling unit located within the corporate limits of the City of McCook along with an accessory detached garage if the requirements set forth in this subsection are satisfied. In order to qualify for such partial waiver of disposal fees, the owner of the dwelling unit must apply in writing to the Building Inspector of the City for a partial waiver of fees at least 14 days prior to commencement of the demolition work and must establish to the satisfaction of the Building Inspector that:

(1) The owner received written confirmation from the Building Inspector that the demolition qualifies for a partial waiver of disposal fees prior to commencing with the demolition work;

(2) all asbestos and other hazardous materials were abated and removed from the structures prior to commencing demolition work in accordance with all federal, state, and local laws;

(3) the dwelling unit has been abandoned for a continuous period of at least twelve (12) months prior to submission of the application for partial waiver of fees as shown by water, gas or electric utility records;

(4) the dwelling unit is so old, dilapidated, or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy such that it is unreasonable to repair the structure;

(5) there is no reimbursement for disposal fees available from any other source such as homeowner's insurance; and

(6) the owner obtained a permit authorizing such demolition from the City of McCook prior to commencement of the demolition work.

SECTION 2. Any and all ordinances or parts of ordinances in conflict herewith shall be and are hereby repealed.

SECTION 3. This ordinance shall take effect and be in full force October 1, 2022 and from and after its passage, approval and publication in pamphlet form according to law.

PASSED AND APPROVED THIS _____ day of September, 2022.

-s- Michael D. Gonzales
Mayor

ATTEST:

-s- Lea Ann Doak
City Clerk

CITY MANAGER'S REPORT

SEPTEMBER 19, 2022 CITY COUNCIL MEETING

ITEM: 4.D.

RECOMMENDATION:

Introduce and approve on first reading ordinance no. 2022-3047 an ordinance providing for an amendment of Chapter 38: Fee Schedule – Appendix E, Water Department Rates and Fees; of the City of McCook Code of Ordinances.

BACKGROUND

The water department currently charges \$5.00 per 100 cubic feet of water for bulk water out of our hydrant meters. Staff recently installed a coin operated bulk water dispenser on the east side of the water shop. The new dispenser measures water in gallons per Quarter. Staff is proposing changing from \$5.00 per cubic foot to \$5.00 per 1,000 gallons. With this change the customer will be getting about 250 gallons more per \$5.00.

The water department currently charges \$250 for deposit on our fire hydrant meter rental. Staff is proposing to raise the deposit to \$1,000 to accurately cover the cost of the meter when damages occur. Our current meters are valued at \$1,400 not including the backflow preventers. The water department has never had to take a deposit that I am aware of.

FISCAL IMPACT:

APPROVALS:



Pat Fawver, Utility Director

Date: 9-14-22



Nate Schneider, City Manager

Date: 9-14-22

ORDINANCE NO. 2022-3047

AN ORDINANCE PROVIDING FOR THE AMENDMENT OF CHAPTER 38: FEE SCHEDULE - APPENDIX E, WATER DEPARTMENT RATES AND FEES; OF THE CITY OF MCCOOK CODE OF ORDINANCES; PROVIDING FOR A RATE TO BE CHARGED FOR WATER BY THE MCCOOK WATER DEPARTMENT; PROVIDING FOR THE REPEAL OF ORDINANCE NO. 25021-3014 AND ANY AND ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR A TIME AND DATE FROM AND AFTER WHICH THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE.

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

SECTION 1. That Chapter 38: Fee Schedule - Appendix E, Water Department Rates and Fees; Section A - Water Rates, of the City of McCook Code of Ordinances, shall be and is hereby amended to read as follows:

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

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

(A) 1.920 dollars per one hundred cubic feet for the first five thousand (5,000) cubic feet of water used;

(B) 1.423 dollars per one hundred cubic feet for all water used over five thousand (5,000) cubic feet.

In addition to the above, a ready-to-serve fee of eighteen and 82/100 dollars (\$18.82) per month shall be charged to each customer.

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

3. BULK WATER. The rate for bulk water purchases shall be \$5.00 per one thousand (1,000) gallons.

4. FIRE HYDRANT METER. Fire hydrant meter rent shall be \$50.00 per week, plus water usage charged at the rate for bulk water. The deposit required for a fire hydrant meter is set at \$1,000.00.

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

SECTION 3. This ordinance shall take effect with the bills dated May 1, 2021 and be in full force from and after its passage, approval and publication as required by law in its entirety or in pamphlet form, as the case may be.

PASSED AND APPROVED THIS ____ day of _____, 2022.

-s- Michael D. Gonzales
Mayor

ATTEST:

-s- Lea Ann Doak
City Clerk

**CITY MANAGER'S REPORT
SEPTEMBER 19, 2022 MCCOOK COMMUNITY DEVELOPMENT AGENCY MEETING**

ITEM NO. Approve Resolution No. CDA 2022-~~03~~⁶³ amending Resolution No. CDA 2015-03 and authorizing and approving the amended and restated tax increment development revenue bond (Cobblestone Redevelopment Project) series 2015 to amend and correct the maturity date of said bond.

CDA.3

BACKGROUND:

The CDA of the City of McCook and the McCook Hotel Group, LLC, entered into a redevelopment contract on May 4, 2015 to implement the Cobblestone Redevelopment Project. As part of the project, the CDA issued a tax increment financing bond in the amount of \$628,875.00 on October 2, 2015. Almena State Bank was assigned the bond. On October 23, 2020, the FDIC was appointed as receiver of Almena State Bank and is now the registered owner of the bond. The FDIC intends to sell the bond. Prior to the sale of the bond, the CDA and the bond holder desire to amend and restate the bond to clarify the maturity date of the bond.

The final year of the TIF period for the project is 2030. The bond states that the maturity date is December 31, 2030 because 2030 taxes are due December 31, 2030. However, this fails to address the fact that Nebraska real estate taxes are customarily paid in arrears the following year. As it relates to this matter, the 2030 property taxes will more than likely be paid in 2031. In order to match the actual 15 year payout period, the maturity date of the bond should be changed from December 31, 2030 to December 31, 2031. By doing so, the intended 15 year period that was contracted will be honored.

A formal resolution is necessary to enact the modification. Attached to the resolution is the updated bond. The old bond will be replaced with the new bond when the old one is turned in.

APPROVALS:

Nathan A. Schneider

September 13, 2022

Nathan A. Schneider, City Manager

Lea Ann Doak

September 13, 2022

Lea Ann Doak, City Clerk

**COMMUNITY DEVELOPMENT AGENCY
OF THE CITY OF MCCOOK, NEBRASKA**

RESOLUTION #2022- 03

(Amended and Restated Tax Increment Development Revenue Bond
(Cobblestone Redevelopment Project), Series 2015)

**A RESOLUTION OF THE COMMUNITY DEVELOPMENT AGENCY OF
THE CITY OF MCCOOK, NEBRASKA, AMENDING RESOLUTION NO. CDA
2015-03 AND AUTHORIZING AND APPROVING THE AMENDED AND
RESTATED TAX INCREMENT DEVELOPMENT REVENUE BOND
(COBBLESTONE REDEVELOPMENT PROJECT) SERIES 2015 TO AMEND
AND CORRECT THE MATURITY DATE OF SAID BOND.**

RECITALS

- A. The Community Development Agency of the City of McCook, Nebraska (“CDA”) and McCook Hotel Group, LLC, a Nebraska limited liability company (“Redeveloper”), entered into that certain Redevelopment Contract dated May 4, 2015 (the “Redevelopment Contract”) to implement the Cobblestone Redevelopment Project (the “Project”).
- B. The CDA passed Resolution No. CDA 2015-03 on May 4, 2015, authorizing the issuance of a tax increment financing bond for the Project (the “Bond Resolution”).
- C. On October 2, 2015, the CDA issued a Tax Increment Development Revenue Bond of the City of McCook, Nebraska (Cobblestone Redevelopment Project), Series 2015 in the amount of \$628,875.00 (the “Bond”) for the implementation of the Project.
- D. Almena State Bank purchased the Bond and was listed as the registered owner.
- E. The Federal Deposit Insurance Corp. (FDIC) was appointed as receiver of Almena State Bank on October 23, 2020 and is now the registered owner of the Bond. The FDIC intends to sell the Bond.
- F. Prior to the sale of the Bond, the CDA and the Redeveloper desire to amend and restate the Bond to clarify the maturity date of the Bond.
- G. The final year of the TIF period for the Project is 2030. The Bond states that the maturity Date is December 31, 2030 because 2030 taxes are due December 31, 2030. However, this does not address the fact that Nebraska real

estate taxes are customarily paid in arrears in the year following the year said taxes are due.

H. Since Nebraska real estate taxes are customarily paid in arrears in the year following the year said taxes are due, payment for the 2030 ad valorem taxes due on December 31, 2030 will likely be paid in 2031 prior to the date said tax payments are delinquent.

I. Payment of ad valorem taxes in arrears pursuant to customary payments in Nebraska does not affect the fifteen (15) year TIF period.

J. Changing the maturity date of the Bond from December 31, 2030 to December 31, 2031 will not increase the TIF amount or the tax increment financing period, which is limited to 15 years under state law, and will not otherwise affect the Project or TIF payments except as to the timing of the payment of the 15th year of taxes.

K. The proposed amendment to maturity date of the Bond will allow the Redeveloper to pay taxes in the customary manner in Nebraska without decreasing the anticipated payments to the TIF Bond holder.

L. The CDA has prepared the Amended and Restated Tax Increment Development Revenue Bond of the City of McCook, Nebraska (Cobblestone Redevelopment Project), 2015 in the amount of \$628,875.00 ("Amended Bond") to amend the maturity date, a copy of which is attached hereto as Exhibit "A" and incorporated by this reference.

M. The Amended Bond shall make no other changes except to the Maturity Date of the Bond.

NOW THEREFORE, BE IT RESOLVED by the CDA, that the Bond Resolution is hereby amended to change the maturity date of the Bond from December 31, 2030 to December 31, 2031.

BE IT FURTHER RESOLVED, that upon return of the Bond by the registered owner of the Bond and all other reasonably required documentation, the CDA is authorized to amend and restate the Bond in its entirety with the Amended and Restated Tax Increment Development Revenue Bond (Cobblestone Redevelopment Project), Series 2015 attached hereto as Exhibit "B".

BE IT FURTHER RESOLVED, the CDA authorizes the Chairman of the CDA to take all such actions that are required to issue the Amended Bond, fulfill its terms and consummate the agreement set forth therein.

BE IT FURTHER RESOLVED, the CDA hereby rescinds any other resolutions or actions that are contradictory or incompatible with this Resolution.

Dated this ____ day of _____, 2022.

COMMUNITY DEVELOPMENT
AGENCY OF THE CITY OF
MCCOOK, NEBRASKA

Chairman

ATTEST:

Secretary

EXHIBIT "A"
Amended and Restated Tax Increment Development Revenue Bond
(Cobblestone Redevelopment Project), Series 2015

(See Attached)

THIS BOND HAS NOT BEEN REGISTERED UNDER THE SECURITIES ACT OF 1933, AS AMENDED, OR ANY STATE SECURITIES LAWS, AND THIS BOND MAY NOT BE TRANSFERRED UNLESS THE PROPOSED ASSIGNEE IS A BANK OR A QUALIFIED INSTITUTIONAL BUYER AS DEFINED IN RULE 144A PROMULGATED BY THE SECURITIES AND EXCHANGE COMMISSION AND THE OWNER HAS OBTAINED AND PROVIDED TO THE AGENCY, PRIOR TO SUCH TRANSFER AND ASSIGNMENT, AN INVESTOR'S LETTER IN FORM AND SUBSTANCE SATISFACTORY TO THE AGENCY EVIDENCING THE COMPLIANCE WITH THE PROVISIONS OF ALL FEDERAL AND STATE SECURITIES LAWS AND CONTAINING SUCH OTHER REPRESENTATIONS AS THE AGENCY MAY REQUIRE.

THIS BOND MAY BE TRANSFERRED ONLY IN THE MANNER AND ON THE TERMS AND CONDITIONS AND SUBJECT TO THE RESTRICTIONS STATED IN RESOLUTION NO. CDA 2015-03 OF THE COMMUNITY DEVELOPMENT AGENCY OF THE CITY OF MCCOOK, NEBRASKA.

UNITED STATES OF AMERICA
STATE OF NEBRASKA
COUNTY OF RED WILLOW

COMMUNITY DEVELOPMENT AGENCY
OF THE CITY OF MCCOOK, NEBRASKA

AMENDED AND RESTATED TAX INCREMENT DEVELOPMENT REVENUE BOND
(COBBLESTONE REDEVELOPMENT PROJECT), SERIES 2015

No. R-1

Up to \$628,875.00
(subject to reduction as described herein)

<u>Date of Original Issue</u>	<u>Date of Maturity</u>	<u>Rate of Interest</u>
October 2, 2015	December 31, 2031	6.0%

REGISTERED OWNER: _____

PRINCIPAL AMOUNT: SEE SCHEDULE 1 ATTACHED HERETO

REFERENCE IS HEREBY MADE TO THE FURTHER PROVISIONS OF THE BOND SET FORTH ON THE FOLLOWING PAGES, WHICH FURTHER PROVISIONS SHALL FOR ALL PURPOSES HAVE THE SAME EFFECT AS IF SET FORTH AT THIS PLACE.

IN WITNESS WHEREOF, THE COMMUNITY DEVELOPMENT AGENCY OF THE CITY OF MCCOOK, NEBRASKA has caused this Bond to be signed by the manual signature of the Chairman of the Agency, countersigned by the manual signature of the Clerk of the City, and the City's corporate seal imprinted hereon.

COMMUNITY DEVELOPMENT AGENCY OF
THE CITY OF MCCOOK, NEBRASKA

[S E A L]

By: _____
Chairman

By: _____
Clerk

The **COMMUNITY DEVELOPMENT AGENCY OF THE CITY OF MCCOOK, NEBRASKA** (the “Agency”) acknowledges itself indebted to, and for value received hereby promises to pay, but solely from certain specified tax revenues and other funds hereinafter specified, to the Registered Owner named above, or registered assigns, on the Date of Maturity stated above (or earlier as hereinafter referred to), the Principal Amount on Schedule 1 attached hereto upon presentation and surrender hereof at the office of the registrar and paying agent herefor, the Treasurer of the City of McCook, Nebraska (the “Registrar”). The principal of this Bond and the interest hereon are payable in any coin or currency which on the respective dates of payment thereof is legal tender for the payment of debts due the United States of America.

This Bond is issued by the Agency under the authority of and in full compliance with the Constitution and statutes of the State of Nebraska, including particularly Article VIII, Section 12 of the Nebraska Constitution, Sections 18-2101 to 18-2153, inclusive, Reissue Revised Statutes of Nebraska, as amended, and under and pursuant to Resolution No. CDA 2015-03 duly passed and adopted by the Agency on May 4, 2015, as from time to time amended and supplemented (the “Resolution”).

THE PRINCIPAL AMOUNT OF THIS BOND IS SET FORTH IN SCHEDULE 1 ATTACHED HERETO. THE MAXIMUM PRINCIPAL AMOUNT OF THIS BOND IS \$628,875.00.

This Bond is a special limited obligation of the Agency payable as to principal solely from and is secured solely by the Revenue (as defined in the Resolution) and certain other money, funds and securities pledged under the Resolution, all on the terms and conditions set forth in the Resolution. The Revenue represents that portion of ad valorem taxes levied by public bodies of the State of Nebraska, including the City, on real property in the Project Area (as defined in this Resolution) which is in excess of that portion of such ad valorem taxes produced by the levy at the rate fixed each year by or for each such public body upon the valuation of the Project Area as of a certain date and as has been certified by the County Assessor of Red Willow County, Nebraska to the City in accordance with law.

Reference is hereby made to the Resolution for the provisions, among others, with respect to the collection and disposition of certain tax and other revenues, the special funds charged with and pledged to the payment of the principal on this Bond, the nature and extent of the security thereby created, the terms and conditions under which this Bond has been issued, the rights and remedies of the Registered Owner of this Bond, and the rights, duties, immunities and obligations of the City and the Agency. By the acceptance of this Bond, the Registered Owner assents to all of the provisions of the Resolution.

The principal and interest hereon shall not be payable from the general funds of the City nor the Agency nor shall this Bond constitute a legal or equitable pledge, charge, lien, security interest or encumbrance upon any of the property or upon any of the income, receipts, or money and securities of the City or the Agency or of any other party other than those specifically pledged under the Resolution. This Bond is not a debt of the City or the Agency within the meaning of any constitutional, statutory or charter limitation upon the creation of general obligation indebtedness of the City or the Agency, and does not impose any general liability upon the City or the Agency and neither the City nor the Agency shall be liable for the payment hereof out of any funds of the City or the Agency other than the Revenues and other funds pledged under the Resolution, which Revenues and other funds have been and hereby are pledged to the punctual payment of the principal and interest on this Bond in accordance with the provisions of this Resolution.

The Registered Owner may from time to time enter the respective amounts advanced pursuant to the terms of the Resolution under the column headed "Principal Amount Advanced" on Schedule 1 hereto (the "Table") and may enter the aggregate principal amount of this Bond then outstanding under the column headed "Cumulative Outstanding Principal Amount" on the Table. On each date upon which a portion of the Cumulative Outstanding Principal Amount is paid to the Registered Owner pursuant to the redemption

provisions of the Resolution, the Registered Owner may enter the principal amount paid on this Bond under the column headed "Principal Amount Redeemed" on the Table and may enter the then outstanding principal amount of this Bond under the column headed "Cumulative Outstanding Principal Amount" on the Table. Notwithstanding the foregoing, the records maintained by the Agent as to the principal amount issued and principal amounts paid on this Bond shall be the official records of the Cumulative Outstanding Principal Amount of this Bond for all purposes.

Reference is hereby made to the Resolution, a copy of which is on file in the office of the City Clerk, and to all of the provisions of which each Owner of this Bond by its acceptance hereof hereby assents, for definitions of terms; the description of and the nature and extent of the security for this Bond; the Revenue and other money and securities pledged to the payment of the principal on this Bond; the nature and extent and manner of enforcement of the pledge; the conditions upon which the Resolution may be amended or supplemented with or without the consent of the Owner of this Bond; the rights, duties and obligations of the Agency and the Registrar thereunder; the terms and provisions upon which the liens, pledges, charges, trusts and covenants made therein may be discharged at or prior to the maturity or redemption of this Bond, and this Bond thereafter no longer be secured by the Resolution or be deemed to be outstanding thereunder, if money or certain specified securities shall have been deposited with the Registrar sufficient and held in trust solely for the payment hereof; and for the other terms and provisions thereof.

This Bond is subject to redemption prior to maturity, at the option of the Agency, in whole or in part at any time at a redemption price equal to 100% of the principal amount being redeemed. Reference is hereby made to the Resolution for a description of the redemption procedures and the notice requirements pertaining thereto.

In the event this Bond is called for prior redemption, notice of such redemption shall be given by first-class mail to the Registered Owner hereof at its address as shown on the registration books maintained by the Registrar not less than 10 days prior to the date fixed for redemption, unless waived by the Registered Owner hereof. If this Bond, or any portion thereof, shall have been duly called for redemption and notice of such redemption duly given as provided, then upon such redemption date the portion of this Bond so redeemed shall become due and payable and if money for the payment of the portion of the Bond so redeemed to the date fixed for redemption shall be held for the purpose of such payment by the Registrar.

This Bond is transferable by the Registered Owner hereof in person or by its attorney or legal representative duly authorized in writing at the principal office of the Registrar, but only in the manner, subject to the limitations and upon payment of the charges provided in the Resolution, and upon surrender and cancellation of this Bond. Upon such transfer, a new Bond of the same series and maturity and for the same principal amount will be issued to the transferee in exchange therefor. The Agency and the Registrar may deem and treat the Registered Owner hereof as the absolute owner hereof for the purpose of receiving payment of or on account of principal due hereon and for all other purposes.

This bond is being issued as fully a registered bond without coupons. This bond is subject to exchange as provided in the Resolution.

It is hereby certified, recited and declared that all acts, conditions and things required to have happened, to exist and to have been performed precedent to and in the issuance of this Bond have happened, do exist and have been performed in regular and due time, form and manner; that this Bond does not exceed any constitutional, statutory or charter limitation on indebtedness; and that provision has been made for the payment of the principal and interest on this Bond as provided in this Resolution.

[The remainder of this page intentionally left blank]

(FORM OF ASSIGNMENT)

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned hereby sells, assigns and transfers unto

Print or Type Name, Address and Social Security Number
or other Taxpayer Identification Number of Transferee

the within bond and all rights thereunder, and hereby irrevocably constitutes and appoints _____ agent to transfer the within Bond on the bond register kept by the Registrar for the registration thereof, with full power of substitution in the premises.

Dated: _____

NOTICE: The signature to this Assignment must correspond with the name of the Registered Owner as it appears upon the face of the within bond in every particular.

Signature Guaranteed By:

Name of Eligible Guarantor Institution as defined by SEC Rule 17 Ad-15 (17 CFR 240.17 Ad-15)

By: _____
Title: _____

**CITY MANAGER'S REPORT
SEPTEMBER 19, 2022 MCCOOK COMMUNITY DEVELOPMENT AGENCY MEETING**

ITEM NO. Approve Resolution No. CDA 2022-~~04~~ authorizing and approving the form of investor letter and assignment of bond for the Cobblestone Redevelopment Project.
CDA.4

BACKGROUND:

As mentioned in the previous agenda item, the FDIC intends to sell the Cobblestone Redevelopment Project Bond, Series 2015. In order to facilitate the sale of the bond by the FDIC, it is necessary for the CDA to approve: (1) an Investor Letter, and (2) an Assignment of the Bond. The form of the Investment Letter and the form of the Assignment of the Bond are attached. By taking this action, the FDIC can have confidence that the actions after the sale will go smoothly.

When all is said and done and the bond is sold, the FDIC will deliver to the CDA: (1) the assignment, (2) the existing bond, (3) the investor letter from the buyer, and (4) any CDA transfer fees to the CDA. In return, the CDA will issue the new bond to the buyer.

APPROVALS:

Nathan A. Schneider

September 13, 2022

Nathan A. Schneider, City Manager

Lea Ann Doak

September 13, 2022

Lea Ann Doak, City Clerk

**COMMUNITY DEVELOPMENT AGENCY
OF THE CITY OF MCCOOK, NEBRASKA**

RESOLUTION #2022- 04

(Approval of Form of Investor Letter and Assignment of Bond
- Cobblestone Redevelopment Project)

A RESOLUTION OF THE COMMUNITY DEVELOPMENT AGENCY OF THE CITY OF MCCOOK, NEBRASKA, AUTHORIZING AND APPROVING THE FORM OF INVESTOR LETTER AND ASSIGNMENT OF BOND FOR THE COBBLESTONE REDEVELOPMENT PROJECT.

RECITALS

- A. The Community Development Agency of the City of McCook, Nebraska (“CDA”) and McCook Hotel Group, LLC, a Nebraska limited liability company (“Redeveloper”), entered into that certain Redevelopment Contract dated May 4, 2015 (the “Redevelopment Contract”) to implement the Cobblestone Redevelopment Project (the “Project”).
- B. On October 2, 2015, the CDA issued a Tax Increment Development Revenue Bond of the City of McCook, Nebraska (Cobblestone Redevelopment Project), Series 2015 in the amount of \$628,875.00 (the “Bond”) for the implementation of the Project.
- C. Almena State Bank was initial registered owner of the Bond.
- D. The Federal Deposit Insurance Corp. (FDIC), who was appointed as receiver of Almena State Bank on October 23, 2020, is now the registered owner of the Bond and intends to sell the Bond.
- E. In order to facilitate the sale of the Bond by the FDIC, the CDA desires to approve the form of Investor Letter and form of Assignment of the Bond attached hereto as Exhibit “A” and Exhibit “B”, respectively and incorporated by this reference.

NOW THEREFORE, BE IT RESOLVED, the CDA approves the form of Investor Letter attached hereto as Exhibit “A”.

BE IT FURTHER RESOLVED, the CDA approves the form of Assignment of the Bond attached hereto as Exhibit “B”.

BE IT FURTHER RESOLVED, that upon presentation of the executed Investor Letter and Assignment of the Bond together with the original Bond, and payment of any fees associated with the assignment of the Bond, the CDA shall reissue the Bond to the bond purchaser/assignee as holder.

BE IT FURTHER RESOLVED, the CDA hereby rescinds any other resolutions or actions that are contradictory or incompatible with this Resolution.

Dated this ____ day of _____, 2022.

COMMUNITY DEVELOPMENT
AGENCY OF THE CITY OF
MCCOOK, NEBRASKA

Chairman

ATTEST:

Secretary

EXHIBIT "A"
Form of Investor Letter

(See Attached)

EXHIBIT "B"
Form of Assignment of Bond

(See Attached)

4861-7231-3904, v. 2

Exhibit "B"

[PUT LETTER FORM ON BOND PURCHASER'S LETTERHEAD]

_____, 2022

Community Development Agency
Office of the City of McCook
Attention: City Administrator
505 W C Street
McCook, Nebraska 69001

Re: \$628,875.00 Community Development Agency of the City of McCook Tax Increment
Development Revenue Bond (Cobblestone Redevelopment Project), Series 2015

Ladies and Gentlemen:

The undersigned is the assignee and registered owner of the above-referenced bond (the "Bond") issued by the Community Development Agency of the City of McCook, Nebraska (the "Agency"). The representations and statements made in this letter are made as an inducement to the Agency in connection with the issuance of the Bond. The undersigned acknowledges and represents that it has been advised that the Bond is not registered under the Securities Act of 1933, as amended, and that the Agency is not presently required to register under Section 12 of the Securities and Exchange Act of 1934. The undersigned therefore recognizes that if and when the undersigned may wish to resell the Bond as held by it there may not be any available current business and financial information about the Agency or the project being financed by the Bond. Further the undersigned realizes that no trading market presently exists or is expected to exist for the Bond. The undersigned understands that it may need to bear the risks of an investment in the Bond for an indefinite period of time, since any sale prior to maturity of the Bond may not be possible or may be at a price below that which the undersigned is paying for the Bond.

It is understood that the undersigned has undertaken to verify the accuracy and completeness and truth of any statements made or omitted to be made concerning any of the material facts relating to the Bond and the project being financed and transactions relating thereto, including information regarding the operations and financial condition of McCook Hotel Group, LLC, a Nebraska limited liability company for said project (the "Redeveloper") and said project. The undersigned has conducted its own investigation and has had discussions with officials of the Agency and Redeveloper.

In connection with the purchase of the Bond, the undersigned hereby acknowledges and represents that the undersigned is acquiring the Bond for its own account for investment and not with a view to the resale or distribution. The undersigned has sufficient knowledge and experience in financial and business matters to be able to evaluate the risks and merits of the investment represented by the purchase of the Bond, has financial resources sufficient to sustain the risks related to holding the Bond and is aware of the intended use of the proceeds and risks involved therein.

THE UNDERSIGNED UNDERSTANDS THAT THE BOND IS A LIMITED OBLIGATION OF THE AGENCY AND IS NOT SECURED BY ANY OBLIGATION OR PLEDGE OF ANY MONIES RECEIVED OR TO BE RECEIVED FROM TAXATION, OTHER THAN SOLELY FROM TAX INCREMENT REVENUES AS DESCRIBED IN THE RESOLUTION AUTHORIZING THE BOND.

THE UNDERSIGNED UNDERSTANDS THAT THE BOND IS NOT AN OBLIGATION OF THE CITY OF MCCOOK, EXCEPT AS TO ITS COMMUNITY DEVELOPMENT AGENCY, OF WHICH IT IS A LIMITED OBLIGATION, THAT THE BOND IS NOT AN OBLIGATION OF THE STATE OF NEBRASKA OR ANY POLITICAL SUBDIVISION OF THE STATE OF NEBRASKA OR TAXING AUTHORITY THEREOF, OTHER THAN OF SUCH AGENCY, AND THAT NO RIGHT EXISTS TO HAVE TAXES LEVIED BY THE CITY OF MCCOOK OR THE STATE OF NEBRASKA OR ANY POLITICAL SUBDIVISION THEREOF FOR THE PAYMENT OF PRINCIPAL OF OR INTEREST ON SAID BOND, OTHER THAN SAID TAX INCREMENT REVENUES.

The undersigned acknowledges that it has made its own investigation and inquiry concerning the due corporate authorization and execution of all documents executed and delivered by the Redeveloper related to the Bond and has not relied upon the City or its counsel or special bond counsel concerning any such matters.

The undersigned acknowledges that the amount of the Bond has been established based upon estimated costs of development under the terms of an agreement between Redeveloper and the Agency. Such estimates have been established in order to assure the initial registered owner of the Bond with the fullest anticipated potential benefits related to tax increment revenues and the principal amount and interest thereon as set may not prove payable from such revenues. The undersigned acknowledges that the Agency has not undertaken or contracted in any way that such redevelopment will be commenced or completed and that such undertaking is the sole responsibility of Redeveloper.

The undersigned acknowledges further that the principal amount and interest rate on the Bond have also been established with respect to taxable valuations which are expected to be related to estimated costs and that the final assessment and taxable valuations determined by the appropriate assessing officials may be materially different from such projected assessment and that such principal amount and interest have also been established based upon estimated taxing rates to apply in the future and that such taxing rates could also be materially different from such estimated rates.

The undersigned acknowledges that it has been advised that interest on the Bond is not exempt from Nebraska state or federal income taxes, and that the City and Agency have not provided any assurances with respect to the tax consequences to the undersigned with respect to the transaction described herein. The undersigned further acknowledges that any future transfer of the Bond may only be made to a subsequent transferee registered owner who is able to execute and does execute a letter similar in form and substance to this investment letter, a copy of which shall have been delivered to the Agency.

Very truly yours,

[INSERT NAME OF BOND PURCHASER]

By: _____
Name: _____
Title: _____

