

# MCCOOK CITY COUNCIL

## REGULAR MEETING

**Monday, October 3, 2022**  
**5:30 PM - City Council Chambers**

Roll Call.

Excuse Absences.

Open Meetings Act Announcement.

Invocation - McCook Ministerial Association - Walter Ray, McCook Baptist Church.

Pledge of Allegiance.

Call to Order.

Items.

1. Announcements & Recognitions.
2. Public Hearings.
  - A. Public Hearing - Regarding a request from MEDC; W.A.G.S. Properties, L.L.C.; and John and Elizabeth Nothnagel, seeking approval for a vacation of a portion of Clary Subdivision, said property 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 (located north of West R Street and west of West 7th Street).
    1. Adjourn the Public Hearing.
  - B. Ordinance No. 2022-3052 approving vacation 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 (located north of West R Street and west of West 7th Street).
    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. 2022-3052.
    4. Chairperson declaration after vote, if approved.
  - C. Public Hearing - Regarding a request from MEDC; W.A.G.S. Properties, L.L.C.; and John and Elizabeth Nothnagel, seeking approval of the final plat of the North Pointe Addition, said property 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 (located north of West R Street and west of West 7th Street).
    1. Adjourn the Public Hearing.
  - D. Adopt Resolution No. 2022-14, approving a final plat of land to be known as the North Pointe Addition, said 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 (located north of West R Street and west of West 7th Street).

- E. Public Hearing - Regarding a request from MEDC; W.A.G.S. Properties, L.L.C., and John and Elizabeth Nothnagel, seeking approval for a rezoning of property 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 (located north of West R Street and west of West 7th Street), from Agricultural (AG) to Residential (RM).
  - 1. Adjourn the Public Hearing.
- F. Ordinance No. 2022-3053 approving a request from MEDC; W.A.G.S. Properties, L.L.C., and John and Elizabeth Nothnagel, for the rezoning of property 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 (located north of West R Street and west of West 7th Street), from Agricultural (AG) to Residential (RM).
  - 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. 2022-3053.
  - 4. Chairperson declaration after vote, if approved.
- 3. Proclamations.
  - A. Approve the proclamation designation October 9 through 15, 2022 as "Fire Prevention Week" and authorize the Mayor to sign.
- 4. 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 19, 2022 regular City Council meeting.
  - B. Offer a contract to Prime Solution, Inc., as the lowest responsible bidder for Rotary Fan Press Equipment Procurement with a base bid of \$591,235.00 and a deductive change order of \$132,445.00 and authorize the Mayor to execute the necessary paperwork to award the contract.
  - C. Approve and authorize the Mayor to sign Amendment #3 to the Professional Engineering Agreement with Miller and Associates, Consulting Engineers, P.C., adding additional services to comply with NDEE-SRF requirements.
  - D. Approve the McCook Area Chamber of Commerce request to use City facilities for a Christmas Celebration on Saturday, December 3, 2022, including the use of McCook Ben Nelson Regional Airport for the flying in of Santa Claus at 1:00 P.M.; the use of Norris Park (including electricity) beginning at 3:00 P.M. which will include entertainment in the bandshell; the lighting of the park; conducting the Annual Christmas "Light up the Bricks" Parade beginning at 6:00 P.M., including participation by the Fire and Police departments and the closing of East "G" Street from Norris Avenue to East 2nd Street; East 1st Street from East "F" Street to East "I" Street; East "H" Street from Norris Avenue to

East 2nd Street; and the Norris Avenue north bound lane from East “G” Street to East “H” Street for carriage rides.

- E. Receive and file the confirmation of an emergency purchase of one new 2022 Chevrolet Silverado 2500 regular cab pickup without a box for the Airport Department, from Doug Richert Chevrolet Buick located in Holton, KS at a cost of \$46,214.95 due to the ongoing supply chain issues.
  - F. Adopt Resolution No. 2022-13 setting the property tax request for FY 2022/2023.
  - G. Approve the dissolution of the McCook Swimming Pool Committee.
  - H. Approve the bid specifications for one (1) new Solid Water Collection Vehicle and set the date to receive bids as October 25, 2022 at 2:00 P.M.
  - I. Accept the minutes of the September 26, 2022 Planning Commission meeting.
5. Regular Agenda.
- A. Discuss and select a location and a date for an open house regarding the upcoming local option sales tax ballot question.
  - 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 second reading of three readings.
  - C. 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 second of three readings.
  - D. 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 second reading of three readings.
  - E. 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 second reading of three readings.
  - F. Council Comments.

Adjournment.

**CITY MANAGER'S REPORT  
OCTOBER 3, 2022 MCCOOK CITY COUNCIL MEETING**

- ITEM NO. **2.A.** Public Hearing - Consider a request from MEDC; W.A.G.S. Properties, L.L.C.; and John and Elizabeth Nothnagel, seeking approval for a vacation of a portion of Clary Subdivision, said property located in the NE 1/4 of Section 19, Township 3 North, Range 29 West of the 6<sup>th</sup> P.M., in Red Willow County, Nebraska (located north of West R Street and west of West 7<sup>th</sup> Street).
- ITEM NO. **2.B.** Approve under suspension of the rule, Ordinance No. 2022-3052, allowing for the vacation of land located in the NE 1/4 of Section 19, Township 3 North, Range 29 West of the 6<sup>th</sup> P.M., in Red Willow County, Nebraska (located north of West R Street and west of West 7<sup>th</sup> Street).
- ITEM NO. \_\_\_\_ Public Hearing - Consider a request from MEDC; W.A.G.S. Properties, L.L.C.; and John and Elizabeth Nothnagel, seeking approval of the final plat of the North Pointe Addition, said property located in the NE 1/4 of Section 19, Township 3 North, Range 29 West of the 6<sup>th</sup> P.M., in Red Willow County, Nebraska (located north of West R Street and west of West 7<sup>th</sup> Street).
- ITEM NO. \_\_\_\_ Adopt Resolution 2022-14, approving a final plat of land to be known as the North Pointe Addition, said land located in the NE 1/4 of Section 19, Township 3 North, Range 29 West of the 6<sup>th</sup> P.M., in Red Willow County, Nebraska (located north of West R Street and west of West 7<sup>th</sup> Street).
- ITEM NO. \_\_\_\_ Public Hearing - Consider a request from MEDC; W.A.G.S. Properties, L.L.C., and John and Elizabeth Nothnagel, seeking approval for a rezoning of property located in the NE 1/4 of Section 19, Township 3 North, Range 29 West of the 6<sup>th</sup> P.M., in Red Willow County, Nebraska (located north of West R Street and west of West 7<sup>th</sup> Street), from Agricultural (AG) to Residential (RM).
- ITEM NO. \_\_\_\_ Approve under suspension of the rule, Ordinance No. 2022-3053 allowing for the rezoning of land located in the NE 1/4 of Section 19, Township 3 North, Range 29 West of the 6<sup>th</sup> P.M., in Red Willow County, Nebraska (located north of West R Street and west of West of 7<sup>th</sup> Street), from Agricultural (AG) to Residential (RM).

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**BACKGROUND:**

On behalf of the property owners, MEDC; W.A.G.S. Properties, L.L.C.; and John and Elizabeth Nothnagel, the applicant, Greg Wolford of W Design Associates, requests the approval for a vacation, rezone and final plat for property generally located north of West R Street and west of West 7<sup>th</sup> Street, all found within the current Clary Subdivision.

The property owners at issue request to vacate the existing subdivision collaboratively. Said properties are collectively located in the NE 1/4 of Section 19, Township 3 North, Range 29 West of the 6<sup>th</sup> P.M., in Red Willow County, Nebraska, which is all part of the Original Clary Subdivision, except for 3 acres of land that is comprised of individual lots owned by the MEDC, W.A.G.S. Properties, LLC, and John and Elizabeth Nothnagel, said lots having been recently annexed into

the the City of McCook's corporate boundary but maintaining their miscellaneous designations. The legal description of the property to be vacated is attached hereto and is made a part of this report by reference.

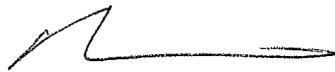
Following the vacation process, the North Pointe Addition will be created through the adoption of a final plat. A preliminary plat has previously been approved by the McCook City Council at its August 15, 2022 meeting. The North Pointe Addition will be comprised of three blocks, with Block 1 containing 9 lots; Block 2 containing 16 lots; and Block 3 containing 4 lots. Additionally, new streets (West 9<sup>th</sup> Street, West S Street, and West T Street) are included in the proposed North Pointe Addition. There is a continuation of a sewer easement on the south side of proposed Block 1 that was originated as part of the Clary Subdivision Replat No. 1. Further there is an alley contemplated between the north and south lots that comprise Block 2. Proposed Block 1 and Block 2 are currently owned by the MEDC. The MEDC plans on developing the proposed lots into residential properties. With respect to Block 3, Lots 1 and 3 are buildable lots owned by W.A.G.S. Properties. Outlot 2 is a parcel of property that will be used to satisfy potential drainage concerns. Outlot 2 will remain unimproved except for necessary infrastructure. Outlot 2 will be subject to an HOA agreement of the property owners whose properties populate the proposed North Pointe Addition. With respect to Block 3, Lot 4, the property will remain owned by John and Betty Nothnagel. Currently, a storage structure is located on the Nothnagel lot.

The final request up for consideration is a rezoning of the properties located on the extreme east of the land at issue. A little more than 3 acres of the land that abuts West 7<sup>th</sup> Street is zoned Agriculture (AG). The applicants are requesting a rezone change to Residential Medium (RM). The surrounding property within the City of McCook's corporate boundary is zoned Residential Medium, making the requested zoning change preferred. Further, the portions subject to the zoning change were recently annexed into the McCook city limits, making the zoning change necessary to reflect that the property at issue is now within McCook's corporate boundaries.

At the September 26, 2022 McCook Planning Commission meeting, the Commission voted unanimously to recommend approval of the requested vacation, final plat and rezone to the McCook City Council.

Staff recommends that all ordinances be approved under suspension of the rule. The property must be vacated, which occurs in Ordinance No. 2022-3052, before the Final Plat can be approved. Ordinance No. 2022-3053 rezones a portion of the new North Pointe Addition to Residential Medium Density.

**APPROVALS:**



Nathan A. Schneider, City Manager

September 28, 2022



Lea Ann Doak, City Clerk

September 28, 2022

**NOTICE OF PUBLIC HEARING  
VACATION**

NOTICE IS HEREBY GIVEN that a public hearing will be held by the City of McCook Planning Commission on September 26, 2022, at 5:15 P.M. and by the McCook City Council on October 3, 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 vacation of Part of the Original Clary Subdivision; Part of Clary Subdivision Replat No. 1, a replat of Part of Block 2, Part of Block 3, and Part of West 10<sup>th</sup> Street; Clary Subdivision Replat No. 5 per Amendment No. 1, a replat of Block 3 of Clary Subdivision Replat No. 1; and a Part of Clary Subdivision Replat No. 6, a replat of Original Clary Subdivision & Replat No. 1 Part of Block 2 & Block 3. Any and all persons desiring to comment may attend said 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 16, 2022.

**EXHIBIT #2**

**PAGE(S) - 1**

**NOTICE OF PUBLIC HEARING  
VACATION**

NOTICE IS HEREBY GIVEN that public hearings will be held to consider the vacation of the following described property:

Part of the Original Clary Subdivision; Part of Clary Subdivision Replat No. 1, a replat of Part of Block 2, Part of Block 3, and Part of West 10<sup>th</sup> Street; Clary Subdivision Replat No. 5 per Amendment No. 1, a replat of Block 3 of Clary Subdivision Replat No. 1; and a Part of Clary Subdivision Replat No. 6, a replat of Original Clary Subdivision & Replat No. 1 Part of Block 2 & Block 3.

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

September 26, 2022 - 5:15 P.M.  
McCook Planning Commission  
City Council Chambers  
505 West "C" Street

October 3, 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 16, 2022.  
Post: September 16, 2022  
Mail: September 16, 2022

**EXHIBIT #3**

**PAGE(S) - 1**

Property Owners Notified:

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

PRESIDENT  
MCCOOK PUBLIC SCHOOLS  
600 WEST 7<sup>TH</sup>  
MCCOOK, NE 69001

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

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

JOHN D ALLEN  
1203 W Q  
MCCOOK, NE 69001

JOHN WALTERS  
71822 OLD HWY 17  
CULBERTSON, NE 69024

GALEN PERRY  
1001 W R ST  
MCCOOK, NE 69001

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

CRAIG AND CHERYL CHRISTNER  
808 SPRUCE  
MCCOOK, NE 69001

RICHARD AND STACEE SMOCK  
903 W R  
MCCOOK, NE 69001

DAVID AND JOANN BARENBERG  
901 W R  
MCCOOK, NE 69001

THOMAS AND MIKA LENTZ  
805 W R  
MCCOOK, NE 69001

JOHN AND ELIZABETH NOTHNAGEL  
805 SPRUCE  
MCCOOK, NE 69001

CHANDLER AND TRISHA WAGNER  
803 W R  
MCCOOK, NE 69001

MICHAEL AND NANCY HEDKE  
801 W R  
MCCOOK, NE 69001

BENJAMIN AND LINDSAY WEBB  
802 SPRUCE  
MCCOOK, NE 69001

DAVE AND ANGELA MCCARTY  
1700 W 4  
MCCOOK, NE 69001

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

TOM AND JODY BENNETT  
2101 W 7<sup>TH</sup>  
MCCOOK, NE 69001

GARFIELD GEORGE GRIM  
801 SPRUCE  
MCCOOK, NE 69001

DARIN AND JENNIFER MORGAN  
304 ELIZABETH  
MCCOOK, NE 69001

**EXHIBIT #4**

**PAGE(S) - 1**



# VACATION APPLICATION

OFFICE USE ONLY

STREET/ALLEY #: \_\_\_\_\_

SUBDIVISION FILE #: \_\_\_\_\_

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

FEE: \_\_\_\_\_

RECEIPT #: \_\_\_\_\_

Applicant/Agent's Name: MEDC; W.A.G.S. Properties LLC; John + Betty Northrup

Applicant/Agent's Address: 402 Norris

E-Mail: charlie@mccookne.org Phone: 345-1200

Property Owner Name: MEDC; W.A.G.S. Properties LLC; John + Betty Northrup

Property Owner Address: 402 Norris

E-Mail: charlie@mccookne.org Phone: 345-1200

Type of Vacation requested (MARK ALL THAT APPLY):

SUBDIVISION

STREET

ALLEY

EASEMENT

Address or general location of area to be vacated: NE 1/4 of Sec. 19, T3N, R29 West of the 6th P.M.

Legal Description of area to be vacated: Same

Length of Street/Alley/Easement: N/A

Width of Street/Alley/Easement: N/A

**The following information and exhibits shall accompany the completed application:**

- Address or General Location information above for Street/Alley/Easement shall include the name of abutting Streets/Avenues
- Street location information above shall include recorded street name from subdivision plat and subdivision name in which it was dedicated
- Signed letter or letters from all property owners agreeing to vacation
- Completed Utility Consent Form (SEE FOLLOWING PAGE)
- Certified copy of the last deed of record from the Register of Deeds office for all property owners
- Map showing area to be vacated (8 1/2" x 11")
- Legal description formatted in Microsoft Word

Applicant /Agent/Owner: Charlie McPherson Date: 9-11-2022

Signature by Applicant/Agent certifies that they are the authorized agent of the property owner. All submittal information, while reviewed, is subject to meeting all zoning, subdivision, and building code regulations, and it remains the applicant/agent/owner responsibility to ensure all information is correct.

**PLEASE NOTE**

- Applications for Planning Commission are due by Noon on the last Friday of the month (see posted schedule for exact dates), prior to the next scheduled meeting.
- A digital submission of application and exhibits is required to be sent to City Building Inspector (bldginsp@cityofmccook.com) by application deadline.
- Application fees are due by 4:30 PM on the Monday following the submittal.
- ONE paper copy of application and exhibits is required to be submitted to Administrative Services one week prior to the City Council meeting.
- Applicant signature must match either applicatn/agent.
- Communication regarding application will only be communicated to those listed on the application.

**EXHIBIT #5**

**PAGE(S) - 1**

September 15, 2022

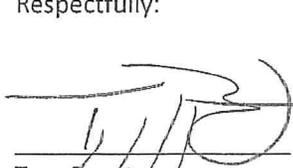
Mr. Nate Schneider, City Manager  
City of McCook  
P.O. Box 1058  
McCook, NE 69001

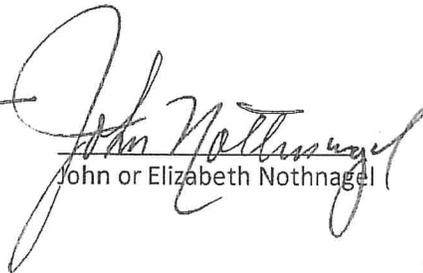
Re: North Pointe Addition, Clary Addition and Replat Vacation Approval

Dear Mr. Schneider

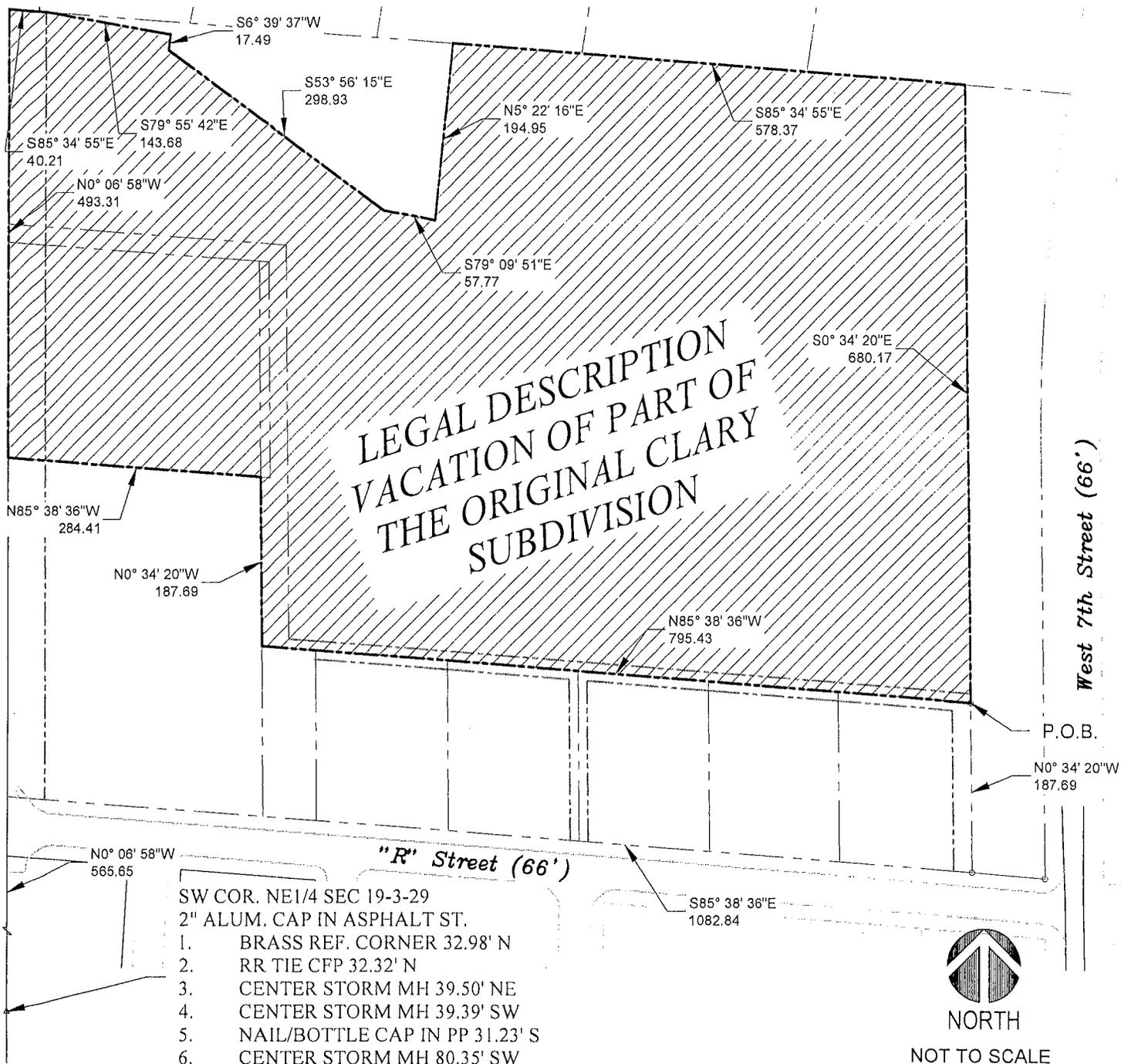
As owners of the property known as the North Pointe Addition hereby give approval to the vacation of the original Clary Addition, Replat #1, Replat #5 per Amendment #1 and Replat #6 as they apply to our property. The vacation is being done to facilitate the Final Plat of the North Pointe Addition as presented.

Respectfully:

  
\_\_\_\_\_  
Troy Bruntz  
President MEDC

  
\_\_\_\_\_  
John or Elizabeth Nothnagel

  
\_\_\_\_\_  
Chris Wagner  
WAGS Properties, LLC



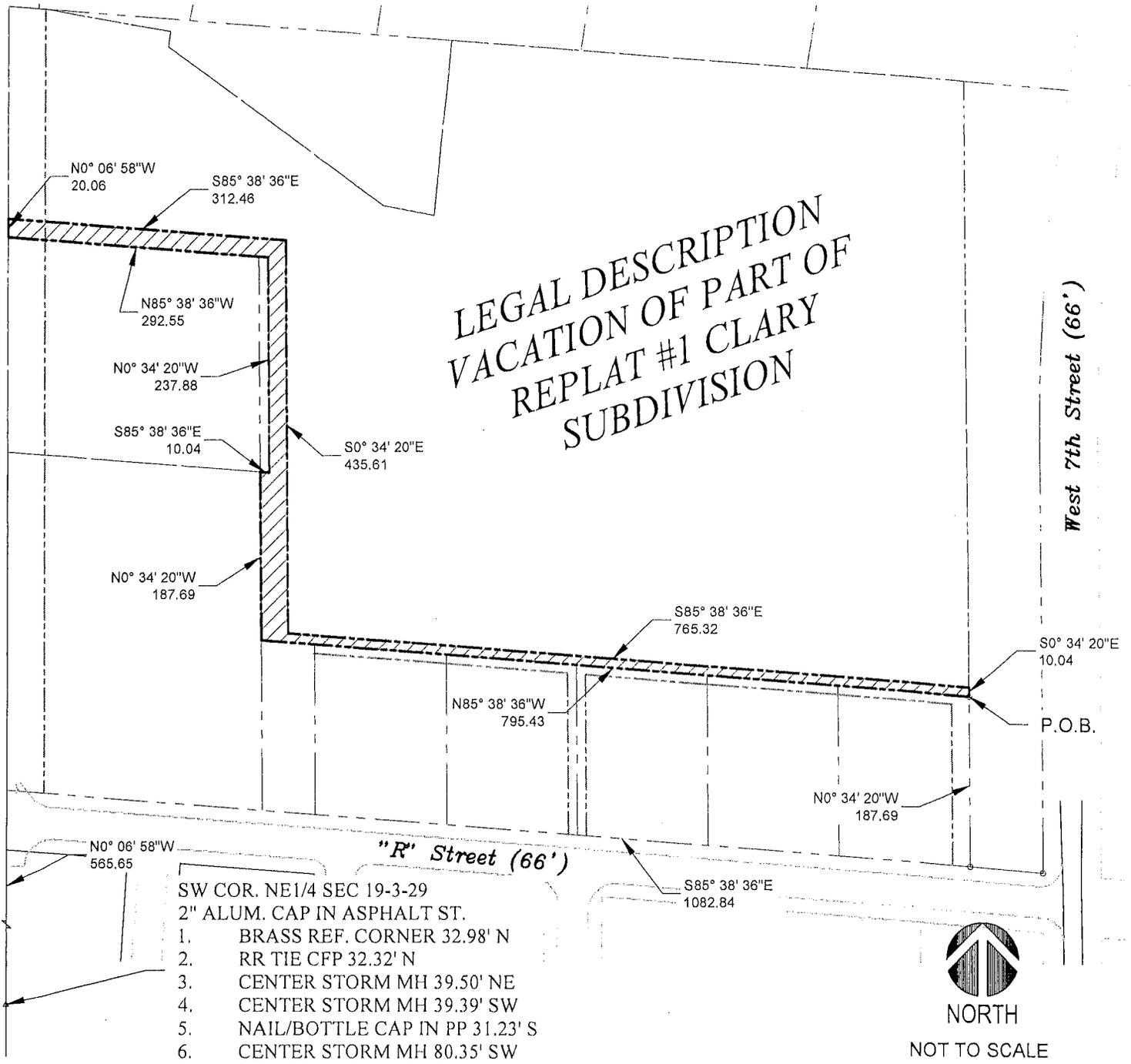
**LEGAL DESCRIPTION**

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

Referring to the SW corner of the said NE 1/4 of said Section 19, thence N00°06'58"W (assumed and all bearing relative to) along the 1/4 section line a distance of 565.65 feet to a point on the north line of "R" Street. Thence S85°38'36"E along the north right-of-way of "R" Street a distance of 1082.84 feet to a point, thence N00°34'20"W a distance of 187.69 feet to a point, which is the Point of Beginning, thence N85°38'36"W, a distance of 795.43 feet, thence N0°34'20"W a distance of 187.69 feet to a point, thence N85°38'36"W a distance of 284.41 feet, thence N0°6'58"W a distance of 493.31 feet, thence S85°34'55"E a distance of 40.21 feet, thence S79°55'42"E a distance of 143.68 feet, thence S6°39'37"W a distance of 17.49 feet, thence S53°56'15"E a distance of 298.93 feet, thence S79°09'51"E a distance of 57.77 feet, thence N5°22'16"E a distance of 194.95 feet, thence S85°34'55"E a distance of 578.37 feet, thence S0°34'20"E a distance of 680.17 feet to the Point of Beginning.

**EXHIBIT #7**

Said tract containing 14.64 acres more or less subject to any easement, right-of-ways and reservations of record.

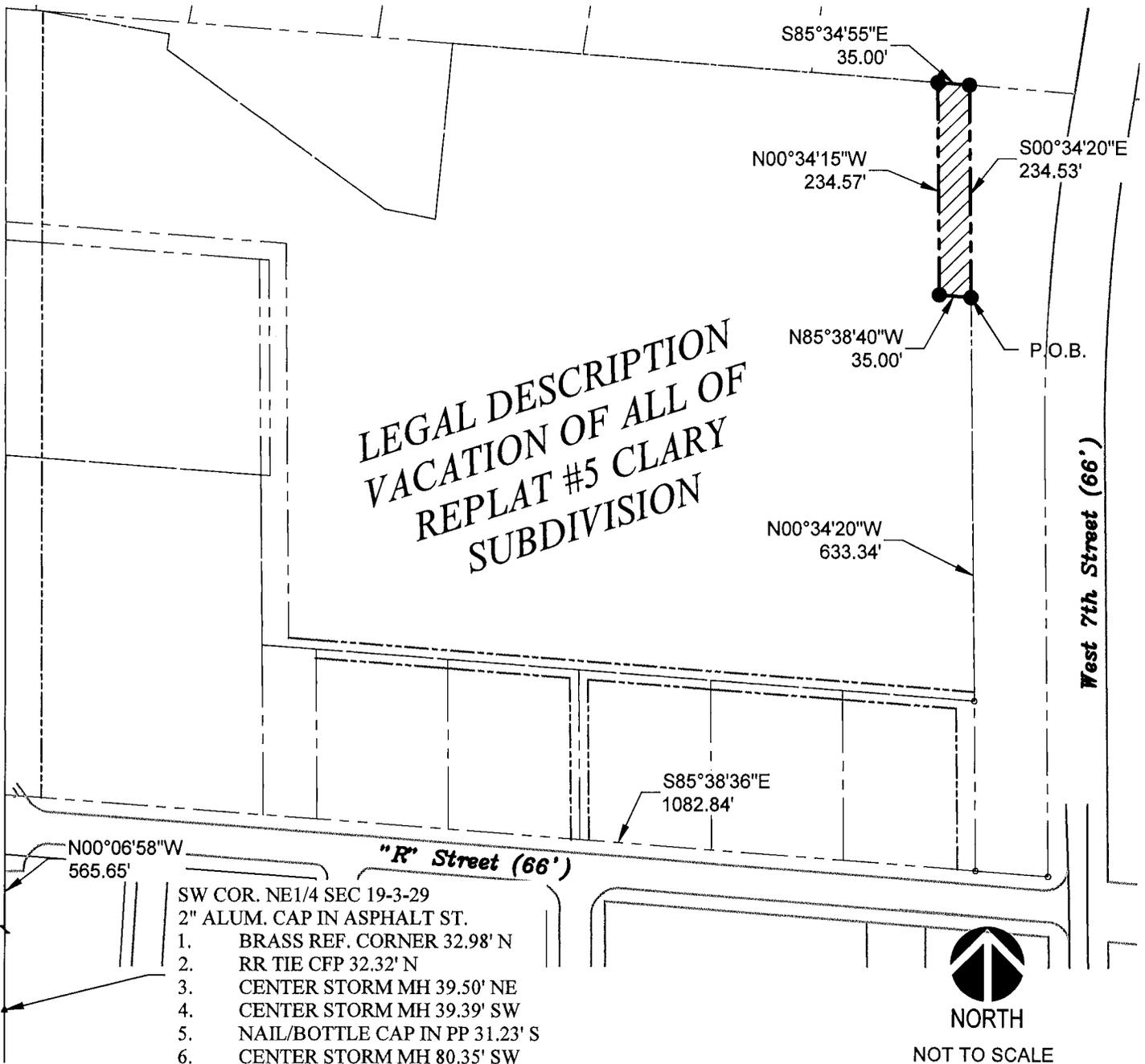


**LEGAL DESCRIPTION**

A tract of land located in the NE 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M. in Red Willow County, Nebraska, which is part of REPLAT NO. 1 of the ORIGINAL CLARY SUBDIVISION, more particularly described as follows:

Referring to the SW corner of the said NE 1/4 of said Section 19, thence N00°06'58"W (assumed and all bearing relative to) along the 1/4 section line a distance of 565.65 feet to a point on the north line of "R" Street. Thence S85°38'36"E along the north right-of-way of "R" Street a distance of 1082.84 feet to a point, thence N00°34'20"W a distance of 187.69 feet to a point, which is the Point of Beginning, thence N85°38'36"W, a distance of 795.43 feet, thence N0°34'20"W a distance of 187.69 feet to a point, thence S85°38'36"E a distance of 10.04 feet, thence N0°34'20"W a distance of 237.88 feet, thence N85°38'36"W a distance of 292.55 feet, thence N00°06'58"W a distance of 20.06 feet, thence S85°38'36"E a distance of 312.46 feet, thence S00°34'20"E a distance of 435.61 feet, thence S85°38'36"E a distance of 765.32 feet, thence S00°34'20"E a distance of 10.04 feet to the Point of Beginning.

Said tract containing 0.56 acres more or less subject to any easement, right-of-ways and reservations of record.



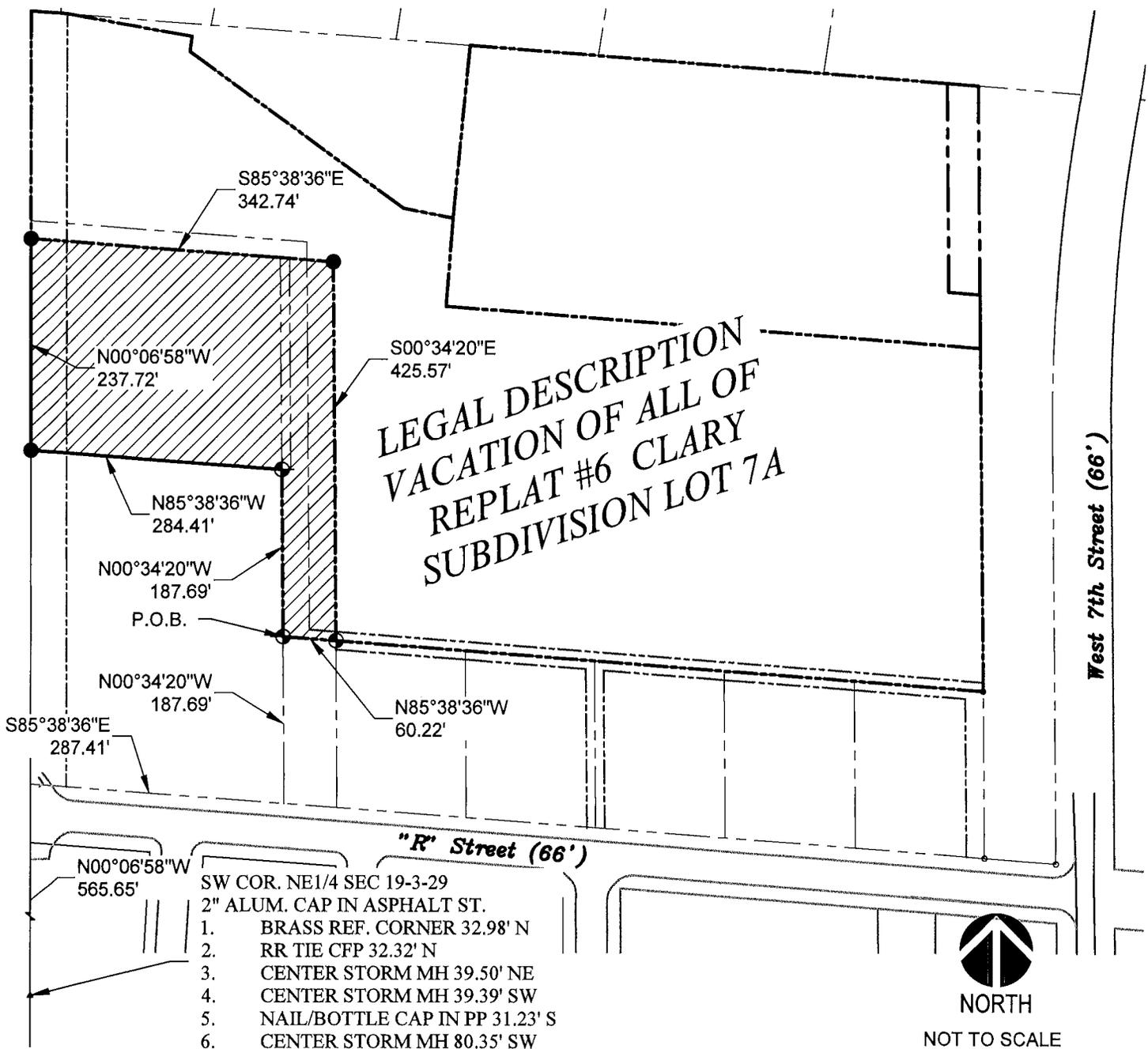
- SW COR. NE1/4 SEC 19-3-29  
2" ALUM. CAP IN ASPHALT ST.
1. BRASS REF. CORNER 32.98' N
  2. RR TIE CFP 32.32' N
  3. CENTER STORM MH 39.50' NE
  4. CENTER STORM MH 39.39' SW
  5. NAIL/BOTTLE CAP IN PP 31.23' S
  6. CENTER STORM MH 80.35' SW

**LEGAL DESCRIPTION**

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

Referring to the SW corner of the said NE 1/4 of said Section 19, thence N00°06'58"W (assumed and all bearing relative to) along the 1/4 section line a distance of 565.65 feet to a point on the north line of "R" Street. Thence S85°38'36"E along the north right-of-way of "R" Street a distance of 1082.84 feet to a point, thence N00°34'20"W a distance of 633.34 feet to a point, which is the Point of Beginning, thence N85°38'40"W a distance of 35.00 feet, thence N00°34'15"W a distance of 234.57 feet, thence S85°34'55"E a distance of 35.00 feet, thence S00°34'20"E a distance of 234.53 feet to the Point of Beginning.

Said tract containing .19 acres more or less subject to any easement, right-of-ways and reservations of record.

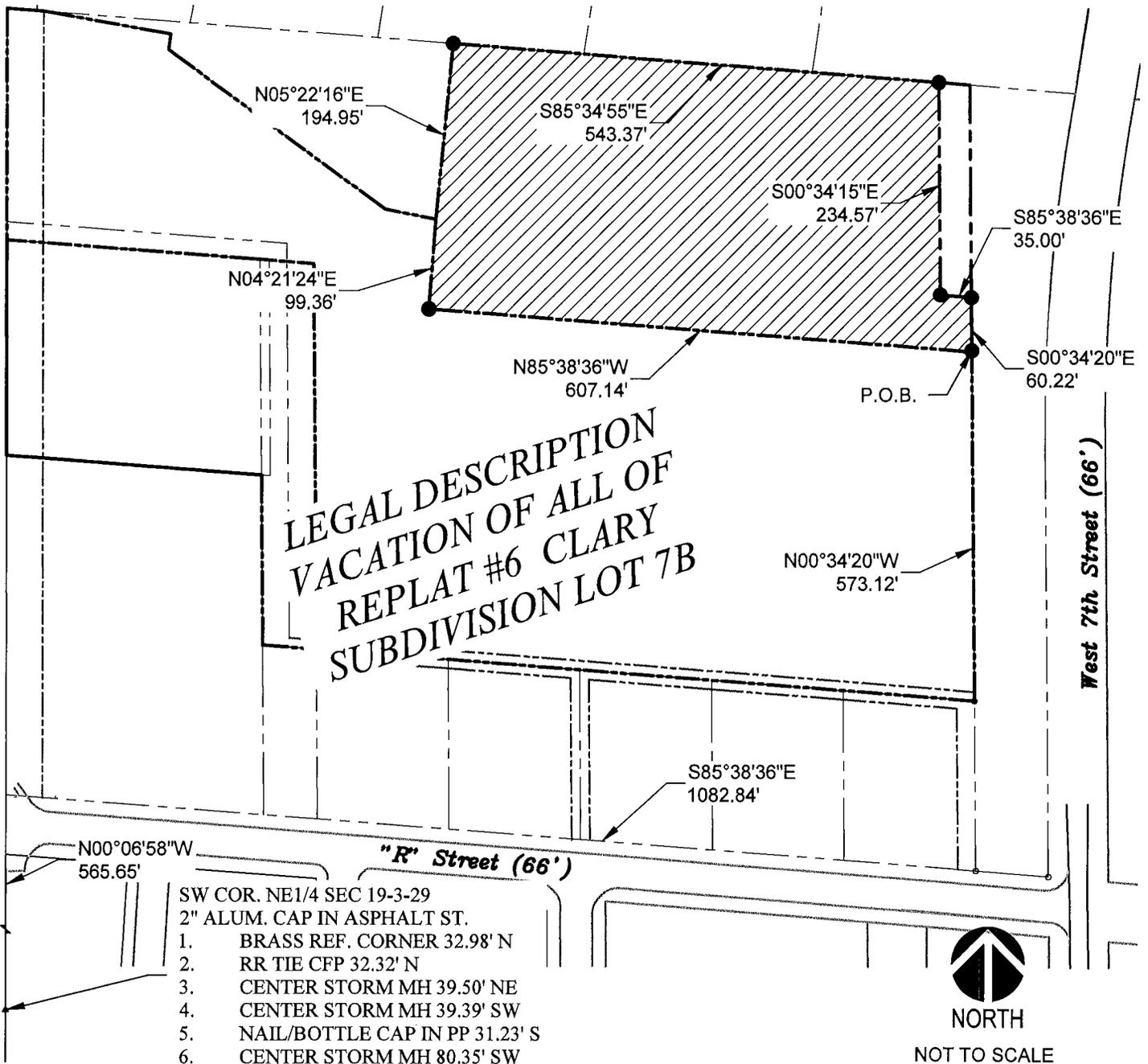


**LEGAL DESCRIPTION**

A tract of land located in the NE 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M. in Red Willow County, Nebraska, which is part of Lot 7 of the CLARY SUBDIVISION REPLAT NO. 1, more particularly described as follows:

Referring to the SW corner of the said NE 1/4 of said Section 19, thence N00°06'58"W (assumed and all bearing relative to) along the 1/4 section line a distance of 565.65 feet to a point on the north line of "R" Street. Thence S85°38'36"E along the north right-of-way of "R" Street a distance of 287.41 feet, thence N00°34'20"W a distance of 187.69 feet to a point, which is the Point of Beginning, thence N00°34'20"W a distance of 187.69 feet, thence N85°38'36"W a distance of 284.41, thence N00°06'58"W a distance of 237.72, thence S85°38'36"E a distance of 342.74, thence S00°34'20"E a distance of 425.57 feet, thence N85°38'36"W a distance of 60.22 feet, to the Point of Beginning.

Said tract containing 2.13 acres more or less subject to any easement, right-of-ways and reservations of record.



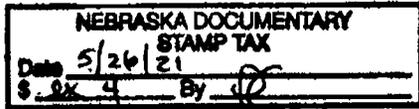
**LEGAL DESCRIPTION**

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

Referring to the SW corner of the said NE 1/4 of said Section 19, thence N00°06'58"W (assumed and all bearing relative to) along the 1/4 section line a distance of 565.65 feet to a point on the north line of "R" Street. Thence S85°38'36"E along the north right-of-way of "R" Street a distance of 1082.84 feet to a point, thence N00°34'20"W a distance of 573.12 feet, to a point, which is the Point of Beginning, thence N85°38'36"W a distance of 607.14 feet, thence N04°21'24"E a distance of 99.36 feet, thence N05°22'16"E a distance of 194.95 feet, thence S85°34'55"E a distance of 543.37 feet, thence S00°34'15"E a distance of 234.57 feet, thence S85°38'36"E a distance of 35.00 feet, S00°34'20"E a distance of 60.22 feet to the Point of Beginning.

Said tract containing 3.82 acres more or less subject to any easement, right-of-ways and reservations of record.

Recorded May 26, 2021, 1:30PM  
Inst. No. 2021-00931  
Fees: \$ 22.00 Pages 3  
Penelope Cook, Deputy  
Register of Deeds, Red Willow County, NE



AFTER RECORDING RETURN TO:  
McCook Abstract Company  
PO Box 648  
McCook, NE 69001

## CORRECTIVE TRUSTEE'S DEED

Premier Trust, Inc. Custodian FBO David Winder, IRA, GRANTOR, in consideration of One Dollar (\$1.00) and other good and valuable consideration, conveys to GRANTEE, **McCook Economic Development Corporation**, the following described real estate in **Red Willow County, Nebraska**:

SEE ATTACHED EXHIBIT "A"

This Corrective Trustee's Deed corrects the legal description contained in the Trustee's Deed recorded on May 3, 2021, as Instrument No. 202100746.

GRANTOR covenants with GRANTEES that GRANTOR:

- (1) is lawfully seized of such real estate that it is free from encumbrances; EXCEPT subject to easements, reservations, and restrictions of record;
- (2) has legal power and lawful authority to convey the same;
- (3) warrants and will defend title to the real estate against any acts of the GRANTOR.

Executed 5-21, 2021.

Premier Trust, Inc. as Custodian FBO David Winder,  
IRA

Kathy Klein  
By Kathy Klein, Trust Officer

STATE OF ~~NEBRASKA~~ <sup>Nevada</sup>  
COUNTY OF Clark

The foregoing instrument was acknowledged before me this 21st day of May,  
2021 by Kathy Klein, Trust Officer of the Premier Trust, Inc. as Custodian for IRA account number 004116 in the  
name of David Winder, IRA.

Katherine Lachance  
Notary Public

My Commission expires 11/25/2024



EXHIBIT "A"

File # M015743-

A tract of land located in the NE1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M. in Red Willow County, Nebraska, which is a part of the CLARY SUBDIVISION, to the City of McCook, more particularly described as follows:

Referring to the SW corner of the said NE1/4 of said Section 19, thence N00°06'58"W (assumed and all bearing relative to) along the 1/4 Section line a distance of 565.65 feet to a point on the North line of "R" Street,

Thence S85°38'36"E along the North right-of-way of "R" Street a distance of 1082.84 feet to the SE corner of Lot 1, Block 1 of Clary Subdivision Replat No. 1,

Thence N00°34'20"W a distance of 187.69 feet to the NE corner Lot 1, Block 1 of Clary Subdivision Replat No. 1 which is the point of beginning,

Thence N85°38'36"W a distance of 735.21 feet along the North line of Lots 1, 2, 3, 4 and 5 to the NW corner of Lot 5, thence N00°34'20"W a distance of 10.04 feet to the NE corner of West 9th Street,

Thence N85°38'36"W a distance of 66.22 feet to a point on the East line of Lot 6, Block 1 of Clary Subdivision Replat No. 1, which is also the West line of a Utility Easement, thence N00°34'20"W along said Easement line a distance of 177.66 feet to a point on the North line of Lot 6, thence N85°38'36"W

along the North line of Lot 6, a distance of 284.41 feet to a point on the West line of the NE1/4 of said Section 19, thence N00°06'58"W along the 1/4 Section line a distance of 493.31 feet to the NW corner of Clary Subdivision, Thence S85°34'55"E a distance of 40.12 feet,

Thence S79°55'42"E a distance of 143.75 feet,

Thence S06°39'37"W a distance of 17.49 feet,

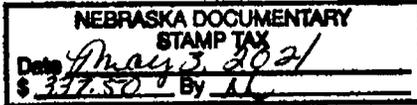
Thence S53°56'15"E a distance of 298.93 feet,

Thence S79°09'51"E a distance of 57.77 feet,

Thence N05°22'16"E a distance of 194.95 feet to a point on the North line of Clary Subdivision,

Thence S85°34'55"E along the North line of Clary Subdivision a distance of 578.37 feet to the NE Corner of Clary Subdivision, thence S00°34'20"E along the East line of Clary Subdivision a distance of 670.08 feet to the point of beginning.

Recorded May 3, 2021 9:30 AM  
Inst. No. 2020-40746  
Fees: \$ 22.00 Pages 2  
Janice  
Register of Deeds, Red Willow County, NE



AFTER RECORDING RETURN TO:  
McCook Abstract Company  
PO Box 648  
McCook, NE 69001

## TRUSTEE'S DEED

Premier Trust, Inc. Custodian F BO David <sup>RUU</sup> Winder IRA, GRANTOR, (signed by Kathy Klein, Trust Officer) in consideration of One Dollar (\$1.00) and other good and valuable consideration, conveys to GRANTEE, McCook Economic Development Corporation, the following described real estate in Red Willow County, Nebraska:

SEE ATTACHED EXHIBIT "A"

GRANTOR covenants with GRANTEES that GRANTOR:

- (1) is lawfully seized of such real estate that it is free from encumbrances; EXCEPT subject to easements, reservations, and restrictions of record;
- (2) has legal power and lawful authority to convey the same;
- (3) warrants and will defend title to the real estate against any acts of the GRANTOR.

Executed April 28, 2021

Premier Trust, Inc. as Custodian for IRA Account  
Number 004116 in the name of David E. Winder, IRA

Kathy Klein  
By Kathy Klein, Trust Officer

STATE OF Nevada  
COUNTY OF CLARK

The foregoing instrument was acknowledged before me this 28 day of April,  
2021 by Kathy Klein, Trust Officer of the Premier Trust, Inc. as Custodian for IRA Account Number 004116  
in the name of David Winder, IRA.

Krystal Gomez  
Notary Public

My Commission expires July 14, 2021

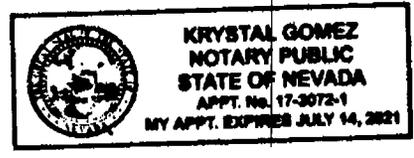


EXHIBIT "A"

File # M015743-

Lots 4, 5 and 6, Block 1 of Clary Subdivision Replat No. 1, to the City of McCook, Red Willow County, Nebraska;

and,

A tract of land located in the NE1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M. in Red Willow County, Nebraska, which is a part of the CLARY SUBDIVISION, to the City of McCook, more particularly described as follows:

Referring to the SW corner of the said NE1/4 of said Section 19, thence N00°06'58"W (assumed and all bearing relative to) along the 1/4 Section line a distance of 565.65 feet to a point on the North line of "R" Street,

Thence S85°38'36"E along the North right-of-way of "R" Street a distance of 1082.84 feet to the SE corner of Lot 1, Block 1 of Clary Subdivision Replat No. 1,

Thence N00°34'20"W a distance of 187.69 feet to the NE corner Lot 1, Block 1 of Clary Subdivision Replat No. 1 which is the point of beginning,

Thence N85°38'36"W a distance of 735.21 feet along the North line of Lots 1, 2, 3, 4 and 5 to the NW corner of Lot 5, thence N00°34'20"W a distance of 10.04 feet to the NE corner of West 9th Street,

Thence N85°38'36"W a distance of 66.22 feet to a point on the East line of Lot 6, Block 1 of Clary Subdivision Replat No. 1, which is also the West line of a Utility Easement, thence N00°34'20"W along

said Easement line a distance of 177.66 feet to a point on the North line of Lot 6, thence N85°38'36"W along the North line of Lot 6, a distance of 284.41 feet to a point on the West line of the NE1/4 of said

Section 19, thence N00°06'58"W along the 1/4 Section line a distance of 493.31 feet to the NW corner of Clary Subdivision, Thence S85°34'55"E a distance of 40.12 feet,

Thence S79°55'42"E a distance of 143.75 feet,

Thence S06°39'37"W a distance of 17.49 feet,

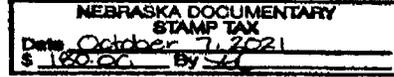
Thence S53°56'15"E a distance of 298.93 feet,

Thence S79°09'51"E a distance of 57.77 feet,

Thence N05°22'16"E a distance of 194.95 feet to a point on the North line of Clary Subdivision,

Thence S85°34'55"E along the North line of Clary Subdivision a distance of 578.37 feet to the NE Corner of Clary Subdivision, thence S00°34'20"E along the East line of Clary Subdivision a distance of 670.08 feet to the point of beginning.

Recorded October 7, 2021 1:45 P.M.  
Inst. No. 2021-01796  
Fees: \$ 10.00 Pages 1  
John Berry  
Register of Deeds, Red Willow County, NE



KEEP TOP OF FREE, SEE 1906 LB 286 THAT REVISED NEB. REV. STAT. 23-1603.01M

Upon recording, return to:  
MOUSEL, BROOKS, SCHNEIDER, MUSTION & SHIFFLET, P.C., L.L.O.  
101 WEST C ST.  
McCOOK, NE 69001

## WARRANTY DEED

McCook Economic Development Corporation, a Nebraska corporation, GRANTOR, in consideration of One Dollar and other good and valuable consideration received from GRANTEE, W.A.G.S. Properties, LLC, a Nebraska limited liability company, conveys to GRANTEE, the following described real estate, (as defined in Neb. Rev. Stat. 76-201):

Lots 7A and 7B, Clary Subdivision Replat No. 6, Replat of Original Clary Subdivision and Replat No. 1, part of Block 2 and 3, to the City of McCook, Red Willow County, Nebraska

and

A miscellaneous tract of land located in the NE $\frac{1}{4}$  of Section 19, Township 3 North, Range 29 West of the 6th P.M., in Red Willow County, Nebraska, Willow Grove Precinct, more particularly described as follows:

Referring to the SW corner of the said NE $\frac{1}{4}$  of said Section 19, thence N00°06'58"W (assumed and all bearing relative to) along the  $\frac{1}{4}$  section line a distance of 565.65 feet to a point on the North line of "R" Street, thence S85°38'36"E along the North right-of-way of "R" Street a distance of 1082.84 feet to a point, thence N00°34'20"W a distance of 573.12 feet to a point, which is the Point of Beginning, thence North 00°34'20"W a distance of 60.22 feet, thence S85°38'35"E a distance of 86.79 feet, thence Southerly along a curve having a radius of 2108 feet, a distance of 60.02 feet, thence N85°38'36"W a distance of 83.27 feet to the Point of Beginning.

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

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

Executed: October 7, 2021

McCook Economic Development Corporation, a Nebraska corporation, Grantor

Dennis G. Berry  
Dennis G. Berry, President

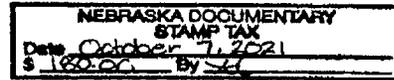
State of Nebraska, County of Red Willow -- ss.

The foregoing Warranty Deed was acknowledged before me on October 7, 2020, by Dennis G. Berry, President of the McCook Economic Development Corporation, a Nebraska corporation, on behalf of the corporation.



John Bryant Brooks  
Notary Public  
My commission expires 9-4-25

Recorded October 7, 2021 1:45 P.M.  
Inst. No. 2021-01795  
Fees: \$ 10.00 Pages 1  
John Berry  
Register of Deeds, Red Willow County, NE



KEEP TOP 3" FREE, SEE 1006 LB 206 THAT REVISED NEB. REV. STAT. 23-1503.01M

Upon recording, return to:  
MOUSEL, BROOKS, SCHNEIDER, MUSTION & SHIFFLET, P.C., L.L.O.  
101 WEST C ST.  
McCOOK, NE 69001

## WARRANTY DEED

McCook Economic Development Corporation, a Nebraska corporation, GRANTOR, in consideration of One Dollar and other good and valuable consideration received from GRANTEE, W.A.G.S. Properties, LLC, a Nebraska limited liability company, conveys to GRANTEE, the following described real estate, (as defined in Neb. Rev. Stat. 76-201):

Lots 7A and 7B, Clary Subdivision Replat No. 6, Replat of Original Clary Subdivision and Replat No. 1, part of Block 2 and 3, to the City of McCook, Red Willow County, Nebraska

and

A miscellaneous tract of land located in the NE $\frac{1}{4}$  of Section 19, Township 3 North, Range 29 West of the 6th P.M., in Red Willow County, Nebraska, Willow Grove Precinct, more particularly described as follows:

Referring to the SW corner of the said NE $\frac{1}{4}$  of said Section 19, thence N00°06'58"W (assumed and all bearing relative to) along the  $\frac{1}{4}$  section line a distance of 565.65 feet to a point on the North line of "R" Street, thence S85°38'36"E along the North right-of-way of "R" Street a distance of 1082.84 feet to a point, thence N00°34'20"W a distance of 573.12 feet to a point, which is the Point of Beginning, thence North 00°34'20"W a distance of 60.22 feet, thence S85°38'36"E a distance of 86.79 feet, thence Southerly along a curve having a radius of 2108 feet, a distance of 60.02 feet, thence N85°38'36"W a distance of 83.27 feet to the Point of Beginning.

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

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

Executed: October 7, 2021

McCook Economic Development Corporation, a Nebraska corporation, Grantor

Dennis G. Berry  
Dennis G. Berry, President

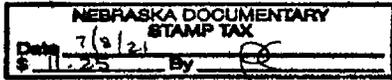
State of Nebraska, County of Red Willow -- ss.

The foregoing Warranty Deed was acknowledged before me on October 7, 2020, by Dennis G. Berry, President of the McCook Economic Development Corporation, a Nebraska corporation, on behalf of the corporation.



John Bryant Brooks  
Notary Public  
My Commission expires 9-4-25

Recorded July 8, 2021 1:25 PM  
Inst. No. 2021-01192  
Fees: \$ 10.00 Pages 1  
Penelope Cooper, Deputy  
Register of Deeds, Red Willow County, NE



KEEP TOP 3" FREE, SEE 1006 LB 206 THAT REVISED NEB. REV. STAT. 29-1800.01M

Upon recording, return to:  
MOUSEL, BROOKS, SCHNEIDER, MUSTION & SHIFFLET, P.C., L.L.O.  
101 WEST C ST.  
McCOOK, NE 69001

## CORPORATION JOINT TENANCY WARRANTY DEED

McCook Economic Development Corporation, a corporation under the laws of Nebraska, GRANTOR, in consideration of One Dollar and other good and valuable consideration received from GRANTEE, John K. Nothnagel and Elizabeth A. Nothnagel, conveys to GRANTEE, as joint tenants and not as tenants in common, the following described real estate, (as defined in Neb. Rev. Stat. 76-201):

Outlot A, Block Three (3), Clary Subdivision Replat No. 5 to the City of McCook, Red Willow County, Nebraska

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 8, 2021.

McCook Economic Development  
Corporation, a corporation under the laws of  
Nebraska

Dennis Berry  
Dennis Berry, President, Grantor

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

The foregoing Warranty Deed was acknowledged before me on July 8, 2021, by Dennis Berry, President of the McCook Economic Development Corporation, on behalf of the Corporation.

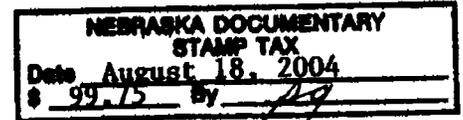


[Signature]  
Notary Public  
My commission expires 9-4-21

Recorded Book 131, Page 458  
August 18, 2004, 2:40 P.M.

Pauletta Server  
Reg. of Deeds, Red Willow Co.

2004-01741



## JOINT TENANCY WARRANTY DEED

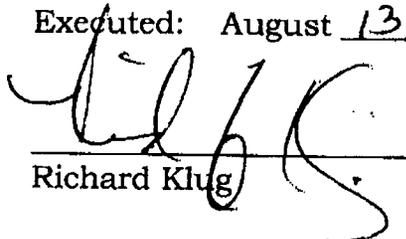
Richard Klug and Pamela Klug, husband and wife, Grantors, whether one or more, in consideration of One Dollar (\$1.00) and other valuable consideration, receipt of which is hereby acknowledged, conveys to John K. Nothnagel and Elizabeth A. Nothnagel, husband and wife Grantees, as joint tenants and not as tenants in common, the following described real estate (as defined in Neb. Rev. Stat. §76-201) in Red Willow County, Nebraska:

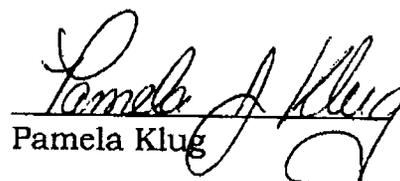
See Attached Exhibit A

Grantors covenant (jointly and severally, if more than one) with the Grantee that Grantors:

- (1) is lawfully seised of such real estate and that it is free from encumbrances; except those of record including all mineral reservations.
- (2) has legal power and lawful authority to convey the same;
- (3) warrants and will defend the title to the real estate against the lawful claims of all persons.

Executed: August 13, 2004

  
Richard Klug

  
Pamela Klug

## Exhibit "A"

A tract of land in Red Willow County more particularly described below:

Referring to the NW corner of Block 10, Egan Park Addition to the City of McCook, thence westerly 66.24 feet to a point on the west right-of-way line of Seventh Street West which is the Point of Beginning.

Thence N 00 degrees 27 minutes W along the west right-of-way line of Seventh Street West a distance of 602.74 feet to the beginning of a curve;

Thence northeasterly along a curved line which is the west right-of-way of Seventh Street West having a radius of 1465.40 feet, through a central angle of 9 degrees 20 minutes a distance of 238.71 feet to a point;

Thence N 08 degrees 52 minutes E along the west right-of-way line of Seventh Street West a distance of 98.7 feet to a point on the south line of Henton's Second Addition which is 10.03 feet southwesterly of the SE corner of Lot 5, Block 1;

Thence N 85 degrees 33 minutes W along the south line of Henton's Second Addition to the NE corner of Clary Subdivision a distance of 116.8 feet to a point;

Thence S 00 degrees 27 minutes E along the east line of Clary Subdivision a distance of 933.4 feet to the SE corner of Clary Subdivision;

Thence S 85 degrees 33 minutes E a distance of 81.2 feet to the Point of Beginning; in the NE $\frac{1}{4}$ , Sec. 19, Township 3 North, Range 29 West of the 6th P.M.  
Said tract containing 1.85 acres, more or less.

**Lea Ann Doak**

---

**From:** Nate Schneider <nschneider@cityofmccook.com> on behalf of Nate Schneider  
**Sent:** Tuesday, September 20, 2022 9:55 AM  
**To:** Clerk Lea Ann Doak  
**Subject:** FW: North Pointe

**From:** Aaron Peterson  
**Sent:** Tuesday, September 20, 2022 7:42 AM  
**To:** Nate Schneider <nschneider@cityofmccook.com>; Greg Wolford <greg@wdesignea.com>  
**Subject:** North Pointe

Nate,  
I spoke with the following utilities and they did not have any easements outside of what was already platted.

**Black Hills Energy** – Met with Dallas Minnick on 9-15-22. All clear

**MPPD** – Went to their office on 9-15-22 and this is not in their jurisdiction.

**NPPD** – Contacted their office on 9-15-22. I spoke with Justin Walter and he will get back to me. Justin called on 9-16-22. All clear.

**Pinpoint** – I spoke with Renee on 9-16-22. I sent her an email with a location map. She met with the property group and they didn't have anything. All clear.

**Great Plains** – I spoke with Barry on 9-16-22 over the phone and he is aware of the project. He said they do not have anything outside of the easements. All clear.

**CenturyLink** – I called 6 different numbers and spoke to 2 different people. I also did the online chat. Not one person or phone number worked. One gentleman gave me a number for the "Construction Division" and when you call the number it is about being bullied by telemarketers. I also went to both CenturyLink locations here in town to look for someone and there wasn't anyone at either location. I went to the Spirit Shop to talk to Bob Hall and see if he had a local contact number. He said that there was a guy in North Platte, but he didn't have his number. We have had locates out there in the past and there wasn't anything located outside of the easements. 9-15-22, 9-16-22

*Aaron Peterson*

*W Design Associates*  
308-345-2370

**EXHIBIT #9**

**PAGE(S) - 1**

McCook Planning Commission  
Special Meeting  
September 26, 2022  
5:15 PM Central

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

Present: Chair Vosburg; Vice Chair Hilker; Commissioners Davidson, Lyons, McDowell, Stevens (excused 5:40 P.M.), Mockry.

Absent: Commissioners Bradley, Dueland, Friehe,

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

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on September 22, 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 September 12, 2022 regular Planning Commission meeting.

Motion to approve the minutes of the September 12, 2022 regular Planning Commission meeting. This motion, made by McDowell and seconded by Mockry, passed.

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

YEA: 7, NAY: 0, ABSENT: 3

2. Public Hearings and Regular Agenda.

- 2.A. Public Hearing - Regarding a request from MEDC; W.A.G.S. Properties, L.L.C.; and John and Elizabeth Nothnagel, seeking approval for a vacation of a portion of Clary Subdivision, said property 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 (located north of West R Street and west of West 7th Street).

Motion to recess as a Planning Commission and convene a public hearing for the purpose of receiving public comment with respect to the request from MEDC; W.A.G.S. Properties, L.L.C.; and John and Elizabeth Nothnagel, seeking approval for a vacation of a portion of Clary Subdivision, said property 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 (located north of West R Street and west of West 7th Street), with the City Attorney to act as hearing officer. This motion, made by Vosburg and seconded by McDowell, passed.

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

The City Attorney received into evidence Exhibit #1 - City Manager's Report prepared for the September 26, 2022 Planning Commission meeting (2 pages), Exhibit #2 - Notice of Hearing published (1 page); Exhibit #3 - Notice of Hearing published and posted (1 page); Exhibit #4 - ownership list for mailing of Notice of Hearing (1 page); Exhibit #5 - Vacation Application (1 page); Exhibit #6 - Letter dated September 15, 2022 from property owners requesting Clary Addition and Replat Vacation (1 page); Exhibit #7 - Legal descriptions and maps of areas to be vacated (4 pages); Exhibit #8 - Copies of deeds for all property owners in area to be vacated (11 pages); and Exhibit #9 - Consent from utilities located within the vacated area (1 page). Exhibits #1 - #9 were accepted into evidence, comments were taken from City Staff before opening for public comment.

City Manager Schneider reviewed the information presented in Exhibit 1.

Greg Wolford, W Design Associates, Charlie McPherson, McCook Economic Development Corporation Executive Director, and Amanda Engell, McCook Economic Development Corporation Housing Director, were present to answer questions from the Commission and public.

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

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

2.B. Recommend to the McCook City Council approval of a vacation 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 (located north of West R Street and west of West 7th Street).

Motion to recommend to the McCook City Council approval of a vacation 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 (located north of West R Street and west of West 7th Street). This motion, made by Kurt and seconded by Hilker, passed.

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

2.C. Public Hearing - Regarding a request from MEDC; W.A.G.S. Properties, L.L.C.; and John and Elizabeth Nothnagel, seeking approval of the final plat of the North Pointe Addition, said property 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 (located north of West R Street and

west of West 7th Street).

Motion to recess as a Planning Commission and convene a public hearing for the purpose of receiving public comment regarding a request from MEDC; W.A.G.S. Properties, L.L.C.; and John and Elizabeth Nothnagel, seeking approval of the final plat of the North Pointe Addition, said property 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 (located north of West R Street and west of West 7th Street), with the City Attorney to act as hearing officer. This motion, made by Vosburg and seconded by Hilker, passed.

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

The City Attorney received into evidence Exhibit #1 - City Manager's Report prepared for the September 26, 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 - North Pointe Preliminary Plats (3 pages); Exhibit #6 - Land Use Application and attachments (5 pages); and Exhibit #7 - Final Plat of North Pointe Addition (1 page). Exhibits #1 - #7 were accepted into evidence, comments were taken from City Staff before opening for public comment.

City Manager Schneider reviewed the information presented in Exhibit 1.

Greg Wolford, W Design Associates, Charlie McPherson, McCook Economic Development Corporation Executive Director, and Amanda Engell, McCook Economic Development Corporation Housing Director, were present to answer questions from the Commission and public.

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

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

2.D. Recommend to the McCook City Council approval of a final plat of land to be known as the North Pointe Addition, said 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 (located north of West R Street and west of West 7th Street).

Motion to recommend to the McCook City Council approval of a final plat of land to be known as the North Pointe Addition, said 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 (located north of West R Street and west of West 7th Street). This motion, made by Vosburg and seconded by Stevens, passed.

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

- 2.E. Public Hearing - Regarding a request from MEDC; W.A.G.S. Properties, L.L.C., and John and Elizabeth Nothnagel, seeking approval for a rezoning of property 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 (located north of West R Street and west of West 7th Street), from Agricultural (AG) to Residential (RM).

Motion to recess as a Planning Commission and convene a public hearing for the purpose of receiving public comment with respect to a request from MEDC; W.A.G.S. Properties, L.L.C., and John and Elizabeth Nothnagel, seeking approval for a rezoning of property 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 (located north of West R Street and west of West 7th Street), from Agricultural (AG) to Residential (RM), with the City Attorney to act as hearing officer. This motion, made by Vosburg and seconded by Hilker, passed.

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

The City Attorney received into evidence Exhibit #1 - City Manager's Report prepared for the September 26, 2022 Planning Commission meeting (3 pages), Exhibit #2 - Notice of Hearing published (1 page); Exhibit #3 - Notice of Hearing posted and posted (1 page); Exhibit #4 - ownership list for mailing of Notice of Hearing (1 page); Exhibit #5 - Letter dated September 16, 2022 from property owners requested zone change (1 page); and Exhibit #6 - Land Use Action Request Form and attachments (4 pages). Exhibits #1 - #6 were accepted into evidence, comments were taken from City Staff before opening for public comment.

City Manager Schneider reviewed the information presented in Exhibit 1.

Greg Wolford, W Design Associates, Charlie McPherson, McCook Economic Development Corporation Executive Director, and Amanda Engell, McCook Economic Development Corporation Housing Director, were present to answer questions from the Commission and public.

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

Bradley: ABSENT, Davidson: YEA, Dueland: ABSENT, Friehe: ABSENT, Hilker: YEA, Lyons: YEA, McDowell: YEA, Mockry: YEA, Stevens: ABSENT, Vosburg: YEA  
YEA: 6, NAY: 0, ABSENT: 4

- 2.F. Recommend the approval of a rezone 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 (located north of the West R Street and west of West 7th Street), from Agricultural (AG) to Residential (RM).

Motion to recommend to the McCook City Council the approval of the rezone 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 (located north of the West R Street and west of West 7th Street), from Agricultural (AG)

to Residential (RM). This motion, made by Vosburg and seconded by Lyons, passed.  
Bradley: ABSENT, Davidson: YEA, Dueland: ABSENT, Friehe: ABSENT, Hilker: YEA, Lyons:  
YEA, McDowell: YEA, Mockry: YEA, Stevens: ABSENT, Vosburg: YEA  
YEA: 6, NAY: 0, ABSENT: 4

**Adjournment.**

With no further business, Chair Vosburg declared the Planning Commission meeting adjourned at 5:45 P.M.

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Lea Ann Doak  
City Clerk/Recording Secretary

## ORDINANCE NO. 2022-3052

AN ORDINANCE OF THE CITY OF MCCOOK, NEBRASKA, TO VACATE PART OF THE ORIGINAL CLARY SUBDIVISION; PART OF CLARY SUBDIVISION REPLAT NO. 1, A REPLAT OF PART OF BLOCK 2, PART OF BLOCK 3, AND PART OF WEST 10TH STREET; CLARY SUBDIVISION REPLAT NO. 5 PER AMENDMENT NO. 1, A REPLAT OF BLOCK 3 OF CLARY SUBDIVISION REPLAT NO. 1; AND CLARY SUBDIVISION REPLAT NO. 6, A REPLAT OF ORIGINAL CLARY SUBDIVISION & REPLAT NO. 1 PART OF BLOCK 2 & BLOCK 3, ALL IN THE CITY OF MCCOOK, RED WILLOW COUNTY, NEBRASKA; TO REPEAL ALL ORDINANCES AND RESOLUTIONS OR PARTS THEREOF IN CONFLICT HEREWITH; TO PROVIDE FOR CERTIFICATION OF THIS ORDINANCE TO THE REGISTER OF DEEDS AND FOR REPLATTING OF THE VACATED LANDS; AND TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM BY AUTHORITY OF THE CITY COUNCIL AND EFFECTIVE DATE OF THIS ORDINANCE.

**WHEREAS**, the McCook City Planning Commission has received and recommended the McCook City Council approve a petition to vacate part of the Original Clary Subdivision; part of Clary Subdivision Replat No. 1, a replat of Part of Block 2, Part of Block 3, and Part of West 10<sup>th</sup> Street; Clary Subdivision Replat No. 5 per Amendment No. 1, a replat of Block 3 of Clary Subdivision Replat No. 1; and Clary Subdivision Replat No. 6, a replat of Original Clary Subdivision & Replat No. 1 Part of Block 2 & Block 3, all in the City of McCook, Red Willow County, Nebraska; and

**WHEREAS**, said petition was duly signed by the owners of the land affected with the express intent of replatting and dedicating the land as North Pointe Addition, an addition to the City of McCook, Red Willow County, Nebraska; and

**WHEREAS**, said petition to vacate has been presented to the Mayor and Council of the City of McCook, Nebraska who deemed said vacation to be advantageous to and in the interest of the City.

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

**Section 1.** A tract of land located in the NE 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M. in Red Willow County, Nebraska, which is part of the ORIGINAL CLARY SUBDIVISION, more particularly described as follows: Referring to the SW corner of the said NE 1/4 of said Section 19, thence N00°06'58"W (assumed and all bearing relative to) along the 1/4 section line a distance of 565.65 feet to a point on the north line of "R" Street. Thence S85°38'36"E along the north right-of-way of "R" Street a distance of 1082.84 feet to a point, thence N00°34'20"W a distance of 187.69 feet to a point, which is the Point of Beginning, thence N85°38'36"W, a distance of 795.43 feet, thence N0°34'20"W a distance of 187.69 feet to a point, thence N85°38'36"W a distance of 284.41 feet, thence N0°6'58"W a distance of 493.31 feet, thence S85°34'55"E a distance of 40.21 feet, thence S79°55'42"E a distance of 143.68 feet, thence S6°39'37"W a distance of 17.49 feet, thence S53°56'15"E a distance of 298.93 feet, thence S79°09'51"E a distance of 57.77 feet, thence N5°22'16"E a distance of 194.95 feet, thence S85°34'55"E a distance of 578.37 feet, thence S0°34'20"E a

distance of 680.17 feet to the Point of Beginning. Said tract containing 14.64 acres more or less subject to any easement, right-of-ways and reservations of record, be and is hereby vacated in accordance with the powers granted to the City of McCook by Neb. Rev. Stat. § 19-917, as amended.

**Section 2.** A portion of Clary Subdivision Replat No. 1 being a tract of land located in the NE 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M. in Red Willow County, Nebraska, which is part of REPLAT NO. 1 of the ORIGINAL CLARY SUBDIVISION, more particularly described as follows: Referring to the SW corner of the said NE 1/4 of said Section 19, thence N00°06'58"W (assumed and all bearing relative to) along the 1/4 section line a distance of 565.65 feet to a point on the north line of "R" Street. Thence S85°38'36"E along the north right-of-way of "R" Street a distance of 1082.84 feet to a point, thence N00°34'20"W a distance of 187.69 feet to a point, which is the Point of Beginning, thence N85°38'36"W, a distance of 795.43 feet, thence N0°34'20"W a distance of 187.69 feet to a point, thence S85°38'36"E a distance of 10.04 feet, thence N0°34'20"W a distance of 237.88 feet, thence N85°38'36"W a distance of 292.55 feet, thence N00°06'58"W a distance of 20.06 feet, thence S85°38'36"E a distance of 312.46 feet, thence S00°34'20"E a distance of 435.61 feet, thence S85°38'36"E a distance of 765.32 feet, thence S00°34'20"E a distance of 10.04 feet to the Point of Beginning. Said tract containing 0.56 acres more or less subject to any easement, right-of-ways and reservations of record, be and is hereby vacated in accordance with the powers granted to the City of McCook by Neb. Rev. Stat. § 19-917, as amended.

**Section 3.** All of Clary Subdivision Replat No. 5 per Amendment No. 1, being a tract of land located in the NE 1/4 Section 19, Township 3 North, Range 29 West of the 6<sup>th</sup> P.M. in Red Willow County, Nebraska, which is a part of the ORIGINAL CLARY SUBDIVISION, more particularly described as follows: Referring to the SW corner of the said NE 1/4 of said Section 19, thence N00°06'58"W (assumed and all bearing relative to) along the 1/4 section line a distance of 565.65 feet to a point on the north line of "R" Street. Thence S85°38'36"E along the north right-of-way of "R" Street a distance of 1082.84 feet to a point, thence N00°34'20"W a distance of 633.34 feet to a point, which is the Point of Beginning, thence N85°38'40"W a distance of 35.00 feet, thence N00°34'15"W a distance of 234.57 feet, thence S85°34'55"E a distance of 35.00 feet, thence S00°34'20"E a distance 234.53 feet to the Point of Beginning. Said tract containing .19 acres more or less subject to any easement, right-of-ways and reservations of record, be and is hereby vacated in accordance with the powers granted to the City of McCook by Neb. Rev. Stat. § 19-917, as amended.

**Section 4.** All of Clary Subdivision Replat No. 6, being LOT 7A - A tract of land located in the NE 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M. in Red Willow County, Nebraska, which is part of Lot 7 of the CLARY SUBDIVISION REPLAT NO. 1, more particularly described as follows: Referring to the SW corner of the said NE 1/4 of said Section 19, thence N00°06'58"W (assumed and all bearing relative to) along the 1/4 section line a distance of 565.65 feet to a point on the north line of "R" Street. Thence S85°38'36"E along the north right-of-way of "R" Street a distance of 287.41 feet, thence N00°34'20"W a distance of 187.69 feet to a point, which is the Point of Beginning, thence N00°34'20"W a distance of 187.69 feet, thence N85°38'36"W a distance of 284.41, thence N00°06'58"W a distance of 237.72, thence S85°38'36"E a distance of 342.74, thence S00°34'20"E a distance of 425.57 feet, thence N85°38'36"W a distance of 60.22 feet, to the Point of Beginning. Said tract containing 2.13 acres more or less subject to any easement, right-of-ways and

reservations of record; and LOT 7B - A tract of land located in the NE 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M. in Red Willow County, Nebraska, which is part of the ORIGINAL CLARY SUBDIVISION, more particularly described as follows: Referring to the SW corner of the said NE 1/4 of said Section 19, thence N00°06'58"W (assumed and all bearing relative to) along the 1/4 section line a distance of 565.65 feet to a point on the north line of "R" Street. Thence S85°38'36"E along the north right-of-way of "R" Street a distance of 1082.84 feet to a point, thence N00°34'20"W a distance of 573.12 feet, to a point, which is the Point of Beginning, thence N85°38'36"W a distance of 607.14 feet, thence N04°21'24"E a distance of 99.36 feet, thence N05°22'16"E a distance of 194.95 feet, thence S85°34'55"E a distance of 543.37 feet, thence S00°34'15"E a distance of 234.57 feet, thence S85°38'36"E a distance of 35.00 feet, S00°34'20"E a distance of 60.22 feet to the Point of Beginning. Said tract containing 3.82 acres more or less subject to any easement, right-of-ways and reservations of record. Lot 7A and Lot 7B of Clary Subdivision Replat No. 6 are hereby vacated in accordance with the powers granted to the City of McCook by Neb. Rev. Stat. § 19-917, as amended.

**Section 5.** That the afore-described property vacated in Section 1, Section 2, Section 3, and Section 4, all in the City of McCook, Red Willow County, Nebraska shall no longer be or constitute any part of the City of McCook, and the public highways, streets, alleys, and public grounds located therein, if any, shall revert to the owners of lots or lands abutting the same in proportion to the respective ownerships of such lots or grounds.

**Section 6.** The public is also hereby notified that Ordinance No. 2022-3052 is subject to limited referendum for a period of thirty (30) days after the first publication of this Ordinance and that, after the expiration of the said thirty (30) days, Ordinance No. 2022-3052 and any measures related to it, will not be subject to any further right of referendum.

**Section 7.** To repeal all ordinances and resolutions or parts of ordinances and resolutions in conflict herewith.

**Section 8.** That this Ordinance shall be, at the cost of the owners, certified at the Office of the Register of Deeds and there recorded by said owners, and that the owners shall cause the lands in the vacated portions of the subject plats vacated to be replatted and numbered by the County Surveyor.

**Section 9.** This Ordinance shall be in full force and effect from and after its passage, approval and publication according to law and shall be published in pamphlet form by authority of the City Council.

**PASSED AND APPROVED THIS 3<sup>RD</sup> DAY OF OCTOBER, 2022.**

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

ATTEST:

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

**CITY MANAGER'S REPORT  
OCTOBER 3, 2022 MCCOOK CITY COUNCIL MEETING**

- ITEM NO. \_\_\_\_\_ Public Hearing - Consider a request from MEDC; W.A.G.S. Properties, L.L.C.; and John and Elizabeth Nothnagel, seeking approval for a vacation of a portion of Clary Subdivision, said property located in the NE 1/4 of Section 19, Township 3 North, Range 29 West of the 6<sup>th</sup> P.M., in Red Willow County, Nebraska (located north of West R Street and west of West 7<sup>th</sup> Street).
- ITEM NO. \_\_\_\_\_ Approve under suspension of the rule, Ordinance No. 2022-3052, allowing for the vacation of land located in the NE 1/4 of Section 19, Township 3 North, Range 29 West of the 6<sup>th</sup> P.M., in Red Willow County, Nebraska (located north of West R Street and west of West 7<sup>th</sup> Street).
- ITEM NO. **2.C.** Public Hearing - Consider a request from MEDC; W.A.G.S. Properties, L.L.C.; and John and Elizabeth Nothnagel, seeking approval of the final plat of the North Pointe Addition, said property located in the NE 1/4 of Section 19, Township 3 North, Range 29 West of the 6<sup>th</sup> P.M., in Red Willow County, Nebraska (located north of West R Street and west of West 7<sup>th</sup> Street).
- ITEM NO. **2.D.** Adopt Resolution 2022-14, approving a final plat of land to be known as the North Pointe Addition, said land located in the NE 1/4 of Section 19, Township 3 North, Range 29 West of the 6<sup>th</sup> P.M., in Red Willow County, Nebraska (located north of West R Street and west of West 7<sup>th</sup> Street).
- ITEM NO. \_\_\_\_\_ Public Hearing - Consider a request from MEDC; W.A.G.S. Properties, L.L.C., and John and Elizabeth Nothnagel, seeking approval for a rezoning of property located in the NE 1/4 of Section 19, Township 3 North, Range 29 West of the 6<sup>th</sup> P.M., in Red Willow County, Nebraska (located north of West R Street and west of West 7<sup>th</sup> Street), from Agricultural (AG) to Residential (RM).
- ITEM NO. \_\_\_\_\_ Approve under suspension of the rule, Ordinance No. 2022-3053 allowing for the rezoning of land located in the NE 1/4 of Section 19, Township 3 North, Range 29 West of the 6<sup>th</sup> P.M., in Red Willow County, Nebraska (located north of West R Street and west of West of 7<sup>th</sup> Street), from Agricultural (AG) to Residential (RM).

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**BACKGROUND:**

On behalf of the property owners, MEDC; W.A.G.S. Properties, L.L.C.; and John and Elizabeth Nothnagel, the applicant, Greg Wolford of W Design Associates, requests the approval for a vacation, rezone and final plat for property generally located north of West R Street and west of West 7<sup>th</sup> Street, all found within the current Clary Subdivision.

The property owners at issue request to vacate the existing subdivision collaboratively. Said properties are collectively located in the NE 1/4 of Section 19, Township 3 North, Range 29 West of the 6<sup>th</sup> P.M., in Red Willow County, Nebraska, which is all part of the Original Clary Subdivision, except for 3 acres of land that is comprised of individual lots owned by the MEDC, W.A.G.S. Properties, LLC, and John and Elizabeth Nothnagel, said lots having been recently annexed into

**EXHIBIT #1**

**PAGE(S) - 2**

the the City of McCook's corporate boundary but maintaining their miscellaneous designations. The legal description of the property to be vacated is attached hereto and is made a part of this report by reference.

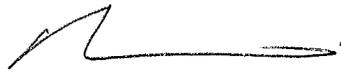
Following the vacation process, the North Pointe Addition will be created through the adoption of a final plat. A preliminary plat has previously been approved by the McCook City Council at its August 15, 2022 meeting. The North Pointe Addition will be comprised of three blocks, with Block 1 containing 9 lots; Block 2 containing 16 lots; and Block 3 containing 4 lots. Additionally, new streets (West 9<sup>th</sup> Street, West S Street, and West T Street) are included in the proposed North Pointe Addition. There is a continuation of a sewer easement on the south side of proposed Block 1 that was originated as part of the Clary Subdivision Replat No. 1. Further there is an alley contemplated between the north and south lots that comprise Block 2. Proposed Block 1 and Block 2 are currently owned by the MEDC. The MEDC plans on developing the proposed lots into residential properties. With respect to Block 3, Lots 1 and 3 are buildable lots owned by W.A.G.S. Properties. Outlot 2 is a parcel of property that will be used to satisfy potential drainage concerns. Outlot 2 will remain unimproved except for necessary infrastructure. Outlot 2 will be subject to an HOA agreement of the property owners whose properties populate the proposed North Pointe Addition. With respect to Block 3, Lot 4, the property will remain owned by John and Betty Nothnagel. Currently, a storage structure is located on the Nothnagel lot.

The final request up for consideration is a rezoning of the properties located on the extreme east of the land at issue. A little more than 3 acres of the land that abuts West 7<sup>th</sup> Street is zoned Agriculture (AG). The applicants are requesting a rezone change to Residential Medium (RM). The surrounding property within the City of McCook's corporate boundary is zoned Residential Medium, making the requested zoning change preferred. Further, the portions subject to the zoning change were recently annexed into the McCook city limits, making the zoning change necessary to reflect that the property at issue is now within McCook's corporate boundaries.

At the September 26, 2022 McCook Planning Commission meeting, the Commission voted unanimously to recommend approval of the requested vacation, final plat and rezone to the McCook City Council.

Staff recommends that all ordinances be approved under suspension of the rule. The property must be vacated, which occurs in Ordinance No. 2022-3052, before the Final Plat can be approved. Ordinance No. 2022-3053 rezones a portion of the new North Pointe Addition to Residential Medium Density.

**APPROVALS:**



Nathan A. Schneider, City Manager

September 28, 2022



Lea Ann Doak, City Clerk

September 28, 2022

**NOTICE OF PUBLIC HEARING  
FINAL PLAT APPROVAL**

NOTICE IS HEREBY GIVEN that a public hearing will be held by the City of McCook Planning Commission on September 26, 2022, at 5:15 P.M. and by the McCook City Council on October 3, 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 final plat on a tract of land located in the NE 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M. in Red Willow County, Nebraska, to be known as North Pointe Addition. A copy of the proposed final 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 16, 2022.

**EXHIBIT #2**

**PAGE(S) - 1**

**NOTICE OF PUBLIC HEARING  
FINAL PLAT APPROVAL**

NOTICE IS HEREBY GIVEN that public hearings will be held to consider the final plat on the following described property to be known as North Pointe Addition.

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.

PUBLIC HEARINGS ON THE ABOVE-DESCRIBED FINAL PLAT APPROVAL WILL BE HELD ON THE DATES, TIMES, AND AT THE PLACES LISTED BELOW:

SEPTEMBER 26, 2022 - 5:15 P.M.  
MCCOOK PLANNING COMMISSION  
CITY COUNCIL CHAMBERS  
505 WEST "C" STREET

OCTOBER 3, 2022 - 5:30 P.M.  
MCCOOK CITY COUNCIL  
CITY COUNCIL CHAMBERS  
505 WEST "C" STREET

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

-s- Lea Ann Doak  
City Clerk

Publish: September 16, 2022.  
Mail: September 16, 2022.  
Post: September 16, 2022.

**EXHIBIT #3**

**PAGE(S) - 1**

Property Owners Notified:

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

PRESIDENT  
MCCOOK PUBLIC SCHOOLS  
600 WEST 7<sup>TH</sup>  
MCCOOK, NE 69001

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

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

JOHN D ALLEN  
1203 W Q  
MCCOOK, NE 69001

JOHN WALTERS  
71822 OLD HWY 17  
CULBERTSON, NE 69024

GALEN PERRY  
1001 W R ST  
MCCOOK, NE 69001

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

CRAIG AND CHERYL CHRISTNER  
808 SPRUCE  
MCCOOK, NE 69001

RICHARD AND STACEE SMOCK  
903 W R  
MCCOOK, NE 69001

DAVID AND JOANN BARENBERG  
901 W R  
MCCOOK, NE 69001

THOMAS AND MIKA LENTZ  
805 W R  
MCCOOK, NE 69001

JOHN AND ELIZABETH NOTHNAGEL  
805 SPRUCE  
MCCOOK, NE 69001

CHANDLER AND TRISHA WAGNER  
803 W R  
MCCOOK, NE 69001

MICHAEL AND NANCY HEDKE  
801 W R  
MCCOOK, NE 69001

BENJAMIN AND LINDSAY WEBB  
802 SPRUCE  
MCCOOK, NE 69001

DAVE AND ANGELA MCCARTY  
1700 W 4  
MCCOOK, NE 69001

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

TOM AND JODY BENNETT  
2101 W 7<sup>TH</sup>  
MCCOOK, NE 69001

GARFIELD GEORGE GRIM  
801 SPRUCE  
MCCOOK, NE 69001

DARIN AND JENNIFER MORGAN  
304 ELIZABETH  
MCCOOK, NE 69001

**EXHIBIT #4**

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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: North Pointe Addition + Zone Change

Description of Project: MEDC, W.A.G.S. Properties, + John + Elizabeth Withnigel own land in Cary subdivision. The parties want to vacate their current parcels/subdivision to create a new major-subdivision named the North Pointe Addition. Three blocks + 29 lots will be included in the new addition. Also, the east side of the properties at issue need to be rezoned from AG + RSM.

Project sponsor or developer:

Name: MEDC, W.A.G.S. Properties L.L.C., + John + Betty Withnigel  
 Address: 407 Norris  
 Phone number: 345-1200  
 Fax number: \_\_\_\_\_  
 E-mail Address: charlie@mccookne.org

Land owner or owners:

Name: MEDC, W.A.G.S. Properties LLC, + John + Betty Withnigel  
 Address: 407 Norris  
 Phone number: 345-1200  
 Fax number: \_\_\_\_\_  
 E-Mail Address: charlie@mccookne.org

(Attached to this form are the deeds for the properties proving ownership)

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)

Charlie McPherson

Printed Name:

Printed Name:



Signature: *\*On behalf of the MEDC*

Signature:

9-16-22

Date:

Address and physical location of the Proposed Land Use Action: No address - it is located west of West 7th Street & north of West R street. Call the clerk  
Property Description (Of the parent parcel for subdivisions): Please see attached. Subdiv.

**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. *Residential development -*
- ✓ (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. *single family*
- ✓ (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?  
A Home Owner's Agreement will be required.  
If so, briefly explain what they might consist of.

\_\_\_\_\_  
\_\_\_\_\_  
(Attach explanation)

N/A Attach proposed Subdivision Agreement. (See Part D of the Subdivision Regulations) - *The property is already w/ city limits.*

*According to the 2013 Comprehensive Plan, 279 housing units were needed to meet demand. It is now 2022, and this goal has not been met.*

*The area will contain 3 blocks + 27 residential lots. Also included will be an Outlot (Outlot 1 - Outlot 2) + an existing storm facility owned by John + Betty Wothnagel. Included in this plan are three streets - West S street, West T street, + West 9th street. Water + sewer utilities are included. The properties to be developed are RM in nature + will comply w/ McCook's zoning ordinance.*

~~X~~ <sup>Final</sup> Preliminary Plat Submission:

- ✓ (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)
- ✓ (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) - also includes final plat amt.
- ✓ (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:
- ✓ (1) The proposed name of the <sup>addition</sup> subdivision (the name shall not duplicate or too closely resemble the name or names of any existing subdivision).
  - ✓ (2) The location of the boundary lines of the <sup>addition</sup> subdivision and reference to the section or quarter section lines.
  - ✓ (3) The names and addresses of the owner, developer, and the engineer who prepared the plat.
  - ✓ (4) Scale of the plat, one inch = one hundred feet or larger.
  - ✓ (5) Date of preparation and north point.
  - ✓ (6) Present zoning.
  - ✓ (7) Existing conditions:
    - ✓ 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.
    - ✓ 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.
    - ✓ cc. Names of adjacent subdivisions together with arrangement of streets and lots, and owners of adjacent parcels of unsubdivided land shall be shown.

- ✓ 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.
- ✓ (8) The general arrangement of lots and their approximate size.
- ✓ (9) Location and width of proposed streets, alleys, pedestrian ways, and easements. Control elevation shall be shown for all street intersections.
- ✓ (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.
- N/A (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.
- ✓ (12) General layout of adjacent unsubdivided property to show how streets and other public facilities, in the proposed subdivision, relate to the unsubdivided property.
- ✓ (13) ~~The subdivider shall indicate by letter when improvements as required will be installed or requested.~~
- ✓ (14) Any proposed restrictive covenants for the land involved shall accompany the plat. *no covenants*
- ✓ (15) a letter requesting annexation of the subdivision if it is in the planning jurisdiction to be served with city utilities. *- property is not in the city boundaries, a vacation of the property + a new addition is requested*

The plan is to phase in the residential development. West 5<sup>th</sup> + West 9<sup>th</sup> Streets (and the surrounding areas) will be developed as quickly as possible.

McCook Planning Commission  
Special Meeting  
September 26, 2022  
5:15 PM Central

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

Present: Chair Vosburg; Vice Chair Hilker; Commissioners Davidson, Lyons, McDowell, Stevens (excused 5:40 P.M.), Mockry.

Absent: Commissioners Bradley, Dueland, Friehe,

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

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on September 22, 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 September 12, 2022 regular Planning Commission meeting.

Motion to approve the minutes of the September 12, 2022 regular Planning Commission meeting. This motion, made by McDowell and seconded by Mockry, passed.

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

2. Public Hearings and Regular Agenda.

- 2.A. Public Hearing - Regarding a request from MEDC; W.A.G.S. Properties, L.L.C.; and John and Elizabeth Nothnagel, seeking approval for a vacation of a portion of Clary Subdivision, said property 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 (located north of West R Street and west of West 7th Street).

Motion to recess as a Planning Commission and convene a public hearing for the purpose of receiving public comment with respect to the request from MEDC; W.A.G.S. Properties, L.L.C.; and John and Elizabeth Nothnagel, seeking approval for a vacation of a portion of Clary Subdivision, said property located in the NE 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M.,

**EXHIBIT #7**

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in Red Willow County, Nebraska (located north of West R Street and west of West 7th Street), with the City Attorney to act as hearing officer. This motion, made by Vosburg and seconded by McDowell, passed.

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

The City Attorney received into evidence Exhibit #1 - City Manager's Report prepared for the September 26, 2022 Planning Commission meeting (2 pages), Exhibit #2 - Notice of Hearing published (1 page); Exhibit #3 - Notice of Hearing published and posted (1 page); Exhibit #4 - ownership list for mailing of Notice of Hearing (1 page); Exhibit #5 - Vacation Application (1 page); Exhibit #6 - Letter dated September 15, 2022 from property owners requesting Clary Addition and Replat Vacation (1 page); Exhibit #7 - Legal descriptions and maps of areas to be vacated (4 pages); Exhibit #8 - Copies of deeds for all property owners in area to be vacated (11 pages); and Exhibit #9 - Consent from utilities located within the vacated area (1 page). Exhibits #1 - #9 were accepted into evidence, comments were taken from City Staff before opening for public comment.

City Manager Schneider reviewed the information presented in Exhibit 1.

Greg Wolford, W Design Associates, Charlie McPherson, McCook Economic Development Corporation Executive Director, and Amanda Engell, McCook Economic Development Corporation Housing Director, were present to answer questions from the Commission and public.

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

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

2.B. Recommend to the McCook City Council approval of a vacation 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 (located north of West R Street and west of West 7th Street).

Motion to recommend to the McCook City Council approval of a vacation 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 (located north of West R Street and west of West 7th Street). This motion, made by Kurt and seconded by Hilker, passed.

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

2.C. Public Hearing - Regarding a request from MEDC; W.A.G.S. Properties, L.L.C.; and John and Elizabeth Nothnagel, seeking approval of the final plat of the North Pointe Addition, said property 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 (located north of West R Street and

west of West 7th Street).

Motion to recess as a Planning Commission and convene a public hearing for the purpose of receiving public comment regarding a request from MEDC; W.A.G.S. Properties, L.L.C.; and John and Elizabeth Nothnagel, seeking approval of the final plat of the North Pointe Addition, said property 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 (located north of West R Street and west of West 7th Street), with the City Attorney to act as hearing officer. This motion, made by Vosburg and seconded by Hilker, passed.

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

The City Attorney received into evidence Exhibit #1 - City Manager's Report prepared for the September 26, 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 - North Pointe Preliminary Plats (3 pages); Exhibit #6 - Land Use Application and attachments (5 pages); and Exhibit #7 - Final Plat of North Pointe Addition (1 page). Exhibits #1 - #7 were accepted into evidence, comments were taken from City Staff before opening for public comment.

City Manager Schneider reviewed the information presented in Exhibit 1.

Greg Wolford, W Design Associates, Charlie McPherson, McCook Economic Development Corporation Executive Director, and Amanda Engell, McCook Economic Development Corporation Housing Director, were present to answer questions from the Commission and public.

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

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

2.D. Recommend to the McCook City Council approval of a final plat of land to be known as the North Pointe Addition, said 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 (located north of West R Street and west of West 7th Street).

Motion to recommend to the McCook City Council approval of a final plat of land to be known as the North Pointe Addition, said 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 (located north of West R Street and west of West 7th Street). This motion, made by Vosburg and seconded by Stevens, passed.

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

- 2.E. Public Hearing - Regarding a request from MEDC; W.A.G.S. Properties, L.L.C., and John and Elizabeth Nothnagel, seeking approval for a rezoning of property 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 (located north of West R Street and west of West 7th Street), from Agricultural (AG) to Residential (RM).

Motion to recess as a Planning Commission and convene a public hearing for the purpose of receiving public comment with respect to a request from MEDC; W.A.G.S. Properties, L.L.C., and John and Elizabeth Nothnagel, seeking approval for a rezoning of property 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 (located north of West R Street and west of West 7th Street), from Agricultural (AG) to Residential (RM), with the City Attorney to act as hearing officer. This motion, made by Vosburg and seconded by Hilker, passed.

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

The City Attorney received into evidence Exhibit #1 - City Manager's Report prepared for the September 26, 2022 Planning Commission meeting (3 pages), Exhibit #2 - Notice of Hearing published (1 page); Exhibit #3 - Notice of Hearing posted and posted (1 page); Exhibit #4 - ownership list for mailing of Notice of Hearing (1 page); Exhibit #5 - Letter dated September 16, 2022 from property owners requested zone change (1 page); and Exhibit #6 - Land Use Action Request Form and attachments (4 pages). Exhibits #1 - #6 were accepted into evidence, comments were taken from City Staff before opening for public comment.

City Manager Schneider reviewed the information presented in Exhibit 1.

Greg Wolford, W Design Associates, Charlie McPherson, McCook Economic Development Corporation Executive Director, and Amanda Engell, McCook Economic Development Corporation Housing Director, were present to answer questions from the Commission and public.

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

Bradley: ABSENT, Davidson: YEA, Dueland: ABSENT, Friehe: ABSENT, Hilker: YEA, Lyons: YEA, McDowell: YEA, Mockry: YEA, Stevens: ABSENT, Vosburg: YEA  
YEA: 6, NAY: 0, ABSENT: 4

- 2.F. Recommend the approval of a rezone 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 (located north of the West R Street and west of West 7th Street), from Agricultural (AG) to Residential (RM).

Motion to recommend to the McCook City Council the approval of the rezone 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 (located north of the West R Street and west of West 7th Street), from Agricultural (AG)

to Residential (RM). This motion, made by Vosburg and seconded by Lyons, passed.  
Bradley: ABSENT, Davidson: YEA, Dueland: ABSENT, Friehe: ABSENT, Hilker: YEA, Lyons:  
YEA, McDowell: YEA, Mockry: YEA, Stevens: ABSENT, Vosburg: YEA  
YEA: 6, NAY: 0, ABSENT: 4

**Adjournment.**

With no further business, Chair Vosburg declared the Planning Commission meeting adjourned at 5:45 P.M.

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Lea Ann Doak  
City Clerk/Recording Secretary

RESOLUTION NO. 2022-14

WHEREAS, the McCook Economic Development Corporation; W.A.G.S Properties, L.L.C; and John and Elizabeth Nothnagel applied for approval of a subdivision of a part of the NE 1/4 of Section 19, Township 3 North, Range 29 West of the 6<sup>th</sup> P.M., Red Willow County, Nebraska located within the corporate limits of the City of McCook to be known as North Pointe Addition 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 North Pointe Addition 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 3<sup>rd</sup> DAY OF OCTOBER, 2022.

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

ATTEST:

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

**EXHIBIT #8**

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**CITY MANAGER'S REPORT  
OCTOBER 3, 2022 MCCOOK CITY COUNCIL MEETING**

- ITEM NO. \_\_\_\_\_ Public Hearing - Consider a request from MEDC; W.A.G.S. Properties, L.L.C.; and John and Elizabeth Nothnagel, seeking approval for a vacation of a portion of Clary Subdivision, said property located in the NE 1/4 of Section 19, Township 3 North, Range 29 West of the 6<sup>th</sup> P.M., in Red Willow County, Nebraska (located north of West R Street and west of West 7<sup>th</sup> Street).
- ITEM NO. \_\_\_\_\_ Approve under suspension of the rule, Ordinance No. 2022-3052, allowing for the vacation of land located in the NE 1/4 of Section 19, Township 3 North, Range 29 West of the 6<sup>th</sup> P.M., in Red Willow County, Nebraska (located north of West R Street and west of West 7<sup>th</sup> Street).
- ITEM NO. \_\_\_\_\_ Public Hearing - Consider a request from MEDC; W.A.G.S. Properties, L.L.C.; and John and Elizabeth Nothnagel, seeking approval of the final plat of the North Pointe Addition, said property located in the NE 1/4 of Section 19, Township 3 North, Range 29 West of the 6<sup>th</sup> P.M., in Red Willow County, Nebraska (located north of West R Street and west of West 7<sup>th</sup> Street).
- ITEM NO. \_\_\_\_\_ Adopt Resolution 2022-14, approving a final plat of land to be known as the North Pointe Addition, said land located in the NE 1/4 of Section 19, Township 3 North, Range 29 West of the 6<sup>th</sup> P.M., in Red Willow County, Nebraska (located north of West R Street and west of West 7<sup>th</sup> Street).
- ITEM NO. **2.E.** Public Hearing - Consider a request from MEDC; W.A.G.S. Properties, L.L.C., and John and Elizabeth Nothnagel, seeking approval for a rezoning of property located in the NE 1/4 of Section 19, Township 3 North, Range 29 West of the 6<sup>th</sup> P.M., in Red Willow County, Nebraska (located north of West R Street and west of West 7<sup>th</sup> Street), from Agricultural (AG) to Residential (RM).
- ITEM NO. **2.F.** Approve under suspension of the rule, Ordinance No. 2022-3053 allowing for the rezoning of land located in the NE 1/4 of Section 19, Township 3 North, Range 29 West of the 6<sup>th</sup> P.M., in Red Willow County, Nebraska (located north of West R Street and west of West of 7<sup>th</sup> Street), from Agricultural (AG) to Residential (RM).

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**BACKGROUND:**

On behalf of the property owners, MEDC; W.A.G.S. Properties, L.L.C.; and John and Elizabeth Nothnagel, the applicant, Greg Wolford of W Design Associates, requests the approval for a vacation, rezone and final plat for property generally located north of West R Street and west of West 7<sup>th</sup> Street, all found within the current Clary Subdivision.

The property owners at issue request to vacate the existing subdivision collaboratively. Said properties are collectively located in the NE 1/4 of Section 19, Township 3 North, Range 29 West of the 6<sup>th</sup> P.M., in Red Willow County, Nebraska, which is all part of the Original Clary Subdivision, except for 3 acres of land that is comprised of individual lots owned by the MEDC, W.A.G.S. Properties, LLC, and John and Elizabeth Nothnagel, said lots having been recently annexed into

the the City of McCook's corporate boundary but maintaining their miscellaneous designations. The legal description of the property to be vacated is attached hereto and is made a part of this report by reference.

Following the vacation process, the North Pointe Addition will be created through the adoption of a final plat. A preliminary plat has previously been approved by the McCook City Council at its August 15, 2022 meeting. The North Pointe Addition will be comprised of three blocks, with Block 1 containing 9 lots; Block 2 containing 16 lots; and Block 3 containing 4 lots. Additionally, new streets (West 9<sup>th</sup> Street, West S Street, and West T Street) are included in the proposed North Pointe Addition. There is a continuation of a sewer easement on the south side of proposed Block 1 that was originated as part of the Clary Subdivision Replat No. 1. Further there is an alley contemplated between the north and south lots that comprise Block 2. Proposed Block 1 and Block 2 are currently owned by the MEDC. The MEDC plans on developing the proposed lots into residential properties. With respect to Block 3, Lots 1 and 3 are buildable lots owned by W.A.G.S. Properties. Outlot 2 is a parcel of property that will be used to satisfy potential drainage concerns. Outlot 2 will remain unimproved except for necessary infrastructure. Outlot 2 will be subject to an HOA agreement of the property owners whose properties populate the proposed North Pointe Addition. With respect to Block 3, Lot 4, the property will remain owned by John and Betty Nothnagel. Currently, a storage structure is located on the Nothnagel lot.

The final request up for consideration is a rezoning of the properties located on the extreme east of the land at issue. A little more than 3 acres of the land that abuts West 7<sup>th</sup> Street is zoned Agriculture (AG). The applicants are requesting a rezone change to Residential Medium (RM). The surrounding property within the City of McCook's corporate boundary is zoned Residential Medium, making the requested zoning change preferred. Further, the portions subject to the zoning change were recently annexed into the McCook city limits, making the zoning change necessary to reflect that the property at issue is now within McCook's corporate boundaries.

At the September 26, 2022 McCook Planning Commission meeting, the Commission voted unanimously to recommend approval of the requested vacation, final plat and rezone to the McCook City Council.

Staff recommends that all ordinances be approved under suspension of the rule. The property must be vacated, which occurs in Ordinance No. 2022-3052, before the Final Plat can be approved. Ordinance No. 2022-3053 rezones a portion of the new North Pointe Addition to Residential Medium Density.

**APPROVALS:**



Nathan A. Schneider, City Manager

September 28, 2022



Lea Ann Doak, City Clerk

September 28, 2022

**NOTICE OF PUBLIC HEARING  
REZONING**

NOTICE IS HEREBY GIVEN that a public hearing will be held by the City of McCook Planning Commission on September 26, 2022, at 5:15 P.M. and by the McCook City Council on October 3, 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 rezoning of a tract of land located north of West "R" Street along, and including West 7th Street, north to the city limits, in the NE 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M. in Red Willow County, Nebraska, said tract containing 3.03 acres more or less subject to any easement, right-of-ways and reservations of record; from Agricultural (AG) to Residential Medium Density (RM) District. Any and all persons desiring to comment may attend said 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 16, 2022.

**EXHIBIT #2**

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**NOTICE OF PUBLIC HEARING  
REZONING**

NOTICE IS HEREBY GIVEN that public hearings will be held to rezone the following described property from Agricultural (AG) to Residential Medium Density (RM) District, to-wit:

A tract of land located north of West "R" Street along, and including West 7<sup>th</sup> Street, north to the city limits, in the NE 1/4 of Section 19, Township 3 North, Range 29 West of the 6<sup>th</sup> P.M. in Red Willow County, Nebraska. Said tract containing 3.03 acres more or less subject to any easement, right-of-ways and reservations of record.

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

September 26, 2022 - 5:15 P.M.  
McCook Planning Commission  
City Council Chambers  
505 West "C" Street

October 3, 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 16, 2022.  
Post: September 16, 2022  
Mail: September 16, 2022

**EXHIBIT #3**

**PAGE(S) - 1**

Property Owners Notified:

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

PRESIDENT  
MCCOOK PUBLIC SCHOOLS  
600 WEST 7<sup>TH</sup>  
MCCOOK, NE 69001

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

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

JOHN D ALLEN  
1203 W Q  
MCCOOK, NE 69001

JOHN WALTERS  
71822 OLD HWY 17  
CULBERTSON, NE 69024

GALEN PERRY  
1001 W R ST  
MCCOOK, NE 69001

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

CRAIG AND CHERYL CHRISTNER  
808 SPRUCE  
MCCOOK, NE 69001

RICHARD AND STACEE SMOCK  
903 W R  
MCCOOK, NE 69001

DAVID AND JOANN BARENBERG  
901 W R  
MCCOOK, NE 69001

THOMAS AND MIKA LENTZ  
805 W R  
MCCOOK, NE 69001

JOHN AND ELIZABETH NOTHNAGEL  
805 SPRUCE  
MCCOOK, NE 69001

CHANDLER AND TRISHA WAGNER  
803 W R  
MCCOOK, NE 69001

MICHAEL AND NANCY HEDKE  
801 W R  
MCCOOK, NE 69001

BENJAMIN AND LINDSAY WEBB  
802 SPRUCE  
MCCOOK, NE 69001

DAVE AND ANGELA MCCARTY  
1700 W 4  
MCCOOK, NE 69001

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

TOM AND JODY BENNETT  
2101 W 7<sup>TH</sup>  
MCCOOK, NE 69001

GARFIELD GEORGE GRIM  
801 SPRUCE  
MCCOOK, NE 69001

DARIN AND JENNIFER MORGAN  
304 ELIZABETH  
MCCOOK, NE 69001

**EXHIBIT #4**

**PAGE(S) - 1**



September 16, 2022

Mr. Nate Schneider, McCook City Manager  
City of McCook, Nebraska  
P.O. Box 1058  
McCook, NE 69001

RE: Clary / North Pointe Zoning Change Request

Dear Mr. Schneider:

For the property that we respectively own in what is known as Clary Subdivision "land located in the NE ¼ of Section 19 Township 3 North, Range 29 West of the 6th P.M. in Red Willow County, Nebraska. Please consider this our request to change the east portions of our properties from AG zoning designation to an RM zoning designation.

Respectfully:

Troy Bruntz  
MEDC Board President

John or Elizabeth Nothnagel

EXHIBIT #5

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: North Pointe Addition + Zone Change

Description of Project: MEDC, W.A.G.S. Properties, + John + Elizabeth Withnigel own land in Cary Subdivision. The parties want to vacate their current parcels/subdivision to create a new major-subdivision named the North Pointe Addition. Three blocks + 29 lots will be included in the new addition. Also, the east side of the properties at issue need to be rezoned from AG + R1M.

Project sponsor or developer:

Name: MEDC, W.A.G.S. Properties L.L.C., + John + Betty Withnigel  
 Address: 407 Norris  
 Phone number: 345-1200  
 Fax number: \_\_\_\_\_  
 E-mail Address: charlie@mccookne.org

Land owner or owners:

Name: MEDC, W.A.G.S. Properties LLC, + John + Betty Withnigel  
 Address: 407 Norris  
 Phone number: 345-1200  
 Fax number: \_\_\_\_\_  
 E-Mail Address: charlie@mccookne.org

(Attached to this form are the deeds for the properties proving ownership)

**EXHIBIT #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)

Charlie McPherson  
Printed Name:

\_\_\_\_\_  
Printed Name:

[Signature]  
Signature: \*On behalf of the MEDC

\_\_\_\_\_  
Signature:

9-16-22  
Date:

Address and physical location of the Proposed Land Use Action: No address - it is located west of West 7th Street & north of West R street. Callin clay  
Property Description (Of the parent parcel for subdivisions): Please see attached. Subdiv.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**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)

*From AG to RM*

*X*

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

*The change would allow for the residential properties to be permitted principally. It also promotes conformity for the new addition.*

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;

(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.

\_\_\_\_\_ Explain how the project complies with the Comprehensive Plan: \_\_\_\_\_

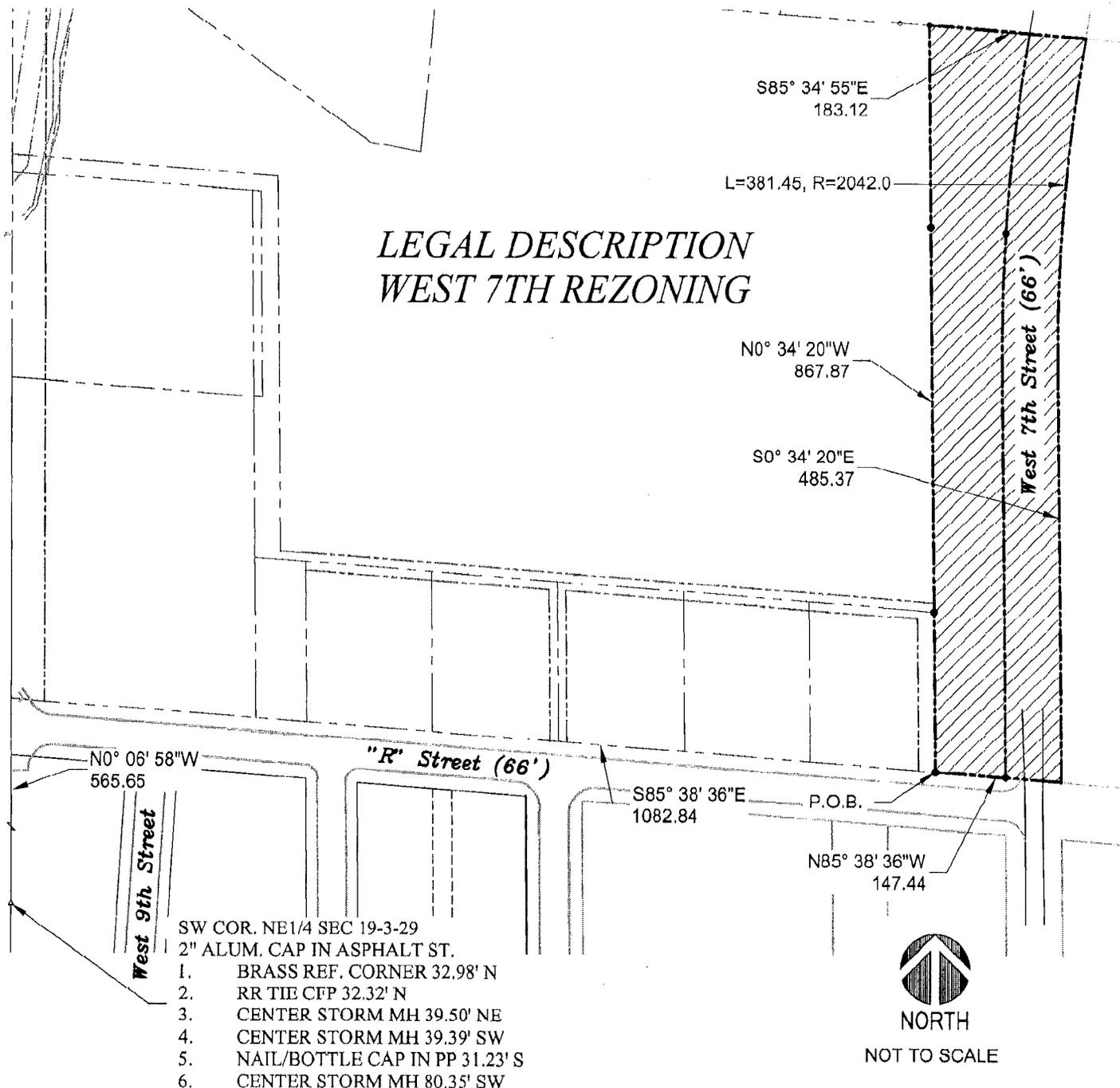
\_\_\_\_\_

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\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



**LEGAL DESCRIPTION  
WEST 7TH REZONING**

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

**LEGAL DESCRIPTION**

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

Referring to the SW corner of the said NE 1/4 of said Section 19, thence N00°06'58"W (assumed and all bearing relative to) along the 1/4 section line a distance of 565.65 feet to a point on the north line of "R" Street. Thence S85°38'36"E along the north right-of-way of "R" Street a distance of 1082.84 feet to a point, which is the Point of Beginning, thence N00°34'20"W a distance of 867.87 feet, thence S85°35'55"E a distance of 183.12 feet, thence Southerly along a curve having a radius of 2042 feet, a distance of 381.45 feet, thence S00°34'20"E a distance of 485.37 feet, thence N85°38'36"W a distance of 147.44 feet to the Point of Beginning.

Said tract containing 3.03 acres more or less subject to any easement, right-of-ways and reservations of record.

McCook Planning Commission  
Special Meeting  
September 26, 2022  
5:15 PM Central

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

Present: Chair Vosburg; Vice Chair Hilker; Commissioners Davidson, Lyons, McDowell, Stevens (excused 5:40 P.M.), Mockry.

Absent: Commissioners Bradley, Dueland, Friehe,

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

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on September 22, 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 September 12, 2022 regular Planning Commission meeting.

Motion to approve the minutes of the September 12, 2022 regular Planning Commission meeting. This motion, made by McDowell and seconded by Mockry, passed.

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

2. Public Hearings and Regular Agenda.

- 2.A. Public Hearing - Regarding a request from MEDC; W.A.G.S. Properties, L.L.C.; and John and Elizabeth Nothnagel, seeking approval for a vacation of a portion of Clary Subdivision, said property 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 (located north of West R Street and west of West 7th Street).

Motion to recess as a Planning Commission and convene a public hearing for the purpose of receiving public comment with respect to the request from MEDC; W.A.G.S. Properties, L.L.C.; and John and Elizabeth Nothnagel, seeking approval for a vacation of a portion of Clary Subdivision, said property located in the NE 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M.,

**EXHIBIT #8**

**PAGE(S) - 5**

in Red Willow County, Nebraska (located north of West R Street and west of West 7th Street), with the City Attorney to act as hearing officer. This motion, made by Vosburg and seconded by McDowell, passed.

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

The City Attorney received into evidence Exhibit #1 - City Manager's Report prepared for the September 26, 2022 Planning Commission meeting (2 pages), Exhibit #2 - Notice of Hearing published (1 page); Exhibit #3 - Notice of Hearing published and posted (1 page); Exhibit #4 - ownership list for mailing of Notice of Hearing (1 page); Exhibit #5 - Vacation Application (1 page); Exhibit #6 - Letter dated September 15, 2022 from property owners requesting Clary Addition and Replat Vacation (1 page); Exhibit #7 - Legal descriptions and maps of areas to be vacated (4 pages); Exhibit #8 - Copies of deeds for all property owners in area to be vacated (11 pages); and Exhibit #9 - Consent from utilities located within the vacated area (1 page). Exhibits #1 - #9 were accepted into evidence, comments were taken from City Staff before opening for public comment.

City Manager Schneider reviewed the information presented in Exhibit 1.

Greg Wolford, W Design Associates, Charlie McPherson, McCook Economic Development Corporation Executive Director, and Amanda Engell, McCook Economic Development Corporation Housing Director, were present to answer questions from the Commission and public.

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

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

2.B. Recommend to the McCook City Council approval of a vacation 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 (located north of West R Street and west of West 7th Street).

Motion to recommend to the McCook City Council approval of a vacation 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 (located north of West R Street and west of West 7th Street). This motion, made by Kurt and seconded by Hilker, passed.

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

2.C. Public Hearing - Regarding a request from MEDC; W.A.G.S. Properties, L.L.C.; and John and Elizabeth Nothnagel, seeking approval of the final plat of the North Pointe Addition, said property 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 (located north of West R Street and

west of West 7th Street).

Motion to recess as a Planning Commission and convene a public hearing for the purpose of receiving public comment regarding a request from MEDC; W.A.G.S. Properties, L.L.C.; and John and Elizabeth Nothnagel, seeking approval of the final plat of the North Pointe Addition, said property 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 (located north of West R Street and west of West 7th Street), with the City Attorney to act as hearing officer. This motion, made by Vosburg and seconded by Hilker, passed.

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

The City Attorney received into evidence Exhibit #1 - City Manager's Report prepared for the September 26, 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 - North Pointe Preliminary Plats (3 pages); Exhibit #6 - Land Use Application and attachments (5 pages); and Exhibit #7 - Final Plat of North Pointe Addition (1 page). Exhibits #1 - #7 were accepted into evidence, comments were taken from City Staff before opening for public comment.

City Manager Schneider reviewed the information presented in Exhibit 1.

Greg Wolford, W Design Associates, Charlie McPherson, McCook Economic Development Corporation Executive Director, and Amanda Engell, McCook Economic Development Corporation Housing Director, were present to answer questions from the Commission and public.

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

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

2.D. Recommend to the McCook City Council approval of a final plat of land to be known as the North Pointe Addition, said 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 (located north of West R Street and west of West 7th Street).

Motion to recommend to the McCook City Council approval of a final plat of land to be known as the North Pointe Addition, said 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 (located north of West R Street and west of West 7th Street). This motion, made by Vosburg and seconded by Stevens, passed.

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

2.E. Public Hearing - Regarding a request from MEDC; W.A.G.S. Properties, L.L.C., and John and Elizabeth Nothnagel, seeking approval for a rezoning of property 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 (located north of West R Street and west of West 7th Street), from Agricultural (AG) to Residential (RM).

Motion to recess as a Planning Commission and convene a public hearing for the purpose of receiving public comment with respect to a request from MEDC; W.A.G.S. Properties, L.L.C., and John and Elizabeth Nothnagel, seeking approval for a rezoning of property 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 (located north of West R Street and west of West 7th Street), from Agricultural (AG) to Residential (RM), with the City Attorney to act as hearing officer. This motion, made by Vosburg and seconded by Hilker, passed.

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

The City Attorney received into evidence Exhibit #1 - City Manager's Report prepared for the September 26, 2022 Planning Commission meeting (3 pages), Exhibit #2 - Notice of Hearing published (1 page); Exhibit #3 - Notice of Hearing posted and posted (1 page); Exhibit #4 - ownership list for mailing of Notice of Hearing (1 page); Exhibit #5 - Letter dated September 16, 2022 from property owners requested zone change (1 page); and Exhibit #6 - Land Use Action Request Form and attachments (4 pages). Exhibits #1 - #6 were accepted into evidence, comments were taken from City Staff before opening for public comment.

City Manager Schneider reviewed the information presented in Exhibit 1.

Greg Wolford, W Design Associates, Charlie McPherson, McCook Economic Development Corporation Executive Director, and Amanda Engell, McCook Economic Development Corporation Housing Director, were present to answer questions from the Commission and public.

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

Bradley: ABSENT, Davidson: YEA, Dueland: ABSENT, Friehe: ABSENT, Hilker: YEA, Lyons: YEA, McDowell: YEA, Mockry: YEA, Stevens: ABSENT, Vosburg: YEA  
YEA: 6, NAY: 0, ABSENT: 4

2.F. Recommend the approval of a rezone 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 (located north of the West R Street and west of West 7th Street), from Agricultural (AG) to Residential (RM).

Motion to recommend to the McCook City Council the approval of the rezone 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 (located north of the West R Street and west of West 7th Street), from Agricultural (AG)

to Residential (RM). This motion, made by Vosburg and seconded by Lyons, passed.  
Bradley: ABSENT, Davidson: YEA, Dueland: ABSENT, Friehe: ABSENT, Hilker: YEA, Lyons:  
YEA, McDowell: YEA, Mockry: YEA, Stevens: ABSENT, Vosburg: YEA  
YEA: 6, NAY: 0, ABSENT: 4

**Adjournment.**

With no further business, Chair Vosburg declared the Planning Commission meeting adjourned at 5:45 P.M.

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Lea Ann Doak  
City Clerk/Recording Secretary

ORDINANCE NO. 2022-3053

AN ORDINANCE OF THE CITY OF MCCOOK, NEBRASKA AMENDING MCCOOK ZONING ORDINANCE NO. 2016-2929 CHANGING THE ZONING CLASSIFICATION OF A PORTION OF NORTH POINTE ADDITION, TO THE CITY OF MCCOOK, RED WILLOW COUNTY, NEBRASKA, FROM AGRICULTURAL (AG) TO RESIDENTIAL MEDIUM DENSITY (RM) 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 Agricultural (AG) to Residential Medium Density (RM) District, to wit:

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

Referring to the SW corner of the said NE 1/4 of said Section 19, thence N00°06'58"W (assumed and all bearing relative to) along the 1/4 section line a distance of 565.65 feet to a point on the north line of "R" Street. Thence S85°38'36"E along the north right-of-way of "R" Street a distance of 1082.84 feet to a point, which is the Point of Beginning, thence N00°34'20"W a distance of 867.87 feet, thence S85°35'55"E a distance of 183.12 feet, thence Southerly along a curve having a radius of 2042 feet, a distance of 381.45 feet, thence S00°34'20"E a distance of 485.37 feet, thence N85°38'36"W a distance of 147.44 feet to the Point of Beginning.

Said tract containing 3.03 acres more or less subject to any easement, right-of-ways and reservations of record.

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 Residential Medium Density (RM) 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.

**EXHIBIT #9**

**PAGE(S) - 2**

Michael D. Gonzales, Mayor

ATTEST:

Lea Ann Doak, City Clerk-Treasurer

**CITY MANAGER'S REPORT  
OCTOBER 3, 2022, CITY COUNCIL MEETING**

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ITEM # 3.A.

**RECOMMENDATION:**

**Approve the proclamation designating October 9 through October 15, 2022, as "Fire Prevention Week" and authorize the Mayor to sign.**

---

**BACKGROUND:**

This year, the National Fire Protection Association (NFPA) is celebrating the 100<sup>th</sup> anniversary of Fire Prevention Week. This year's campaign, "Fire won't wait. Plan your escape", works to educate everyone about simple but important actions they can take to keep themselves and those around them safe from home fires.

In a fire, mere seconds can mean the difference between a safe escape and a tragedy. Fire safety education isn't just for school children. Teenagers, adults, and the elderly are also at risk in fires, making it important for every member of the community to take some time every October during Fire Prevention Week to make sure they understand how to stay safe in case of a fire

Today's homes burn faster than ever. You may have as little as two minutes (or even less time) to safely escape a home fire from the time the smoke alarm sounds. Your ability to get out of a home during a fire depends on early warning from smoke alarms and advanced planning.

It is important for everyone to plan and practice a home fire escape. Everyone needs to be prepared in advance, so that they know what to do when the smoke alarm sounds. Given that every home is different, every home fire escape plan will also be different.

Have a plan for everyone in the home. Children, older adults, and people with disabilities may need assistance to wake up and get out. Make sure that someone will help them!

This week also reminds us of the dangers that brave first responders face as they risk their lives to fight fires and protect our communities, our people, and our natural resources. Our fire services respond to more than 20 million emergency calls a year. Americans are grateful for their courage, skill, and commitment to public safety, and we honor the sacrifice of those who have been injured or killed in their efforts to protect us. Through fire safety and prevention, we can save lives, including those of our firefighters and other first responders.



*Office of the Mayor  
McCook, Nebraska  
Proclamation*

"FIRE PREVENTION WEEK"

- WHEREAS, the City of McCook, Nebraska is committed to ensuring the safety and security of all those living in and visiting McCook; and
- WHEREAS, fire is a serious public safety concern both locally and nationally, and homes are the locations where people are at greatest risk from fire; and
- WHEREAS, home fires killed caused 2,580 civilian deaths in the United in 2020, according to the National Fire Protection Association (NFPA), and fire departments in the United States responded to 356,500 home fires; and
- WHEREAS, smoke alarms sense smoke well before you can, alerting you to danger in the event of fire in which you may have as little as 2 minutes to escape safely; and
- WHEREAS, working smoke alarms cut the risk of dying in reported home fires in half; and
- WHEREAS, McCook residents should be sure everyone in the home understands the sounds of the alarms and knows how to respond; and
- WHEREAS, McCook residents who have planned and practiced a home fire escape plan are more prepared and will therefore be more likely to survive a fire; and
- WHEREAS, McCook residents will make sure their smoke and carbon monoxide (CO) alarms meet the needs of all their family members, including those with sensory or physical disabilities; and
- WHEREAS, McCook first responders are dedicated to reducing the occurrence of home fires and home fire injuries through prevention and protection education; and
- WHEREAS, McCook residents are responsive to public education measures are better able to take personal steps to increase their safety from fire, especially in their homes; and
- WHEREAS, the 2022 Fire Prevention Week™ theme, "Fire won't wait. Play your escape.™," effectively serves to remind the citizens of McCook it is important to have a home fire escape plan.

THEREFORE, I Michael D. Gonzales, Mayor of the City of McCook do hereby proclaim October 9 through 15, 2022, as Fire Prevention Week throughout this community, and urge all the people of McCook to plan and practice a home fire escape for Fire Prevention Week 2022 and to support the many public safety activities and efforts of McCook's Fire and Emergency services.

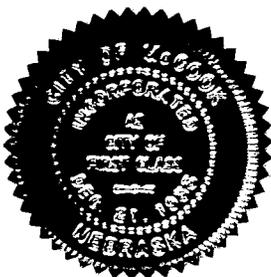
Dated this 3<sup>rd</sup> day of October, 2022.

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

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

ATTEST:

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



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

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**ITEM:**        4.A.

Approve the minutes of the September 19, 2022 regular City Council meeting.

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**BACKGROUND:**

Receive and approve the minutes.

**FISCAL  
IMPACT:**     None.

**APPROVALS:**

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

September 29, 2022

McCook City Council  
September 19, 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 Gonzales and seconded by Calvin, 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, Fire Chief Harpham, Public Works Director Potthoff, Senior Services Director Siegfried, and Police Chief Smith.

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on September 15, 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. Kyle Dellevoet, McCook Christian 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 announced that a special Planning Commission meeting is scheduled for the coming Monday, September 26 at 5:15 P.M. for consideration of the vacation of property to be platted as North Pointe Addition and for the rezoning of portions of the plat from Agricultural to Residential Medium Density.

Police Chief Smith introduced Patrol Officer Isaac Hart who started with the City in December and graduated from the Nebraska Law Enforcement Training Center in April.

## **2. Public Hearings.**

- 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 tract deeded to the State of Nebraska.

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

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

The City Attorney received into evidence Exhibit #1 - City Manager's Report prepared for the September 19, 2022 City Council meeting (2 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); Exhibit #7 - minutes of the September 12, 2022 Planning Commission meeting (6 pages); and Exhibit #8 - proposed Ordinance No. 2022-3049 (1 page). Exhibits #1 - #8 were accepted into evidence, comments were taken from City Staff before opening for public comment.

City Manager Schneider reviewed the information presented in Exhibit 1.

Mr. Watts, applicant, was not present.

Councilmember Calvin questioned the lot size. Does it allow for the construction of building large enough to accommodate the various sizes of motor homes and camping trailers and adequate parking? Should these questions be addressed before approval of the zone change?

City Manager Schneider stated that Mr. Watts knows that a variance will be needed in order for him to meet the various zoning requirements. The following ordinance for zone change will be considered on three readings, which should allow for Mr. Watts to address these questions.

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

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

- 2.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.

Mayor Gonzales asked the Clerk to read Ordinance No. 2022-3049 by title.

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.

Ordinance No. 2022-3049 has been introduced, read by title, and I move to approve upon its first reading. This motion, made by Calvin and seconded by Muehlenkamp, passed.

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

YEA: 4, NAY: 0, ABSENT: 1

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 City Council 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, with the City Attorney to act as hearing officer. This motion, made by Calvin and seconded by Weedon, passed.

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

YEA: 4, NAY: 0, ABSENT: 1

The City Attorney received into evidence Exhibit #1 - City Manager's Report prepared for the September 19, 2022 City Council 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); Exhibit #8 - City of McCook Subdivision Regulations, Section 7. Procedures (4 pages); Exhibit #9 - minutes of the September 12, 2022 Planning Commission meeting (6 pages); and Exhibit 10 - proposed Resolution No. 2022-11 (1 page). Exhibits #1 - #10 were accepted into evidence, comments were taken from City Staff before opening for public comment.

City Manager Schneider reviewed the information presented in Exhibit 1.

Matt Davidson and Scott Clifford, representing the developer, were present to address questions from the Council and public.

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

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

YEA: 4, NAY: 0, ABSENT: 1

2.D. Adopt Resolution No. 2022-11, approving 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 adopt Resolution No. 2022-11, approving 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 Weedin and seconded by Calvin, passed.

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

2.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 No. 2.

Motion to recess as a City Council 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, with the City Attorney to act as hearing officer. This motion, made by Calvin and seconded by Weedin, passed.

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

The City Attorney received into evidence Exhibit #1 - City Manager's Report prepared for the September 19, 2022 City Council 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 - Planning Commission Resolution No. PC2022-03 (2 pages); Exhibit #6 - minutes of the September 12, 2022 Planning Commission meeting (6 pages); and Exhibit #7 - proposed Ordinance No. 2022-3050 (2 pages); and Exhibit #8 - Heritage Pointe Addition No. 2 map and annexation legal description. Exhibits #1 - #8 were accepted into evidence, comments were taken from City Staff before opening for public comment.

City Manager Schneider reviewed the information presented in Exhibit 1.

Matt Davidson and Scott Clifford, representing the developer, were present to address questions from the Council and public.

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

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

- 2.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 No. 2.

Mayor Gonzales asked the Clerk to read Ordinance No. 2022-3050 by title.

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

Ordinance No. 2022-3050 has been introduced, read by title, and I move to approve upon its first reading. 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

- 2.G. 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 City Council 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), with the City Attorney to act as hearing officer. This motion, made by Calvin and seconded by Weedin, passed.

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

The City Attorney received into evidence Exhibit #1 - City Manager's Report prepared for the September 19, 2022 City Council meeting (2 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); Exhibit #5 - Map of the City of McCook's zoning districts (1 page); Exhibit #6 - minutes of the September 12, 2022 Planning Commission meeting (6 pages); and Exhibit #7 - proposed Ordinance No. 2022-3051 (1 page). Exhibits #1 - #7 were accepted into evidence, comments were taken from City Staff before opening for public comment.

City Manager Schneider reviewed the information presented in Exhibit 1.

Matt Davidson and Scott Clifford,, representing the developer, were present to address questions from the Council and public.

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

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

2.H. Ordinance No. 2022-3051 approving 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).

Mayor Gonzales asked the Clerk to read Ordinance No. 2022-3051 by title.

AN ORDINANCE OF THE CITY OF MCCOOK, NEBRASKA AMENDING MCCOOK ZONING ORDINANCE NO. 2016-2929 CHANGING THE ZONING CLASSIFICATION OF HERITAGE POINTE ADDITION NO. 2, 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.

Ordinance No. 2022-3051 has been introduced, read by title, and I move to approve upon its first reading. This motion, made by Calvin and seconded by Muehlenkamp, passed.

Gonzales: YEA, Calvin: YEA, Weedon: YEA, Muehlenkamp: YEA, Rambali: ABSENT  
YEA: 4, NAY: 0, ABSENT: 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 City Council 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, with the City Attorney to act as hearing officer. This motion, made by Calvin and seconded by Weedon, passed.

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

The City Attorney received into evidence Exhibit #1 - City Manager's Report prepared for the September 19, 2022 City Council 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); Exhibit #6 - City of McCook Subdivision Regulations, Section 7. Procedures (4 pages); and Exhibit #7 - minutes of the September 12, 2022 Planning Commission meeting (6 pages). Exhibits #1 - #7 were accepted into evidence, comments were taken from City Staff before opening for public comment.

City Manager Schneider reviewed the information presented in Exhibit 1.

Matt Davidson and Scott Clifford, representing the developer, were present to address questions from the Council and public.

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

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

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.

Motion to 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. This motion, made by Calvin and seconded by Weedon, passed.

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

### **3. Consent Agenda.**

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

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

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

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

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

3.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.

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.

- 3.F. Receive and file the Financial Report for the period ending August 31, 2022.
- 3.G. Select and approve Miller & Associates to serve as engineer for the Wastewater Treatment Plant improvement project.
- 3.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.
- 3.I. 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.
- 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.

**4. Regular Agenda.**

- 4.A. Approve on its third and final reading, Ordinance No. 2022-3045 providing for the adoption of the budget for FY2022/2023.

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. 2021-3045 has been read by title and I move to approve upon its third and final reading. 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

Mayor Gonzales stated for the record that Ordinance No. 2022-3045 is declared lawfully passed and adopted upon publication as required by law.

- 4.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.

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 third and final reading. This motion, made by Weed in and seconded by Calvin, passed.

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

Mayor Gonzales stated for the record that Ordinance No. 2022-3044 is declared lawfully passed and adopted upon publication as required by law.

4.C. Ordinance No. 2022-3048 providing for the amendment of Appendix F, Solid Waste Collection Fees of the City of McCook Code of Ordinances.

Mayor Gonzales asked the Clerk to read Ordinance No. 2022-3048 by title.

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.

Ordinance No. 2022-3048 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 Muehlenkamp and seconded by Weed in, passed.

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

I move for final passage of Ordinance No. 2022-3048. This motion, made by Weed in and seconded by Gonzales, passed.

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

Mayor Gonzales stated for the record that Ordinance No. 2022-3048 is declared lawfully passed and adopted upon publication as required by law.

4.D. Ordinance No. 2022-3047 providing for an amendment of Chapter 38: Fee Schedule - Appendix E, Water Department Rates and Fees.

Mayor Gonzales asked the Clerk to read Ordinance No. 2022-3047 by title.

AN ORDINANCE PROVIDING FOR THE AMENDMENT OF CHAPTER 38: FEE SCHEDULE - APPENDIX E , WATER DEPARTMENT RATES AND FEES; OF THE CITY OF MCCOOK

CODE OF ORDINANCES; PROVIDING FOR A RATE TO BE CHARGED FOR WATER BY THE MCCOOK WATER DEPARTMENT; PROVIDING FOR THE REPEAL OF ORDINANCE NO. 2021-3014 AND ANY AND ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR A TIME AND DATE FROM AND AFTER WHICH THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE.

Ordinance No. 2022-3047 has been introduced, read by title, and I move to approve upon its first reading. This motion, made by Calvin and seconded by Weedon, passed.

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

#### 4.E. Council Comments.

Council comments included thanking the staff for all they do with the preparation of the budget and for not only maintaining the levy but being able to reduce it. Mayor Gonzales noted that at the League of Nebraska Municipalities Conference meeting this past week, that League Executive Director Lynn Rex recognized McCook, during the Mayor's meeting, for all the positive projects taking place in McCook.

#### **Adjournment.**

There being no further business to come before the Council, Mayor Gonzales declared the meeting adjourned at 6:57 P.M.

#### **Meeting of the McCook Community Development Agency.**

##### 1. Call to Order and Roll Call.

A meeting of the Mayor and City Council of the City of McCook, Nebraska, acting as the governing body of the Community Development Agency of the City of McCook, Nebraska was convened in open and public session at 6:57 o'clock p.m. on September 19, 2022, at the McCook Municipal Center in McCook, Nebraska. Agency Members present were: Gonzales, Calvin, Weedon, Muehlenkamp. Absent: Rambali. Notice of the meeting was given in advance thereof by publication, one of the City's designated methods for giving notice, a copy of the proof of publication being attached to these minutes. Advanced notice of the meeting was given to each member of the Agency and a copy of their acknowledgment of receipt of notice and the agenda is attached to these minutes. Availability of the agenda was communicated in the advance notice and in the notice to the Mayor and all members of the Council. Mayor Gonzales presided and City Clerk Doak recorded the proceedings. All proceedings hereafter shown were taken while the meeting was open to the attendance of the public.

##### 2. Open Meetings Act Announcement.

The Mayor publicly stated to all in attendance that a current copy of the Nebraska Open Meetings

Act was available for review and indicated the location of such copy posted in the room where the meeting was being held.

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.

Motion to 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. This motion, made by Calvin and seconded by Weedon, passed.

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

4. Approve Resolution No. CDA 2022-04 authorizing and approving the form of investor letter and assignment of bond for the Cobblestone Redevelopment Project.

Motion to approve Resolution No. CDA 2022-04 authorizing and approving the form of investor letter and assignment of bond for the Cobblestone Redevelopment Project. This motion, made by Muehlenkamp and seconded by Weedon, passed.

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

5. Adjourn the McCook Community Development Agency meeting.

With no further business, Mayor Gonzales declared the Community Development Agency meeting adjourned at 7:05 P.M.

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Michael D. Gonzales, Mayor

ATTEST:

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Lea Ann Doak, City Clerk-Treasurer

CITY MANAGER'S REPORT  
OCTOBER 3, 2022 CITY COUNCIL MEETING

**ITEM: 4.B.**

**RECOMMENDATION:**

OFFER A CONTRACT TO PRIME SOLUTION, INC., AS THE LOWEST RESPONSIBLE BIDDER FOR ROTARY FAN PRESS EQUIPMENT PROCUREMENT WITH A BASE BID OF \$591,235.00 AND A DEDUCTIVE CHANGE ORDER OF \$132,445.00 AND AUTHORIZE THE MAYOR TO EXECUTE THE NECESSARY PAPERWORK TO AWARD THE CONTRACT.

**BACKGROUND:**

Bids were received and opened on September 8, 2022, in the City Council Chambers. There were two bidders for the project. The results of the bids are detailed in the Engineer's recommendation letter provided in ATTACHMENT 1.

The proposed project is for furnishing a future solid dewatering facility equipment package, to be installed by a General Contractor under a separate contract. The equipment will be temporarily installed in the shop area of the existing office building in a location that previously contained a belt press system. Final installation of the equipment will be completed with future WWTF improvements. The addition of the solids dewatering equipment will allow the City to discontinue land application of sludge by injection, which has become difficult due to failing injection equipment and willing land owners to take the sludge.

The anticipated delivery date for the equipment is 14-16 weeks from notification of award.

**FISCAL IMPACT:**

This project is being funded using ARPA funds and through the City's capital improvements budget.

**APPROVALS:**

  
\_\_\_\_\_  
David K. Blau, Project Engineer

Date: 9/27/2022

  
\_\_\_\_\_  
Pat Fawver, City Utility Director

Date: 9/29/2022

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

Date: 9-29-22

# ATTACHMENT 1

October 3, 2022  
Kearney, Nebraska



109 East 2<sup>nd</sup> St. McCook, NE 69001-3719  
Tel: 308-345-3710  
Fax: 308-345-7370  
www.miller-engineers.com

Mayor & City Council  
City of McCook  
P.O. Box 1059  
McCook, NE 69001

Re: Rotary Fan Press Equipment Procurement  
Project No. 200-D1-025

Dear Council Members:

On September 8<sup>th</sup> at 2:00 PM, two bids were received, publicly opened, and read aloud at City Hall.

BIDDER	Bid Bond	Acknowledge Addendum 1	TOTAL
Fournier Industries, Inc.	No	No	\$498,886.00
Prime Solution	Yes	No	\$591,235.00

The Engineer's Opinion of Probable Construction Cost was \$475,000. The bid from Fournier was not submitted on the required bid form and did not follow the bidding procedures. There were written additions to the bid price that were not included in the base bid and would need to be included. Following discussions with City Staff that since both bids were over the engineer's estimate and Fournier's bid did not follow the specifications, a decision was made to negotiate and discuss the bid with Prime Solution.

Prime Solution was contacted to revisit their bid and offer adjustments to the project to bring within budgetary constraints and inquire why the bid did not follow the historical cost provided to the City.

Prime Solution had the following comments and deducts which were submitted for our review.

- Substitute Micrologic PLC in lieu of Compact Logic PLC.
- Mount polymer feed system with fan press skid (standard for Prime) in lieu of specified separate skid.
- Modify the Bonds to reflect their common practice.
- Have the City provide the independent solids testing during performance verification in lieu of requiring a separate laboratory at Prime Cost.
- Acknowledgment of Addendum 1 – allowing for panel classification modifications and deducts.

The table on the subsequent page summarizes the negotiated bid prices.

<b>BASE BID PROPOSAL SCHEDULE</b>					
<b>SECTION 11290 – ROTARY FAN PRESS</b>					
<b>Item No.</b>	<b>Description</b>	<b>Unit</b>	<b>Estimated Quantity</b>	<b>Unit Price</b>	<b>Extended Total Price</b>
<b>PART A</b>					
1.	Verification of Equipment via Pilot Testing	LS	1	\$5,200	\$5,200
<b>PART B</b>					
2.	Bonds and Insurances	LS	1	Not Provided	Not Provided
3.	Shop Drawings	LS	1	Included	Included
4.	Furnish and Ship Dewatering Equipment & Appurtenances	LS	1	\$440,044	\$440,044
5.	Spare Parts	LS	1	Included	Included
6.	Provide Start-up Services	LS	1	\$13,000	\$13,000
7.	O&M Manual	LS	1	\$546	\$546
<b>TOTAL</b>					<b>\$458,790</b>

The negotiated total is \$458,790, which is 3.4% below the Engineer's Opinion of Probable Construction Cost. It is therefore recommended the negotiated bid be accepted and the contract awarded to Prime Solution for the Base Bid of \$591,235 and a deductive Change Order in the amount of \$132,445, upon your approval.

Respectfully submitted,  
MILLER & ASSOCIATES  
CONSULTING ENGINEERS, P.C.

  
David K. Blau, P.E.

DKB

Enclosures

**CITY MANAGER'S REPORT**

**OCTOBER 3, 2022 CITY COUNCIL MEETING**

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**ITEM: 4.C.**

**RECOMMENDATION:**

Approve and authorize the mayor to sign amendment #3 to the professional engineering agreement with Miller and Associates, Consulting engineers, P.C., adding additional services to comply with NDEE-SRF requirements.

**BACKGROUND**

Staff is requesting the council to approve an Amendment to the Miller & Associates Engineering agreement for the West 5<sup>th</sup> and East 14<sup>th</sup> Street water main projects. Amendment #3 adds the survey, design, and construction phase service for project No. 2 [ replacement or improvement of 12-inch water main on East 1<sup>st</sup> Street from South Street to A Street] and survey, design, and construction phase services for project No. 3 [ continuation of water main replacement on South Street, including the replacement of existing 6-inch water main with new 8-inch water main from the city shop to the east side of Highway 83 to South 8<sup>th</sup> Street].

**FISCAL IMPACT:**

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**APPROVALS:**

  
\_\_\_\_\_

Pat Fawver, Utility Director

Date: 10/3/22

  
\_\_\_\_\_

Nate Schneider, City Manager

Date: 9-26-22

### AMENDMENT #3

The Agreement dated March 4, 2019, between Miller & Associates, Consulting Engineers, P.C., 109 East 2<sup>nd</sup> Street, McCook, NE 69001 ("ENGINEER"), and City of McCook, PO Box 1059, McCook, NE 69001 ("OWNER"), for a PROJECT generally described as: *West 5<sup>th</sup> Street Transmission Main 2019*, is hereby amended as follows:

**Add the following:**

**Project Name/Location:** DWSRF Project No. 2 and No. 3. Survey, Design, Permitting and Construction Phase Services for Project No. 2 [replacement or improvement of 12 inch water main on East 1<sup>st</sup> Street from South Street to A Street] and Survey, Design and Construction Phase Services for Project No. 3 [continuation of water main replacement on South Street, including the replacement of existing 6-inch water main with new 8-inch water main from the City Shop to the east side of Highway 83 to South 8<sup>th</sup> Street], in McCook, Nebraska.

**Scope/Intent and Extent of Services:** As defined in the original Agreement.

**Fee Arrangement:** A lump sum design fee of \$108,500 will be invoiced for fieldwork, drafting, design, permit applications, and preparation of bidding documents. Construction observation services will be invoiced on an hourly basis not to exceed \$92,500 for a 140-day construction period. The Stormwater Pollution Prevention Plan will be prepared for the Lump Sum Fee of \$1,500. For the purposes of this agreement, the hourly fees and rates are as follows:

<b>Employee Classification</b>	<b>Rate</b>
Professional Engineer	\$105.00/hour
Project Manager	\$80.00/hour
Licensed Land Surveyor	\$85.00/hour
Senior Design Technician	\$65.00/hour
Survey Crew	\$85.00/hour
Funding Specialist	\$70.00/hour
Technician/Resident Project Representative	\$65.00/hour
CAD Draftsperson	\$65.00/hour
Clerical	\$40.00/hour
Mileage	IRS Rate
Reproduction Services	@ Cost

ENGINEER shall provide services to comply with NDEE-SRF Program Requirements, including labor compliance services.

**Excluded Services:** The following services are not included in the scope of work, and (if requested) will be considered Additional Services:

1. Assistance in connection with Bid protests, rebidding or renegotiating contracts for construction, materials, equipment or services. Rebidding or renegotiating contracts to reduce the contract costs to funds available shall be considered Additional Services.
2. Legal Survey as required for the acquisition of property
3. Lighting and other special features.
4. Furnishing services of A/E's Consultants for other than Basic Services
5. Gas, Telephone, Cable TV, and Electrical Systems Design.
6. Geotechnical Report, related to subsurface investigations. A/E will assist the Owner in procuring these type of services, as a part of Basic Services
7. Any and all permit or review fees shall be the responsibility of the Client. Railroad permit and access agreement fees, along with any other regulatory review and permitting fees will be the responsibility of the Client.

Accepted this 15 day of SEPT, 2022.

**OWNER:** *City of McCook*

Attest:

\_\_\_\_\_  
**ENGINEER:** *Miller & Associates, Consulting Engineers, P.C.*

*Chris A Mills*

**CITY MANAGER'S REPORT  
OCTOBER 3, 2022 CITY COUNCIL MEETING**

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**ITEM:**        4.D.

**RECOMMENDATION:**

Approve the McCook Area Chamber of Commerce request to use City facilities for a Christmas Celebration on Saturday December 3, 2022 including the use of McCook Ben Nelson Regional Airport for the flying in of Santa Claus at 1:00 P.M.; the use of Norris Park (including electricity) beginning at 3:00 P.M. which will include entertainment in the bandshell; the lighting of the park; conducting the Annual Christmas "Light up the Bricks" Parade beginning at 6:00 P.M., including participation by the Fire and Police departments and the closing of East "G" Street from Norris Avenue to East 2<sup>nd</sup> Street; East 1<sup>st</sup> Street from East "F" Street to East "I" Street; East "H" Street from Norris Avenue to East 2<sup>nd</sup> Street; and the Norris Avenue north bound lane from East "G" Street to East "H" Street for carriage rides.

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**BACKGROUND:**

The Chamber of Commerce is requesting the use of the following City facilities for their annual Christmas celebration to be held on Saturday December 4<sup>th</sup>:

The use of McCook Ben Nelson Regional Airport for the flying in of Santa Claus at 9:00 a.m. on Saturday December 4, 2021.

Request the assistance of Police and Fire Department staff and equipment to conduct the annual Christmas "Light up the Bricks" Parade activities beginning at 6:00 p.m. This request includes lining up parade entries along the 100 block of West "H" Street and going south along West 1<sup>st</sup> Street and conducting the parade from Norris Park down Norris Avenue to "C" Street and then west to West 5th street, where the parade will disband.

In addition to the flying in of Santa and the light parade, the Chamber is also requesting the use of Norris Park on December 3, 2022 from 3:00 p.m. to 7:30 p.m. for their 2<sup>nd</sup> annual "Noel on Norris", including electricity and the use of the bandshell.

They are also requesting the closure of the following streets for carriage rides:

East "G" Street from Norris Avenue to East 2<sup>nd</sup> Street;  
East 1<sup>st</sup> Street from East "F" Street to East "I" Street;  
East "H" Street from Norris Avenue to East 2<sup>nd</sup> Street; and  
Norris Avenue north bound lane from East "G" Street to East "H" Street

The Chamber is also planning on placing lights in some of the trees as well as on the bandshell in Norris Park, to provide a more festive feel.

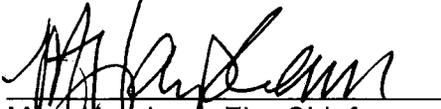
The McCook Police and Fire Departments will have personnel and equipment available to assist the McCook Chamber of Commerce in their proposed activities. The McCook Street Department will provide cones for the closing of the streets. This annual event presents no significant issues for City staff.

FISCAL  
IMPACT: None.

APPROVALS:

  
\_\_\_\_\_  
Joel Smith, Chief of Police

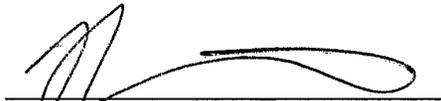
October 19, 2022

  
\_\_\_\_\_  
Marc Harpham, Fire Chief

October 19, 2022

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

October 19, 2022

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

October 19, 2022

## Kyle Potthoff

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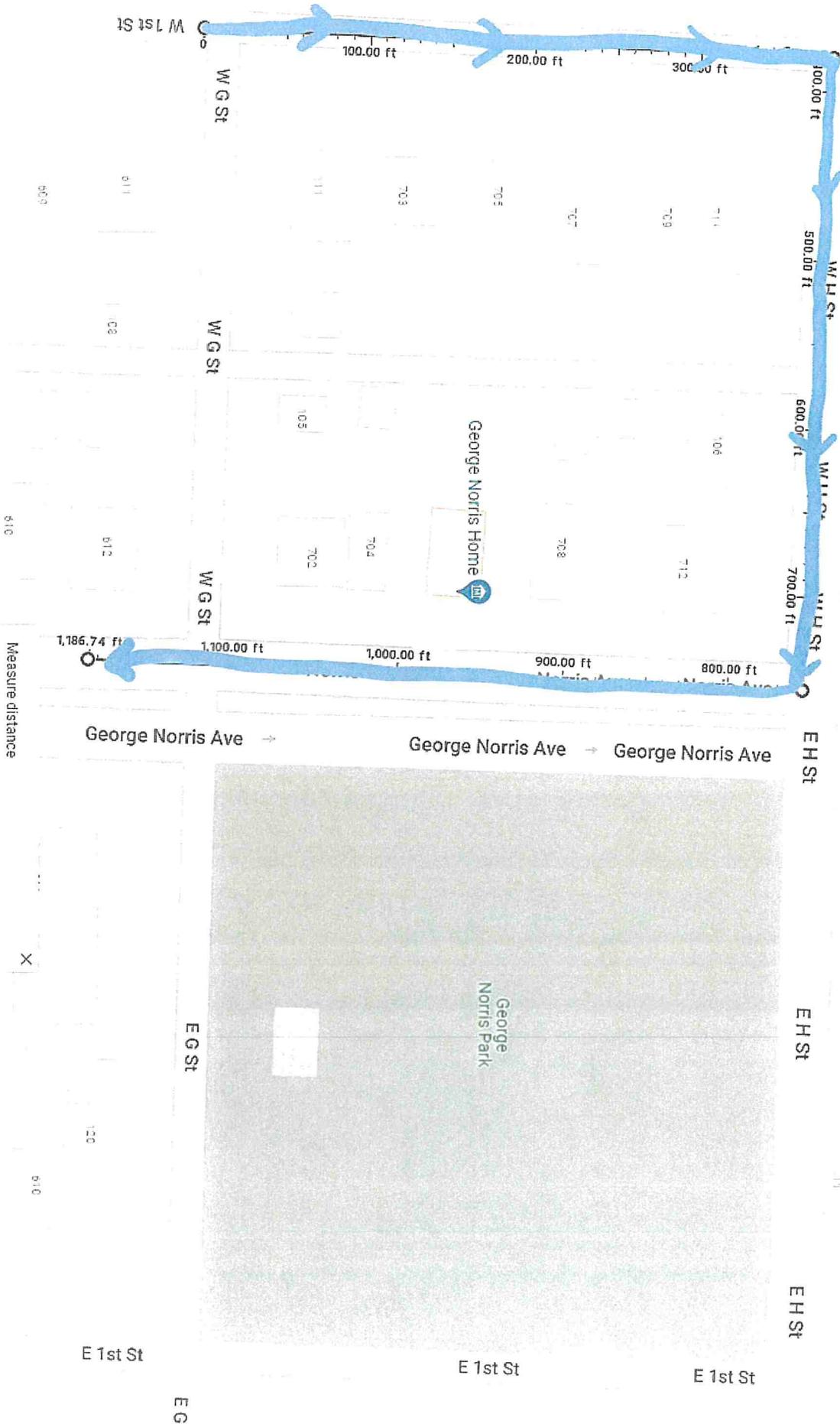
**From:** Molly Smith <molly@mccookchamber.org>  
**Sent:** Tuesday, September 20, 2022 10:42 AM  
**To:** Nate Schneider (nschneider@cityofmccook.com); Clerk Lea Ann Doak; potthoff@cityofmccook.com  
**Subject:** Request

Revised: The McCook Chamber of Commerce is requesting the use of the following City of McCook facilities for our annual Christmas Celebration to be held on Saturday, December 3<sup>rd</sup>.

1. Permission to use the McCook Ben Nelson Regional Airport for the flying in of Santa Clause to the airport. We are anticipating Santa's arrival at 1:00pm. We are working with Red Willow Aviation.
2. Permission to hold the annual Christmas Light Parade hosted by High Plains Radio. The parade will begin at 6:00pm. The route will be the same as in 2021, and begins at East "H" Street, proceeds south on Norris Avenue to East "C" Street and then turns west toward West 5<sup>th</sup> Street. The parade will fall out and disband when they arrive at West 5<sup>th</sup> St. One change that has been made this year is where the parade will line up. Parade entries will be lined up from West "H" Street going west and then moving south onto West 1<sup>st</sup> Street. (Attached map) We are asking that the fire truck be a part of the parade as the children love the big engine safety vehicles. We will not line up in any particular order, as the floats will line up as they show up. Santa will ride in the fire truck as in the past, and the fire truck will lead the parade. As in the past, we would appreciate police support before, during, and after the event.
3. Permission to use Norris Park and surrounding roads
  - a. Permission to use Norris Park for our annual Noel on Norris (Carriage Rides and Park Entertainment) on Saturday, December 3<sup>rd</sup> from 3pm-7:30pm, which includes electricity and the bandshell.
  - b. Permission to place Porta Potty's in a location deemed appropriate by the City of McCook Public Works Dept.
  - c. Road closures for safety reasons include: East G St. from north bound Norris Ave. to East 2<sup>nd</sup> St., East 1<sup>st</sup> St. from East F St. to East I St., East H St. from East 2<sup>nd</sup> St. to north bound Norris Ave.; north bound Norris Ave. from East G St. to East H St.
  - d. Permission to hang lights on trees and the bandshell prior to the event (on/around November 14). Lights will be taken down the first week of January.

**Molly Smith | President/CEO**  
McCook Chamber of Commerce  
402 Norris Avenue | Suite 301  
McCook, NE 69001  
308.345.3200  
[molly@mccookchamber.org](mailto:molly@mccookchamber.org)

**Involvement | Education | Advocacy | Marketing**



**CITY MANAGER'S REPORT  
OCTOBER 3, 2022 CITY COUNCIL MEETING**

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**ITEM:**            **4.E.**

**RECOMMENDATION:**

**RECEIVE AND FILE THE CONFIRMATION OF AN EMERGENCY PURCHASE OF ONE NEW 2022 CHEVROLET SILVERADO 2500 REGULAR CAB PICKUP WITHOUT A BOX FOR THE AIRPORT DEPARTMENT, FROM DOUG RICHERT CHEVROLET BUICK LOCATED IN HOLTON, KS AT A COST OF \$46,214.95 DUE TO THE ONGOING SUPPLY CHAIN ISSUES.**

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**BACKGROUND:**

With the supply chain as it is, we are in an environment that if you can locate a certain piece of equipment or supplies, you will have to commit to them immediately otherwise they more than likely will no longer be available.

The Airport department has received \$75,000.00 from the federal government thru the CARES ACT and ARPA Funding. Staff has been looking for a 3/4 ton pickup that would meet the specifications of all other pickups that we have purchased in the past few years, including the snow plow prep package, rubberized vinyl floor, no box as we plan to install a utility box in its place as well as it is white in color which has been the norm for the City of McCook. This particular pickup meets the needs of the Airport Department.

City Staff has visited with the three local car dealers to check on local availability of similar pickups. Deveny Motors did have two 3/4 ton pickups available for \$48,850.00, but did not include the rubberized vinyl flooring and were silver and maroon in color. Chris Wagner with Wagner Auto Group attempted to make a trade with the Richert dealership in order to try and purchase locally, but was unsuccessful. Mark Kool with Janssen Kool Honda said that he checked with 3 managers within the Janssen Auto Group and they do not have anything similar to this in stock or even on the horizon. As one local dealer stated, I think that you found a unicorn and that they would advise us to move forward with the purchase due to the lack of availability and the uncertain future availability. Another local dealer also stated that they would advise us to move forward as they are struggling to get this type of vehicle from the manufacturers.

This particular pickup was ordered for another individual, but due to the length of time that it was taking to arrive, the individual purchased another vehicle.

**FISCAL  
IMPACT:**           None

**APPROVALS:**

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

September 28, 2022

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

September 28, 2022

DOUG RICHERT CHEVROLET BUICK  
 306 New York Ave  
 Holton, KS 66438  
 Office: (785) 364-3156  
 Fax:  
 www.dougrichertchevybuick.com

**RETAIL PURCHASE AGREEMENT**

Deal Number: \_\_\_\_\_

Purchaser's Name(s): City of McCook Date: 9-22-2022

Address: 505 West 20 Street McCook Nebraska 69001 County: \_\_\_\_\_

Telephone (1): 308-345-2022 ext 231 Telephone (2): Call Kyle 308-340-0739 DOB: \_\_\_\_\_

E-mail: potthoff@cityofmccook.com Driver's I.D.# Potthoff Issuing State: \_\_\_\_\_ Exp. Date: \_\_\_\_\_

The above information has been requested so that we may verify your identity. By signing below, you represent that you are at least 18 years of age and have authority to enter into this Agreement. The Odometer Reading for the Vehicle you are purchasing is accurate unless indicated otherwise. Please refer to the Federal Mileage Statement for full disclosure.

YEAR <u>2022</u>	MAKE <u>Chevrolet</u>	MODEL <u>2500 Regular Cab WT4WD</u>	COLOR <u>White</u>	STOCK NO. <u>7686</u>
VIN/Serial No.: <u>1G1B3YLE73NF339132</u>		ODOMETER READING <input type="checkbox"/> Not Accurate <u>3</u>	SALESPERSON <u>Gene R. Clark</u>	
THE VEHICLE IS: <input checked="" type="checkbox"/> NEW <input type="checkbox"/> USED <input type="checkbox"/> DEMONSTRATOR <input type="checkbox"/> PRIOR LEASE <input type="checkbox"/> RENTAL <input type="checkbox"/> OTHER				

<b>WARRANTY STATEMENT</b>	CASH PRICE OF VEHICLE	<u>\$46,065.00</u>
Pursuant to Kansas Law, this Vehicle is sold by us with the implied warranties of merchantability and fitness for a particular purpose, except with regard to particular defects that are disclosed to you in the "Waiver of Implied Warranties for Particular Defects." No express warranties are given by the Dealership unless the box beside "Our Used Vehicle Limited Warranty Applies" is marked below. Any warranties by a manufacturer or supplier other than our Dealership are theirs, not ours, and only such manufacturer or supplier shall be liable for performance under such warranties. We neither assume nor authorize any other person to assume for us any liability in connection with the sale of the Vehicle and the related goods and services.	N/A	
<b>CONTRACTUAL DISCLOSURE STATEMENT (USED VEHICLES ONLY)</b> The information you see on the window form for this Vehicle is part of this Contract. Information on the window form overrides any contrary provisions in the contract of sale. Traducción española: Vea el dorso.	N/A	
Used Vehicle Limited Warranty Applies. We are providing the attached Used Vehicle Limited Warranty in connection with this transaction.	N/A	

<b>TRADE-IN VEHICLE INFORMATION</b>	Consumer cash	<u>\$ 250.00</u>
Year: <u>None</u> Make: <u>None</u> Model: _____ Color: _____	TOTAL SELLING PRICE	<u>45,815.00</u>
VIN/Serial No.: _____ Odometer Reading: <input type="checkbox"/> Not Accurate	LESS: TRADE-IN ALLOWANCE	<u>NA</u>
Trade-In Allowance: <u>0.00</u> Balance Owed & Lienholder: <u>0.00</u>	LIEN FILING FEE	

*The Deposit/Down Payment received from you is not refundable, except as set forth in this Retail Purchase Agreement. In the case of a Deposit, we will refrain from selling the Vehicle for <u>N/A</u> days.	KANSAS TITLE SEARCH DISCLOSURE: We have not performed a title search for the Vehicle you are purchasing to determine the accuracy of the mileage or use of the Vehicle shown on the Odometer Statement, unless we indicate otherwise in the "Other Material Understandings and Integrated Documents" Section below.	DEALER ADMINISTRATIVE FEE	<u>399.95</u>
Purchaser(s): _____	Purchaser(s): _____	KS TIRE TAX	
		SUBTOTAL	<u>46,217.95</u>
		SALES TAX @ <u>8.65 %</u>	<u>exempt</u>

<b>WAIVER OF IMPLIED WARRANTIES FOR PARTICULAR DEFECTS</b> (If you are asked to sign in this box, please see the attached Waiver)	U/V INSPECTION FEE		
ATTENTION PURCHASER(S): Sign here only if you have read the "Waiver of Implied Warranties for Particular Defects" and you agree to purchase the Vehicle with knowledge that the defects exist and that our Dealership is disclaiming all warranties, express and implied, including the implied warranties of merchantability and fitness for a particular purpose, as to the disclosed defects.	PLUS: BALANCE OWED ON TRADE-IN	<u>NA</u>	
Purchaser's Signature(s): _____	N/A		
		TOTAL AMOUNT DUE	<u>46,217.95</u>

<b>OTHER MATERIAL UNDERSTANDINGS AND INTEGRATED DOCUMENTS</b>	DEPOSIT/DOWN PAYMENT*		
<input type="checkbox"/> IF BOX IS MARKED, PLEASE SEE THE DELIVERY CONFIRMATION	N/A		
<input type="checkbox"/> IF BOX IS MARKED, PLEASE SEE THE CONDITIONAL (SPOT) DELIVERY AGREEMENT	N/A		
		LESS CASH DUE AT DELIVERY	<u>46,217.95</u>

This Agreement and any documents which are a part of this transaction or incorporated herein comprise the entire agreement affecting this Retail Purchase Agreement, and no other agreement or understanding of any nature concerning the same has been made or entered into, or will be recognized, I have read all of the terms and conditions of this Agreement, and agree to them as if they were printed above my signature. I further acknowledge receipt of a copy of this Agreement. This Agreement shall not become binding until signed and accepted by an Authorized Dealership Representative.

Purchaser: [Signature] Accepted by Authorized Dealership Representative: \_\_\_\_\_  
 Purchaser: N/A

**CITY MANAGER'S REPORT  
OCTOBER 3, 2022 CITY COUNCIL MEETING**

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**ITEM:**        4.F.

Adopt Resolution No. 2022-13 setting the property tax request for FY 2022/2023.

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**BACKGROUND:**

This is the final step of the budget process as required by Nebraska Revised Statute 77-1601.02 which provides that the property tax request for the prior year shall be the property tax request for the current year unless the Council passes by majority vote a resolution or ordinance setting the tax request at a different amount after a special hearing has been held. Our hearing was held at the same time as the budget hearing on September 6, 2022.

Our levy amount for the General Fund will be \$.340814, \$.01823 lower than the previous year. The current city valuation will generate \$1,653,260.95 tax revenue for the coming fiscal year. The City's maximum levy is \$.45.

**FISCAL  
IMPACT:**        None.

**APPROVALS:**

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

September 29, 2022

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

September 29, 2022

## RESOLUTION NO. 2022-13

WHEREAS, Nebraska Revised Statute 77-1632 and 77-1633 provides that the Governing Body of the City of McCook passes by majority vote a resolution or ordinance setting the tax request; and

WHEREAS, a special public hearing was held as required by law to hear and consider comments concerning the property tax request;

NOW, THEREFORE, the Governing Body of the City of McCook, resolves that:

1. The 2022-2023 property tax request be set at \$1,683,260.95 for the General Fund.
2. The total assessed value of property differs from last year's total assessed value by 8.00 percent.
3. The tax rate which would levy the same amount of property taxes as last year, when multiplied by the new total assessed value of property would be 0.332146 per \$100 of assessed value.
4. The City of McCook proposes to adopt a property tax request that will cause its tax rate to be 0.340814 per \$100 of assess value.
5. Based on the proposed property tax request and changes in other revenue, the total operating budget of the City of McCook will increase or decrease last year's budget by 6.00 percent.
6. A copy of this resolution be certified and forwarded to the County Clerk on or before October 15, 2022.

PASSED AND APPROVED THIS 3<sup>rd</sup> day of October, 2022.

-s- Michael D. Gonzales, Mayor

ATTEST:

-s- Lea Ann Doak, City Clerk

**CITY MANAGER'S REPORT  
OCTOBER 3, 2022 MCCOOK CITY COUNCIL MEETING**

**ITEM NO. 4.G.** Approve the dissolution of the McCook Swimming Pool Committee.

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**BACKGROUND:**

Per the Nebraska Political Accountability and Disclosure Act, limitations exist with respect to elected and appointed officials' ability to campaign in support of or in opposition to a ballot question. There are numerous swimming pool committee members that have expressed an interest in campaigning for the local options sales tax ballot question. It is recommended that the McCook Swimming Pool Committee be dissolved to avoid potential violations of the Act. The Committee can be reformed at a later date.

**APPROVALS:**

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

September 28, 2022

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

September 28, 2022

**CITY MANAGER'S REPORT  
OCTOBER 3, 2022 CITY COUNCIL MEETING**

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**ITEM:**        4.H.

**RECOMMENDATION:**

**APPROVE THE BID SPECIFICATIONS FOR ONE (1) NEW SOLID WASTE COLLECTION VEHICLE AND SET THE DATE TO RECEIVE BIDS AS OCTOBER 25, 2022 AT 2:00 P.M..**

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**BACKGROUND:**

The City of McCook Solid Waste Department has been building a reserve fund for the replacement of their collection vehicles. This reserve fund will allow us to pay cash for this particular truck. The last time that a collection truck was purchased was back in 2010. The current truck has had numerous break downs and is becoming less dependable. The truck being replaced will become a back up truck. The cost of this truck is estimated to be \$225,000.00.

**FISCAL**

**IMPACT:**    None.

**APPROVALS:**

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

September 29, 2022

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

September 29, 2022

CITY OF MCCOOK

BID SPECIFICATIONS

ONE (1) NEW SOLID WASTE  
COLLECTION VEHICLE

OCTOBER 3, 2022

**NOTICE TO BIDDERS**

**ONE (1) NEW SOLID WASTE COLLECTION VEHICLE**

The City of McCook is accepting sealed bids for One (1) New Solid Waste Collection Vehicle. Bids will be accepted by the City Clerk at the McCook City Offices until 2:00 P.M. on Tuesday, October 25, 2022 and then such bids shall be publicly opened and read aloud in the City Council Chambers, McCook Municipal Facility. Specifications and instructions to bidders are on file in the office of the City Clerk.

The City Council reserves the right to reject any or all bids and to waive any irregularities.

-s- Lea Ann Doak  
City Clerk  
P.O. Box 1059  
505 West "C" Street  
McCook, NE 69001

Publish: October 7, 14 and 21, 2022.

## INSTRUCTIONS TO BIDDERS

### 1. Defined Terms.

Terms used in these Instructions to Bidders have the meanings indicated below which are applicable to both the singular and plural thereof.

- 1.1. Bidder - one who submits a Bid directly to the City as distinct from a sub-bidder, who submits a bid to a Bidder.
- 1.2. Issuing Office - the office from which the Bidding Documents are to be issued and where the bidding procedures are to be administered.
- 1.3. Successful Bidder - the lowest, responsible and responsive Bidder to whom the City (on the basis of the City's evaluation as hereinafter provided) makes an award.
- 1.4. Bidding Documents - includes the Advertisement or Invitation to Bid, Instructions to Bidders, and the Bid Form.

### 2. Qualifications of Bidders.

To demonstrate qualifications to perform the Work, each Bidder must be prepared to submit within five days after Bid opening upon the City's request detailed written evidence such as financial data, previous experience, present commitments and other such data as may be called for.

### 3. Interpretations and Addenda.

- 3.1. All questions about the meaning or intent of the Bidding Documents are to be directed to the Director of Public Works. Interpretations or clarifications in response to such questions will be issued by Addenda mailed or delivered to all parties recorded by the Clerk as having received the Bidding Documents. Questions received less than ten days prior to the date for opening of Bids may not be answered. Only questions answered by formal written Addenda will be binding. Oral and other interpretations or clarifications will be without legal effect.
- 3.2. Addenda may also be issued to modify the Bidding Documents as deemed advisable by the City.

### 4. Bid Form.

- 4.1. The Bid Form is included with the Bidding Documents.
- 4.2. All blanks on the Bid Form must be completed by printing in black ink or by typewriter.
- 4.3. The Bid shall contain an acknowledgment of receipt of all Addenda (the numbers of which must be filled in on the Bid Form).
- 4.4. The address and telephone number of communications regarding the Bid must be shown.

- 4.5 The bidder shall list on a separate sheet of paper any variations from, or exceptions to, the conditions and specifications of this bid. This sheet shall be labeled "Exception(s) to Bid Conditions and Specifications," and shall be attached to the bid form.

**5. Submission of Bids.**

Bids shall be submitted at the time and place indicated in the Advertisement for Bid and shall be enclosed in an opaque sealed envelope, marked with "*BID ON ONE (1) SOLID WASTE COLLECTION VEHICLE*", and name and address of Bidder. If the Bid is sent through the mail or other delivery system the sealed envelope shall be enclosed in a separate envelope with the notation "BID ENCLOSED" on the face of it.

**6. Modification and Withdrawal of Bids.**

Bids may be modified or withdrawn by an appropriate document fully executed (in the manner that a Bid must be executed) and delivered to the place where Bids are to be submitted any time prior to the opening of Bids.

**7. Opening of Bids.**

Bids will be opened and (unless obviously non-responsive) read aloud publicly in the City Council Chambers, McCook Municipal Facility. An abstract of the amounts of the base Bids and major alternates (if any) will be made available to Bidders after the opening of Bids.

**8. Award of Contract.**

- 8.1. Owner reserves the right to reject any or all Bids, including without limitation the rights to reject any or all nonconforming, nonresponsive, unbalanced or conditional Bids and to reject the Bid of any Bidder if City believes that it would not be in its best interest to make an award to that Bidder, whether because the Bid is not responsive or the Bidder is unqualified or of doubtful financial ability or fails to meet any other pertinent standard or criteria established by the City. The City also reserves the right to waive all informalities not involving price, time or changes in the Work and to negotiate contract terms with the Successful Bidder. Discrepancies between the indicated sum of any column of figures and the correct sum thereof will be resolved in favor of the correct sum. Discrepancies between words and figures will be resolved in favor of the words.
- 8.2. In evaluating Bids, the City will consider the qualifications of Bidders, whether or not the Bids comply with the prescribed requirements, and such alternates, unit prices and other data, as may be requested in the Bid Form or prior to the Notice of Award.
- 8.3. The City may conduct such investigations as the City deems necessary to assist in the evaluation of any Bid and to establish the responsibility, qualifications and financial ability of Bidders.
- 8.4. If the contract is to be awarded, it will be awarded to lowest Bidder whose evaluation by the City indicates that the award will be in the best interests of the City.

**9. General.**

- 9.1. One (1) new Truck and Chassis shall be F.O.B., McCook, Nebraska and shall not include any federal excise or state sales tax.
- 9.2. A tax exemption certificate will be furnished by the City of McCook.
- 9.3. Delivery date - within 180-days from award of bid or as stated on bid.

## GENERAL SPECIFICATIONS

### ONE (1) NEW TRUCK AND CHASSIS

#### GENERAL:

It is the intent of these specifications to describe a truck and chassis in sufficient detail to secure bids on comparable equipment. All parts not specifically mentioned, which are necessary to provide a complete truck and chassis, shall be included in the bid and shall conform in strength, quality of material and workmanship to what is usually provided to the trade in general. The truck and chassis shall be a new, standard production model of the latest design in current production.

Any truck and chassis not conforming to these specifications will be rejected, and it will be the responsibility of the bidder to conform with the requirements unless deviations have been cited by the bidder and acceptance made on that basis.

The bidder shall furnish (in writing) his guarantees and the length of the guarantees on all parts and labor for the machine.

The bidder must submit with their bid the latest printed specifications on the units they propose to furnish.

#### INTENT:

It is the intent of the City not to be restrictive to any one manufacturer. However, the truck and chassis desired must meet the enclosed standards and any truck and chassis furnished which does not comply with the specifications will be rejected and returned to the bidder at his expense. All items appearing in the bidder's regular specifications which are in addition to these standards are assumed to be included in the bidder's proposal.

The truck and chassis furnished under this proposal shall be the manufacturer's latest model and design. Any additions, deletions or variations from the following specifications must be noted. These specifications shall be construed as minimum. **Should the manufacturer's latest specifications exceed these, they shall be considered minimum and shall be furnished.** It is also required that the bidder furnish descriptive literature and any additional specifications or information necessary to qualify the equipment he proposes to furnish.

Unless otherwise noted, all items specified must be factory-installed, inspected, tested and/or calibrated, as required, except that manufacturer's policies pertaining to dealer installation of minor accessories will be honored.

Other than where specifically noted, it is intended that the manufacturer will build the vehicle to these specifications and that the selling or servicing dealer will be required only to perform the pre-delivery service and not be required to modify, alter, exchange, assemble, install or paint various components to meet these specifications.

The vehicle shall be equipped with all legally required and manufacturer's recommended lights.

The vehicle shall comply with all current provisions of the National Traffic and Motor Vehicle Safety Act.

**SPECIFICATIONS FOR TANDEM AXLE CHASSIS  
MINIMUM 53,000 POUND GVWR**

The truck chassis shall be the latest current model under standard production at the time order is written. Trucks delivered shall comply with all current State and Federal safety regulations. CHASSIS SHALL BE DESIGNED FOR PACKER TRUCK APPLICATION. ALL INFORMATION NECESSARY TO SHOW COMPLIANCE WITH THESE SPECIFICATIONS, NOT INDICATED IN THE ADVERTISING BROCHURE, SHALL BE SUPPLIED IN WRITING AND SHALL ACCOMPANY THE BID. The truck chassis, complete and ready for satisfactory operation, shall meet or exceed the following minimum requirements:

Meets Specification - Please Indicate.

**All items listed below are required. If there is an exception, a detailed explanation must be provided on the sheet labeled "Exception(s) to Bid Conditions and Specifications," and shall be attached to the bid form.**

**YES    EXCEPTION**

- |       |       |  |
|-------|-------|--|
| _____ | _____ | 1. GROSS VEHICLE WEIGHT RATING - Shall be not less than 53,000 pounds.   |
| _____ | _____ | 2. FRAME - Double-channel rails with up to 3.7 million RBM.  |
| _____ | _____ | 3. COLOR - Bright white body.  |
| _____ | _____ | 4. AXLES, SPRINGS, AND SUSPENSION - 20,000 pounds front axle with 16,000 pounds springs. Rear assembly shall be single reduction type tandem with minimum 40,000 pounds rated capacity Tuftrac two stage suspension. Rear axles to be driven by power divider with lockout. Rear axle ratio manufacturers' recommendation to provide maximum highway speed of approximately 74 MPH.  |
| _____ | _____ | 5. SHOCK ABSORBERS - Manufacturers recommended front shocks for GVWR.  |
| _____ | _____ | 6. BRAKES - Service brakes shall be six-wheel, full air, with automatic slack adjusters, two shoes per wheel, double anchored when brakes are drum type. Service brakes may also be combination of rear drum brakes and front disc brakes or all disc brakes. Dust shields are required. A spring loaded parking brake system designed to automatically apply parking brakes to all four rear wheels when pressure in main air reservoir drops below safe operating pressure with warning signal is required. The compressor shall be a single or two-stage water-cooled type with a minimum capacity of 18.7 CFM. Meritor Wabco system saver 1200 heated air dryer required, which may be dealer-installed if not available by manufacturer. Drain valve system for all air tanks must be conveniently operated from side of chassis. |

- 7. STEERING - Manufacturer's left and right-hand power steering with matching left and right gauge package, foot throttles, foot brakes, self canceling turn signal, and horn.
- 8. ENGINE - Cummins 330 HP Diesel. Engine to be equipped with 110 volt AC block heater. External male receptacle with cover for electrical wire for engine heater.
- 9. TRANSMISSION - Allison 3000 RDS 6 speed with PTO provision. Heavy duty oil to water transmission cooler, transmission oil temperature gauge.
- 10. FUEL TANKS - Minimum 80 gallon capacity.
- 11. WHEELS - 22.5 inch by 8.25 inch front and rear. Ventilated, stud-piloted, steel disc type; identical including color. Automatic tire chains shall be installed.
- 12. TIRES - Front 315/80R22.5 18 ply. Rear 11R22.5 16-ply.
- 13. CAB - Fully enclosed, air mounted, safety type cab with locks on doors; low back air suspension seats with safety belts; cold weather insulation package; air conditioned; tinted heated windshield safety glass in cab; AM-FM radio with speakers.
- 14. MIRROR - Heated, rectangular western-type, bright finish, non-glare glass mounted on right and left doors, extendable to maximum legal width. Right and Left 8" convex bright finish mirrors mounted under primary mirrors.
- 15. LIGHTS - Halogen high beam headlights with low beam; LED parking, dome, tail and stop lights; LED front and rear directional turn signal lights.
- 16. CONTROLS AND INSTRUMENTS - Key locking ignition switch; audible/visual alarm for low oil pressure, overheating, and low water level; head, parking and dome light switch; traffic hazard switch; headlight beam control; speedometer; voltmeter; oil pressure gauge; fuel gauge; engine temperature gauge; air pressure gauge; high beam indicator lights; flashing turn indicator lights; hour meter; and tachometer.
- 17. BACKUP ALARM - Electronic type that meets OSHA standards.
- 18. WINDSHIELD WIPERS - Electric intermentant.
- 19. OIL FILTER(S) - Full flow, throw-away type.
- 20. AIR CLEANER - Dual element with air cleaner restriction gauge. Bidder must state what is proposed.
- 21. BATTERY-ALTERNATOR - Manufacturer's recommended batteries for diesel engine quoted; but, minimum 2000 CCA. Alternator shall be minimum 200 amps. System to be 12 volt.

\_\_\_\_\_

22. COOLING - Manufacturer's heaviest duty cooling capacity radiator. Truck shall have permanent glycol base antifreeze protection to 30 degrees below zero Fahrenheit.

\_\_\_\_\_

23. WARRANTY - The manufacturer's regular warranty certificate will be required with each unit delivered and the warranty shall apply, in all cases, with the following extension:

Manufacturer's written warranty coverage including engine, transmission and differential must accompany delivered units.

Full, manufacturer's warranty coverage will be required for the stated warranty period, beginning at assignment date, in addition to the time between delivery and field assignment.

Warranty work shall be accomplished within the State of Nebraska.

It is understood that the bidder accepts the above warranty requirements when offering a quotation.

\_\_\_\_\_

24. SERVICE - Manufacturer's standard warranty, completed pre-delivery inspection certificate, Manufacturer's Statement of Origin and line setting sheet will be required with each unit delivered. Service policy shall be honored by all of the manufacturer's authorized dealers in the State of Nebraska.

\_\_\_\_\_

25. MANUALS - Owner's/operator's manual must accompany unit delivered.

\_\_\_\_\_

26. DELIVERY - Completed Solid Waste Collection Vehicle shall be delivered to the City of McCook.

\_\_\_\_\_

27. INSURANCE -The City of McCook assumes ownership at time of actual delivery.

\_\_\_\_\_

28. RIGHTS - The City of McCook reserves the right to waive technicalities and to reject any or all bids.

**SPECIFICATIONS  
PACKER BODY AND SIDE LOADING DEVICE**

GENERAL

It is the intent of these specifications to describe a packer body and side loading device in sufficient detail to secure bids on a packer body with side loading device. All parts not specifically mentioned which are necessary to provide a complete body shall be included in the bid and shall conform in strength, quality of material, and workmanship to what is usually provided to the trade in general. The packer body and side loading device shall be new, of the latest design in current production.

Any packer body not conforming to these specifications will be rejected, and it will be the responsibility of the manufacturer to conform with the requirements unless deviations have been cited by the bidder and acceptance made on that basis.

ALL BIDS MUST MEET THE FOLLOWING MINIMUM SPECIFICATIONS:

The packer body shall be a new, standard production model of the latest design in current production.

The bidder shall supply one (1) parts book, one (1) service and repair manual, and one (1) operator's manual with the unit.

The bidder shall furnish (in writing) his guarantees and the length of the guarantees on all parts and labor for the compactor body.

The bidder shall list on a separate sheet of paper any variations from, or exceptions to, the conditions and specifications of this bid. This sheet shall be labeled "Exception(s) to Bid Conditions and Specifications," and shall be attached to the bid form.

Bidders must submit with their bid the latest printed specifications on the units they propose to furnish.

**GENERAL SPECIFICATIONS  
31 YARD COMPACTOR BODY**

The packer body is an automated container loading and dumping device. It will have a nominal capacity of 31 yards and be capable of compacting refuse and ejecting same from the body at the disposal site.

Meets Specification - Please Indicate.

**All items listed below are required. If there is an exception, a detailed explanation must be provided on the sheet labeled "Exception(s) to Bid Conditions and Specifications," and shall be attached to the bid form.**

**YES    EXCEPTION    I.    BODY CAPACITY**

\_\_\_\_\_    \_\_\_\_\_    Body capacity shall be 31 cubic yards.

**YES    EXCEPTION    II.    HOPPER**

\_\_\_\_\_    \_\_\_\_\_    Body shall be of a curved shell design. Body width shall not exceed 96"; Body length shall not exceed 312"; Body height shall be 100" above chassis frame height; Container dump height shall be no more than 102" from the ground - No exceptions; Hopper shall be a minimum of 5.7 cu. yd. capacity; Body shall have a fixed panel wall separating hopper and body compartments; Receiving container shall be constructed with a 1 1/4" taper front to rear to insure clean discharge; Body shall have a hinged follower cover to prevent material from getting behind the blade. This feature shall be guided by 2" rollers to reduce wear on guide channels. Guide rails shall not require lubrication; Body shall be sealed to hold liquids up to 18" deep; Body shall have a front clean out to clear materials ahead of blade and have a sealed door on each side. Body shall also have mid body clean out doors for behind the eject wall; All exterior welds shall be continuous.

**YES    EXCEPTION    III.    LIFTING MECHANISM**

\_\_\_\_\_    \_\_\_\_\_    Body shall have a hydraulically operated curb side lifting device. Device shall be able to handle 1 to 4 cubic yard side load EMCO style rectangular containers. Cart grabber required capable of clamping and dumping 90 gallon plastic containers; Container lifting mechanism shall be a sufficient design to safely lift and dump containers of up to 3000-lbs. Capacity and incorporate an automatic latch and release feature; Lifting mechanism shall dump at mid height of body. Lift mechanisms that dump at top of body are not acceptable; Container dump height shall be no more than 102" from ground. No exceptions.; Unit must be equipped with Autolift.

**YES    EXCEPTION**

\_\_\_\_\_

**IV.    CONSTRUCTION**

Hopper frame shall be constructed of 3/16" high tensile steel; Hopper sides shall be constructed of 3/16" Domax 100XF; Body sidewalls shall be constructed of 10 gauge AR235 high strength steel with a curved shell design for added strength and less weight; Body roof sheet shall be constructed with 11 gauge Gr. 50 high strength steel; Body floor shall be constructed of 3/16" AR 450 steel plate; Body hopper floor shall be constructed of 3/16" AR200 steel plate.

**YES    EXCEPTION**

\_\_\_\_\_

**V.    TAILGATE**

Tailgate shall be one piece - bubble type - top hinged - and of 4 cu. yd capacity; Tailgate shall be constructed of 11 gauge Gr. 50 high tensile steel reinforced with 4" x 4" x 3/16" tubing; Rubber door seal shall cover the bottom and 18" up both sides of tailgate eliminating leakage of liquids; Tailgate shall be actuated by two (2) 3" x 29" hydraulic cylinders with fittings to prevent rapid descent of tailgate in the event of hydraulic or hose failure; Tailgate shall lock and release hydraulically; Tailgate shall lock and release hydraulically; Tailgate lock and lift cylinders shall operate from the cab; Manual safety pin lock shall be included on tailgate; Safety props for tailgate shall be provided; All exterior welds shall be continuous.

**YES    EXCEPTION**

\_\_\_\_\_

**VI.    EJECT SYSTEM**

Body shall have an independent eject wall with an attached hopper tray and a 2 stage telescopic cylinder; Eject wall shall be completely independent of the compactor blade; Body shall have 3" channel track with Ductile iron guide shoes (replaceable); Eject wall hopper liner shall be 1/4" AR450; Eject wall floor (hopper) shall be constructed of 1/4" AR450.

**YES    EXCEPTION**

\_\_\_\_\_

**VII.    PACKING MECHANISM**

Compactor blade shall penetrate receiving container 4" to reduce feedback of material into hopper; Compactor must be able to accept dumping of containers at any point in its cycle and be capable of continuous compaction. No Exceptions!; Blade face plate shall be constructed of 1/4" AR 450. Bottom blade face plate shall be 1/2" AR 450; Packing blade shall be hydraulically actuated by two (2) double acting single stage 5" cylinders of cross cylinder design. Compactor cylinder force shall be a minimum of 70,000 lbs; Compactor cycle time shall not exceed 16 seconds at idle.

YES EXCEPTION

\_\_\_\_\_

**VIII. HYDRAULIC SYSTEM**

Hydraulic tandem gear pump shall be transmission PTO mounted and include a hydraulic overspeed control to protect system from excessive flow and overheating at high engine RPM's. Vane pump is an option; Hydraulic reservoir shall be a minimum 60- gallon capacity with internal baffles and include sight and temperature gauges; Suction strainer shall be 100 mesh rated for 100 GPM; Filter shall be MP 10-micron absolute-95 GPM or equal; Reservoir drain plug shall be magnetic; Hydraulic valve shall be capable of 70 GPM flow; Commercial 3" x 29" tailgate cylinders or equal; Mechanism lift cylinders shall be 5" bore x 16" stroke; Mechanism rach cylinders shall be 2.5" bore x 24" stroke; Compactor blade cylinders shall be two (2) single stage - double acting - trunnion mounted cross 5" bore x 51-5/8" stroke; Hydraulic operating pressure shall be 2,000 psi maximum.

YES EXCEPTION

\_\_\_\_\_

**IX. ELECTRICAL SPECIFICATIONS**

Compactor controls shall be electric over air in cab; Six (6) way joystick shall function mechanism. ; Electric rocker switches shall operate tailgate; Relays shall be solid state; Electrical system shall be protected by automatic reset circuit breakers; Wiring shall be MTW with WEATHERPACK/Metripac fittings; Lighting shall be LED and comply with DOT and FMVSS.

YES EXCEPTION

\_\_\_\_\_

**X. CYCLE TIMES**

Compactor - 16 seconds at idle. 25 seconds with lift mechanism running; Lift - dump container - 13-15 seconds.

YES EXCEPTION

\_\_\_\_\_

**XI. MISCELLANEOUS**

Bolt on rear mounted bolt on DOT approved bumper shall be installed; Paint shall be PPG polyurethane FDGH type installed with approved DPU166 primer and procedure. Body paint shall match the vehicle chassis ; Back up alarm and rear mud flaps shall be provided; Safety Vision tailgate and hopper camera; work lights and amber strobe safety lights are required.

YES EXCEPTION

\_\_\_\_\_

**XII. WARRANTY**

A written factory warranty to cover the basic unit and components for a minimum of one year from date of delivery.

**NOTICE: ANY DEVIATIONS FROM THESE SPECIFICATIONS MUST BE SEPARATELY LISTED. OTHERWISE, IT WILL BE ASSUMED THAT THE BID MEETS THE SPECIFICATIONS IN ALL RESPECTS.**



**PROPOSAL FOR PURCHASE OF  
ONE (1) NEW SOLID WASTE COLLECTION VEHICLE**

TO: The City of McCook  
505 West "C" Street  
PO Box 1059  
McCook NE 69001-1059

The undersigned hereby certify that we have personally and carefully examined the specifications for your purchase of one (1) New Solid Waste Collection Vehicle. We understand and agree that the City of McCook reserves the right to reject any or all bids, to award the bid in part or in whole, and to waive any technicalities in awarding the bid.

Having made such examination, the undersigned hereby agrees to provide the following Solid Waste Collection Vehicle provided that the unit bid is acceptable after an inspection by the City of McCook personnel and that the bid is accepted by the McCook City Council.

_____	_____	
Truck Manufacturer	Model Number	
_____	_____	\$ _____
Packer Body Manufacturer	Model Number	Total Cost of Vehicle

The undersigned further agrees to deliver the Solid Waste Collection Vehicle to the City of McCook Transfer Station at 1801 West Old Highway 6 & 34, McCook, Nebraska within \_\_\_\_\_ days of notification of bid acceptance. Delivery of the vehicle will be at the bidder's expense and the City of McCook will not be responsible for any delivery expenses incurred.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Bidder/Company Name (Telephone Number)

\_\_\_\_\_  
(Business Address) (E-Mail Address)

Check appropriate one:    Individual/Sole Proprietor    Corporation    Partnership    Other

Employer Identification Number or Social Security Number \_\_\_\_\_

By: \_\_\_\_\_  
          Authorized Signature

**CITY MANAGER'S REPORT  
OCTOBER 3, 2022 CITY COUNCIL MEETING**

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**ITEM:**            4.I.

**RECOMMENDATION:**

Accept the minutes of the September 26, 2022 Planning Commission

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**BACKGROUND:**

Accept minutes from the various board and commission meetings.

**FISCAL  
IMPACT:**

None.

**APPROVALS:**



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Lea Ann Doak, City Clerk

September 29, 2022

McCook Planning Commission  
Special Meeting  
September 26, 2022  
5:15 PM Central

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

Present: Chair Vosburg; Vice Chair Hilker; Commissioners Davidson, Lyons, McDowell (excused 5:40 P.M.), Mockry.

Absent: Commissioners Bradley, Dueland, Friehe,

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

Notice of the meeting was given in advance thereof by publication in the McCook Daily News, September 22, 2022, the designated method of giving notice, a copy of the proof of publication is 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 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 entire City Council Chambers and available for public review.

1. Approve the minutes of the September 12, 2022 regular Planning Commission meeting.

Motion to approve the minutes of the September 12, 2022 regular Planning Commission meeting. This motion, made by McDowell and seconded by Mockry, passed.

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

2. Public Hearings and Regular Agenda.

2.A. Public Hearing - Regarding a request from MEDC; W.A.G.S. Properties, L.L.C. and Elizabeth Nothnagel, seeking approval for a vacation of a portion of Clary Street and said property 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 (located north of West R Street and West 7th Street).

Motion to recess as a Planning Commission and convene a public hearing for the purpose of receiving public comment with respect to the request from MEDC; W.A.G.S. Properties, L.L.C. and Elizabeth Nothnagel, seeking approval for a vacation of a portion of Clary Street and said property 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 (located north of West R Street and West 7th Street).

in Red Willow County, Nebraska (located north of West R Street and west of West 7th Street). This motion, made by Vosburg and seconded by McDowell, passed.

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

The City Attorney received into evidence Exhibit #1 - City Manager's Report prepared for the September 26, 2022 Planning Commission meeting (2 pages), Exhibit #2 - Notice of Hearing published (1 page); Exhibit #3 - Notice of Hearing published and posted (1 page); Exhibit #4 - Ownership list for mailing of Notice of Hearing (1 page); Exhibit #5 - Vacation Application; Exhibit #6 - Letter dated September 15, 2022 from property owners requesting Clary A. Replat Vacation (1 page); Exhibit #7 - Legal descriptions and maps of areas to be vacated; Exhibit #8 - Copies of deeds for all property owners in area to be vacated (11 pages); and Exhibit #9 - Consent from utilities located within the vacated area (1 page). Exhibits #1 - #9 were admitted into evidence, comments were taken from City Staff before opening for public comment.

City Manager Schneider reviewed the information presented in Exhibit 1.

Greg Wolford, W Design Associates, Charlie McPherson, McCook Economic Development Corporation Executive Director, and Amanda Engell, McCook Economic Development Corporation Housing Director, were present to answer questions from the Commission and public.

With no one else present to comment, I move to adjourn the public hearing and to reconvene the Planning Commission. This motion, made by Vosburg and seconded by Jesse Stevens, passed.  
Bradley: ABSENT, Davidson: YEA, Dueland: ABSENT, Friehe: ABSENT, Hilker: YEA, McDowell: YEA, Mockry: YEA, Stevens: YEA, Vosburg: YEA  
YEA: 7, NAY: 0, ABSENT: 3

2.B. Recommend to the McCook City Council approval of a vacation 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 (located north of West R Street and west of West 7th Street).

Motion to recommend to the McCook City Council approval of a vacation 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 (located north of West R Street and west of West 7th Street). This motion, made by Hilker and seconded by Hilker, passed.

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

2.C. Public Hearing - Regarding a request from MEDC; W.A.G.S. Properties, Inc. John and Elizabeth Nothnagel, seeking approval of the final plat of the North 1/4 Addition, said property 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 (located north of West R Street and west of West 7th Street).

west of West 7th Street).

Motion to recess as a Planning Commission and convene a public hearing for the receiving public comment regarding a request from MEDC; W.A.G.S. Properties, L.L.C. and Elizabeth Nothnagel, seeking approval of the final plat of the North Pointe Addition property located in the NE 1/4 of Section 19, Township 3 North, Range 29 West of the Red Willow County, Nebraska (located north of West R Street and west of West 7th Street). The City Attorney to act as hearing officer. This motion, made by Vosburg and seconded by Stevens, passed.

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

The City Attorney received into evidence Exhibit #1 - City Manager's Report prepared for the September 26, 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 properties notified (1 page); Exhibit #5 - North Pointe Preliminary Plats (3 pages); Exhibit #6 - Application and attachments (5 pages); and Exhibit #7 - Final Plat of North Pointe Addition (1 page). Exhibits #1 - #7 were accepted into evidence, comments were taken from City Attorney during the opening for public comment.

City Manager Schneider reviewed the information presented in Exhibit 1.

Greg Wolford, W Design Associates, Charlie McPherson, McCook Economic Development Corporation Executive Director, and Amanda Engell, McCook Economic Development Corporation Housing Director, were present to answer questions from the Commission and public.

With no one present to comment, I move to adjourn the public hearing and to recess the Planning Commission. This motion, made by Vosburg and seconded by McDowell, passed.  
Bradley: ABSENT, Davidson: YEA, Dueland: ABSENT, Friehe: ABSENT, Hilker: YEA, McDowell: YEA, Mockry: YEA, Stevens: YEA, Vosburg: YEA  
YEA: 7, NAY: 0, ABSENT: 3

2.D. Recommend to the McCook City Council approval of a final plat of land to be known as the North Pointe Addition, said 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 (located north of West R Street and west of West 7th Street).

Motion to recommend to the McCook City Council approval of a final plat of land to be known as the North Pointe Addition, said 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 (located north of West R Street and west of West 7th Street). This motion, made by Vosburg and seconded by Stevens, passed.  
Bradley: ABSENT, Davidson: YEA, Dueland: ABSENT, Friehe: ABSENT, Hilker: YEA, McDowell: YEA, Mockry: YEA, Stevens: YEA, Vosburg: YEA  
YEA: 7, NAY: 0, ABSENT: 3

- 2.E. Public Hearing - Regarding a request from MEDC; W.A.G.S. Properties, L.L.C. and Elizabeth Nothnagel, seeking approval for a rezoning of property located in Section 19, Township 3 North, Range 29 West of the 6th P.M., in Red Willow County, Nebraska (located north of West R Street and west of West 7th Street), from Agricultural (AG) to Residential (RM).

Motion to recess as a Planning Commission and convene a public hearing for the receiving public comment with respect to a request from MEDC; W.A.G.S. Properties, L.L.C. and Elizabeth Nothnagel, seeking approval for a rezoning of property located in Section 19, Township 3 North, Range 29 West of the 6th P.M., in Red Willow County, Nebraska (located north of West R Street and west of West 7th Street), from Agricultural (AG) to Residential (RM), with the City Attorney to act as hearing officer. This motion, made by Vosburg and seconded by Hilker, passed.

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

The City Attorney received into evidence Exhibit #1 - City Manager's Report prepared for the September 26, 2022 Planning Commission meeting (3 pages), Exhibit #2 - Notice of Hearing published (1 page); Exhibit #3 - Notice of Hearing posted and posted (1 page); Exhibit #4 - Ownership list for mailing of Notice of Hearing (1 page); Exhibit #5 - Letter from the City dated September 16, 2022 from property owners requested zone change (1 page); and Exhibit #6 - Use Action Request Form and attachments (4 pages). Exhibits #1 - #6 were accepted into evidence. Comments were taken from City Staff before opening for public comment.

City Manager Schneider reviewed the information presented in Exhibit 1.

Greg Wolford, W Design Associates, Charlie McPherson, McCook Economic Development Corporation Executive Director, and Amanda Engell, McCook Economic Development Corporation Housing Director, were present to answer questions from the Commission and public.

With no one else present to comment, I move to adjourn the public hearing and to recess the Planning Commission. This motion, made by Vosburg and seconded by McDowell, passed.  
Bradley: ABSENT, Davidson: YEA, Dueland: ABSENT, Friehe: ABSENT, Hilker: YEA, McDowell: YEA, Mockry: YEA, Stevens: ABSENT, Vosburg: YEA  
YEA: 6, NAY: 0, ABSENT: 4

- 2.F. Recommend the approval of a rezone 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 (located north of the West R Street and west of West 7th Street), from Agricultural (AG) to Residential (RM).

Motion to recommend to the McCook City Council the approval of the rezone 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 (located north of the West R Street and west of West 7th Street), from Agricultural (AG) to Residential (RM).

to Residential (RM). This motion, made by Vosburg and seconded by Lyons, passed. Bradley: ABSENT, Davidson: YEA, Dueland: ABSENT, Friehe: ABSENT, Hilker: YEA, McDowell: YEA, Mockry: YEA, Stevens: ABSENT, Vosburg: YEA  
YEA: 6, NAY: 0, ABSENT: 4

**Adjournment.**

With no further business, Chair Vosburg declared the Planning Commission meeting at 5:45 P.M.

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Le  
City Clerk/Recording

**CITY MANAGER'S REPORT  
OCTOBER 3, 2022 MCCOOK CITY COUNCIL MEETING**

**ITEM NO. 5.A.** Discuss and select a location and a date for an open house regarding the upcoming local option sales tax ballot question.

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**BACKGROUND:**

Staff has considered holding a potential open house to answer questions pertaining to the upcoming local option sales tax ballot question. Per the Nebraska Political Accountability and Disclosure Act, elected and appointed political subdivision officials are limited with respect to their ability to campaign for or against a public funding ballot question. That said, Neb. Rev. Stat. 49-14,101.02(3) allows for a public official or officials to utilize a public facility so long as the support for or opposition to the ballot question is not a factor in making a government facility available or a factor in determining the cost or conditions of use. Additionally, Neb. Rev. Stat. 49-14,101(5) allows for public officials and public employees under the direct supervision of public officials to respond to specific inquiries from the press or the public as to his or her opinion regarding a ballot question or providing information in response to a request for information. As such, if the McCook City Council so chooses, an open house can be held at a municipal facility to answer questions from the public so long as the council members do not advocate for or against the upcoming local option sales tax ballot question.

**APPROVALS:**

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

September 28, 2022

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

September 28, 2022

**CITY MANAGER'S REPORT  
OCTOBER 3, 2022 MCCOOK CITY COUNCIL MEETING**

ITEM NO. **5.B.** Approve on second 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.

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**BACKGROUND:**

This matter was brought to the McCook City Council at the September 19, 2022 meeting. A public hearing was held. Staff presented a report and meeting attendees had the opportunity to discuss the matter. Following the public hearing, the Council voted to approve the rezoning ordinance on first reading.

Staff has had no further inquiries regarding this matter since the September 19, 2022 McCook City Council meeting.

**APPROVALS:**



Nathan A. Schneider, City Manager

September 28, 2022



Lea Ann Doak, City Clerk

September 28, 2022

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

**CITY MANAGER'S REPORT  
OCTOBER 3, 2022 MCCOOK CITY COUNCIL MEETING**

ITEM NO. 5.C. Approve on second 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 6<sup>th</sup> P.M., Red Willow County, Nebraska, said tract of land to be included in what is to be referred to as Heritage Pointe Addition No. 2.

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**BACKGROUND:**

A public hearing regarding the voluntary annexation of a tract of land on the north side of Heritage Pointe Addition No. 2 was held at the McCook City Council Meeting on September 19, 2022. City staff and agents of the property owner presented information regarding the annexation request and members of the public had an opportunity to speak. The McCook City Council approved Ordinance No. 2022 -3050 on first reading.

Staff has received no inquires regarding this matter since the September 19, 2022 McCook City Council meeting.

**APPROVALS:**

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

September 28, 2022

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

September 28, 2022

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,

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.

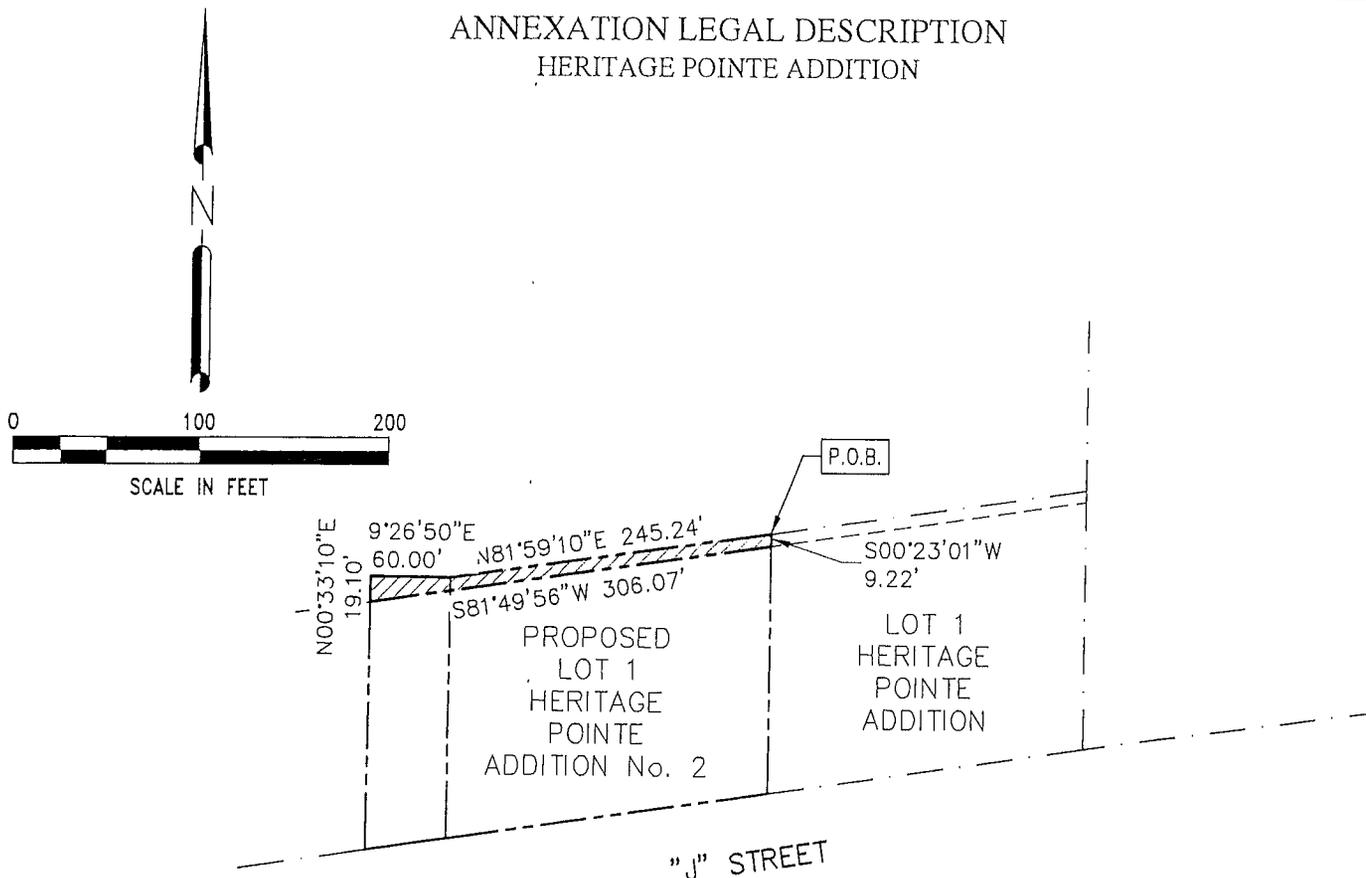
\_\_\_\_\_  
Michael D. Gonzales, Mayor

ATTEST:

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

Publish:

## ANNEXATION LEGAL DESCRIPTION HERITAGE POINTE ADDITION



### 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, Herigage 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.

### LEGEND

P.O.B. = POINT OF BEGINNING

NOTE:  
 This exhibit is not a boundary survey and no field measurements were performed

 <b>Miller &amp; Associates</b> Consulting Engineers, P.C.	109 EAST 2ND STREET McCOOK, NE 69001 Tel: 308-345-3710 Fax: 308-345-7370 <a href="http://www.miller-engineers.com">www.miller-engineers.com</a>
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HERITAGE POINTE ADDITION No. 2

**CITY MANAGER'S REPORT  
OCTOBER 3, 2022 MCCOOK CITY COUNCIL MEETING**

ITEM NO. 5.D. Approve on second reading, Ordinance No. 2022- 3051, allowing for the zoning change for Heritage Pointe Addition No. 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 6<sup>th</sup> 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).

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**BACKGROUND:**

A public hearing regarding the zoning change request for newly created Heritage Pointe Addition No. 2 was held at the McCook City Council Meeting on September 19, 2022. The applicant requested that the zoning be changed to BC from RM and AG. City staff and agents of the property owner presented information regarding the rezoning request and members of the public had an opportunity to speak. The McCook City Council approved Ordinance No. 2022 - 3051 on first reading.

Staff has received no inquires regarding this matter since the September 19, 2022 McCook City Council meeting.

**APPROVALS:**

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

September 28, 2022

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

September 28, 2022

ORDINANCE NO. 2022-3051

AN ORDINANCE OF THE CITY OF MCCOOK, NEBRASKA AMENDING MCCOOK ZONING ORDINANCE NO. 2016-2929 CHANGING THE ZONING CLASSIFICATION OF HERITAGE POINTE ADDITION NO. 2, 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 (RM) and Agricultural (AG) to Business Commercial (BC) District, to wit:

Heritage Pointe Addition No. 2, 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

**CITY MANAGER'S REPORT  
OCTOBER 3, 2022 CITY COUNCIL MEETING**

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**ITEM:**        **5.E.**

Approve Ordinance No. 2022-3047 providing for an amendment of Chapter 38: Fee Schedule – Appendix E, Water Department Rates and Fees; of the City of McCook Code of Ordinances on its second of three readings.

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**BACKGROUND:**

Please refer to the attached City Manager's Report prepared by Utility Director Fawver for the September 19 City Council meeting.

**FISCAL  
IMPACT:**     None.

**APPROVALS:**

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

September 29, 2022

**CITY MANAGER'S REPORT**

**SEPTEMBER 19, 2022 CITY COUNCIL MEETING**

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**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.

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**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:**

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**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. 2021-3014 AND ANY AND ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR A TIME AND DATE FROM AND AFTER WHICH THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE.

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

SECTION 1. That Chapter 38: Fee Schedule - Appendix E, Water Department Rates and Fees; Section A - Water Rates, of the City of McCook Code of Ordinances, shall be and is hereby amended to read as follows:

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

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

(A) 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