

# MCCOOK CITY COUNCIL

## REGULAR MEETING

**Monday, May 15, 2023**  
**5:30 PM - City Council Chambers**

Roll Call.

Excuse Absences.

Open Meetings Act Announcement.

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

Pledge of Allegiance.

Call to Order.

Items.

1. Announcements & Recognitions.

2. Public Hearings.

- A. Public Hearing - Regarding a request from Southwest Nebraska Public Health Department to rezone the following described property from Residential Medium Density (RM) District to Business Commercial (BC) District: Replatted Lot Three, Block Six, Second High School Addition to the City of McCook, Red Willow County, Nebraska.
  - 1. Adjourn the Public Hearing.
- B. Ordinance No. 2023-3067 permitting a zoning change from Residential Medium Density (RM) District to Business Commercial (BC) District for the following described property: Replatted Lot Three, Block Six, Second High School Addition to the City of McCook, Red Willow County, Nebraska.
  - 1. Chairperson asks Clerk to read Ordinance by title.
  - 2. Consider approval of Ordinance No. 2023-3067 upon its first of three readings.
- C. Public Hearing - Regarding a request from Perry and Vicky Case, by and through their project sponsor McCook Economic Development corporation, to approve a minor subdivision on the following described property: a tract of land located in the SW 1/4 of Section 28, Township 3 North, Range 29 West of the 6th P.M., Red Willow County, Nebraska.
  - 1. Adjourn the Public Hearing.
- D. Approve Resolution 2023-07 authorizing the Preliminary Plat/Final Plat for McCook Business Park - Phase II, a tract of land located in the SW 1/4 of Section 28, Township 3 North, Range 29 West of the 6th P.M., Red Willow

County, Nebraska, said Resolution No. 2023-07 conditioned upon the McCook City Council approving a final subdivision agreement at the June 5, 2023 McCook City Council meeting.

- E. Public Hearing - Regarding a request from Perry and Vicky Case, by and through their project sponsor McCook Economic Development Corporation, to rezone the following described property from Agricultural (AG) District to Industrial Heavy (IH) District: a tract of land located in the SW 1/4 Section of Section 28, Township 3 North, Range 29 West of the 6th P.M., Red Willow County, Nebraska.
    1. Adjourn the Public Hearing.
  - F. Ordinance No. 2023-3068 allowing for a zoning change from Agricultural (AG) District to Industrial Heavy (IH) District for the following described property: a tract of land located in the SW 1/4 Section 28, Township 3 North, Range 29 West of the 6th P.M. in Red Willow County, Nebraska, said property located in the proposed McCook Business Park - Phase II Addition to the City of McCook, Red Willow County, Nebraska.
    1. Chairperson asks Clerk to read Ordinance by title.
    2. Consider approval of Ordinance No. 2023-3068 upon its first of three readings.
3. Proclamations.
- A. Approve the proclamation designating the week of May 21 - 27, 2023 as "National Public Works Week" and authorize the Mayor to sign.
  - B. Approve the proclamation designating May 21 - 27, 2023 as "Emergency Medical Services Week" and authorize the Mayor to sign.
4. Consent Agenda.
- \*The Consent Agenda is approved on one motion. Any item listed on the Consent Agenda may, by the request of any single Council member or public in attendance, be considered as a separate item under the Regular Agenda.*
- A. Approve the minutes of the May 1, 2023 regular City Council meeting and the April 28, 2023 special City Council meeting.
  - B. Adopt Resolution No. 2023-08 granting a Waiver of Payment in Lieu of Taxes to the McCook Housing Agency.
  - C. Accept the minutes of the May 8, 2023 Planning Commission meeting.
  - D. Approve the selection of Miller & Associates, Consulting Engineers, P.C., to serve as the consultant for McCook's Comprehensive Plan, Zoning Ordinance, and Subdivision Regulation updates, and execute the associated Agreement for the Provision of Limited Professional Services.
  - E. Approve the request from MNB Bank to close West "D" Street from Norris Avenue to West 1st Street on Thursday, July 13, 2023 between 3:00 P.M. and 10:00 P.M. for one of their Hot Summer Nights concerts which will include a Farmer's Market.
  - F. Approve the request from Kris Hanchera on behalf of Peace Lutheran Church to utilize city-owned property at Felling Field and to close the alley between Felling Field and Peace Lutheran Church for their annual Vacation Bible School Fun Day on Wednesday, June 14, 2023 from 10:00 A.M. to 3:00 P.M.

- G. Approve the application for a Special Designated Liquor License submitted by Citta' Deli, Liquor License #C-121305, for Farrell's Sip 'n Shop event to be held at Farrell's Hallmark Shop, 116 West "B" Street, on July 14, 2023 from 1:00 P.M. to 8:00 P.M.
  - H. Approve the application for a Special Designated Liquor License submitted by Loop Brewing Company, Liquor License #LK-093351, for a wedding to be held at the Keystone Building, 402 Norris Avenue, and Norris Alley, 406 Norris Avenue, on July 1, 2023 from 3:00 P.M. to 1:00 A.M.
  - I. Approve and execute the Underwriting Engagement and Disclosure Letter between D.A. Davidson and the City of McCook.
  - J. Approve and authorize the Mayor to sign the Sixth Amendment to Telecommunications Site Lease Agreement between the City of McCook and Alltel Communications of Nebraska, LLC d/b/a Verizon Wireless for the removal and replacement of existing equipment.
  - K. Receive and file the Financial Report for the period ending April 30, 2023.
  - L. Approve the request from Katie Anderson to close East "M" Street from East 3rd Street to East 5th Street for the 2nd Annual Big West Street Fest 3on3 Basketball Tournament on Saturday, August 5, 2023 from 8:00 A.M. to 9:00 P.M.
  - M. Approve the application for a Special Designated Liquor License submitted by Citta' Deli, Liquor License #C-121305, for a Fair Concert to be held at the Red Willow County Fairgrounds Outdoor Arena and Grandstands, 1412 West 5th Street, on July 21, 2023 from 9:00 A.M. to 1:00 A.M., alternate location Red Willow County Fairgrounds Alice Kiplinger Building, 1412 West 5th Street.
5. Regular Agenda.
- A. Update regarding the swimming pool and ballpark projects.
  - B. Ordinance No. 2023-3066 approving the voluntary annexation of a tract of land located in the SW 1/4 of Section 28, Township 3 North, Range 29 West of the 6th P.M., Red Willow County, Nebraska, said tract of land owned by Perry and Vicky Case.
    - 1. Chairperson asks Clerk to read Ordinance by title.
    - 2. Consider approval of Ordinance No. 2023-3066 upon its third and final reading.
    - 3. Chairperson declaration after vote, if approved.
  - C. Council Comments.
- Adjournment.

**CITY MANAGER'S REPORT  
MAY 15, 2023 MCCOOK CITY COUNCIL MEETING**

**ITEM NO. 2.A.** Public Hearing - Consider a request from Southwest Nebraska Public Health Department to rezone the following described property from Residential Medium Density District (RM) to Business Commercial District (BC): Replatted Lot Three, Block Six, Second High School Addition to the City of McCook, Red Willow County, Nebraska.

**ITEM NO. 2.B.** Approve on first reading, Ordinance No. 2023-3067 permitting a zoning change from Residential Medium Density District (RM) to Business Commercial District (BC) for the following described property: Replatted Lot Three, Block Six, Second High School Addition to the City of McCook, Red Willow County, Nebraska.

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**BACKGROUND:**

An application for a zone change has been filed by the Southwest Nebraska Public Health Department for property it owns located at 404 West 10<sup>th</sup> Street. The legal description of the property is included in the heading above. Southwest Nebraska Public Health Department has requested that the lot be rezoned from Residential Medium Density District (RM) to Business Commercial (BC). Southwest Nebraska Public Health Department is requesting the zoning change to assure that the use of the existing structure complies with the City of McCook's zoning ordinance. Specifically, the Southwest Nebraska Public Health Department is operating a professional office in a residential district. Southwest Nebraska Public Health Department's use is nonconforming pursuant to Article 22 of the McCook zoning ordinance.

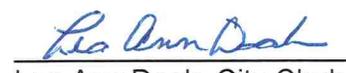
Staff discussed this matter with Southwest Nebraska Public Health Department's administration. It was determined that the best option to achieve compliance is to rezone the property from RM to BC. A rezoning of the property makes sense due to the fact that the properties to the south are zoned Business Commercial. The businesses in this area include: The Scoop Ice Cream, Midwest Liberty, Edward Jones, and Golden Plains Realty. An extension of the BC District to the north of West C Street will not cause a spot zoning issue.

At the May 8, 2023 McCook Planning Commission meeting, the Planning Commission voted to recommend the approval of the rezone request to the McCook City Council. There were questions about two lots that contained single family dwellings directly south of the Southwest Nebraska Public Health Department building. Both lots are zoned BC, with said zoning designation allowable due to the fact that the properties are grandfathered.

**APPROVALS:**

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

May 10, 2023

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

May 10, 2023

  
\_\_\_\_\_  
Tera Koetter, Assistant City Manager

May 10, 2023

**EXHIBIT #1**

**NOTICE OF PUBLIC HEARING  
REZONING**

NOTICE IS HEREBY GIVEN that a public hearing will be held by the City of McCook Planning Commission on May 8, 2023, at 5:15 P.M. and by the McCook City Council on May 15, 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 Second High School Addition, Block 6, Replatted Lot 3, in the City of McCook, Red Willow County, Nebraska; from Residential Medium Density (RM) District to Business Commercial (BC) (IH) 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: April 28, 2023.

**EXHIBIT #2**

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**NOTICE OF PUBLIC HEARING  
REZONING**

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

A tract of land located in Second High School Addition, Block 6, Replatted Lot 3, in the City of McCook, Red Willow County, Nebraska.

Project Sponsor/  
Land Owner: Southwest Nebraska Public Health Department

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

May 8, 2023 - 5:15 P.M.  
McCook Planning Commission  
City Council Chambers  
505 West "C" Street

May 15, 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: April 28, 2023.  
Post: April 28, 2023.  
Mail: April 28, 2023.

**EXHIBIT #3**

Property Owners Notified:

RED WILLOW CO PLANNING COMM  
502 NORRIS AVENUE  
MCCOOK, NE 69001

PRESIDENT  
McCOOK SCHOOL BOARD  
700 WEST 7TH  
MCCOOK, NE 69001

SW Nebraska Public Health Dept  
PO Box 1235  
McCook NE 69001

Wayne & Jody Stewart  
408 W 10  
McCook NE 69001

Tyrrell & Tiffany Popp  
412 W 10<sup>th</sup>  
McCook NE 69001

Ruth Ann Miner  
416 W 10<sup>th</sup>  
McCook NE 69001

Tomorrow Inc  
402 Norris Avenue  
Suite 404  
McCook Ne 69001

Lloyd Lavery  
208 W 11  
McCook NE 690001

HGRM Inc.  
Jan Hancock  
38505 Road 714  
PO Box 106  
McCook NE 69001-0106

Philip L Cruse  
and Paula Danielle Jones Cruse  
211 W 11<sup>th</sup>  
McCook NE 69001

Jene & Carmen Custer  
1013 West "K" Street  
McCook NE 69001

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

RED WILLOW COUNTY CLERK  
502 NORRIS AVE  
MCCOOK, NE 69001

Richard Kring  
Madelyn J McKain  
406 W 10<sup>th</sup>  
McCook NE 69001

Byron & Cassie Jo Hedrick  
410 W 10  
McCook NE 69001

Ervin & Joyce Bailey  
414 W 10<sup>th</sup>  
McCook NE 69001

Terri Cappel  
418 W 10<sup>th</sup>  
McCook NE 69001

William D & Kathy A Donze  
212 W 11<sup>th</sup>  
McCook NE 69001

Southwest Land, LTD  
1101 West B Street  
McCook NE 69001

Scott & Rosa Boehm  
207 W 11<sup>th</sup>  
McCook NE 69001

Sandra Schwab  
312 W 10<sup>th</sup>  
McCook NE 69001

Ronald L & Doris Friehe  
#1 Spyglass Street  
McCook NE 69001

**EXHIBIT #4**

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Midwest Liberty Federal Credit Union  
1001 West B  
McCook NE 69001

Terry & Jill McCorkle  
1402 Norris Avenue  
McCook NE 69001

DCMJ Swanson LTD  
Melanie Goodenberger  
907 West B  
McCook NE 69001

John Haugen  
620 West Leota  
North Platte NE 69101-6532

Melanie Goodenberger  
907 West B  
McCook NE 69001

Barry Kohl  
908 West C  
PO Box 820  
McCook NE 69001-0820

Eric Hutto  
PO Box 156  
Trenton NE 69044

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Postage \$	
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PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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City, State, ZIP+4® <u>Trenton NE 69001</u>	

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

EXHIBIT #5

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City of McCook  
505 West C Street \* PO Box 1059  
McCook, NE 69001  
(308) 345-2022 \* Fax (308) 345-1461  
[www.cityofmccook.com](http://www.cityofmccook.com)

## CHANGE OF ZONING APPLICATION

Name of Project (If applicable): \_\_\_\_\_

Description of Project: Update ~~Signage~~ to electronic  
Currently we are residential and with the business/ ~~that~~ Service  
that we provide, we would like to make it Commercial,

Project sponsor or developer:

Name: Unknown

Address: \_\_\_\_\_

Phone number: \_\_\_\_\_

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

E-mail Address: \_\_\_\_\_

Landowner or owners:

Name: Southwest Nebraska Public Health Department

Address: 404 West 10<sup>th</sup> Street

Phone number: 308.345.4223

Fax number: 308.345.4289

E-Mail Address: director@swhealth.ne.gov

Authorization of the land use action by landowner:

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)

Myra Stoney  
Printed Name

Myra Stoney  
Signature

4/3/23  
Date

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

\_\_\_\_\_  
Signature

EXHIBIT #6

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Address and physical location of the Proposed Change of Zoning: 404 West 10<sup>th</sup> Street

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Application Fee:     \$75

Fee, complete application, and required attachments accepted by:

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

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**Change of Zoning:**

(For Change of Zoning or Amendments see Article 27 of the Zoning Ordinance)

\_\_\_\_\_ Include a description of the reason for the request for a change of zoning:

Due to the service we provide the current zoning, Residential  
does not allow for us to make improvements on property  
because of zoning regulations.

\_\_\_\_\_ Explain how the change of zoning complies with the Comprehensive Plan:

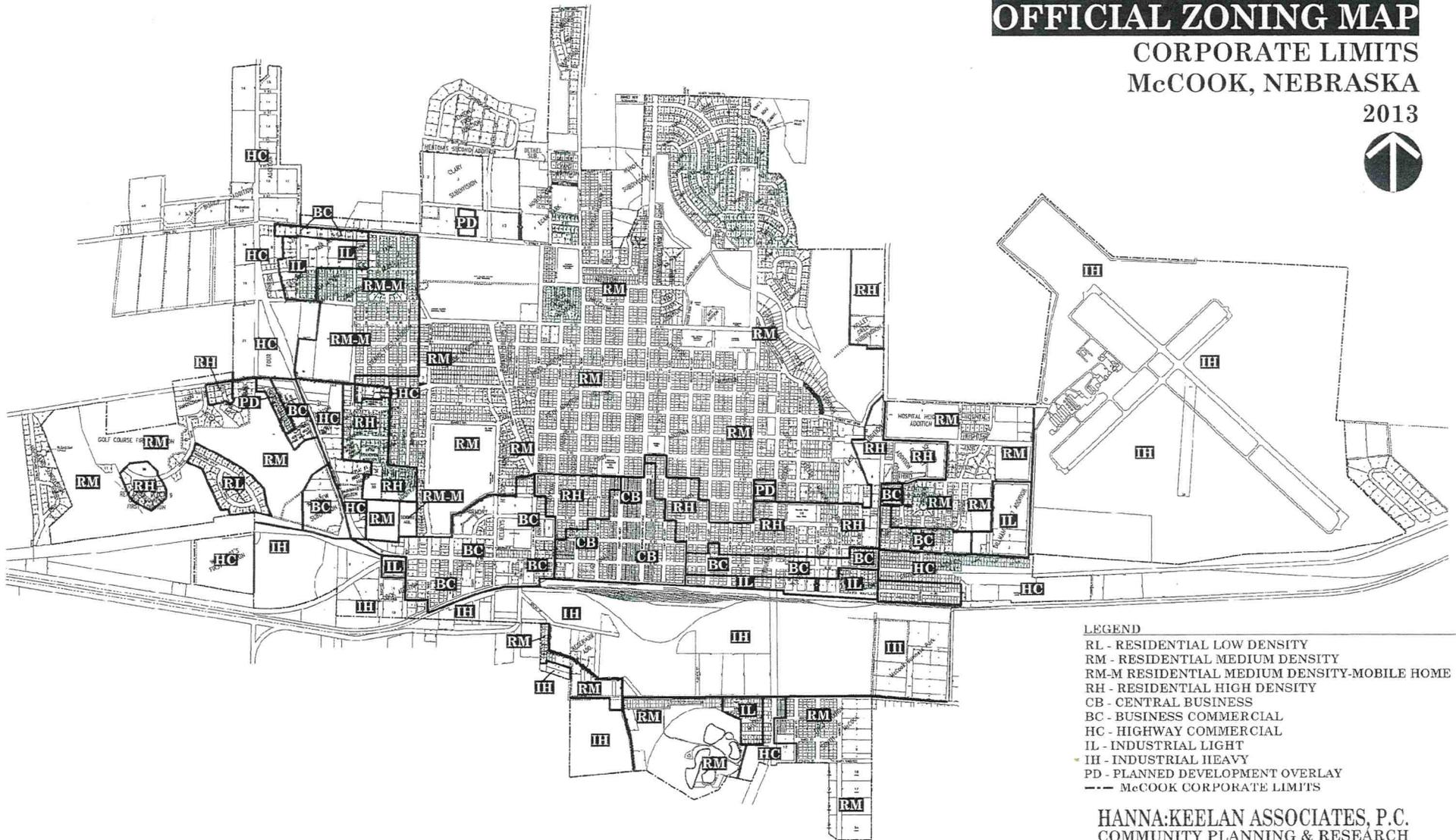
wanting to upgrade and expand with the services we  
provide in an efficient and economic manner. In order  
to protect and enhance the safety and welfare of McCord  
residents.

# 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 #7**

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McCook Planning Commission  
May 8, 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: Chair Vosburg; Vice Chair Hilker; Commissioners Bradley (arrived 5:19 P.M.), Davidson, Dueland, Friehe, Lyons, McDowell, Mockry.

Absent: Commissioner Stevens, City Manager Schneider, City Attorney Mustion.

City Officials present: Assistant City Manager Koetter, City Clerk Doak.

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

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

1. Approve the minutes of the April 10, 2023 regular Planning Commission meeting.

Motion to approve the minutes of the April 10, 2023 regular Planning Commission meeting. This motion, made by McDowell and seconded by Mockry, passed.

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

2. Public Hearings and Regular Agenda.

- 2.A. Public Hearing - Regarding a request from Southwest Nebraska Public Health Department to rezone the following described property from Residential Medium Density (RM) District to Business Commercial (BC) District: Replatted Lot Three, Block Six, Second High School Addition to the City of McCook, Red Willow County.

Motion to recess as a Planning Commission and convene a public hearing for the purpose of receiving public comment with respect to a request from Southwest Nebraska Public Health Department to rezone the following described property from Residential Medium Density (RM) District to Business Commercial (BC) District: Replatted Lot Three, Block Six, Second High School Addition to the City of McCook, Red Willow County, with the Chair to act as hearing officer in the

**EXHIBIT #8**

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absence of the City Attorney. This motion, made by Vosburg and seconded by Hilker, passed. Bradley: ABSENT, Davidson: YEA, Dueland: YEA, Friehe: YEA, Hilker: YEA, Lyons: YEA, McDowell: YEA, Mockry: YEA, Stevens: ABSENT, Vosburg: YEA  
YEA: 8, NAY: 0, ABSENT: 2

Chair Vosburg received into evidence Exhibit #1 - City Manager's Report prepared for the May 8, 2023 Planning Commission meeting (1 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 (2 pages); Exhibit #5 - Copies of Certified Mail Receipts for non-residents of McCook receiving notification of hearing (1 page); Exhibit #6 - Change of Zoning Application (2 pages); and Exhibit #7 - Map of the City of McCook's zoning districts (1 page) and took comment from staff before opening to public comment.

Assistant City Manager Koetter reviewed the following information presented in Exhibit #1:

An application for a zone change has been filed by the Southwest Nebraska Public Health Department for property it owns located at 404 West 10th Street. Southwest Nebraska Public Health Department has requested that the lot be rezoned from Residential Medium Density District to Business Commercial. Southwest Nebraska Public Health Department is requesting the zoning change to assure that the use of the existing structure complies with the City of McCook's zoning ordinance. Specifically, the Southwest Nebraska Public Health Department is operating a professional office in a residential district. Southwest Nebraska Public Health Department's use is nonconforming pursuant to Article 22 of the McCook zoning ordinance.

Staff discussed this matter with Southwest Nebraska Public Health Department's administration. It was determined that the best option to achieve compliance is to rezone the property from Residential Medium Density to Business Commercial. A rezoning of the property makes sense due to the fact that the properties to the south are zoned Business Commercial. The businesses in this area include The Scoop Ice Cream, Midwest Liberty, Edward Jones, and Golden Plains Realty. An extension of the Business Commercial District to the north of West "C" Street will not cause a spot zoning issue.

Myra Stoney, Southwest Nebraska Public Health Department Director, was present to address the request and answer questions from the Commission.

Commissioner comments included the fact that two homes are located to the south in the Business Commercial District.

With no one else present to comment, motion to adjourn the public hearing and to reconvene as a Planning Commission. This motion, made by Vosburg and seconded by McDowell, passed. Bradley: YEA, Davidson: YEA, Dueland: YEA, Friehe: YEA, Hilker: YEA, Lyons: YEA, McDowell: YEA, Mockry: YEA, Stevens: ABSENT, Vosburg: YEA  
YEA: 9, NAY: 0, ABSENT: 1

2.B. Recommend to the McCook City Council approval of a rezone from Residential Medium Density (RM) District to Business Commercial (BC) District; Replatted Lot Three, Block

Six, Second High School Addition to the City of McCook, Red Willow County, Nebraska.

Motion to recommend to the McCook City Council approval of a rezone from Residential Medium Density (RM) District to Business Commercial (BC) District; Replatted Lot Three, Block Six, Second High School Addition to the City of McCook, Red Willow County, Nebraska. This motion, made by Vosburg and seconded by Hilker, passed.

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

YEA: 9, NAY: 0, ABSENT: 1

2.C. Public Hearing - Regarding a request from Perry and Vicky Case, by and through their project sponsor McCook Economic Development corporation, to approve a minor subdivision on the following described property: a tract of land located in the SW 1/4 of Section 28, Township 3 North, Range 29 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 a request from Perry and Vicky Case, by and through their project sponsor McCook Economic Development corporation, to approve a minor subdivision on the following described property: a tract of land located in the SW 1/4 of Section 28, Township 3 North, Range 29 West of the 6th P.M., Red Willow County, Nebraska, with the Chair to act as hearing officer in the absence of the City Attorney. This motion, made by Vosburg and seconded by Friehe, passed.

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

YEA: 9, NAY: 0, ABSENT: 1

Chair Vosburg received into evidence Exhibit #1 - City Manager's Report prepared for the May 8, 2023 Planning Commission meeting (1 page); Exhibit #2 - Notice of Public Hearing published (1 page); Exhibit #3 - mailed and posted (1 page); Exhibit #4 - listing of property owners notified (2 pages); Exhibit #5 - McCook Business Park - Phase II Final Plat (1 page); Exhibit #6 - Land Use Application and attachments (7 pages); Exhibit #7 - McCook Business Park - Phase II Proposed & Existing Utilities (1 page); and Exhibit #8 - McCook Business Park - Phase II proposed & Existing Utilities (1 page).

Assistant City Manager Koetter reviewed the following information presented in Exhibit #1:

An application for a minor subdivision has been filed by Perry and Vicky Case, by and through their project sponsor McCook Economic Development Corporation, for property they own located in the SW 1/4 of Section 28, Township 3 North, Range 29, West of the 6th P.M. in Red Willow County, Nebraska. The Final Plat included with the application contemplates a subdividing of the parcel into four lots. Proposed Lot 1 is located on the north side of the existing parcel and includes 14.35 acres, more or less. Proposed Lot 2 is located on the southwest side of the parcel and includes 5.20 acres, more or less. Proposed Lot 3 is located in the south/center of the parcel and includes 5.02 acres, more or less. Proposed Lot 4 is located in the southeast portion of the parcel and includes 6.92 acres,

more or less. Due to the fact that the subdivision only includes four lots, a minor subdivision is the appropriate method for dividing the lots. The plat also includes a drainage outlot of more than one acre on the northeast side of the subdivision.

The minor subdivision includes the extension of Industrial Park Drive west to east. Additionally, the minor subdivision includes a south to north street that would connect Ravenswood Road to Industrial Park Drive. These streets would be built to city specifications and would provide adequate ingress/egress to encourage appropriate traffic flow. Also, a topography study will be completed as the project progresses. It is not included at this time.

Rail access is available to these proposed lots as BNSF maintains an existing rail line north of the proposed subdivision. Rail access is critical for the proposed lots to achieve their intended purpose, which is to provide space for industrial expansion.

To the south of McCook Business Park - Phase II are residential properties. The residential properties are not included in McCook Business Park - Phase II. A landscape easement has been included to provide buffering between the residential properties and industrial lots. The City and MEDC are working on a subdivision agreement that can be taken to the Council next week.

Greg Wolford, W Design Associates, and Charlie McPherson, Director McCook Economic Development Corporation, representing the landowners Perry and Vicky Case, were present to address the request and answer questions from the Commission.

Commissioner discussion and comments included: that only the subdivision is being annexed; the area has been on the Comprehensive Plan for Industrial Development; this is the last property in McCook that can be served by rail; that future development of rail would be required to cross the creek; the lack of landscaping on the south and east side of Lot 4; what is the timeline for extending the concrete street to the east; and possibility of making the street circle in the subdivision and not exit onto Ravenswood Road.

Public commenting in opposition of the project were: Nic Curl, Zach Curl, Ron Rogers, and Kathleen Eiler.

Comments included concerns with deterioration of Ravenswood Road; would an improvement district be created for Ravenswood Road improvements; location of the rail easement; need for more trees in the landscape areas; noise restrictions; keeping the subdivision road to the north and not dump into the residential area along Ravenswood Road; and lot 4 being sandwiched in between residential areas.

Commissioner Friehe was excused during discussion at 6:10 P.M.

With no one else present to comment, motion to adjourn the public hearing and to reconvene as a Planning Commission. This motion, made by Vosburg and seconded by McDowell, passed.  
Bradley: YEA, Davidson: YEA, Dueland: YEA, Friehe: ABSENT, Hilker: YEA, Lyons: YEA, McDowell: YEA, Mockry: YEA, Stevens: ABSENT, Vosburg: YEA

YEA: 8, NAY: 0, ABSENT: 2

- 2.D. Recommend to the McCook City Council approval of a minor subdivision on the following property: A tract of land located in the SW 1/4 of Section 28, Township 3 North, Range 29 West of the 6th P.M., Red Willow County, Nebraska.

Motion to recommend to the McCook City Council approval of a minor subdivision on the following property: A tract of land located in the SW 1/4 of Section 28, Township 3 North, Range 29 West of the 6th P.M., Red Willow County, Nebraska. This motion, made by Dueland and seconded by Vosburg.

Discussion included the need to look at what is in the best interest of the City; the Comprehensive Plan indicates the area for Industrial Development; need for a buffer on the east and south side of Lot 4; a timeline is needed for when the street is required to be improved to concrete; initially the street will be grade and grave; and is there a need for a second outlot.

Motion to amend by recommending to the Council that a landscaping easement on the east side and south side of Lot 4 to provide buffering between the residential properties and the industrial lot be added and that a timeline for paving in the subdivision and Ravenswood Road be included in the subdivision agreement. This motion, made by Vosburg and seconded by Hilker, passed.

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

Consideration of the original motion on the floor passed as amended.

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

- 2.E. Public Hearing - Regarding a request from Perry and Vicky Case, by and through their project sponsor McCook Economic Development Corporation, to rezone the following described property from Agricultural (AG) District to Industrial Heavy (IH) District: a tract of land located in the SW 1/4 Section of Section 28, Township 3 North, Range 29 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 with respect to a request from Perry and Vicky Case, by and through their project sponsor McCook Economic Development Corporation, to rezone the following described property from Agricultural (AG) District to Industrial Heavy (IH) District: a tract of land located in the SW 1/4 Section of Section 28, Township 3 North, Range 29 West of the 6th P.M., Red Willow County, Nebraska, with the Chair to act as hearing officer in the absence of the City Attorney. This motion, made by Vosburg and seconded by McDowell, passed.

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

YEA: 8, NAY: 0, ABSENT: 2

Chair Vosburg received into evidence Exhibit #1 - City Manager's Report prepared for the May 8, 2023 Planning Commission meeting (1 page), Exhibit #2 - Notice of Hearing published (1 page); Exhibit #3 - Notice of Hearing mailed and posted (2 pages); Exhibit #4 - ownership list for mailing of Notice of Hearing (1 page); Exhibit #5 - Land Use Action Request Form and attachments (7 pages); Exhibit #6 - proposed McCook Business park - Phase II Final Plat (1 page); and Exhibit #7 - Map of the City of McCook's zoning districts (1 page).

Assistant City Manager Koetter reviewed the following information presented in Exhibit #1:

An application for a zone change has been filed by Perry and Vicky Case, by and through their project sponsor McCook Economic Development Corporation, for property they own located in the SW 1/4 of Section 28, Township 3 North, Range 29, West of the 6th P.M. in Red Willow County, Nebraska. The applicants request that the aforementioned lot be rezoned from Agricultural District to Industrial Heavy. The applicants are making this request in an effort to expand the existing McCook Business Park. The newly added expansion area is directly to the east of the existing business park. The existing McCook Business Park is zoned Industrial Heavy. The property at issue is adjacent to the McCook Business Park and the requested zoning change is in conformity with the impacted area. Per the City of McCook's Comprehensive Plan, Perry and Vicky Case's property is anticipated to be used for industrial purposes. This request conforms with the City of McCook's future land use plans.

Greg Wolford, W Design Associates, and Charlie McPherson, Director McCook Economic Development Corporation, representing the landowners Perry and Vicky Case, were present to address the request and answer questions from the Commission.

Public commenting in opposition of the rezone request were: Nic Curl, Zach Curl, and Kathleen Eiler.

Comment included could it be zoned to something less than Industrial Heavy.

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

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

YEA: 8, NAY: 0, ABSENT: 2

2.F. Recommend to the McCook City Council approval of a rezone from Agricultural (AG) District to Industrial Heavy (IH) District for the following property: a tract of land located in the SW 1/4 Section of Section 28, Township 3 North, Range 29 West of the 6th P.M., Red Willow County, Nebraska.

Motion to recommend to the McCook City Council approval of a rezone from Agricultural (AG) District to Industrial Heavy (IH) District for the following property: a tract of land located in the

SW 1/4 Section of Section 28, Township 3 North, Range 29 West of the 6th P.M., Red Willow County, Nebraska. This motion, made by Chad Lyons and seconded by McDowell, passed.  
Bradley: YEA, Davidson: YEA, Dueland: YEA, Friehe: ABSENT, Hilker: YEA, Lyons: ABSTAIN,  
McDowell: YEA, Mockry: YEA, Stevens: ABSENT, Vosburg: YEA  
YEA: 7, NAY: 0, ABSENT: 2, ABSTAIN: 1

Adjournment.

With no further business, Chair Vosburg declared the Planning Commission meeting adjourned at 6:32 P.M.

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Lea Ann Doak, City Clerk-Treasurer  
Recording Secretary

ORDINANCE NO. 2023-3067

AN ORDINANCE OF THE CITY OF MCCOOK, NEBRASKA AMENDING MCCOOK ZONING ORDINANCE NO. 2016-2929 CHANGING THE ZONING CLASSIFICATION OF BLOCK 6, REPLATTED LOT 3, SECOND HIGH SCHOOL ADDITION TO THE CITY OF MCCOOK, RED WILLOW COUNTY, NEBRASKA, FROM RESIDENTIAL MEDIUM DENSITY (RM) DISTRICT 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) District to Business Commercial (BC) District, to wit:

Block 6, Related Lot 3, Second Addition to the City of McCook, Red Willow County, Nebraska.

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

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

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

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

\_\_\_\_\_  
Linda Taylor, Ex-Officio Mayor  
and President of the Council

ATTEST:

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

**EXHIBIT #9**

**PAGE(S) - 1**

**CITY MANAGER'S REPORT  
MAY 15, 2023 MCCOOK CITY COUNCIL MEETING**

**ITEM NO. ~~3.C~~ 2.C.** Public Hearing - Consider a request from Perry and Vicky Case, by and through their project sponsor McCook Economic Development Corporation, to approve a minor subdivision on the following described property: a tract of land located in the SW 1/4 of Section 28, Township 3 North, Range 29, West of the 6<sup>th</sup> P.M. in Red Willow County, Nebraska.

**ITEM NO. ~~2.D~~ 2.D.** Approve Resolution 2023-~~07~~ 07, authorizing the Preliminary Plat/Final Plat for McCook Business Park - Phase II, a tract of land located in the SW 1/4 of Section 28, Township 3 North, Range 29, West of the 6<sup>th</sup> P.M. in Red Willow County, Nebraska, said Resolution 2023-~~07~~ 07 conditioned upon the McCook City Council approving a final subdivision agreement at the June 5, 2023 McCook City Council meeting.

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**BACKGROUND:**

An application for a minor subdivision has been filed by Perry and Vicky Case, by and through their project sponsor McCook Economic Development Corporation, for property they own located in the SW 1/4 of Section 28, Township 3 North, Range 29, West of the 6<sup>th</sup> P.M. in Red Willow County, Nebraska. The full legal description of the property is included in the attached Final Plat. The Final Plat included with the application contemplates a subdividing of the parcel into four lots. Proposed Lot 1 is located on the north side of the existing parcel and includes 14.35 acres, more or less. Proposed Lot 2 is located on the southwest side of the parcel and includes 5.20 acres, more or less. Proposed Lot 3 is located in the south/center of the parcel and includes 5.02 acres, more or less. Proposed Lot 4 is located in the southeast portion of the parcel and includes 6.92 acres, more or less. Due to the fact that the subdivision only includes four lots, a minor subdivision is the appropriate method for subdividing the lot. The plat also includes a drainage outlot of more than 1 acre on the northeast side of the subdivision.

The minor subdivision includes the extension of Industrial Park Drive west to east. Additionally, the minor subdivision includes a south to north street that would connect Ravenswood Road to Industrial Park Drive. These streets would be built to city specifications and would provide adequate ingress/egress to encourage appropriate traffic flow.

Rail access is available to these proposed lots as BNSF maintains an existing rail line north of the proposed subdivision. Rail access is critical for the proposed lots to achieve their intended purpose, which is to provide space for industrial expansion.

To the south of McCook Business Park - Phase II are residential properties. The residential properties are not included in McCook Business Park - Phase II. A landscape easement has been included to provide buffering between the residential properties and industrial lots.

The City of McCook has inquired about a topography study with W Design serving as the engineer for this project. They will conduct this study during the planning process. As such, the requirement is temporarily waived.

At the Planning Commission meeting held on May 8, 2023, the Planning Commission voted to recommend approval of McCook Business Park - Phase II to the McCook City Council. The Planning Commission did include additional recommendations for the McCook City Council to

**EXHIBIT #1**

**PAGE(S) - 2**

consider, said additional recommendations are as follows: a timeline for paving the subdivision and Ravenswood Road and a landscaping easement on the east side and the south side of Lot 4 to provide buffering between the residential properties and the industrial lot.

**APPROVALS:**

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

May 10, 2023

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

May 10, 2023

  
\_\_\_\_\_  
Tera Koetter, Assistant City Manager

May 10, 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 May 8, 2023, at 5:15 P.M. and by the McCook City Council on May 15, 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 SW1/4 of Section 28, Township 3 North, Range 29 West of the 6th P.M. in Red Willow County, Nebraska, to be known as McCook Business Park - Phase II. 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: April 28, 2023.

**EXHIBIT #2**

**PAGE(S) - 1**

NOTICE OF PUBLIC HEARING  
PRELIMINARY PLAT AND FINAL PLAT APPROVAL

NOTICE IS HEREBY GIVEN that a public hearing will be held to consider the preliminary and final plat on the following described property to be known as McCook Business Park - Phase II.

A tract of land located in the SW1/4 of Section 28, Township 3 North, Range 29 West of the 6th P.M., Red Willow County, Nebraska.

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

MAY 8, 2023 - 5:15 P.M.  
MCCOOK PLANNING COMMISSION  
CITY COUNCIL CHAMBERS  
505 WEST "C" STREET

MAY 15, 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: April 28, 2023.  
Post: April 28, 2023.  
Mail: April 28, 2023.

**EXHIBIT #3**

**PAGE(S) - 1**

Property Owners Notified:

RED WILLOW CO PLANNING COMM  
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  
700 WEST 7TH  
MCCOOK, NE 69001

RED WILLOW COUNTY CLERK  
502 NORRIS AVE  
MCCOOK, NE 69001

TERRY AND KATHLEEN DOYLE  
38655 RAVENSWOOD RD  
MCCOOK, NE 69001

KELLY DOYLE  
38653 RAVENSWOOD RD  
MCCOOK, NE 69001

CHRISTOPHER MARIS  
38651 RAVENSWOOD RD  
MCCOOK, NE 69001

KATHEELN EILER  
38672 RAVENSWOOD RD  
MCCOOK, NE 69001

JOSIANE DOMINGUEZ  
PO BOX 75  
MCCOOK, NE 69001

JAMES AND TIFFANY BRUNSWICK  
38644 RAVENSWOOD RD  
MCCOOK, NE 69001

NIC CURL  
38636 RAVENSWOOD RD  
MCCOOK, NE 69001

BRANDON AND AMBER TRUEBLOOD  
38634 RAVENSWOOD RD  
MCCOOK, NE 69001

MARILYN MALLECK  
38630 RAVENSWOOD RD  
MCCOOK, NE 69001

LINDA BRUNSWICK  
71370 DR 387  
MCCOOK, NE 69001

DONALD AND SHIRLEY SAWYER  
38629 RAVENSWOOD RD  
MCCOOK, NE 69001

JOE AND ASHLEE MOROSIC  
38620 RAVENSWOOD RD  
MCCOOK, NE 69001

ADAM AND JESSICA JOHNSON  
38616 RAVENSWOOD RD  
MCCOOK, NE 69001

MCCOOK ECONOMIC DEV CORP  
402 NORRIS AVE  
MCCOOK, NE 69001

NELSON FAMILY ENTERPRISES, LLC  
PO BOX 86  
SOUTH SIOUX CITY, NE 68876

NEXT GENERATION, INC  
355 W SMITH RD  
GREENSBURG, IN 47240

BOOE MACHINERY & SALVAGE, LLC  
73849 J RD  
HOLDREGE, NE 68949

LONNIE AND JANET MOON  
1306 EAST A  
MCCOOK, NE 69001

**EXHIBIT #4**

**PAGE(S) - 2**

BN SANTA FE PROPERTY  
PO BOX 961089  
FORT WORTH, TX 76161-0089

PENNY THOMAS  
919 D STREET  
INDIANOLA, NE 69001

MICHAEL AND DEBRA FINNESY  
708 NORRIS AVE  
MCCOOK, NE 69001

SUSAN DORIS  
C/O MARGARET BRETTON  
PO BOX 403  
STRATTON, NE 69043

FREDA CLAPP  
1410 EAST A  
MCCOOK, NE 69001

LINES FAMILY L.P.  
C/O DAVID LINES  
214 NORTH CHEROKEE  
MCCOOK, NE 69001

JAMES ZLOMKE  
909 WESTRIDGE PARKWAY  
MCCOOK, NE 69001

DELORES FAHRENBRUCH  
403 ELIZABETH LANE  
MCCOOK, NE 69001

ROYCE CLAPP  
612 EAST 11<sup>TH</sup>  
MCCOOK, NE 69001

BEVERLY PREMIER  
1324 EAST A  
MCCOOK, NE 69001

JOHN MALLECK LIFE ESTATE  
1412 EAST A  
MCCOOK, NE 69001

PERRY AND VICKY CASE  
C/O ELLINGER & CAPPEL, LLC  
1101 WEST B STREET  
MCCOOK, NE 69001







\*

### REQUIRED ATTACHMENTS:

For Subdivisions:

Sketch Plan:

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

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

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

No  
If so, briefly explain what they might consist of.

(Attach explanation)

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

To be included @ the time of presentation to the City Council.

the land is near existing industrial zone property. It also is adjacent to the BNSF rail line.

The Comp Plan recommends that the city maintain enough industrial land for growth + development. MED is encouraged to promote + continue their support for additional industrial land development.

X

✓ Preliminary Plat Submission: *Final*

✓ (a) Plat Submission Requirements: The subdivider shall submit to the Zoning Administrator:

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

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

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

- ✓ (1) The proposed name of the subdivision (the name shall not duplicate or too closely resemble the name or names of any existing subdivision).
- ✓ (2) The location of the boundary lines of the subdivision and reference to the section or quarter section lines.
- ✓ (3) The names and addresses of the owner, developer, and the engineer who prepared the plat.
- ✓ (4) Scale of the plat, one inch = one hundred feet or larger.
- ✓ (5) Date of preparation and north point.
- ✓ (6) Present zoning.
- ✓ (7) Existing conditions:

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

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

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

*legal for addition*

*- to be supplement*

X

Waived until road design completed

✓ dd.

Topography (unless specifically waived) with contour intervals of not more than five (5) feet, referred to City or U.S.G.S. datum shall be shown; also location of water courses, bridges, wooded areas, lakes, ravines, and such other features as may be pertinent to the subdivision shall be shown.

✓ (8)

The general arrangement of lots and their approximate size.

✓ (9)

Location and width of proposed streets, alleys, pedestrian ways, and easements. Control elevation shall be shown for all street intersections.

✓ (10)

The general plan of sewage disposal, water supply and utilities in areas where public sewers and/or water are proposed to serve the subdivision. In other cases a notation shall be made on the plat indicating type of sewage disposal, and water system proposed.

To be supplemented

N/A (11)

Location and size of proposed parks, playgrounds, churches, school sites, or other special uses of land to be considered for reservation for public use.

✓ (12)

General layout of adjacent unsubdivided property to show how streets and other public facilities, in the proposed subdivision, relate to the unsubdivided property.

TAD (13)

The subdivider shall indicate by letter when improvements as required will be installed or requested.

N/A (14)

Any proposed restrictive covenants for the land involved shall accompany the plat.

✓ (15)

a letter requesting annexation of the subdivision if it is in the planning jurisdiction to be served with city utilities.

## 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:

Currently, the property is classified as undeveloped land for agricultural uses. For the expanded business park purposes, the request for the change of zone is so industrial/manufacturing/commercial businesses can operate in this area.

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

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

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



April 27, 2023

City of McCook  
Attn: Lea Ann Doan, City Clerk  
505 W. C St.  
P.O. Box 1059  
McCook, NE 69001

RE: LAND USE ACTION REQUEST FORM – McCook Business Park Expansion Project

Dear Mrs. Doak:

The McCook Economic Development Corporation (MEDC), in conjunction with Perry and Vicky Case, is submitting this letter to request a zoning change for the McCook Business Park Expansion Project. Currently, the property is zoned for agricultural usage. Both parties are requesting that the newly formed Minor Subdivision be re-zoned to an industrial designation to accommodate future businesses and industrial use in the expanded McCook Business Park.

The proposed expansion is located directly to the east of the existing business park. The request for a Minor Subdivision and Zone Change is needed to allow for an additional four lots of various sizes to be used for industrial/manufacturing purposes in the subdivision. The expansion would also include an additional BNSF rail spur off the main track to service this area along with city street and utility infrastructure to the area.

The overall goal for the project is to create a development that is harmonious with the surrounding area and businesses, while also providing new business opportunities to the community. The Case's, along with the MEDC, envisions a community that offers a vibrant and diverse range of businesses, enhancing the overall character of the region and providing additional economic opportunities to the public and businesses that reside in the area.

The proposed development is in line with the Comprehensive Plan, particularly in regards to land use, thoroughfare, and public facilities. Both parties have carefully considered the existing infrastructure and have plans in place to ensure that the area is well connected and easily accessible to the public and businesses in the area.

It is our intent to use Deed Restrictions or other methods of controlling the character and quality of the area, such as Protective Covenants or Membership in a Commercial Owners' Association. These restrictions might include guidelines for business usage, architectural design, landscaping, and maintenance. By implementing these restrictions, we hope to ensure that the area remains an attractive and desirable place to conduct business for years to come.

Thank you for your consideration of the request. We all look forward to working with the City of McCook to bring this exciting project to fruition.

Sincerely,

Charlie McPherson, Executive Director  
McCook Economic Development Corporation

**PROPOSED & EXISTING UTILITIES**

# McCOOK BUSINESS PARK - PHASE II

AN ADDITION TO THE CITY OF McCOOK, REW WILLOW COUNTY, NEBRASKA



**LEGAL DESCRIPTION**

A tract of land located in the SW 1/4 of said Section 28, Township 3 North, Range 29 West of the 6th P.M. in Red Willow County, Nebraska, more particularly described as follows:

Referring to the SW corner of the said SW 1/4 of said Section 28, thence S89°22'18"E (assumed and all bearing relative to) along the South section line a distance of 1304.16 feet to a point on the South line of Section 28, Thence N01°13'45"E along the East line of lots 9 and 10 of the McCook Business Park Subdivision a distance of 475.14 feet to a point, said Point being the Point of Beginning, Thence N01°53'45"E a distance of 1074.39 feet to a point, said Point being on the South Right of Way line of 8165F Railroad, thence S87°02'37"E along said South ROW line a distance of 583.25 feet to a point, thence S78°42'09"E a distance of 229.02 feet to a point, thence Southeastely along a curve to the right, with a Chord Bearing of 64°19'38"E, a Chord Distance of 649.30 feet, an Arc Length of 685.53 feet and a Radius of 604 feet to a point, thence S11°39'03"E a distance of 123.53 feet to a point, thence Southeastely along a curve to the left, with a Chord Bearing of 52°52'01"E, a Chord Distance of 316.94 feet, an Arc Length of 320.70 feet and a Radius of 604 feet to a point, thence S02°54'30"W a distance of 650.60 feet to a point, thence N89°25'18"W a distance of 462.60 feet to a point, thence N02°54'30"E a distance of 333.99 feet to a point, thence N87°05'30"W a distance of 405.74 feet to a point, thence N02°54'30"E a distance of 89.24 feet to a point, thence N87°05'30"W a distance of 553.85 feet to the Point of Beginning.

Said tract containing 38.82 acres more or less subject to any easement, right-of-ways and reservations of record.

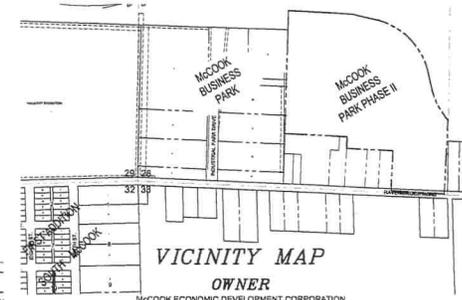
**SURVEYORS CERTIFICATE**

I, Joshua Eugene Grummett, a Licensed Professional Land Surveyor under the laws of the State of Nebraska, do hereby certify this plat of a survey was made by me or under my supervision, this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

Joshua E. Grummett LS-783

**LEGEND**

PROPERTY LINE	---
LOT LINE	----
BUILD. SETBACK LINE	-----
EASEMENT	- - - - -
D	DEED DISTANCE
M	MEASURED DISTANCE
R	RECORD DISTANCE
P	PLATTED DISTANCE
G	GOVERNMENT DISTANCE
W.C.	WITNESS CORNER
◆	FOUND CORNER
●	CALCULATED POINT
⊙	SET "x" x 24" REBAR WITH BLUE 1/2" x 1/2" CAP UNLESS NOTED OTHERWISE



**VICINITY MAP**

OWNER  
McCOOK ECONOMIC DEVELOPMENT CORPORATION  
WITROY BRUNTZ, PRESIDENT  
402 NODDRIE AVE SUITE 301  
McCOOK, NE 68901

**CURRENT AGRICULTURAL ZONING**  
MINIMUM LOT = 3 ACRES  
MINIMUM FRONT YARD = 40 FEET  
MINIMUM REAR YARD = 50 FEET  
MINIMUM SIDE YARD = 25 FEET

**PROPOSED INDUSTRIAL HEAVY ZONING**  
MINIMUM LOT = 10,000 SQ. FEET  
MINIMUM FRONT YARD = 25 FEET  
MINIMUM REAR YARD = 20 FEET  
MINIMUM SIDE YARD = 10 FEET

**SURVEYOR**  
GRUMMETT PROFESSIONAL SERVICES, LLC  
PO BOX 37, KENESAW, NE 68956  
PHONE 402-879-5701 EMAIL jmgrummett@yahoo.com  
WWW.GRUMMETTSURVEYING.COM

**ENGINEER**  
**W DESIGN ASSOCIATES**  
214 S. 181 ST., McCOOK, NE 68901 (316) 342-2111 (316) 342-2112 (316) 342-2113 (316) 342-2114 (316) 342-2115 (316) 342-2116 (316) 342-2117 (316) 342-2118 (316) 342-2119 (316) 342-2120 (316) 342-2121 (316) 342-2122 (316) 342-2123 (316) 342-2124 (316) 342-2125 (316) 342-2126 (316) 342-2127 (316) 342-2128 (316) 342-2129 (316) 342-2130 (316) 342-2131 (316) 342-2132 (316) 342-2133 (316) 342-2134 (316) 342-2135 (316) 342-2136 (316) 342-2137 (316) 342-2138 (316) 342-2139 (316) 342-2140 (316) 342-2141 (316) 342-2142 (316) 342-2143 (316) 342-2144 (316) 342-2145 (316) 342-2146 (316) 342-2147 (316) 342-2148 (316) 342-2149 (316) 342-2150 (316) 342-2151 (316) 342-2152 (316) 342-2153 (316) 342-2154 (316) 342-2155 (316) 342-2156 (316) 342-2157 (316) 342-2158 (316) 342-2159 (316) 342-2160 (316) 342-2161 (316) 342-2162 (316) 342-2163 (316) 342-2164 (316) 342-2165 (316) 342-2166 (316) 342-2167 (316) 342-2168 (316) 342-2169 (316) 342-2170 (316) 342-2171 (316) 342-2172 (316) 342-2173 (316) 342-2174 (316) 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**PROPOSED & EXISTING UTILITIES**

# McCOOK BUSINESS PARK - PHASE II

AN ADDITION TO THE CITY OF McCOOK, REW WILLOW COUNTY, NEBRASKA

**LEGAL DESCRIPTION**

A tract of land located in the SW 1/4 of Section 28, Township 3 North, Range 29 West of the 6th P.M. in Rew Willow County, Nebraska, more particularly described as follows:

Referring to the SW corner of the said SW 1/4 of said Section 28, thence S88°22'18"E (assumed and all bearing relative to) along the South section line a distance of 1354.16 feet to a point on the South line of Section 28, thence N01°53'45"E along the East line of lots 9 and 10 of the McCook Business Park Subdivision a distance of 475.14 feet to a point, said point being the Point of Beginning, thence N07°02'30"E a distance of 1574.28 feet to a point, said point being on the South Right of Way line of BNSF Railroad, thence S87°05'30"E along said South ROW line a distance of 553.25 feet to a point, thence S70°42'09"E a distance of 223.02 feet to a point, thence Southwesterly along a curve to the right, with a Chord Bearing of S44°10'38"E, a Chord Distance of 649.30 feet, an Arc Length of 685.53 feet and a Radius of 604 feet to a point, thence S11°09'03"E a distance of 123.53 feet to a point, thence Southwesterly along a curve to the left, with a Chord Bearing of S28°52'01"E, a Chord Distance of 316.94 feet, an Arc Length of 320.70 feet and a Radius of 604 feet to a point, thence S02°54'30"W a distance of 650.50 feet to a point, thence N82°25'18"W a distance of 462.60 feet to a point, thence N22°54'30"E a distance of 353.99 feet to a point, thence N87°05'30"W a distance of 409.74 feet to a point, thence N02°54'30"E a distance of 99.24 feet to a point, thence N87°05'30"W a distance of 553.85 feet to the Point of Beginning.

Said tract containing 36.00 acres more or less subject to any easement, right-of-ways and reservations of record.

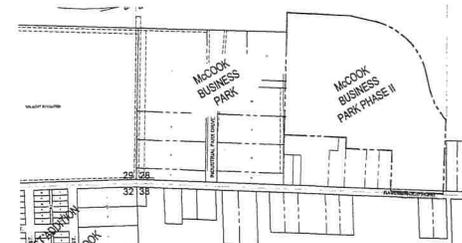
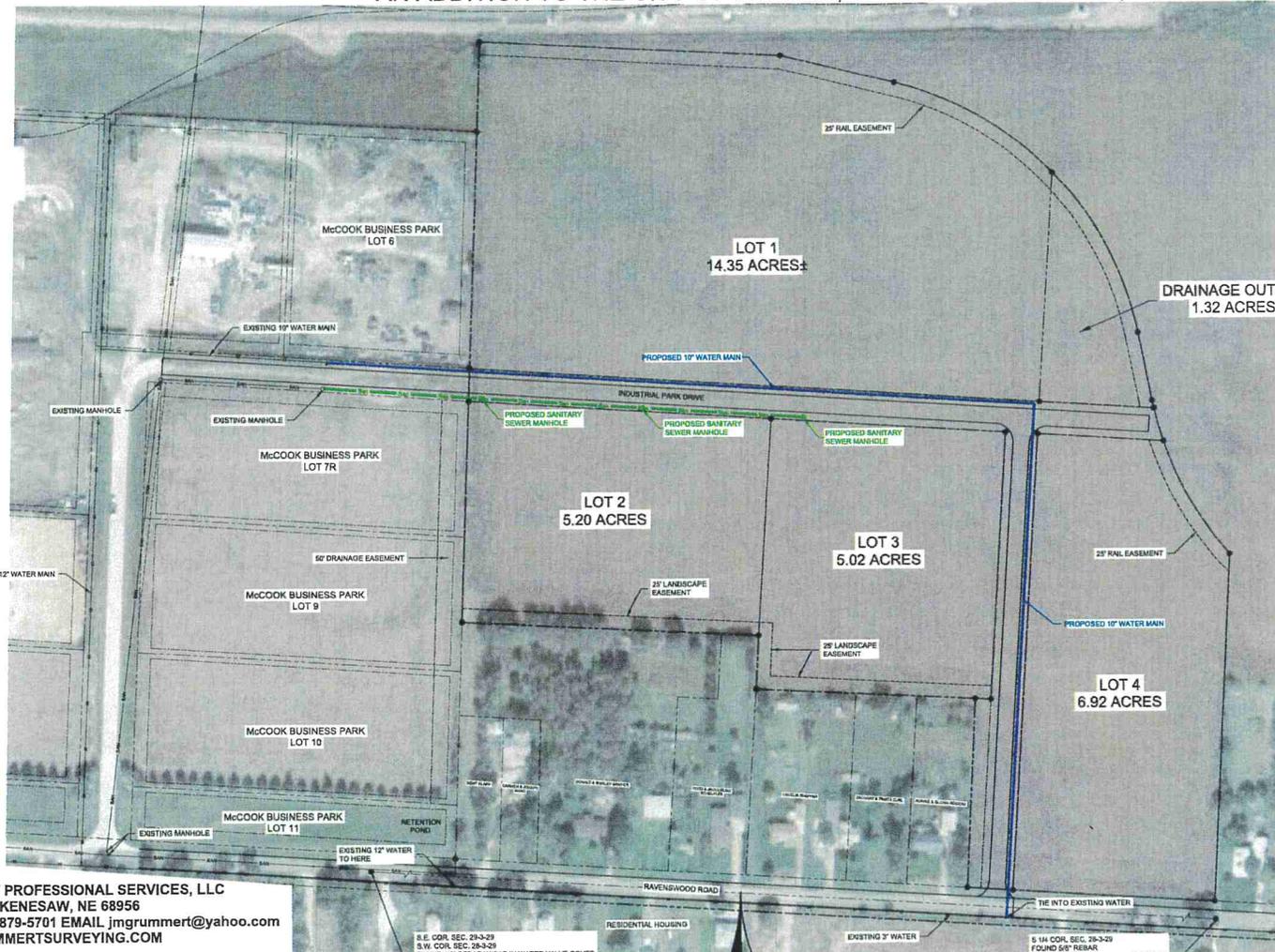
**SURVEYORS CERTIFICATE**

I, Joshua Eugene Grummert, a Licensed Professional Land Surveyor under the laws of the State of Nebraska, do hereby certify this plat of a survey was made by me or under my supervision, this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

Joshua E. Grummert LS-783

**LEGEND**

PROPERTY LINE	---
LOT LINE	---
BLDG. SETBACK LINE	---
EASEMENT	---
D	DEED DISTANCE
M	MEASURED DISTANCE
R	RECORD DISTANCE
P	PLATTED DISTANCE
G	GOVERNMENT DISTANCE
W.C.	WITNESS CORNER
FC	FOUND CORNER
CP	CALCULATED POINT
●	SET 7' x 24" REBAR WITH BLUE LS-783 CAP UNLESS NOTED OTHERWISE



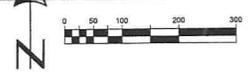
**SURVEYOR**  
**GRUMMERT PROFESSIONAL SERVICES, LLC**  
 PO BOX 37, KENESAW, NE 68956  
 PHONE 402-879-5701 EMAIL jmgrummert@yahoo.com  
 WWW.GRUMMERTSURVEYING.COM

**ENGINEER**  
**DESIGN ASSOCIATES**  
 214 N. 1ST ST. McCOOK, NE 68901 (253.547.0100) (WWW.DESIGNASSOCIATES.COM)  
 214 N. 1ST ST. McCOOK, NE 68901 (402.881.5777) (WWW.DESIGNASSOCIATES.COM)

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S.E. COR. SEC. 29-3-29  
 S.W. COR. SEC. 28-3-29  
 FOUND 12" REBAR W/ CAP IN WATER VALVE COVER  
 1. BACK OF CURB 17.70' N.  
 2. BACK OF CURB 17.52' S.  
 3. N.W. COR. HOUSE FND. 79.72' S.E.  
 4. GAS LINE MARK. POST 50.52' N.E.

S 1/4 COR. SEC. 29-3-29  
 FOUND 5/8" REBAR  
 1. 8" W BRASS CAP 45.91' N.E.  
 2. CFP (STEEL) 55.57' S.E.  
 3. TELESCOPE  
 4. GAS (CFP) 53.42' S.E.



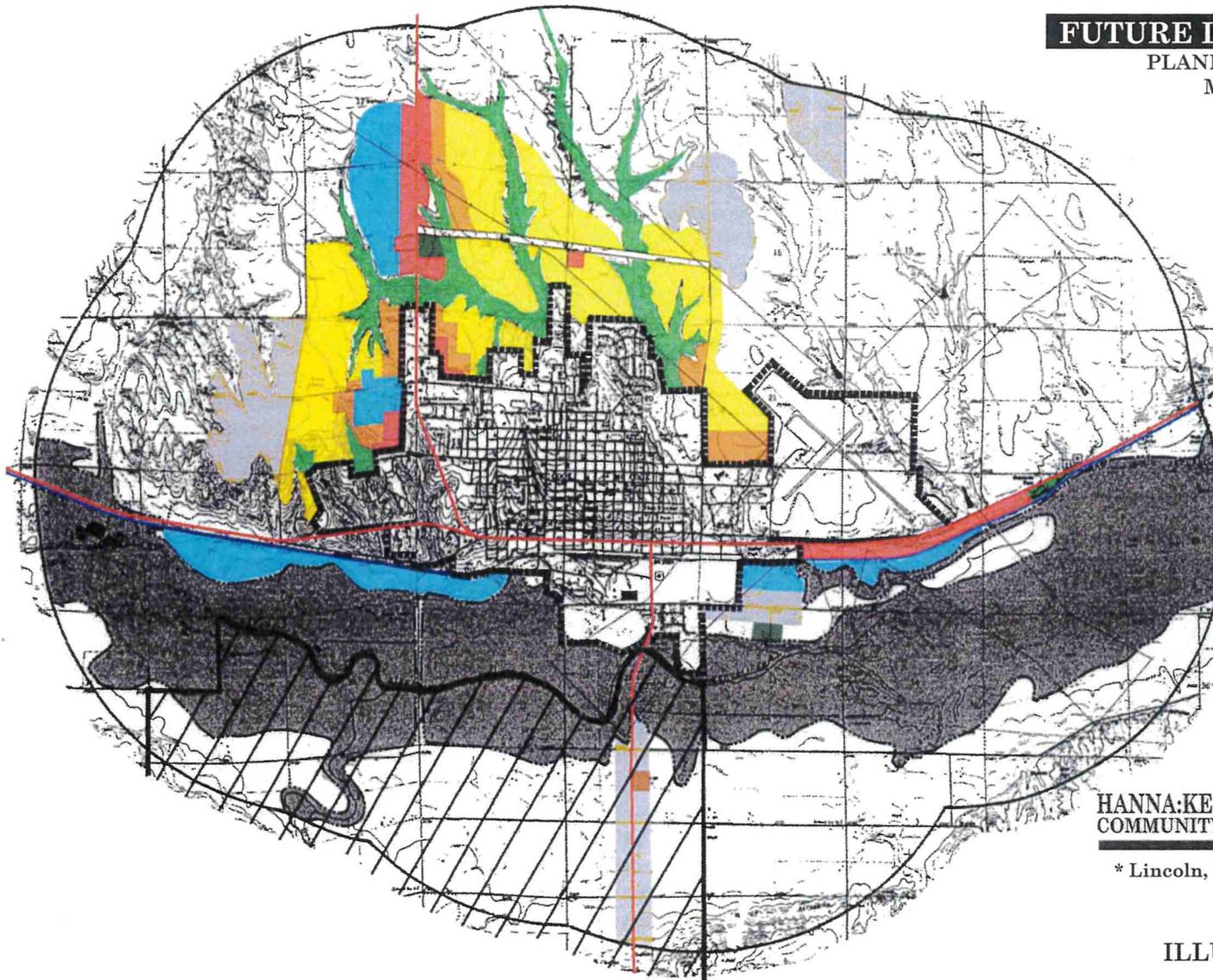
**VICINITY MAP**  
**OWNER**  
 McCOOK ECONOMIC DEVELOPMENT CORPORATION  
 %TROY BRUNTZ, PRESIDENT  
 402 NCDRIS AVE SUITE 301  
 McCOOK, NE 68901

**CURRENT AGRICULTURAL ZONING**  
 MINIMUM LOT = 3 ACRES  
 MINIMUM FRONT YARD = 40 FEET  
 MINIMUM REAR YARD = 50 FEET  
 MINIMUM SIDE YARD = 20 FEET

**PROPOSED INDUSTRIAL HEAVY ZONING**  
 MINIMUM LOT = 10,000 SQ. FEET  
 MINIMUM FRONT YARD = 25 FEET  
 MINIMUM REAR YARD = 20 FEET  
 MINIMUM SIDE YARD = 10 FEET

# FUTURE LAND USE MAP

PLANNING JURISDICTION  
MCCOOK, NEBRASKA



- LEGEND**
- VACANT/AGRICULTURE
  - PARKS/RECREATION
  - PUBLIC/QUASI-PUBLIC
  - SINGLE FAMILY RESIDENTIAL
  - MULTIFAMILY RESIDENTIAL
  - MOBILE HOME RESIDENTIAL
  - LARGE LOT RESIDENTIAL
  - COMMERCIAL
  - INDUSTRIAL
  - 100-YEAR FLOODPLAIN
  - WELLHEAD PROTECTION AREA
  - CORPORATE LIMIT LINE
  - HIGHWAY CORRIDOR
  - RAILWAY CORRIDOR

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

\* Lincoln, Nebraska \* 402.464.5383 \*

ILLUSTRATION 4.5

EXHIBIT #9

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 McCook Business Park - Phase II.

A tract of land located in the SW1/4 of Section 28, Township 3 North, Range 29 West of the 6th P.M., Red Willow County, Nebraska.

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

MAY 15, 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

**EXHIBIT #10**

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Property Owners Notified:

RED WILLOW CO PLANNING COMM  
502 NORRIS AVENUE  
MCCOOK, NE 69001

PRESIDENT  
McCOOK SCHOOL BOARD  
700 WEST 7TH  
MCCOOK, NE 69001

TERRY AND KATHLEEN DOYLE  
38655 RAVENSWOOD RD  
MCCOOK, NE 69001

CHRISTOPHER MARIS  
38651 RAVENSWOOD RD  
MCCOOK, NE 69001

JOSIANE DOMINGUEZ  
PO BOX 75  
MCCOOK, NE 69001

NIC CURL  
38636 RAVENSWOOD RD  
MCCOOK, NE 69001

MARILYN MALLECK  
38630 RAVENSWOOD RD  
MCCOOK, NE 69001

DONALD AND SHIRLEY SAWYER  
38629 RAVENSWOOD RD  
MCCOOK, NE 69001

ADAM AND JESSICA JOHNSON  
38616 RAVENSWOOD RD  
MCCOOK, NE 69001

NELSON FAMILY ENTERPRISES, LLC  
PO BOX 86  
SOUTH SIOUX CITY, NE 68876

BOOE MACHINERY & SALVAGE, LLC  
73849 J RD  
HOLDREGE, NE 68949

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

RED WILLOW COUNTY CLERK  
502 NORRIS AVE  
MCCOOK, NE 69001

KELLY DOYLE  
38653 RAVENSWOOD RD  
MCCOOK, NE 69001

KATHEELN EILER  
38672 RAVENSWOOD RD  
MCCOOK, NE 69001

JAMES AND TIFFANY BRUNSWICK  
38644 RAVENSWOOD RD  
MCCOOK, NE 69001

BRANDON AND AMBER TRUEBLOOD  
38634 RAVENSWOOD RD  
MCCOOK, NE 69001

LINDA BRUNSWICK  
71370 DR 387  
MCCOOK, NE 69001

JOE AND ASHLEE MOROSIC  
38620 RAVENSWOOD RD  
MCCOOK, NE 69001

MCCOOK ECONOMIC DEV CORP  
402 NORRIS AVE  
MCCOOK, NE 69001

NEXT GENERATION, INC  
355 W SMITH RD  
GREENSBURG, IN 47240

LONNIE AND JANET MOON  
1306 EAST A  
MCCOOK, NE 69001

BN SANTA FE PROPERTY  
PO BOX 961089  
FORT WORTH, TX 76161-0089

PENNY THOMAS  
919 D STREET  
INDIANOLA, NE 69001

MICHAEL AND DEBRA FINNESY  
708 NORRIS AVE  
MCCOOK, NE 69001

SUSAN DORIS  
C/O MARGARET BRETTON  
PO BOX 403  
STRATTON, NE 69043

FREDA CLAPP  
1410 EAST A  
MCCOOK, NE 69001

LINES FAMILY L.P.  
C/O DAVID LINES  
214 NORTH CHEROKEE  
MCCOOK, NE 69001

CECELIA KNEPPER  
38635 RAVENSWOOD ROAD  
MCCOOK NE 69001

ZACHARY & TRISTA CURL  
38637 RAVENSWOOD ROAD  
MCCOOK NE 69001

RONNIE LEE & GLORIA ROGERS  
38641 RAVENSWOOD ROAD  
MCCOOK NE 69001

JAMES ZLOMKE  
909 WESTRIDGE PARKWAY  
MCCOOK, NE 69001

DELORES FAHRENBRUCH  
403 ELIZABETH LANE  
MCCOOK, NE 69001

ROYCE CLAPP  
612 EAST 11<sup>TH</sup>  
MCCOOK, NE 69001

BEVERLY PREMIER  
1324 EAST A  
MCCOOK, NE 69001

JOHN MALLECK LIFE ESTATE  
1412 EAST A  
MCCOOK, NE 69001

PERRY AND VICKY CASE  
C/O ELLINGER & CAPPEL, LLC  
1101 WEST B STREET  
MCCOOK, NE 69001

KENT CLAPP  
38625 ROAD 715  
MCCOOK NE 69001

CARMEN & JOSEPH BOND  
1007 WEST "I" STREET  
MCCOOK NE 69001

TODD & JACQUELINE SCHEPLER  
38633 RAVENSWOOD ROAD  
MCCOOK NE 69001

McCook Planning Commission  
May 8, 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: Chair Vosburg; Vice Chair Hilker; Commissioners Bradley (arrived 5:19 P.M.), Davidson, Dueland, Friehe, Lyons, McDowell, Mockry.

Absent: Commissioner Stevens, City Manager Schneider, City Attorney Mustion.

City Officials present: Assistant City Manager Koetter, City Clerk Doak.

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

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

1. Approve the minutes of the April 10, 2023 regular Planning Commission meeting.

Motion to approve the minutes of the April 10, 2023 regular Planning Commission meeting. This motion, made by McDowell and seconded by Mockry, passed.

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

2. Public Hearings and Regular Agenda.

- 2.A. Public Hearing - Regarding a request from Southwest Nebraska Public Health Department to rezone the following described property from Residential Medium Density (RM) District to Business Commercial (BC) District: Replatted Lot Three, Block Six, Second High School Addition to the City of McCook, Red Willow County.

Motion to recess as a Planning Commission and convene a public hearing for the purpose of receiving public comment with respect to a request from Southwest Nebraska Public Health Department to rezone the following described property from Residential Medium Density (RM) District to Business Commercial (BC) District: Replatted Lot Three, Block Six, Second High School Addition to the City of McCook, Red Willow County, with the Chair to act as hearing officer in the

**EXHIBIT #12**

**PAGE(S) - 7**

absence of the City Attorney. This motion, made by Vosburg and seconded by Hilker, passed.  
Bradley: ABSENT, Davidson: YEA, Dueland: YEA, Friehe: YEA, Hilker: YEA, Lyons: YEA,  
McDowell: YEA, Mockry: YEA, Stevens: ABSENT, Vosburg: YEA  
YEA: 8, NAY: 0, ABSENT: 2

Chair Vosburg received into evidence Exhibit #1 - City Manager's Report prepared for the May 8, 2023 Planning Commission meeting (1 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 (2 pages); Exhibit #5 - Copies of Certified Mail Receipts for non-residents of McCook receiving notification of hearing (1 page); Exhibit #6 - Change of Zoning Application (2 pages); and Exhibit #7 - Map of the City of McCook's zoning districts (1 page) and took comment from staff before opening to public comment.

Assistant City Manager Koetter reviewed the following information presented in Exhibit #1:

An application for a zone change has been filed by the Southwest Nebraska Public Health Department for property it owns located at 404 West 10th Street. Southwest Nebraska Public Health Department has requested that the lot be rezoned from Residential Medium Density District to Business Commercial. Southwest Nebraska Public Health Department is requesting the zoning change to assure that the use of the existing structure complies with the City of McCook's zoning ordinance. Specifically, the Southwest Nebraska Public Health Department is operating a professional office in a residential district. Southwest Nebraska Public Health Department's use is nonconforming pursuant to Article 22 of the McCook zoning ordinance.

Staff discussed this matter with Southwest Nebraska Public Health Department's administration. It was determined that the best option to achieve compliance is to rezone the property from Residential Medium Density to Business Commercial. A rezoning of the property makes sense due to the fact that the properties to the south are zoned Business Commercial. The businesses in this area include The Scoop Ice Cream, Midwest Liberty, Edward Jones, and Golden Plains Realty. An extension of the Business Commercial District to the north of West "C" Street will not cause a spot zoning issue.

Myra Stoney, Southwest Nebraska Public Health Department Director, was present to address the request and answer questions from the Commission.

Commissioner comments included the fact that two homes are located to the south in the Business Commercial District.

With no one else present to comment, motion to adjourn the public hearing and to reconvene as a Planning Commission. This motion, made by Vosburg and seconded by McDowell, passed.  
Bradley: YEA, Davidson: YEA, Dueland: YEA, Friehe: YEA, Hilker: YEA, Lyons: YEA,  
McDowell: YEA, Mockry: YEA, Stevens: ABSENT, Vosburg: YEA  
YEA: 9, NAY: 0, ABSENT: 1

2.B. Recommend to the McCook City Council approval of a rezone from Residential Medium Density (RM) District to Business Commercial (BC) District; Replatted Lot Three, Block

Six, Second High School Addition to the City of McCook, Red Willow County, Nebraska.

Motion to recommend to the McCook City Council approval of a rezone from Residential Medium Density (RM) District to Business Commercial (BC) District; Replatted Lot Three, Block Six, Second High School Addition to the City of McCook, Red Willow County, Nebraska. This motion, made by Vosburg and seconded by Hilker, passed.

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

YEA: 9, NAY: 0, ABSENT: 1

2.C. Public Hearing - Regarding a request from Perry and Vicky Case, by and through their project sponsor McCook Economic Development corporation, to approve a minor subdivision on the following described property: a tract of land located in the SW 1/4 of Section 28, Township 3 North, Range 29 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 a request from Perry and Vicky Case, by and through their project sponsor McCook Economic Development corporation, to approve a minor subdivision on the following described property: a tract of land located in the SW 1/4 of Section 28, Township 3 North, Range 29 West of the 6th P.M., Red Willow County, Nebraska, with the Chair to act as hearing officer in the absence of the City Attorney. This motion, made by Vosburg and seconded by Friehe, passed.

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

YEA: 9, NAY: 0, ABSENT: 1

Chair Vosburg received into evidence Exhibit #1 - City Manager's Report prepared for the May 8, 2023 Planning Commission meeting (1 page); Exhibit #2 - Notice of Public Hearing published (1 page); Exhibit #3 - mailed and posted (1 page); Exhibit #4 - listing of property owners notified (2 pages); Exhibit #5 - McCook Business Park - Phase II Final Plat (1 page); Exhibit #6 - Land Use Application and attachments (7 pages); Exhibit #7 - McCook Business Park - Phase II Proposed & Existing Utilities (1 page); and Exhibit #8 - McCook Business Park - Phase II proposed & Existing Utilities (1 page).

Assistant City Manager Koetter reviewed the following information presented in Exhibit #1:

An application for a minor subdivision has been filed by Perry and Vicky Case, by and through their project sponsor McCook Economic Development Corporation, for property they own located in the SW 1/4 of Section 28, Township 3 North, Range 29, West of the 6th P.M. in Red Willow County, Nebraska. The Final Plat included with the application contemplates a subdividing of the parcel into four lots. Proposed Lot 1 is located on the north side of the existing parcel and includes 14.35 acres, more or less. Proposed Lot 2 is located on the southwest side of the parcel and includes 5.20 acres, more or less. Proposed Lot 3 is located in the south/center of the parcel and includes 5.02 acres, more or less. Proposed Lot 4 is located in the southeast portion of the parcel and includes 6.92 acres,

more or less. Due to the fact that the subdivision only includes four lots, a minor subdivision is the appropriate method for dividing the lots. The plat also includes a drainage outlot of more than one acre on the northeast side of the subdivision.

The minor subdivision includes the extension of Industrial Park Drive west to east. Additionally, the minor subdivision includes a south to north street that would connect Ravenswood Road to Industrial Park Drive. These streets would be built to city specifications and would provide adequate ingress/egress to encourage appropriate traffic flow. Also, a topography study will be completed as the project progresses. It is not included at this time.

Rail access is available to these proposed lots as BNSF maintains an existing rail line north of the proposed subdivision. Rail access is critical for the proposed lots to achieve their intended purpose, which is to provide space for industrial expansion.

To the south of McCook Business Park - Phase II are residential properties. The residential properties are not included in McCook Business Park - Phase II. A landscape easement has been included to provide buffering between the residential properties and industrial lots. The City and MEDC are working on a subdivision agreement that can be taken to the Council next week.

Greg Wolford, W Design Associates, and Charlie McPherson, Director McCook Economic Development Corporation, representing the landowners Perry and Vicky Case, were present to address the request and answer questions from the Commission.

Commissioner discussion and comments included: that only the subdivision is being annexed; the area has been on the Comprehensive Plan for Industrial Development; this is the last property in McCook that can be served by rail; that future development of rail would be required to cross the creek; the lack of landscaping on the south and east side of Lot 4; what is the timeline for extending the concrete street to the east; and possibility of making the street circle in the subdivision and not exit onto Ravenswood Road.

Public commenting in opposition of the project were: Nic Curl, Zach Curl, Ron Rogers, and Kathleen Eiler.

Comments included concerns with deterioration of Ravenswood Road; would an improvement district be created for Ravenswood Road improvements; location of the rail easement; need for more trees in the landscape areas; noise restrictions; keeping the subdivision road to the north and not dump into the residential area along Ravenswood Road; and lot 4 being sandwiched in between residential areas.

Commissioner Friehe was excused during discussion at 6:10 P.M.

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

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

YEA: 8, NAY: 0, ABSENT: 2

2.D. Recommend to the McCook City Council approval of a minor subdivision on the following property: A tract of land located in the SW 1/4 of Section 28, Township 3 North, Range 29 West of the 6th P.M., Red Willow County, Nebraska.

Motion to recommend to the McCook City Council approval of a minor subdivision on the following property: A tract of land located in the SW 1/4 of Section 28, Township 3 North, Range 29 West of the 6th P.M., Red Willow County, Nebraska. This motion, made by Dueland and seconded by Vosburg.

Discussion included the need to look at what is in the best interest of the City; the Comprehensive Plan indicates the area for Industrial Development; need for a buffer on the east and south side of Lot 4; a timeline is needed for when the street is required to be improved to concrete; initially the street will be grade and grave; and is there a need for a second outlet.

Motion to amend by recommending to the Council that a landscaping easement on the east side and south side of Lot 4 to provide buffering between the residential properties and the industrial lot be added and that a timeline for paving in the subdivision and Ravenswood Road be included in the subdivision agreement. This motion, made by Vosburg and seconded by Hilker, passed.

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

Consideration of the original motion on the floor passed as amended.

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

2.E. Public Hearing - Regarding a request from Perry and Vicky Case, by and through their project sponsor McCook Economic Development Corporation, to rezone the following described property from Agricultural (AG) District to Industrial Heavy (IH) District: a tract of land located in the SW 1/4 Section of Section 28, Township 3 North, Range 29 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 with respect to a request from Perry and Vicky Case, by and through their project sponsor McCook Economic Development Corporation, to rezone the following described property from Agricultural (AG) District to Industrial Heavy (IH) District: a tract of land located in the SW 1/4 Section of Section 28, Township 3 North, Range 29 West of the 6th P.M., Red Willow County, Nebraska, with the Chair to act as hearing officer in the absence of the City Attorney. This motion, made by Vosburg and seconded by McDowell, passed.

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

YEA: 8, NAY: 0, ABSENT: 2

Chair Vosburg received into evidence Exhibit #1 - City Manager's Report prepared for the May 8, 2023 Planning Commission meeting (1 page), Exhibit #2 - Notice of Hearing published (1 page); Exhibit #3 - Notice of Hearing mailed and posted (2 pages); Exhibit #4 - ownership list for mailing of Notice of Hearing (1 page); Exhibit #5 - Land Use Action Request Form and attachments (7 pages); Exhibit #6 - proposed McCook Business park - Phase II Final Plat (1 page); and Exhibit #7 - Map of the City of McCook's zoning districts (1 page).

Assistant City Manager Koetter reviewed the following information presented in Exhibit #1:

An application for a zone change has been filed by Perry and Vicky Case, by and through their project sponsor McCook Economic Development Corporation, for property they own located in the SW 1/4 of Section 28, Township 3 North, Range 29, West of the 6th P.M. in Red Willow County, Nebraska. The applicants request that the aforementioned lot be rezoned from Agricultural District to Industrial Heavy. The applicants are making this request in an effort to expand the existing McCook Business Park. The newly added expansion area is directly to the east of the existing business park. The existing McCook Business Park is zoned Industrial Heavy. The property at issue is adjacent to the McCook Business Park and the requested zoning change is in conformity with the impacted area. Per the City of McCook's Comprehensive Plan, Perry and Vicky Case's property is anticipated to be used for industrial purposes. This request conforms with the City of McCook's future land use plans.

Greg Wolford, W Design Associates, and Charlie McPherson, Director McCook Economic Development Corporation, representing the landowners Perry and Vicky Case, were present to address the request and answer questions from the Commission.

Public commenting in opposition of the rezone request were: Nic Curl, Zach Curl, and Kathleen Eiler.

Comment included could it be zoned to something less than Industrial Heavy.

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

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

YEA: 8, NAY: 0, ABSENT: 2

2.F. Recommend to the McCook City Council approval of a rezone from Agricultural (AG) District to Industrial Heavy (IH) District for the following property: a tract of land located in the SW 1/4 Section of Section 28, Township 3 North, Range 29 West of the 6th P.M., Red Willow County, Nebraska.

Motion to recommend to the McCook City Council approval of a rezone from Agricultural (AG) District to Industrial Heavy (IH) District for the following property: a tract of land located in the

SW 1/4 Section of Section 28, Township 3 North, Range 29 West of the 6th P.M., Red Willow County, Nebraska. This motion, made by Chad Lyons and seconded by McDowell, passed. Bradley: YEA, Davidson: YEA, Dueland: YEA, Friehe: ABSENT, Hilker: YEA, Lyons: ABSTAIN, McDowell: YEA, Mockry: YEA, Stevens: ABSENT, Vosburg: YEA  
YEA: 7, NAY: 0, ABSENT: 2, ABSTAIN: 1

Adjournment.

With no further business, Chair Vosburg declared the Planning Commission meeting adjourned at 6:32 P.M.

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Lea Ann Doak, City Clerk-Treasurer  
Recording Secretary

RESOLUTION NO. 2023-07

WHEREAS, PERRY A. AND VICKY L. CASE applied for approval of a subdivision of a part of the SW 1/4 of Section 28, Township 3 North, Range 29 West of the 6<sup>th</sup> P.M., Red Willow County, Nebraska located within the corporate limits of the City of McCook to be known as McCook Business Park - Phase II Addition to the City of McCook, Red Willow County, Nebraska.

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

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

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

PASSED AND APPROVED THIS 15<sup>TH</sup> DAY OF MAY, 2023.

\_\_\_\_\_  
Linda Taylor, Ex-officio Mayor  
and Council President

ATTEST:

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

**EXHIBIT #13**

**PAGE(S) - 1**

**CITY MANAGER'S REPORT  
MAY 15, 2023 MCCOOK CITY COUNCIL MEETING**

**ITEM NO. 2.E** Public Hearing - Consider a request from Perry and Vicky Case, by and through their project sponsor McCook Economic Development Corporation, to rezone the following described property from Agricultural District (AG) to Industrial Heavy District (IH): a tract of land located in the SW 1/4 of Section 28, Township 3 North, Range 29, West of the 6<sup>th</sup> P.M. in Red Willow County, Nebraska, said property located at the proposed McCook Business Park - Phase II.

**ITEM NO. 2F** Approve on first reading, Ordinance No. 2023- 3068, allowing for the zoning change from Agricultural District (AG) to Industrial Heavy District (IH) for the following property: a tract of land located in the SW 1/4 of Section 28, Township 3 North, Range 29, West of the 6<sup>th</sup> P.M. in Red Willow County, Nebraska.

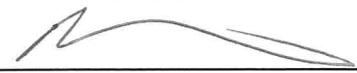
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**BACKGROUND:**

An application for a zone change has been filed by Perry and Vicky Case, by and through their project sponsor McCook Economic Development Corporation, for property they own located in the SW 1/4 of Section 28, Township 3 North, Range 29, West of the 6<sup>th</sup> P.M. in Red Willow County, Nebraska. The full legal description of the property is included in the attached Final Plat. The applicants request that the aforementioned lot be rezoned from Agricultural District (AG) to Industrial Heavy (IH). The applicants are making this request in an effort to expand the existing McCook Business Park. This agenda item directly relates to the accompanying Preliminary Plat/Final Plat agenda item for McCook Business Park - Phase II, as well as the voluntary annexation agenda item requested by the MEDC on behalf of the Case family. As shown in the aforementioned agenda items, the area identified for industrial expansion is directly east of the existing business park. The existing McCook Business Park is zoned IH. The property at issue is adjacent to the McCook Business Park and the requested zoning change is in conformity with current land use. Per the City of McCook's Comprehensive Plan, Perry and Vicky Case's property is anticipated to be used for industrial purposes, which use conforms with the City of McCook's future land use map. The property at issue is south of the BNSF railroad and close in proximity to Hwy. 83 and Hwy. 6 and 34. As such, the property is one of the few lots that the City of McCook has identified as an appropriate site for industrial expansion.

At the May 8, 2023 McCook Planning Commission meeting, the Planning Commission voted to recommend approval of the rezone request to the McCook City Council.

**APPROVALS:**

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

May 10, 2023

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

May 10, 2023

  
\_\_\_\_\_  
Tera Koetter, Assistant City Manager

May 10, 2023

**EXHIBIT #1**

**PAGE(S) - 1**

**NOTICE OF PUBLIC HEARING  
REZONING**

NOTICE IS HEREBY GIVEN that a public hearing will be held by the City of McCook Planning Commission on May 8, 2023, at 5:15 P.M. and by the McCook City Council on May 15, 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 SW1/4 of Section 28, Township 3 North, Range 29 West of the 6th P.M. in Red Willow County, Nebraska, said tract will be referred to as MCCOOK BUSINESS PARK - PHASE II; from Agricultural (AG) to Industrial Heavy (IH) 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: May 2, 2023.

**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 Industrial Heavy District (IH), to-wit:

A tract of land located in the SW1/4 of Section 28, Township 3 North, Range 29 West of the 6th P.M., Red Willow County, Nebraska. This tract of land will be referred to as MCCOOK BUSINESS PARK - PHASE II.

Project Sponsor/  
Land Owner: Perry A. & Vicky L. Case

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

May 8, 2023 - 5:15 P.M.  
McCook Planning Commission  
City Council Chambers  
505 West "C" Street

May 15, 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: April 28, 2023.  
Post: April 28, 2023.  
Mail: April 28, 2023.

**EXHIBIT #3**

**PAGE(S) - 1**

Property Owners Notified:

RED WILLOW CO PLANNING COMM  
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  
700 WEST 7TH  
MCCOOK, NE 69001

RED WILLOW COUNTY CLERK  
502 NORRIS AVE  
MCCOOK, NE 69001

TERRY AND KATHLEEN DOYLE  
38655 RAVENSWOOD RD  
MCCOOK, NE 69001

KELLY DOYLE  
38653 RAVENSWOOD RD  
MCCOOK, NE 69001

CHRISTOPHER MARIS  
38651 RAVENSWOOD RD  
MCCOOK, NE 69001

KATHEELN EILER  
38672 RAVENSWOOD RD  
MCCOOK, NE 69001

JOSIANE DOMINGUEZ  
PO BOX 75  
MCCOOK, NE 69001

JAMES AND TIFFANY BRUNSWICK  
38644 RAVENSWOOD RD  
MCCOOK, NE 69001

NIC CURL  
38636 RAVENSWOOD RD  
MCCOOK, NE 69001

BRANDON AND AMBER TRUEBLOOD  
38634 RAVENSWOOD RD  
MCCOOK, NE 69001

MARILYN MALLECK  
38630 RAVENSWOOD RD  
MCCOOK, NE 69001

LINDA BRUNSWICK  
71370 DR 387  
MCCOOK, NE 69001

DONALD AND SHIRLEY SAWYER  
38629 RAVENSWOOD RD  
MCCOOK, NE 69001

JOE AND ASHLEE MOROSIC  
38620 RAVENSWOOD RD  
MCCOOK, NE 69001

ADAM AND JESSICA JOHNSON  
38616 RAVENSWOOD RD  
MCCOOK, NE 69001

MCCOOK ECONOMIC DEV CORP  
402 NORRIS AVE  
MCCOOK, NE 69001

NELSON FAMILY ENTERPRISES, LLC  
PO BOX 86  
SOUTH SIOUX CITY, NE 68876

NEXT GENERATION, INC  
355 W SMITH RD  
GREENSBURG, IN 47240

BOOE MACHINERY & SALVAGE, LLC  
73849 J RD  
HOLDREGE, NE 68949

LONNIE AND JANET MOON  
1306 EAST A  
MCCOOK, NE 69001

**EXHIBIT #4**

**PAGE(S) - 2**

BN SANTA FE PROPERTY  
PO BOX 961089  
FORT WORTH, TX 76161-0089

PENNY THOMAS  
919 D STREET  
INDIANOLA, NE 69001

MICHAEL AND DEBRA FINNESY  
708 NORRIS AVE  
MCCOOK, NE 69001

SUSAN DORIS  
C/O MARGARET BRETTON  
PO BOX 403  
STRATTON, NE 69043

FREDA CLAPP  
1410 EAST A  
MCCOOK, NE 69001

LINES FAMILY L.P.  
C/O DAVID LINES  
214 NORTH CHEROKEE  
MCCOOK, NE 69001

JAMES ZLOMKE  
909 WESTRIDGE PARKWAY  
MCCOOK, NE 69001

DELORES FAHRENBRUCH  
403 ELIZABETH LANE  
MCCOOK, NE 69001

ROYCE CLAPP  
612 EAST 11<sup>TH</sup>  
MCCOOK, NE 69001

BEVERLY PREMIER  
1324 EAST A  
MCCOOK, NE 69001

JOHN MALLECK LIFE ESTATE  
1412 EAST A  
MCCOOK, NE 69001

PERRY AND VICKY CASE  
C/O ELLINGER & CAPPEL, LLC  
1101 WEST B STREET  
MCCOOK, NE 69001





\*

### REQUIRED ATTACHMENTS:

#### For Subdivisions:

##### Sketch Plan:

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

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

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

If so, briefly explain what they might consist of.

(Attach explanation)

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

To be included @ the time of presentation to the City Council.

The Comp Plan recommends that the city maintain enough industrial land for growth + development. MED is encouraged to promote + continue their support for additional industrial land development.

the land is near existing industrial zone property. It also is adjacent to the BNSF rail line.

\*

✓ Preliminary Plat Submission; *Final*

✓ (a) Plat Submission Requirements: The subdivider shall submit to the Zoning Administrator:

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

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

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

- ✓ (1) The proposed name of the subdivision (the name shall not duplicate or too closely resemble the name or names of any existing subdivision).
- ✓ (2) The location of the boundary lines of the subdivision and reference to the section or quarter section lines.
- ✓ (3) The names and addresses of the owner, developer, and the engineer who prepared the plat.
- ✓ (4) Scale of the plat, one inch = one hundred feet or larger.
- ✓ (5) Date of preparation and north point.
- ✓ (6) Present zoning.
- ✓ (7) Existing conditions:

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

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

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

*legal for addition*

*- to be supplement*

X

Waived until road design completed

dd.

Topography (unless specifically waived) with contour intervals of not more than five (5) feet, referred to City or U.S.G.S. datum shall be shown; also location of water courses, bridges, wooded areas, lakes, ravines, and such other features as may be pertinent to the subdivision shall be shown.

(8)

The general arrangement of lots and their approximate size.

(9)

Location and width of proposed streets, alleys, pedestrian ways, and easements. Control elevation shall be shown for all street intersections.

(10)

The general plan of sewage disposal, water supply and utilities in areas where public sewers and/or water are proposed to serve the subdivision. In other cases a notation shall be made on the plat indicating type of sewage disposal, and water system proposed.

To be supplemented

N/A (11)

Location and size of proposed parks, playgrounds, churches, school sites, or other special uses of land to be considered for reservation for public use.

(12)

General layout of adjacent unsubdivided property to show how streets and other public facilities, in the proposed subdivision, relate to the unsubdivided property.

TAD (13)

The subdivider shall indicate by letter when improvements as required will be installed or requested.

N/A (14)

Any proposed restrictive covenants for the land involved shall accompany the plat.

(15)

a letter requesting annexation of the subdivision if it is in the planning jurisdiction to be served with city utilities.

## 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:

Currently, the property is classified as undeveloped land for agricultural uses. For the expanded business park purposes, the request for the change of zone is so industrial/manufacturing/commercial businesses can operate in this area.

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

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

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



April 27, 2023

City of McCook  
Attn: Lea Ann Doan, City Clerk  
505 W. C St.  
P.O. Box 1059  
McCook, NE 69001

RE: LAND USE ACTION REQUEST FORM – McCook Business Park Expansion Project

Dear Mrs. Doak:

The McCook Economic Development Corporation (MEDC), in conjunction with Perry and Vicky Case, is submitting this letter to request a zoning change for the McCook Business Park Expansion Project. Currently, the property is zoned for agricultural usage. Both parties are requesting that the newly formed Minor Subdivision be re-zoned to an industrial designation to accommodate future businesses and industrial use in the expanded McCook Business Park.

The proposed expansion is located directly to the east of the existing business park. The request for a Minor Subdivision and Zone Change is needed to allow for an additional four lots of various sizes to be used for industrial/manufacturing purposes in the subdivision. The expansion would also include an additional BNSF rail spur off the main track to service this area along with city street and utility infrastructure to the area.

The overall goal for the project is to create a development that is harmonious with the surrounding area and businesses, while also providing new business opportunities to the community. The Case's, along with the MEDC, envisions a community that offers a vibrant and diverse range of businesses, enhancing the overall character of the region and providing additional economic opportunities to the public and businesses that reside in the area.

The proposed development is in line with the Comprehensive Plan, particularly in regards to land use, thoroughfare, and public facilities. Both parties have carefully considered the existing infrastructure and have plans in place to ensure that the area is well connected and easily accessible to the public and businesses in the area.

It is our intent to use Deed Restrictions or other methods of controlling the character and quality of the area, such as Protective Covenants or Membership in a Commercial Owners' Association. These restrictions might include guidelines for business usage, architectural design, landscaping, and maintenance. By implementing these restrictions, we hope to ensure that the area remains an attractive and desirable place to conduct business for years to come.

Thank you for your consideration of the request. We all look forward to working with the City of McCook to bring this exciting project to fruition.

Sincerely,

Charlie McPherson, Executive Director  
McCook Economic Development Corporation

# FINAL PLAT

## McCOOK BUSINESS PARK - PHASE II

### AN ADDITION TO THE CITY OF McCOOK, REW 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 Schroeder, Secretary

\_\_\_\_\_  
Kurt Vosburg, Chairman

#### MUNICIPAL APPROVAL

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

\_\_\_\_\_  
LesAnn Doak, City Clerk

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

#### RECORDING INFORMATION

State of Nebraska) County of Red Willow)

Instrument No. \_\_\_\_\_

DATE \_\_\_\_\_

TIME \_\_\_\_\_

Register of Deeds Tami Twel

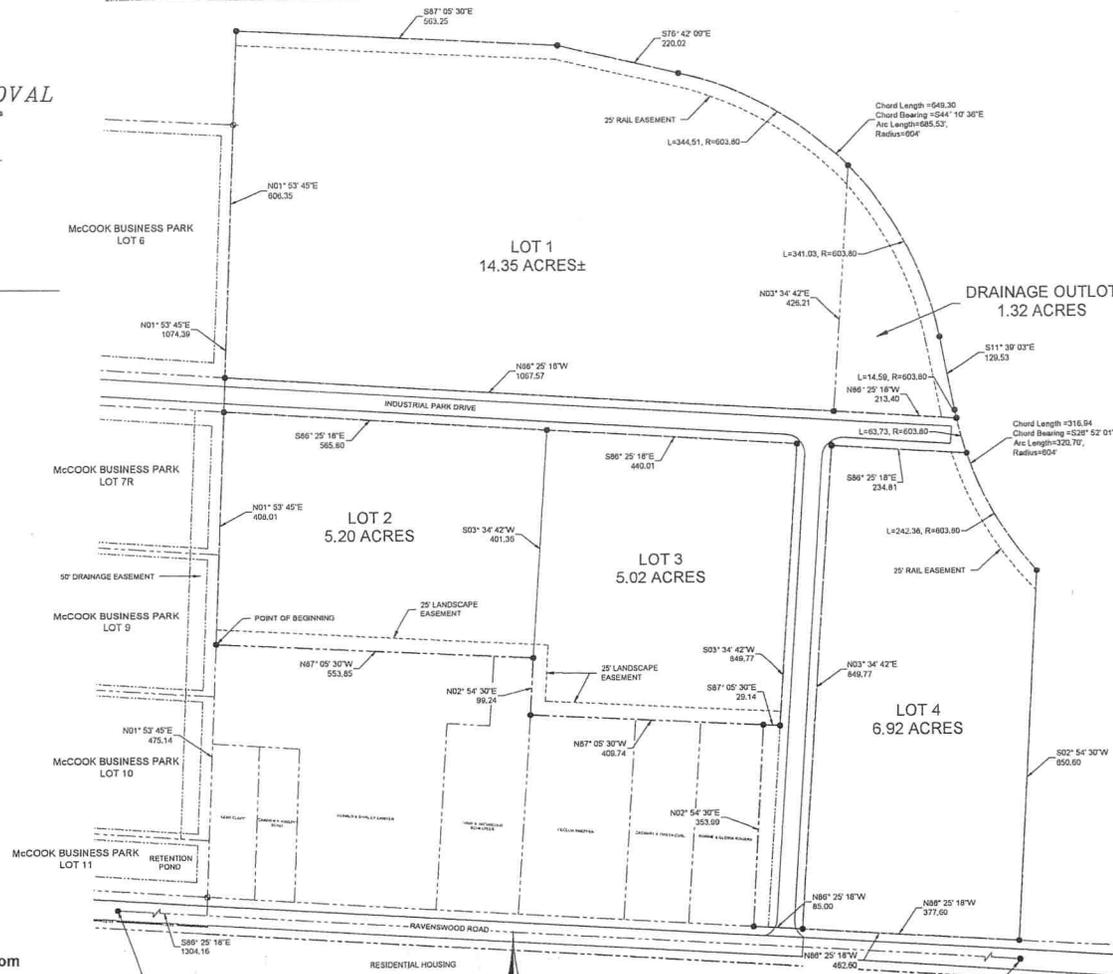
#### LEGEND

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

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

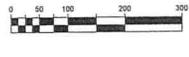
**ENGINEER**  
DESIGN ASSOCIATES  
P.O. BOX 101, McCook, NE 68901  
PHONE 402-879-5701 FAX 402-879-5702  
WWW.DESIGNASSOCIATES.COM

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S.E. COR. SEC. 28-3-29  
S.W. COR. SEC. 28-3-29  
FOUND 1" REBAR W/CAP IN WATER VALVE COVER  
1. BACK OF CURB 17.70 N.  
2. BACK OF CURB 17.32 S.  
3. N.W. COR. HOUSE FND. 79.72 S.E.  
4. GAS LINE MARK. POINT 50.97 N.E.

S 1/4 COR. SEC. 28-3-29  
FOUND 3/8" REBAR  
1. 8" M BRASS CAP 65.20 N.E.  
2. C/P (16 FEET) 45.61 N.E.  
3. TELESCOPE 56.93 S.E.  
4. GAS (C/P) 53.42 S.E.



#### DEDICATION

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

By: \_\_\_\_\_  
Patty Casa, Owner

By: \_\_\_\_\_  
Vicky Casa, Owner

#### ACKNOWLEDGMENTS

Personally appeared before me a Notary Public in and for the State of Nebraska, Troy Bruntz, known to me to be the identical person whose name is affixed to the foregoing instrument and he acknowledges the same to be his voluntary act and deed.

Witness my hand and official Seal this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

My commission expires \_\_\_\_\_

Notary Public: \_\_\_\_\_

#### LEGAL DESCRIPTION

A tract of land located in the SW 1/4 of said Section 28, Township 3 North, Range 29 West of the 6th P.M. in Red Willow County, Nebraska, more particularly described as follows:

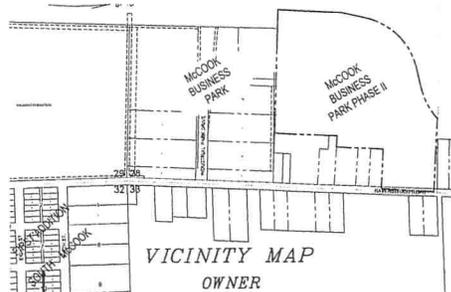
Referring to the SW corner of the said SW 1/4 of said Section 28, thence S89°25'18"E (assumed and all bearing relative to) along the South section line a distance of 1304.16 feet to a point on the South line of Section 28, Thence N01°53'45"E along the East line of lots 9 and 10 of the McCook Business Park Subdivision a distance of 475.14 feet to a Point, said Point being the Point of Beginning, Thence N01°53'45"E a distance of ±1074.39 feet to a point, said Point being on the South Right of Way line of BNSF Railroad, thence S07°05'30"E along said South ROW line a distance of ±553.25 feet to a point, thence S70°40'00"E a distance of 220.02 feet to a point, thence Southeastly along a curve to the right, with a Chord Bearing of S44°10'36"E, a Chord Distance of 645.30 feet, an Arc Length of 655.59 feet and a Radius of 604 feet to a point, thence S11°30'00"E a distance of 129.53 feet to a point, thence Southeastly along a curve to the left, with a Chord Bearing of S28°52'01"E, a Chord Distance of 316.94 feet, an Arc Length of 320.70 feet and a Radius of 604 feet to a point, thence S02°54'30"W a distance of 650.60 feet to a point, thence N86°25'18"W a distance of 462.60 feet to a point, thence N02°54'30"E a distance of 353.99 feet to a point, thence N07°05'30"W a distance of 402.74 feet to a point, thence N02°54'30"E a distance of 90.24 feet to a point, thence N07°05'30"W a distance of 553.86 feet to the Point of Beginning.

Said tract containing 36.00 acres more or less subject to any easement, right-of-ways and reservations of record.

#### SURVEYORS CERTIFICATE

I, Joshua Eugene Grumert, a Licensed Professional Land Surveyor under the laws of the State of Nebraska, do hereby certify this plat of a survey was made by me or under my supervision, this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

Joshua E. Grumert LS-783



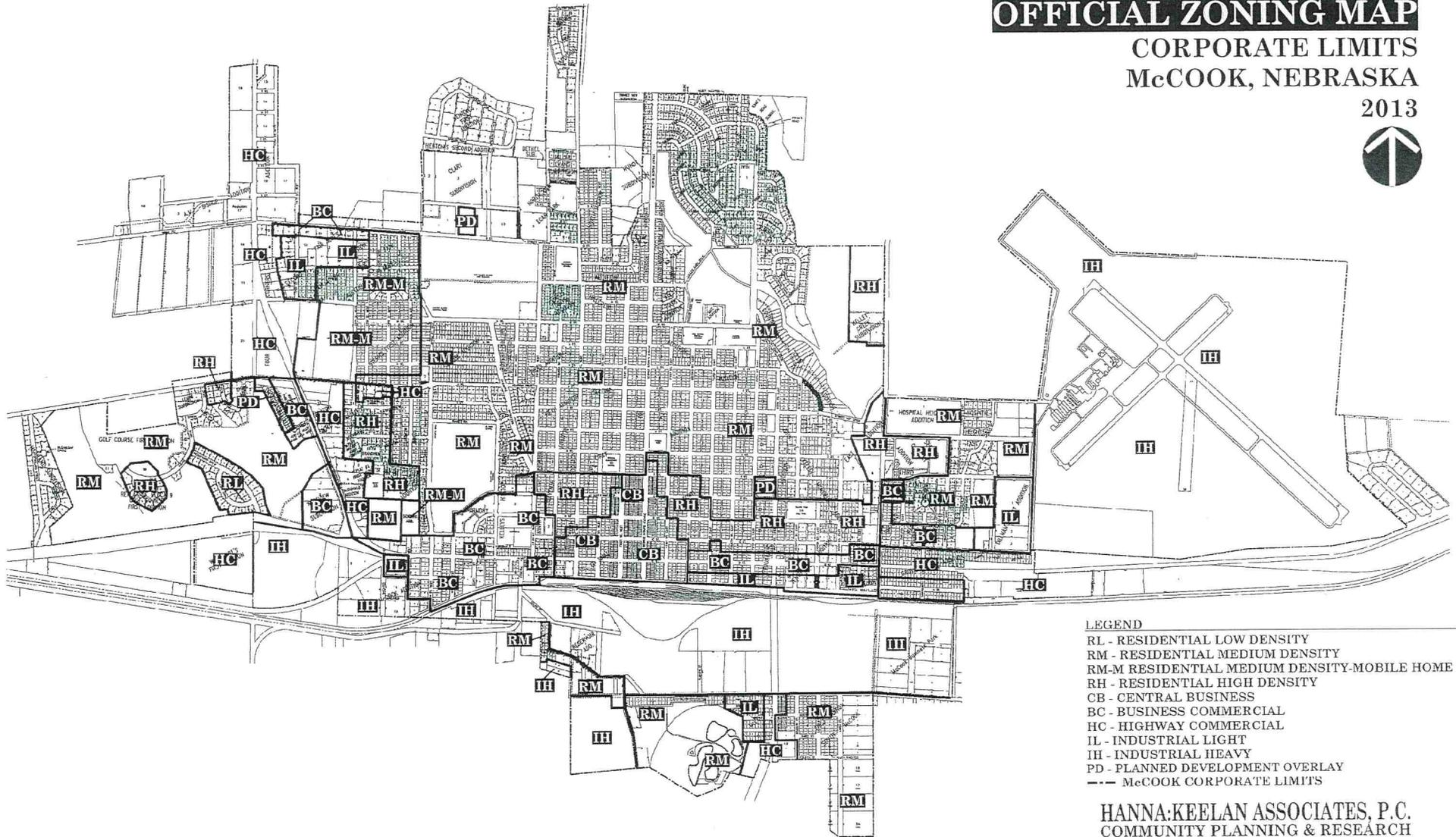
**VICINITY MAP**  
OWNER  
McCOOK ECONOMIC DEVELOPMENT CORPORATION  
% TROY BRUNTZ, PRESIDENT  
402 NORRIS AVE SUITE 301  
McCOOK, NE 68901

<b>CURRENT AGRICULTURAL ZONING</b> MINIMUM LOT = 5 ACRES MINIMUM FRONT YARD = 40 FEET MINIMUM REAR YARD = 50 FEET MINIMUM SIDE YARD = 20 FEET	<b>PROPOSED INDUSTRIAL HEAVY ZONING</b> MINIMUM LOT = 10,000 SQ. FEET MINIMUM FRONT YARD = 25 FEET MINIMUM REAR YARD = 20 FEET MINIMUM SIDE YARD = 10 FEET
---	--

# 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 #7

PAGE(S) - 1

**NOTICE OF PUBLIC HEARING  
REZONING**

NOTICE IS HEREBY GIVEN that a public hearing will be held to rezone the following described property from Agricultural District (AG) to Industrial Heavy District (IH), to-wit:

A tract of land located in the SW1/4 of Section 28, Township 3 North, Range 29 West of the 6th P.M., Red Willow County, Nebraska. This tract of land will be referred to as MCCOOK BUSINESS PARK - PHASE II.

Project Sponsor/  
Land Owner: Perry A. & Vicky L. Case

Public Hearing on the above-described Rezoning will be held on the Date, Time, and at the places listed below:

May 15, 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

**EXHIBIT #8**

**PAGE(S) - 1**

Property Owners Notified:

RED WILLOW CO PLANNING COMM  
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  
700 WEST 7TH  
MCCOOK, NE 69001

RED WILLOW COUNTY CLERK  
502 NORRIS AVE  
MCCOOK, NE 69001

TERRY AND KATHLEEN DOYLE  
38655 RAVENSWOOD RD  
MCCOOK, NE 69001

KELLY DOYLE  
38653 RAVENSWOOD RD  
MCCOOK, NE 69001

CHRISTOPHER MARIS  
38651 RAVENSWOOD RD  
MCCOOK, NE 69001

KATHEELN EILER  
38672 RAVENSWOOD RD  
MCCOOK, NE 69001

JOSIANE DOMINGUEZ  
PO BOX 75  
MCCOOK, NE 69001

JAMES AND TIFFANY BRUNSWICK  
38644 RAVENSWOOD RD  
MCCOOK, NE 69001

NIC CURL  
38636 RAVENSWOOD RD  
MCCOOK, NE 69001

BRANDON AND AMBER TRUEBLOOD  
38634 RAVENSWOOD RD  
MCCOOK, NE 69001

MARILYN MALLECK  
38630 RAVENSWOOD RD  
MCCOOK, NE 69001

LINDA BRUNSWICK  
71370 DR 387  
MCCOOK, NE 69001

DONALD AND SHIRLEY SAWYER  
38629 RAVENSWOOD RD  
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ADAM AND JESSICA JOHNSON  
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MCCOOK ECONOMIC DEV CORP  
402 NORRIS AVE  
MCCOOK, NE 69001

NELSON FAMILY ENTERPRISES, LLC  
PO BOX 86  
SOUTH SIOUX CITY, NE 68876

NEXT GENERATION, INC  
355 W SMITH RD  
GREENSBURG, IN 47240

BOOE MACHINERY & SALVAGE, LLC  
73849 J RD  
HOLDREGE, NE 68949

LONNIE AND JANET MOON  
1306 EAST A  
MCCOOK, NE 69001

**EXHIBIT #9**

**PAGE(S) - 2**

BN SANTA FE PROPERTY  
PO BOX 961089  
FORT WORTH, TX 76161-0089

PENNY THOMAS  
919 D STREET  
INDIANOLA, NE 69001

MICHAEL AND DEBRA FINNESY  
708 NORRIS AVE  
MCCOOK, NE 69001

SUSAN DORIS  
C/O MARGARET BRETTON  
PO BOX 403  
STRATTON, NE 69043

FREDA CLAPP  
1410 EAST A  
MCCOOK, NE 69001

LINES FAMILY L.P.  
C/O DAVID LINES  
214 NORTH CHEROKEE  
MCCOOK, NE 69001

CECELIA KNEPPER  
38635 RAVENSWOOD ROAD  
MCCOOK NE 69001

ZACHARY & TRISTA CURL  
38637 RAVENSWOOD ROAD  
MCCOOK NE 69001

RONNIE LEE & GLORIA ROGERS  
38641 RAVENSWOOD ROAD  
MCCOOK NE 69001

JAMES ZLOMKE  
909 WESTRIDGE PARKWAY  
MCCOOK, NE 69001

DELORES FAHRENBRUCH  
403 ELIZABETH LANE  
MCCOOK, NE 69001

ROYCE CLAPP  
612 EAST 11<sup>TH</sup>  
MCCOOK, NE 69001

BEVERLY PREMIER  
1324 EAST A  
MCCOOK, NE 69001

JOHN MALLECK LIFE ESTATE  
1412 EAST A  
MCCOOK, NE 69001

PERRY AND VICKY CASE  
C/O ELLINGER & CAPPEL, LLC  
1101 WEST B STREET  
MCCOOK, NE 69001

KENT CLAPP  
38625 ROAD 715  
MCCOOK NE 69001

CARMEN & JOSEPH BOND  
1007 WEST "I" STREET  
MCCOOK NE 69001

TODD & JACQUELINE SCHEPLER  
38633 RAVENSWOOD ROAD  
MCCOOK NE 69001

McCook Planning Commission  
May 8, 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: Chair Vosburg; Vice Chair Hilker; Commissioners Bradley (arrived 5:19 P.M.), Davidson, Dueland, Friehe, Lyons, McDowell, Mockry.

Absent: Commissioner Stevens, City Manager Schneider, City Attorney Mustion.

City Officials present: Assistant City Manager Koetter, City Clerk Doak.

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

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

1. Approve the minutes of the April 10, 2023 regular Planning Commission meeting.

Motion to approve the minutes of the April 10, 2023 regular Planning Commission meeting. This motion, made by McDowell and seconded by Mockry, passed.

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

2. Public Hearings and Regular Agenda.

- 2.A. Public Hearing - Regarding a request from Southwest Nebraska Public Health Department to rezone the following described property from Residential Medium Density (RM) District to Business Commercial (BC) District: Replatted Lot Three, Block Six, Second High School Addition to the City of McCook, Red Willow County.

Motion to recess as a Planning Commission and convene a public hearing for the purpose of receiving public comment with respect to a request from Southwest Nebraska Public Health Department to rezone the following described property from Residential Medium Density (RM) District to Business Commercial (BC) District: Replatted Lot Three, Block Six, Second High School Addition to the City of McCook, Red Willow County, with the Chair to act as hearing officer in the

**EXHIBIT #10**

**PAGE(S) - 7**

absence of the City Attorney. This motion, made by Vosburg and seconded by Hilker, passed.  
Bradley: ABSENT, Davidson: YEA, Dueland: YEA, Friehe: YEA, Hilker: YEA, Lyons: YEA,  
McDowell: YEA, Mockry: YEA, Stevens: ABSENT, Vosburg: YEA  
YEA: 8, NAY: 0, ABSENT: 2

Chair Vosburg received into evidence Exhibit #1 - City Manager's Report prepared for the May 8, 2023 Planning Commission meeting (1 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 (2 pages); Exhibit #5 - Copies of Certified Mail Receipts for non-residents of McCook receiving notification of hearing (1 page); Exhibit #6 - Change of Zoning Application (2 pages); and Exhibit #7 - Map of the City of McCook's zoning districts (1 page) and took comment from staff before opening to public comment.

Assistant City Manager Koetter reviewed the following information presented in Exhibit #1:

An application for a zone change has been filed by the Southwest Nebraska Public Health Department for property it owns located at 404 West 10th Street. Southwest Nebraska Public Health Department has requested that the lot be rezoned from Residential Medium Density District to Business Commercial. Southwest Nebraska Public Health Department is requesting the zoning change to assure that the use of the existing structure complies with the City of McCook's zoning ordinance. Specifically, the Southwest Nebraska Public Health Department is operating a professional office in a residential district. Southwest Nebraska Public Health Department's use is nonconforming pursuant to Article 22 of the McCook zoning ordinance.

Staff discussed this matter with Southwest Nebraska Public Health Department's administration. It was determined that the best option to achieve compliance is to rezone the property from Residential Medium Density to Business Commercial. A rezoning of the property makes sense due to the fact that the properties to the south are zoned Business Commercial. The businesses in this area include The Scoop Ice Cream, Midwest Liberty, Edward Jones, and Golden Plains Realty. An extension of the Business Commercial District to the north of West "C" Street will not cause a spot zoning issue.

Myra Stoney, Southwest Nebraska Public Health Department Director, was present to address the request and answer questions from the Commission.

Commissioner comments included the fact that two homes are located to the south in the Business Commercial District.

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

Bradley: YEA, Davidson: YEA, Dueland: YEA, Friehe: YEA, Hilker: YEA, Lyons: YEA,  
McDowell: YEA, Mockry: YEA, Stevens: ABSENT, Vosburg: YEA  
YEA: 9, NAY: 0, ABSENT: 1

2.B. Recommend to the McCook City Council approval of a rezone from Residential Medium Density (RM) District to Business Commercial (BC) District; Replatted Lot Three, Block

Six, Second High School Addition to the City of McCook, Red Willow County, Nebraska.

Motion to recommend to the McCook City Council approval of a rezone from Residential Medium Density (RM) District to Business Commercial (BC) District; Replatted Lot Three, Block Six, Second High School Addition to the City of McCook, Red Willow County, Nebraska. This motion, made by Vosburg and seconded by Hilker, passed.

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

YEA: 9, NAY: 0, ABSENT: 1

2.C. Public Hearing - Regarding a request from Perry and Vicky Case, by and through their project sponsor McCook Economic Development corporation, to approve a minor subdivision on the following described property: a tract of land located in the SW 1/4 of Section 28, Township 3 North, Range 29 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 a request from Perry and Vicky Case, by and through their project sponsor McCook Economic Development corporation, to approve a minor subdivision on the following described property: a tract of land located in the SW 1/4 of Section 28, Township 3 North, Range 29 West of the 6th P.M., Red Willow County, Nebraska, with the Chair to act as hearing officer in the absence of the City Attorney. This motion, made by Vosburg and seconded by Friehe, passed.

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

YEA: 9, NAY: 0, ABSENT: 1

Chair Vosburg received into evidence Exhibit #1 - City Manager's Report prepared for the May 8, 2023 Planning Commission meeting (1 page); Exhibit #2 - Notice of Public Hearing published (1 page); Exhibit #3 - mailed and posted (1 page); Exhibit #4 - listing of property owners notified (2 pages); Exhibit #5 - McCook Business Park - Phase II Final Plat (1 page); Exhibit #6 - Land Use Application and attachments (7 pages); Exhibit #7 - McCook Business Park - Phase II Proposed & Existing Utilities (1 page); and Exhibit #8 - McCook Business Park - Phase II proposed & Existing Utilities (1 page).

Assistant City Manager Koetter reviewed the following information presented in Exhibit #1:

An application for a minor subdivision has been filed by Perry and Vicky Case, by and through their project sponsor McCook Economic Development Corporation, for property they own located in the SW 1/4 of Section 28, Township 3 North, Range 29, West of the 6th P.M. in Red Willow County, Nebraska. The Final Plat included with the application contemplates a subdividing of the parcel into four lots. Proposed Lot 1 is located on the north side of the existing parcel and includes 14.35 acres, more or less. Proposed Lot 2 is located on the southwest side of the parcel and includes 5.20 acres, more or less. Proposed Lot 3 is located in the south/center of the parcel and includes 5.02 acres, more or less. Proposed Lot 4 is located in the southeast portion of the parcel and includes 6.92 acres,

more or less. Due to the fact that the subdivision only includes four lots, a minor subdivision is the appropriate method for dividing the lots. The plat also includes a drainage outlot of more than one acre on the northeast side of the subdivision.

The minor subdivision includes the extension of Industrial Park Drive west to east. Additionally, the minor subdivision includes a south to north street that would connect Ravenswood Road to Industrial Park Drive. These streets would be built to city specifications and would provide adequate ingress/egress to encourage appropriate traffic flow. Also, a topography study will be completed as the project progresses. It is not included at this time.

Rail access is available to these proposed lots as BNSF maintains an existing rail line north of the proposed subdivision. Rail access is critical for the proposed lots to achieve their intended purpose, which is to provide space for industrial expansion.

To the south of McCook Business Park - Phase II are residential properties. The residential properties are not included in McCook Business Park - Phase II. A landscape easement has been included to provide buffering between the residential properties and industrial lots. The City and MEDC are working on a subdivision agreement that can be taken to the Council next week.

Greg Wolford, W Design Associates, and Charlie McPherson, Director McCook Economic Development Corporation, representing the landowners Perry and Vicky Case, were present to address the request and answer questions from the Commission.

Commissioner discussion and comments included: that only the subdivision is being annexed; the area has been on the Comprehensive Plan for Industrial Development; this is the last property in McCook that can be served by rail; that future development of rail would be required to cross the creek; the lack of landscaping on the south and east side of Lot 4; what is the timeline for extending the concrete street to the east; and possibility of making the street circle in the subdivision and not exit onto Ravenswood Road.

Public commenting in opposition of the project were: Nic Curl, Zach Curl, Ron Rogers, and Kathleen Eiler.

Comments included concerns with deterioration of Ravenswood Road; would an improvement district be created for Ravenswood Road improvements; location of the rail easement; need for more trees in the landscape areas; noise restrictions; keeping the subdivision road to the north and not dump into the residential area along Ravenswood Road; and lot 4 being sandwiched in between residential areas.

Commissioner Friehe was excused during discussion at 6:10 P.M.

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

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

YEA: 8, NAY: 0, ABSENT: 2

2.D. Recommend to the McCook City Council approval of a minor subdivision on the following property: A tract of land located in the SW 1/4 of Section 28, Township 3 North, Range 29 West of the 6th P.M., Red Willow County, Nebraska.

Motion to recommend to the McCook City Council approval of a minor subdivision on the following property: A tract of land located in the SW 1/4 of Section 28, Township 3 North, Range 29 West of the 6th P.M., Red Willow County, Nebraska. This motion, made by Dueland and seconded by Vosburg.

Discussion included the need to look at what is in the best interest of the City; the Comprehensive Plan indicates the area for Industrial Development; need for a buffer on the east and south side of Lot 4; a timeline is needed for when the street is required to be improved to concrete; initially the street will be grade and grave; and is there a need for a second outlet.

Motion to amend by recommending to the Council that a landscaping easement on the east side and south side of Lot 4 to provide buffering between the residential properties and the industrial lot be added and that a timeline for paving in the subdivision and Ravenswood Road be included in the subdivision agreement. This motion, made by Vosburg and seconded by Hilker, passed.

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

Consideration of the original motion on the floor passed as amended.

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

2.E. Public Hearing - Regarding a request from Perry and Vicky Case, by and through their project sponsor McCook Economic Development Corporation, to rezone the following described property from Agricultural (AG) District to Industrial Heavy (IH) District: a tract of land located in the SW 1/4 Section of Section 28, Township 3 North, Range 29 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 with respect to a request from Perry and Vicky Case, by and through their project sponsor McCook Economic Development Corporation, to rezone the following described property from Agricultural (AG) District to Industrial Heavy (IH) District: a tract of land located in the SW 1/4 Section of Section 28, Township 3 North, Range 29 West of the 6th P.M., Red Willow County, Nebraska, with the Chair to act as hearing officer in the absence of the City Attorney. This motion, made by Vosburg and seconded by McDowell, passed.

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

YEA: 8, NAY: 0, ABSENT: 2

Chair Vosburg received into evidence Exhibit #1 - City Manager's Report prepared for the May 8, 2023 Planning Commission meeting (1 page), Exhibit #2 - Notice of Hearing published (1 page); Exhibit #3 - Notice of Hearing mailed and posted (2 pages); Exhibit #4 - ownership list for mailing of Notice of Hearing (1 page); Exhibit #5 - Land Use Action Request Form and attachments (7 pages); Exhibit #6 - proposed McCook Business park - Phase II Final Plat (1 page); and Exhibit #7 - Map of the City of McCook's zoning districts (1 page).

Assistant City Manager Koetter reviewed the following information presented in Exhibit #1:

An application for a zone change has been filed by Perry and Vicky Case, by and through their project sponsor McCook Economic Development Corporation, for property they own located in the SW 1/4 of Section 28, Township 3 North, Range 29, West of the 6th P.M. in Red Willow County, Nebraska. The applicants request that the aforementioned lot be rezoned from Agricultural District to Industrial Heavy. The applicants are making this request in an effort to expand the existing McCook Business Park. The newly added expansion area is directly to the east of the existing business park. The existing McCook Business Park is zoned Industrial Heavy. The property at issue is adjacent to the McCook Business Park and the requested zoning change is in conformity with the impacted area. Per the City of McCook's Comprehensive Plan, Perry and Vicky Case's property is anticipated to be used for industrial purposes. This request conforms with the City of McCook's future land use plans.

Greg Wolford, W Design Associates, and Charlie McPherson, Director McCook Economic Development Corporation, representing the landowners Perry and Vicky Case, were present to address the request and answer questions from the Commission.

Public commenting in opposition of the rezone request were: Nic Curl, Zach Curl, and Kathleen Eiler.

Comment included could it be zoned to something less than Industrial Heavy.

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

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

YEA: 8, NAY: 0, ABSENT: 2

2.F. Recommend to the McCook City Council approval of a rezone from Agricultural (AG) District to Industrial Heavy (IH) District for the following property: a tract of land located in the SW 1/4 Section of Section 28, Township 3 North, Range 29 West of the 6th P.M., Red Willow County, Nebraska.

Motion to recommend to the McCook City Council approval of a rezone from Agricultural (AG) District to Industrial Heavy (IH) District for the following property: a tract of land located in the

SW 1/4 Section of Section 28, Township 3 North, Range 29 West of the 6th P.M., Red Willow County, Nebraska. This motion, made by Chad Lyons and seconded by McDowell, passed.  
Bradley: YEA, Davidson: YEA, Dueland: YEA, Friehe: ABSENT, Hilker: YEA, Lyons: ABSTAIN,  
McDowell: YEA, Mockry: YEA, Stevens: ABSENT, Vosburg: YEA  
YEA: 7, NAY: 0, ABSENT: 2, ABSTAIN: 1

Adjournment.

With no further business, Chair Vosburg declared the Planning Commission meeting adjourned at 6:32 P.M.

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Lea Ann Doak, City Clerk-Treasurer  
Recording Secretary

ORDINANCE NO. 2023-3068

AN ORDINANCE OF THE CITY OF MCCOOK, NEBRASKA AMENDING MCCOOK ZONING ORDINANCE NO. 2016-2929 CHANGING THE ZONING CLASSIFICATION OF LAND LOCATED IN THE SW 1/4 OF SECTION 28, TOWNSHIP 3 NORTH, RANGE 29 WEST OF THE 6<sup>TH</sup> P.M., IN RED WILLOW COUNTY, NEBRASKA, SAID PROPERTY LOCATED IN PROPOSED MCCOOK BUSINESS PARK - PHASE II ADDITION TO THE CITY OF MCCOOK, RED WILLOW COUNTY, NEBRASKA, FROM AGRICULTURAL (AG) DISTRICT TO INDUSTRIAL HEAVY (IH) DISTRICT; PROVIDE FOR THE REPEAL OF ANY OTHER CONFLICTING ORDINANCES; AND PROVIDING A TIME AND DATE FROM AND AFTER WHICH THIS ORDINANCE SHALL TAKE EFFECT AND BE ENFORCED.

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

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

A tract of land located in the SW 1/4 of Section 28, Township 3 North, Range 29 West of the 6<sup>th</sup> P.M., in Red Willow County, Nebraska, said property located in proposed McCook Business Park - Phase II Addition to the City of McCook, Red Willow County, Nebraska.

SECTION 2. The City Clerk of the City of McCook, Nebraska is hereby directed to change the official zoning map of the City of McCook, Nebraska to show the above-described property to have a zoning classification of Industrial Heavy (IH) 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, Ex-Officio Mayor  
and President of the Council

ATTEST:

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

**EXHIBIT #11**

**PAGE(S) - 1**

**CITY MANAGER'S REPORT  
MAY 15, 2023 CITY COUNCIL MEETING**

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**ITEM:            3A.**

**RECOMMENDATION:**

**APPROVE THE PROCLAMATION DESIGNATING THE WEEK OF MAY 21 - 27, 2023 AS "NATIONAL PUBLIC WORKS WEEK" AND AUTHORIZE THE MAYOR TO SIGN.**

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**BACKGROUND:**

In 1960, the American Public Works Association started a public information campaign to make the general public more aware of the work Public Works Departments do, to educate the public on the importance of public works to their daily lives: planning, building, managing and operating at the heart of their local communities to improve everyday quality of life, as well as promote the "often-unsung heroes" of our society, the professionals who serve the public every day with quiet dedication.

The 2023 National Public Works Week theme is "Connecting the World Through Public Works". This year the "National Public Works Week" highlights the way public works professionals connect us physically, through infrastructure, and inspirationally, through service to their communities, whether as first responders, or daily workers carrying out their duties with pride.

Public works professionals focus on infrastructure, facilities and services that are of vital importance to sustainable and resilient communities and to the public health, high quality of life and well-being of the people of McCook. Public works in McCook includes providing infrastructure services in transportation including the highways within the City's corporate limits, stormwater infrastructure, public buildings and spaces, airports, parks, ballparks, swimming pools, cemeteries and grounds, solid waste collection and disposal and Recycling. All of this is accomplished by a dedicated and talented team consisting of 22 full time members. This equates to less than 2.5 employees per department.

Public works is the thread that connects us all, no matter where we live in the world. Every public works professional strives to improve the quality of life for the community they serve, leading to healthier, happier communities.

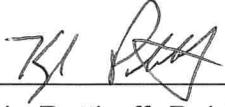
This year we challenge our citizens to think about the role public works plays in creating a great place to live. By working together, the impact citizens and public works professionals can have on their communities is magnified and results in the ability to accomplish goals once thought unattainable.

Join us in celebrating the quiet work these professionals do that makes life better for all of us.

**FISCAL**

**IMPACT:** None.

**APPROVALS:**



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Kyle Potthoff, Public Works Director

May 8, 2023



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Nate Schneider, City Manager

May 8, 2023

Office of the Mayor  
McCook, Nebraska

## Proclamation

### "NATIONAL PUBLIC WORKS WEEK"

**WHEREAS,** public works services provided in our community are an integral part of our community members' everyday lives and are designed to protect and enhance our human environment; and

**WHEREAS,** public works provide the physical infrastructure we must have for social and economic development, representing the investment of our tax money in our own future; and

**WHEREAS,** public works employees plan for, build and maintain some of our country's most valued assets, such as streets and highways, cemeteries, parks, ballparks, swimming pools, airports, public buildings, and solid waste collection; and

**WHEREAS,** the quality and effectiveness of these facilities, as well as their planning, design and construction is vitally dependent upon the efforts and skill of public works officials who keep our communities livable and economically vibrant; and

**WHEREAS,** the efficiency of the qualified and dedicated personnel who staff public works departments is materially influenced by the people's attitude and understanding of the importance of the work they perform,

**NOW, THEREFORE, BE IT RESOLVED,** that the Mayor and Council of the City of McCook, Nebraska hereby proclaim the week of May 21 through 27, 2023 as

#### "National Public Works Week"

and call upon all community members and civic organizations to acquaint themselves with the issues involved in providing our public works and to recognize the contributions which public works officials make every day to our health, safety, comfort and quality of life.

Dated this 15<sup>th</sup> day of May, 2023.

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

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

ATTEST:

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



# CONNECTING THE WORLD THROUGH PUBLIC WORKS

NATIONAL PUBLIC WORKS WEEK | MAY 21-27, 2023



**CITY MANAGER'S REPORT  
MAY 15, 2023, CITY COUNCIL MEETING**

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ITEM # 3B.

**RECOMMENDATION:**

**Approve the proclamation designating May 21-27, 2023, as Emergency Medical Services Week and authorize the Mayor to sign.**

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**BACKGROUND:**

Emergency Medical Services, known more commonly as EMS, is a vital public health network of care for victims of sudden and serious illness or injury that depends on the availability and coordination of many different elements. Beginning with an informed public capable of recognizing medical emergencies, a few of the critical components necessary for the system to work include the 9-1-1 emergency number, fire department personnel, prehospital and hospital emergency department personnel.

May 21-27, 2023 is the 49<sup>th</sup> annual National EMS Week. In 1974, President Gerald Ford authorized EMS Week to celebrate EMS practitioners and the important work they do in our nation's communities. This year's theme is ***EMS: Where Emergency Care Begins.***

Whatever the cause of sudden traumatic illness or injury – from natural or manmade disasters to automobile accidents, heart attacks and emergency childbirth – paramedics, emergency medical technicians, first responders, fire fighters, police officers, and other EMS personnel provide immediate lifesaving care and transportation.

The EMS system in the United States is among the most advanced systems in the world. Chances of surviving an out-of-hospital cardiac arrest emergency are the greatest with a rapid response time of 4-6 minutes with advanced cardiac life support (Paramedic) care. Locally, the McCook City and Volunteer Fire Department staff is proud of the rapid response time with licensed Paramedic staff, the highest level of prehospital care, and a staff of dedicated and professional volunteer EMS personnel who provide emergency care to our area.

This year, we ask that you recognize the contributions of EMS providers, locally and nationwide, and stress the importance of strong public support for the EMS system.

**CITY MANAGER'S REPORT  
MAY 15, 2023, CITY COUNCIL MEETING**

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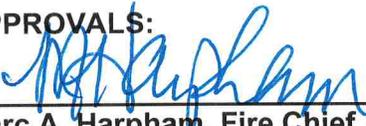
PAGE 2

FISCAL  
IMPACT:               None

**RECOMMENDATION:**

Approve the proclamation designating May 21-27, 2023, as  
Emergency Medical Services Week and authorize the Mayor to  
sign.

**APPROVALS:**

  
\_\_\_\_\_  
Marc A. Harpham, Fire Chief

8 MAY 2023  
Date

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

May 10, 2023  
Date

*Office of the Mayor  
McCook, Nebraska  
Proclamation*

**"2023 EMERGENCY MEDICAL SERVICES WEEK"**

WHEREAS, emergency medical services is a vital public service; and

WHEREAS, the members of emergency medical services teams are ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and

WHEREAS, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

WHEREAS, emergency medical services has grown to fill a gap by providing important, out of hospital care, including preventative medicine, follow-up care, and access to telemedicine; and

WHEREAS, emergency medical services system consist of first responders, emergency medical technicians, paramedics, emergency medical dispatchers, firefighters, police officers, educators, administrators, pre-hospital nurses, emergency nurses, emergency physicians, trained members of the public, and other out of hospital medical care providers; and

WHEREAS, the emergency medical services system consists of first responders, emergency medical technicians, paramedics, emergency medical dispatchers, firefighters, police officers, educators, administrators, pre-hospital nurses, emergency nurses, emergency physicians, trained members of the public, and other out of hospital medical care providers; and

WHEREAS, the members of emergency medical services teams, whether career or volunteer, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; and

WHEREAS, it is appropriate to recognize the value and the accomplishments of emergency medical services providers by designating Emergency Medical Services Week; and

NOW, THEREFORE, I, Linda Taylor, Mayor of the City of McCook, Nebraska, in recognition of this event do hereby proclaim the week of May 21 - 27, 2023, as

**EMERGENCY MEDICAL SERVICES WEEK**

with the theme, *EMS WEEK: Where Emergency Care Begins*, I encourage the community to observe this week with appropriate programs, ceremonies and activities.

Dated this 15th day of May, 2023.

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

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

ATTEST:

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

**CITY MANAGER'S REPORT  
MAY 15, 2023 CITY COUNCIL MEETING**

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**ITEM:**        **4.A.**

Approve the minutes of the May 1, 2023 regular City Council meeting and the April 28, 2023 special City Council meeting.

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**BACKGROUND:**

Receive and approve the minutes.

**FISCAL  
IMPACT:**     None.

**APPROVALS:**

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

May 10, 2023

McCook City Council  
May 1, 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 Calvin, Weedon, Muehlenkamp, Rambali.

Absent: None.

City Officials present: City Manager Schneider, City Attorney Mustion, City Clerk Doak, Assistant City Manager Koetter, Library Director Crocker, Utilities Director Fawver, Fire Lieutenant Renner, 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 April 27, 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 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. Invocation was provided by Jeff Kelly, United Methodist Church. Following the Pledge of Allegiance to the flag of the United States of America, Mayor Taylor called the meeting to order.

## **1. Announcements & Recognitions.**

City Manager Schneider informed the Council that a Planning Commission is scheduled for this coming Monday, May 8, for consideration of the Minor Subdivision of McCook Business Park - Phase II, the rezoning of the subdivision, and for rezoning of the property owned by Southwest Nebraska Public Health.

## **2. Public Hearings.**

2.A. Public Hearing - A report from the Economic Development Plan Citizen's Advisory Review committee regarding meeting held April 24, 2023.

Motion to recess as a City Council and convene a public hearing for the purpose of receiving public comment on a report from the Economic Development Plan Citizen's Advisory Review Committee regarding meeting held April 24, 2023 with the City Attorney to act as hearing officer. This motion, made by Calvin and seconded by Weedon, passed.

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

The City Attorney offered and received into evidence Exhibit #1 - the City Manager's Report dated May 1, 2023 (1 page); Exhibit #2 - Notice of Hearing published (1 page); Exhibit #3 - Agenda for the April 24, 2023 meeting of the Economic Development Plan Citizen's Advisory Review Committee and attachments (10 pages); and Exhibit #4 - the minutes of the January 23, 2023 Economic Development Plan Citizen's Advisory Review Committee (3 pages).

Charlie McPherson, McCook Economic Development Director, and Sean Wolfe, president of the Economic Development Plan Citizen's Advisory Review Committee, reviewed the information presented in Exhibit #3 and answered questions from the Council.

With no one else present to comment, motion to adjourn the public hearing and reconvene as a City Council. This motion, made by Calvin and seconded by Muehlenkamp, passed.  
Taylor: YEA, Calvin: YEA, Weedin: YEA, Muehlenkamp: YEA, Rambali: YEA  
YEA: 5, NAY: 0

2.B. Accept the minutes of the January 23, 2023 Economic Development Plan Citizen's Advisory Review Committee meeting.

Motion to accept the minutes of the January 23, 2023 Economic Development Plan Citizen's Advisory Review Committee meeting. This motion, made by Calvin and seconded by Muehlenkamp, passed.  
Taylor: YEA, Calvin: YEA, Weedin: YEA, Muehlenkamp: YEA, Rambali: YEA  
YEA: 5, NAY: 0

### **3. Proclamations.**

3.A. Approve the proclamation designating the week of May 9 - 15, 2023 as "Police Week" and authorize the Mayor to sign.

Motion to approve the proclamation designating the week of May 9 - 15, 2023 as "Police Week" and authorize the Mayor to sign. This motion, made by Calvin and seconded by Weedin, passed.  
Taylor: YEA, Calvin: YEA, Weedin: YEA, Muehlenkamp: YEA, Rambali: YEA  
YEA: 5, NAY: 0

3.B. Approve a proclamation declaring the week of May 7 - 13, 2023 as "Drinking Water Week" and authorize the Mayor to sign

Motion to approve a proclamation declaring the week of May 7 - 13, 2023 as "Drinking Water Week" and authorize the Mayor to sign. This motion, made by Calvin and seconded by Muehlenkamp, passed.  
Taylor: YEA, Calvin: YEA, Weedin: YEA, Muehlenkamp: YEA, Rambali: YEA  
YEA: 5, NAY: 0

#### 4. Consent Agenda.

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

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

- 4.A. Approve the minutes of the April 17, 2023 regular City Council meeting.
- 4.B. Approve Specifications and Procurement documents for Storage Facility at the Wastewater Treatment Plant and set date to receive bids for May 25, 2023 at 2:00 P.M.
- 4.C. Ratify the Mayor's appointment of Natalie Mickey to the Senior Citizens Advisory Board to fill the remaining four-month term of Joe Ryland and for a new term that expires September 2026.
- 4.D. Recommend approval to the Nebraska Liquor Control Commission the Application for Manager submitted by TJ's Family Fun Center, 1511 N Hwy 83, which holds License#IB-077142, the applicant being Jana G. Sides.
- 4.E. Approve the application for a Special Designated Liquor License submitted by Tidy's Sip & Seed, LLC, Liquor License #CK-124026 for a wedding reception to be held at the Red Willow County Fairgrounds Community, 1412 West 5th Street, on September 16, 2023 from 5:00 P.M. to 12:00 A.M.
- 4.F. Accept the minutes of the January 17, 2023 Senior Center Advisory Board meeting.
- 4.G. Authorize Joann Falkenburg to block off parking along the east side of West 1st Street between West "C" Street and the entrance into the Wells Fargo parking garage for periods of time between May 12, 2023 through no later than June 9, 2023 for the painting of a mural on the west side of the old Ben Franklin building.
- 4.H. Approve the request from Tricia Wagner to close the following streets for the 7th Annual Cruisin' the Bricks Cruise Night and Car Show on Saturday, June 24, 2023 from 6:00 A.M. to 8:00 P.M. - West 2nd Street from "B" Street to Halfway between West "C" Street and West "D" Street (including the intersection at West 2nd and "C" Streets); West "C" Street from West 1st Street to West 3rd Street (including alleys and the intersection of West 2nd Street and West "C" Streets), and on Saturday June 24, 2023 from 7:30 P.M. to 8:30 P.M. - West "C" Street from Norris Avenue to West 1st Street (including the alley); East "C" Street from Norris Avenue to East 1st Street (including the alley); including turning off the traffic signal at the intersection of Norris Avenue and "C" Streets.
- 4.I. Award of bid and approve the purchase of one (1) new 4-wheel drive Type 1 Ambulance to Professional Ambulance Service, DBA SERVS, who submitted the lowest responsible bid of \$347,359.00.

4.J. Approve the request from Starla Werkmeister to host a Color Fun Run Fund-raiser utilizing city streets on Saturday, June 10, 2023 from 6:45 A.M. to noon.

**5. Meeting of the Community Development Agency.**

5.A. Meeting of the Community Development Agency - recess as City Council and convene meeting.

Motion to recess as a City Council and to convene as the McCook Community Development Agency for consideration of CDA Agenda at 5:52 P.M. This motion, made by Weedin and seconded by Calvin, passed.

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

A meeting of the Mayor and City Council of the City of McCook, Nebraska, acting as the governing body of the Community Development Agency of the City of McCook, Nebraska was convened in open and public session at 5:52 o'clock p.m. on May 1, 2023, at the McCook Municipal Center in McCook, Nebraska. Agency Members present were: Taylor, Calvin, Weedin, Muehlenkamp, Rambali. Absent: None. Notice of the meeting was given in advance thereof by publication, one of the City's designated methods for giving notice, a copy of the proof of publication being attached to these minutes. Advanced notice of the meeting was given to each member of the Agency and a copy of their acknowledgment of receipt of notice and the agenda is attached to these minutes. Availability of the agenda was communicated in the advance notice and in the notice to the Mayor and all members of the Council. Mayor Taylor presided and City Clerk Doak recorded the proceedings. All proceedings hereafter shown were taken while the meeting was open to the attendance of the public.

The Mayor publicly stated to all in attendance that a current copy of the Nebraska Open Meetings Act was available for review and indicated the location of such copy posted in the room where the meeting was being held.

5.B. Adopt Resolution No. CDA 2023-01 authorizing and approving the first amendment to the redevelopment plan for the North Pointe Redevelopment Project.

Motion to adopt Resolution No. CDA 2023-01 authorizing and approving the first amendment to the redevelopment plan for the North Pointe Redevelopment Project. This motion, made by Calvin and seconded by Weedin, passed.

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

5.C. Adopt Resolution No. CDA 2023-02 authorizing and approving a Redevelopment Agreement between the City of McCook Community Development Agency and the McCook Economic Development corporation, said agreement for the North Pointe Redevelopment Project - Phase II.

Motion to adopt Resolution No. CDA 2023-02 authorizing and approving a Redevelopment Agreement between the City of McCook Community Development Agency and the McCook Economic Development corporation, said agreement for the North Pointe Redevelopment Project - Phase II. This motion, made by Calvin and seconded by Weedon, passed.

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

Motion to adjourn the meeting of the McCook Community Development Agency at 6:07 P.M. and to reconvene as the McCook City Council. This motion, made by Muehlenkamp and seconded by Calvin, passed.

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

## **6. Regular Agenda.**

6.A. Adopt Resolution No. 2023-07 authorizing and approving the Redevelopment Agreement between the City of McCook/CDA and the McCook Economic Development Corporation, said agreement for the North Pointe Redevelopment Project - Phase II.

Motion to adopt Resolution No. 2023-07 authorizing and approving the Redevelopment Agreement between the City of McCook/CDA and the McCook Economic Development Corporation, said agreement for the North Pointe Redevelopment Project - Phase II. This motion, made by Weedon and seconded by Muehlenkamp, passed.

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

6.B. Ordinance No. 2023-3066 approving the voluntary annexation of a tract of land located in the SW 1/4 of Section 28, Township 3 North, Range 29 West of the 6th P.M., Red Willow County, Nebraska, said tract of land owned by Perry and Vicky Case.

Mayor Taylor asked the Clerk to read Ordinance No. 2023-3066 by title.

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

Ordinance No. 2023-3066 has been read by title and I move to approve upon its second of three readings. This motion, made by Calvin and seconded by Muehlenkamp, passed.

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

6.C. Update regarding the swimming pool and ballpark projects.

City Manager Schneider informed the Council that a meeting was held this past week with Lamp Rynearson, Carrothers Construction, and the Pool Committee; Carrothers estimated the cost of construction of the selected pool concept is up 20%; the committee is working to establish the Guaranteed Maximum Price (GMP). They plan to meet in three weeks.

Regarding the Ballpark, staff met with Lloyd and Elizabeth Benjamin, the College Foundation, McCook Community College, and the Community Hospital. The Foundation is reviewing the proposed contract for transfer of the completed project to the City, they are excited to get the completed impact statement from Nebraska Public Power, reviewed who and what grants are being applied for. Their next meeting is scheduled for May 17.

6.D. Hear a brief presentation from City Attorney regarding the Land Bank progress.

City Attorney Mustion updated the Council on the progress of the Land Bank. Interest has been expressed from Cambridge, Curtis, and Oxford. No commitment has been received from North Platte.

Discussion was held regarding can we make it work with a smaller group; can use as a tool for cleaning up nuisance areas and for development of those areas. It was the consensus of the Council to move forward with the process

6.E. Council Comments.

Councilmember Muehlenkamp thanked the Methodist Church for letting the City use their bus for the tour of city facilities and thanked the Department Heads and their staff for the very informative tour.

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

Motion to go into executive session for the protection of public interest for a strategy session with respect to collective bargaining - the Fraternal Order of Police Lodge 57 at 6:32P.M. This motion, made by Calvin and seconded by Weedon, passed.

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

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

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

Motion to come out of executive session at 6:45 P.M. This motion, made by Calvin and seconded by Rambali, passed.

Taylor: YEA, Calvin: YEA, Weedon: YEA, Muehlenkamp: YEA, Rambali: YEA

YEA: 5, NAY: 0

6.G. Adopt Resolution No. 2023-06 amending the current Collective Bargaining Agreement between the City of McCook and the Fraternal Order of Police, Lodge 57 for the period of October 1, 2022 to September 30, 2024, and authorize the Mayor to sign amended Collective Bargaining Agreement.

Motion to adopt Resolution No. 2023-06 amending the current Collective Bargaining Agreement between the City of McCook and the Fraternal Order of Police, Lodge 57 for the period of October 1, 2022 to September 30, 2024, and authorize the Mayor to sign amended Collective Bargaining Agreement. This motion, made by Calvin and seconded by Weedon, passed.

Taylor: YEA, Calvin: YEA, Weedon: YEA, Muehlenkamp: YEA, Rambali: YEA

YEA: 5, NAY: 0

**Adjournment.**

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

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Linda Taylor, Ex-officio Mayor  
and President of the Council

ATTEST:

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Lea Ann Doak, City Clerk-Treasurer

McCook City Council  
April 28, 2023  
8:00 A.M. Central  
Special Meeting

A MEETING OF THE MAYOR AND COUNCIL OF THE CITY OF MCCOOK, NEBRASKA convened in open, special, and public session at 8:00 o'clock A.M. in the City Council Chambers.

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

Absent: Councilmember Rambali.

City Officials present: City Manager Schneider, City Clerk Doak, Assistant City Manager Koetter, Utilities Director Fawver, Public Works Director Potthoff and City Engineers Chris Miller and David Blau of Miller & Associates.

Public present: Spencer Smith, Jamie Mockry, Matt Sehnert, Kyle Dellevoet, Rose Weskamp, Gene Meints, and Herb Johnson.

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on April 25, 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 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, and called the meeting to order.

1. City Area and Facilities Tour.

The Council toured the Water Treatment Plant, Street Shop, Water Shop, Business Park, Wastewater Treatment Plant, Fire Department, Lunch at the Senior Center, Senior Center and Transit, Building and Zoning Inspector, Library, North Pointe, Housing, West 14th Drainage, future Ball Park Complex area, Transfer Station, Police Department, and the Airport.

**Adjournment.**

Upon the completion of the tour, Mayor Taylor declared the meeting adjourned at 3:55 P.M.

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Linda Taylor, Ex-officio Mayor  
and President of the Council

ATTEST:

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Lea Ann Doak, City Clerk-Treasurer

**CITY MANAGER'S REPORT  
MAY 15, 2023 CITY COUNCIL MEETING**

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**ITEM: 4.B.**

Adopt Resolution No. 2023-08 granting a Waiver of Payment in Lieu of Taxes to the McCook Housing Agency.

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**BACKGROUND:**

The McCook Housing Agency has requested that the City Council approve a resolution waiving the payment in lieu of taxes for their housing projects.

This waiver is a requirement from HUD and is presented to the Council on an annual basis pursuant to the recommendation of the auditor for the McCook Housing Agency.

Attached for your reference, is a copy of the May 30, 2003 memorandum from legal counsel addressing the original request from the Housing Authority.

**FISCAL  
IMPACT:** None.

**APPROVALS:**

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

May 10, 2023

  
\_\_\_\_\_  
Tera Koetter, Assistant City Manager

May 10, 2023

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

May 10, 2023

RESOLUTION NO. 2023-08

BE IT RESOLVED, by the Mayor and City Council of the City of McCook, Nebraska:

THAT, the Mayor and City Council of the City of McCook, Nebraska hereby grant to the McCook Housing Agency a WAIVER OF PAYMENT IN LIEU OF TAXES for any public housing projects and for any other purposes as required by the Department of Housing and Urban Development.

PASSED AND APPROVED THIS 15<sup>th</sup> day of May, 2023.

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Linda Taylor, Ex-officio Mayor  
and President of the Council

ATTEST:

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Lea Ann Doak, City Clerk-Treasurer

LAW OFFICES  
BURGER & BENNETT, P.C.  
116 WEST E STREET  
P.O. BOX 1205  
MCCOOK, NEBRASKA 69001-1205

C. PETER BURGER  
DAYLENE A. BENNETT

PHONE 308 345-7500  
FAX 308 345-7502

## MEMORANDUM

TO: Lea Ann Doak

FROM: Daylene Bennett <sup>N</sup>

DATE: May 30, 2003

RE: McCook Housing Authority - Payment In Lieu of Taxes

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I have reviewed the Nebraska Statutes and also conferred with Stan Goodwin, the attorney for the McCook Housing Authority, regarding their request for a resolution waiving any payment in lieu of taxes.

The Nebraska Statutes provide that the property of the Housing Authority is not subject to taxation. However, the statutes also provide (in Section 71-1590) that a housing authority may agree to make payment in lieu of taxes.

Part of the original contract with HUD and the Housing Authority was that the City would annually waive any payment in lieu of tax. The fact that the Nebraska Statutes do not require housing authorities to make payment of tax is, apparently, immaterial to HUD.

The auditor for the McCook Housing Authority is requiring an annual waiver by the City of any payment in lieu of tax. This can be accomplished by resolution of the City Council.

Please place this item on the agenda for the second meeting in June. We also should docket the anniversary date so that the resolution can be presented to the Council annually.

I will touch base with you next week regarding the resolution.

DAB/mv

**71-1590. Taxation of property; Indian housing authorities; payments in lieu of taxes.**

(1) The real and personal property of a local housing agency and any wholly owned controlled affiliate thereof used solely (a) for the administrative offices of the housing agency or wholly owned controlled affiliate thereof, (b) to provide housing for persons of eligible income and qualifying tenants, and (c) for appurtenances related to such housing shall be exempt from all taxes and special assessments of any city, any county, the state, or any public agency thereof, including without limitation any special taxing district or similar political subdivision. All other real and personal property of the housing agency or wholly owned controlled affiliate thereof shall be deemed to not be used for a public purpose for purposes of section 77-202 and shall be taxable as provided in sections 77-201 and 77-202.11. Property owned jointly by a housing agency or its wholly owned controlled affiliates with other nongovernmental persons or entities shall be exempt from such taxes and assessments to the extent of the ownership interest which the housing agency and its wholly owned controlled affiliates hold in the property and to the extent the property is used solely to provide housing for persons of eligible income and qualifying tenants. Nothing in this section shall be deemed to preclude a housing agency and its wholly owned controlled affiliates from entering into an agreement for the payment of all or any portion of any special assessments which might otherwise be assessed except for the exemption created by this section.

(2) A housing agency may agree to make payments in lieu of all taxes or special assessments to the county within whose territorial jurisdiction any development of such housing agency or its controlled affiliates is located, for improvements, services, and facilities furnished by the city, county, or other public agencies, for the benefit of such development. Nothing contained in this section shall be deemed to require such an agreement by a local housing agency, and in no event shall the amounts payable by the housing agency exceed the amounts which, except for the exemption provided in this section, would otherwise be payable under regular taxes and special assessments for similar properties referred to in subsection (1) of this section. All payments in lieu of taxes made by any such housing agency shall be distributed by the county to all public agencies in such proportion that each public agency shall receive from the total payment the same proportion as its property tax rate bears to the total property tax which would be levied by each public agency against property of the housing agency if the same were not exempt from taxation.

(3) The property of Indian housing authorities created under Indian law shall be exempt from all taxes and special assessments of the state or any city, village, or public agency thereof. In lieu of such taxes or special assessments, an Indian housing authority may agree to make payments to any city, village, or public agency for improvements, services, or facilities furnished by such city, village, or public agency for the benefit of a housing project owned by the housing authority, but in no event shall such payments exceed the estimated cost to such city, village, or public agency of the improvements, services, or facilities to be so furnished. All payments made by any such housing authority in lieu of taxes, whether such payments are contractually stipulated or gratuitous voluntary payments, shall be distributed among the cities, villages, or public agencies within which the housing project is located, in such proportion that each city, village, or public agency shall receive from the total payment the same proportion as its ad valorem tax rate bears to the total ad valorem tax rate which would be levied by each city, village, or public agency against the properties of the Indian housing authority if the same were not exempt from taxation. For purposes of this section, (a) Indian housing authority means an entity that is authorized by federal law to engage or assist in the development or operation of

low-income housing for Indians and which is established by the exercise of the power of self-government of an Indian tribe and (b) Indian law means the code of an Indian tribe recognized as eligible for services provided to Indians by the United States Secretary of the Interior.

**Source:** Laws 1999, LB 105, § 19; Laws 2000, LB 1107A, § 1.

**CITY MANAGER'S REPORT  
MAY 15, 2023 CITY COUNCIL MEETING**

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**ITEM:**        4.C.

**RECOMMENDATION:**

Accept the minutes of the May 8, 2023 Planning Commission meeting.

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**BACKGROUND:**

Accept minutes from the various board and commission meetings.

**FISCAL  
IMPACT:**    None.

**APPROVALS:**

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

May 10, 2023

McCook Planning Commission  
May 8, 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: Chair Vosburg; Vice Chair Hilker; Commissioners Bradley (arrived 5:19 P.M.), Davidson, Dueland, Friehe, Lyons, McDowell, Mockry.

Absent: Commissioner Stevens, City Manager Schneider, City Attorney Mustion.

City Officials present: Assistant City Manager Koetter, City Clerk Doak.

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

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

1. Approve the minutes of the April 10, 2023 regular Planning Commission meeting.

Motion to approve the minutes of the April 10, 2023 regular Planning Commission meeting. This motion, made by McDowell and seconded by Mockry, passed.

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

2. Public Hearings and Regular Agenda.

- 2.A. Public Hearing - Regarding a request from Southwest Nebraska Public Health Department to rezone the following described property from Residential Medium Density (RM) District to Business Commercial (BC) District: Replatted Lot Three, Block Six, Second High School Addition to the City of McCook, Red Willow County.

Motion to recess as a Planning Commission and convene a public hearing for the purpose of receiving public comment with respect to a request from Southwest Nebraska Public Health Department to rezone the following described property from Residential Medium Density (RM) District to Business Commercial (BC) District: Replatted Lot Three, Block Six, Second High School Addition to the City of McCook, Red Willow County, with the Chair to act as hearing officer in the

absence of the City Attorney. This motion, made by Vosburg and seconded by Hilker, passed.  
Bradley: ABSENT, Davidson: YEA, Dueland: YEA, Friehe: YEA, Hilker: YEA, Lyons: YEA,  
McDowell: YEA, Mockry: YEA, Stevens: ABSENT, Vosburg: YEA  
YEA: 8, NAY: 0, ABSENT: 2

Chair Vosburg received into evidence Exhibit #1 - City Manager's Report prepared for the May 8, 2023 Planning Commission meeting (1 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 (2 pages); Exhibit #5 - Copies of Certified Mail Receipts for non-residents of McCook receiving notification of hearing (1 page); Exhibit #6 - Change of Zoning Application (2 pages); and Exhibit #7 - Map of the City of McCook's zoning districts (1 page) and took comment from staff before opening to public comment.

Assistant City Manager Koetter reviewed the following information presented in Exhibit #1:

An application for a zone change has been filed by the Southwest Nebraska Public Health Department for property it owns located at 404 West 10th Street. Southwest Nebraska Public Health Department has requested that the lot be rezoned from Residential Medium Density District to Business Commercial. Southwest Nebraska Public Health Department is requesting the zoning change to assure that the use of the existing structure complies with the City of McCook's zoning ordinance. Specifically, the Southwest Nebraska Public Health Department is operating a professional office in a residential district. Southwest Nebraska Public Health Department's use is nonconforming pursuant to Article 22 of the McCook zoning ordinance.

Staff discussed this matter with Southwest Nebraska Public Health Department's administration. It was determined that the best option to achieve compliance is to rezone the property from Residential Medium Density to Business Commercial. A rezoning of the property makes sense due to the fact that the properties to the south are zoned Business Commercial. The businesses in this area include The Scoop Ice Cream, Midwest Liberty, Edward Jones, and Golden Plains Realty. An extension of the Business Commercial District to the north of West "C" Street will not cause a spot zoning issue.

Myra Stoney, Southwest Nebraska Public Health Department Director, was present to address the request and answer questions from the Commission.

Commissioner comments included the fact that two homes are located to the south in the Business Commercial District.

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

Bradley: YEA, Davidson: YEA, Dueland: YEA, Friehe: YEA, Hilker: YEA, Lyons: YEA,  
McDowell: YEA, Mockry: YEA, Stevens: ABSENT, Vosburg: YEA  
YEA: 9, NAY: 0, ABSENT: 1

2.B. Recommend to the McCook City Council approval of a rezone from Residential Medium Density (RM) District to Business Commercial (BC) District; Replatted Lot Three, Block

Six, Second High School Addition to the City of McCook, Red Willow County, Nebraska.

Motion to recommend to the McCook City Council approval of a rezone from Residential Medium Density (RM) District to Business Commercial (BC) District; Replatted Lot Three, Block Six, Second High School Addition to the City of McCook, Red Willow County, Nebraska. This motion, made by Vosburg and seconded by Hilker, passed.

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

YEA: 9, NAY: 0, ABSENT: 1

2.C. Public Hearing - Regarding a request from Perry and Vicky Case, by and through their project sponsor McCook Economic Development corporation, to approve a minor subdivision on the following described property: a tract of land located in the SW 1/4 of Section 28, Township 3 North, Range 29 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 a request from Perry and Vicky Case, by and through their project sponsor McCook Economic Development corporation, to approve a minor subdivision on the following described property: a tract of land located in the SW 1/4 of Section 28, Township 3 North, Range 29 West of the 6th P.M., Red Willow County, Nebraska, with the Chair to act as hearing officer in the absence of the City Attorney. This motion, made by Vosburg and seconded by Friehe, passed.

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

YEA: 9, NAY: 0, ABSENT: 1

Chair Vosburg received into evidence Exhibit #1 - City Manager's Report prepared for the May 8, 2023 Planning Commission meeting (1 page); Exhibit #2 - Notice of Public Hearing published (1 page); Exhibit #3 - mailed and posted (1 page); Exhibit #4 - listing of property owners notified (2 pages); Exhibit #5 - McCook Business Park - Phase II Final Plat (1 page); Exhibit #6 - Land Use Application and attachments (7 pages); Exhibit #7 - McCook Business Park - Phase II Proposed & Existing Utilities (1 page); and Exhibit #8 - McCook Business Park - Phase II proposed & Existing Utilities (1 page).

Assistant City Manager Koetter reviewed the following information presented in Exhibit #1:

An application for a minor subdivision has been filed by Perry and Vicky Case, by and through their project sponsor McCook Economic Development Corporation, for property they own located in the SW 1/4 of Section 28, Township 3 North, Range 29, West of the 6th P.M. in Red Willow County, Nebraska. The Final Plat included with the application contemplates a subdividing of the parcel into four lots. Proposed Lot 1 is located on the north side of the existing parcel and includes 14.35 acres, more or less. Proposed Lot 2 is located on the southwest side of the parcel and includes 5.20 acres, more or less. Proposed Lot 3 is located in the south/center of the parcel and includes 5.02 acres, more or less. Proposed Lot 4 is located in the southeast portion of the parcel and includes 6.92 acres,

more or less. Due to the fact that the subdivision only includes four lots, a minor subdivision is the appropriate method for dividing the lots. The plat also includes a drainage outlot of more than one acre on the northeast side of the subdivision.

The minor subdivision includes the extension of Industrial Park Drive west to east. Additionally, the minor subdivision includes a south to north street that would connect Ravenswood Road to Industrial Park Drive. These streets would be built to city specifications and would provide adequate ingress/egress to encourage appropriate traffic flow. Also, a topography study will be completed as the project progresses. It is not included at this time.

Rail access is available to these proposed lots as BNSF maintains an existing rail line north of the proposed subdivision. Rail access is critical for the proposed lots to achieve their intended purpose, which is to provide space for industrial expansion.

To the south of McCook Business Park - Phase II are residential properties. The residential properties are not included in McCook Business Park - Phase II. A landscape easement has been included to provide buffering between the residential properties and industrial lots. The City and MEDC are working on a subdivision agreement that can be taken to the Council next week.

Greg Wolford, W Design Associates, and Charlie McPherson, Director McCook Economic Development Corporation, representing the landowners Perry and Vicky Case, were present to address the request and answer questions from the Commission.

Commissioner discussion and comments included: that only the subdivision is being annexed; the area has been on the Comprehensive Plan for Industrial Development; this is the last property in McCook that can be served by rail; that future development of rail would be required to cross the creek; the lack of landscaping on the south and east side of Lot 4; what is the timeline for extending the concrete street to the east; and possibility of making the street circle in the subdivision and not exit onto Ravenswood Road.

Public commenting in opposition of the project were: Nic Curl, Zach Curl, Ron Rogers, and Kathleen Eiler.

Comments included concerns with deterioration of Ravenswood Road; would an improvement district be created for Ravenswood Road improvements; location of the rail easement; need for more trees in the landscape areas; noise restrictions; keeping the subdivision road to the north and not dump into the residential area along Ravenswood Road; and lot 4 being sandwiched in between residential areas.

Commissioner Friehe was excused during discussion at 6:10 P.M.

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

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

YEA: 8, NAY: 0, ABSENT: 2

- 2.D. Recommend to the McCook City Council approval of a minor subdivision on the following property: A tract of land located in the SW 1/4 of Section 28, Township 3 North, Range 29 West of the 6th P.M., Red Willow County, Nebraska.

Motion to recommend to the McCook City Council approval of a minor subdivision on the following property: A tract of land located in the SW 1/4 of Section 28, Township 3 North, Range 29 West of the 6th P.M., Red Willow County, Nebraska. This motion, made by Dueland and seconded by Vosburg.

Discussion included the need to look at what is in the best interest of the City; the Comprehensive Plan indicates the area for Industrial Development; need for a buffer on the east and south side of Lot 4; a timeline is needed for when the street is required to be improved to concrete; initially the street will be grade and grave; and is there a need for a second outlot.

Motion to amend by recommending to the Council that a landscaping easement on the east side and south side of Lot 4 to provide buffering between the residential properties and the industrial lot be added and that a timeline for paving in the subdivision and Ravenswood Road be included in the subdivision agreement. This motion, made by Vosburg and seconded by Hilker, passed.

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

Consideration of the original motion on the floor passed as amended.

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

- 2.E. Public Hearing - Regarding a request from Perry and Vicky Case, by and through their project sponsor McCook Economic Development Corporation, to rezone the following described property from Agricultural (AG) District to Industrial Heavy (IH) District: a tract of land located in the SW 1/4 Section of Section 28, Township 3 North, Range 29 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 with respect to a request from Perry and Vicky Case, by and through their project sponsor McCook Economic Development Corporation, to rezone the following described property from Agricultural (AG) District to Industrial Heavy (IH) District: a tract of land located in the SW 1/4 Section of Section 28, Township 3 North, Range 29 West of the 6th P.M., Red Willow County, Nebraska, with the Chair to act as hearing officer in the absence of the City Attorney. This motion, made by Vosburg and seconded by McDowell, passed.

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

YEA: 8, NAY: 0, ABSENT: 2

Chair Vosburg received into evidence Exhibit #1 - City Manager's Report prepared for the May 8, 2023 Planning Commission meeting (1 page), Exhibit #2 - Notice of Hearing published (1 page); Exhibit #3 - Notice of Hearing mailed and posted (2 pages); Exhibit #4 - ownership list for mailing of Notice of Hearing (1 page); Exhibit #5 - Land Use Action Request Form and attachments (7 pages); Exhibit #6 - proposed McCook Business park - Phase II Final Plat (1 page); and Exhibit #7 - Map of the City of McCook's zoning districts (1 page).

Assistant City Manager Koetter reviewed the following information presented in Exhibit #1:

An application for a zone change has been filed by Perry and Vicky Case, by and through their project sponsor McCook Economic Development Corporation, for property they own located in the SW 1/4 of Section 28, Township 3 North, Range 29, West of the 6th P.M. in Red Willow County, Nebraska. The applicants request that the aforementioned lot be rezoned from Agricultural District to Industrial Heavy. The applicants are making this request in an effort to expand the existing McCook Business Park. The newly added expansion area is directly to the east of the existing business park. The existing McCook Business Park is zoned Industrial Heavy. The property at issue is adjacent to the McCook Business Park and the requested zoning change is in conformity with the impacted area. Per the City of McCook's Comprehensive Plan, Perry and Vicky Case's property is anticipated to be used for industrial purposes. This request conforms with the City of McCook's future land use plans.

Greg Wolford, W Design Associates, and Charlie McPherson, Director McCook Economic Development Corporation, representing the landowners Perry and Vicky Case, were present to address the request and answer questions from the Commission.

Public commenting in opposition of the rezone request were: Nic Curl, Zach Curl, and Kathleen Eiler.

Comment included could it be zoned to something less than Industrial Heavy.

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

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

YEA: 8, NAY: 0, ABSENT: 2

2.F. Recommend to the McCook City Council approval of a rezone from Agricultural (AG) District to Industrial Heavy (IH) District for the following property: a tract of land located in the SW 1/4 Section of Section 28, Township 3 North, Range 29 West of the 6th P.M., Red Willow County, Nebraska.

Motion to recommend to the McCook City Council approval of a rezone from Agricultural (AG) District to Industrial Heavy (IH) District for the following property: a tract of land located in the

SW 1/4 Section of Section 28, Township 3 North, Range 29 West of the 6th P.M., Red Willow County, Nebraska. This motion, made by Chad Lyons and seconded by McDowell, passed.

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

Adjournment.

With no further business, Chair Vosburg declared the Planning Commission meeting adjourned at 6:32 P.M.

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Lea Ann Doak, City Clerk-Treasurer  
Recording Secretary

**CITY MANAGER'S REPORT  
MAY 15, 2023 MCCOOK CITY COUNCIL MEETING**

ITEM NO. 4.D. Approve the selection of Miller & Associates, Consulting Engineers, P.C.. to serve as the consultant for McCook's Comprehensive Plan, Zoning Ordinance, and Subdivision Regulation updates, and execute the associated Agreement for the Provision of Limited Professional Services.

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**BACKGROUND:**

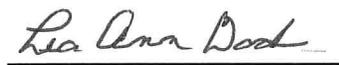
On April 27, 2023 consultant interviews were conducted by the McCook Comprehensive Plan Selection Committee appointed by the McCook City Council. The committee reviewed Comprehensive Plan, Zoning Ordinance, and Subdivision Regulation RFP's submitted by three firms: Miller & Associates, Consulting Engineers; Hanna:Keelan Associates; and Marvin Planning Consultants. Following the interviews, each member of the committee ranked the three firms based on a uniformed grading scale.

Based upon the Committee's vote, the Committee recommends Miller & Associates, Consulting Engineers, P.C. to serve as the City's consultant for its Comprehensive Plan, Zoning, and Subdivision updates. It will be beneficial to work with Miller & Associates on these updates as Miller and Associate's staff is familiar with the City of McCook. Staff would like to thank each of the firms for submitting RFP's for the project. Additionally, staff would like to acknowledge the work and effort the committee put into the selection process. The selection committee, comprised primarily of volunteers, spent numerous hours evaluating and interviewing the candidates. The City of McCook appreciates the committee's hard work.

**APPROVALS:**

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

May 10, 2023

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

May 10, 2023

# An Agreement for the Provision of Limited Professional Services

**CONSULTANT:** MILLER & ASSOCIATES,  
CONSULTING ENGINEERS, P.C.  
1111 Central Avenue  
Kearney, NE 68847  
(*hereinafter called CONSULTANT*)

**OWNER:** CITY OF MCCOOK  
505 West "C" Street  
PO Box 1059  
McCook, NE 69001  
(*hereinafter called "CLIENT"*)

**Date:** May 15, 2023

**Project No.** 200-G1-

**Project Name/Location:** Comprehensive Plan, Zoning Ordinance Updates, and Subdivision Regulations Update for the City of McCook, Nebraska

**Scope/Intent and Extent of Services:** The basic services are premised on the following:

- Begin data needs outline and public participation framework.
- Create CAD/GIS maps to support documents.
- Facilitate four (4) town hall meetings.
- Collect data and analyze existing conditions.
- Draft narrative for Comprehensive Plan, Zoning Ordinance Updates, and Subdivision Regulations Updates.
- Create public input surveys in online and hardcopy formats.
- Analyze land use patterns.
- Formulate goals, objectives, and visions for future development.
- Complete the Comprehensive Plan, Zoning Ordinance Updates, and Subdivision Regulations Updates draft. Distribute them to the City of McCook for review. Make final changes.
- Present the final Comprehensive Plan, Zoning Ordinance Updates, and Subdivision Regulations Updates to Planning Commission.
- Present the final Comprehensive Plan, Zoning Ordinance Updates, and Subdivision Regulations Updates to City Council for adoption.
- Provide seventeen (17) hardbound copies and 1 electronic copy of the Comprehensive Plan, Zoning Ordinance Updates, and Subdivision Regulations Updates.

A minimum of four public meetings with the Steering Committee are proposed for conducting interactive discussions relating to the preparation of the Comprehensive Plan and other planning documents. Zoning workshop meetings will be held prior to, or after town-hall meetings. The CONSULTANT will assist the CLIENT with the formal approval process which will require Public Hearings at the Planning Commission and City Council levels.

Fee Arrangement: Services will be based on the following

Comprehensive Plan: \$43,500

Zoning and Subdivision Regulations: \$15,000

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Total Lump Sum Fee \$58,500

Offered by:

H. J. Combs 5-9-23  
signature date

H. Jason Combs, M.S., Ph.D.,  
Community & Regional Planner  
printed name/title

Miller & Associates  
Consulting Engineers, P.C.  
CONSULTANT

Accepted by:

\_\_\_\_\_  
signature date

Linda Taylor, Mayor  
printed name/title

City of McCook  
CLIENT

The *Terms and Conditions* on the following page are a part of this Agreement

## *Terms and Conditions*

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The firm shall perform the services outlined in this agreement for the stated fee arrangement.

**Access To Site:** Unless otherwise stated, the CONSULTANT will have access to the site for activities necessary for the performance of the services. The CONSULTANT will take precautions to minimize damages due to these activities, but the cost of restoration of any resulting damage has not been included in the fee.

**Dispute Resolution:** Any claims or disputes made during design, construction or post-construction between the CLIENT and CONSULTANT shall be submitted to non-binding mediation. CLIENT and CONSULTANT agree to include a similar mediation agreement with all contractors, subcontractors, subconsultants, supplies and fabricators, thereby providing for mediation as the primary method for dispute resolution between all parties.

**Billing/Payment:** Invoices for the CONSULTANT's services shall be submitted, at the CONSULTANT's option, either between completion of such services or on a monthly basis. Invoices shall be payable within 30 days after the invoice date. If the invoice is not paid within 30 days, the CONSULTANT may, without waiving any claim or right against the CLIENT, and without liability whatsoever to the CLIENT, terminate the performance of the service. Retainers shall be credited on the final invoice.

**Late Payments:** Accounts unpaid 60 days after the invoice date may be subject to a monthly service charge of 1.5% (or the legal rate) on the then unpaid balance. In the event any portion or all of an account remains unpaid 90 days after the billing, the CLIENT shall pay all costs of collection, including reasonable attorney's fees.

**Indemnification:** The CLIENT shall, to the fullest extent permitted by law, indemnify and hold harmless the CONSULTANT, his or her officers, directors, employees, agents and subconsultants from and against all damage, liability and cost, including reasonable attorney's fees and defense costs, arising out of or in any way connected with the performance by any of the parties above named of the services under this agreement, excepting only those damages, liabilities or costs attributable to the sole negligence or willful misconduct of the CONSULTANT.

**Certifications: Guarantees and Warranties:** The CONSULTANT shall not be required to execute any document that would result in its certifying, guaranteeing or warranting the existence of conditions whose existence the CONSULTANT cannot ascertain.

**Limitation of Liability:** In recognition of the relative risks, rewards and benefits of the project to both the CLIENT and the CONSULTANT, the risks have been allocated such that the CLIENT agrees that, to the fullest extent permitted by law, the CONSULTANT's total liability to the CLIENT for any and all injuries, claims, losses, expenses, damages or claim expenses arising out of this agreement from any cause or causes, shall not exceed the fee. Such cause may include, but are not limited to, the CONSULTANT's negligence, errors, omissions, strict liability, breach of contract or breach of warranty.

**Consequential Damages:** In no event will CONSULTANT, CONSULTANT's affiliated corporations, officers, employees, or subcontractors be liable for special, indirect, or consequential damages, and in order to protect CONSULTANT against indirect liability or third-party proceedings, CLIENT will indemnify CONSULTANT for any such loss or damage.

**Termination of Services:** This agreement may be terminated by the CLIENT or the CONSULTANT should the other fail to perform its obligations hereunder. In the event of termination, the CLIENT shall pay the CONSULTANT for all services rendered to the date of termination, all reimbursable expenses, and reimbursable termination expenses.

**Ownership of Documents:** All documents produced by the CONSULTANT under this agreement shall remain the property of the CONSULTANT and may not be used by the CLIENT for any other endeavor without the written consent of the CONSULTANT.

**CITY MANAGER'S REPORT  
MAY 15, 2023 CITY COUNCIL MEETING**

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**ITEM: 4.E.**

**APPROVE THE REQUEST FROM MNB BANK TO CLOSE WEST "D" STREET FROM NORRIS AVENUE TO WEST 1<sup>ST</sup> STREET ON THURSDAY JULY 13<sup>TH</sup> BETWEEN 3:00 P.M. AND 10 P.M. FOR ONE OF THEIR HOT SUMMER NIGHTS CONCERTS WHICH WILL INCLUDE A FARMER'S MARKET.**

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**BACKGROUND:**

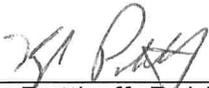
This request is for the closing of West "D" Street between Norris Avenue and West 1<sup>st</sup> Street on Thursday July 13<sup>th</sup> from 3:00 p.m. to 10:00 p.m. for one of MNB Bank's Hot Summer Nights concerts. This event will also include a Farmers Market. The Farmer's Market will be from 5:00 p.m. to 8:00 p.m. and the concert will be from 6:00 p.m. to 9:00 p.m.

The City Street Department will be providing cones for the closing of the alley.

**FISCAL**

**IMPACT:** None.

**APPROVALS:**



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

May 5, 2023



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

May 5, 2023

**potthoff@cityofmccook.com**

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**From:** Kerrie Witt <KWitt@mnb.bank>  
**Sent:** Tuesday, May 2, 2023 3:17 PM  
**To:** potthoff@cityofmccook.com  
**Subject:** Hot Summer Nights

Good Afternoon Kyle,  
MNB Bank is in the making plans for two concerts this year and have reserved Norris Alley for one on July 13<sup>th</sup>, 2023. We would like to have **D Street between Norris and West 1<sup>st</sup> St. blocked off from 3 p.m. to 10 p.m.** to have a farmers market set up and be part of the venue. The farmers market will be from 5-8 p.m. and concert will be 6-9 p.m. Thank you in advance for your help on this and if have any questions please reach out to me by phone or email. Best regards,

Kerrie Witt | HR Assistant  
MNB Bank | 220 Norris, McCook, NE 69001  
Ph (308-345-4240) | Fax (308-345-3767) | kwitt@mnb.bank

Need to send sensitive information? [Click here to send me a secure email.](#)

DISCLAIMER: This email, including attachments, is covered by the Electronics Communications Privacy Act, 18 U.S.C. 2510-2521, is confidential, and may be legally privileged. If you are not the addressee indicated in this message (or responsible for the delivery of the message to such a person), you may not copy or deliver this message to anyone. In such case, you should delete this message, and notify us immediately. If you or your employer does not consent to this form of delivery for messages, please advise us immediately. Improper use of this message may result in civil or criminal prosecution up to the fullest extent allowed by law. Opinions, conclusions, and other information expressed in this message are not given or endorsed by my firm or employer unless otherwise indicated by an authorized representative of MNB Bank or MNB Insurance. It is the responsibility of the addressee to scan this mail and any attachments for computer viruses or other defects. The sender does not accept liability for any loss or damage of any nature, however caused, which may result directly or indirectly from this email or any file attached. No employee or agent of MNB Bank, MNB Insurance Services, Inc., or MNB Realty, LLC is authorized to enter into a legally binding agreement on behalf of their employer via email. All agreements pertaining to loans or the extension of credit, including any promises, undertakings, or offer to forbear repayment of money or to make any other financial accommodation in connection with a loan or credit agreement, or any amendment of, cancellation of, waiver of, or substitution for any or all of the terms or provisions of any instrument or document executed in connection with a loan or extension of credit, as well as any insurance agreements or real estate documents must be in writing and SIGNED by both a representative of the appropriate MNB entity and the customer. The MNB entities expressly reserve and retain all rights outlined in any loan, insurance, or real estate document or agreement, and nothing expressed in any email shall be deemed to modify or amend those rights.

**CITY MANAGER'S REPORT  
MAY 15, 2023 CITY COUNCIL MEETING**

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**ITEM:            4.F.**

**APPROVE THE REQUEST FROM KRIS HANCHERA ON BEHALF OF PEACE LUTHERAN CHURCH TO UTILIZE CITY OWNED PROPERTY AT FELLING FIELD AND TO CLOSE THE ALLEY BETWEEN FELLING FIELD AND PEACE LUTHERAN CHURCH FOR THEIR ANNUAL VACATION BIBLE SCHOOL FUN DAY ON WEDNESDAY JUNE 14<sup>TH</sup> FROM 10:00 A.M. TO 3:00 P.M.**

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**BACKGROUND:**

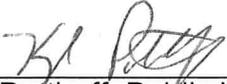
This request is for the use of City owned property at Felling Field, as well as the closing of the alley between Felling Field and Peace Lutheran Church. This request is being made for their annual Vacation Bible School Fun Day. The event will take place on Wednesday June 14<sup>th</sup> from 10:00 a.m. - 3:00 p.m.

Peace Lutheran Church will be submitting a copy of their liability insurance to the City of McCook prior to the event.

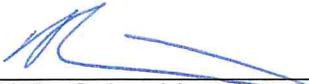
The City Street Department will be providing cones for the closing of the alley.

**FISCAL  
IMPACT:**     None.

**APPROVALS:**

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

May 2, 2023

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

May 2, 2023

**From:** nschneider@cityofmccook.com  
**Sent:** Monday, May 1, 2023 8:45 AM  
**To:** potthoff@cityofmccook.com  
**Subject:** FW: Request

Forwarding for next council meeting.

**From:** Hanchera Farms <HancheraFarms@hotmail.com>  
**Sent:** Thursday, April 27, 2023 5:46 PM  
**To:** nschneider@cityofmccook.com  
**Subject:** Request

April 27, 2023

To: City of McCook

Attention: Nate Schneider

RE: Reservation June 14<sup>th</sup>, 2023

I am requesting use of the grass, t-ball field and playground area west of Felling Field and to the east of Peace Lutheran Church for our annual Vacation Bible School Fun day. The area would be needed from approximately 10:00 am until 3:00pm on June 14<sup>th</sup>, 2023. I also am requesting that the ally way between Peace Lutheran Church at 411 East 6<sup>th</sup> Street and Felling Field could be blocked off for the same time period on June 14<sup>th</sup>. A copy of our liability insurance will be forwarded to your email address. Thank you for the consideration.

Kris Hanchera

VBS Director

Peace Lutheran Church

**CITY MANAGER'S REPORT  
MAY 15, 2023 CITY COUNCIL MEETING**

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**ITEM: 4.G.**

Approve the application for a Special Designated Liquor License submitted by Citta' Deli, Liquor License #C-121305, for Farrell's Sip 'n Shop event to be held at Farrell's Hallmark Shop, 116 West "B" Street, on July 14, 2023 from 1:00 P.M. to 8:00 P.M.

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**BACKGROUND:**

Citta' Deli will be catering this event at Farrell's Hallmark Shop. They are making application to allow them to serve alcohol at this temporary location. Approval of the City Council is required with all applications.

**FISCAL  
IMPACT:** None.

**APPROVALS:**

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

May 11, 2023

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

May 11, 2023

**Special Designated License  
Local Recommendation (Form 200)**  
Applications must be entered on the portal after local approval – no exceptions  
Late applications are non-refundable and will be rejected

Citta' Deli, LLC

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

110 W 1st Street, McCook NE 69001

Retail Liquor License Address or Non-Profit Business Address

121305

Retail License Number or Non-Profit Federal ID #

Consecutive Dates only 7-14-23  
Event Date(s): \_\_\_\_\_

Event Start Time(s): 1pm \_\_\_\_\_

Event End Time(s): 8pm \_\_\_\_\_

Alternate Date: n/a

Alternate Location Building & Address: \_\_\_\_\_

Event Building Name: Farrell's Hallmark Shop

Event Street Address/City: 116 W B St, McCook, NE 69001

Indoor area to be licensed in length & width: 30' x 40'

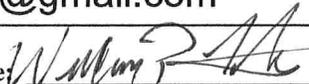
Outdoor area to be licensed in length & width: \_\_\_\_\_ X \_\_\_\_\_ (Diagram Form #109 must be attached)

Type of Event: Farrell's Sip 'n Shop Estimate # of attendees: 50

Type of alcohol to be served: Beer  Wine  Distilled Spirits   
(If not marked, you will not be able to serve this type of alcohol)

Event Contact Name: Bill Lesko Event Contact Phone Number: 308-340-6530

Event Contact Email: billlesko1@gmail.com

\*Signature Authorized Representative:  Printed Name William P Lesko

*I declare that I am the authorized representative of the above named license applicant and that the statements made on this application are true to the best of my knowledge and belief. I also consent to an investigation of my background including all records of every kind including police records. I agree to waive any rights or causes of action against the Nebraska Liquor Control Commission, the Nebraska State Patrol or any other individual releasing said information to the Liquor Control Commission or the Nebraska State Patrol. I further declare that the license applied for will not be used by any other person, group, organization or corporation for profit or not for profit and that the event will be supervised by persons directly responsible to the holder of this Special Designated License.*

\*Retail licensee – Must be signed by a member listed on permanent license  
\*Non-Profit Organization – Must be signed by a Corporate Officer

Local Governing Body completes below:

The local governing body for the City/Village of \_\_\_\_\_ OR County of \_\_\_\_\_ approves the issuance of a Special Designated License as requested above. (Only one should be written above)

\_\_\_\_\_  
Local Governing Body Authorized Signature

\_\_\_\_\_  
Date

**CITY MANAGER'S REPORT  
MAY 15, 2023 CITY COUNCIL MEETING**

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**ITEM:**        4.H.

Approve the application for a Special Designated Liquor License submitted by Loop Brewing Company, Liquor License #LK-093351, for a wedding to be held at the Keystone Building, 402 Norris Avenue, and Norris Alley, 406 Norris Avenue, on July 1, 2023 from 3:00 P.M. to 1:00 A.M.

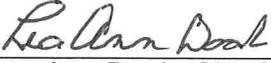
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**BACKGROUND:**

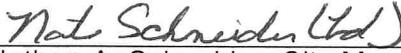
Loops will be catering this event. They are making application to allow them to serve alcohol at this temporary location. Approval of the City Council is required with all applications.

**FISCAL  
IMPACT:**     None.

**APPROVALS:**

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

May 11, 2023

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

May 11, 2023

**Special Designated License  
Local Recommendation (Form 200)**

Applications must be entered on the portal after local approval – no exceptions  
Late applications are non-refundable and will be rejected

Loop Brewing Company LLC

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

801 West C St., Suite 5b, McCook, NE 69001

Retail Liquor License Address or Non-Profit Business Address

LK 093351

Retail License Number or Non-Profit Federal ID #

Consecutive Dates only 07/01/23  
Event Date(s): \_\_\_\_\_

Event Start Time(s): 3 PM \_\_\_\_\_

Event End Time(s): 1 AM \_\_\_\_\_

Alternate Date: \_\_\_\_\_

Alternate Location Building & Address: \_\_\_\_\_

Event Building Name: Keystone Building & Norris Alley

Event Street Address/City: 402 Norris Ave, McCook, NE 69001 *Norris Alley 406 Norris Avenue*

Indoor area to be licensed in length & width: 105 x 75

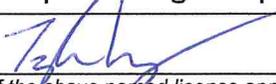
Outdoor area to be licensed in length & width: 137.5 x 50 (Diagram Form #109 must be attached)

Type of Event: Wedding Estimate # of attendees: 300

Type of alcohol to be served: Beer  Wine  Distilled Spirits   
(If not marked, you will not be able to serve this type of alcohol)

Event Contact Name: Tyler Loop Event Contact Phone Number: 308-737-9921

Event Contact Email: restaurant@loopbrewingcompany@yahoo.com

\*Signature Authorized Representative:  Printed Name Tyler Loop

*I declare that I am the authorized representative of the above named license applicant and that the statements made on this application are true to the best of my knowledge and belief. I also consent to an investigation of my background including all records of every kind including police records. I agree to waive any rights or causes of action against the Nebraska Liquor Control Commission, the Nebraska State Patrol or any other individual releasing said information to the Liquor Control Commission or the Nebraska State Patrol. I further declare that the license applied for will not be used by any other person, group, organization or corporation for profit or not for profit and that the event will be supervised by persons directly responsible to the holder of this Special Designated License.*

\*Retail licensee – Must be signed by a member listed on permanent license

\*Non-Profit Organization – Must be signed by a Corporate Officer

**Local Governing Body completes below:**

The local governing body for the City/Village of \_\_\_\_\_ **OR** County of \_\_\_\_\_ approves  
the issuance of a Special Designated License as requested above. (Only one should be written above)

\_\_\_\_\_  
Local Governing Body Authorized Signature

\_\_\_\_\_  
Date

# OUTDOOR AREA DIAGRAM

HOW AREA WILL BE PATROLLED 6 volunteer security staff

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

DIAGRAM OF PROPOSED AREA: [Outdoor Area = see measurements below](#)



**CITY MANAGER'S REPORT  
MAY 15, 2023 MCCOOK CITY COUNCIL MEETING**

ITEM NO. 4.1. Approve and execute the Underwriting Engagement and Disclosure Letter between D.A. Davidson and the City of McCook.

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**BACKGROUND:**

Pursuant to the recreation bond passed in November of 2022, the City of McCook must engage an underwriting firm to facilitate the proposed offering and issuance of the Tax Supported Municipal Improvement Bonds, Series 2023 and 2024. Two Series are necessary to allow the City of McCook to proceed with the swimming pool project, as soon as practical. A second issuance will be offered when the ballpark project is ready to proceed.

The Underwriting and Disclosure Letter establishes the terms both parties (D.A. Davidson and the City of McCook) shall follow. Eventually, this document will be superseded by a purchase agreement.

The terms of the Letter provide that D.A. Davidson will serve as the managing underwriter of the proposed offering and issuance of the Bonds. A list of duties are highlighted in Section 1 of the Letter. It is important to note that D.A. Davidson will not serve as the City of McCook's advisor. At some point, it may become necessary to consult with an advisor to represent the City as its fiduciary, similar to the role PFM has served the City of McCook for prior utility related issuances.

The fee for D.A. Davidson's fees shall not exceed 1.25% of the principal amount of the Bonds issued. Additionally, the City of McCook may need to reimburse D.A. Davidson for issuance costs.

**APPROVALS:**

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

May 10, 2023

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

May 10, 2023

April 21, 2023

Nate Schneider, City Manager  
City of McCook, Nebraska  
505 West "C" Street  
McCook, NE 69001

Re: Underwriting Engagement and Disclosure Letter

Dear Nate:

On behalf of D.A. Davidson & Co. ("we" or "Davidson"), thank you for the opportunity to serve as underwriter for City of McCook, Nebraska (the "Issuer") on the Issuer's proposed offering and issuance of Tax Supported Municipal Improvement Bonds, Series 2023 and 2024 (collectively hereinafter referred to as the "Bonds"). This letter will confirm the terms of our engagement; however, it is anticipated that this letter will be replaced and superseded by a purchase agreement to be entered into by the parties (the "Purchase Agreement") if and when the Bonds are priced following successful completion of the offering process.

1. Services to be Provided by Davidson. The Issuer hereby engages Davidson to serve as managing underwriter of the proposed offering and issuance of the Bonds, and in such capacity Davidson agrees to provide the following services:

- Review and evaluate the proposed terms of the offering and the Bonds
- Develop a marketing plan for the offering, including identification of potential investors
- Assist in the preparation of the official statement and other offering documents
- Contact potential investors, provide them with offering-related information, respond to their inquiries and, if requested, coordinate their due diligence sessions
- If the Bonds are to be rated, assist in preparing materials to be provided to securities ratings agencies and in developing strategies for meetings with the ratings agencies
- Consult with counsel and other service providers with respect to the offering and the terms of the Bonds
- Inform the Issuer of the marketing and offering process

- Negotiate the pricing, including the interest rate, and other terms of the Bonds
- Obtain CUSIP number(s) for the Bonds and arrange for their DTC book-entry eligibility
- Plan and arrange for the closing and settlement of the issuance and the delivery of the Bonds
- Perform such other usual and customary underwriting services as may be requested by the Issuer

As underwriter, Davidson will not be required to purchase the Bonds except pursuant to the terms of the Purchase Agreement, which will not be signed until successful completion of the pre-sale offering period. This letter does not obligate Davidson to purchase any of the Bonds.

2. No Advisory or Fiduciary Role. The Issuer acknowledges and agrees: (i) the primary role of Davidson, as an underwriter, is to purchase securities, for resale to investors, in an arm's-length commercial transaction between the Issuer and Davidson and that Davidson has financial and other interests that may differ from those of the Issuer.; (ii) Davidson is not acting as a municipal advisor, financial advisor, or fiduciary to the Issuer and Davidson has not assumed any advisory or fiduciary responsibility to the Issuer with respect to the transaction contemplated hereby and the discussions, undertakings and procedures leading thereto (irrespective of whether Davidson has provided other services or is currently providing other services to the Issuer on other matters or transactions); (iii) the only obligations Davidson has to the Issuer with respect to the transaction contemplated hereby expressly are set forth in this agreement; and (iv) the Issuer has consulted its own financial and/or municipal, legal, accounting, tax and other advisors, as applicable, to the extent it deems appropriate. If the Issuer desires to consult with and hire a municipal advisor for this transaction that has legal fiduciary duties to the Issuer the Issuer should separately engage a municipal advisor to serve in that capacity.

In addition, the Issuer acknowledges receipt of certain regulatory disclosures as required by the Municipal Securities Rulemaking Board and as outlined under the heading "REGULATORY DISCLOSURES" below. The Issuer further acknowledges Davidson may be required to supplement or make additional disclosures as may be necessary as the specific terms of the transaction progress.

3. Fees and Expenses. Davidson's proposed underwriting fee/spread shall not exceed 1.25% of the principal amount of the Bonds issued. The underwriting fee/spread will represent the difference between the price that Davidson pays for the Bonds and the public offering price stated on the cover of the final official statement. In addition to the underwriting fee/spread, the Issuer shall pay to Davidson a fee equal to \$-0- as compensation for its services in assisting in the preparation of the official statement and providing various financial analyses, and for the use of Davidson's capital to advance certain costs prior to settlement. The Issuer shall be responsible for paying or reimbursing Davidson for all other costs of issuance, including without limitation, bond counsel, underwriter's counsel, rating agency fees and expenses, third-party disclosure review, CUSIP, DTC, IPREO (electronic book-running/sales order system), printing and mailing/distribution charges and all other expenses incident to the performance of the Issuer's obligations under the proposed Bonds.

4. Term and Termination. The term of this engagement shall extend from the date of this letter to the closing of the offering of the Bonds except as may be superseded pursuant to a Purchase Agreement. Notwithstanding the forgoing, either party may terminate Davidson's engagement at any time without liability of penalty upon at least 30 days' prior written notice to the other party. If Davidson's engagement is terminated by the Issuer, the Issuer agrees to compensate Davidson for the services provided and to reimburse Davidson for its out-of-pocket fees and expenses incurred to the date of termination.

5. Limitation of Liability. The Issuer agrees neither Davidson nor its employees, officers, agents or affiliates shall have any liability to the Issuer for the services provided hereunder.

6. Miscellaneous. This letter shall be governed and construed in accordance with the laws of the State of Nebraska. This Agreement may not be amended or modified except by means of a written instrument executed by both parties hereto. This Agreement may not be assigned by either party without the prior written consent of the other party.

## REGULATORY DISCLOSURES

The Issuer has engaged D.A. Davidson & Co. (“Davidson”) to serve as an underwriter, and not as a Municipal Advisor, in connection with the issuance of the Bonds. The primary role of an underwriter is to purchase, or arrange for the placement of, securities in an arm’s-length commercial transaction between the issuer and the underwriter and that the underwriter has financial and other interests that differ from those of the issuer. As part of our services as underwriter, Davidson may provide advice concerning the structure, timing, terms, and other similar matters concerning the issuance of the Bonds. The specific terms of our engagement will be as set forth in a purchase agreement to be entered into by the parties if and when the Bonds are priced following successful completion of the offering process.

### 1. Dealer-Specific Conflicts of Interest Disclosures

Davidson has not identified any actual or potential material conflicts<sup>1</sup> that require disclosure.

### 2. Transaction-Specific Disclosures

Since Davidson has not recommended a “complex municipal securities financing” to the Issuer, additional disclosures regarding the financing structure for the Bonds are not required under MSRB Rule G-17. In accordance with the requirements of MSRB Rule G-17, if Davidson recommends a “complex municipal securities financing” to the Issuer, this letter will be supplemented to provide disclosure of the material financial characteristics of that financing structure as well as the material financial risks of the financing that are known to us and reasonably foreseeable at that time.

### 3. Standard Disclosures

#### A. Disclosures Concerning the Underwriters’ Role:

- (i) MSRB Rule G-17 requires an underwriter to deal fairly at all times with both municipal issuers and investors.
- (ii) An underwriter’s primary role is to purchase the Bonds with a view to distribution in an arm’s-length commercial transaction with the Issuer. The underwriter has financial and other interests that differ from those of the Issuer.
- (iii) Unlike a municipal advisor, the underwriter does not have a fiduciary duty to the Issuer under the federal securities laws and is, therefore, not required by federal law to act in the best interests of the Issuer without regard to its own financial or other interests.

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<sup>1</sup> Reference to *potential* material conflicts throughout this letter, refer to ones that are reasonably likely to mature into *actual* material conflicts during the course of the transaction, which is the standard required by MSRB Rule G-17

- (iv) The Issuer may choose to engage the services of a municipal advisor with a fiduciary obligation to represent the Issuer's interest in this transaction.
- (v) The underwriter has a duty to purchase the Bonds from the Issuer at a fair and reasonable price, but must balance that duty with its duty to sell the Bonds to investors at prices that are fair and reasonable.
- (vi) The underwriter will review the official statement for the Bonds in accordance with, and as part of, its respective responsibilities to investors under the federal securities laws, as applied to the facts and circumstances of this transaction.<sup>2</sup>

B. Disclosures Concerning the Underwriters' Compensation:

- (i) The underwriter will be compensated by a fee and/or an underwriting discount that will be set forth in the purchase agreement to be negotiated and entered into in connection with the issuance of the Bonds. Payment or receipt of the underwriting fee or discount will be contingent on the closing of the transaction and the amount of the fee or discount may be based, in whole or in part, on a percentage of the principal amount of the Bonds. While this form of compensation is customary in the municipal securities market, it presents a conflict of interest since the underwriter may have an incentive to recommend to the Issuer a transaction that is unnecessary or to recommend that the size of the transaction be larger than is necessary.

4. Questions and Acknowledgment.

Davidson is registered as a broker-dealer with the U.S. Securities and Exchange Commission ("SEC") and the MSRB, and is subject to the regulations and rules on municipal securities activities established by the SEC and MSRB. The website address for the MSRB is [www.msrb.org](http://www.msrb.org). The MSRB website includes educational material about the municipal securities market, as well as an investor brochure that describes the protections that may be provided by the MSRB rules and how to file a complaint with an appropriate regulatory authority.

If you or any other Issuer officials have any questions or concerns about these disclosures, please make those questions or concerns known immediately to the undersigned. In addition, you should consult with the Issuer's own financial and/or municipal, legal, accounting, tax and other advisors, as applicable, to the extent you deem appropriate.

It is our understanding that you have the authority to bind the Issuer by contract with us, and that you are not a party to any disclosed conflict of interest relating to the subject transaction. If our understanding is incorrect, please notify the undersigned immediately.

We are required to seek your acknowledgement that you have received this letter. Accordingly, please sign and return this letter to me either via email or to the address set forth on Page 1 of this letter.

Depending on the structure of the transaction that the Issuer decides to pursue, or if additional actual or potential material conflicts are identified, we may be required to send you additional disclosures regarding

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<sup>2</sup> Under federal securities law, an issuer of securities has the primary responsibility for disclosure to investors. The review of the official statement by the underwriter is solely for purposes of satisfying the underwriter's obligations under the federal securities laws and such review should not be construed by an issuer as a guarantee of the accuracy or completeness of the information in the official statement.

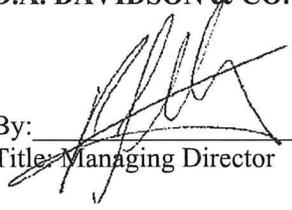


the material financial characteristics and risks of such transaction and/or describing those conflicts. At that time, we also will seek your acknowledgement of receipt of any such additional disclosures.

Again, we thank you for the opportunity to assist you with your financing and the confidence you have placed in us.

Very truly yours,

**D.A. DAVIDSON & CO.**

By:  \_\_\_\_\_  
Title: Managing Director

Accepted this \_\_\_ day of \_\_\_\_\_, 2023

**CITY OF MCCOOK, NEBRASKA**

By: \_\_\_\_\_  
Title: \_\_\_\_\_

**CITY MANAGER'S REPORT**  
**MAY 15, 2023 CITY COUNCIL MEETING**

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**ITEM: 4.J.** Approve and authorize the major to sign the Sixth Amendment to Telecommunications Site Lease Agreement between the City of McCook and Alltel Communications of Nebraska, LLC d/b/a Verizon Wireless for the removal and replacement of existing equipment.

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**BACKGROUND:**

Verizon Wireless is requesting a sixth amendment to the telecommunications site lease agreement. The request would allow for Verizon Wireless to remove its old equipment and install similar replacement equipment on the West Water Tank. Staff has reviewed the request and has no concerns related to the amendment. The equipment that is being replaced will be similar to the original equipment. The new equipment does not create weight-load or height concerns. The location of the equipment should not present impediments to the City as they will occupy locations whereby equipment already exists.

**APPROVALS:**

  
\_\_\_\_\_  
Pat Fawver, Utilities Director

May 10, 2023

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

May 10, 2023



10801 Bush Lake Rd  
Bloomington, MN 55438

Matthew Joseph  
Engr III Spec-Ntwk Reg/RE  
Great Plains Real Estate

April 26, 2023

**VIA FEDERAL EXPRESS**

Nate Schneider  
Zoning Administrator  
City of McCook  
505 W C St.  
P.O. Box 1059  
McCook, NE 69001-1059

Re: **NE08 McCook Sixth Amendment to Telecommunications Site Lease Agreement**

Dear Mr. Nate Schneider:

Enclosed are the following:

1. Three (3) copies of the Sixth Amendment to Telecommunications Site Lease Agreement

If, after reviewing the enclosed documents, the agreement is acceptable, please arrange for signatures for all three amendment agreement copies and return one (1) copy to me with the enclosed FedEx envelope.

Sincerely,

**Matthew Joseph**  
651-233-7197 (mobile)  
Matthew.Joseph@verizonwireless.com

## SIXTH AMENDMENT TO TELECOMMUNICATIONS SITE LEASE AGREEMENT

This Sixth Amendment to Telecommunications Site Lease Agreement (“Amendment”) is made as of the last signature date hereof (“Effective Date”) by and between City of McCook (“City”) and Alltel Corporation d/b/a Verizon Wireless, whose principal place of business is One Verizon Way, Mail Stop 4AW100, Basking Ridge, NJ 07920 (“Lessee”). City and Lessee are at times collectively referred to hereinafter as the “Parties.”

**WHEREAS**, there is now in full force and effect between the Parties a Telecommunications Site Lease Agreement dated December 1, 2008, amended by the October 28, 2011 First Amendment to Telecommunications Site Lease Agreement, the June 11, 2012 Second Amendment to Telecommunications Site Lease Agreement, the Third Amendment to Telecommunications Site Lease Agreement dated March 2, 2015 and last executed on April 6, 2016, the Fourth Amendment to Telecommunications Site Lease Agreement dated June 30, 2015 and the Fifth Amendment to Telecommunications Site Lease Agreement dated June 8, 2020 (collectively, the “Agreement”), pursuant to City leases to Lessee a portion of the Premises located at 1403 West 10<sup>th</sup> Street, McCook, Red Willow County, Nebraska 69001; and

**WHEREAS**, the Parties wish to amend the Agreement to allow for the addition and modification of Lessee’s communications equipment and ancillary items and update certain provisions therein.

**NOW THEREFORE**, in consideration of the promises hereinafter made and other good and valuable consideration, the receipt of which is hereby acknowledged, City and Lessee agree as follows:

1. Equipment Modification. Exhibit A-5 attached to the Lease is hereby deleted in its entirety and replaced with Exhibit A-6, attached hereto and incorporated by reference herein. All references to Exhibit A, Exhibit A-1, Exhibit A-2, Exhibit A-3, Exhibit A-4 and Exhibit A-5 are hereafter references to Exhibit A-6.

2. Notice. Commencing upon the Effective Date of this Amendment, LESSEE notice address shall be the following:

LESSEE: Alltel Corporation d/b/a Verizon Wireless  
180 Washington Valley Road  
Bedminster, New Jersey 07921  
Attention: Network Real Estate

3. Other than as specifically amended herein, all other terms and conditions of the Agreement shall remain in full force and effect. Where there is conflict between the terms of the Agreement and this Amendment, the terms of this Amendment shall control. Unless otherwise defined in this Amendment, all capitalized terms referenced in the Amendment shall have the same meaning as those found in the Agreement.

IN WITNESS WHEREOF, the Parties hereto have set their hands to this Amendment as of the Effective Date.

**City:**

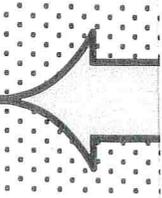
City of McCook

By: \_\_\_\_\_

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

Title: \_\_\_\_\_

Date: \_\_\_\_\_



**LESSEE:**

Alltel Corporation d/b/a Verizon Wireless

By:  \_\_\_\_\_

Name: Jeffrey Armour

Title: Sr. Real Estate Manager

Date: April 20, 2023

Exhibit A-6

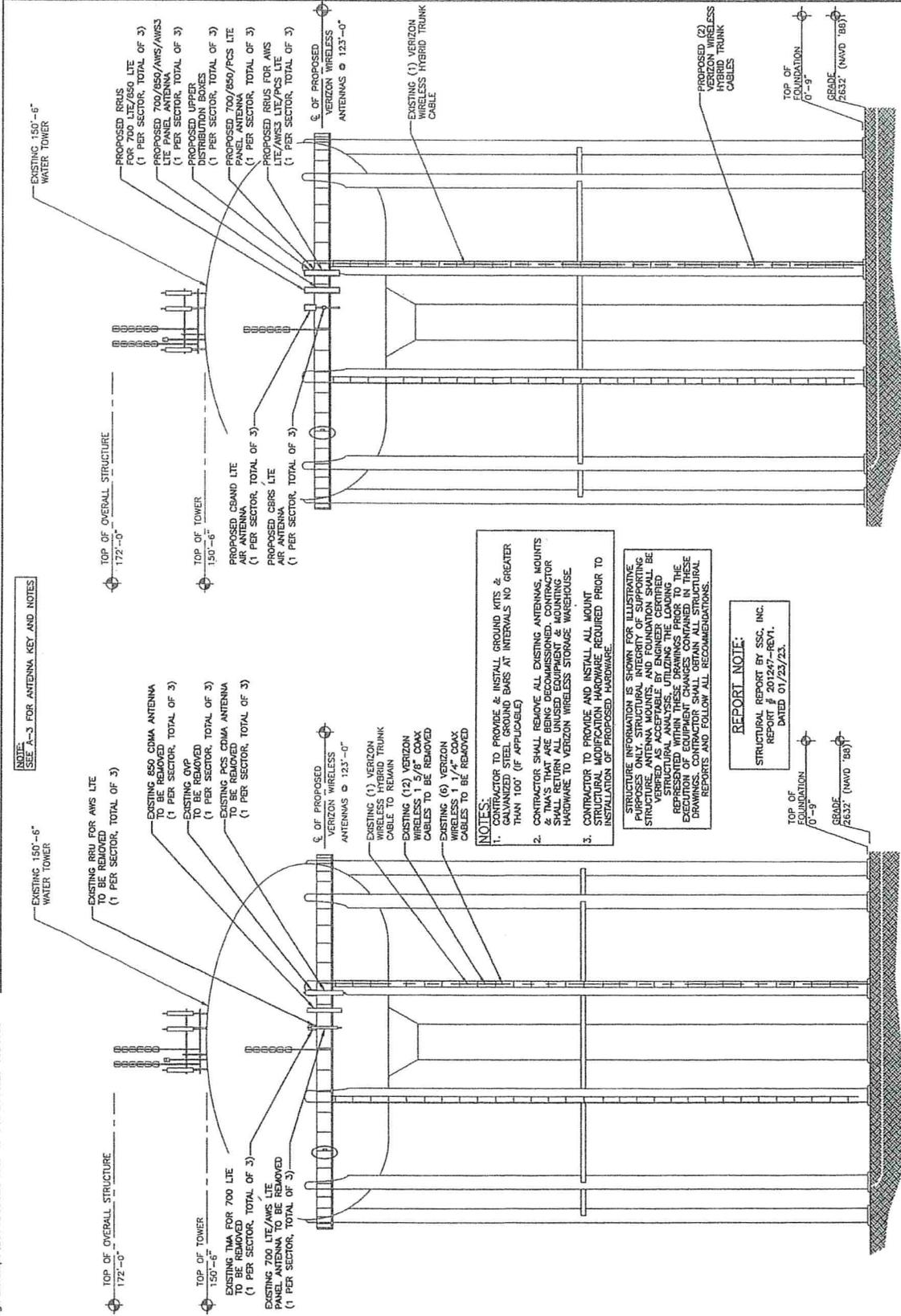
Equipment List

Equipment Shelter located within a 12' x 36' lease area to house transmission cables and equipment to be located upon a concrete pad located as shown of Exhibit B to the Lease.

Shelter size shall be approximately 11'-5" wide x 28' long as shown on Exhibit B to the Lease. An agreed upon portion of this shelter may be used by the City of McCook.

5' x 8' lease area for installation of a diesel generator as shown on Exhibit A-4 herein.

Tower Equipment – as listed in the attached drawings and specifications



**NOTE:**  
SEE A-3 FOR ANTENNA KEY AND NOTES

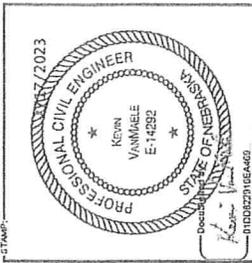
EXISTING 150'-6" WATER TOWER  
 TOP OF OVERALL STRUCTURE 172'-0"  
 TOP OF TOWER 150'-6"  
 PROPOSED RRUS FOR 700 LTE/850 LTE (1 PER SECTOR, TOTAL OF 3)  
 PROPOSED 700/850/AWS/AWS3 LITE PANEL ANTENNA (1 PER SECTOR, TOTAL OF 3)  
 PROPOSED UPSERS (1 PER SECTOR, TOTAL OF 3)  
 PROPOSED 700/850/PCS LITE PANEL ANTENNA (1 PER SECTOR, TOTAL OF 3)  
 PROPOSED RRUS FOR AWS LITE/AWS3 LITE/PCS LITE (1 PER SECTOR, TOTAL OF 3)  
 PROPOSED CBRS LITE AIR ANTENNA (1 PER SECTOR, TOTAL OF 3)  
 PROPOSED CBAND LITE AIR ANTENNA (1 PER SECTOR, TOTAL OF 3)  
 PROPOSED RRUS FOR AWS LITE/AWS3 LITE/PCS LITE (1 PER SECTOR, TOTAL OF 3)  
 PROPOSED RRUS FOR 700 LTE/850 LTE (1 PER SECTOR, TOTAL OF 3)  
 PROPOSED 700/850/AWS/AWS3 LITE PANEL ANTENNA (1 PER SECTOR, TOTAL OF 3)  
 PROPOSED UPSERS (1 PER SECTOR, TOTAL OF 3)  
 PROPOSED 700/850/PCS LITE PANEL ANTENNA (1 PER SECTOR, TOTAL OF 3)  
 PROPOSED RRUS FOR AWS LITE/AWS3 LITE/PCS LITE (1 PER SECTOR, TOTAL OF 3)  
 PROPOSED CBRS LITE AIR ANTENNA (1 PER SECTOR, TOTAL OF 3)  
 PROPOSED CBAND LITE AIR ANTENNA (1 PER SECTOR, TOTAL OF 3)

EXISTING 150'-6" WATER TOWER  
 TOP OF OVERALL STRUCTURE 172'-0"  
 TOP OF TOWER 150'-6"  
 EXISTING 850 CDMA ANTENNA TO BE REMOVED (1 PER SECTOR, TOTAL OF 3)  
 EXISTING OVP TO BE REMOVED (1 PER SECTOR, TOTAL OF 3)  
 EXISTING PCS CDMA ANTENNA TO BE REMOVED (1 PER SECTOR, TOTAL OF 3)  
 EXISTING TMA FOR 700 LTE TO BE REMOVED (1 PER SECTOR, TOTAL OF 3)  
 EXISTING 700 LTE/AWS3 LITE PANEL ANTENNA TO BE REMOVED (1 PER SECTOR, TOTAL OF 3)  
 EXISTING (1) VERIZON WIRELESS ANTENNAS TO REMAIN  
 EXISTING (12) VERIZON WIRELESS 1 5/8" COAX CABLES TO BE REMOVED  
 EXISTING (6) VERIZON WIRELESS 1 1/4" COAX CABLES TO BE REMOVED  
 EXISTING (1) VERIZON WIRELESS HYBRID TRUNK CABLE TO REMAIN  
 EXISTING (1) VERIZON WIRELESS ANTENNAS TO REMAIN  
 EXISTING (1) VERIZON WIRELESS HYBRID TRUNK CABLE TO REMAIN

**NOTES:**  
 1. CONTRACTOR TO PROVIDE & INSTALL GROUND KITS & GALVANIZED STEEL GROUND BARS AT INTERVALS NO GREATER THAN 100' (IF APPLICABLE)  
 2. CONTRACTOR SHALL REMOVE ALL EXISTING ANTENNAS, MOUNTS AND HARDWARE FROM THE TOWER. CONTRACTOR SHALL RETURN ALL UNUSED EQUIPMENT & MOUNTING HARDWARE TO VERIZON WIRELESS STORAGE WAREHOUSE.  
 3. CONTRACTOR TO PROVIDE AND INSTALL ALL MOUNT STRUCTURAL MODIFICATION HARDWARE REQUIRED PRIOR TO INSTALLATION OF PROPOSED HARDWARE.

**REPORT NOTE:**  
 STRUCTURE INFORMATION IS SHOWN FOR ILLUSTRATIVE PURPOSES ONLY. ALL STRUCTURAL ANALYSES, VERIFIED AS ACCEPTABLE BY ENGINEER CERTIFIED STRUCTURAL ANALYSIS, UTILIZING THE LOADING PERIODS AND WIND SPEEDS SHOWN IN THESE DRAWINGS. EXECUTION OF EQUIPMENT CHANGES CONTAINED IN THESE DRAWINGS, CONTRACTOR SHALL OBTAIN ALL STRUCTURAL REPORTS AND FOLLOW ALL RECOMMENDATIONS.

**REPORT NOTE:**  
 STRUCTURAL REPORT BY SSC, INC.  
 REPORT # 201247-REV1.  
 DATED 01/23/23.



STATE OF NEBRASKA  
 ENGINEERING LICENSE  
 0100027016E460  
 STATE CERTIFICATE OF AUTHORIZATION #40476  
 MECHANICAL ENGINEERING  
 KEVIN VANMAELE  
 E-14292  
 MECHANICAL ENGINEER  
 1001 S. 17TH ST., SUITE 200  
 LINCOLN, NE 68502

PLANS PREPARED FOR:  
**verizon**

PLANS PREPARED BY:  
**SSC**

**DRAWING NOTICE:** THIS DRAWING IS THE SOLE PROPERTY OF SSC, INC. AND IS LOANED TO THE BORROWER FOR THE PROJECT ONLY. IT IS TO BE USED ONLY FOR THE PROJECT AND NOT FOR ANY OTHER PROJECT. THE BORROWER SHALL BE RESPONSIBLE FOR THE PROTECTION OF THIS DRAWING. THE BORROWER SHALL NOT BE HELD RESPONSIBLE FOR ANY DAMAGE TO OR LOSS OF THIS DRAWING. THE BORROWER SHALL NOT BE HELD RESPONSIBLE FOR ANY REVISIONS TO THIS DRAWING. THE BORROWER SHALL NOT BE HELD RESPONSIBLE FOR ANY REVISIONS TO THIS DRAWING.

REVISIONS	DATE	DESCRIPTION	BY	REV
ISSUED FOR REVIEW	01/23/23	CR1	A	
ISSUED FOR REVIEW	02/01/23	CR1	B	
ISSUED FOR CONSTRUCTION	02/17/23	CR1	C	
ISSUED FOR CONSTRUCTION	02/17/23	CR1	D	

APPLICANT SITE NAME:  
 NFO8 MCCOOK WT

APPLICANT SITE NUMBER:  
 201247

SITE ADDRESS:  
 1403 W 10TH ST  
 MCCOOK, NE 69001

SHEET DESCRIPTION:  
 TOWER ELEVATIONS  
 A-1.0









**CITY MANAGER'S REPORT  
MAY 15, 2023 CITY COUNCIL MEETING**

---

**ITEM: 4.K.**

Receive and file the Financial Report for the period ending April 30, 2023.

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**BACKGROUND:**

The Treasurer's Report (Attachment A) gives the beginning cash balances as of October 1, 2022, plus Total (YTD) Receipts, minus Total (YTD) Disbursements, giving the ending cash balance on April 30, 2023.

Per the Banking Services Agreement with McCook National Bank, all funds are deposited into the Public Funds Account at a higher rate of interest. The bank then sweeps in increments of \$100,000 to the Primary Operating Account to cover disbursements as they clear the bank. The Payroll Account is also a sweep account and maintains a \$1,000 balance.

All of the bank accounts are interest bearing, except the Payroll Account and the Purchase Account. The Purchase Account is our VISA credit card.

Attachment B gives the ending cash balances by fund as of April 30, 2023.

Attachment C is a Financial Summary of Revenue and Expense by Fund for the quarter ending April 30, 2023.

Staff is always available to address any questions that the Council may have. The Department Heads receive monthly financial reports and it is their responsibility to monitor their individual budgets. It is the bottom-line per department that is monitored. If they go over on a line item, that must adjust for it in another line item.

**FISCAL  
IMPACT:** None.

**APPROVALS:**

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

May 9, 2023

  
\_\_\_\_\_  
Tera Koetter, Assistant City Manager

May 9, 2023

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

May 9, 2023

# ATTACHMENT

A

City of McCook, Nebraska  
 TREASURER'S REPORT  
 Period Ending April 30, 2023 (unaudited)

Beginning Cash on Hand, October 1, 2022		
McCook National Bank - Public Funds	\$	18,671,683.72
McCook National Bank - Primary Operating	\$	(335,089.91)
McCook National Bank - LB840 Funds	\$	1,013,373.90
McCook National Bank - Payroll	\$	1,000.00
McCook National Bank - CRA	\$	57.93
Purchases Account	\$	10,000.00
Petty Cash	\$	1,150.00
NDEQ Irrevocable Escrow	\$	84,562.10
McCook National Bank - Pension	\$	5,343.21
<b>TOTAL BEGINNING CASH</b>	<b>\$</b>	<b>19,452,080.95</b>
Receipts:		
Taxes	\$	2,989,038.89
Fees, Permits and Licenses	\$	321,333.20
Intergovernmental Services	\$	1,168,089.24
Charges - Current Services	\$	1,186,935.95
Public Utilities	\$	2,271,834.17
Use of Money & Property	\$	1,486,376.90
Interfund Transfers	\$	2,810,935.26
Other Revenue	\$	1,204,008.49
Unapplied/Accounts Payable	\$	1,352.62
<b>PLUS TOTAL RECEIPTS</b>	<b>\$</b>	<b>13,439,904.72</b>
Disbursements:		
Personal Services	\$	4,381,602.67
Supplies	\$	962,143.76
Services & Charges	\$	4,010,228.93
Budget Transfers	\$	1,998,574.01
Capital Outlay	\$	1,442,510.27
Unapplied/Accounts Payable	\$	82.33
<b>MINUS TOTAL DISBURSEMENTS</b>	<b>\$</b>	<b>12,795,141.97</b>
Ending Cash Balance April 30, 2023		
McCook National Bank - Public Funds	\$	18,521,065.90
McCook National Bank - Primary Operating	\$	212,649.97
McCook National Bank - LB840 Funds	\$	1,250,121.88
McCook National Bank - Payroll	\$	1,000.00
McCook National Bank - CRA	\$	57.93
Petty Cash	\$	1,150.00
Purchase Account	\$	10,000.00
NDEQ Irrevocable Escrow	\$	88,413.66
McCook National Bank - Pension	\$	12,384.36
<b>TOTAL ENDING CASH</b>	<b>\$</b>	<b>20,096,843.70</b>

Dated: April 30, 2023

-s- Lea Ann Doak, City Clerk

# ATTACHMENT

## B

City of McCook, Nebraska  
 TREASURER'S REPORT  
 CASH BALANCE BY FUNDS  
 Period Ending April 30, 2023 (unaudited)

Beginning Cash on Hand, October 1, 2022	Beginning Cash	YTD Revenue	YTD Expenditures	Ending Cash
General Fund - 10	\$ 3,575,164.58	\$ 4,629,197.57	\$ 5,196,973.22	\$ 3,007,388.93
General Fund Unapplied/Accts. Payable	\$ 2,519.00	\$ 1,275.00	\$ 82.33	\$ 3,711.67
Street Fund - 15	\$ 427,843.11	\$ 192,770.15	\$ 88,000.00	\$ 532,613.26
Special Revenue - 20	\$ 1,799,787.84	\$ 140,337.83	\$ 321,851.52	\$ 1,618,274.15
Special Revenue Unapplied/Accts. Payable	\$ -		\$ -	\$ -
Debt Service - 30	\$ 398,745.43	\$ 7,624.00	\$ -	\$ 406,369.43
Community Redevelopment Authority - 40	\$ 72,946.36	\$ 165,919.79	\$ 155,177.97	\$ 83,688.18
Economic Development Fund - 45	\$ 1,013,373.90	\$ 355,748.38	\$ 119,000.40	\$ 1,250,121.88
Pension Trust - 50	\$ 5,343.21	\$ 18,050.96	\$ 11,009.81	\$ 12,384.36
Trust & Agency - 60	\$ 357,584.48	\$ 123,248.66	\$ 80,701.73	\$ 400,131.41
Internal Service Fund - 65	\$ 950,039.53	\$ 1,619,607.89	\$ 1,687,242.05	\$ 882,405.37
Enterprise Fund - 70	\$ 10,115,278.54	\$ 5,545,975.56	\$ 5,030,506.33	\$ 10,630,747.77
Enterprise Fund Unapplied/Accts. Payable	\$ 254.80	\$ 77.62	\$ -	\$ 332.42
Capital Improvement - 80	\$ 733,200.17	\$ 640,071.31	\$ 104,596.61	\$ 1,268,674.87
<b>BALANCES</b>	<b>\$ 19,452,080.95</b>	<b>\$ 13,439,904.72</b>	<b>\$ 12,795,141.97</b>	<b>\$ 20,096,843.70</b>

Dated: April 30, 2023

-s- Lea Ann Doak, City Clerk

# ATTACHMENT C

CITY OF MCCOOK  
STATEMENT OF REVENUES - BUDGET VS. ACTUAL  
AS OF: APRIL 30TH, 2023

10 -GENERAL FUND  
FINANCIAL SUMMARY

% OF YEAR COMPLETED: 58.33

	ORIGINAL BUDGET	CURRENT BUDGET	MONTHLY REVENUE	YEAR-TO-DATE REVENUE	PRIOR YEAR YEAR-TO-DATE	BUDGET REMAINING	% BUDGET REMAINING
<b>REVENUE SUMMARY</b>							
GENERAL REVENUE	10,577,173	10,577,173	688,866.42	4,534,041.57	4,117,528.61	6,043,131.43	57.13
RESERVES/CO TREASURER BAL	<u>1,798,887</u>	<u>1,798,887</u>	<u>10,396.00</u>	<u>95,156.00</u>	<u>101,318.00</u>	<u>1,703,731.00</u>	<u>94.71</u>
TOTAL REVENUES	<u>12,376,060</u>	<u>12,376,060</u>	<u>699,262.42</u>	<u>4,629,197.57</u>	<u>4,218,846.61</u>	<u>7,746,862.43</u>	<u>62.60</u>
	ORIGINAL BUDGET	CURRENT BUDGET	MONTHLY EXPENDITURES	YEAR-TO-DATE EXPENDITURES	PRIOR YEAR YEAR-TO-DATE	BUDGET REMAINING	% BUDGET REMAINING
ADMINISTRATION	791,193	791,193	50,606.70	407,607.21	336,331.94	383,585.79	48.48
PUBLICITY	8,750	8,750	94.74	3,955.32	2,581.03	4,794.68	54.80
AUDITORIUM	52,201	52,201	2,685.60	31,607.49	22,854.27	20,593.51	39.45
COUNCIL	574,381	574,381	20,444.36	163,289.19	139,673.37	411,091.81	71.57
POLICE	2,280,517	2,280,517	133,604.48	1,136,975.56	1,014,315.62	1,143,541.44	50.14
MUNICIPAL CENTER	102,694	102,694	5,670.75	77,134.20	63,322.28	25,559.80	24.89
FIRE	2,479,053	2,479,053	81,727.29	958,767.27	837,740.73	1,520,285.73	61.33
AMBULANCE	181,576	181,576	9,649.54	109,366.46	98,440.87	72,209.54	39.77
CIVIL DEFENSE	9,709	9,709	31.58	536.06	534.06	9,172.94	94.48
BUILDING & ZONING	101,414	101,414	7,209.84	58,133.76	54,791.62	43,280.24	42.68
LIBRARY	377,218	377,218	28,476.82	215,386.82	184,662.00	161,831.18	42.90
STREET	1,143,869	1,143,869	69,203.01	684,386.98	590,593.35	459,482.02	40.17
CEMETERY	255,032	255,032	17,765.98	140,922.35	116,352.03	114,109.65	44.74
PARKS	266,425	266,425	17,630.89	132,619.12	130,824.93	133,805.88	50.22
BALL PARKS	129,638	129,638	6,726.41	52,776.65	81,814.36	76,861.35	59.29
POOL	13,372	13,372	130.43	17,247.32	3,057.05	3,875.32	28.98
AIRPORT	176,011	176,011	9,237.70	94,596.01	78,288.86	81,414.99	46.26
UNEMPLOYMENT	10,000	10,000	0.00	0.00	0.00	10,000.00	100.00
UNCOLLECTABLE TAX	16,000	16,000	799.04	4,625.57	4,499.89	11,374.43	71.09
SENIOR CENTER	509,676	509,676	33,541.74	266,391.22	244,236.72	243,284.78	47.73
PUBLIC TRANSPORTATION	197,007	197,007	13,674.00	102,474.59	101,776.48	94,532.41	47.98
HEALTH OPERATING	861,250	861,250	71,771.00	502,397.00	459,126.50	358,853.00	41.67
RESERVES/CO TREASURER BAL	<u>623,887</u>	<u>623,887</u>	<u>0.00</u>	<u>35,777.07</u>	<u>96,033.00</u>	<u>588,109.93</u>	<u>94.27</u>
TOTAL EXPENDITURES	<u>11,160,873</u>	<u>11,160,873</u>	<u>580,681.90</u>	<u>5,196,973.22</u>	<u>4,661,850.96</u>	<u>5,963,899.78</u>	<u>53.44</u>
REVENUES OVER/(UNDER) EXPENDITURES	1,215,187	1,215,187	118,580.52	( 567,775.65)	( 443,004.35)	1,782,962.65	146.72

CITY OF MCCOOK  
 STATEMENT OF REVENUES - BUDGET VS. ACTUAL  
 AS OF: APRIL 30TH, 2023

15 -STREET FUND  
 FINANCIAL SUMMARY

% OF YEAR COMPLETED: 58.33

	ORIGINAL BUDGET	CURRENT BUDGET	MONTHLY REVENUE	YEAR-TO-DATE REVENUE	PRIOR YEAR YEAR-TO-DATE	BUDGET REMAINING	% BUDGET REMAINING
<u>REVENUE SUMMARY</u>							
STREET IMPROVEMENTS	575,602	575,602	1,438.00	192,770.15	147,829.02	382,831.85	66.51
TOTAL REVENUES	575,602	575,602	1,438.00	192,770.15	147,829.02	382,831.85	66.51
	=====	=====	=====	=====	=====	=====	=====
	ORIGINAL BUDGET	CURRENT BUDGET	MONTHLY EXPENDITURES	YEAR-TO-DATE EXPENDITURES	PRIOR YEAR YEAR-TO-DATE	BUDGET REMAINING	% BUDGET REMAINING
STREET IMPROVEMENTS	575,602	575,602	0.00	88,000.00	0.00	487,602.00	84.71
TOTAL EXPENDITURES	575,602	575,602	0.00	88,000.00	0.00	487,602.00	84.71
	=====	=====	=====	=====	=====	=====	=====
REVENUES OVER/(UNDER) EXPENDITURES	0	0	1,438.00	104,770.15	147,829.02 (	104,770.15)	0.00

CITY OF MCCOOK  
 STATEMENT OF REVENUES - BUDGET VS. ACTUAL  
 AS OF: APRIL 30TH, 2023

20 -SPECIAL REVENUE  
 FINANCIAL SUMMARY

% OF YEAR COMPLETED: 58.33

	ORIGINAL BUDGET	CURRENT BUDGET	MONTHLY REVENUE	YEAR-TO-DATE REVENUE	PRIOR YEAR YEAR-TO-DATE	BUDGET REMAINING	% BUDGET REMAINING
<b>REVENUE SUMMARY</b>							
FAA GRANTS	129,711	129,711	0.00	38,296.00	109,343.00	91,415.00	70.48
PUBLIC TRANSIT GRANTS	66,000	66,000	0.00	0.00	18,709.70	66,000.00	100.00
ACE REVENUE SHARING	23,939	23,939	91.00	11,286.00	9,107.00	12,653.00	52.86
MCCOOK RECREATIONAL TRAIL	54,272	54,272	151.00	1,038.00	59.00	53,234.00	98.09
CCCCFF GRANT-SWIMMING POOL	11,718	11,718	0.00	0.00	0.00	11,718.00	100.00
MCCOOK COMM FOUNDATION	0	0	0.00	0.00	0.00	0.00	0.00
COVID-19 CARES ACT	122,729	122,729	333.00	2,456.00	41,185.32	120,273.00	98.00
ENHANCED E911	45,353	45,353	2,720.81	11,914.17	18,485.67	33,438.83	73.73
RAVENSWOOD RD PROJECT	0	0	0.00	0.00	0.00	0.00	0.00
INSURANCE REIMBURSEMENT	465,025	465,025	1,196.00	8,585.00	11,571.25	456,440.00	98.15
PSAP FUNDS	137,722	137,722	4,160.70	32,851.60	32,814.42	104,870.40	76.15
MUNICIPAL FACILITY CONST	34,785	34,785	0.00	0.00	0.00	34,785.00	100.00
SKATE PARK IMPROVEMENTS	4,642	4,642	0.00	0.00	0.00	4,642.00	100.00
AME RESCUE PLAN ACT-ARPA	921,716	921,716	2,477.00	17,291.00	32,591.00	904,425.00	98.12
BIRDELLA NELSON TECH CTR	0	0	0.00	16,620.06	0.00	( 16,620.06)	0.00
<b>TOTAL REVENUES</b>	<b>2,017,612</b>	<b>2,017,612</b>	<b>11,129.51</b>	<b>140,337.83</b>	<b>273,866.36</b>	<b>1,877,274.17</b>	<b>93.04</b>

	ORIGINAL BUDGET	CURRENT BUDGET	MONTHLY EXPENDITURES	YEAR-TO-DATE EXPENDITURES	PRIOR YEAR YEAR-TO-DATE	BUDGET REMAINING	% BUDGET REMAINING
<b>EXPENDITURES SUMMARY</b>							
FAA GRANTS	129,711	129,711	0.00	30,906.63	159,115.36	98,804.37	76.17
PUBLIC TRANSIT GRANTS	66,000	66,000	0.00	0.00	18,709.70	66,000.00	100.00
ACE REVENUE SHARING	23,939	23,939	0.00	3,839.00	17,096.00	20,100.00	83.96
MCCOOK RECREATIONAL TRAIL	54,272	54,272	0.00	0.00	0.00	54,272.00	100.00
CCCCFF GRANT-SWIMMING POOL	11,718	11,718	0.00	1,331.25	7,031.80	10,386.75	88.64
MCCOOK COMM FOUNDATION	0	0	0.00	0.00	0.00	0.00	0.00
COVID-19 CARES ACT	122,729	122,729	0.00	40,343.62	152,096.50	82,385.38	67.13
ENHANCED E911	45,353	45,353	0.00	5,829.09	121,093.68	39,523.91	87.15
RAVENSWOOD RD PROJECT	0	0	0.00	0.00	0.00	0.00	0.00
INSURANCE REIMBURSEMENT	465,025	465,025	0.00	40,850.00	100.00	424,175.00	91.22
PSAP FUNDS	137,722	137,722	1,770.56	15,373.08	23,201.97	122,348.92	88.84
MUNICIPAL FACILITY CONST	34,785	34,785	0.00	0.00	0.00	34,785.00	100.00
SKATE PARK IMPROVEMENTS	4,642	4,642	0.00	0.00	0.00	4,642.00	100.00
AME RESCUE PLAN ACT-ARPA	921,716	921,716	139,187.31	161,175.71	400,635.81	760,540.29	82.51
BIRDELLA NELSON TECH CTR	0	0	0.00	22,203.14	0.00	( 22,203.14)	0.00
<b>TOTAL EXPENDITURES</b>	<b>2,017,612</b>	<b>2,017,612</b>	<b>140,957.87</b>	<b>321,851.52</b>	<b>899,080.82</b>	<b>1,695,760.48</b>	<b>84.05</b>
<b>REVENUES OVER/(UNDER) EXPENDITURES</b>	<b>0</b>	<b>0</b>	<b>( 129,828.36)</b>	<b>( 181,513.69)</b>	<b>( 625,214.46)</b>	<b>181,513.69</b>	<b>0.00</b>

CITY OF MCCOOK  
 STATEMENT OF REVENUES - BUDGET VS. ACTUAL  
 AS OF: APRIL 30TH, 2023

30 -DEBT SERVICE  
 FINANCIAL SUMMARY

% OF YEAR COMPLETED: 58.33

	ORIGINAL BUDGET	CURRENT BUDGET	MONTHLY REVENUE	YEAR-TO-DATE REVENUE	PRIOR YEAR YEAR-TO-DATE	BUDGET REMAINING	% BUDGET REMAINING
<b>REVENUE SUMMARY</b>							
GENERAL OBLIGATION	0	0	0.00	0.00	0.00	0.00	0.00
SPECIAL ASSESSMENTS	397,286	397,286	1,100.00	7,624.00	428.00	389,662.00	98.08
BOND RESERVE	0	0	0.00	0.00	0.00	0.00	0.00
TOTAL REVENUES	397,286	397,286	1,100.00	7,624.00	428.00	389,662.00	98.08
=====							
	ORIGINAL BUDGET	CURRENT BUDGET	MONTHLY EXPENDITURES	YEAR-TO-DATE EXPENDITURES	PRIOR YEAR YEAR-TO-DATE	BUDGET REMAINING	% BUDGET REMAINING
GENERAL OBLIGATION	0	0	0.00	0.00	0.00	0.00	0.00
SPECIAL ASSESSMENTS	397,286	397,286	0.00	0.00	122.84	397,286.00	100.00
BOND RESERVE	0	0	0.00	0.00	0.00	0.00	0.00
TOTAL EXPENDITURES	397,286	397,286	0.00	0.00	122.84	397,286.00	100.00
=====							
REVENUES OVER/(UNDER) EXPENDITURES	0	0	1,100.00	7,624.00	305.16 (	7,624.00)	0.00

CITY OF MCCOOK  
 STATEMENT OF REVENUES - BUDGET VS. ACTUAL  
 AS OF: APRIL 30TH, 2023

40 -COMMUNITY DEVELOPMENT  
 FINANCIAL SUMMARY

% OF YEAR COMPLETED: 58.33

	ORIGINAL BUDGET	CURRENT BUDGET	MONTHLY REVENUE	YEAR-TO-DATE REVENUE	PRIOR YEAR YEAR-TO-DATE	BUDGET REMAINING	% BUDGET REMAINING
<b>REVENUE SUMMARY</b>							
KEYSTONE BUS CENTER PROJ	31,000	31,000	0.00	0.00	1,593.40	31,000.00	100.00
CITY INVESTMENTS	72,602	72,602	207.00	2,762.00	78.00	69,840.00	96.20
NORTH POINTE	30,000	30,000	1,754.75	11,327.55	3,483.80	18,672.45	62.24
CLARY VILLAGE LLC	9,500	9,500	0.00	0.00	481.64	9,500.00	100.00
MCCOOK HOTEL GROUP/COBBL	60,000	60,000	0.00	0.00	2,915.74	60,000.00	100.00
QUILLAN COURTS	15,000	15,000	0.00	463.46	2,559.46	14,536.54	96.91
MCCOOK LODGING/HOLIDAY I	100,000	100,000	0.00	45,323.83	5,297.14	54,676.17	54.68
NEXT GENERATION	220,000	220,000	0.00	101,572.63	11,991.00	118,427.37	53.83
N-STANT CONVENIENCE	20,000	20,000	0.00	4,470.32	0.00	15,529.68	77.65
BLACKWOOD ENTERPRISES	200,000	200,000	0.00	0.00	0.00	200,000.00	100.00
<b>TOTAL REVENUES</b>	<b>758,102</b>	<b>758,102</b>	<b>1,961.75</b>	<b>165,919.79</b>	<b>28,400.18</b>	<b>592,182.21</b>	<b>78.11</b>
	ORIGINAL BUDGET	CURRENT BUDGET	MONTHLY EXPENDITURES	YEAR-TO-DATE EXPENDITURES	PRIOR YEAR YEAR-TO-DATE	BUDGET REMAINING	% BUDGET REMAINING
KEYSTONE BUS CENTER PROJ	31,000	31,000	0.00	0.00	0.00	31,000.00	100.00
CITY INVESTMENTS	72,602	72,602	0.00	0.00	0.00	72,602.00	100.00
NORTH POINTE	30,000	30,000	0.00	7,818.05	0.00	22,181.95	73.94
CLARY VILLAGE LLC	9,500	9,500	0.00	0.00	0.00	9,500.00	100.00
MCCOOK HOTEL GROUP/COBBL	60,000	60,000	0.00	0.00	0.00	60,000.00	100.00
QUILLAN COURTS	15,000	15,000	0.00	463.46	2,104.02	14,536.54	96.91
MCCOOK LODGING/HOLIDAY I	100,000	100,000	0.00	45,323.83	0.00	54,676.17	54.68
NEXT GENERATION	220,000	220,000	0.00	101,572.63	0.00	118,427.37	53.83
N-STANT CONVENIENCE	20,000	20,000	0.00	0.00	0.00	20,000.00	100.00
BLACKWOOD ENTERPRISES	200,000	200,000	0.00	0.00	0.00	200,000.00	100.00
<b>TOTAL EXPENDITURES</b>	<b>758,102</b>	<b>758,102</b>	<b>0.00</b>	<b>155,177.97</b>	<b>2,104.02</b>	<b>602,924.03</b>	<b>79.53</b>
<b>REVENUES OVER/(UNDER) EXPENDITURES</b>	<b>0</b>	<b>0</b>	<b>1,961.75</b>	<b>10,741.82</b>	<b>26,296.16 (</b>	<b>10,741.82)</b>	<b>0.00</b>

CITY OF MCCOOK  
 STATEMENT OF REVENUES - BUDGET VS. ACTUAL  
 AS OF: APRIL 30TH, 2023

45 -ECONOMIC DEVELOPMENT FUND  
 FINANCIAL SUMMARY

% OF YEAR COMPLETED: 58.33

	ORIGINAL BUDGET	CURRENT BUDGET	MONTHLY REVENUE	YEAR-TO-DATE REVENUE	PRIOR YEAR YEAR-TO-DATE	BUDGET REMAINING	% BUDGET REMAINING
<u>REVENUE SUMMARY</u>							
ECONOMIC DEVELOPMENT FUN	1,554,742	1,554,742	43,697.43	355,748.38	329,444.38	1,198,993.62	77.12
KEYSTONE BOND RESERVE	0	0	0.00	0.00	0.00	0.00	0.00
KEYSTONE BOND REDEMPTION	0	0	0.00	0.00	0.00	0.00	0.00
TOTAL REVENUES	1,554,742	1,554,742	43,697.43	355,748.38	329,444.38	1,198,993.62	77.12
	=====	=====	=====	=====	=====	=====	=====
	ORIGINAL BUDGET	CURRENT BUDGET	MONTHLY EXPENDITURES	YEAR-TO-DATE EXPENDITURES	PRIOR YEAR YEAR-TO-DATE	BUDGET REMAINING	% BUDGET REMAINING
ECONOMIC DEVELOPMENT FUN	1,554,742	1,554,742	11,840.00	119,000.40	244,299.40	1,435,741.60	92.35
KEYSTONE BOND RESERVE	0	0	0.00	0.00	0.00	0.00	0.00
KEYSTONE BOND REDEMPTION	0	0	0.00	0.00	0.00	0.00	0.00
TOTAL EXPENDITURES	1,554,742	1,554,742	11,840.00	119,000.40	244,299.40	1,435,741.60	92.35
	=====	=====	=====	=====	=====	=====	=====
REVENUES OVER/(UNDER) EXPENDITURES	0	0	31,857.43	236,747.98	85,144.98	( 236,747.98)	0.00

CITY OF MCCOOK  
 STATEMENT OF REVENUES - BUDGET VS. ACTUAL  
 AS OF: APRIL 30TH, 2023

50 -PENSION TRUST  
 FINANCIAL SUMMARY

% OF YEAR COMPLETED: 58.33

	ORIGINAL BUDGET	CURRENT BUDGET	MONTHLY REVENUE	YEAR-TO-DATE REVENUE	PRIOR YEAR YEAR-TO-DATE	BUDGET REMAINING	% BUDGET REMAINING
<u>REVENUE SUMMARY</u>							
POLICE OFFICER DISABILIT	23,343	23,343	10.71	18,050.96	16,002.60	5,292.04	22.67
TOTAL REVENUES	23,343	23,343	10.71	18,050.96	16,002.60	5,292.04	22.67
	=====	=====	=====	=====	=====	=====	=====
	ORIGINAL BUDGET	CURRENT BUDGET	MONTHLY EXPENDITURES	YEAR-TO-DATE EXPENDITURES	PRIOR YEAR YEAR-TO-DATE	BUDGET REMAINING	% BUDGET REMAINING
POLICE OFFICER DISABILIT	23,343	23,343	1,572.83	11,009.81	11,009.28	12,333.19	52.83
TOTAL EXPENDITURES	23,343	23,343	1,572.83	11,009.81	11,009.28	12,333.19	52.83
	=====	=====	=====	=====	=====	=====	=====
REVENUES OVER/(UNDER) EXPENDITURES	0	0	( 1,562.12)	7,041.15	4,993.32	( 7,041.15)	0.00

CITY OF MCCOOK  
 STATEMENT OF REVENUES - BUDGET VS. ACTUAL  
 AS OF: APRIL 30TH, 2023

60 -AGENCY FUND  
 FINANCIAL SUMMARY

% OF YEAR COMPLETED: 58.33

	ORIGINAL BUDGET	CURRENT BUDGET	MONTHLY REVENUE	YEAR-TO-DATE REVENUE	PRIOR YEAR YEAR-TO-DATE	BUDGET REMAINING	% BUDGET REMAINING
<b>REVENUE SUMMARY</b>							
PERPETUAL CARE	164,975	164,975	1,049.00	6,233.00	5,120.00	158,742.00	96.22
SENIOR CENTER CONTRIBUTIO	83,101	83,101	1,052.00	15,461.00	6,650.25	67,640.00	81.39
SCHOOL	8,050	8,050	342.71	6,327.50	6,725.00	1,722.50	21.40
FIRE CONTRIBUTIONS	7,793	7,793	0.00	14,192.76	16,068.95 (	6,399.76)	82.12-
LIBRARY MEMORIAL	54,658	54,658	6,250.00	12,475.00	21,795.00	42,183.00	77.18
COMMUNITY BETTERMENT	135,915	135,915	6,000.06	50,103.92	58,123.69	85,811.08	63.14
DARE CONTRIBUTIONS	1,776	1,776	100.00	2,226.50	434.66 (	450.50)	25.37-
PUBLIC WORKS CONTRIBUTION	6,994	6,994	0.00	376.05	0.00	6,617.95	94.62
AMBULANCE CONTRIBUTIONS	9,801	9,801	0.00	500.00	250.00	9,301.00	94.90
COMMUNITY PARAMEDIC PROG	4,316	4,316	0.00	0.00	0.00	4,316.00	100.00
POLICE CONTRIBUTIONS	4,715	4,715	0.00	15,252.93	2,525.38 (	10,537.93)	223.50-
FIRE TRAINING TRAILER	14,500	14,500	0.00	100.00	0.00	14,400.00	99.31
<b>TOTAL REVENUES</b>	<b>496,594</b>	<b>496,594</b>	<b>14,793.77</b>	<b>123,248.66</b>	<b>117,692.93</b>	<b>373,345.34</b>	<b>75.18</b>
<hr/>							
	ORIGINAL BUDGET	CURRENT BUDGET	MONTHLY EXPENDITURES	YEAR-TO-DATE EXPENDITURES	PRIOR YEAR YEAR-TO-DATE	BUDGET REMAINING	% BUDGET REMAINING
PERPETUAL CARE	164,975	164,975	0.00	0.00	0.00	164,975.00	100.00
SENIOR CENTER CONTRIBUTIO	83,101	83,101	0.00	4,494.90	1,348.57	78,606.10	94.59
SCHOOL	8,050	8,050	5,044.79	5,984.79	5,875.00	2,065.21	25.65
FIRE CONTRIBUTIONS	7,793	7,793	0.00	4,456.72	1,497.61	3,336.28	42.81
LIBRARY MEMORIAL	54,658	54,658	1,600.00	2,294.33	10,535.23	52,363.67	95.80
COMMUNITY BETTERMENT	135,915	135,915	10,349.00	62,983.00	62,343.00	72,932.00	53.66
DARE CONTRIBUTIONS	1,776	1,776	0.00	1,342.33	1,194.12	433.67	24.42
PUBLIC WORKS CONTRIBUTION	6,994	6,994	0.00	0.00	0.00	6,994.00	100.00
AMBULANCE CONTRIBUTIONS	9,801	9,801	0.00	0.00	4,000.00	9,801.00	100.00
COMMUNITY PARAMEDIC PROG	4,316	4,316	0.00	0.00	0.00	4,316.00	100.00
POLICE CONTRIBUTIONS	4,715	4,715	0.00 (	1,106.09)	0.00	5,821.09	123.46
FIRE TRAINING TRAILER	14,500	14,500	0.00	251.75	0.00	14,248.25	98.26
<b>TOTAL EXPENDITURES</b>	<b>496,594</b>	<b>496,594</b>	<b>16,993.79</b>	<b>80,701.73</b>	<b>86,793.53</b>	<b>415,892.27</b>	<b>83.75</b>
<hr/>							
<b>REVENUES OVER/(UNDER) EXPENDITURES</b>	<b>0</b>	<b>0 (</b>	<b>2,200.02)</b>	<b>42,546.93</b>	<b>30,899.40 (</b>	<b>42,546.93)</b>	<b>0.00</b>

CITY OF MCCOOK  
 STATEMENT OF REVENUES - BUDGET VS. ACTUAL  
 AS OF: APRIL 30TH, 2023

65 -INTERNAL SERVICE FUND  
 FINANCIAL SUMMARY

% OF YEAR COMPLETED: 58.33

	ORIGINAL BUDGET	CURRENT BUDGET	MONTHLY REVENUE	YEAR-TO-DATE REVENUE	PRIOR YEAR YEAR-TO-DATE	BUDGET REMAINING	% BUDGET REMAINING
<b>REVENUE SUMMARY</b>							
FLEX DEPENDENT CARE	10,729	10,729	0.00	960.00	2,420.34	9,769.00	91.05
FLEX - MEDICAL	60,056	60,056	2,871.68	30,569.32	21,200.28	29,486.68	49.10
SELF INSURED HEALTH INSUR	<u>2,705,527</u>	<u>2,705,527</u>	<u>253,713.00</u>	<u>1,588,078.57</u>	<u>1,364,259.54</u>	<u>1,117,448.43</u>	<u>41.30</u>
TOTAL REVENUES	<u>2,776,312</u>	<u>2,776,312</u>	<u>256,584.68</u>	<u>1,619,607.89</u>	<u>1,387,880.16</u>	<u>1,156,704.11</u>	<u>41.66</u>
	=====	=====	=====	=====	=====	=====	=====
	ORIGINAL BUDGET	CURRENT BUDGET	MONTHLY EXPENDITURES	YEAR-TO-DATE EXPENDITURES	PRIOR YEAR YEAR-TO-DATE	BUDGET REMAINING	% BUDGET REMAINING
FLEX DEPENDENT CARE	10,729	10,729	0.00	2,092.00	1,038.42	8,637.00	80.50
FLEX - MEDICAL	60,056	60,056	2,078.87	32,219.13	25,920.08	27,836.87	46.35
SELF INSURED HEALTH INSUR	<u>2,705,527</u>	<u>2,705,527</u>	<u>211,996.30</u>	<u>1,652,930.92</u>	<u>1,214,218.46</u>	<u>1,052,596.08</u>	<u>38.91</u>
TOTAL EXPENDITURES	<u>2,776,312</u>	<u>2,776,312</u>	<u>214,075.17</u>	<u>1,687,242.05</u>	<u>1,241,176.96</u>	<u>1,089,069.95</u>	<u>39.23</u>
	=====	=====	=====	=====	=====	=====	=====
REVENUES OVER/(UNDER) EXPENDITURES	0	0	42,509.51 (	67,634.16)	146,703.20	67,634.16	0.00

CITY OF MCCOOK  
STATEMENT OF REVENUES - BUDGET VS. ACTUAL  
AS OF: APRIL 30TH, 2023

70 -ENTERPRISE FUND  
FINANCIAL SUMMARY

% OF YEAR COMPLETED: 58.33

	ORIGINAL BUDGET	CURRENT BUDGET	MONTHLY REVENUE	YEAR-TO-DATE REVENUE	PRIOR YEAR YEAR-TO-DATE	BUDGET REMAINING	% BUDGET REMAINING
<b>REVENUE SUMMARY</b>							
SOLID WASTE-LANDFILL POST	0	0	0.00	0.00	0.00	0.00	0.00
SOLID WASTE - RECYCLING	320,800	320,800	5,992.45	58,294.15	54,880.03	262,505.85	81.83
SOLID WASTE - COLLECTION	1,066,154	1,066,154	72,855.04	524,689.27	483,615.43	541,464.73	50.79
SOLID WASTE - TRANSFER ST LANDFILL RESERVE	1,475,222	1,475,222	85,936.49	647,010.02	597,331.65	828,211.98	56.14
SOLID WASTE - DISPOSAL	871,162	871,162	8,911.00	61,823.00	44,539.00	809,339.00	92.90
WATER MAINTENANCE & OPERA	464,160	464,160	40,650.69	243,952.85	193,268.04	220,207.15	47.44
WATER BOND & INTEREST RED	5,013,617	5,013,617	144,577.84	1,430,359.07	1,329,020.83	3,583,257.93	71.47
WATER CAPITAL - REPLACEME	1,245,246	1,245,246	33,830.00	234,797.00	256,562.00	1,010,449.00	81.14
WATER CAPITAL - DEVELOPME	4,859,232	4,859,232	38,310.00	266,980.00	190,916.00	4,592,252.00	94.51
WATER QUALITY SOLUTION	0	0	0.00	0.00	0.00	0.00	0.00
SEWER MAINTENANCE & OPERA	171,290	171,290	565.50	3,707.66	222.67	167,582.34	97.84
SEWER BOND & INTEREST RES	2,995,043	2,995,043	144,858.88	1,007,027.38	927,211.18	1,988,015.62	66.38
SEWER CAPITAL - REPLACEME	122,729	122,729	338.00	2,353.00	132.00	120,376.00	98.08
SEWER CAPITAL - DEVELOPME	3,131,593	3,131,593	40,929.00	284,491.00	294,248.00	2,847,102.00	90.92
COMBINED UTILITIES	1,361	1,361	5.00	36.00	0.00	1,325.00	97.35
ELECTRIC UTILITY	500,846	500,846	0.00	0.00	0.00	500,846.00	100.00
<b>TOTAL REVENUES</b>	<b>1,330,000</b>	<b>1,330,000</b>	<b>103,199.38</b>	<b>780,455.16</b>	<b>768,957.14</b>	<b>549,544.84</b>	<b>41.32</b>
<hr/>							
	ORIGINAL BUDGET	CURRENT BUDGET	MONTHLY EXPENDITURES	YEAR-TO-DATE EXPENDITURES	PRIOR YEAR YEAR-TO-DATE	BUDGET REMAINING	% BUDGET REMAINING
SOLID WASTE-LANDFILL POST	14,550	14,550	322.50	6,544.14	4,939.31	8,005.86	55.02
SOLID WASTE - RECYCLING	364,340	364,340	8,980.87	66,845.38	64,494.03	297,494.62	81.65
SOLID WASTE - COLLECTION	1,066,154	1,066,154	65,845.16	498,583.89	454,555.26	567,570.11	53.24
SOLID WASTE - TRANSFER ST LANDFILL RESERVE	1,417,132	1,417,132	96,678.95	654,591.23	599,354.94	762,540.77	53.81
SOLID WASTE - DISPOSAL	871,162	871,162	0.00	0.00	0.00	871,162.00	100.00
WATER MAINTENANCE & OPERA	464,160	464,160	40,435.75	245,202.85	194,518.04	218,957.15	47.17
WATER BOND & INTEREST RED	5,013,617	5,013,617	575,665.26	1,802,173.01	1,252,170.37	3,211,443.99	64.05
WATER CAPITAL - REPLACEME	1,245,246	1,245,246	0.00	43,263.89	42,347.93	1,201,982.11	96.53
WATER CAPITAL - DEVELOPME	4,859,232	4,859,232	51.17	123,718.76	516,880.41	4,735,513.24	97.45
WATER QUALITY SOLUTION	0	0	0.00	0.00	0.00	0.00	0.00
SEWER MAINTENANCE & OPERA	171,290	171,290	0.00	0.00	0.00	171,290.00	100.00
SEWER BOND & INTEREST RES	2,995,043	2,995,043	91,376.07	758,887.60	766,093.20	2,236,155.40	74.66
SEWER CAPITAL - REPLACEME	122,729	122,729	0.00	0.00	0.00	122,729.00	100.00
SEWER CAPITAL - DEVELOPME	3,131,593	3,131,593	0.00	50,240.42	69,486.45	3,081,352.58	98.40
COMBINED UTILITIES	1,361	1,361	0.00	0.00	0.00	1,361.00	100.00
ELECTRIC UTILITY	500,846	500,846	0.00	0.00	0.00	500,846.00	100.00
<b>TOTAL EXPENDITURES</b>	<b>1,330,000</b>	<b>1,330,000</b>	<b>103,199.38</b>	<b>780,455.16</b>	<b>768,957.14</b>	<b>549,544.84</b>	<b>41.32</b>
<hr/>							
<b>REVENUES OVER/(UNDER) EXPENDITURES</b>	<b>0</b>	<b>0</b>	<b>( 261,595.84)</b>	<b>515,469.23</b>	<b>407,106.89</b>	<b>( 515,469.23)</b>	<b>0.00</b>

CITY OF MCCOOK  
 STATEMENT OF REVENUES - BUDGET VS. ACTUAL  
 AS OF: APRIL 30TH, 2023

80 -CAPITAL IMPROVEMENTS FUND  
 FINANCIAL SUMMARY

% OF YEAR COMPLETED: 58.33

	ORIGINAL BUDGET	CURRENT BUDGET	MONTHLY REVENUE	YEAR-TO-DATE REVENUE	PRIOR YEAR YEAR-TO-DATE	BUDGET REMAINING	% BUDGET REMAINING
<u>REVENUE SUMMARY</u>							
2022 CREATOPM BOND	0	0	250,000.00	250,000.00	0.00 (	250,000.00)	0.00
CAPITAL IMPROVE 2018	798,957	798,957	54,831.33	381,719.31	373,957.31	417,237.69	52.22
CAPITAL IMPROVE PRE 2018	<u>440,196</u>	<u>440,196</u>	<u>1,176.00</u>	<u>8,352.00</u>	<u>414.00</u>	<u>431,844.00</u>	<u>98.10</u>
TOTAL REVENUES	<u>1,239,153</u>	<u>1,239,153</u>	<u>306,007.33</u>	<u>640,071.31</u>	<u>374,371.31</u>	<u>599,081.69</u>	<u>48.35</u>
	=====	=====	=====	=====	=====	=====	=====
	ORIGINAL BUDGET	CURRENT BUDGET	MONTHLY EXPENDITURES	YEAR-TO-DATE EXPENDITURES	PRIOR YEAR YEAR-TO-DATE	BUDGET REMAINING	% BUDGET REMAINING
2022 CREATOPM BOND	0	0	22,820.00	22,820.00	0.00 (	22,820.00)	0.00
CAPITAL IMPROVE 2018	798,957	798,957	1,125.00	66,007.50	136,412.66	732,949.50	91.74
CAPITAL IMPROVE PRE 2018	<u>440,196</u>	<u>440,196</u>	<u>329.58</u>	<u>15,769.11</u>	<u>15,015.57</u>	<u>424,426.89</u>	<u>96.42</u>
TOTAL EXPENDITURES	<u>1,239,153</u>	<u>1,239,153</u>	<u>24,274.58</u>	<u>104,596.61</u>	<u>151,428.23</u>	<u>1,134,556.39</u>	<u>91.56</u>
	=====	=====	=====	=====	=====	=====	=====
REVENUES OVER/(UNDER) EXPENDITURES	0	0	281,732.75	535,474.70	222,943.08 (	535,474.70)	0.00

**CITY MANAGER'S REPORT  
MAY 15, 2023 CITY COUNCIL MEETING**

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ITEM: 4.L.

**RECOMMENDATION:**

**APPROVE THE REQUEST FROM KATIE ANDERSON TO CLOSE THE FOLLOWING STREETS FOR THE 2ND ANNUAL BIG WEST STREET FEST 3ON 3 BASKETBALL TOURNAMENT:**

**SATURDAY AUGUST 5<sup>TH</sup> FROM 8:00 A.M. TO 9:00 P.M.**

**EAST "M" STREET FROM EAST 3RD STREET TO EAST 5TH STREET**

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**BACKGROUND:**

The plan will include setting up to 6 basketball hoops along East "M" Street.

During the event tents would be set up in Kelley Park by participating teams and spectators. Music will be played through a speaker at a low volume throughout the event.

This event will have 4 divisions: 3rd/4th grades, 5th/6th grades, 7th/8th grades and High School/Open Class.

The McCook Community College Boosters will be hosting this event.

The Street Department will provide the cones for blocking off the streets and the Transfer Station will provide any additional trash cans that may be needed.

This should not impact the swimming pool project, if indeed it has started by this date.

**FISCAL**

**IMPACT:** None.

**APPROVALS:**

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

May 9, 2023

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

May 9, 2023

**potthoff@cityofmccook.com**

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**From:** katie anderson <andersonskltc@gmail.com>  
**Sent:** Monday, April 3, 2023 11:53 AM  
**To:** Kyle Potthoff  
**Subject:** 2023 3On3 basketball - M Street

Hi Kyle!

We are set for an Aug 5th date for our 3on3 basketball tournament. We would like to request the same street location as last year. M Street in front of the Graff Center.

I'm with the MCC Boosters now and that is who will be putting on this event this summer.

Any questions, please let me know!

Katie Anderson

**CITY MANAGER'S REPORT  
MAY 15, 2023 CITY COUNCIL MEETING**

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**ITEM:** \_\_\_\_\_

Approve the application for a Special Designated Liquor License submitted by Citta' Deli, Liquor License #C-121305, for a Fair Concert to be held at the Red Willow County Fairgrounds Outdoor Arena and Grandstands, 1412 West 5<sup>th</sup> Street, on July 21, 2023 from 9:00 A.M. to 1:00 A.M., alternate location Red Willow County Fairgrounds Alice Kiplinger Building, 1412 West 5<sup>th</sup> Street.

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**BACKGROUND:**

Citta' Deli will be catering this event. They are making application to allow them to serve alcohol at this temporary location. Approval of the City Council is required with all applications.

**FISCAL  
IMPACT:** None.

**APPROVALS:**

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

May 11, 2023

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

May 11, 2023

**Special Designated License  
Local Recommendation (Form 200)**

Applications must be entered on the portal after local approval – no exceptions  
Late applications are non-refundable and will be rejected

**Citta' Deli**

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

110 W 1st Street, McCook, NE 69001

**Retail Liquor License Address or Non-Profit Business Address**

121305

**Retail License Number or Non-Profit Federal ID #**

**Consecutive Dates only** 7/21/23

**Event Date(s):**

**Event Start Time(s):** 9am

**Event End Time(s):** 1am

**Alternate Date:** N/A

**Alternate Location Building & Address:** Alice Kiplinger Building - 1412 W 5th Street, McCook, NE 69001

**Event Building Name:** Outdoor Arena & Grandstands

**Event Street Address/City:** 1412 W 5th Street, McCook, NE 69001

**Indoor area to be licensed in length & width:** \_\_\_ X \_\_\_

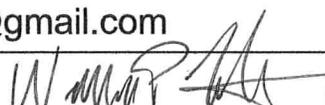
**Outdoor area to be licensed in length & width:** 250 X 390 (Diagram Form #109 must be attached)

**Type of Event:** Fair Concert **Estimate # of attendees:** 2000

**Type of alcohol to be served:** Beer  Wine  Distilled Spirits   
(If not marked, you will not be able to serve this type of alcohol)

**Event Contact Name:** William Lesko **Event Contact Phone Number:** 308-340-6530

**Event Contact Email:** billlesko1@gmail.com

**\*Signature Authorized Representative:**  **Printed Name** William P Lesko

*I declare that I am the authorized representative of the above named license applicant and that the statements made on this application are true to the best of my knowledge and belief. I also consent to an investigation of my background including all records of every kind including police records. I agree to waive any rights or causes of action against the Nebraska Liquor Control Commission, the Nebraska State Patrol or any other individual releasing said information to the Liquor Control Commission or the Nebraska State Patrol. I further declare that the license applied for will not be used by any other person, group, organization or corporation for profit or not for profit and that the event will be supervised by persons directly responsible to the holder of this Special Designated License.*

**\*Retail licensee – Must be signed by a member listed on permanent license**

**\*Non-Profit Organization – Must be signed by a Corporate Officer**

**Local Governing Body completes below:**

The local governing body for the City/Village of \_\_\_\_\_ **OR** County of \_\_\_\_\_ approves the issuance of a Special Designated License as requested above. (Only one should be written above)

\_\_\_\_\_  
Local Governing Body Authorized Signature

\_\_\_\_\_  
Date

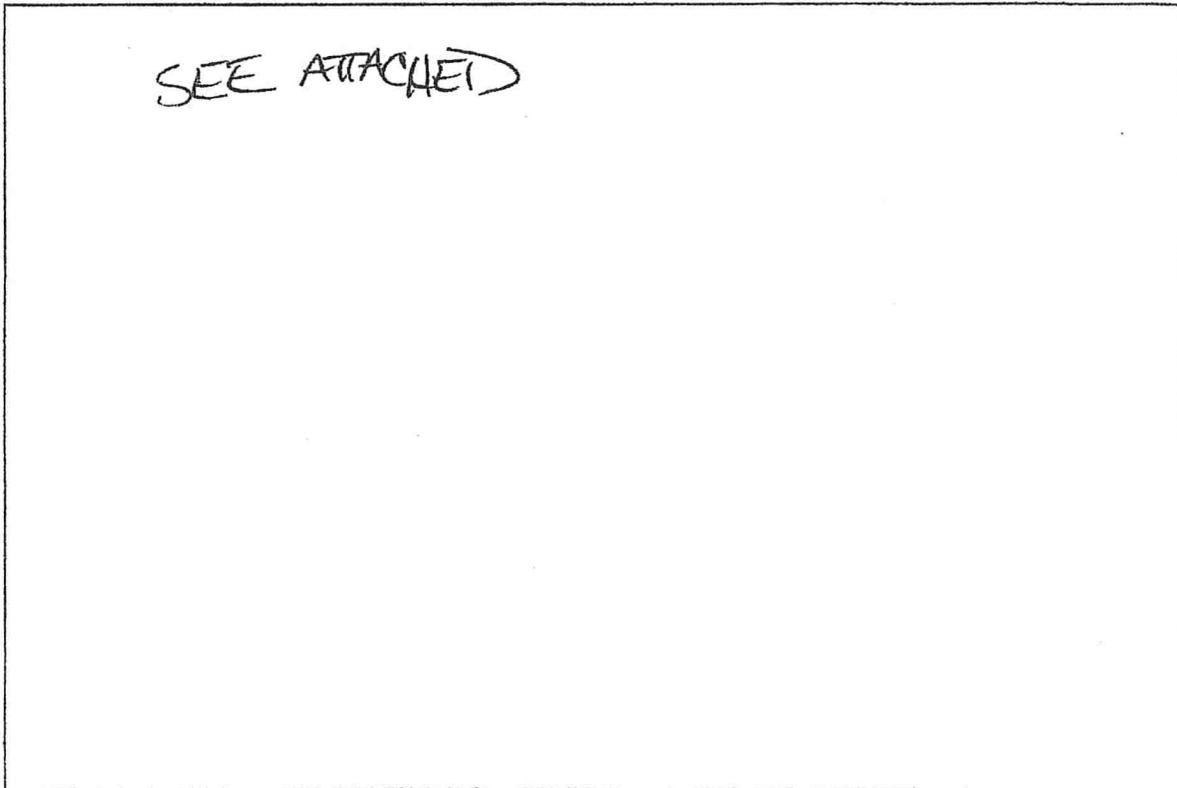
# OUTDOOR AREA DIAGRAM

18 Hired Security (8 Fireman/10 Custom Securit (Hastings)) + 18 Fair Board & 8 Citta' Employees

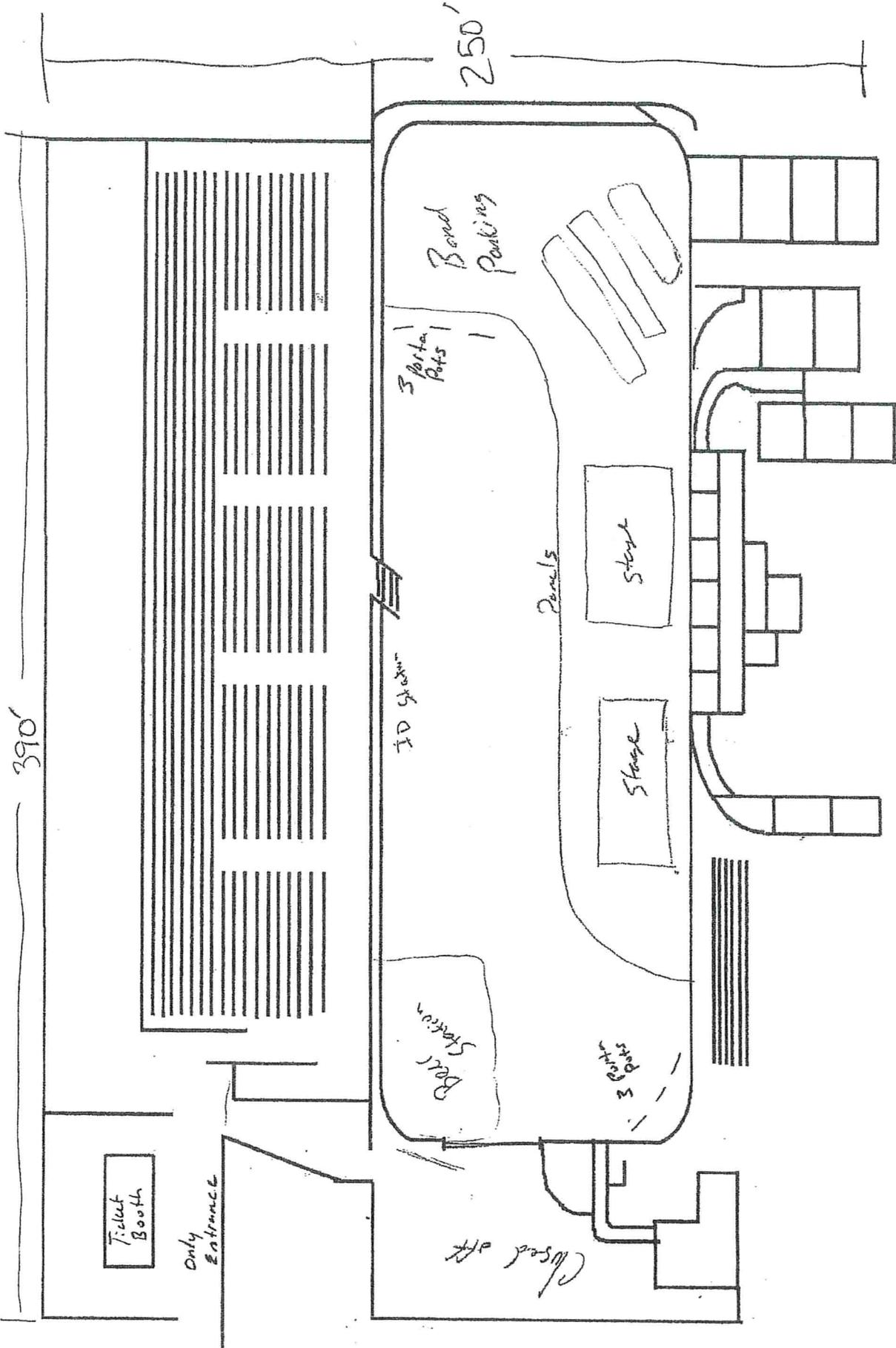
## HOW AREA WILL BE PATROLLED \_\_\_\_\_

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

## DIAGRAM OF PROPOSED AREA:



# ARENA / GRANDSTANDS



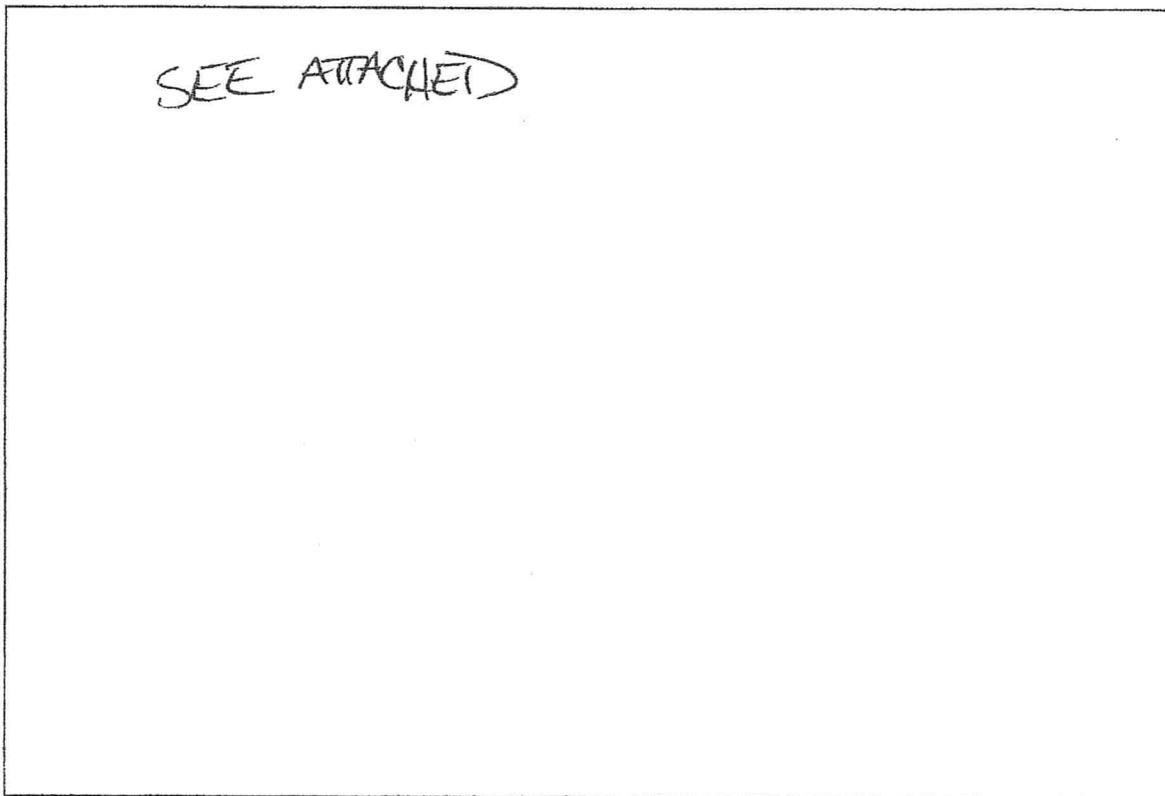
# OUTDOOR AREA DIAGRAM

18 Hired Security (8 Fireman/10 Custom Security (Hastings)) + 18 Fair Board & 8 City Employees

## HOW AREA WILL BE PATROLLED

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

## DIAGRAM OF PROPOSED AREA:



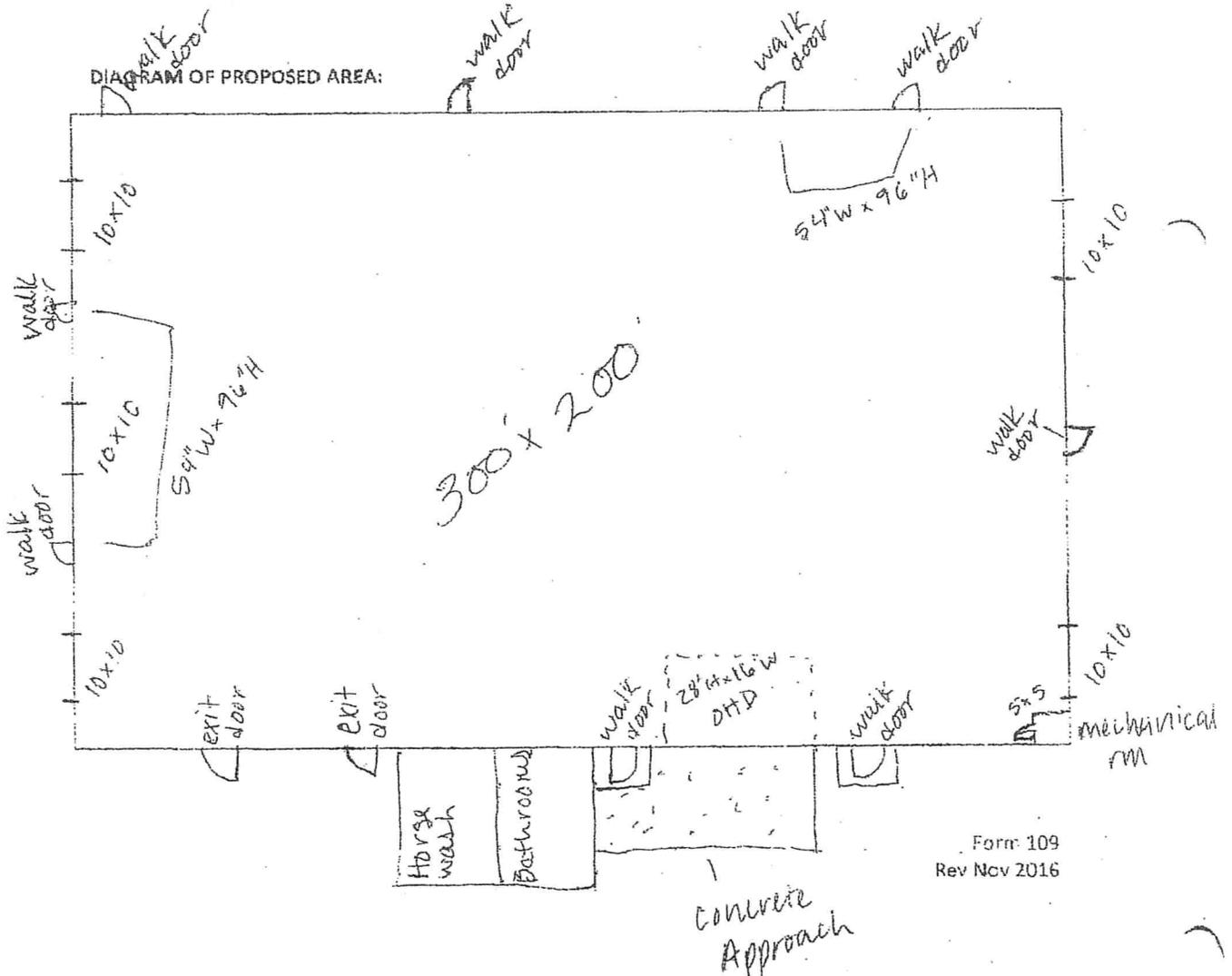
ALTERNATE LOCATION  
**Indoor**  
**OUTDOOR AREA DIAGRAM**  
 Alice Building

HOW AREA WILL BE PATROLLED 18 security hired - 8 firemen/10

Custom Security  
 (Hastings)  
 plus 18  
 firemen  
 members

- IF APPLICABLE, OUTDOOR AREA MUST BE CONNECTED TO INDOOR AREA IF INDOOR AREA IS TO LICENSED
- MEASUREMENT OF OUTER WALLS OF AREA TO BE LICENSED MUST INCLUDED LENGTH & WIDTH IN FEET 200 X 300
- DOUBLE FENCING IS REQUIRED FOR ALL NON-PROFIT ORGANIZATIONS UNLESS FORM #140 IS FILED WITH THIS FORM AND IS APPROVED BY THE COMMISSION
- RETAILER LIQUOR LICENSE HOLDERS ARE NOT REQUIRED TO DOUBLE FENCE, ALTHOUGH MEASURES NEED TO BE TAKEN TO SECURE THE AREA

DIAGRAM OF PROPOSED AREA:



**CITY MANAGER'S REPORT  
MAY 15, 2023 MCCOOK CITY COUNCIL MEETING**

**5.A.**  
ITEM NO. \_\_\_ 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.

**APPROVALS:**

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

May 10, 2023

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

May 10, 2023

**CITY MANAGER'S REPORT  
MAY 15, 2023 MCCOOK CITY COUNCIL MEETING**

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**5.B.**  
ITEM NO. \_\_\_ Approve Ordinance No. 2023-3066 on third and final reading, providing for the annexation of a tract of land located in the SW 1/4 of Section 28, Township 3 North, Range 29 West of the 6<sup>th</sup> P.M. in Red Willow County, Nebraska, said property owned by Perry and Vicky Case.

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**BACKGROUND:**

The City of McCook has received a written petition from Perry and Vicky Case requesting a voluntary annexation of property they own east of the McCook Business Park and north of Ravenswood Road, said tract located in the SW 1/4 of Section 28, Township 3 North, Range 29 West of the 6<sup>th</sup> P.M. in Red Willow County, Nebraska. The full legal description is included in the packet and incorporated into this report by reference. Also included with this report is a map, which will serve to provide visual context to the request.

The current McCook Business Park has rapidly developed over the course of the past eight years. There is a need to expand McCook's industrial and commercial property options. This request runs hand-in-hand with McCook's future industrial and commercial development efforts.

Since Perry and Vicky Case own the property at issue and are requesting a voluntary annexation, the majority of the State of Nebraska's requirements needed to annex a parcel of property is unnecessary, per Neb. Rev. Stat. 16-117(7). That said, the Council must hold a public hearing regarding the matter and must approve an ordinance authorizing the annexation.

The McCook City Council voted unanimously to approve the voluntary annexation request ordinance on its first reading and second reading. Staff has received no inquiries on this agenda item since the first reading of Ordinance No. 2023-3066.

**APPROVALS:**

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

May 10, 2023

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

May 10, 2023

ORDINANCE NO. 2023-3066

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

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

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

A tract of land located in the SW 1/4 of Section 28, Township 3 North, Range 29 West of the 6th P.M. in Red Willow County, Nebraska, more particularly described as follows:

Referring to the SW corner of the said SW 1/4 of said Section 28, thence S86°25'18"E (assumed and all bearing relative to) along the South section line a distance of 1304.16 feet to a point on the South line of Section 28, Thence N01°53'45"E along the East line of lots 9 and 10 of the McCook Business Park Subdivision a distance of 475.14 feet to a Point, said Point being the Point of Beginning. Thence N01°53'45"E a distance of ±1074.39 feet to a point, said Point being on the South Right of Way line of BNSF Railroad, thence S88°58'16"E along said South ROW line a distance of ±1445.93 feet to a point, thence S02°54'30"W a distance of 1580.29 feet to a point, thence N86°25'18"W a distance of 462.60 feet to a point, thence N02°54'30"E a distance of 353.99 feet to a point, thence N87°05'30"W a distance of 409.74 feet to a point, thence N02°54'30"E a distance of 99.24 feet to a point, thence N87°05'30"W a distance of 553.85 feet to the Point of Beginning.

Said tract containing 41.97 acres more or less subject to any easement, right-of-ways and reservations of record.

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

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

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

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

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

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

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

\_\_\_\_\_  
Linda Taylor, Ex-Officio Mayor  
and President of the Council

ATTEST:

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

Publish:

**FINAL PLAT**

# McCOOK BUSINESS PARK - PHASE II

AN ADDITION TO THE CITY OF McCOOK, REW 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 Vonburg, Chairman

**MUNICIPAL APPROVAL**

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

LeeAnn Dook, City Clerk      Linda Taylor, Mayor

**RECORDING INFORMATION**

State of Nebraska) County of Red Willow)

Instrument No. \_\_\_\_\_

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

TIME: \_\_\_\_\_

Register of Deeds: Tam Teel

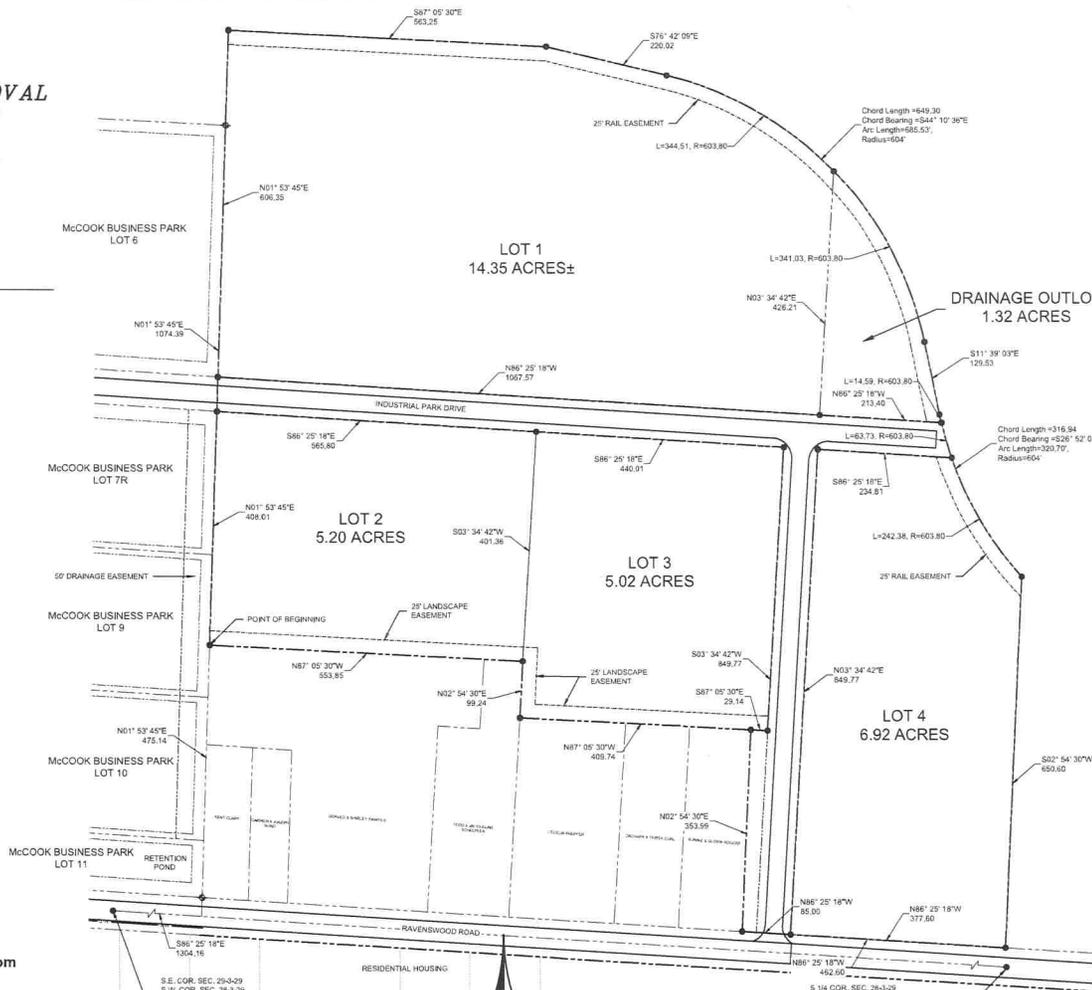
**LEGEND**

PROPERTY LINE	---
LOT LINE	---
B.L.O.D. SETBACK LINE	---
EASEMENT	---
D	DEED DISTANCE
M	MEASURED DISTANCE
R	RECORD DISTANCE
P	PLATTED DISTANCE
G	GOVERNMENT DISTANCE
W.C.	WITNESS CORNER
⊕	FOUND CORNER
⊙	CALCULATED POINT
⊙	SET 7" x 24" REBAR WITH BLUE LS-783 GAP UNLESS NOTED OTHERWISE

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

**ENGINEER**  
**DESIGN ASSOCIATES**  
 274 E. 10<sup>TH</sup> ST., McCOOK, NE 68901  
 402-879-5701 FAX 402-879-5702  
 WWW.DESIGNASSOCIATES.COM

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- 1. S.E. COR. SEC. 28-3-29
- 2. S.W. COR. SEC. 28-3-29
- 3. FOUND 12" REBAR W/CAP IN WATER VALVE COVER
- 4. BACK OF CURB 17.02 N.
- 5. BACK OF CURB 17.32 S.
- 6. N.W. COR. HOUSE FND. 78.72 S.E.
- 7. GAS LINE MKR. POST 50.02 N.E.

- 1. S 1/4 COR. SEC. 28-3-29
- 2. FOUND 8" REBAR
- 3. 1/2" BLM BRASS CAP
- 4. 1" CP (STEEL)
- 5. 1" TELERKER
- 6. GAS (CFP)



**DEDICATION**

McCOOK BUSINESS PARK PHASE II, as it appears on the foregoing Plat and as described with the details of the underigned owners and proprietors. The said owners hereby dedicate the streets, alleys, easements and other open areas to the Public use and benefit.

By: \_\_\_\_\_  
 Perry Cass, Owner

By: \_\_\_\_\_  
 Vicky Cass, Owner

**ACKNOWLEDGMENTS**

Personally appeared before me a Notary Public in and for the State of Nebraska, Troy Bruntz, known to me to be the identical person whose name is affixed to the foregoing instrument and he acknowledges the same to be his voluntary act and deed.

Witness my hand and official Seal this \_\_\_\_\_ day of \_\_\_\_\_

My commission expires \_\_\_\_\_

Notary Public \_\_\_\_\_

**LEGAL DESCRIPTION**

A tract of land located in the SW 1/4 of Section 28, Township 3 North, Range 29 West of the 6th P.M. in Red Willow County, Nebraska, more particularly described as follows:

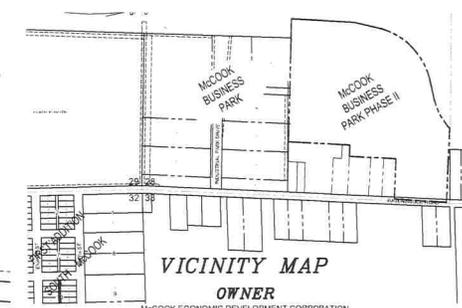
Referring to the SW corner of the said SW 1/4 of said Section 28, thence S88°25'18"E (assumed and all bearing relative to) along the South section line a distance of 1304.16 feet to a point on the South line of Section 28, Thence N01°53'45"E along the East line of lots 9 and 10 of the McCook Business Park Subdivision a distance of 475.14 feet to a Point, said Point being the Point of Beginning, Thence N01°53'45"E a distance of ±1074.39 feet to a point, said Point being on the South Right of Way line of BNSF Railroad, thence S87°05'30"E along said South ROW line a distance of 553.25 feet to a point, thence S74°42'09"E a distance of 220.02 feet to a point, thence Southeasterly along a curve to the right, with a Chord Bearing of S44°10'36"E, a Chord Distance of 849.30 feet, an Arc Length of 685.53 feet and a Radius of 404 feet to a point, thence S11°39'03"E a distance of 129.53 feet to a point, thence Southeasterly along a curve to the left, with a Chord Bearing of S26°52'01"E, a Chord Distance of 316.94 feet, an Arc Length of 320.70 feet and a Radius of 604 feet to a point, thence S02°54'30"W a distance of 650.60 feet to a point, thence N86°25'18"W a distance of 462.60 feet to a point, thence N02°54'30"E a distance of 353.99 feet to a point, thence N87°05'30"W a distance of 409.74 feet to a point, thence N02°54'30"E a distance of 99.24 feet to a point, thence N87°05'30"W a distance of 553.85 feet to the Point of Beginning.

Said tract containing 36.00 acres more or less subject to any easement, right-of-ways and reservations of record.

**SURVEYORS CERTIFICATE**

I, Joshua Eugene Grummet, a Licensed Professional Land Surveyor under the laws of the State of Nebraska, do hereby certify this plat of a survey was made by me or under my supervision, this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

Joshua E. Grummet LS-783



**VICINITY MAP**

**OWNER**  
 McCOOK ECONOMIC DEVELOPMENT CORPORATION  
 1/3 TROY BRUNTZ, PRESIDENT  
 482 NORRIS AVE. SUITE 301  
 McCOOK, NE 68001

<b>CURRENT AGRICULTURAL ZONING</b>	<b>PROPOSED INDUSTRIAL HEAVY ZONING</b>
MINIMUM LOT = 3 ACRES	MINIMUM LOT = 10,000 SQ. FEET
MINIMUM FRONT YARD = 40 FEET	MINIMUM FRONT YARD = 25 FEET
MINIMUM REAR YARD = 50 FEET	MINIMUM REAR YARD = 50 FEET
MINIMUM SIDE YARD = 20 FEET	MINIMUM SIDE YARD = 10 FEET