

# MCCOOK CITY COUNCIL

## REGULAR MEETING

**Monday, January 16, 2023**  
**5:30 PM - City Council Chambers**

Roll Call.

Excuse Absences.

Open Meetings Act Announcement.

Invocation - McCook Ministerial Association - Trevor Smith, McCook Evangelical Free Church.

Pledge of Allegiance.

Call to Order.

Items.

1. Announcements & Recognitions.
2. Public Hearings.
  - A. Public Hearing - Regarding the Preliminary Plat and Final Plat for Heritage Pointe Addition No. 3, a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska.
    1. Adjourn the Public Hearing.
  - B. Approve the Preliminary Plat and Final Plat for Heritage Pointe Addition No. 3, 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.
  - C. Public Hearing - Regarding a zoning change request for Heritage Pointe Addition No. 3, a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska; said zoning change to amend the current zoning designation from Residential Medium Density District (RM) and Agricultural District (AG), to Business Commercial District (BC).
    1. Adjourn the Public Hearing.
  - D. Ordinance No. 2023-3060 approving the zoning change request for Heritage Pointe Addition No. 3, 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. 2023-3060 upon its first reading.
- 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. 3.
  1. Adjourn the Public Hearing.
- F. Ordinance No. 2023-3061 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. 3.
  1. Chairperson asks Clerk to read Ordinance by title.
  2. Consider approval of Ordinance No. 2023-3061 upon its first reading.
3. Consent Agenda.
 

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

  - A. Approve the minutes of the January 3, 2023 regular City Council meeting.
  - B. Ratify the Mayor's appointments to the:Board of Health - appoint Nate Schneider, Joel Smith, Linda Taylor, Dr. Jason Blomstedt, and Mary Beth Eisenmenger - terms expire June 2023; Housing Agency Board - appoint Amanda Engell - term expires November 2027; and to the Planning Commission - reappoint Ron Friehe (Extra Territorial Representative), Camy Bradley, Tammie Hilker, and Bruce McDowell - terms expire September 2025.
  - C. Receive and file a report from the City Manager regarding the appointment of Cathy McDowell to the McCook Civil Service Commission.
  - D. Accept update regarding the additional one half of one percent (0.50%) city sales and use tax approved at the general election on November 8, 2022, increasing McCook's rate to two percent (2%) effective on April 1, 2023.
  - E. Authorize the City of McCook staff to complete an application for a Rural Business Development Grant.
  - F. Approve bid from Deveny Motors for one 2023 Dodge Durango pursuit vehicle priced at \$39,794.00.
  - G. Approve specifications for one (1) new current model year ½ ton 4-wheel drive extended cab pickup and set date to receive bids for February 7, 2023 at 2:00 p.m.
  - H. Appoint Linda Taylor, Gene Weedin, Andy Smith, Mike Gonzales, Jody Crocker, Grant Norgaard, Matthew Clause, Kyle Potthoff, and Nate Schneider to the McCook Swimming Pool construction manager selection committee.
  - I. Receive and file the claims for the month of December 2022, published January 12, 2023.
  - J. Accept the minutes of the January 9, 2023 Planning Commission meeting.
4. Regular Agenda.
  - A. Discussion of changes to the City of McCook's Chapter 150: Building Codes and Regulations: Contractor's License.
  - B. Receive and file a report from city staff updating the current organizational arrangement for the City of McCook's dispatch center.

- C. Update regarding the swimming pool and ballpark projects.
- D. Approve the issuance of an RFP for swimming pool construction management services and set the date to receive proposals as 4:30 P.M., February 3, 2023.
- E. Approve conducting a study on whether the area east of the McCook Business Park is substandard and blighted per Nebraska Revised Statutes Section 18-2109.
- F. Discuss City of McCook Zoning Regulation Article 24, Section 2402(5) - specifically, what factors/conditions the City Council must use when determining whether to grant a special exception.
- G. Ordinance No. 2023-3059 amending the City of McCook Code of Ordinances, Section 34.40 - Miscellaneous and Travel Expenditures.
  - 1. Chairperson asks Clerk to read Ordinance by title.
  - 2. Consider approval of Ordinance No. 2023-3059 upon its first reading.
- H. Council Comments.
- I. An Executive Session may be held upon a majority vote of the Council for the protection of public interest for a strategy session with respect to real estate purchase - property located 1200 West 4th Street.
  - 1. Nebraska Open Meetings Act statement, if the motion to close passes.
  - 2. Close Executive Session.

Adjournment.

**CITY MANAGER'S REPORT  
JANUARY 16, 2023 CITY COUNCIL MEETING**

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

ITEM NO. 2.B. Approve the Preliminary Plat and Final Plat for Heritage Pointe Addition No. 3, a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6<sup>th</sup> P.M., Red Willow County, Nebraska.

ITEM NO. \_\_\_\_ Public Hearing - Regarding a zoning change request for Heritage Pointe Addition No. 3, a tract of land located in the S1/2 of the SE1/4 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).

ITEM NO. \_\_\_\_ Approve on first reading, Ordinance No. 2023-\_\_\_\_\_, allowing for the zoning change for Heritage Pointe Addition Lot 3, a tract of land located in the S 1/2 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).

ITEM NO. \_\_\_\_ 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 6<sup>th</sup> P.M., Red Willow County, Nebraska, said tract of land included in the parcel to be referred to as Heritage Pointe Addition No. 3.

ITEM NO. \_\_\_\_ Approve on first reading, Ordinance No. 2023-\_\_\_\_\_, allowing for the voluntary annexation of a tract of land located in the S 1/2 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 Lot 3.

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**BACKGROUND:**

A minor subdivision application has been filed by Jerry Gohl for the purpose of authorizing a tract of land to be known as Heritage Pointe Addition No. 3. Similar requests were filed by Mr. Gohl in 2019 and 2022. Mr. Gohl requests that a tract of land located north of West J Street (northwest of the McCook Congregation of Jehovah's Witnesses ) be divided from a larger tract. All of the property in question is currently owned by Mr. Gohl. Mr. Gohl's intent is to develop the lot for commercial purposes. Utilities have been extended to the tract at issue.

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

In conjunction with the subdivision request, an application has been filed to voluntarily annex portions of the proposed Heritage Pointe Addition No. 3 subdivision. A part of the proposed

**EXHIBIT #1**

**PAGE(S) - 2**

subdivision is located within the City's corporate limits, while a portion of the property is not. The annexation request focuses on the real estate currently located outside of McCook's corporate limits, but within McCook's Two Mile Extra Territorial Jurisdiction. Mr. Gohl is requesting that the entirety of the proposed Heritage Pointe Addition No. 3 be located within McCook's corporate limits.

Finally, Mr. Gohl's application requests a zoning change of the current land uses for the property at issue, from Residential Medium Density (RM - which is the current designation for the southern portion of proposed Heritage Pointe Addition No. 3) and Agricultural (AG - which is the designation for the northern portion of proposed Heritage Pointe Addition No. 3), to Business Commercial (BC). The intent behind Heritage Pointe Addition No. 3 is to allow for the building of a commercial structure on the created lot. The current land uses prescribed to the property at issue, RM and AG, don't allow for a commercial business to be principally permitted. Staff has reviewed the zone change request. Staff has noted there are commercial businesses in close proximity to the proposed Heritage Pointe Addition No. 3. Further, the City of McCook's Comprehensive Plan/Future Land Use Map contemplates the property north of West J Street to be dedicated to Business Commercial (BC) uses and structures. Mr. Gohl's application is consistent with McCook's long term goals.

A Preliminary Plat was filed with the City of McCook in 2022 to provide a comprehensive plan for Mr. Gohl's property.

The McCook Planning Commission voted unanimously to recommend approval of all three action items.

**APPROVALS:**

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

January 11, 2023

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

January 11, 2023

**NOTICE OF PUBLIC HEARING  
PRELIMINARY AND FINAL PLAT APPROVAL**

NOTICE IS HEREBY GIVEN that a public hearing will be held by the City of McCook Planning Commission on January 9, 2023, at 5:15 P.M. and by the McCook City Council on January 16, 2023, 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 S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M. in Red Willow County, Nebraska, to be known as Heritage Pointe Addition No. 3. 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: December 30, 2022.

**EXHIBIT #2**

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NOTICE OF PUBLIC HEARING  
PRELIMINARY PLAT AND FINAL PLAT APPROVAL

NOTICE IS HEREBY GIVEN that a public hearing will be held to consider the preliminary and final plat on the following described property to be known as Heritage Pointe Addition No. 3:

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

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

JANUARY 9, 2023 - 5:15 P.M.  
MCCOOK PLANNING COMMISSION  
CITY COUNCIL CHAMBERS  
505 WEST "C" STREET

JANUARY 16, 2023 - 5:30 P.M.  
MCCOOK CITY COUNCIL  
CITY COUNCIL CHAMBERS  
505 WEST "C" STREET

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

-s- Lea Ann Doak  
City Clerk

Publish: December 30, 2022.  
Post: December 30, 2022.  
Mail: December 30, 2022.

**EXHIBIT #3**

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Property Owners Notified:

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

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

PRESIDENT  
McCOOK SCHOOL BOARD  
302 ELIZABETH LANE  
MCCOOK, NE 69001

RED WILLOW COUNTY CLERK  
502 NORRIS AVE  
MCCOOK, NE 69001

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

CJC, LLC  
PO BOX 449  
MCCOOK, NE 69001

MIKE DEVENEY  
PO BOX 449  
MCCOOK, NE 69001

AUGUSTUS PROPERTIES, LLC  
315 WARREN  
BARTLEY, NE 69020

RICHARD CAPPEL  
#5 BRASSIE DRIVE  
MCCOOK, NE 69001

WANDA MICHAELIS  
#9 BRASSIE DRIVE  
MCCOOK, NE 69001

GENE AND CAROL ERDMAN  
PO BOX 69  
LIVERMORE, CO 80536

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

MAUREEN GIORGIONE  
PO BOX 756  
MCCOOK, NE 69001

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

DONNA LOOP  
1402 N HWY 83  
MCCOOK, NE 69001

**EXHIBIT #4**

**PAGE(S) - 1**

SUBDIVISION AGREEMENT  
A copy of the SUBDIVISION AGREEMENT for  
HERITAGE POINTE ADDITION No. 3  
Is on file at the City of McCook Offices

FINAL PLAT  
-HERITAGE POINTE ADDITION No. 3-  
AN ADDITION TO THE CITY OF MCCOOK, RED WILLOW COUNTY, NEBRASKA

PLANNING COMMISSION APPROVAL

This Plat was duly approved by the City of McCook, Red Willow County, Nebraska  
Planning Commission on this \_\_\_\_\_ day of \_\_\_\_\_ 2023.

Nate Schneider, Secretary  
Kurt Vosburg, Chairman

MUNICIPAL APPROVAL

This Plat was duly approved by the City of McCook, Red Willow County, Nebraska  
on this \_\_\_\_\_ day of \_\_\_\_\_ 2023.

LeaAnn Doak, City Clerk  
Linda Taylor, Mayor

LINE	BEARING	DISTANCE
L1	N89°26'50"W	60.00'

NUMBER	CENTRAL ANGLE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD DISTANCE
C1	10°32'54"	170.00'	31.30'	S 05°49'37" W	31.25'
C2	10°32'54"	230.00'	42.34'	S 05°49'37" W	42.28'

DEDICATION

HERITAGE POINTE ADDITION No. 3, as it appears on the foregoing Plat and as described herein and is with the free consent and in accordance with the desires of the undersigned owner and proprietor. The said owner hereby dedicates the streets, alleys, easements and other open areas to the Public use and benefit.

By:  
Gerald L. Gohl, Trustee

ACKNOWLEDGMENTS

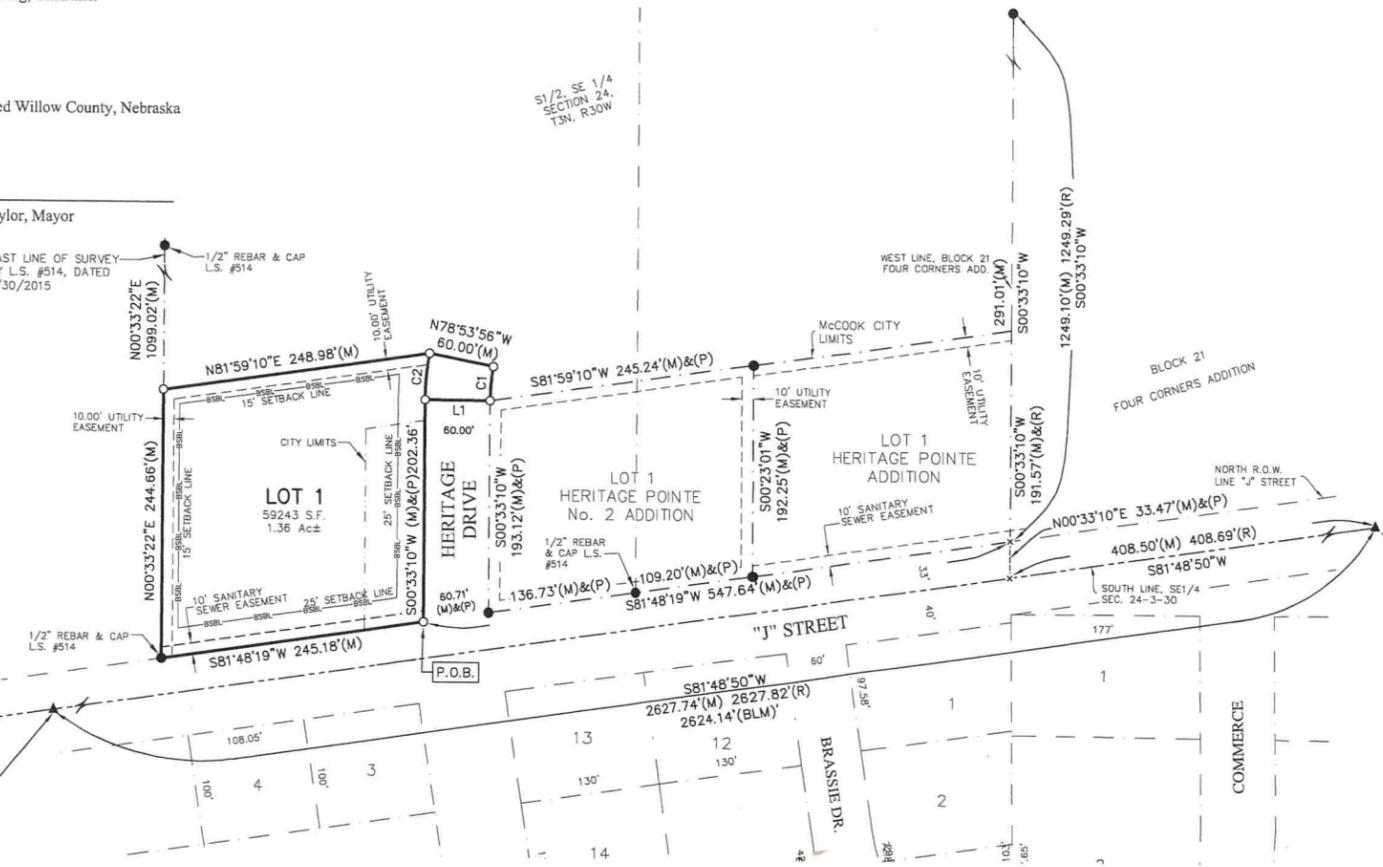
STATE OF \_\_\_\_\_ )  
S.S.  
COUNTY OF \_\_\_\_\_ )  
The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by Gerald L. Gohl, Trustee

Notary Public  
My commission expires \_\_\_\_\_

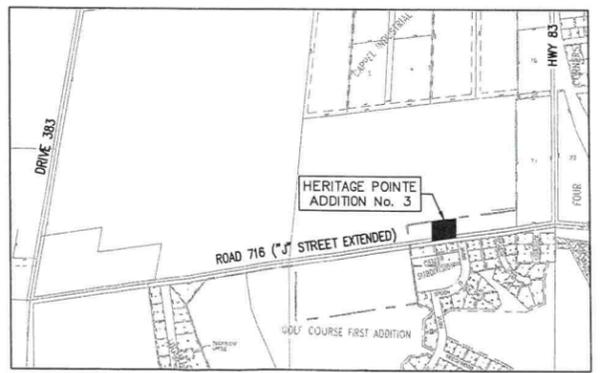
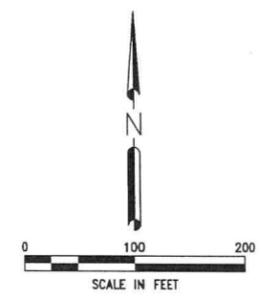
(S E A L)

- LEGEND**
- ▲ = SECTION CORNERS FOUND
  - = CORNERS FOUND (5/8" REBAR & CAP L.S. 672 UNLESS OTHERWISE NOTED)
  - = CORNERS ESTABLISHED OR FOUND (CAPPED 5/8" x 24" REBAR L.S. 647)
  - x = TEMPORARY POINT
  - (M) = MEASURED DISTANCES
  - (P) = PLATTED DISTANCES
  - (R) = RECORDED DISTANCES
  - = SECTION LINE
  - = BOUNDARY LINE
  - = NEW EASEMENT LINE
  - = EXISTING EASEMENT LINE
  - = EXISTING LOT LINES
  - = BUILDING SETBACK LINE
  - = CITY LIMITS LINE
  - L.S. #514 = GERHARD H. DICENTA

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



**SOUTHEAST CORNER, SECTION 24, T 3 N, R 30 W**  
FOUND 2-1/2" PIPE.  
SSW 33.44' 5/8" REBAR  
SW 26.33' NAIL IN TOP FENCE POST  
W 20.89' 5/8" REBAR  
W 21.29' NAIL IN TOP FENCE POST  
NW 31.25' NAIL IN TOP FENCE POST



VICINITY MAP

LEGAL DESCRIPTION

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

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

Commencing at the SE corner of said Section 24;  
thence S81°48'50"W on the south line of the SE1/4 of said Section 24, a distance of 408.50 feet;  
thence N00°33'10"E leaving said south line, a distance of 33.47 feet to a point on the north right-of-way line of "J" Street in the City of McCook, Nebraska, also being the southwest corner of Block 21, Four Corners Addition to the City of McCook, Nebraska, and the southeast corner of Lot 1, Heritage Pointe Addition to the City of McCook, Nebraska;  
thence S81°48'19"W on the north right-of-way line of said "J" Street and the south line of said Heritage Pointe Addition and the south line of Heritage Pointe Addition No. 2, an addition to the City of McCook, Red Willow County, Nebraska, a distance of 547.64 feet to the POINT OF BEGINNING being on the north right-of-way line of said "J" Street and the west right-of-way line of Heritage Drive in the City of McCook, Nebraska;  
thence continuing on said north right-of-way line S81°48'19"W a distance of 245.18 feet;  
thence N00°33'22"E and leaving said north right-of-way line a distance of 244.66 feet;  
thence N81°59'10"E a distance of 248.98 feet;  
thence S78°53'56"E a distance of 60.00 feet;  
thence southerly on a non-tangent curve to the left having a central angle of 10°32'54", a radius of 170.00 feet, an arc length of 31.30 feet, and a chord bearing of S05°49'37"W a distance of 31.25 feet to the Northwest corner of said Lot 1, Heritage Pointe Addition No. 2;  
thence N89°26'50"W a distance of 60.00 feet to the west right-of-way line of said Heritage Drive;  
thence S00°33'10"W on said west right-of-way line a distance of 202.36 feet to the Point of Beginning Said tract containing 1.41 acres more or less, subject to any easements, rights-of-way now on record or indicated on the attached survey or reservations of record.

SURVEYOR'S CERTIFICATE

I, Scott S. Clifford, Nebraska Professional Registered Land Surveyor No. 647, do hereby certify that the survey on "Heritage Pointe Addition No. 3", an addition to the City of McCook, Red Willow County, Nebraska, was performed under my direct supervision, the lots are well and accurately staked off and marked, the dimensions of the lots are as shown on the above plat, the lots bear their own number, and that the survey was made using known and recorded monuments. All information shown on the above plat is accurate and correct to the best of my knowledge and belief.

(S E A L)

Scott S. Clifford  
Nebraska Professional Registered Land Surveyor No. 647

Date \_\_\_\_\_

ZONING NOTES:

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

RECORDING INFORMATION

State of Nebraska) County of Red Willow)  
Instrument Number: \_\_\_\_\_  
DATE: \_\_\_\_\_  
TIME: \_\_\_\_\_  
Register of Deeds: Tami Teel

NOTES

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

	PARTY CHIEF:	SURVEY COMPLETED:
	Scott S. Clifford L.S. 647	December 5, 2022
	DRAWN BY:	REVISION:
	Byron Moxon	DATE & REASON:
109 EAST 2ND STREET MCCOOK, NE 68001 Tel: 308-346-3710 Fax: 308-346-3710 www.miller-engineers.com		
RED WILLOW CO. - MCCOOK - HERITAGE POINTE ADD. No. 3		

EXHIBIT #5

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PLOTTED: 12/29/2022 11:10 AM  
 SAVED: 12/29/2022 11:09 AM  
 G:\Projects\200\200-LS\2022 SURVEYS\200-LS-556-22 HERITAGE POINTE ADD No. 3 FP.dwg

# 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: Heritage Point Addition No. 3

Description of Project: Create one lot for commercial construction. Sewer was extended through the two previously created lots in 2019. It will need to be extended through the proposed "Heritage Drive" and to the proposed lot.

Project sponsor or developer:

Name: Jerry Gohl

Address: 38278 Road 717, McCook, NE 69001

Phone number: 308-340-5432

Fax number: \_\_\_\_\_

E-mail Address: Jerry@golight.com

Land owner or owners:

Name: Gerald L. Gohl Revocable Trust

Address: 37146 Old Highway 17, Culbertson, NE 69024

Phone number: 308-278-3131

Fax number: \_\_\_\_\_

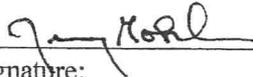
E-Mail Address: Jerry@golight.com

Authorization of the land use action by land owner:

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

Jerry Gohl  
Printed Name: \_\_\_\_\_

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

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

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

12-16-2022  
Date: \_\_\_\_\_

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

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

**Required Information:**

See Attached sheets for required information for:

- \_\_\_\_\_ Subdivisions
- \_\_\_\_\_ Zone Changes and special exceptions
- \_\_\_\_\_ Planned developments

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

**Fee, complete application, and required attachments accepted by:**

\_\_\_\_\_  
**Printed name**

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Date**

## REQUIRED ATTACHMENTS:

### For Subdivisions:

#### X 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.

#### X Attachments; in addition to the above noted sketch plat, the subdivider shall attach the following:

- (1) A letter requesting only zoning change or special exception required for the development to proceed.
- (2) Written description of the type of housing, commercial, industrial, or public uses to be included in the subdivision.
- (3) An explanation of what the general character of the area will be when it is developed and how it will relate to the adjacent surrounding areas.
- (4) An explanation of how the proposed development relates to the Comprehensive Plan (Particularly in regard to land use, thoroughfare, and public facilities)
- (5) Is it the intent to use Deed Restrictions or any other method of controlling the character and/or the quality of the area?

\_\_\_\_\_  
If so, briefly explain what they might consist of.  
\_\_\_\_\_

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

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

X Preliminary Plat Submission:

- X (a) Plat Submission Requirements: The subdivider shall submit to the Zoning Administrator;

\_\_\_\_\_ five (5) copies of the preliminary plat and any supplemental materials specified by the Planning Commission of conditional approval. (The plat submission requirements are stipulated under C-3 Procedure for conditional approval of Preliminary Plat of the City of McCook Subdivision Regulations)

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

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

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

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

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

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

X (5) Date of preparation and north point.

X (6) Present zoning.

X (7) Existing conditions:

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

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

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

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

## SECTION 7. PROCEDURES

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

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

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

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

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

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

**EXHIBIT #7**

**7.5 Notification of Initial Improvement Schedule and Subdivision Financing Process.** Subdivider shall indicate by a letter when improvements as required will be provided; any proposed restrictive covenants for the land involved shall accompany the letter. The options for financing subdivision improvements shall be in conformance with the provisions of Sections 10 and 11 of this Ordinance and the subdivider shall indicate in a letter what financing options are planned to be used for the proposed subdivision.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

McCook Planning Commission  
January 9, 2023  
5:15 P.M. Central

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

Present: Vice Chair Hilker; Commissioners Bradley, Dueland, Lyons, McDowell, Stevens, Mockry.

Absent: Chair Vosburg; Commissioners Davidson, Friehe.

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

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on January 5, 2023, the designated method of giving notice, a copy of the proof of publication being attached to these minutes. Advance notice of the meeting was also given to all members of the Planning Commission. Availability of the agenda was communicated in the advance notice. All proceedings hereafter shown were taken while the meeting was open to the attendance of the public. Open Meetings Act Announcement.

Vice Chair Hilker 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 December 12, 2022 regular Planning Commission meeting.

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

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

2. Public Hearings and Regular Agenda.

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

Motion to recess as a Planning Commission and convene a public hearing for the purpose of receiving public comment regarding the Preliminary Plat and Final Plat for Heritage Pointe Addition No. 3, 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 Hilker and seconded by McDowell, passed.

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

ABSENT, Lyons: YEA, McDowell: YEA, Mockry: YEA, Stevens: YEA  
YEA: 7, NAY: 0, ABSENT: 3

The City Attorney received into evidence Exhibit #1 - City Manager's Report prepared for the January 9, 2023 Planning Commission meeting (2 pages); Exhibit #2 - Notice of Public Hearing published (1 page); Exhibit #3 - mailed and posted (1 page); Exhibit #4 - listing of property owners notified (1 page); Exhibit #5 - Heritage Pointe Addition No. 3 Final Plat (1 page); Exhibit #6 - Land Use Application and attachments (5 pages); and Exhibit #7 - City of McCook Subdivision Regulations, Section 7. Procedures (4 pages).

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

Matt Davidson, representing the applicant Jerry Gohl, and Scott Clifford of Miller and Associates were present to address questions from the Commission.

Commissioner Dueland stated that he had no problem with the current request, but expressed concerns with the need to control how these lots are developed to the north.

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

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

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

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

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

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

Motion to recess as a Planning Commission and convene a public hearing for the purpose of receiving public comment with respect to a zoning change request for Heritage Pointe Addition No. 3, 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 Hilker and seconded by Lyons, passed.

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

The City Attorney received into evidence Exhibit #1 - City Manager's Report prepared for the January 9, 2023 Planning Commission meeting (2 pages), Exhibit #2 - Notice of Hearing published (1 page); Exhibit #3 - Notice of Hearing mailed and posted (1 page); Exhibit #4 - ownership list for mailing of Notice of Hearing (1 page); Exhibit #5 - Land Use Action Request Form and attachments (5 pages); and Exhibit #6 - Map of the City of McCook's zoning districts (1 page).

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

Matt Davidson, representing the applicant Jerry Gohl, and Scott Clifford of Miller and Associates were present to address questions from the Commission.

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

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

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

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

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

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. 3.

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

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

The City Attorney received into evidence Exhibit #1 - City Manager's Report prepared for the January 9, 2023 Planning Commission meeting (2 pages), Exhibit #2 - Notice of Hearing published (1 page); Exhibit #3 - Voluntary Annexation Petition/Request from Matt Davidson on behalf of Jerry Gohl (1 page); Exhibit #4 - Legal Description of the proposed annexation area (1 page); Exhibit #5 - Proposed Resolution No. PC2023-01 (2 pages).

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

Matt Davidson, representing the applicant Jerry Gohl, and Scott Clifford of Miller and Associates were present to address questions from the Commission.

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

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

2.F. Approve Planning Commission Resolution No. PC2023-01, recommending approval of the voluntary annexation of a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska, said tract of land included in the parcel to be referred to as Heritage Pointe Addition No. 3.

Motion to approve Planning Commission Resolution No. PC2023-01, recommending approval of the voluntary annexation of a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska, said tract of land included in the parcel to be referred to as Heritage Pointe Addition No. 3. This motion, made by Hilker and seconded by McDowell, passed.

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

Adjournment

With no further business, Vice Chair Hilker declared the Planning Commission meeting adjourned at 6:15 P.M.

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Lea Ann Doak, City Clerk-Treasurer  
Recording Secretary

**CITY MANAGER'S REPORT  
JANUARY 16, 2023 CITY COUNCIL MEETING**

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

ITEM NO. \_\_\_\_ Approve the Preliminary Plat and Final Plat for Heritage Pointe Addition No. 3, a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6<sup>th</sup> P.M., Red Willow County, Nebraska.

ITEM NO. **2.C** Public Hearing - Regarding a zoning change request for Heritage Pointe Addition No. 3, a tract of land located in the S1/2 of the SE1/4 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).

ITEM NO. **2.D** Approve on first reading, Ordinance No. 2023- 3060, allowing for the zoning change for Heritage Pointe Addition Lot 3, a tract of land located in the S 1/2 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).

ITEM NO. \_\_\_\_ 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 6<sup>th</sup> P.M., Red Willow County, Nebraska, said tract of land included in the parcel to be referred to as Heritage Pointe Addition No. 3.

ITEM NO. \_\_\_\_ Approve on first reading, Ordinance No. 2023-\_\_\_\_\_, allowing for the voluntary annexation of a tract of land located in the S 1/2 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 Lot 3.

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**BACKGROUND:**

A minor subdivision application has been filed by Jerry Gohl for the purpose of authorizing a tract of land to be known as Heritage Pointe Addition No. 3. Similar requests were filed by Mr. Gohl in 2019 and 2022. Mr. Gohl requests that a tract of land located north of West J Street (northwest of the McCook Congregation of Jehovah's Witnesses ) be divided from a larger tract. All of the property in question is currently owned by Mr. Gohl. Mr. Gohl's intent is to develop the lot for commercial purposes. Utilities have been extended to the tract at issue.

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

In conjunction with the subdivision request, an application has been filed to voluntarily annex portions of the proposed Heritage Pointe Addition No. 3 subdivision. A part of the proposed

**EXHIBIT #1**

**PAGE(S) - 2**

subdivision is located within the City's corporate limits, while a portion of the property is not. The annexation request focuses on the real estate currently located outside of McCook's corporate limits, but within McCook's Two Mile Extra Territorial Jurisdiction. Mr. Gohl is requesting that the entirety of the proposed Heritage Pointe Addition No. 3 be located within McCook's corporate limits.

Finally, Mr. Gohl's application requests a zoning change of the current land uses for the property at issue, from Residential Medium Density (RM - which is the current designation for the southern portion of proposed Heritage Pointe Addition No. 3) and Agricultural (AG - which is the designation for the northern portion of proposed Heritage Pointe Addition No. 3), to Business Commercial (BC). The intent behind Heritage Pointe Addition No. 3 is to allow for the building of a commercial structure on the created lot. The current land uses prescribed to the property at issue, RM and AG, don't allow for a commercial business to be principally permitted. Staff has reviewed the zone change request. Staff has noted there are commercial businesses in close proximity to the proposed Heritage Pointe Addition No. 3. Further, the City of McCook's Comprehensive Plan/Future Land Use Map contemplates the property north of West J Street to be dedicated to Business Commercial (BC) uses and structures. Mr. Gohl's application is consistent with McCook's long term goals.

A Preliminary Plat was filed with the City of McCook in 2022 to provide a comprehensive plan for Mr. Gohl's property.

The McCook Planning Commission voted unanimously to recommend approval of all three action items.

**APPROVALS:**

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

January 11, 2023

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

January 11, 2023

**NOTICE OF PUBLIC HEARING  
REZONING**

NOTICE IS HEREBY GIVEN that a public hearing will be held by the City of McCook Planning Commission on January 9, 2023, at 5:15 P.M. and by the McCook City Council on January 16, 2023 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 in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M. in Red Willow County, Nebraska, said tract will be referred to as HERITAGE POINTE ADDITION NO. 3; from Agricultural (AG) to Business Commercial (BC) 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: December 30, 2022.

**EXHIBIT #2**

**PAGE(S) - 1**

**NOTICE OF PUBLIC HEARING  
REZONING**

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

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

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

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

January 9, 2023 - 5:15 P.M.  
McCook Planning Commission  
City Council Chambers  
505 West "C" Street

January 16, 2023 - 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: December 30, 2022.  
Post: December 30, 2022.  
Mail: December 30, 2022.

**EXHIBIT #3**

**PAGE(S) - 1**

Notices Mailed to:

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

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

PRESIDENT  
McCOOK SCHOOL BOARD  
302 ELIZABETH LANE  
MCCOOK, NE 69001

RED WILLOW COUNTY CLERK  
502 NORRIS AVE  
MCCOOK, NE 69001

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

CJC, LLC  
PO BOX 449  
MCCOOK, NE 69001

MIKE DEVENEY  
PO BOX 449  
MCCOOK, NE 69001

AUGUSTUS PROPERTIES, LLC  
315 WARREN  
BARTLEY, NE 69020

RICHARD CAPPEL  
#5 BRASSIE DRIVE  
MCCOOK, NE 69001

WANDA MICHAELIS  
#9 BRASSIE DRIVE  
MCCOOK, NE 69001

GENE AND CAROL ERDMAN  
PO BOX 69  
LIVERMORE, CO 80536

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

MAUREEN GIORGIONE  
PO BOX 756  
MCCOOK, NE 69001

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

DONNA LOOP  
1402 N HWY 83  
MCCOOK, NE 69001

**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: Heritage Point Addition No. 3

Description of Project: Create one lot for commercial construction. Sewer was extended through the two previously created lots in 2019. It will need to be extended through the proposed "Heritage Drive" and to the proposed lot.

Project sponsor or developer:

Name: Jerry Gohl  
Address: 38278 Road 717, McCook, NE 69001  
Phone number: 308-340-5432  
Fax number: \_\_\_\_\_  
E-mail Address: Jerry@golight.com

Land owner or owners:

Name: Gerald L. Gohl Revocable Trust  
Address: 37146 Old Highway 17, Culbertson, NE 69024  
Phone number: 308-278-3131  
Fax number: \_\_\_\_\_  
E-Mail Address: Jerry@golight.com

Authorization of the land use action by land owner:

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

Jerry Gohl  
Printed Name: \_\_\_\_\_

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

Jerry Gohl  
Signature: \_\_\_\_\_

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

12-16-2022  
Date: \_\_\_\_\_

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

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

**Required Information:**

See Attached sheets for required information for:

- \_\_\_\_\_ Subdivisions
- \_\_\_\_\_ Zone Changes and special exceptions
- \_\_\_\_\_ Planned developments

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

**Fee, complete application, and required attachments accepted by:**

\_\_\_\_\_  
Printed name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

## REQUIRED ATTACHMENTS:

### For Zone Changes and Special Exceptions:

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

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

For a Commercial Business

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

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

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

(G) required yards and other open space;

(H) general compatibility with adjacent properties and other properties in the district;

(I) compatibility with existing and future land use plan in the McCook Comprehensive Plan.

X Explain how the project complies with the Comprehensive Plan:

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

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# GOLIGHT

INC.

December 15, 2022

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

RE: Heritage Pointe Addition No. 3 – Rezoning and Annexation

Dear Nate,

This letter is a formal request on behalf of the owner, Jerry Gohl, to change the zoning for the above described property, which is located northwest of the intersection of "J" Street and Brassie Drive. The proposed project consists of a commercial office development, similar to the property built on the Heritage Pointe Addition No.1 and the planned building on Heritage Pointe Addition No.2 located just east of the property.

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

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

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

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

Sincerely,



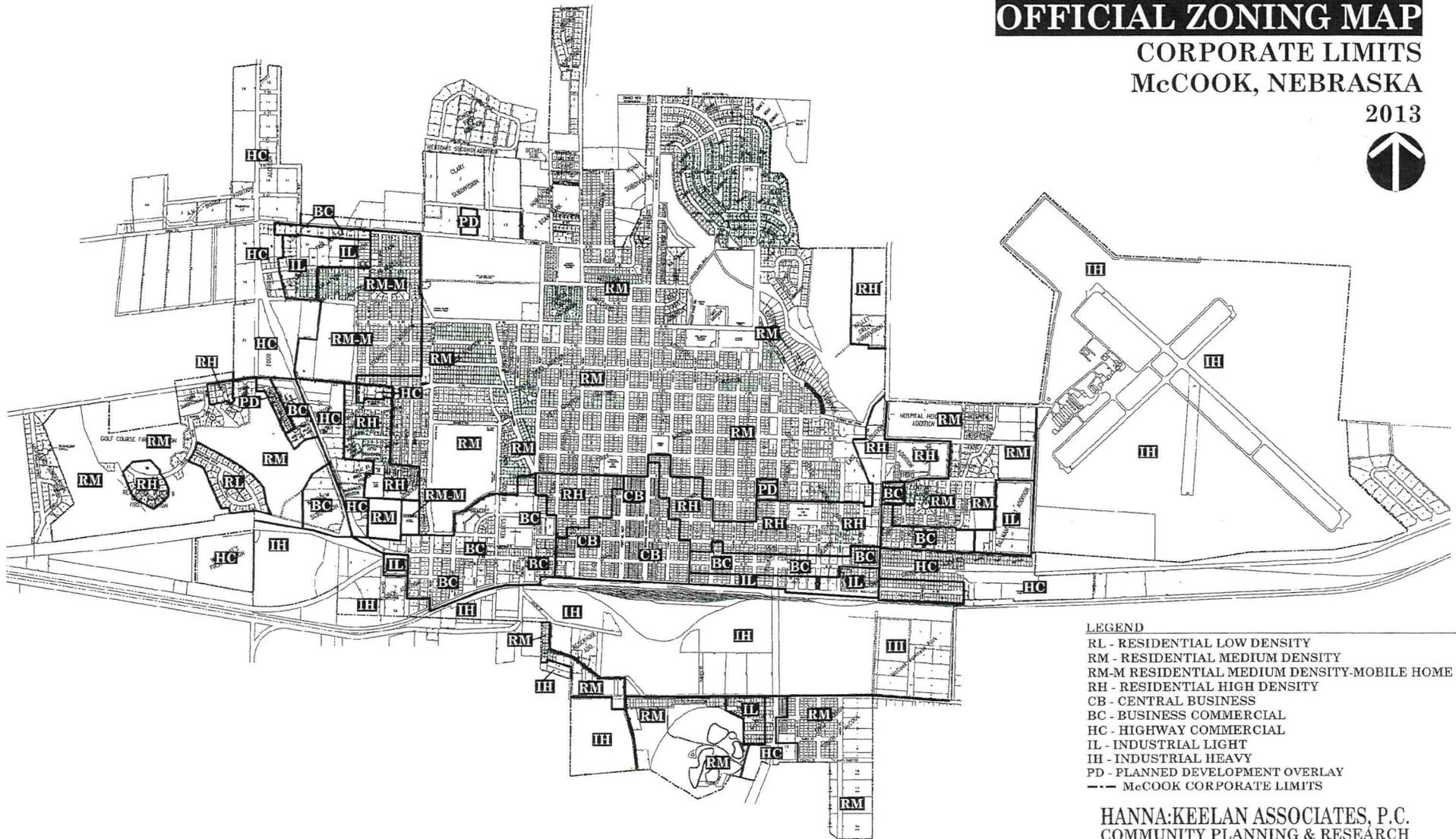
Matt Davidson

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

# OFFICIAL ZONING MAP

CORPORATE LIMITS  
McCOOK, NEBRASKA

2013



## LEGEND

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

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

\* Lincoln, Nebraska \* 402.464.5383 \*

EXHIBIT #6

PAGE(S) - 1

McCook Planning Commission  
January 9, 2023  
5:15 P.M. Central

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

Present: Vice Chair Hilker; Commissioners Bradley, Dueland, Lyons, McDowell, Stevens, Mockry.

Absent: Chair Vosburg; Commissioners Davidson, Friehe.

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

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on January 5, 2023, the designated method of giving notice, a copy of the proof of publication being attached to these minutes. Advance notice of the meeting was also given to all members of the Planning Commission. Availability of the agenda was communicated in the advance notice. All proceedings hereafter shown were taken while the meeting was open to the attendance of the public. Open Meetings Act Announcement.

Vice Chair Hilker 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 December 12, 2022 regular Planning Commission meeting.

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

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

2. Public Hearings and Regular Agenda.

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

Motion to recess as a Planning Commission and convene a public hearing for the purpose of receiving public comment regarding the Preliminary Plat and Final Plat for Heritage Pointe Addition No. 3, 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 Hilker and seconded by McDowell, passed.

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

ABSENT, Lyons: YEA, McDowell: YEA, Mockry: YEA, Stevens: YEA  
YEA: 7, NAY: 0, ABSENT: 3

The City Attorney received into evidence Exhibit #1 - City Manager's Report prepared for the January 9, 2023 Planning Commission meeting (2 pages); Exhibit #2 - Notice of Public Hearing published (1 page); Exhibit #3 - mailed and posted (1 page); Exhibit #4 - listing of property owners notified (1 page); Exhibit #5 - Heritage Pointe Addition No. 3 Final Plat (1 page); Exhibit #6 - Land Use Application and attachments (5 pages); and Exhibit #7 - City of McCook Subdivision Regulations, Section 7. Procedures (4 pages).

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

Matt Davidson, representing the applicant Jerry Gohl, and Scott Clifford of Miller and Associates were present to address questions from the Commission.

Commissioner Dueland stated that he had no problem with the current request, but expressed concerns with the need to control how these lots are developed to the north.

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

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

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

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

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

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

Motion to recess as a Planning Commission and convene a public hearing for the purpose of receiving public comment with respect to a zoning change request for Heritage Pointe Addition No. 3, 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 Hilker and seconded by Lyons, passed.

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

The City Attorney received into evidence Exhibit #1 - City Manager's Report prepared for the January 9, 2023 Planning Commission meeting (2 pages), Exhibit #2 - Notice of Hearing published (1 page); Exhibit #3 - Notice of Hearing mailed and posted (1 page); Exhibit #4 - ownership list for mailing of Notice of Hearing (1 page); Exhibit #5 - Land Use Action Request Form and attachments (5 pages); and Exhibit #6 - Map of the City of McCook's zoning districts (1 page).

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

Matt Davidson, representing the applicant Jerry Gohl, and Scott Clifford of Miller and Associates were present to address questions from the Commission.

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

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

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

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

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

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. 3.

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

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

The City Attorney received into evidence Exhibit #1 - City Manager's Report prepared for the January 9, 2023 Planning Commission meeting (2 pages), Exhibit #2 - Notice of Hearing published (1 page); Exhibit #3 - Voluntary Annexation Petition/Request from Matt Davidson on behalf of Jerry Gohl (1 page); Exhibit #4 - Legal Description of the proposed annexation area (1 page); Exhibit #5 - Proposed Resolution No. PC2023-01 (2 pages).

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

Matt Davidson, representing the applicant Jerry Gohl, and Scott Clifford of Miller and Associates were present to address questions from the Commission.

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

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

2.F. Approve Planning Commission Resolution No. PC2023-01, recommending approval of the voluntary annexation of a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska, said tract of land included in the parcel to be referred to as Heritage Pointe Addition No. 3.

Motion to approve Planning Commission Resolution No. PC2023-01, recommending approval of the voluntary annexation of a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska, said tract of land included in the parcel to be referred to as Heritage Pointe Addition No. 3. This motion, made by Hilker and seconded by McDowell, passed.

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

Adjournment

With no further business, Vice Chair Hilker declared the Planning Commission meeting adjourned at 6:15 P.M.

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Lea Ann Doak, City Clerk-Treasurer  
Recording Secretary

ORDINANCE NO. 2023-3060

AN ORDINANCE OF THE CITY OF MCCOOK, NEBRASKA AMENDING MCCOOK ZONING ORDINANCE NO. 2016-2929 CHANGING THE ZONING CLASSIFICATION OF HERITAGE POINTE ADDITION NO. 3, 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. 3, 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 \_\_\_\_\_, 2023.

\_\_\_\_\_  
Linda Taylor, Mayor

ATTEST:

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

**EXHIBIT #8**

**PAGE(S) - 1**

**CITY MANAGER'S REPORT  
JANUARY 16, 2023 CITY COUNCIL MEETING**

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

ITEM NO. \_\_\_\_\_ Approve the Preliminary Plat and Final Plat for Heritage Pointe Addition No. 3, a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6<sup>th</sup> P.M., Red Willow County, Nebraska.

ITEM NO. \_\_\_\_\_ Public Hearing - Regarding a zoning change request for Heritage Pointe Addition No. 3, a tract of land located in the S1/2 of the SE1/4 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).

ITEM NO. \_\_\_\_\_ Approve on first reading, Ordinance No. 2023-\_\_\_\_\_, allowing for the zoning change for Heritage Pointe Addition Lot 3, a tract of land located in the S 1/2 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).

ITEM NO. **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 6<sup>th</sup> P.M., Red Willow County, Nebraska, said tract of land included in the parcel to be referred to as Heritage Pointe Addition No. 3.

ITEM NO. **2.F.** Approve on first reading, Ordinance No. 2023- 3061, allowing for the voluntary annexation of a tract of land located in the S 1/2 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 Lot 3.

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**BACKGROUND:**

A minor subdivision application has been filed by Jerry Gohl for the purpose of authorizing a tract of land to be known as Heritage Pointe Addition No. 3. Similar requests were filed by Mr. Gohl in 2019 and 2022. Mr. Gohl requests that a tract of land located north of West J Street (northwest of the McCook Congregation of Jehovah's Witnesses ) be divided from a larger tract. All of the property in question is currently owned by Mr. Gohl. Mr. Gohl's intent is to develop the lot for commercial purposes. Utilities have been extended to the tract at issue.

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

In conjunction with the subdivision request, an application has been filed to voluntarily annex portions of the proposed Heritage Pointe Addition No. 3 subdivision. A part of the proposed

subdivision is located within the City's corporate limits, while a portion of the property is not. The annexation request focuses on the real estate currently located outside of McCook's corporate limits, but within McCook's Two Mile Extra Territorial Jurisdiction. Mr. Gohl is requesting that the entirety of the proposed Heritage Pointe Addition No. 3 be located within McCook's corporate limits.

Finally, Mr. Gohl's application requests a zoning change of the current land uses for the property at issue, from Residential Medium Density (RM - which is the current designation for the southern portion of proposed Heritage Pointe Addition No. 3) and Agricultural (AG - which is the designation for the northern portion of proposed Heritage Pointe Addition No. 3), to Business Commercial (BC). The intent behind Heritage Pointe Addition No. 3 is to allow for the building of a commercial structure on the created lot. The current land uses prescribed to the property at issue, RM and AG, don't allow for a commercial business to be principally permitted. Staff has reviewed the zone change request. Staff has noted there are commercial businesses in close proximity to the proposed Heritage Pointe Addition No. 3. Further, the City of McCook's Comprehensive Plan/Future Land Use Map contemplates the property north of West J Street to be dedicated to Business Commercial (BC) uses and structures. Mr. Gohl's application is consistent with McCook's long term goals.

A Preliminary Plat was filed with the City of McCook in 2022 to provide a comprehensive plan for Mr. Gohl's property.

The McCook Planning Commission voted unanimously to recommend approval of all three action items.

**APPROVALS:**

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

January 11, 2023

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

January 11, 2023

**NOTICE OF PUBLIC HEARING  
PROPOSED VOLUNTARY ANNEXATION**

**NOTICE IS HEREBY GIVEN** that a public hearing will be held by the City of McCook Planning Commission on January 9, 2023, at 5:15 P.M. and by the McCook City Council on January 16, 2023, at 5:30 P.M. The hearings will be held in the City Council Chambers at the McCook Municipal Center, 505 West "C" Street, concerning the voluntary annexation of a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6<sup>th</sup> P.M. in Red Willow County, Nebraska.

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

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

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

Publish: December 30, 2022.

**EXHIBIT #2**

**PAGE(S) - 1**



December 15, 2022

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

RE: Heritage Pointe Addition No. 3 – Rezoning and Annexation

Dear Nate,

This letter is a formal request on behalf of the owner, Jerry Gohl, to change the zoning for the above described property, which is located northwest of the intersection of "J" Street and Brassie Drive. The proposed project consists of a commercial office development, similar to the property built on the Heritage Pointe Addition No.1 and the planned building on Heritage Pointe Addition No.2 located just east of the property.

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

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

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Matt Davidson", is written over a horizontal line.

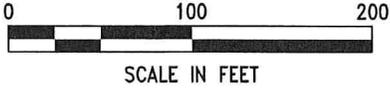
Matt Davidson

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

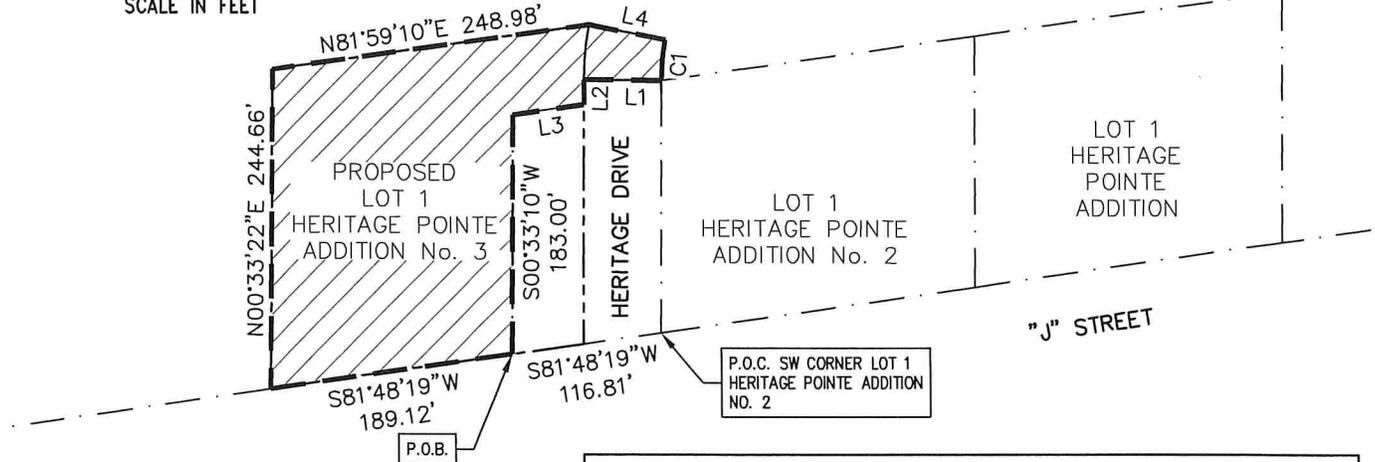
**EXHIBIT #3**

**PAGE(S) - 1**

## ANNEXATION LEGAL DESCRIPTION HERITAGE POINTE ADDITION



LINE TABLE		
LINE	BEARING	DISTANCE
L1	N89°26'50"W	60.00'
L2	S00°33'10"W	19.10'
L3	S81°49'56"W	56.10'
L4	S78°53'56"E	60.00'



CURVE DATA					
NUMBER	CENTRAL ANGLE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD DISTANCE
C1	10°32'54"	170.00'	31.30'	S 05°49'37" W	31.25'

### 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 South line of Lot 1, Heritage Pointe Addition No. 2, an addition to the City of McCook, Nebraska and north right-of-way line of "J" Street in the City of McCook, Nebraska, with the platted bearing being S81°48'19"W and with all bearings contained herein relative thereto;

Commencing at the Southwest corner of said Lot 1, Heritage Pointe Addition No. 2, a distance of 116.81 feet to the POINT OF BEGINNING;  
 Thence continuing S81°48'19"W on south line of said Lot 1, Heritage Pointe Addition No. 2 and the north right-of-way line of said "J" Street, a distance of 189.12 feet;  
 Thence leaving said north right-of-way line N00°33'22"E, a distance of 244.66 feet;  
 Thence N81°59'10"E, a distance of 248.98 feet;  
 Thence S78°53'56"E, a distance of 60.00 feet;  
 Thence southerly on a non-tangent curve to the left having a central angle of 10°32'54", a radius of 170.00 feet, an arc length of 31.30 feet, and a chord bearing of S05°49'37"W, a distance of 31.25 feet to the Northwest corner of said Lot 1, Heritage Pointe Addition No. 2  
 Thence N89°26'50"W, a distance of 60.00 feet to the West line of Heritage Drive in McCook Nebraska;  
 Thence S00°33'10"W on said west right-of-way line, a distance of 19.10 feet;  
 Thence S81°49'56"W, distance of 56.10 feet;  
 Thence S00°33'10"W, a distance of 183.00 feet to the Point of Beginning.

**EXHIBIT #4**  
**PAGE(S) - 1**

The above described tract contains 51264 square feet more or less.

### LEGEND

P.O.B. = POINT OF BEGINNING  
 P.O.C. = POINT OF COMMENCEMENT

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

**Miller & Associates**  
Consulting Engineers, P.C.

109 EAST 2ND STREET  
 McCOOK, NE 69001  
 Tel: 308-345-3710  
 Fax: 308-345-7370  
[www.miller-engineers.com](http://www.miller-engineers.com)

HERITAGE POINTE ADDITION No. 3

MCCOOK PLANNING COMMISSION

RESOLUTION NO. PC2023-01

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

**WHEREAS**, at their meeting on January 9, 2023, the Planning Commission held a public hearing concerning the annexation of a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M. in Red Willow County, Nebraska, said tract of land included in the parcel to be referred to as Heritage Pointe Addition No. 3, more particularly described in **Exhibit "A"**.

**WHEREAS**, this commission has reviewed the proposed annexation.

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

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

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

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

PASSED AND APPROVED by the McCook Planning Commission this 9<sup>th</sup> day of January, 2023.

MCCOOK PLANNING COMMISSION

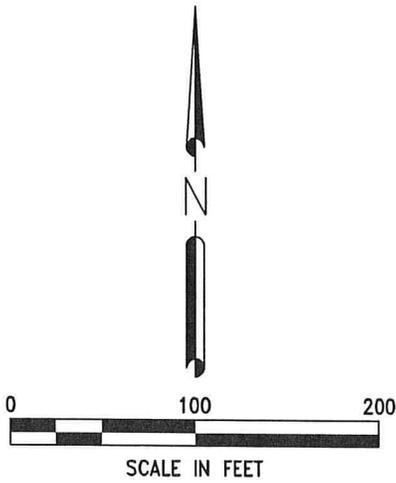
\_\_\_\_\_  
Kurt Vosburg, Chair

ATTEST:

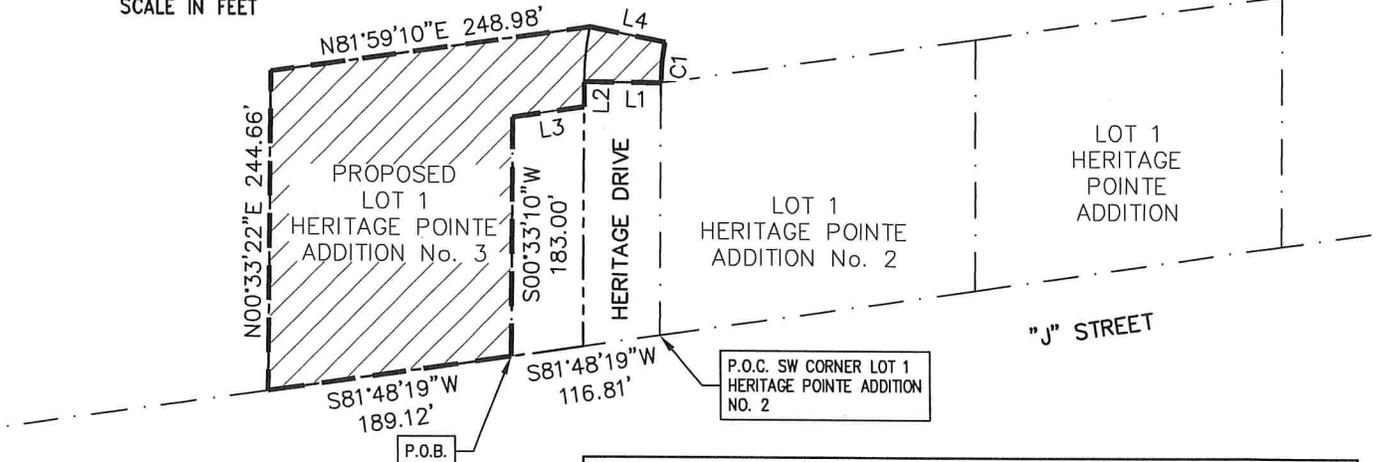
\_\_\_\_\_  
Chad Lyons, Secretary

**EXHIBIT #5**

## ANNEXATION LEGAL DESCRIPTION HERITAGE POINTE ADDITION



LINE TABLE		
LINE	BEARING	DISTANCE
L1	N89°26'50"W	60.00'
L2	S00°33'10"W	19.10'
L3	S81°49'56"W	56.10'
L4	S78°53'56"E	60.00'



CURVE DATA					
NUMBER	CENTRAL ANGLE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD DISTANCE
C1	10°32'54"	170.00'	31.30'	S 05°49'37" W	31.25'

### 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 South line of Lot 1, Heritage Pointe Addition No. 2, an addition to the City of McCook, Nebraska and north right-of-way line of "J" Street in the City of McCook, Nebraska, with the platted bearing being S81°48'19"W and with all bearings contained herein relative thereto;

Commencing at the Southwest corner of said Lot 1, Heritage Pointe Addition No. 2, a distance of 116.81 feet to the POINT OF BEGINNING;

Thence continuing S81°48'19"W on south line of said Lot 1, Heritage Pointe Addition No. 2 and the north right-of-way line of said "J" Street, a distance of 189.12 feet;

Thence leaving said north right-of-way line N00°33'22"E, a distance of 244.66 feet;

Thence N81°59'10"E, a distance of 248.98 feet;

Thence S78°53'56"E, a distance of 60.00 feet;

Thence southerly on a non-tangent curve to the left having a central angle of 10°32'54", a radius of 170.00 feet, an arc length of 31.30 feet, and a chord bearing of S05°49'37"W, a distance of 31.25 feet to the Northwest corner of said Lot 1, Heritage Pointe Addition No. 2

Thence N89°26'50"W, a distance of 60.00 feet to the West line of Heritage Drive in McCook Nebraska;

Thence S00°33'10"W on said west right-of-way line, a distance of 19.10 feet;

Thence S81°49'56"W, a distance of 56.10 feet;

Thence S00°33'10"W, a distance of 183.00 feet to the Point of Beginning.

The above described tract contains 51264 square feet more or less.

### EXHIBIT "A"

**LEGEND**  
 P.O.B. = POINT OF BEGINNING  
 P.O.C. = POINT OF COMMENCEMENT

**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 www.miller-engineers.com
HERITAGE POINTE ADDITION No. 3	

McCook Planning Commission  
January 9, 2023  
5:15 P.M. Central

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

Present: Vice Chair Hilker; Commissioners Bradley, Dueland, Lyons, McDowell, Stevens, Mockry.

Absent: Chair Vosburg; Commissioners Davidson, Friehe.

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

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on January 5, 2023, the designated method of giving notice, a copy of the proof of publication being attached to these minutes. Advance notice of the meeting was also given to all members of the Planning Commission. Availability of the agenda was communicated in the advance notice. All proceedings hereafter shown were taken while the meeting was open to the attendance of the public. Open Meetings Act Announcement.

Vice Chair Hilker 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 December 12, 2022 regular Planning Commission meeting.

Motion to approve the minutes of the December 12, 2022 regular Planning Commission meeting.

This motion, made by Dueland and seconded by McDowell, passed.

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

YEA: 7, NAY: 0, ABSENT: 3

2. Public Hearings and Regular Agenda.

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

Motion to recess as a Planning Commission and convene a public hearing for the purpose of receiving public comment regarding the Preliminary Plat and Final Plat for Heritage Pointe Addition No. 3, 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 Hilker and seconded by McDowell, passed.

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

**EXHIBIT #6**

**PAGE(S) - 5**

ABSENT, Lyons: YEA, McDowell: YEA, Mockry: YEA, Stevens: YEA  
YEA: 7, NAY: 0, ABSENT: 3

The City Attorney received into evidence Exhibit #1 - City Manager's Report prepared for the January 9, 2023 Planning Commission meeting (2 pages); Exhibit #2 - Notice of Public Hearing published (1 page); Exhibit #3 - mailed and posted (1 page); Exhibit #4 - listing of property owners notified (1 page); Exhibit #5 - Heritage Pointe Addition No. 3 Final Plat (1 page); Exhibit #6 - Land Use Application and attachments (5 pages); and Exhibit #7 - City of McCook Subdivision Regulations, Section 7. Procedures (4 pages).

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

Matt Davidson, representing the applicant Jerry Gohl, and Scott Clifford of Miller and Associates were present to address questions from the Commission.

Commissioner Dueland stated that he had no problem with the current request, but expressed concerns with the need to control how these lots are developed to the north.

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

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

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

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

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

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

Motion to recess as a Planning Commission and convene a public hearing for the purpose of receiving public comment with respect to a zoning change request for Heritage Pointe Addition No. 3, 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 Hilker and seconded by Lyons, passed.

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

The City Attorney received into evidence Exhibit #1 - City Manager's Report prepared for the January 9, 2023 Planning Commission meeting (2 pages), Exhibit #2 - Notice of Hearing published (1 page); Exhibit #3 - Notice of Hearing mailed and posted (1 page); Exhibit #4 - ownership list for mailing of Notice of Hearing (1 page); Exhibit #5 - Land Use Action Request Form and attachments (5 pages); and Exhibit #6 - Map of the City of McCook's zoning districts (1 page).

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

Matt Davidson, representing the applicant Jerry Gohl, and Scott Clifford of Miller and Associates were present to address questions from the Commission.

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

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

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

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

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

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. 3.

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

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

The City Attorney received into evidence Exhibit #1 - City Manager's Report prepared for the January 9, 2023 Planning Commission meeting (2 pages), Exhibit #2 - Notice of Hearing published (1 page); Exhibit #3 - Voluntary Annexation Petition/Request from Matt Davidson on behalf of Jerry Gohl (1 page); Exhibit #4 - Legal Description of the proposed annexation area (1 page); Exhibit #5 - Proposed Resolution No. PC2023-01 (2 pages).

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

Matt Davidson, representing the applicant Jerry Gohl, and Scott Clifford of Miller and Associates were present to address questions from the Commission.

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

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

2.F. Approve Planning Commission Resolution No. PC2023-01, recommending approval of the voluntary annexation of a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska, said tract of land included in the parcel to be referred to as Heritage Pointe Addition No. 3.

Motion to approve Planning Commission Resolution No. PC2023-01, recommending approval of the voluntary annexation of a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska, said tract of land included in the parcel to be referred to as Heritage Pointe Addition No. 3. This motion, made by Hilker and seconded by McDowell, passed.

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

Adjournment

With no further business, Vice Chair Hilker declared the Planning Commission meeting adjourned at 6:15 P.M.

---

Lea Ann Doak, City Clerk-Treasurer  
Recording Secretary

ORDINANCE NO. 2023-3061

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 South line of Lot 1, Heritage Pointe Addition No. 2, an addition to the City of McCook, Nebraska and north right-of-way line of "J" Street in the City of McCook, Nebraska, with the platted bearing being S81°48'19"W and with all bearings contained herein relative thereto:

Commencing at the Southwest corner of said Lot 1, Heritage Pointe Addition No. 2, a distance of 116.81 feet to the POINT OF BEGINNING;  
Thence continuing S81°48'19"W on south line of said Lot 1, Heritage Pointe Addition No. 2 and the north right-of-way line of said "J" Street, a distance of 189.12 feet;  
Thence leaving said north right-of-way line N00°33'22"E, a distance of 244.66 feet;  
Thence N81°59'10"E, a distance of 248.98 feet;  
Thence S78°53'56"E, a distance of 60.00 feet;  
Thence southerly on a non-tangent curve to the left having a central angle of 10°32'54", a radius of 170.00 feet, an arc length of 31.30 feet, and a chord bearing of S05°49'37"W, a distance of 31.25 feet to the Northwest corner of said Lot 1, Heritage Pointe Addition No. 2;  
Thence N89°26'50"W, a distance of 60.00 feet to the West line of Heritage Drive in McCook, Nebraska;  
Thence S00°33'10"W on said west right-of-way line, a distance of of 19.10 feet;  
Thence S81°49'56"W, a distance of 56.10 feet;  
Thence S00°33'10"W, a distance of 183.00 feet to the Point of Beginning.

The above described tract contains 51264 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,

**EXHIBIT #7**

**PAGE(S) - 2**

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 \_\_\_\_\_, 2023.

\_\_\_\_\_  
Linda Taylor, Mayor

ATTEST:

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

Publish:

**CITY MANAGER'S REPORT  
JANUARY 16, 2023 CITY COUNCIL MEETING**

---

**ITEM:**        3.A.

Approve the minutes of the January 3, 2023 regular City Council meeting.

---

**BACKGROUND:**

Receive and approve the minutes.

**FISCAL  
IMPACT:**     None.

**APPROVALS:**

---

Lea Ann Doak, City Clerk

January 12, 2023

McCook City Council  
January 3, 2023  
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 Taylor, Councilmembers Weedon, Muehlenkamp, Rambali.

Absent: Councilmember Calvin.

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

Taylor: YEA, Weedon: YEA, Muehlenkamp: YEA, Rambali: YEA  
YEA: 4, NAY: 0

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

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on December 30, 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 Taylor announced that a copy of the Open Meetings Act was posted by the entrance to the Council Chambers and available for public review. Following the Pledge of Allegiance to the flag of the United States of America, Mayor Taylor called the meeting to order.

**1. Announcements & Recognitions.**

Tricia Wagner and Ronda Graff, McCook Community Foundation, presented to the City a check, in the amount of \$5,450, for the purchase of an oven at the Heritage Senior Center.

City Manager Schneider informed the Council that a Planning Commission meeting is scheduled for the coming Monday, January 9, for consideration of items pertaining to Heritage Pointe Addition No. 3.

**2. Consent Agenda.**

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

Muehlenkamp, passed.

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

- 2.A. Approve the minutes of the December 19, 2022 regular City Council meeting.
- 2.B. Approve the specifications for the 2023 Crack Sealing Project and set the time and date of bid at 2:30 P.M. on January 31, 2023.
- 2.C. Authorize the Mayor to sign the Certificate of Compliance for the 2022 Maintenance Agreement between the City of McCook and the Nebraska Department of Transportation.
- 2.D. Approve the renewal of maintenance agreement No. 17 between the Nebraska Department of Transportation and the Municipality of McCook and authorize the Mayor to sign.
- 2.E. Receive and file the Financial Report for the period ending November 30, 2022.

**3. Regular Agenda.**

- 3.A. Update regarding the swimming pool and ballpark projects.
- 3.B. Review the City of McCook's Construction Management at Risk Policy.
- 3.C. Adopt Resolution No. 2023-01, selecting the construction management at risk contact delivery system for the new McCook Swimming Pool.

Motion to adopt Resolution No. 2023-01, selecting the construction management at risk contact delivery system for the new McCook Swimming Pool. This motion, made by Muehlenkamp and seconded by Rambali, passed.

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

- 3.D. Council Comments.

Councilmember Weedon thanked all city staff for the excellent job of snow removal during the storm this past weekend.

**Adjournment.**

There being no further business to come before the Council, Mayor Taylor declared the meeting adjourned at 5:53 P.M.

---

Linda Taylor, Mayor

ATTEST:

---

Lea Ann Doak, City Clerk-Treasurer

**CITY MANAGER'S REPORT  
JANUARY 16, 2023 CITY COUNCIL MEETING**

---

**ITEM:** 3.B.

**RECOMMENDATION:**

Ratify the Mayor's appointments to the:

- Board of Health - appoint Nate Schneider, Joel Smith, Linda Taylor, Dr. Jason Blomstedt, and Mary Beth Eisenmenger - terms expire June 2023;
  - Housing Agency Board - appoint Amanda Engell - term expires November 2027;
  - Planning Commission - reappoint Ron Friehe (Extra Territorial Representative), Camy Bradley, Tammie Hilker, and Bruce McDowell - terms expire September 2025.
- 

**BACKGROUND:**

All appointees and they are willing to serve on the various boards.

**FISCAL  
IMPACT:** None.

**APPROVALS:**

---

Lea Ann Doak, City Clerk

January 12, 2023

## BOARD OF HEALTH

NATE SCHNEIDER  
City Manager  
PO Box 1059  
Term Expires - June 2023

345-2022 (O)

JOEL SMITH  
Chief of Police  
PO Box 1059  
Term Expires - June 2023

345-3450 (O)

LINDA TAYLOR  
Mayor  
1002 West "I" Street  
Term Expires - June 2023

DR. JASON BLOMSTEDT  
603 East "M" Street  
Term Expires - June 2023

344-4110 (O)  
345-8893 (H)

MARY BETH EISENMENGER  
1613 Centennial Drive  
Term Expires - June 2023

340-9115 (C)  
345-6303 (O)

\*Denotes Chairperson  
1 yr. term

## HOUSING AGENCY BOARD

BARB OSTRUM

106 S 9th

Appointed - September 2013

Reappointed - December 2018

Term Expires - November 2023

737-8047 (C)

TERRY PETERSON

512 Elizabeth Lane

Appointed - March 21 1994

Reappointed - October 2014

Term Expires - November 2024

345-4570 (O)

345-7573 (H)

RAYMOND LONG

(Resident)

502 Missouri Avenue Circle

Appointed - May 2015 (replaced Judy Dow)

Reappointed - October 2020

Term Expires - November 2025

SHANE FAGOT

1506 Centennial

Appointed - November 1996

Reappointed - February 2022

Term Expires - November 2026

345-1555 (O)

345-3932 (H)

AMANDA ENGELL

1410 Centennial

Appointed - January 2023 (replaced Kristin Stagemeyer)

Term Expires - November 2027

\*Denotes Chairperson

5 yr. terms

January 12, 2023

## PLANNING COMMISSION

RON FRIEHE

1 Spyglass  
Appointed - July 2019  
Reappointed - January 2023  
Term Expires - September 2025 (Replaced Adam Wolford)  
(Extra Territorial Representative)

340-5007  
[drfriehe100@yahoo.com](mailto:drfriehe100@yahoo.com)

CAMY BRADLEY

1714 West 2<sup>nd</sup> Street  
Appointed - September 2017 (Replaced Terri Shipshock)  
Reappointed - January 2023  
Term Expires - September 2025

345-4900 (W)  
350-5536 (C)  
[cbradley@netitlegroup.com](mailto:cbradley@netitlegroup.com)

TAMMIE HILKER

512 East 5<sup>th</sup>  
Appointed - September 1995  
Reappointed - April 2023  
Term Expires - September 2025

345-3717 (H)  
340-7861 (C)  
[thilker@gpcom.net](mailto:thilker@gpcom.net)

BRUCE MCDOWELL

904 West 3<sup>rd</sup>  
Appointed - February 2019 (Replaced Garrett Rippen)  
Reappointed - January 2023  
Term Expires - September 2025

345-5439 (H)  
(303) 883-0587 (C)

[brucemcdowell833@gmail.com](mailto:brucemcdowell833@gmail.com)

MATT DAVIDSON

1505 Centennial  
Appointed - June 2019 (Replaced Don Harpst)  
Reappointed - October 2020  
Term Expires - September 2023

340-1347 (C)  
[matt.davidson@golight.com](mailto:matt.davidson@golight.com)

KURT VOSBURG\*

#13 Wedgewood  
Appointed - November 2005  
Reappointed - October 2020  
Term Expires - September 2023

345-8490 (O)  
340-0005 (H)  
[Kurt.vosburg@nebraska.gov](mailto:Kurt.vosburg@nebraska.gov)

JESSE STEVENS

1606 West 2<sup>nd</sup> Street  
Appointed - September 2015 (replaced Lonnie Anderson)  
Reappointed - October 2020  
Term Expires - September 2023

345-5688 (H)  
345-5598 (O)  
340-2932 (C)  
[jesse@hometownfamilyradio.com](mailto:jesse@hometownfamilyradio.com)

CHAD LYONS

1201 West 2<sup>nd</sup> Street  
Appointed - September 2009 (replaced Dan Miller)  
Reappointed - February 2022  
Term Expires - September 2024

345-2140 (H)  
340-9433 (C)  
[clyons@mccookbison.org](mailto:clyons@mccookbison.org)

DALE DUELAND

112 East N  
Appointed - September 1997  
Reappointed - February 2022  
Term Expires - September 2024

340-1666 (C)  
345-6163 (H)  
350-1660 (Cell radio)  
[dmdue@outlook.com](mailto:dmdue@outlook.com)

JAMIE MOCKRY - ALTERNATE

1614 West 2<sup>nd</sup> Street

Appointed - June 2021 (Replaced Katie Graham)  
Term Expires - March 2024

340-6332 (C)  
[jamiemockrykbc@gmail.com](mailto:jamiemockrykbc@gmail.com)

\*Denotes Chairperson - 3 yr. Terms

January 12, 2023

**CITY MANAGER'S REPORT  
JANUARY 16, 2023 MCCOOK CITY COUNCIL MEETING**

**3.C.**  
ITEM NO. Receive and file a report from the City Manager regarding the appointment of Cathy McDowell to the McCook Civil Service Commission.

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**BACKGROUND:**

Per McCook's Code of Ordinances, Section 37.21, McCook's City Manager is responsible for appointing members to the McCook Civil Service Commission. A vacancy currently exists on the Commission. McCook's City Manager has appointed Cathy McDowell to fill the vacancy. Ms. McDowell will replace Sue Doak. The City of McCook appreciates Ms. Doak's service to our community.

**APPROVALS:**



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Nathan A. Schneider, City Manager

January 11, 2023



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Lea Ann Doak, City Clerk

January 11, 2023

## CIVIL SERVICE BOARD

DENNIS BERRY\*

812 West 13<sup>th</sup>

Appointed January 2019 (Replaced Raleigh Haas)

Term Expires - November 2024

345-1429 (H)

340-3293 (C)

KYLE DELLEVOTE

1012 Norris Avenue

Appointed - January 2021 (Replaced Kay Flaska)

Term Expires - November 2023

CATHY MCDOWELL

Appointed January 2023 (Replaced Susan Doak)

Term Expires - November 2028

\*Denotes Chairperson

Terms are 6 years in length

**CITY MANAGER'S REPORT  
JANUARY 16, 2023 CITY COUNCIL MEETING**

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**ITEM:**        3.D.

Accept update regarding the additional one half of one percent (0.50%) city sales and use tax approved at the general election on November 8, 2022, increasing McCook's rate to two percent (2%) effective on April 1, 2023.

---

**BACKGROUND:**

As stated in the Local Option Revenue Act, the effective date of the tax will be the first day of the next calendar quarter that is at least 120 days after the Nebraska Department of Revenue receives statutorily required documents, including an ordinance authorizing its implementation. At the November 21, 2022 council meeting Ordinance No. 2022-3058 was approved implementing the additional .50% city sales and use tax. That ordinance, along with all required certifications, were submitted to the Nebraska Department of Revenue. On November 29, 2022 the City was notified that all the requirements of the Local Option Revenue Act were complied with and that McCook's local sales and use tax rate will increase to two percent (2%) effective on April 1, 2023, copy of letter of notification is included with this report.

In December, the Department of Revenue began the process of implementing McCook's rate of 2%. Their website, "revenue.nebraska.gov", has been updated with this information. That is how they notify all sales and use tax licensees of the effective date of the tax rate change. Later in February they will post a news release reminding the public of McCook's new tax rate. They encourage all involved with tax issues to sign up on their "Subscribe to Notifications" line on their website home page. This allows them to receive notifications when there are changes made in any of the tax areas that they choose to receive notifications for.

**FISCAL  
IMPACT:**        None.

**APPROVALS:**

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

January 12, 2023

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

January 12, 2023

# NEBRASKA

Good Life. Great Service.

DEPARTMENT OF REVENUE

November 29, 2022



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

Dear City Clerk:

This letter acknowledges our receipt on November 28, 2022, of Ordinance No. 2022-3058, a certified map of McCook, a certified copy of the election results and a statement from the Red Willow County Clerk that the ballot question to impose the tax in question has not been voted on and failed in the prior 23 months. Since you have complied with all the requirements of the Local Option Revenue Act, McCook's local sales and use tax rate will increase to two percent (2%) effective on April 1, 2023.

The Nebraska Department of Revenue has begun the process of implementing your local sales and use tax of 2%. On or around December 2, 2022, we will update our website, "revenue.nebraska.gov" with this information. This is how we notify all sales and use tax licensees of the effective date and tax rate changes. We also will post a News Release on our website in the latter part of February, 2023, reminding the public of McCook's new tax rate. No written notification is mailed to retailers by this Department. Any notification at the local level is encouraged to ensure correct implementation of this new tax. You are welcome to use information posted on our website. We encourage everyone involved with tax issues to sign up on our "Subscribe to Notifications" link on our website home page. This allows them to receive notifications when there are changes made in any of the tax areas that they choose to receive notifications for.

Approximately 45 days before the effective date, we will notify the Red Willow County Treasurer of their obligations related to this tax change. The Department will be contacting you again before April 1, 2023, to verify that the implementation process has been completed.

Our website also has a link titled "Local Government", which is to assist local officials with tax related issues. Please refer to this link to assist you with a variety of local sales tax issues. Of specific importance, please review the link titled Municipal Boundary Changes. This information is to inform you of the importance of submitting all annexation ordinances when

City of McCook  
November 29, 2022  
Page 2

they occur. This also provides information on the effective date of the local sales and use tax in an annexed area, which is not the same date that an annexation ordinance is effective.

If you have additional questions, please contact me at [karen.barrett@nebraska.gov](mailto:karen.barrett@nebraska.gov) or call me at (402) 471-5980.

For the Tax Commissioner

Sincerely,

A handwritten signature in cursive script that reads "Karen K. Barrett".

Karen K. Barrett  
Tax Specialist  
Policy Division

**CITY MANAGER'S REPORT  
JANUARY 16, 2023 MCCOOK CITY COUNCIL MEETING**

**3.E.**  
ITEM NO.      Authorize City of McCook staff to complete an application for a Rural Business Development Grant.

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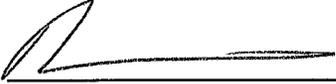
**BACKGROUND:**

The U.S. Department of Agriculture announced in November of 2022 that the USDA is accepting applications to support economic development and create jobs for people in rural America. USDA is making this funding available under the Rural Business Development Grant (RBDG) program to support business development opportunities or business enterprise projects in rural communities. Rural towns are eligible entities. These grants typically range from \$10,000 to \$500,000.

RBDG funds must be used on projects to benefit small and emerging businesses in rural areas. Of note, these funds can be used for the acquisition or development of land, easements, or rights of way and/or the construction, conversion, renovation, of buildings plants, machinery, equipment, access streets and roads, parking areas, and utilities.

Staff is asking for authorization to execute an RBDG application.

**APPROVALS:**

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

January 11, 2023

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

January 11, 2023

CITY MANAGERS REPORT  
January 16, 2023, CITY COUNCIL MEETING

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ITEM: 3.F.

**RECOMMENDATION:**

Approve bid from Deveny Motors for one 2023 Dodge Durango pursuit vehicle priced at \$39,794.00.

**BACKGROUND:**

The City of McCook made public notice of bid for a new current model year Police Interceptor/Pursuit Utility Vehicle for the McCook Police Department. The City of McCook received one bid for a new current model year Police Package Dodge Durango from Deveny Motors of McCook.

**FISCAL IMPACT:**

The purchase of a new vehicle for the McCook Police Department was approved in the 2022-2023 budget.

**APPROVALS:**

  
\_\_\_\_\_  
JOEL SMITH CHIEF OF POLICE

1/11/23  
DATE

  
\_\_\_\_\_  
NATHAN A. SCHNEIDER CITY MANAGER

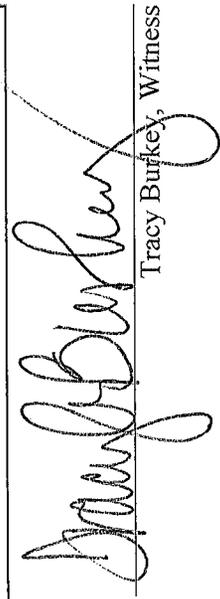
1-11-23  
DATE

**ONE (1) NEW POLICE INTERCEPTOR/  
PURSUIT UTILITY VEHICLE**

**JANUARY 4, 2023  
2:00 P.M.**

<p><b>BIDDER:</b> <i>Devery Motors</i></p>	<p><b>BIDDER:</b></p>	<p><b>BIDDER:</b></p>
<p><u>ONE (1) NEW CURRENT MODEL YEAR POLICE INTERCEPTOR/PURSUIT VEHICLE</u></p> <p>TOTAL BID PRICE \$ <u>39794<sup>00</sup></u></p> <p>HOURLY RATE FOR LABOR COSTS \$ <u>90<sup>00</sup></u></p> <p>Delivery Date: <u>90 - 180 days</u></p>	<p><u>ONE (1) NEW CURRENT MODEL YEAR POLICE INTERCEPTOR/PURSUIT VEHICLE</u></p> <p>TOTAL BID PRICE \$ _____</p> <p>HOURLY RATE FOR LABOR COSTS \$ _____</p> <p>Delivery Date: _____</p>	<p><u>ONE (1) NEW CURRENT MODEL YEAR POLICE INTERCEPTOR/PURSUIT VEHICLE</u></p> <p>TOTAL BID PRICE \$ _____</p> <p>HOURLY RATE FOR LABOR COSTS \$ _____</p> <p>Delivery Date: _____</p>
<p><b>BIDDER:</b></p>	<p><b>BIDDER:</b></p>	<p><b>BIDDER:</b></p>
<p><u>ONE (1) NEW CURRENT MODEL YEAR POLICE INTERCEPTOR/PURSUIT VEHICLE</u></p> <p>TOTAL BID PRICE \$ _____</p> <p>HOURLY RATE FOR LABOR COSTS \$ _____</p> <p>Delivery Date: _____</p>	<p><u>ONE (1) NEW CURRENT MODEL YEAR POLICE INTERCEPTOR/PURSUIT VEHICLE</u></p> <p>TOTAL BID PRICE \$ _____</p> <p>HOURLY RATE FOR LABOR COSTS \$ _____</p> <p>Delivery Date: _____</p>	<p><u>ONE (1) NEW CURRENT MODEL YEAR POLICE INTERCEPTOR/PURSUIT VEHICLE</u></p> <p>TOTAL BID PRICE \$ _____</p> <p>HOURLY RATE FOR LABOR COSTS \$ _____</p> <p>Delivery Date: _____</p>

  
Joel Smith, Police Chief

  
Tracy Burkey, Witness

**CITY MANAGER'S REPORT  
JANUARY 16, 2023 CITY COUNCIL MEETING**

**ITEM: 3.G.**

**RECOMMENDATION:**

Approve specifications for 1 new current model year ½ ton 4-wheel drive extended cab pickup and set date to receive bids for February 7, 2023 at 2:00 p.m.

**BACKGROUND:**

The current budget has provisions for the Water Department to purchase one (1) new ½ ton 4-wheel drive extended cab pickup. The new vehicle will be an addition to the Water Treatment Plant for a new employee hired last year.

The Water Treatment Plant currently owns a 2007 GMC Sierra and is borrowing a 1997 F-150 belonging to the Wastewater Treatment Plant.

**FISCAL IMPACT:**

**APPROVALS:**

prepared by  
Pat Fawver, Utility Director

Date: 1/12/23

Nate Schneider (Ed)  
Nate Schneider, City Manager

Date: 1/12/23

**CITY OF MCCOOK  
WATER DEPARTMENT**

**BID SPECIFICATIONS**

**ONE (1) NEW  
1/2 TON  
FULL SIZED EXTENDED CAB  
4X4 PICKUP TRUCK**

## NOTICE TO BIDDERS

The City of McCook is accepting sealed bids for one (1) new Current Model 1/2 ton full sized extended cab 4x4 pickup truck. Bids will be accepted by the City Clerk at the McCook City Offices until 2:00 P.M. on February 7, 2023 and then such bids shall be publicly opened and read aloud in the City Council Chambers, McCook Municipal Center. Specifications and instructions to bidders are on file in the office of the City Clerk.

The 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 69001-1059

Publish: January 20, 27 and February 3, 2023.

## **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 (based on 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. Delivery.**

- 2.1. One (1) new Current Model 1/2-ton full sized extended cab 4x4 pickup truck shall be F.O.B., McCook, Nebraska.
- 2.2. Delivery date - within 60-days from Notice of Award

### **3. 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.

### **4. Interpretations and Addenda.**

- 4.1. All questions about the meaning or intent of the Bidding Documents are to be directed to the Director of Utilities. 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.
- 4.2. Addenda may also be issued to modify the Bidding Documents as deemed advisable by the City.

## **5. Bid Form.**

- 5.1. The Bid Form is included with the Bidding Documents.
- 5.2. All blanks on the Bid Form must be completed by printing in black ink or by typewriter.
- 5.3. Bids by corporations must be executed in the corporate name by the president or a vice-president (or other corporate officer accompanied by evidence of authority to sign) and the corporate seal must be affixed and attested by the secretary or an assistant secretary. The corporate address and state of incorporation must be shown below the signature.
- 5.4. Bids by partnerships must be executed in the partnership name and signed by a partner, whose title must appear under the signature and the official address of the partnership must be shown below the signature.
- 5.5. All names must be typed or printed in black ink below the signature.
- 5.6. The Bid shall contain an acknowledgment of receipt of all Addenda (the numbers of which must be filled in on the Bid Form).
- 5.7. The address and telephone number of communications regarding the Bid must be shown.
- 5.8. Evidence of authority to conduct business as an out-of-state corporation in the state where the Work is to be performed shall be provided.

## **6. 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) NEW CURRENT MODEL 1/2 TON EXTENDED CAB 4X4 PICKUP TRUCK*", 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.

## **7. 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.

## **8. Opening of Bids.**

Bids will be opened and (unless obviously non-responsive) read aloud publicly at the place where Bids are to be submitted. 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.

**9. Award of Bid.**

- 9.1. 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.
- 9.2. 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.
- 9.3. 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.
- 9.4. If the bid is to be awarded, it will be awarded to the Bidder whose evaluation by the City indicates that the award will be in the best interests of the City.

## GENERAL SPECIFICATIONS

### One (1) New Current Model 1/2 Ton Full Sized Extended Cab 4X4 pickup truck

#### GENERAL:

It is the intent of these specifications to describe a new vehicle in sufficient detail to secure bids on comparable equipment. All parts not specifically mentioned, which are necessary to provide a complete vehicle, 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 vehicle shall be a new, standard production model of the latest design in current production.

Any vehicle not conforming to these specifications will be rejected, and it will be the responsibility of the manufacturer to conform to the requirements unless deviations have been cited by the bidder.

#### INTENT:

It is the intent of the City not to be restrictive to any one manufacturer. However, the vehicle desired must meet the enclosed standards and any vehicle 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 vehicle furnished under these specifications shall be the latest model offered at time of bid to the general trade, at least equal in every respect to the construction and performance characteristics shown in the manufacturer's specifications and descriptive literature for this type of vehicle as manufactured and advertised for delivery in the continental United States and including all equipment normally offered and installed at the factory.

The vehicle must meet or exceed the following minimum specifications. 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 guaranteed to include all the latest engineering developments adopted by the company applying to transmissions, fuel injection, carburetors, engines and accessories. An engine with oversized bores, undersized main bearings or non-standard size pins will not be acceptable under 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.

The bidder shall satisfy to the City of McCook that he maintains a store or a branch store, with qualified servicemen and with provisions for storing a representative supply or parts for the machine offered and with provisions for securing parts from the manufacturer within a reasonable length of time.

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 machine.

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

**MINIMUM SPECIFICATIONS  
ONE (1) NEW CURRENT MODEL YEAR 1/2 TON  
FULL SIZE EXTENDED CAB 4 X 4 PICKUP**

Meets Specification - Please Indicate - (if other explain on comment line).

**All items listed below are required. If there is an exception, a detailed explanation must be provided.**

YES	EXCEPTION	I. <u>BODY</u>
_____	_____	A. Exterior color: Bright white, clearcoat or other factory color specified on order.  Interior color: Interior color and seat covering for white vehicle to be specified after bid has been awarded.
_____	_____	B. Locks: Three (2) sets of keys required for the vehicle.
_____	_____	C. Doors: To be the type recommended by the manufacturer. Power door locks are required.
_____	_____	D. Seats: Seats shall be heavy duty construction guaranteed by manufacturer not to break down for three (3) years or 36,000 miles with heavy duty nylon cloth or vinyl seat covering.
_____	_____	E. Windows: A tinted windshield is required. Side/door windows shall be operated by electric, commonly referred to as power windows.
_____	_____	F. Headroom: A minimum of 39.1 inches of headroom shall be provided for the occupants.
_____	_____	G. Air Conditioning: Best grade factory-installed air conditioner, manually controlled. To include all extra items normally included in the factory package.
_____	_____	H. Floor Coverings: Heavy duty vinyl/rubber and molded rubber floor mats.
_____	_____	I. Cigarette Lighter: Required or USB Accessory Ports (12 volt).
_____	_____	J. Windshield Wipers: Electrically operated, multiple speed, manually controlled with electric windshield washer and jets to each wiper blade. The wiper shall be of intermittent type.
_____	_____	K. Clock: To be electric. Clock in radio dial face is acceptable.
_____	_____	L. A.M./F.M. Stereo Radio with Bluetooth hands-free connectivity.

- |          |       |   |
|----------|-------|---|
| _____    | _____ | M. Under-coated: full factory undercoating, or zinc coating required. Extra undercoating by dealer not required unless necessary to meet factory standards. |
| _____    | _____ | N. Rear View Mirrors: Interior to have day or night tab or automatic (selector type non-glare). Two matching outside mirrors, mirrors on both doors.        |
| _____    | _____ | O. Fuel Tank: 20 gallon minimum.  |
| _____    | _____ | P. The vehicle shall have a full-size extended cab with 8' box.   |
| _____    | _____ | Q. Hood Release: In driver's compartment.   |
| _____    | _____ | S. License Plate Brackets: Vehicle shall be equipped with front license plate brackets.   |
| _____    | _____ | T. Gross Vehicle Weight: The gross vehicle weight rating shall be a minimum of 6400 lbs.  |
| _____    | _____ | U. Bumpers: Manufacturer's front bumper and rear bumper.  |
| Comments |       |   |

**YES    EXCEPTION**

**II. ENGINE AND DRIVE TRAIN**

- |       |       |   |
|-------|-------|---|
| _____ | _____ | A. Engine: Engine to be a minimum 5.0-liter, eight-cylinder, overhead valve, V-design engine, and have a fuel injection fuel system.  |
| _____ | _____ | B. Transmission: Fully automatic, heavy duty, and electronic. To be equipped with a factory engineered and installed oil cooler of suitable design to keep the automatic transmission fluid at an efficient temperature (if available).   |
| _____ | _____ | C. Drive Train: Four Wheel Drive.   |
| _____ | _____ | D. Transfer Case: Either a floor mounted transfer case; or electronic, on the fly 2-wheel to 4-wheel transfer case shifter.   |
| _____ | _____ | E. Air Cleaner: to be of a dry type.  |
| _____ | _____ | F. Cooling System: Heavy duty, maximum capacity radiator of a pressurized design is required, having a maximum cooling capacity adequate to provide a safe margin of cooling when operated under extreme conditions. A coolant recovery system is required. Hose clamps shall be the steel metal band or wire type.<br><br>Antifreeze to 25 degrees below zero Fahrenheit required. |
| _____ | _____ | G. Axle Ratio: To be manufacturer's recommended ratio for this type of vehicle.   |
| _____ | _____ | H. Exhaust System - to be manufacturer's recommended type for this type of vehicle.   |

YES      EXCEPTION

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

**III. SUSPENSION SYSTEM**

- A. Wheelbase: Minimum wheelbase shall be 133 inches.
- B. Suspension system: Will be heavy duty, equipped with heavy duty shock absorbers, front and rear, and stabilizer or sway bars, if available as standard equipment.
- C. Steering: Power steering required.
- D. Brakes: Power, heavy duty fade-resistant front disc brakes, heavy duty lining rear brakes. (Disc brakes on all four wheels are acceptable, an anti-lock braking system is acceptable).
- E. Wheels: Five 16-inch (or larger) wheels of the type recommended by the manufacturer for the vehicle and hub caps.
- F. Tires: Five tubeless radial tires of the type recommended by the manufacturer for the vehicle, with an all-terrain rating.

Comments

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

YES      EXCEPTION

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

**IV. ELECTRICAL SYSTEM**

- A. Ignition System: 12-volt, solid state. The wiring harness shall be high tension resistor wiring, high-heat resistance, with high dielectric strength insulation.
- B. Battery: 12-volt, heavy duty, manufacturer's maximum cold cranking power battery. A terminal post connected to the positive battery cable and capable of carrying 45 amperes shall be provided in the engine compartment. This terminal shall be in a location easily accessible from the top side of the engine compartment and near the battery. If this is not available, the positive cable may be of the type that attaches to battery posts by means of a bolt and nut. (Battery cable spring-loaded or drive-on devices are not acceptable).
- C. Alternator: Minimum 100 ampere. Minimum capacity SAE output at engine curb idle speed not less than 45 amperes. An alternator shall be of the type that parts, and repairs are available at authorized dealers of the make of vehicle furnished.
- D. Voltage Regulator: Fully transistorized and sealed.
- E. Spark Plugs: Factory recommended.

Comments

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

YES    EXCEPTION

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

V. SPECIAL FEATURES

- A. Electronic speed control.
- B. Factory installed mudflaps at all 4 tire positions.
- C. Factory installed sidestep bars or running boards.

Comments

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

YES    EXCEPTION

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

VI. MISCELLANEOUS

- A. The standard complement of tools, standard jack and wheel wrench, and a full-size spare wheel & tire shall be provided, together with facilities for storage.
- B. Each unit shall be delivered to the purchaser with all wheels balanced and the front end aligned.
- C. It shall be the responsibility of the manufacturer supplying the vehicle to maintain an adequate stock of all regular and special parts within the State of Nebraska to meet the continuing service and repair parts needs of the department without undue delay.
- D. The manufacturer's standard warranty shall be stated in the bid. A minimum warranty of three (3) years, 36,000 miles, or the manufacturer's standard warranty, whichever is greater, is required. A minimum of six (6) years, 100,000 miles rust warranty or manufacturer's standard corrosion warranty is required.

Comments

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

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

# BID FORM

**NOTE:** All equipment shall be factory-installed and shall be under factory warranty.

BID PRICE ON ONE (1) NEW CURRENT MODEL YEAR  
1/2 TON FULL SIZED EXTENDED CAB 4X4 PICKUP TRUCK

BID AMOUNT \$ \_\_\_\_\_

DELIVERY DATE: \_\_\_\_\_

This Bid Submitted by: \_\_\_\_\_  
(Company Name)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Title)

**CONTACT PERSON: Pat Fawver, Utilities Director  
at 308/345-3382**

The City of McCook reserves the right to reject any or all bids, to waive any informality in bids, to accept in whole or in part any bid, and to exercise its own judgement as to the best proposal received.

**CITY MANAGER'S REPORT  
JANUARY 16, 2023 MCCOOK CITY COUNCIL MEETING**

**ITEM NO. 3.H.** Appoint Linda Taylor, Gene Weedin, Andy Smith, Mike Gonzales, Jody Crocker, Grant Norgaard, Matthew Clause, Kyle Potthoff, and Nate Schneider to the McCook Swimming Pool construction manager selection committee.

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**BACKGROUND:**

Per the City of McCook's Construction Management at Risk Policy, the City shall refer RFPs for recommendation to a selection committee. The selection committee shall be comprised of at least five people designated by the City. The members shall include: 1) Members of the Council; 2) Members of the administration or staff; 3) Representative of the Architect/Engineer; 4) Any person having special expertise relevant to selection of a construction manager (eg. someone who has been involved in a construction project using a construction manager); and 5) Residents of the City of McCook other than any individual listed in Sections 1-4 above.

The selection committee is responsible for selecting a construction manager based upon the evaluation criteria included in the City's Construction Management at Risk Policy. The selection committee will not be responsible for designing the swimming pool or amenity selection. The swimming pool committee, McCook City Council members, City staff members, and Lamp Rynearson officials will work with the construction manager regarding design and amenity selection.

**APPROVALS:**

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

January 11, 2023

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

January 11, 2023

## CITY OF MCCOOK CONSTRUCTION MANAGEMENT AT RISK POLICY

For contracts related to construction projects, the City of McCook will follow the procedures established by the Political Subdivisions Construction Alternatives Act (RRS §13-2901 through §13-2914) in their decision to solicit and execute a Construction Management at Risk Contract for capital construction projects.

### **PURPOSE**

This policy authorizes the City of McCook to enter into a Construction Management at Risk Contract for a public project if the City adheres to specific procedures.

### **POLICIES**

The City shall adopt a resolution selecting the Construction Management at Risk Contract delivery system prior to proceeding with any of the steps involved with solicitation or execution of any construction contract. The resolution requires the affirmative vote of at least two-thirds of the Council.

### **PROCEDURES**

#### **CONSTRUCTION MANAGEMENT AT RISK CONTRACT**

##### Preparation and content of Request for Proposal (RFP)

The City, with the assistance of the Project Architect or Project Engineer, shall prepare a request for proposal for each Construction Management at Risk Contract for soliciting proposals from interested Construction Managers.

##### Standards used to prequalify Construction Managers

An *AIA 305 Contractor's Qualifications Statement* may be provided to each potential Construction Manager for their review.

##### Preparing and submitting Proposals

The requirements for preparing and submitting Proposals will be clearly outlined in the Request for Proposal.

##### Evaluating Construction Manager Proposals

The City shall refer the proposals for recommendation to the selection committee. The selection committee shall be at least five (5) persons designated by the City. Members of the selection committee shall include:

1. Members of the Council;
2. Members of the administration or staff;
3. Representative of the Architect;
4. Any person having special expertise relevant to selection of a construction manager (e.g. someone who has been involved in a construction project using a construction manager);
5. Resident of the City of McCook other than any individual listed in Sections 1 - 4 above.

The Evaluation Criteria, as listed in the Political Subdivisions Construction Alternatives Act, shall be used and shall be included in the Request for Proposal.

Negotiations

The City may attempt to negotiate a Construction Management at Risk Contract with the highest ranked construction manager and may enter into a Construction Management at Risk Contract after negotiations.

Formal Protests

The process for addressing formal protests relating to the solicitation or execution of a Construction Management at Risk Contract will be addressed in each individual Request for Proposal.

**CITY MANAGER'S REPORT  
JANUARY 16, 2023 2022 CITY COUNCIL MEETING**

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**ITEM:**        3.I.

Receive and file the claims for the month of December 2022, published January 12, 2023.

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**BACKGROUND:**

Claims are presented to the Council and published each month as outlined in the City Code of Ordinances.

Staff is always available to address any questions that the Council may have regarding a specific claim.

**FISCAL  
IMPACT:**     None.

**APPROVALS:**



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Lea Ann Doak, City Clerk

January 12, 2023

CITY OF MCCOOK  
CLAIMS FOR DECEMBER 2022

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

20/20 TECHS-SC 4565.00; 7-D LOCKSHOP-S 13.00; ACE-S 1978.50; ACME PRINTING-S 180.75; AKRS-S 179.31; AMERICAN AG LAB-SC 851.98; AMERICAN ELECTRIC-S 90.74, CO 552.10; AMERICAN LEGAL PUBLISHING-SC 399.00; AMERICAN NATIONAL BANK-SC 45323.83; AMERITAS-CLAIMS-SC 3986.71; ANYTIME TRI-STATE TOWING-SC 195.00; APCO-SC 361.00; APPLIED CONNECTIVE TECH-SC 341.08; ARROW CAR WASH-S 35.78; BLACK HILLS ENERGY-SC 6523.82; BW TELECOM-SC 144.14; C&K-S 112.62; CAMBRIDGE TELEPHONE-SC 234.12; CAROLINA SOFTWARE-S 640.70; CARQUEST-S 2937.62; CASH WA-S 9777.56; CDW-G-SC 285.00; CENTRAL NE BOBCAT-S 239.70; CENTURY LINK-SC 747.67; CITY OF MCCOOK-PS 415253.51; CITY SELF INS-BT 166893.75; UTILITIES-SC 3541.33; COMMON SCENTS-S 299.99; CORNHUSKER CLEANING-S 261.97; CORNHUSKER STATE INDUSTRIES-CO 453.00; CREATIVE LINES-S 375.00; J. CROCKER-SC 212.07; CUMMINS SALES & SRVS- 1486.62; D & S HARDWARE-S 297.33; DAS ACCT-SC 404.00; DELL MARKETING-SC 839.00; DEVENY CHRYSLER-S 712.44; DOLAN CONSULTING GROUP-SC 95.00; EAKES-S 2461.48; ENGINEERED CONTROLS-S 444.87; FASTENAL-S 31.60; FICA-PS 20693.73; FBI NAT'L ACADEMY-SC 260.00; FLIGHTBRIDGEED, LLC-SC 719.92; FRONTIER COMM-SC 34.19; FUSION CLOUD-SC 84.26; GALLS-S 2282.86; GARRISONS-S 352.00; GERIH CONCRETE-S 4450.00; GOOGLE SVCS-SC 504.00; GRAHAM TIRE-S 3842.64; GREAT PLAINS COMM-SC 2405.68; M HARPHAM-S 78.00; HAYS COMPANIES-SC 10000.00; HENNING BROS-SC 59.00; HOMETOWN LEASING-SC 1185.35; IDEAL LINEN-S 123.05; IPMA-HR-S 401.00; J BAR J LANDFILL-SC 42328.85; K MESNER-SC 463.46; KOHL'S AUTO-S 712.15; LA QUINTA INNS-SC 119.00; LIFE-ASSIST-S 1556.08; MALLECK OIL-S 550.75; MARC-S 188.93; MARIS GENERAL-S 115.00; MC GAZETTE-SC 2381.55; MC HUMANE SOCIETY-S 4256.65; MCCOOK MECHANICAL-S 10945.65, SC 186.40; MPPD-SC 1714.28; MPS-SC 600.00; MC NET SC 69.95; T. MCGINLEY-S 76.58; MCKESSON

MEDICAL-S 427.80; MEDICARE-PS 5802.13; MEAD-S 88.35; MICHAEL TODD & CO-S 257.99; MICROMARKETING-S 1769.58; MIDWEST CONNECT-S 322.11, SC 415.64; MIDWEST LABS-SC 737.75; MIGHTY DUCTS-S 375.00; MOUSEL, BROOKS, SCHNEIDER, MUSTION, SCHIFLETT-SC 7181.00; MUNICIPAL SUPPLY-S 24723.01; NE DEPT OF HEALTH AND HUMAN SRVS-S 58.90; NE DEPT REV-SALES TAX-SC 9938.14; NE NOTARY ASSOC-S 156.18; NE PUBLIC HEALTH-SC 19.00; NE STATE FIRE MARSHAL-S 108.00, SC 120.00; NE SUPREME COURT-SC 210.88; NE LAW ENFORCEMENT INTEL-SC 20.20; NEXT GENERATION-SC 101572.63; NAT'L FIRE PROTECTION-SC 175.00; NICK'S DIST-S 651.57; NMC-S 1237.36; NPPD-SC 27721.44; S 1203.78; O'REILLY-S 625.07; ONE BILLING SOL-SC 3442.58; ONE CALL-SC 62.50; PARDE ELECTRIC-S 371.00; PAULSEN INC-S 1670.30; PLATTE VALLEY COMM-S 3244.10; POSITIVE PROMOTIONS-SC 384.31; PRAISE WINDOWS-S 880.00; QUADIENT FINANCE USA-SC 1000.00; QUALITY URGENT CARE-SC 86.00; QUILL-S 223.55; RADWELL-S 157.62; RAVENSWOOD ELEC-S 825.00; RED WILLOW CO CRT-SC 17.00; RED WILLOW CO HEALTH DEPT-SC 255.11; RED WILLOW CO TREAS-SC 1.50; RUGGLES-SC 100.00; RED WILLOW WESTERN-SC 128.21; SANDRY FIRE SUPPLY-CO 2065.75, S 1348.55; SCOTTIES POTTIES-S 100.00; SENSEL WELDING & REPAIR-S 52.57; B. SIEGFRIED-S 28.97; SWNAC ASSOC-S 20.00; SOUTHWEST FARM & AUTO-S 1977.30; SOUTHWESTERN EQUIP-S 1578.98; SUNSET LAW ENFORCEMENT-S 7998.60; SUNSHINE INDUSTRIAL-CO 485.14; T & K VENTURES-SC 3250.00; TELEFLEX-S 926.50; TITAN MACHINERY, INC-S 709.50; TK ELEVATOR-SC 361.209, S 406.25; TREE REBATES-S 75.00; UMR-SC 252993.40; US FOODS-S 882.89; USA BLUEBOOK-S 205.36; UTILITY REFUNDS-311.05; VAN DIEST-S 534.10; VERIZON-SC 3307.05; VOLZ-S 5846.65; W-DESIGN-CO 26786.84; WALMART-S 1669.67; WEATHERCRAFT-SC 40850.00; WESTSIDE WELING-S 171.60; R WILCOX-S 257.42; WPCI-SC 32.00; S YAGER-SC 32.00; ZOLL MEDICAL-S 879.32.

-s- Lea Ann  
Doak City Clerk

Publish: JANUARY 12, 2023

**CITY MANAGER'S REPORT  
JANUARY 16, 2023 CITY COUNCIL MEETING**

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**ITEM:** 3.J.

**RECOMMENDATION:**

Accept the minutes of the January 9, 2023 Planning Commission meeting.

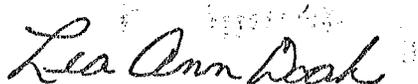
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**BACKGROUND:**

Accept minutes from the various board and commission meetings.

**FISCAL  
IMPACT:** None.

**APPROVALS:**



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Lea Ann Doak, City Clerk

January 12, 2023

McCook Planning Commission  
January 9, 2023  
5:15 P.M. Central

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

Present: Vice Chair Hilker; Commissioners Bradley, Dueland, Lyons, McDowell, Stevens, Mockry.

Absent: Chair Vosburg; Commissioners Davidson, Friehe.

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

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on January 5, 2023, the designated method of giving notice, a copy of the proof of publication being attached to these minutes. Advance notice of the meeting was also given to all members of the Planning Commission. Availability of the agenda was communicated in the advance notice. All proceedings hereafter shown were taken while the meeting was open to the attendance of the public. Open Meetings Act Announcement.

Vice Chair Hilker 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 December 12, 2022 regular Planning Commission meeting.

Motion to approve the minutes of the December 12, 2022 regular Planning Commission meeting.

This motion, made by Dueland and seconded by McDowell, passed.

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

YEA: 7, NAY: 0, ABSENT: 3

2. Public Hearings and Regular Agenda.

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

Motion to recess as a Planning Commission and convene a public hearing for the purpose of receiving public comment regarding the Preliminary Plat and Final Plat for Heritage Pointe Addition No. 3, 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 Hilker and seconded by McDowell, passed.

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

ABSENT, Lyons: YEA, McDowell: YEA, Mockry: YEA, Stevens: YEA  
YEA: 7, NAY: 0, ABSENT: 3

The City Attorney received into evidence Exhibit #1 - City Manager's Report prepared for the January 9, 2023 Planning Commission meeting (2 pages); Exhibit #2 - Notice of Public Hearing published (1 page); Exhibit #3 - mailed and posted (1 page); Exhibit #4 - listing of property owners notified (1 page); Exhibit #5 - Heritage Pointe Addition No. 3 Final Plat (1 page); Exhibit #6 - Land Use Application and attachments (5 pages); and Exhibit #7 - City of McCook Subdivision Regulations, Section 7. Procedures (4 pages).

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

Matt Davidson, representing the applicant Jerry Gohl, and Scott Clifford of Miller and Associates were present to address questions from the Commission.

Commissioner Dueland stated that he had no problem with the current request, but expressed concerns with the need to control how these lots are developed to the north.

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

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

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

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

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

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

Motion to recess as a Planning Commission and convene a public hearing for the purpose of receiving public comment with respect to a zoning change request for Heritage Pointe Addition No. 3, 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 Hilker and seconded by Lyons, passed.

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

The City Attorney received into evidence Exhibit #1 - City Manager's Report prepared for the January 9, 2023 Planning Commission meeting (2 pages), Exhibit #2 - Notice of Hearing published (1 page); Exhibit #3 - Notice of Hearing mailed and posted (1 page); Exhibit #4 - ownership list for mailing of Notice of Hearing (1 page); Exhibit #5 - Land Use Action Request Form and attachments (5 pages); and Exhibit #6 - Map of the City of McCook's zoning districts (1 page).

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

Matt Davidson, representing the applicant Jerry Gohl, and Scott Clifford of Miller and Associates were present to address questions from the Commission.

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

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

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

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

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

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. 3.

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

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

The City Attorney received into evidence Exhibit #1 - City Manager's Report prepared for the January 9, 2023 Planning Commission meeting (2 pages), Exhibit #2 - Notice of Hearing published (1 page); Exhibit #3 - Voluntary Annexation Petition/Request from Matt Davidson on behalf of Jerry Gohl (1 page); Exhibit #4 - Legal Description of the proposed annexation area (1 page); Exhibit #5 - Proposed Resolution No. PC2023-01 (2 pages).

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

Matt Davidson, representing the applicant Jerry Gohl, and Scott Clifford of Miller and Associates were present to address questions from the Commission.

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

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

2.F. Approve Planning Commission Resolution No. PC2023-01, recommending approval of the voluntary annexation of a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska, said tract of land included in the parcel to be referred to as Heritage Pointe Addition No. 3.

Motion to approve Planning Commission Resolution No. PC2023-01, recommending approval of the voluntary annexation of a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska, said tract of land included in the parcel to be referred to as Heritage Pointe Addition No. 3. This motion, made by Hilker and seconded by McDowell, passed.

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

Adjournment

With no further business, Vice Chair Hilker declared the Planning Commission meeting adjourned at 6:15 P.M.

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Lea Ann Doak, City Clerk-Treasurer  
Recording Secretary

**CITY MANAGER'S REPORT  
JANUARY 16, 2023 CITY COUNCIL MEETING**

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**ITEM:** 4.A.

**RECOMMENDATION:**

Discussion of changes to the City of McCook's Chapter 150: Building Codes and Regulations: Contractor's License.

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**BACKGROUND:**

McCook's Building Inspector and the Building and Housing Code Advisory and Appeals Board are recommending a revision to the Contractor's License requirements found in Chapter 150, Building Codes and Regulations of the McCook Code of Ordinances. McCook's Building Inspector has conducted a comprehensive review of other municipalities contractor's license requirements. Staff would like to have discussion with the city council for future approval and adoption of the proposed changes.

**FISCAL  
IMPACT:** None.

**APPROVALS:**

*prepared by*  
Barry Mooney, Building Inspector

January 12, 2023

*Lea Ann Doak*  
Lea Ann Doak, City Clerk

January 12, 2023

*Nate Schneider (Ed)*  
Nathan A. Schneider, City Manager

January 12, 2023

## CONTRACTOR'S LICENSE

### §150.400 LICENSE REQUIRED.

No person or corporation shall engage in the practice of General Contractor, Building Contractor, Residential Contractor, Plumbing Contractor, Mechanical Contractor, Roofing Contractor or Limited Contractor in the City of McCook and the extraterritorial jurisdiction (ETJ) without first having obtained a license to engage in any such practice and without giving the proof of surety as hereinafter provided for in this subchapter.

(Ord. 2016-2928, passed 5-16-2016; Ord. 2020-2996, passed 2-17-2020)

### §150.402 PERSONS EXEMPT FROM LICENSE REQUIREMENT.

Any owner of record of a residential property, including the usual primary and accessory structures, shall be exempt from the contractor's licensing requirements and may be granted a building permit to improve said property and corresponding structures provided he or she personally purchases and installs all materials used, and further provided, all work shall be inspected and approved by the Building Inspector.

(Ord. 2016-2928, passed 5-16-2016; Ord. 2020-2996, passed 2-17-2020; Ord. 2021-3032, passed 12-6-2021)

### §150.403 CONTRACTOR LICENSE; TYPES AND QUALIFICATIONS.

Any person or persons desiring to engage in the practice as a contractor or as a limited contractor as hereinafter defined, shall first make application to the Building Inspector for the license(s) to engage in such practice(s). The contractor licenses and qualifications for each are as follows:

A. General Contractor. A General Contractor shall have an unlimited scope of work. In order to qualify as a General Contractor, one (1) of the following requirements must be met: A college degree in Architecture, Construction Science or Engineering and proof of two (2) years on the job experience; a certification from a two (2) year program in the trade from an accredited community college, technical school or technical college with three (3) years documented field experience; or must have five (5) years documented field experience in the trade and proof of passing the ICC General Building Contractor (A) exam. Documented field experience for a general contractor application requires written certification by the applicant that he or she has worked in the trade and been licensed for the same by this city or another jurisdiction for the applicable period of time as established herein.

B. Building Contractor. A Building Contractor shall have a scope of work limited to construction of commercial buildings, single-family dwellings, duplex dwellings, buildings consisting of three (3) or more townhouse units not exceeding three (3) stories in height and remodeling of all structures. In order to qualify as a Building Contractor, one (1) of the following requirements must be met: A college degree in Architecture, Construction Science or Engineering and two (2) years on the job experience; a certification from a two (2) year program in the trade from an accredited community college, technical school or technical college with three (3) years documented field experience; or must have five (5) years documented experience in the trade and proof of passing the ICC Building Contractor (B) exam. Documented field experience

for a building contractor application requires written certification by the applicant that he or she has worked in the trade and been licensed for the same by this city or another jurisdiction for the applicable period of time as established herein.

C. Residential Contractor. A Residential Contractor shall have a scope of work limited to construction of single-family dwellings, duplex dwellings, buildings consisting of three (3) or more townhouse units not exceeding three (3) stories in height and remodeling of all structures. In order to qualify as a Residential Contractor, one (1) of the following requirements must be met: A certification from a one (1) year program in the trade from an accredited community college, technical school or technical college with two (2) years documented field experience; or must have three (3) years documented experience in the trade and proof of passing the ICC Residential Building Contractor (C) exam. Documented field experience for a residential contractor application requires written certification by the applicant that he or she has worked in the trade and been licensed for the same by this city or another jurisdiction for the applicable period of time as established herein.

D. Plumbing Contractor. A Plumbing Contractor shall have an unlimited scope of plumbing work. In order to qualify as a Plumbing Contractor, one (1) of the following requirements must be met: Proof of Certification of Master Plumber or Journeyman Plumber; a certification from a one (1) or two (2) year program in the trade through an accredited community college, technical school, technical college; or must have a Master's certificate that requires five (5) years documented field experience or a Journeyman's certificate that requires three (3) years documented field experience **and** proof of passing the ICC Master Plumber or Journeyman Plumber exam. Documented field experience for plumbing contractor application requires written certification by the applicant that he or she has worked in the trade and been licensed for the same by this city or another jurisdiction for the applicable period of time as established herein. Apprentice Plumber shall work only under the direct supervision of a certified master plumber or a certified journeyman plumber.

E. Mechanical Contractor. Heating, Ventilation and Air Conditioning (HVAC). A Mechanical Contractor shall have an unlimited scope of mechanical heating, ventilation and air conditioning work. In order to qualify as a Mechanical Contractor, one (1) of the following requirements must be met: Proof of certification of Master or Journeyman in heating, ventilation and air conditioning mechanics; a certification from a one (1) or two (2) year program in the trade through an accredited community college, technical school, or technical college; or must have a Master's certificate that requires five (5) years documented field experience or a Journeyman's certificate that requires three (3) years documented field experience **and** proof of passing the ICC Master Mechanical or Journeyman Mechanical exam. Documented field experience for a HVAC contractor application requires written certification by the applicant that he or she has worked in the trade and been licensed for the same by this city or another jurisdiction for the applicable period of time as established herein. Apprentice to a Mechanical contractor shall work only under the direct supervision of a certified master mechanical installer or a certified journeyman mechanical installer.

F. Roofing Contractor. A Roofing Contractor shall be authorized to install, repair and replace residential and commercial roof coverings. In order to qualify as a Roofing Contractor, one (1) of the following requirements must be met: Two (2) years documented field experience in the trade; or proof of passing the ICC Roofing Contractor exam. Documented field experience for a roofing contractor application requires written certification by the applicant that he or she has

worked in the trade and been licensed for the same by this city or another jurisdiction for the applicable period of time as established herein.

G. Limited Contractor. A Limited Contractor license may be issued for each of the following types of work: Concrete, demolition, excavation, fencing, roofing, sign installation and structure moving. A Limited contractor must have two (2) years documented field experience in the trade for which a license is sought. Documented field experience requires written certification by the applicant that he or she has worked in the trade and been licensed for the same by this city or another jurisdiction for the applicable period of time as established herein.

H. Where a lawful contractor's license exists at the effective date of adoption or amendment of this Ordinance, such license may be continued so long as it remains otherwise lawful.

#### **§150.404 APPLICATION REVIEW PROCESS, TERM AND APPEALS.**

A. Any person or persons desiring a contractor's license to perform work within the City of McCook and the City of McCook's extraterritorial jurisdiction (ETJ) shall complete an application and provide the required evidence of relevant education, experience, skills, and proficiency. All contractor license applications shall be accompanied by an application fee, as specified in Section 38 Fee Schedule. The application fee is non-refundable.

B. All applicants for a contractor's license shall submit an application to the Building Inspector. Those applicants that meet the requirements of Section 150.403 shall be issued a contractor's license. The Building Inspector shall have fourteen (14) days for review. Unsuccessful applicants will be notified by certified mail. Any person whose application is disapproved must wait a minimum of forty-five (45) days before they can reapply. Reapplication shall be accompanied by an additional application fee.

C. All contractor's licenses issued by the Building Inspector shall be valid for two (2) year terms beginning January 1<sup>st</sup> of every odd numbered year and ending December 31<sup>st</sup> of every even numbered year. **The city will not prorate any license fee regardless of when the license is purchased.** All licenses shall be renewable biennially as in the case of an original license on or before December 31<sup>st</sup> of every even numbered year. **Renewals received after January 31<sup>st</sup> will be subject to the original license fee.**

D. An applicant that has been denied a contractor's license by the Building Inspector may file an appeal to the Building and Housing Code Advisory and Appeals Board. Such appeal shall be taken within a reasonable time by filing with the Building Inspector from whom the appeal is taken and with the Building and Housing Code Advisory and Appeals Board a notice of appeal specifying the grounds thereof. The Building Inspector from whom the appeal is taken shall forthwith transmit to the Building and Housing Code Advisory and Appeals Board all the papers constituting the record upon which the action appealed from was taken. The Building and Housing Code Advisory and Appeals Board shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person, by agent or by attorney.

1. The Building and Housing Code Advisory and Appeals Board shall have the power to hear and decide appeals where it is alleged there is error in any order, requirement, decision,

or determination made by the Building Inspector based on or made in the enforcement of the requirements of the contractor's license.

2. Notice of public hearing shall be given as described above; the public hearing shall be held; any party may appear in person, by agent or by attorney; the Building and Housing Code Advisory and Appeals Board shall make findings that the requirements of this section have been met by the applicant for a contractor's license; the Building and Housing Code Advisory and Appeals Board shall further make a finding that the reasons set forth in the application justify the granting of a contractor's license.

3. Any person or persons, jointly or severally, aggrieved by any decision of the Building and Housing Code Advisory and Appeals Board, may appeal as provided by Section 19-912 Neb. Rev. Stat., 1943.

(Ord. 2016-2928, passed 5-16-2016; Ord. 2020-2996, passed 2-17-2020)

### **§150.406 INSURANCE REQUIREMENTS.**

Every person or company applying for a contractor's license shall present to the Building Inspector, to be filed, a certificate or policy of insurance with a minimum limit of one million (\$1,000,000) dollars for each occurrence (combined single limit of bodily injury and property damage). Minimum limit of one million (\$1,000,000) dollars aggregate for products – completed operations and with a minimum limit of two million (\$2,000,000) dollars general aggregate. This general aggregate limit shall apply separately to the Contractor's work under this agreement. Further that the issuing insurance company agrees to provide thirty (30) day written notice in the event of expiration or of proposed cancellation of the insurance policy. Surety shall be conditioned that the principal, and all employees, will comply with all the ordinances of the City relating to model codes and to hold the City harmless on account of any damages arising from faulty performance or neglect of duty by the holder of such license. (Ord. 2016-2928, passed 5-16-2016; Ord. 2020-2996, passed 2-17-2020)

### **§150.407 LICENSE FEES.**

Pursuant to Section 150.403 of this code, the following license amounts have been set for contractor's licenses. (See Ch. 38 Fee Schedule, Appendix O)

A. General Contractor. Initial license and nonconsecutive renewals shall be \$200.00. Each consecutive renewal shall be \$100.00.

B. Building Contractor. Initial license and nonconsecutive renewals shall be \$180.00. Each consecutive renewal shall be \$90.00.

C. Residential Contractor. Initial license and nonconsecutive renewals shall be \$150.00. Each consecutive renewal shall be \$75.00.

D. Plumbing Contractor. Initial license and nonconsecutive renewals shall be \$150.00. Each consecutive renewal shall be \$75.00.

E. Mechanical Contractor (Heating, Ventilation and Air Conditioning). Initial license and nonconsecutive renewals shall be \$150.00. Each consecutive renewal shall be \$75.00.

F. Roofing Contractor. Initial license and nonconsecutive renewals shall be \$120.00. Each consecutive renewal shall be \$60.00.

G. Limited Contractor. Initial license and nonconsecutive renewals shall be \$120.00. Each consecutive renewal shall be \$60.00.

#### **§150.408 REVOCATION OF LICENSE**

Any license issued under the provisions of this subchapter may be revoked by the Building Inspector upon proof that the licensee(s) has failed, neglected, or refused to comply with any of the provisions of this subchapter or with other ordinances of the City relating to or regulating the particular type of work for which such license was granted. No such license shall be revoked without the giving of a written notice of the intention to revoke such license and without giving such licensee a full opportunity to be heard before the Building and Housing Code Advisory and Appeals Board as to any complaint made against him or her. Upon the revocation of any license granted under the provisions of this subchapter, no refund shall be made of any part of the license fee previously paid by the licensee.

(Ord. 2016-2928, passed 5-16-2016; Ord. 2020-2996, passed 2-17-2020)

#### **§150.410 UNLAWFUL USE OF LICENSE.**

No license issued hereunder shall be assignable or transferable, and it shall be unlawful for any licensee to permit its license to be used or allow permits to be taken out in the name of such licensee by any other person, firm, or corporation.

(Ord. 2016-2928, passed 5-16-2016; Ord. 2020-2996, passed 2-17-2020)

#### **§150.412 RECORDS RETENTION.**

The Building & Zoning Department shall keep a complete record of all licenses issued and Certificate or Policy of Insurance registered under the provisions of this subchapter and shall cause suitable records of all official actions taken hereunder to be kept and preserved.

(Ord. 2016-2928, passed 5-16-2016; Ord. 2020-2996, passed 2-17-2020)

**CITY MANAGER'S REPORT  
JANUARY 16, 2023 MCCOOK CITY COUNCIL MEETING**

**4.B.**  
ITEM NO. \_\_\_ Receive and file a report from city staff updating the current organizational arrangement for the City of McCook's dispatch center.

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**BACKGROUND:**

In FY 2021-2022, the McCook City Council added the E911 Office Coordinator as a newly created position. Ordinance No. 2021-3020 included the E911 position in the City's Classification and Pay Plan. The new position was necessary in order to keep up with the increased technical demands associated with operating and maintaining a dispatch center. After the new position was created, the McCook Police Department's Administrative Assistant transferred into the E911 Coordinator role. The Administrative Assistant position has remained vacant following the transfer, although it was included in both the FY 2021-2022 and FY 2022-2023 Classification and Pay Plans. In order to fill the void, McCook's Dispatchers and the E911 Coordinator have assumed the duties historically performed by the Police Department's Administrative Assistant. This arrangement has proven to be difficult from an operational standpoint.

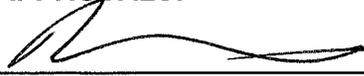
Additionally, due to the ever changing landscape of federal, state, and local rules and regulations, the E911 Coordinator has assumed responsibilities traditionally performed by McCook's Chief Dispatcher. Initially, when the E911 Coordinator position was created, it was anticipated that the Chief Dispatcher position and the E911 Coordinator position would remain separate. It has become apparent over the course of the past two years that the two positions need to be rolled into one position. Based on the natural development of the McCook Dispatcher Center's organizational hierarchy, the Chief of Police recommends that the duties of the E911 Coordinator include the duties of the Chief Dispatcher. The current E911 Coordinator agrees with this assessment.

In order for the E911 Coordinator to efficiently operate in this new capacity, Chief Smith believes it is imperative that the City fill the vacant Administrative Assistant position. The Chief of Police will directly supervise the Administrative Assistant, with the E911 Coordinator offering technical direction to that individual.

None of the changes mentioned will require a modification of the Budget or the Classification and Pay Plan. No additional funding will be needed to fund the Administrative Assistant position due to the fact that the current budget anticipates a stand alone Chief Dispatcher, which will not be necessary due to assigning Chief Dispatcher duties to the E911 Coordinator. All of the anticipated positions are included within the current Classification and Pay Plan, eliminating the need to amend the enabling ordinance that was passed for FY 2022-2023.

Chief Joel Smith and E911 Coordinator Jennifer Doucet will be present at the January 16, 2023 McCook City Council meeting to discuss this item.

**APPROVALS:**



Nathan A. Schneider, City Manager

January 11, 2023



Lea Ann Doak, City Clerk

January 11, 2023



Joel Smith, Chief of Police

January 11, 2023

**CITY MANAGER'S REPORT  
JANUARY 16, 2023 MCCOOK CITY COUNCIL MEETING**

ITEM NO. 4.C Update regarding the swimming pool and ballpark projects.

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**BACKGROUND:**

Staff would like to keep this item as a place keeper on the McCook City Council agendas while we work through the construction process for both the swimming pool and the ballpark. It is staff's intent to use this item for informational purposes.

**APPROVALS:**

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

January 11, 2023

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

January 11, 2023

**CITY MANAGER'S REPORT**  
**JANUARY 16, 2023 MCCOOK CITY COUNCIL MEETING**

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ITEM **4.D.** Approve the issuance of an RFP for swimming pool construction management services.

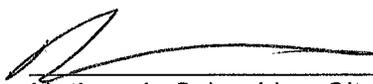
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**BACKGROUND:**

At the January 3, 2023, the McCook City Council passed Resolution 2023-01 approving the Construction Management at Risk (CMAR) delivery system for the new McCook swimming pool project. The next step is to approve an RFP for potential construction managers interested in working on behalf of the City of McCook and its pool project. The selected construction manager will enter into a contract with the City of McCook which will set a Guaranteed Maximum Price. The construction manager will provide pre-construction services such as constructability guidance, cost estimates, and construction schedules. The construction manager will also perform complete construction services consistent with the CMAR construction delivery process policy adopted by the City in 2011. Interested firms that wish to submit RFPs are required to deliver their completed proposal to the City of McCook on or before February 3, 2023.

Per the City of McCook's CMAR policy, a selection committee will review the RFPs and conduct interviews. The selection committee shall conduct interviews with 4 to 8 firms (or fewer if less than 4 RFPs are submitted). The selection committee will rank the firms based upon an objective scoring system. Following the selection process, the committee will recommend one firm to the McCook City Council to serve as McCook's construction manager for the swimming pool project.

**APPROVALS:**

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

January 11, 2023

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

January 11, 2023

**CITY OF MCCOOK  
CONSTRUCTION MANAGER AT RISK  
MUNICIPAL POOL FACILITY PROJECT  
Request for Proposals (RFP)**

The CITY OF MCCOOK, Nebraska is seeking proposals for the selection process to enter into a contract with a Construction Manager at Risk (CMAR) firm with a Guaranteed Maximum Price project delivery method to provide pre-construction services such as constructability guidance, cost estimates, and construction schedules; and to perform complete construction services consistent with the CMAR construction delivery process adopted by the City for the construction of a new outdoor municipal pool facility located at the existing pool facility at 500 East "M" Street just east of Kelley Park and across the street north from McCook Community College. The construction manager will work in consultation with the City's architect or engineer related to construction cost, construction scheduling, phasing labor, material, supplies, equipment, and construction services for the project.

Interested parties who have demonstrated their ability at comparable work are invited to submit proposals. A listing of what the proposal statements must contain may be examined at the office of the City Clerk in the City of McCook, Nebraska and may be procured from that office. Proposals shall be submitted to Lea Ann Doak, McCook City Clerk/Treasurer, 505 West "C" Street, PO Box 1059, McCook, Nebraska 69001-1059 no later than 4:30 P.M., February 3, 2023.

The Mayor and City Council of the City of McCook, Nebraska reserve the right to waive informalities and to reject any and all proposals and to re-solicit if deemed to be in the best interest of the City of McCook.

Dated this 16<sup>th</sup> day of January 2023.

-s- Lea Ann Doak  
City Clerk

Publish: January 17, 24, and 31, 2023.

# **REQUEST FOR PROPOSALS**

**CITY OF McCOOK, NEBRASKA**

**MUNICIPAL POOL FACILITY PROJECT**

Proposals Due by  
February 3, 2023 at 4:00 p.m. CST

## General Information

### **Notice to Construction Managers**

The City of McCook ("City") is seeking proposals for the selection process to enter into a contract with a Construction Manager at Risk (CMAR) firm with a Guaranteed Maximum Price project delivery method to provide pre-construction services such as constructability guidance, cost estimates, and construction schedules; and to perform complete construction services consistent with the CMAR construction delivery process adopted by the City for the construction of a new outdoor municipal pool facility located at the existing pool facility at 500 East M Street just east of Kelley Park and across the street north from McCook Community College. The construction manager will work in consultation with the City's architect or engineer related to construction cost, construction scheduling, phasing labor, material, supplies, equipment, and construction services for the project.

This document provides information for interested parties to prepare and submit a response to the Request for Proposal ("RFP") for consideration by the City. The City shall select the construction manager in accordance with the procedures and standards adopted by the City on February 7, 2011. These policies are available upon written request.

Proposals will be received Monday through Friday 7:30 a.m. to 4:30 p.m. except holidays, from January 17, 2023 until 4:00 p.m. CST February 3, 2023. Proposals shall be clearly marked "PROPOSAL - CITY OF McCOOK - MUNICIPAL POOL FACILITY PROJECT".

**Submit one (1) original and nine (9) copies of the entire Proposal and an electronic version.** Facsimile and electronic mail transmittals will not be accepted.

Proposals must be sent to:

Lea Ann Doak, City Clerk  
City of McCook  
505 W C St.  
P.O. Box 1059  
[ldoak@cityofmccook.com](mailto:ldoak@cityofmccook.com)

Proposals not addressed and delivered to the above person will not be considered. Proposals received after the above stated time and date may not be considered. The City reserves the right to reject any or all Proposals and to waive minor informalities. All Proposals submitted shall be valid for a period of sixty (60) days following the final date for submission of bids.

**Requests for information and clarification questions must be received by January 27, 2023 in order for the City to have time to issue an addendum.** Requests for additional information may be submitted to Andrew Smith, Lamp Rynearson, (816) 823-7341; or [andy.smith@lamprynearson.com](mailto:andy.smith@lamprynearson.com)

Any questions, clarifications, or requests for general information must be in writing and directed to the individual listed above. Answers to any questions shall be in writing and shall be sent to all firms who have responded to this RFP.

The City will not be liable for costs incurred by construction managers for proposal preparation, printing, demonstration, or any other costs associated with or incurred in reliance on proposal creation. All such costs shall be the responsibility of the construction manager.

Interviews may be scheduled with responsive applicants on February 21, 2023. The location of the interviews will be at 505 W C St., McCook, NE 69001. The time frame allotted for each firm will be forty-five (45) minutes with the first interview starting at 9:00 a.m. Each firm's time slot will be assigned once all proposals have been received and will be alphabetical to avoid any perception of preference.

**Contact with any other City employee, elected official or other individuals and organizations associated with the proposed project may result in disqualification.**

The selected construction manager will be given notice of award once the City has approved the contract, the guaranteed maximum price meets budgetary limits, and the conforming contract documents are fully executed. Notice of award may be issued as soon as the March 6, 2023 regular City Council Meeting.

### **Obligations of Parties**

This RFP does not constitute an offer by the City. By issuing this RFP and receiving proposals in response, the City is under no obligation to accept any proposal resulting from this RFP.

Respondent understands and acknowledges by submitting a Proposal that the Proposal presented is based on assumed requirements for the proposed project; and, that the City has made no written or oral representations that any such assumed requirements are endorsed or accepted should a contract arise from the presented Proposal.

Furthermore, Respondent understands and acknowledges by submitting a Proposal that any and all costs incurred by the Respondent as a result of the Respondent's efforts to participate in this selection process shall be at the sole risk and obligation of the Respondent. The City will not provide compensation to Respondents for any expenses incurred for proposal preparation or for any presentations made.

The City makes no guarantee that an award will be made as a result of this RFP, and reserves the right to accept or reject any or all proposals, waive any formalities or minor technical inconsistencies, or delete any item/requirements from this RFP or resulting contract when deemed to be in the City's best interest. Representations made within the Proposal response will be binding on responding firms.

### **Procedures for Evaluation and Awarding of Contract:**

1. Evaluation will be done by the appointed selection committee. After evaluation the selection committee will make a recommendation to the City Council for award. This

recommendation and pending award will be made at a City Council meeting, which occurs the first and third Mondays of the month or at any time of the Council's choosing. The City Council will award the bid by majority vote.

2. The City and the selection committee shall evaluate proposals taking into consideration the criteria listed below with the maximum percentage of total points for evaluation which may be assigned to each criterion as indicated immediately following the criterion.
  - a. The financial resources of the construction manager to complete the project, five percent (5%)
  - b. The ability of the proposed personnel of the construction manager to perform, twenty percent (20%)
  - c. The character, integrity, reputation, judgment, experience, and efficiency of the construction manager, twenty percent (20%)
  - d. The quality of performance on previous projects, twenty percent (20%)
  - e. The ability of the construction manager to perform within the time specified, twenty percent (20%)
  - f. The previous and existing compliance of the construction manager with laws relating to the contract, five percent (5%)
  - g. Other information as may be secured having a bearing on the selection, ten percent (10%)

### **Terms and Conditions**

Below are the proposed terms and conditions for the contract, which are subject to further negotiation. All general terms and conditions approved in the final contract shall be consistent with nationally recognized models of general terms and conditions which are standard in the design and construction industry in Nebraska.

1. Performance and Payment Bond:

The successful Construction Manager shall be required to furnish a performance and payment bonds and said bonds shall be in the amount of 100% of the total amount of the contract, written by a surety licensed to do business in the State of Nebraska. Said performance and payment bonds shall be provided to the City Clerk within ten (10) days after execution of the contract documents and bid award. Bond may be secured through the Construction Manager's usual sources.

2. Information, Discussion, and Disclosures:

- a. Any information provided by the City to any Construction Manager prior to the release of this RFP, verbally or in writing, is considered preliminary and is not binding on the City.

- b. The Construction Manager must not make available nor discuss any cost information contained in the sealed copy of the proposal to or with any employee of the City from the date of issuance of this RFP until the contract award has been announced, unless allowed by Linda Taylor, Mayor of the City of McCook, in writing for the purpose of clarification or evaluation.
- c. No interpretation of the meaning of the specifications or other bidding documents, nor correction of any ambiguity, inconsistency, or error therein will be made orally to any Construction Manager.
- d. Every request for such interpretation or correction should be, addressed to Lea Ann Doak, Clerk for the City of McCook, (308) 345-2022; or ldoak@cityofmccook.com
- e. Requests must be received by January 27, 2023 in order for the City to have time to issue an addendum. Requests received after the deadline may not be considered. In case the City finds it expedient to supplement, modify, or interpret any portion of the bidding documents prior to the proposed bid date, such procedure will be accomplished by the issuance of written addenda to the RFP which will be mailed or delivered to all prospective Construction Managers at the respective addresses furnished for such purpose.

3. Addenda:

- a. All addenda will become part of this RFP and must be responded to by each Construction Manager.
- b. All addenda must be acknowledged in writing in the Proposal submitted by the Construction Manager.
- c. This RFP, any subsequent addenda, and any written responses to questions take precedence over any information previously provided.

4. Confidentiality of Documents:

The City considers all information, documentation and other materials submitted in response to this proposal to be of a non-confidential and/or non-proprietary nature and therefore shall be subject to public disclosure under NEB. REV. STAT. § 84-712.01.

Construction managers are hereby notified that the City strictly adheres to all statutes, court decisions, and opinions of the Nebraska Attorney General with respect to disclosure of information.

Any "proprietary, trade secret, or confidential commercial or financial" information must be clearly identified, in a separate sealed envelope, at the time of submission. The construction manager will be required to fully defend, in all forums, the City's refusal to produce such information; otherwise, the City will make such information public.

5. Fair Labor Standards:

Pursuant to NEB. REV. STAT. §73-102, the construction manager declares, promises, and warrants it has and will continue to comply fully with fair labor standards in the pursuit of his business and in the execution of the contract he is bidding. In execution of such contract fair labor standards shall be maintained, provided, no agency or department of the state shall make any requirements, because of NEB. REV. STAT. §§ 73-101 - 73-104, that will increase the cost to the state of merchandise, materials, supplies or services. Such requirements shall not apply to such governing authorities that prescribe, in the terms of the contract for public works, provisions governing the hours of labor, rates of pay, and conditions of employment.

6. Non-Discrimination Clause:

Pursuant to Title VI of the Civil Rights Act of 1964 and NEB. REV. STAT. §§ 48-1001, et seq. & 48-1101, et. seq., the construction manager declares, promises, and warrants it shall not discriminate against any employee who is employed in the performance of the contract, or against any applicant for such employment, because of age, color, national origin, race, religion, marital status, disability or sex.

7. Conflict of Interest Clause:

The parties hereto declare and affirm that no officer, member, or employee of the City, and no member of its governing body, and no other public official of the City who exercises any functions or responsibilities in the review or approval of the undertaking described in this contract, or the performing of services pursuant to this contract, shall participate in any decision relating to this contract which affects his or her personal interest, or any corporation, partnership, or association in which he or she is directly or indirectly interested; nor shall any employee of the City, nor any member of its governing body, have any interest, direct or indirect, in this contract or the proceeds thereof.

8. Supplemental Terms and Conditions/Modifications:

Any supplemental terms, conditions, modifications, or waiver of these terms and conditions must be in writing and signed by the Mayor of the City of McCook and the construction manager.

9. Breach:

Should the construction manager breach, violate, or abrogate any term, condition, clause or provision of this contract, the City shall notify the construction manager in writing that such an action has occurred. If satisfactory provision does not occur within ten (10) days from such written notice the City may, at its option, terminate this agreement and obtain an alternate provider to provide all required materials. This provision shall not preclude the pursuit of other remedies for breach of contract as allowed by law.

10. Insurance Requirements:

**The Construction Manager shall not begin work under this Agreement until all insurance certificates have been filed with the City Clerk.**

Construction Manager shall not commence work on this Contract until he/she has obtained all insurance required under this Section and such insurance has been approved by the City, nor shall Contract Manager allow any subcontractors to commence work on his/her subcontract until similar insurance required of the subcontractor has been so obtained and approved.

The following insurance coverages shall be kept in force during the life of the Contract and shall be primary with respect to any insurance or self-insurance programs covering the City, its commissioners/supervisors, officials, agents, representatives and employees.

Construction Manager agrees to waive all rights of subrogation against City and its insurers for injuries and/or damages to the extent that such injuries and/or damages are covered by The Construction Manager's insurance or would have been covered but for the application of a deductible.

All of the required insurance policies under this Section shall be primary insurance as it relates to City, its officers, agents, employees, and volunteers. Any insurance or self-insurance maintained by City, its officers, employees, or volunteers shall be excess of Construction Manager's insurance and shall not contribute with it in any way.

#### Workers' Compensation and Employers Liability Insurance

The minimal acceptable limits shall be the statutory limits as required by the State of Nebraska for Coverage A, Workers' Compensation, and \$1,000,000.00 each accident for Coverage B, Employers Liability.

#### Commercial General Liability Insurance

Coverage should include broad form coverage written on a commercial general liability form and written on an occurrence basis. The coverage must protect against claims for damages resulting from bodily injury, including death, personal injury and property damage.

The minimum acceptable limits of liability shall be \$1,000,000 each occurrence. If the coverage contains a general aggregate, such limit shall not be less than \$2,000,000. The products/completed operations limit shall not be less than \$2,000,000.

Construction Manager must complete Additional Insured Form CG2010/CG2037 naming the City as an additional insured entity. The completed form must be provided to the City. Further, the Construction Manager must provide copies of any blanket additional insured forms.

#### Automobile Liability Insurance

Coverage shall be against claims for damages resulting from bodily injury, including death and property damage, which may arise from the operations of any owned, hired or

non-owned automobile. The minimum acceptable limit of liability shall be \$1,000,000 Combined Single Limit for each accident.

City, its officers, agents, employees, and volunteers are to be included as insureds with respect to damages and defense arising from the ownership, maintenance or use of automobiles owned, leased, hired, or borrowed by the Construction Manager. The coverage shall contain no special limitations on the scope of protection afforded to City, its officers, employees, or volunteers. Additional insured status for City shall apply until the expiration of time within which a claimant can bring suit per applicable state law.

#### Professional Liability Insurance

Coverage shall be for wrongful acts, errors or omissions. The minimum acceptable limits of liability shall be \$1,000,000 each occurrence. If the coverage contains a general aggregate, such limit shall not be less than \$2,000,000. The City, its officers, agents, employees and volunteers are to be included as an additional insured.

#### Builders Risk Insurance

The Construction Manager shall purchase and maintain all materials, equipment and/or machinery involved under this Contract and shall assume all responsibility for loss or damage to such property until such time as the materials, equipment and/or machinery are accepted by the City. The Contractor shall provide an "All Risk" Builders Risk or equivalent insurance policy and, if applicable, an Installation Floater insurance policy which includes off-site and transit coverage, including "damage to property of others" coverage, with sufficient limits to cover the value of the materials, equipment and/or machinery involved under this Contract.

#### Umbrella Policy

The Construction Manager shall maintain an umbrella policy providing excess limits over the primary policies described herein, in an amount not less than five million dollars (\$5,000,000.00).

#### Certificate of Insurance

The Construction Manager shall furnish the City with a certificate(s) of insurance evidencing the coverages required in this section. Such certificate(s) shall specifically state that the insurance company or companies underwriting these insurance coverages shall give the City at least thirty (30) days' written notice in the event of cancellation of, or material change in, any of the coverages. If the certificate(s) is shown to expire prior to completion of all the terms of this Contract, the Construction Manager shall furnish a certificate(s) of insurance evidencing renewal of its coverage to the City.

The Construction Manager shall require each and every Subcontractor performing work under this Contract to maintain the same coverages required of the Construction Manager in this Section, and upon the request of the City, shall furnish the City with a

certificate(s) of insurance evidencing the Subcontractor's insurance coverages required in this section.

Insurance Company

All insurance coverages herein required of the Construction Manager shall be written by an insurance company or companies transacting business as an admitted insurer in the State of Nebraska or under the Nebraska Surplus Lines Insurance Act. All insurance companies must possess a minimum A.M. Best Insurance Company rating of A-. Upon request by the City, the Construction Manager shall furnish evidence that the insurance company or companies being used by the Construction Manager meet the minimum requirements listed in this section.

Upon request by the City, the Construction Manager shall furnish the City with complete and accurate copies of the insurance policies required within this section. If at any time during the life of this Contract, the Construction Manager's insurance coverages and limits do not meet or exceed the minimum insurance requirements presented in this section, the Construction Manager is required to notify the City within thirty (30) days of any deviations from the minimum requirements presented in this section.

11. State and Federal Regulations:

Construction Manager must comply with all State and Federal laws and regulations, as applicable.

12. Assignment:

The construction manager may not assign this contract without the prior written consent of the City.

13. Subcontracting:

Construction Manager may not subcontract any work to be performed, without prior written consent of the City. If such consent is granted, Construction Manager will retain responsibility for all work associated with the Contract. The Construction Manager must identify in writing any trades and the types of work you intend to subcontract in the execution of this Contract.

14. Independent Contractor:

The construction manager shall in the performance of the contract at all times be an independent contractor and not an employee or agent of the City. The construction manager, its officers, employees and agents shall at no time represent the construction manager to be other than an independent contractor or represent themselves to be other than employees of the construction manager.

15. Indemnity:

The construction manager shall indemnify and hold harmless the City, its officers, employees and agents from all loss, claims, suits or actions of every kind and character made upon or brought against the City, its officers, employees, or agents, for or sustained by any party or parties as a result of any act, error, omission or negligence of said construction manager or its servants, agents, and subcontractors, as well as, all claims of damage in fulfilling the contract.

### **Project Details**

#### **Project Objective**

The City of McCook, Nebraska is located in Red Willow County, Nebraska and has a population of approximately 7,994. The City's existing outdoor municipal swimming pool was built in the 1930s. Due to the small size, old age, and rapid deterioration of the current swimming pool, repair, rehabilitation, or modification is not a viable long-term solution. Accordingly, City leaders recognize the need for a new modern facility which will offer the community safe and cost-efficient recreation and entertainment.

#### **Delivery Method and Scope of Project**

The City intends to implement the project through a CMAR approach. The City is working with Lamp Rynearson to design the new outdoor municipal pool. The construction manager will collaborate and work in unison with Lamp Rynearson to review the design documents and advise on whether they are consistent with the City's budget and schedule for the Project. The project's overall scope of work will be divided into three phases: (i) Preconstruction design phase; (ii) demolition; and (iii) the Construction Phase.

During the first phase, the construction manager will primarily serve in a support role for design phase services and will develop a Guaranteed Maximum Price ("GMP"). Services during this phase by the construction manager will include, but are not limited to, the following:

1. Provide detailed cost estimating and knowledge of marketplace conditions for municipal pools.
2. Provide project planning and scheduling.
2. Provide for construction phasing and scheduling to coordinate with other portions of the project construction.
3. Assist the architectural and engineering firm with plan evaluations and constructability reviews which could have the potential for cost savings to the City.
4. Advise the City of ways to gain efficiencies in project delivery.
5. Assist in the permitting processes.
6. Select subcontractors/suppliers for this project.
7. Protect the City's sensitivity to quality, safety, and cost factors.

Upon formal acceptance of the proposed GMP by the City, the demolition and construction phases of the project will commence and the CMAR will assume the risk of delivering the project through a GMP contract. The construction manager will be responsible for providing the following services during this phase of the project:

1. Construct the new municipal pool. Construction activities include, but are not limited to, demolition of the existing pool, construction of a new pool along with installation of features such as waterslide structures, spray features, shade structures, and zero-depth entry; construction of new bathhouses containing changing facilities, admissions, staff space, and concessions area; and installation of new mechanical, electrical, disinfection, and plumbing equipment.
2. Coordinate with various state and local agencies, departments, other agencies, utility companies, etc.
3. Arrange for procurement of materials and equipment.
4. Schedule and manage site operations.
5. Bid, award, and manage all construction related contracts.
6. Provide quality controls.
7. Bond and insure the construction.
8. Address all Federal, State and Local permitting requirements.
9. Address any owner issues.
10. Maintain a safe work site for all project participants.

### **Project Delivery**

It is the goal of the City to have the entire facility completed and available for use no later than June 2024.

### **Project Budget and Funding Limitations**

Prospective construction managers are to base their proposals on the City's construction costs funding limitation for the project. The City has approved a construction budget of no more than \$6,000,000 for the outdoor municipal pool.

### **Compensation**

In consideration for furnishing all labor, materials, equipment, tools and services, and for doing everything required by this proposal, the City will pay the selected construction manager a maximum fee of \$6,000,000.00. Once the City accepts the GMP from the construction manager, any additional cost overruns become the obligation of the construction manager.

### **Services Required by Construction Managers**

Proposals will be accepted from all prospective Construction Managers. Construction managers must be able to enter into a contract for and directly manage this project from its own offices and facilities. Failure to submit the requested qualifications information in the manner prescribed will be considered nonresponsive and may result in rejection of the submittal in its entirety.

Prospective construction managers shall furnish all of the following qualification information.

### **1. Firm Information**

- a. Describe the organizational structure of the firm for which the RFP is being furnished. Include the name and address of the firm, the location of the office of the firm (principal office) from which most work will be directed, the proximity of the firm's corporate headquarters/home office to McCook, and the type of business (e.g. corporation, partnership, individual, joint venture, or other).
- b. Provide a brief summary of the history and capability of the firm. Include the number of years the firm has been providing construction services as a construction manager at the principal office location indicated above.
- c. Describe and document the financial strength/stability of the firm. Include both a current financial statement and a letter from the firm's surety confirming the firm's ability to provide bonding for this project.
- d. Has the firm ever failed to complete work for which a contract was issued, or ever defaulted on a protective bond? If yes, explain.
- e. What is the firm's philosophy regarding self-performed work verses that work being competitively bid and performed by others?
- f. Include a summary of the firm's key personnel employed in the office of the firm for which this information is being furnished.

### **2. Relevant Project Experience**

- a. Provide a list and description of at least three (3) pool or aquatic projects of a similar size, scope, value, and complexity for which the firm has provided or is providing construction services under similar type contracts which are most related to the services required for this project. All projects must be CM at Risk.
- b. For each project listed, also provide the current phase of the project development, the original Guaranteed Maximum Price, the final construction cost (for completed projects), the scheduled date for completion of the project, and the actual completion date (for completed projects).
- c. Include contact references (Owner contact and Designer contact) for each of the projects described.

### **3. Project Organization and Personnel Resources**

- a. Describe the firm's proposed organizational structure for management, operations and supervision of this project. Identify experience and qualifications, and planned duration of involvement, for key personnel that will be a part of the Project Team during both the Preconstruction Phase and the Construction Phase of this project.
- b. Identify the firm's key personnel to be assigned (indicate full-time or part-time) to the project job site for this project during construction (include a current resume for each).
- c. Describe the current workload of firm. Does the firm have the ability to assign needed resources to this project?

### **4. Project Management and Methods**

- a. Describe the differences of a Construction Management at Risk Project vs. Traditional Design/Bid/Build. Where do you believe the single most value is to the City in a CMR Project and why?
- b. Describe the firm's philosophy and methods in establishing and managing project budget and contingency, at all phases, for a project of this scope and complexity. Are you willing to set a GMP for the project? Why or why not.
- c. Describe the way in which project budgets and schedules are developed, monitored, and maintained through completion of construction for a minimum of two of the projects first described above. Select projects that will present significant examples of budget and scheduling changes/challenges and describe how the firm resolved them.
- d. Submit an example of the project budget (s) and schedule(s) customarily prepared by the firm. (Bring an example to the interview for review).
- e. Describe the estimating and cost control methods and documents used by the firm during both the Preconstruction Phase and the Construction Phase of a project.  
  
Include examples, from the projects first described above, of successful constructability analysis and value engineering efforts to maintain project budgets without sacrificing overall project quality.
- f. Provide a description of the way in which the firm identifies prices and manages changes to the work, related to project contingency and related to scope changes under a GMP.
- g. Include a compilation of the firm's history/experience related to changes to the work/Change Orders for the projects first described above.

- h. Provide a complete breakdown of your proposed fees for the project, including a fee for overhead and profit for Preconstruction Phase Services, Construction Phase Services, and fees for changes in work including adjustments of general conditions. Express fees as a percentage or lump-sum.
  
- i. Provide a General Conditions Matrix to identify how potential GC costs will be categorized. This GC Matrix will be attached to the contract as an exhibit and will be adhered to in establishing the GMP; therefore, any items not identified will be excluded from the cost of the work.

**CITY MANAGER'S REPORT  
JANUARY 16, 2023 MCCOOK CITY COUNCIL MEETING**

**ITEM NO. 4.E.** Approve conducting a study on whether the area east of the McCook Business Park is substandard and blighted per Nebraska Revised Statutes Section 18-2109.

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**BACKGROUND:**

Staff requests that the McCook City Council cause to be conducted a study or an analysis on whether the area east of the McCook Business Park and north of Ravenswood Road is substandard and blighted pursuant to Neb. Rev. Stat. 18-2109 of the Nebraska Community Development Law. In order for a project to be eligible for Tax Increment Financing, the redevelopment area in which the project is located must be designated substandard and blighted. A contract for services with a planning firm will be needed to conduct the study. In the past, the City of McCook has worked with Miller & Associates, Consulting Engineers, P.C. to assist with these types of studies.

If a study is completed for this area, public hearings will be held by the McCook Planning Commission and the McCook City Council to give individuals an opportunity to express their views.

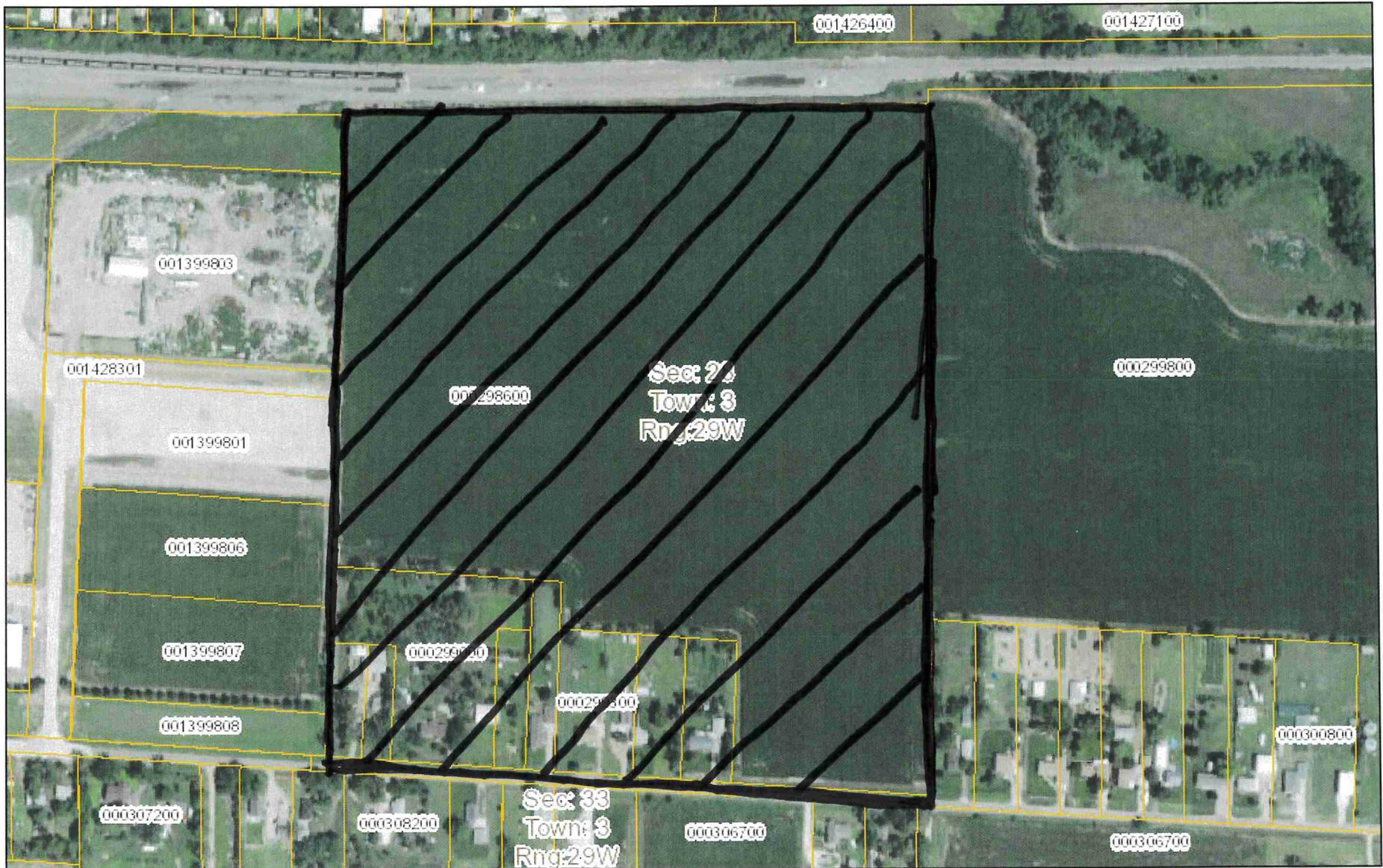
**APPROVALS:**

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

January 11, 2023

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

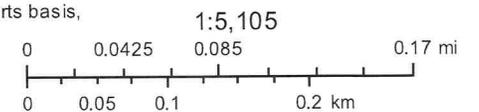
January 11, 2023



January 12, 2023

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

- Parcels
- Sections



**CITY MANAGER'S REPORT**  
**JANUARY 16, 2023 CITY COUNCIL MEETING**

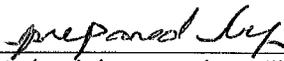
**ITEM 4.F. :** Discussion Item. Discuss City of McCook Zoning regulation Article 24 Section 2402(5) – specifically what factors/conditions the City Council must use when determining whether to grant a special exception.

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**BACKGROUND**

The City of McCook has a lot of projects in the works and on the horizon. Some of them are likely to require the grant of a special exception. City staff and the City Attorney thought it would be a good idea to have the City Council brush up on what may and may not be considered when considering a special exception. Accordingly, the City Attorney drafted the enclosed memo on the topic and will discuss it more Monday night.

January 12, 2023

  
\_\_\_\_\_  
Nathaniel J. Mustion, City Attorney

**MOUSEL, BROOKS, SCHNEIDER, MUSTION & SHIFFLET P.C., L.L.O.**

**TO:** City of McCook  
**FROM:** Nathaniel J. Mustion, Esq.  
**DATE:** January 2, 2023  
**RE:** Conditions for Granting Special Exceptions

*QUESTION PRESENTED*

What factors/conditions may a City Council member and/or member of the Planning Commission consider when determining whether to grant a special exception?

*SHORT ANSWER*

Pursuant to City of McCook Zoning regulation Article 24 Section 2402(5), before any special exception may be granted, the City Council shall make written findings certifying compliance with the specific rules governing individual special exceptions and that satisfactory provisions and arrangements have been made concerning the following where applicable:

- 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, and the economic, noise, glare or odor effects of the special exception on adjoining properties and properties generally in the district;
- C. Refuse and service area, 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 property in the district;
- I. Compatibility with the existing and future land use plans in the McCook Comprehensive Plan.

## *DISCUSSION*

A special exception is a type of permission that a municipality or other governing body may grant to allow a use of land that is not normally permitted by a zoning ordinance. A special exception is typically granted on a case-by-case basis and is subject to certain conditions and limitations. Neb. Rev. Stat. § 19-929(3) states that the granting of a special exception shall only allow property owners to put their property to a special use if it is among those uses specifically identified in the zoning ordinance as classifications of uses which may require special conditions or requirements to be met by the owners before a use permit or building permit is authorized. The statute goes on to state that the city council may exercise such power if it has formally adopted standards and procedures for granting special exceptions in a manner that is equitable and will promote the public interest.

The City of McCook has passed Zoning Ordinance 24 § 2402(5) which provides the standards and procedures for granting special exceptions in a manner that is equitable and will promote the public interest. The standards as outlined in A-I above are there to provide an objective standard for approving special exceptions. Sticking to and strictly applying criteria A-I for granting a special exception will promote equitable outcomes by ensuring that all applicants are held to the same standards and that decisions are made in a consistent and transparent manner. By setting clear standards and applying them consistently, the city council and planning commission can help to ensure that all applicants are treated fairly and that decisions are based on objective criteria, rather than subjective factors or personal bias.

Strictly applying criteria A-I can also help to prevent favoritism or special treatment for certain applicants, which can lead to more equitable outcomes for the community as a whole. It can also help to ensure that the grant of a special exception serves the best interests of the community, rather than the interests of a small group or individual. Overall, strictly applying the standards for granting a special exception can help to promote fairness, transparency, and equity in the decision-making process, which can contribute to more positive and equitable outcomes for the community.

Furthermore, sticking to and strictly applying criteria A-I for granting a special exception can help in the appeal of a decision of the City Council or Planning Commission by providing a clear and objective basis for the decision. If the city council strictly bases their decision on

criteria A-I and clearly explains how the proposed use meets or does not meet those criteria, it can be more difficult for the applicant to challenge the decision on appeal.

City Council Members and Planning Commission Members should keep their discussions with the public concerning applications for special exceptions to criteria A-I. Offering opinions as to why a special exception should or should not be granted based on other criteria other than A-I may lead people to believe that the ultimate decision by the council member was made for that reason other than A-I. All discussions that council members have can be used as evidence in the event of an appeal.

By the way of a theoretical example: an application is filed requesting to open a new bed and breakfast in an agricultural district. A constituent who owns a bed and breakfast in town approaches a council member and voices concerns about having too many bed and breakfasts in town. The council member should listen to the concern but should not give an opinion as to whether they agree or not. If the council member joins in the conversation and voices an opinion that they agree, the statement can later be used as evidence in an appeal. Even if the council member votes against the application based on criteria A-I, the council member has given the appearance that it could have been made for ulterior reasons. For these reasons, all discussions need to be centered on criteria A-I.

**CITY MANAGER'S REPORT  
JANUARY 16, 2023 CITY COUNCIL MEETING**

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**ITEM: 4.G.**

Introduce and approve on first reading Ordinance No. 2023-3059 amending the City of McCook Code of Ordinances, Section 34.40 - Miscellaneous and Travel Expenditures.

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**BACKGROUND:**

Sections 13-2201 to 13-2204 of the Nebraska State Statutes, is known as the Local Government Miscellaneous Expenditure Act, which authorizes cities to expend public funds for certain types of expenditures incurred by elected and appointed officials, employees, or volunteers. A uniform policy must be adopted by each community.

When amending the policy in January 2022 the Council adopted the State of Nebraska's per person maximum cost per person for a recognition dinner of \$50. During those discussions it was noted that the \$30.00 per day meal allowance (breakfast \$5.00, lunch \$10.00, and dinner \$15.00) needed to be reviewed by staff. Up to a couple of years ago this rate was comparable to other communities.

During staff research it was identified that in 2008 the provisions for travel expenses were added to the City's Code of Ordinances. The provisions incorporated were taken from the City's Employee Handbook dated May 20, 1996, with the daily rate of \$30.00. A memo to the Council from City Manager John Carter, dated September 1, 1989 states that the personal vehicle reimbursement in the employee handbook was changed from \$.20 per mile to the IRS-approved rate of \$.24 per mile and that meal reimbursement was changed to \$30.00 per day based on breakfast \$5.00, lunch \$10.00, and dinner \$15.00. The current meal allowance was established 33 years ago.

Current statute provides for meals to be set at a rated not exceeding the applicable federal per diem rate. This language has been included in the proposed ordinance.

**FISCAL  
IMPACT:** None.

**APPROVALS:**

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

January 11, 2023

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

January 11, 2023

## ORDINANCE NO. 2023-3059

AN ORDINANCE PROVIDING FOR THE AMENDMENT OF THE CITY OF MCCOOK CODE OF ORDINANCES, SECTION 34.40 - MISCELLANEOUS AND TRAVEL EXPENDITURES; AMENDING SECTION (A)(1)(c) MEALS TRAVEL PER DIEM; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

NO, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MCCOOK, NEBRASKA:

Section 1. That the City of McCook Code of Ordinances Section 34.40 - Miscellaneous and Travel Expenditures; shall be amended to read as follows:

### **§ 34.40 MISCELLANEOUS AND TRAVEL EXPENDITURES.**

(A) The expenditure of public funds is hereby subject, pursuant to the State of Nebraska Local Government Miscellaneous Expenditure Act, to the following:

(1) Authorized expenses may include:

(a) Registration costs, tuition costs, fees or charges;

(b) Mileage at the then current rate allowed by Neb. RS 81-1176, or actual travel expense if travel is by commercial or charter means. In-state mileage shall be calculated by using the Official State Highway Map Mileage Chart, plus five miles per each day, or part thereof, that the person is engaged in city business. Out of state travel will be at actual odometer readings. When travel mode is optional, the lower of the reimbursable cost is authorized;

(c) 1. Meals, for travel requiring an overnight trip, at the then current rate of the applicable federal per diem (no receipts necessary), or pro-rata, based on the current rate of the applicable federal per diem for (A.) Breakfast; (B.) Lunch; or (C.) Dinner.

2. Actual receipts may be substituted for per diem when the total meal expenses for the trip exceeds the per diem. Banquets, lunches and other meals included in the registration fee or prepaid with the conference will be deducted from the per diem rate;

(d) When required to travel away from home overnight, and traveling includes a partial day on the departure day or a partial day on the return day, departures must occur prior to 6:00 a.m. for breakfast per diem and return must be after 8:00 p.m. for dinner per diem;

(e) Other transportation, lodging and miscellaneous expenses at actual cost upon the submission of proper vouchers/receipts.

(2) Authorized expenditures shall not include expenditures for meals of City Council members provided while attending a public meeting of the City Council unless such meeting is a joint meeting with one or more other governing bodies.

(3) Authorized expenditures shall not include expenditures for any expenses incurred by a spouse of an elected or appointed official, employee, or volunteer unless the spouse is also an elected or appointed official, employee, or volunteer of the city.

(B) The expenditure of public funds is hereby authorized, pursuant to the State of Nebraska Local Government Miscellaneous Expenditure Act, for the following purposes:

(1) Nonalcoholic beverages provided to individuals attending public meetings of the City Council.

(2) Nonalcoholic beverages and meals:

(a) Provided for any individuals while performing or immediately after performing relief, assistance, or support activities in emergency situations, including, but not limited to, tornado, severe storm, fire or accident;

(b) Provided for any volunteers during or immediately following their participation in any activity approved by the City Council, including but not limited to, mowing parks, picking up litter, removing graffiti or snow removal;

(c) Provided at one recognition dinner each year held for elected and appointed officials, employees, or volunteers. The maximum cost per person for such dinner shall not exceed \$50. The annual recognition dinner may be held separately for employees of each department or separately for volunteers, or any of them in combination.

(3) Plaques, certificates of achievement, or items of value awarded to elected or appointed officials, employees, or volunteers, including persons serving on local government boards or commissions, are subject to a \$300 limit on value. This amount shall not be amended or altered more than once in any 12-month period. This amount may be amended by resolution, only after a public hearing has been held.

(C) The following procedures shall be used for business travel:

(1) Transportation method: when travel is by air, advance ticketing will be utilized whenever possible to obtain the lowest available coach fare.

(2) Lodging:

(a) Reimbursement for non-commercial lodging is not permitted.

(b) When city personnel are accompanied by non-city personnel, only the costs attributed to the city personnel are reimbursable.

(3) Expenses:

(a) The following expenses are reimbursable upon submission of paid receipts: parking fees; taxi fares; shuttle fares; bus fares; highway tolls; registration fees; lodging; tuition fees; supplies or equipment required for travel or training; rental cars; fees for official functions related to travel and traveler's checks fees.

(b) The following expenses are not reimbursable: entertainment, including television rentals; personal expenses, such as, hygiene items, laundry, magazines; travel insurance and alcoholic beverages.

(4) Travel advances: employees shall receive approval by the City Manager for any trip, and any travel advance, before departing and before incurring any expenses (including prepaid transportation, lodging expenses, and registration fees). Travel advances will only be authorized when employees are required to travel away from home overnight. All travel expenses require the approval of the department head and City Manager.

(5) Expense claims:

(a) Personnel on authorized travel must submit expense claims to the Finance Administrative Assistant Department immediately upon return, but not later than ten working days after return to duty.

(b) All receipts, unexpended city funds, and funds due the city, shall be returned at that time.

(c) All expenses (including prepaid expenses) shall be summarized and accounted for on a "Report of Expense" form.

Section 2. Any other ordinance or code section passed and approved prior to passage, approval, and publication or posting of this ordinance and in conflict with its provisions is repealed.

Section 3. This ordinance shall take effect March 1, 2023 and be in full force from and after its passage, approval, and publication as required by law in its entirety or in pamphlet form.

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Linda Taylor, Mayor

ATTEST:

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Lea Ann Doak, City Clerk

Publish: