

MCCOOK CITY COUNCIL

REGULAR MEETING

Monday, June 5, 2023
5:30 PM - City Council Chambers

Roll Call.

Excuse Absences.

Open Meetings Act Announcement.

Invocation - McCook Ministerial Association - Jeff Donelan, McCook Evangelical Free Church.

Pledge of Allegiance.

Call to Order.

Items.

1. Announcements & Recognitions.

2. Presentations.

A. Presentation by Tim Wozny of Platte Valley Communications regarding impact of purchase and installation of Motorola radio repeater on City of McCook Police radio operations.

3. Consent Agenda.

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

A. Approve the minutes of the May 15, 2023 regular City Council meeting and the May 25, 2023 special City Council meeting.

B. Approve the application for a Special Designated Liquor License submitted by the McCook Chamber of Commerce for a 40 Year Celebration Mixer to be held at VK Electronics, 606 West "B" Street, on August 3, 2023, from 8:00 A.M. to 11:59 P.M.

C. Approve the application for a Special Designated Liquor License submitted by A & N Restaurant, LLC, Liquor License #I-088659, for a wedding reception to be held at the Red Willow County Fairgrounds Community Building, 1412 West 5th Street, on June 24, 2023 from 3:00 P.M. to 12:00 A.M.

D. Approve the application for a Special Designated Liquor License submitted by A & N Restaurant, LLC, Liquor License #I-088659, for a wedding reception to be held at the McCook Municipal Auditorium, 302 West 5th Street, on July 1, 2023 from 3:00 P.M. to 12:00 A.M.

E. Accept the minutes of the March 8, 2023 Library Advisory Board meeting.

- F. Receive and file the claims for the month of April published May 16, 2023.
 - G. Ratify the findings and determinations of the City of McCook Health Board from the April 11, 2023 meeting.
 - H. Authorize City of McCook staff to form a McCook Planning and Steering Committee for the preparation of the updated McCook Comprehensive Plan.
4. Regular Agenda.
- A. Update regarding the swimming pool and ballpark projects.
 - 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 second of three readings.
 - C. Approve the Final Subdivision Agreement for the McCook Business Park - Phase II Addition.
 - D. Approve Resolution No. 2023-09, rescinding in part and amending Resolution No. 2023-07, authorizing the Preliminary Plat/Final Plat for McCook Business Park - Phase II Addition, 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, and incorporating the terms of the final subdivision agreement between the City of McCook and the McCook Development Corporation.
 - E. 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 second of three readings.
 - F. Presentation by Councilmember Weedin regarding the recent Choice Gas Selection Period and the future of ACE.
 - G. Council Comments.

Adjournment.

CITY MANAGERS REPORT
June 5, 2023, CITY COUNCIL MEETING

ITEM: 2.A.

RECOMMENDATION:

Presentation by Tim Wozny of Platte Valley Communications regarding impact of purchase and installation of Motorola radio repeater on City of McCook Police Department radio operations.

BACKGROUND:

In the 2021-22 budget, The McCook City Council approved the purchase of radio equipment from Motorola to replace the current outdated radio system. The purchase of this radio equipment allowed the McCook Police Department to join the statewide radio system updating from an analog to digital radio system. While the system has benefited the McCook Police Department by providing more secure communications and interoperability with allied agencies, officers have experienced issues with building penetration and coverage across parts of the city while using their portable radios. To alleviate this issue, Motorola has proposed the installation of a digital to analog radio repeater to be installed on the City of McCook water tower.

Motorola advises that installation of such repeater will allow the benefit of analog signal coverage and building penetration while providing the security and interoperability of the digital statewide radio system.

FISCAL IMPACT:

Equipment cost is \$28, 832. Installation cost is \$5,960. Total \$34,972

APPROVALS:



JOEL SMITH CHIEF OF POLICE

5/31/23
DATE



NATHAN A. SCHNEIDER CITY MANAGER

5-31-23
DATE

**CITY MANAGER'S REPORT
JUNE 5, 2023 CITY COUNCIL MEETING**

ITEM: **3.A.**

Approve the minutes of the May 15, 2023 regular City Council meeting and the May 25, 2023 special City Council meeting.

BACKGROUND:

Receive and approve the minutes.

**FISCAL
IMPACT:** None.

APPROVALS:



Lea Ann Doak, City Clerk

June 1, 2023

McCook City Council
May 15, 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: City Clerk Doak.

City Officials present: City Manager Schneider, City Attorney Mustion, Assistant City Manager Koetter, Deputy City Clerk Burkey, Library Director Crocker, Utilities Director Fawver, Fire Chief Harpham, Public Works Director Potthoff, Senior Services Director Siegfried, and Detective Larry Kinne.

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on May 11, 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 Acknowledgment 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 Jamie Mockry. 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 announced that there will be a Pool Committee meeting on May 22, 2023 at 6:00 P.M. in the City Council Chambers.

2. Public Hearings.

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, Nebraska.

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

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

The City Attorney received into evidence Exhibit #1 - City Manager's Report prepared for the May 15, 2023 City Council meeting (1 page), 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); Exhibit #7 - Map of the City of McCook's zoning districts (1 page); Exhibit #8 - minutes of the May 8, 2023 Planning Commission meeting (7 pages); and Exhibit #9 - proposed Ordinance No. 2023-3067 (1 page); then took comment from staff before opening to public comment.

City Manager Schneider discussed the application for a zone change filed by Southwest Nebraska Public Health Department for property it owns located at 404 West 10th Street. It was determined that the best option to achieve compliance is to rezone the property from Residential Medium (RM) District to Business Commercial (BC) District. A rezoning of the property makes sense due to the fact that the properties to the south are zoned Business Commercial (BC).

Motion to adjourn the public hearing and to reconvene as a City Council. This motion, made by Weedon and seconded by Muehlenkamp, passed.

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

2.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.

Mayor Taylor asked the Deputy Clerk to read Ordinance No. 2023-3067 by title.

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.

Ordinance No. 2023-3067 has been introduced, read by title, and I move to approve upon its first of three readings. This motion, made by Calvin and seconded by Rambali, passed.

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

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

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

The City Attorney received into evidence Exhibit #1 - City Manager's Report prepared for the May 15, 2023 City Council meeting (2 pages); Exhibit #2 - Notice of Public Hearing published (1 page); Exhibit #3 - mailed and posted (1 page); Exhibit #4 - listing of property owners notified (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); Exhibit #8 - Aerial map of McCook Business Park - Phase II proposed & Existing Utilities (1 page); Exhibit #9 - Future Land Use Map (1 page); Exhibit #10 - Notice of City Council Hearing mailed (1 page); Exhibit #11 - listing of property owners notified of McCook City Council Hearing (2 pages); Exhibit #12 - minutes of the May 8, 2023 Planning Commission meeting (7 pages); Exhibit #13 - proposed Resolution No. 2023-07 (1 page); and Exhibit #14-Subdivision Agreement for McCook Business Park Subdivision Phase II (7 pages); then to comment from staff before opening to the public for comment.

City Manager Schneider explained that 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.

Residential properties to the south of the McCook Business Park-Phase II are not included in the subdivision. A landscape easement has been included to provide buffering between the residential properties and the industrial lots. All improvements are to meet State and City regulations.

Charlie McPherson, MEDC Director and Aaron Peterson, W Design were available for questions. Verbal agreements and contacts are in the works currently. MEDC is willing to work to improve the process if there are options for Industry, but this area has been in the plans for years. The current

Comprehensive Plan was written in 2013 and anticipated this property would be used as the Industrial Park.

City Attorney Mustion went over the rules to public comment and explained that everyone has a three minute time limit to speak.

Ravenswood residents that spoke against the subdivision were the following: Holly Norton, Nick Curl, Zach Curl, Sydney Baumann, Adam Johnson, Mark Eiler, Miranda Koch, Trista Curl, Julie Patterson, Kathleen Eiler, Brandon Trueblood, Linda Brunswick and Ron Rogers. Issues that they see from this subdivision being built would be houses being removed within the next 20 years. Lose love of their community, traffic flow, drainage, small children and young families that could be in danger from traffic, property value will decrease and taxes will increase. Current truck traffic already ignores the signage that is posted. They would like to see the housing crisis and lack of employees currently in the community addressed.

2.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.

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

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

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

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

The City Attorney received into evidence Exhibit #1 - City Manager's Report prepared for the May 15, 2023 City Council 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); Exhibit #7 - Map of the City of McCook's zoning districts (1 page); Exhibit #8 - Notice of Hearing City Council Hearing mailed (1 page); Exhibit #9 - ownership list for mailing of City Council Notice of Hearing (2 pages); Exhibit #10 - minutes of the May 8, 2023 Planning Commission meeting (7 pages); and Exhibit #11 - proposed Ordinance No. 2023-3068 (1 page); then took comment from staff before opening to public comment.

City Manager Schneider reviewed the information in Exhibit #1.

Residents of Ravenswood Road voiced their concerns regarding the zoning change from an Agricultural District to an Industrial Heavy District. Topics brought forward were the fact that if we expand this business park and change the zoning it will not only effect the residents of Ravenswood Road, but north up to East A Street as well. Have these residents been informed of these zone changes? Why are we in such a rush to get things going? Just because one business is interested in coming to town, why do we have to rezone the entire area. Residents are concerned with leaching of contaminates into the ground water. Looking at history they reminded the Council of the TRW contamination and BNSF diesel spill.

Motion to adjourn the public hearing and to reconvene as a City Council. This motion, made by Calvin and seconded by Muehlenkamp, passed.

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

2.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.

Mayor Taylor asked the Deputy Clerk to read Ordinance No. 2023-3068 by title.

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 6TH 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.

Ordinance No. 2023-3068 has been introduced, read by title, and I move to approve upon its first of three readings. This motion, made by Calvin and seconded by Weedon, passed.

Taylor: YEA, Calvin: YEA, Weedon: YEA, Muehlenkamp: NAY, Rambali: NAY
YEA: 3, NAY: 2

3. Proclamations.

- 3.A. Approve the proclamation designating the week of May 21 - 27, 2023 as "National Public Works Week" and authorize the Mayor to sign.

Kyle Potthoff discussed the longevity of the public works department and the fact that he will have many dedicated employees retiring in the next 5 years.

Motion to approve the proclamation designating the week of May 21 - 27, 2023 as "National Public Works Week" and authorize the Mayor to sign. This motion, made by Calvin and seconded by Weedon, passed.

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

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

Chief Harpham reviewed the proclamation for "Emergency Medical Services Week" and explained that this does not just include the EMTs and Firefighters. It also includes Police, Dispatch, Hospital personnel and other first responders.

Motion to approve the proclamation designating May 21 - 27, 2023 as "Emergency Medical Services Week" and authorize the Mayor to sign. This motion, made by Calvin and seconded by Weedon, passed.

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

4. Consent Agenda.

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

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

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

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

- 4.C. Accept the minutes of the May 8, 2023 Planning Commission meeting.
- 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.
- 4.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.
- 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, 2023 from 10:00 A.M. to 3:00 P.M.
- 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.
- 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.
- 4.I. Approve and execute the Underwriting Engagement and Disclosure Letter between D.A. Davidson and the City of McCook.
- 4.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.
- 4.K. Receive and file the Financial Report for the period ending April 30, 2023.
- 4.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.
- 4.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.

5.A. Update regarding the swimming pool and ballpark projects.

City Manager Nate Schneider stated that during the Pool Committee meeting last week, they reviewed concept changes to reduce cost. They will continue to work through the options at the Pool Committee meeting scheduled for May 22, 2023 at 6:00 P.M.

NPPD Financial Impact Study draft is being completed. Once it is finished, the College Foundation can begin fund-raising.

5.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 Deputy 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 third and final reading. This motion, made by Calvin and seconded by Weedon, passed.

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

YEA: 5, NAY: 0

Mayor Taylor stated for the record that Ordinance No. 2023-3066 is declared lawfully passed and adopted upon publication as required by law.

5.C. Council Comments.

Mayor Taylor thanked the public works staff and emergency personnel for all they do to keep our community safe.

Adjournment.

There being no further business to come before the Council, Mayor Taylor declared the meeting adjourned at 7:46 P.M.

Linda Taylor, Ex-officio Mayor

and President of the Council

ATTEST:

Lea Ann Doak, City Clerk-Treasurer

McCook City Council
May 25, 2023
12:00 P.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 12:00 o'clock P.M. in the City Council Chambers.

Present: Mayor Taylor, Councilmembers Calvin, Weedin.

Absent: Councilmembers Muehlenkamp, Rambali, City Attorney Mustion, City Clerk Doak.

Motion to excuse the absence of Councilmembers Muehlenkamp and Rambali. This motion, made by Calvin and seconded by Weedin, passed.

Taylor: YEA, Calvin: YEA, Weedin: YEA

YEA: 3, NAY: 0

City Officials present: City Manager Schneider, Assistant City Manager Koetter, Deputy City Clerk Burkey.

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on May 23, 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. Authorize Consolidated Companies, Inc. to occupy city right of way for the installation of underground communications cable beginning approximately 70 feet east of the intersection of West "O" Street and West 16th Street and ending approximately 150 feet west of the West "O" Street and West 15th Street intersection and then crossing West "O" Street to the north and authorize the Mayor to sign the Application to Occupy Right of Way.

Motion to authorize Consolidated Companies, Inc. to occupy city right of way for the installation of underground communications cable beginning approximately 70 feet east of the intersection of West "O" Street and West 16th Street and ending approximately 150 feet west of the West "O" Street and West 15th Street intersection and then crossing West "O" Street to the north and authorize the Mayor to sign the Application to Occupy Right of Way. This motion, made by Calvin and seconded by Weedin, passed.

Taylor: YEA, Calvin: YEA, Weedin: YEA, Muehlenkamp: ABSENT, Rambali: ABSENT

YEA: 3, NAY: 0, ABSENT: 2

Adjournment.

There being no further business to come before the Council, Mayor Taylor declared the meeting adjourned at 12:04 P.M.

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

ATTEST:

Lea Ann Doak, City Clerk-Treasurer

**CITY MANAGER'S REPORT
JUNE 5, 2023 CITY COUNCIL MEETING**

ITEM: 3.B.

Approve the application for a Special Designated Liquor License submitted by the McCook Chamber of Commerce for a 40 Year Celebration Mixer to be held at VK Electronics, 606 West "B" Street, on August 3, 2023, from 8:00 A.M. to 11:59 P.M.

BACKGROUND:

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

**FISCAL
IMPACT:** None.

APPROVALS:



Lea Ann Doak, City Clerk

May 30, 2023



Tera Koetter, Assistant City Manager

May 30, 2023



Nathan A. Schneider, City Manager

May 30, 2023

Idoak@cityofmccook.com

From: Molly Smith <molly@mccookchamber.org>
Sent: Thursday, May 18, 2023 12:50 PM
To: Clerk Lea Ann Doak
Cc: Tera Koetter; Nate Schneider (nschneider@cityofmccook.com)
Subject: SDL Request 08032023
Attachments: McCook CoC SDL VK 08032023.pdf

Hi Lea Ann!

Just sending an SDL Request for a mixer to be held on August 3, 2023 at VK Electronics in celebration of their 40 years in business.

Please let me know if I am missing anything or you need anything further from me regarding this.

ms

Molly Smith | President/CEO
McCook Chamber of Commerce
402 Norris Avenue | Suite 316
McCook, NE 69001
308.345.3200
molly@mccookchamber.org

Involvement | Education | Advocacy | Marketing

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

McCook Chamber of Commerce

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

402 Norris Ave. Ste 316, McCook, NE 69001

Retail Liquor License Address or Non-Profit Business Address

47-0233780

Retail License Number or Non-Profit Federal ID #

Consecutive Dates only

Event Date(s): _____ 08/03/2023 _____

Event Start Time(s): _____ 8:00am _____

Event End Time(s): _____ 11:59pm _____

Alternate Date: _____

Alternate Location Building & Address: _____

Event Building Name: VK Electronics

Event Street Address/City: 606 W B St. McCook, NE 69001

Indoor area to be licensed in length & width: 128 x 64

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

Type of Event: 40 Year Celebration Mixer Estimate # of attendees: 250

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

Event Contact Name: Molly Smith Event Contact Phone Number: 308-345-3200

Event Contact Email: molly@mccookchamber.org

*Signature Authorized Representative: [Signature] Printed Name: Jade 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

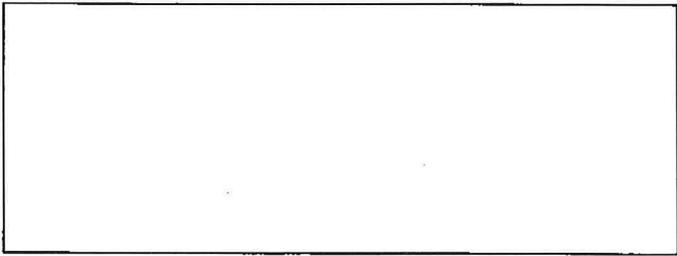
Local Governing Body completes below:

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

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



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

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

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

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

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

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

McCook Chamber of Commerce

NAME OF CORPORATION

47-0233780

FEDERAL ID NUMBER

SIGNATURE OF TITLE OF CORPORATE OFFICERS

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

SUBSCRIBED IN MY PRESENCE AND SWORN TO BEFORE ME THIS 18th DAY OF May



NOTARY PUBLIC SIGNATURE & SEAL

**CITY MANAGER'S REPORT
JUNE 5, 2023 CITY COUNCIL MEETING**

ITEM: 3.C.

Approve the application for a Special Designated Liquor License submitted by A & N Restaurant, LLC, Liquor License #I-088659, for a wedding reception to be held at the Red Willow County Fairgrounds Community Building, 1412 West 5th Street, on June 24, 2023 from 3:00 P.M. to 12:00 A.M.

BACKGROUND:

A & N Restaurant (Coppermill) 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 30, 2023



Tera Koetter, Assistant City Manager

May 30, 2023



Nathan A. Schneider, City Manager

May 30, 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

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

N Highway 83 + Coppermill Street
Retail Liquor License Address or Non-Profit Business Address

088659
Retail License Number or Non-Profit Federal ID #

Consecutive Dates only
Event Date(s): 6-24-23

Event Start Time(s): 3 p.m.

Event End Time(s): 12 a.m.

Alternate Date: _____

Alternate Location Building & Address: _____

Event Building Name: McCook Community Building

Event Street Address/City: 1412 W 5th St, McCook Ne

Indoor area to be licensed in length & width: 50 X 150

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

Type of Event: Wedding Estimate # of attendees: 200

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

Event Contact Name: Aden Sigfried Event Contact Phone Number: 308-340-2400

Event Contact Email: Coppermillrestaurantllc@yahoo.com

*Signature Authorized Representative: [Signature] Printed Name Aden Sigfried

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

**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

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

N Highway 83 + Coppermill Street
Retail Liquor License Address or Non-Profit Business Address

088659
Retail License Number or Non-Profit Federal ID #

Consecutive Dates only
Event Date(s): 7-1-23

Event Start Time(s): 3p.m.

Event End Time(s): 12.am

Alternate Date: _____

Alternate Location Building & Address: _____

Event Building Name: McCook Auditorium

Event Street Address/City: 302 W 5th St, McCook Ne, 69001

Indoor area to be licensed in length & width: 150 X 80

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

Type of Event: wedding Estimate # of attendees: 200

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

Event Contact Name: Alan Sigfried Event Contact Phone Number: 308-340-2400

Event Contact Email: CoppermillRestaurantLLC@yahoo.com

*Signature Authorized Representative: [Signature] Printed Name Alan Sigfried

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:

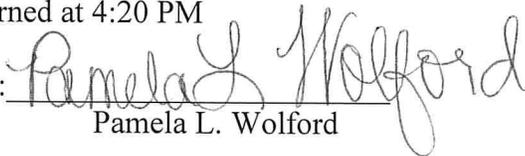
The local governing body for the City/Village of _____ OR County of _____ approves the issuance of a Special Designated License as requested above. (Only one should be written above)

Local Governing Body Authorized Signature Date

McCook Public Library Advisory Board Meeting Minutes
March 8, 2023 at 4:00 PM CDT

1. **Call to order / attendance:** Mary Dueland called the meeting to order with Jody Crocker, Staci Blomstedt, Sharon Bohling, and Pam Wolford in attendance.
2. **Opportunity for Comments from the Public:** None
3. Notice of the meeting was given in advance thereof by publication in the *McCook Gazette* on March 3, 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 Library Board. 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.
4. **Read and Approve January 13, 2023 meeting minutes:** Staci made the motion to approve the minutes with a second by Mary. The minutes were accepted 4-0.
5. **Open discussion from board members on items not on the agenda:** None
6. **Unfinished Business:** None
7. **Director's Report and update on upcoming activities:** 1. In regard to submission of an annual report to the city council, we are told that since we are an advisory board only, we do not have to make a report. 2. A Valentine coloring contest was held. The biggest contributors were from a preschool. They each received a prize. 3. Lexington was the last "Make and Take" presentation. Jody received books for her efforts. 4. Plans for Easter are in the planning stages. 5. Terrific Tuesday is going well. 6. Summer reading preparations are in the process. Sign-up is during the month of May. The program starts in June. Mary will share Buffalo Commons Kids Fest (June 10) ads will be given at the same time.
8. **New Business:** None
9. **Set date for next board meeting:** The next meeting will be Wednesday, May 10, 2023 at 4 PM.
10. **Meeting adjournment:** The motion was made by Staci to adjourn, and the meeting was adjourned at 4:20 PM

Secretary:


Pamela L. Wolford

**CITY MANAGER'S REPORT
JUNE 5, 2023 2022 CITY COUNCIL MEETING**

ITEM: **3.F.**

Receive and file the claims for the month of April published May 16, 2023.

BACKGROUND:

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

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

**FISCAL
IMPACT:** None.

APPROVALS:



Lea Ann Doak, City Clerk

May 30, 2023



Tera Koetter, Assistant City Manager

May 30, 2023



Nathan A. Schneider, City Manager

May 30, 2023

CITY OF MCCOOK
CLAIMS FOR APRIL 2023

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

20/20 TECHS-SC 4906.75; 308 UPFITTERS-CO 640.93; 7-D LOCKSHOP-SC 240.93; A & N RESTAURANTS-SC 4480.00; ACE-S 2247.07; AKRS-S 176.53; AMERICAN AG LAB-SC 896.49; AMERICAN ELECTRIC-S 381.48; AMERITAS-CLAIMS-SC 3046.16; APCO INT'L-SC 444.00; ARROW CAR WASH-S 32.85; AT&T MOBILITY-SC 937.80; ATR LIGHTING-SC 120.09; AURORA COOP-S 15150.31; BLACK HILLS ENERGY-SC 8920.80; BW TELECOM-SC 144.14; C&K-S 1215.52; CAHOJ EARTHMOVING-CO 55840.95; CAMBRIDGE TELEPHONE-SC 234.12; CAROLINA SOFTWARE-S 200.00; CARQUEST-S 1746.16; CASH WA-S 13353.42; CDW-G-SC 895.85; CENTRAL CITY SCALE-S 1125.00; CENTRAL NE BOBCAT-S 167.52; CENTURY LINK-SC 774.32; CITY OF MCCOOK-PS 391456.14; CITY SELF INS-BT 166893.75; UTILITIES-SC 2186.18; CLINE WILLIAMS, WRIGHT JOHNSON-SC 3915.54; COLFER, WOOD, LYONS & WOOD-SC 345.00; COMMON SCENTS-S 1227.73; COMMUNITY HOSPITAL-SC 1085.25; COUNTRY LOAD TRAILER SALES-S 26.55; COUNTRY SAMPLER FARMHOUSE-S 42.80; J. CROCKER-SC 181.18, S 29.98; D & S HARDWARE-S 244.52; DAS ACCT-SC 382.00, S 66.00; DEMCO, INC-S 239.99; DIAMOND VOGEL-S 76.65; DOAK CONSTRUCTION-S 100.43; J DOUCET-SC 82.00; EAKES-S 438.38, SC 174.36; ELLERBROCK-NORRIS AGENCY-SC 625.00; S ELLINGTON-SC 246.26; FASTENAL-S 313.55; FICA-PS 19795.76; A FORBES-SC 28.00; FRENCHMAN VALLEY COOP-S 207.85; FRONTIER COMM-SC 34.19; GARRISONS-S 1028.00; GOOGLE SVCS-SC 521.22; GOVERNMENT FINANCE OFFICERS ASSOC-SC 170.00; GRAHAM TIRE OF KEARNEY-S 7206.83; GRAINGER-S 596.02; GREAT PLAINS COMM-SC 2826.31; HENNING BROS-SC 59.00; HERITAGE SENIOR CENTER-SC 105.00; HIGH PLAINS RADIO-SC 60.00; K. HODGSON-SC 41.00; HOMETOWN LEASING-SC 5757.83; IDEAL LINEN-S 165.59; ISLAND SPRINKLERS-S 183.28; J BAR J LANDFILL-SC 43089.14; H JOHNSON-SC 200.00; JOHNSTONE SUPPLY-S 286.48; K & C GRAIN-S 14621.56; KELLEY, SCRITSMIER & BYRNE-SC 250.00; KOHL'S AUTO-S 1252.88; A KOTSCHWAR-SC 378.00; LAMP RYNEARSON-CO 22820.00; F. LEMON-SC 52.00; LIFE-ASSIST-S 704.26; MACQUEEN EQ-CO 415293.78; MARIS CONSTRUCTION-S

405.78; MC GAZETTE-SC 2495.08; MC HUMANE SOCIETY-S 4191.30; MPPD-SC 5433.15; MPS-SC 5044.79; MC NET SC 69.95; MCKESSON MEDICAL-S 308.77; MEDICARE-PS 5460.87; MEAD-S 90.96; MENARDS-S 780.23; MICROMARKETING-S 4530.20; MIDAMERICA BOOKS-S 193.16; MIDWEST CONNECT-S 330.84, SC 1957.51; MNB BANK-SC 400.00; MNB INS-SC 50.00; MOBOTREX-S 855.00; MOUSEL, BROOKS, SCHNEIDER, MUSTION, SCHIFFLET-SC 3448.00; MPCC-AC 180.00; MUNICIPAL SUPPLY-S 6471.97; NATIONWIDE MGMT-SC 420.00; NDEE-SC 125.00; NE DEPT REV-SALES TAX-SC 9139.38; NE DEPT OF REV-LOTTERY-SC 4099.00; NE SAFETY AND FIRE-S 380.00; NE LAW ENFORCEMENT INTEL-SC 495.00; NEBRASKA TRUCK CENTER-S 1479.011; NEBRASKALAND TIRE-S 135.78; NE EMERGENCY SVS-SC 250.00; NEW FRONTIER AG-S 108.00; NICK'S DIST-S 2249.19; NPPD-SC 23397.49; O'REILLY-S 269.97; OMAHA WORLD HERALD-S 888.99; ONE BILLING SOL-SC 5187.80; ONE CALL-SC 59.60; PAVEMENT REPAIR & SUPPLIES-CO 1125.00; PINPOINT COMM-SC 69.99; PLATTE VALLEY COMM-S 463.33; PRIME SOLUTION, INC-CO 79207.92; QUADIENT-SC 841.58, S 158.42; QUALITY URGENT CARE-SC 645.00; QUILL-S 270.91; RED WILLOW CO HEALTH DEPT-SC 85.00; N RENNER-SC 378.00; S RENNER-SC 378.00; T RIGGS-SC 270.00; ROCHESTER MIDLAND-S 442.00; ROCKMOUNT RESEARCH-S 278.48; RUGGLES TRAILER SALES-SC 8213.00; SAYLER SCREENPRINTING-S 297.00; SCOTTIES POTTIES-S 200.00; K SIDES-SC 216.93; B SIEGFRIED-S 40.00, SC 407.73; SOUTHWEST FARM & AUTO-S 1557.48; SWANSON SIGN CO-S 63.10; THE STRING BEANS-S 1600.00; THUNDER PROMOTIONS-S 271.00; TITAN MACHINERY-S 272.61, SC 416.67; TREE REBATE-S 225.00; TRI AIR TESTING, INC-SC 227.00; TYLER TECH-SC 359.45; UMR-SC 209858.76; USPS-S 114.00; US FOODS-S 623.31; UTILITY REFUNDS-237.38; VAN DIEST SUPPLY-S 11474.88; T VANPELT-SC 270.00; VERIZON-S 50.00, SC 4826.80; VOLZ-S 415.61; WAGNER FORD-S 218.82; WALMART-S 2281.34; WESTSIDE WELDING-S 137.60; WEX BANK-S 10696.60; WILLOW CREEK MEATS-SC 200.00; WITMER PUBLIC SAFETY-S 270.71; WPCI-SC 64.00; ZOLL-S 1397.19.

-s- Lea Ann
Doak City Clerk

Publish: MAY 16, 2023

CITY MANAGER'S REPORT
JUNE 5, 2023 CITY COUNCIL MEETING

ITEM 3.G. : Ratify the findings and determinations of the City of McCook Health Board from the April 11, 2023 meeting.

BACKGROUND

The City of McCook Board of Health held a meeting on April 11, 2023. Four properties were discussed and inspected. The four properties were:

- (1) 1207 West M. St;
- (2) 20 South St;
- (3) 103 South 7th St; and
- (4) 110 South 9th St.

After inspecting the properties and discussing the same, the Health Board held a vote on each to determine whether the properties were nuisances. All four properties were determined to be nuisances under McCook Municipal Code Chapter 95.

The meeting minutes are attached to this Report as Exhibit "A". A copy of Chapter 95 of the McCook Municipal Code is attached as Exhibit "B".

RECOMMENDATION:

ITEM _____ : Ratify the findings and determinations of the City of McCook Health Board from the April 11, 2023 meeting.

May 31, 2023



Nathaniel J. Mustion, City Attorney

BOARD OF HEALTH - PUBLIC HEARING
TUESDAY, APRIL 11TH AT 9:00 AM
CITY COUNCIL CHAMBERS

Present: Linda Taylor (Member), Nate Schneider (Member), MaryBeth Eisenmenger (Member), Jason Blomstedt (Member), Joel Smith (Member), Barry Mooney, Debbie Thorpe
Property owners present: Anthony Gassman, David Bose, Donald Mason

Meeting called to order at 9:00 am by Linda Taylor

Linda stated that a copy of the Open Meetings Act is posted and available for inspection

Linda asked for a motion to convene a public hearing to determine whether the properties located at 1207 West M. St, 20 South St, 103 South 7th St, and 110 South 9th St., qualified as nuisance properties under Chapter 95 of the McCook Municipal Code

- MaryBeth motioned that the public hearing be convened
- Jason seconded the motion
- A vote was cast and all were in favor

Linda made the attendees aware that this public hearing was published in the McCook Daily Gazette to include a schedule of the properties that will be inspected during this public meeting

Nate then began to describe what is a nuisance property by referring to Municipal Code Ordinance 95.01 and 95.02 and went on to read the Municipal Code Ordinance (nuisance abatement) 95.03

Nate spoke to the homeowners in attendance about how and why this process work

Debbie announced the schedule for the meeting to include the times the property inspections were going to approximately take place

Nate offered the following exhibits as evidence:

- Exhibit #1: 1207 West M. St
- Exhibit #2: 20 South St
- Exhibit #3: 103 South 7th St
- Exhibit #4: 110 South 9th St
 - The exhibits were received at 9:19 am

9:21 am everyone dispersed from the council chambers to begin the property inspections

Arrived at 1207 W. M St at approx. 9:30 am

- Pulled up to the old roof being torn off this property
 - Property owner stated a new roof and fascia was being installed
- Yard has been cleaned up from previous pictures taken in July 2022
- Property owner plans to fully rehabilitate the home
 - New siding to come at a later date
 - Interior of home needs attention, property owner stated that will come after some of the outside work is completed

EXHIBIT "A"

- Interior of home was inspected
 - Structurally sound, per Barry
 - Black smoke from a previous pellet stove was noticed throughout the home
- Barry and property owner to discuss timeline for rehabilitation of the property
- The Health Board left the property and proceeded to 20 South Street

Arrived at 20 South St at approx. 10:10 am

- Porch is in worse condition from previous pictures taken in July 2022
- Brick foundation still dilapidated, although a large cement cinder block was now located next to the foundation
 - Property owner intends to use the cinder block to “repair” the current state of the brick foundation
 - Per Barry, the Building Inspector, this home is not structurally sound after inspecting the foundation and inspection of the cellar that showed a wall caving in due to earth movement
- Debris, junk and trash litters the entire property
- Property owner stated he purchased the property in 2012 and that is when it was last lived in
 - Currently vacant due to condition of property
 - Roof has not been improved for at least the last 2 owners, per current owner
- The Health Board left the property and proceeded to 103 South 7th Street

Arrived at 103 South 7th St at approx. 10:40 am

- Current openings in home where windows should be or will go causes the interior to be completely open to the elements
- Porch and sidewalk has had some repair done to them since originally pictures taken in July 2022
- Interior has been taken down to the studs and most of the furniture/belongings that were originally in the home have been removed
 - Owner would like to rehabilitate this property but is on the fence about rehabilitating or possibly demolishing
 - Property was purchased 10 years ago, per the property owner
 - Property owner believes he can rehab the property in about 12 months, possibly a little longer
- Barry and property owner to discuss timeline on possible rehabilitation of the property
- The Health Board left the property and proceeded to 110 South 9th Street

Arrived at 110 South 9th St at approx. 11:00 am

- Current property owner was not in attendance but home was able to be inspected per an inspection warrant
- Broken windows in the basement of the property as well as on the main level
- Unsecured door on the side of the property

- Was able to speak to the “contract purchaser” of this property as he showed up during inspection
 - His goal is to rehabilitate the property, but said it will take time
 - Looking at having the entire yard cleaned up by the end of summer 2023
 - Will be getting the broken windows boarded up as well as getting the side door secured
 - Looking at a timeline of next Spring (2024) to get a new roof
 - “Contract owner” is aware of foundation issues and the dilapidated areas of the property

Arrived back at the City’s Council Chambers at approx. 11:30 am

Motion made by MaryBeth to adjourn the Public Hearing and reconvene as the Board of Health

- Jason seconded the motion
- All voted in favor

Board of Health discussion began at 11:31 am

1207 West M. St:

- Nate motioned to determine the address above to be considered a nuisance property with said nuisance needed to be abated
- MaryBeth seconded the motion
- Linda asked for any discussion
 - Nate stated that we look at monitoring the improvements of this property. If no follow through is done, this will give the City the right to proceed with nuisance abatement through the Board of Health
- A vote was cast, and all were in favor of determining this property to be a nuisance property per the McCook Municipal Code, Chapter 95

20 South St:

- Nate motioned to determine the address above to be considered a nuisance property with said nuisance needed to be abated
- MaryBeth seconded the motion
- Linda asked for any discussion at this time
 - Nate stated he was concerned due to the condition of the structure and on the feasibility of the repairs that need to take place
 - Barry stated that a lot of work is needed to get that property where it needs to be
 - Also mentioned that the City can only allow so much time for the repairs to be done on this property
 - Cautioned that the foundation needs to be addressed before trying to get a new roof put on the structure
 - Nate mentioned that he is concerned that this should be considered as unsafe
 - Possibly think about adding this property as an unsafe property if it is determined to be more than 50% destroyed

- Don Mason, property owner, asked if he could turn the structure into a storage building or demolish and add a storage container or a tiny home
 - The answer from both Nate and Barry was no
 - It is not zoned for those types of buildings as it is currently zoned as Residential Medium (RM). There is no provision for tiny homes in McCook's zoning ordinance
 - Nate stated that he can demolish and rebuild a primary residence structure
- A vote was cast, and all were in favor of determining this property to be a nuisance property per the McCook Municipal Code, Chapter 95

103 South 7th:

- MaryBeth motioned to determine the address above to be considered a nuisance property with said nuisance needed to be abated
- Jason seconded the motion
- Linda asked for any discussion at this time
 - Nate stated he appreciated Mr. Gassmann's improvements that were seen on the property
 - Nate mentioned a concern in the time it may take for the repairs of the exterior and interior of the property
 - Mr. Gassman responded that he plans to have the exterior finished by the end of 2023, while the interior will take a bit longer
 - Nate asked that Mr. Gassman keep in contact with Barry with plans on moving forward
 - Mr. Gassman said that he will know in a month or so if he plans to move forward with rehabilitating the property or if a demolition may be looked into as a second option
- A vote was cast, and all were in favor of determining this property to be a nuisance property per the McCook Municipal Code, Chapter 95

110 South 9th:

- Jason motioned to determine the address above to be considered a nuisance property with said nuisance needed to be abated
- Linda asked for any discussion at this time
 - Nate stated that we look at working with the current contract owner on a timeline, for Barry to keep in touch with him and see what progresses improvement wise
 - Currently, the property has been sold under installments, but the property owner is still legally showing as Eddie Park, so he is still the responsible party for this property
- A vote was cast, and all were in favor of determining this property to be a nuisance property per the McCook Municipal Code, Chapter 95

Nate stated the City Attorney will be mailing letters of determination on each property

MaryBeth made a motion to adjourn the meeting

Jason seconded the motion

A vote was cast and all were in favor, meeting was adjourned at 11:45 am

CHAPTER 95: NUISANCE; HEALTH AND SANITATION

Section

General Provisions

- 95.01 Defined
- 95.02 Specific nuisances
- 95.03 Abatement procedure
- 95.04 Jurisdiction

Noise

- 95.20 Definitions
- 95.21 Prohibited noises
- 95.22 Maximum permissible sound levels
- 95.23 Permit for relief from noise level designation required
- 95.24 Exceptions for emergency vehicles; temporary licensed or permitted activities

Noxious Weeds; Litter; Stagnant Water

- 95.35 Weeds, litter, stagnant water
- 95.99 Penalty

GENERAL PROVISIONS

§ 95.01 DEFINED.

A *NUISANCE* consists in doing any unlawful act, or omitting to perform a duty, or suffering or permitting any condition, or thing to be or exist, which act, omission, condition, or thing either:

- (A) Injures or endangers the comfort, repose, health, or safety of others;
- (B) Offends decency;
- (C) Is offensive to the senses;

(D) Unlawfully interferes with, obstructs, tends to obstruct, or renders dangerous for passage any stream, public park, parkway, square, street, or highway in the city;

(E) In any way renders other persons insecure in life or the use of property; or

(F) Essentially interferes with the comfortable enjoyment of life and property, or tends to depreciate the value of the property of others.

(Prior Code, § 4-301)

Statutory reference:

Authority, see Neb. RS 18-1720

§ 95.02 SPECIFIC NUISANCES.

The maintaining, using, placing, depositing, leaving, or permitting of any of the following specific acts, omissions, places, conditions, and things are hereby declared to be nuisances:

(A) Any odorous, putrid, unsound or unwholesome grain, meat, hides, skins, feathers, vegetable matter, or the whole or any part of any dead animal, fish, or fowl;

(B) Privies, vaults, cesspools, dumps, pits or like places which are not securely protected from flies or rats, or which are foul or malodorous;

(C) Filthy, littered or trash-covered cellars, house-yards, barnyards, stable-yards, factory-yards, mill yards, vacant areas in rear of stores, granaries, vacant lots, houses, buildings, or premises;

(D) Animal manure in any quantity which is not securely protected from flies and the elements, or which is kept or handled in violation of any ordinance of the city;

(E) Liquid household waste, human excreta, garbage, butcher's trimmings and offal, parts of fish or any waste vegetable or animal matter in any quantity, provided nothing herein contained shall prevent the temporary retention of waste in receptacles in a manner provided by the Health Officer of the city, nor the dumping of non-putrifying waste in a place and manner approved by the Health Officer;

(F) Tin cans, bottles, glass, cans, ashes, small pieces of scrap iron, wire metal articles, bric-a-brac, broken stone or cement, broken crockery, broken glass, broken plaster, and all trash or abandoned material, unless the same be kept in covered bins or galvanized iron receptacles;

(G) Trash, litter, rags, accumulations of barrels, boxes, crates, packing crates, mattresses, bedding, excelsior, packing hay, straw or other packing material, lumber not neatly piled, scrap iron, tin or other metal not neatly piled, old automobiles or parts thereof, or any other waste materials when any of the articles or materials create a condition in which flies or rats may breed or multiply, or which may be a fire danger or which are so unsightly as to depreciate property values in the vicinity thereof;

(H) Any unsightly building, billboard, or other structure, or any old, abandoned or partially destroyed building or structure or any building or structure commenced and left unfinished, which buildings, billboards or other structures are either a fire hazard, a menace to the public health or safety, or are so unsightly as to depreciate the value of property in the vicinity thereof;

(I) All places used or maintained as junk yards, or dumping grounds, or for the wrecking and disassembling of automobiles, trucks, tractors, or machinery of any kind, or for the storing or leaving of worn-out, wrecked, or abandoned automobiles, trucks, tractors, or machinery of any kind, or of any of the parts thereof, or for the storing or leaving of any machinery or equipment used by contractors or builders or by other persons, which places are kept or maintained so as to essentially interfere with the comfortable enjoyment of life or property by others, or which are so unsightly as to tend to depreciate property values in the vicinity thereof;

(J) Stagnant water permitted or maintained on any lot or piece of ground;

(K) Stockyards, granaries, mills, pig pens, cattle pens, chicken pens, or any other place, building or enclosure, in which animals or fowls of any kind are confined or on which are stored tankage or any other animal or vegetable matter, or on which any animal or vegetable matter including grain is being processed, when the places in which the animals are confined, or the premises on which the vegetable or animal matter is located, are maintained and kept in a manner that foul and noxious odors are permitted to emanate therefrom, to the annoyance of inhabitants of the city, or are maintained and kept in a manner as to be injurious to the public health; and

(L) All other things specifically designated as nuisances elsewhere in this code.

(Prior Code, § 4-302)

Statutory reference:

Authority, see Neb. RS 18-1720

§ 95.03 ABATEMENT PROCEDURE.

(A) It shall be the duty of every owner, occupant, lessee, or mortgagee of real estate in the municipality to keep such real estate free of public nuisances. The Board of Health shall inspect the property as shall come to its attention as being in violation of these requirements. Should the owner of any property prohibit the Board of Health from entering upon the property to make inspection, the Board shall apply to the County or District Court for an order authorizing inspection of the property.

(B) Upon determination by the Board of Health or designated official that the owner or occupant of any such real estate has failed to keep the real estate free of nuisances, notice to abate and remove such nuisance and notice of the right to a hearing before the governing body and the manner in which it may be requested shall be given to each owner or owner's duly authorized agent and to the occupant, if any, by personal service or by certified mail. If notice by personal service or certified mail is

unsuccessful, notice shall be given by publication in a newspaper of general circulation in the municipality or by conspicuously posting the notice on the real estate upon which the nuisance is to be abated and removed. The notice shall describe the condition as found by the Board of Health or designated official and state that the condition has been declared a nuisance and must be remedied at once.

(C) If within five days after receipt of such notice or publication or posting, whichever is applicable, the owner or occupant of the real estate does not request a hearing with the municipality or fails to comply with the order to abate and remove the nuisance, the municipality may have such work done.

(D) If within five days after receipt of such notice or publication or posting, whichever is applicable, the owner or occupant requests in writing a hearing with the governing body, the governing body shall fix a time and place at which a hearing will be held. Notice of the hearing shall be given by personal service or certified mail and require the owner or occupant to appear before the governing body to show cause why such condition should not be found to be a nuisance and remedied. The notice shall be given not less than seven nor more than 14 days before the time of the hearing. Upon the date fixed for the hearing and pursuant to the notice, the governing body shall hear all objections made by the owner or occupant and shall hear evidence submitted by the Board of Health or designated official. If after consideration of all the evidence, the governing body finds that the condition is a nuisance, it shall, by resolution, order and direct the owner or occupant to remedy the nuisance at once. If the owner or occupant refuses or neglects to promptly comply with the order to abate and remove the nuisance, the governing body may have such work done.

(E) The costs and expenses of any such work shall be paid by the owner. If unpaid for two months after such work is done, the municipality may either:

(1) Levy and assess the costs and expenses of the work upon the real estate so benefitted as a special assessment in the same manner as other special assessments for improvements are levied and assessed; or

(2) Recover in a civil action the costs and expenses of the work upon the real estate and the adjoining streets and alleys.

(Prior Code, § 4-303) (Ord. 1701, passed 9-19-1983; Ord. 2018-2965, passed 5-7-2018; Ord. 2020-3002, passed 4-6-2020)

Statutory reference:

Authority, see Neb. RS 18-1720

§ 95.04 JURISDICTION.

The City Manager and Chief of Police of the city are directed to enforce this city code against all nuisances. The jurisdiction of the Mayor, Chief of Police, and court shall extend to, and the territorial

CITY MANAGER'S REPORT
June 5, 2023 MCCOOK CITY COUNCIL MEETING

3.H.
ITEM NO. ___ Authorize City of McCook staff to form a McCook Planning Steering Committee for the preparation of the updated McCook Comprehensive Plan.

BACKGROUND:

In developing the 2013-2023 McCook Comprehensive Plan, the city formed a McCook Planning Steering Committee consisting of elected officials, business owners, local citizenry, and the McCook Planning Commission. The creation of this committee for the updated Comprehensive Plan would provide the Consultant with a foundation of goals and objectives that are of high interest to the Community.

We ask the council to do the same for the preparation for the new McCook Comprehensive Plan and authorize the City of McCook staff to form a McCook Planning Steering Committee and assist staff by coming up with some names of individuals to serve on the committee. We will bring this item back to the council on June 19th to ratify the committee members. Our kickoff meeting will be held on June 27th.

APPROVALS:



Nathan A. Schneider, City Manager

May 31, 2023



Lea Ann Doak, City Clerk

May 31, 2023



Tera L. Koetter, Asst City Manager

May 31, 2023

McCOOK, NEBRASKA COMPREHENSIVE PLAN 2013 - 2023

Mayor
Dennis Berry

City Manager
J. Jeff Hancock

McCOOK CITY COUNCIL
Mike Gonzales, Vice-President
Jerry Calvin
Janet Hepp
Bruce McDowell

McCOOK ECONOMIC DEVELOPMENT CORPORATION
Rex Nelson, Executive Director
Mary Kircher, Housing Development Director

McCOOK PLANNING COMMISSION
Kurt Vosburg, Chair
Flora Lundberg
Don Harpst
Michael Ecklund
Lonnie Anderson
Tammie Hilker
Chad Lyons
Jerda Garey-Vickers
Dale Dueland
Becky Kilpatrick (Alternate)

McCOOK PLANNING STEERING COMMITTEE

Jeff Hancock	Kathy Eaton	Dennis Berry	Leon Kuhlen	Mark Carman
Rex Nelson	Terri Shipshock	Tammie Hilker	Bruce McDowell	Richard Hauxwell
Mary Kircher	Rebecca Dutcher	Jennifer Morgan	Lena Koebel	Bill Davis
Jesse Dutcher	Greg Wolford	Cody Dame	Jerold Gerrey	Bill Burton
Kyle Pothoff	Cloyd Clark	Brian & Saran Garcia	Kurt Vosburg	Camy Bradley
Don Harpst	Matt Sehnert	Greg Hepp	Jeff Gross	Chad Lyons
Mark Friehe	Flora Lundberg	Gary Dicenta	Jerda Garey-Vickers	Dave Dueland
Will Midkiff	Ronald Nielsen			

The Comprehensive Plan was funded by the McCook Economic Development Corporation, City of McCook, and the Nebraska Investment Finance Authority. The Comprehensive Plan was completed with the guidance and direction of the McCook Planning Commission.

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

COMPREHENSIVE PLANS & ZONING * HOUSING STUDIES *
DOWNTOWN, NEIGHBORHOOD & REDEVELOPMENT PLANNING *
CONSULTANTS FOR AFFORDABLE HOUSING DEVELOPMENTS*

Lincoln, Nebraska 402.464.5383 *

Becky Hanna, Tim Keelan, Lonnie Dickson, AICP, Keith Carl

**CITY MANAGER'S REPORT
JUNE 5, 2023 MCCOOK CITY COUNCIL MEETING**

4.A.

ITEM NO. ___ Update regarding the swimming pool and ballpark projects.

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 31, 2023



Lea Ann Doak, City Clerk

May 31, 2023

**CITY MANAGER'S REPORT
JUNE 5, 2023 MCCOOK CITY COUNCIL MEETING**

4.B.

ITEM NO. ___ Approve on second 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.

BACKGROUND:

Please refer to the attached City Manager's Report for background to this agenda item. Staff has received no feedback from the public regarding this agenda item following the May 15, 2023 McCook City Council meeting.

APPROVALS:



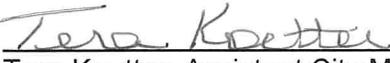
Nathan A. Schneider, City Manager

May 31, 2023



Lea Ann Doak, City Clerk

May 31, 2023



Tera Koetter, Assistant City Manager

May 31, 2023

**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.

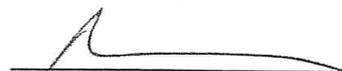
BACKGROUND:

An application for a zone change has been filed by the Southwest Nebraska Public Health Department for property it owns located at 404 West 10th 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.

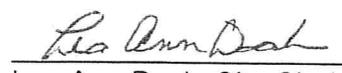
At the May 8, 2023 McCook Planning Commission meeting, the Planning Commission voted to recommend the approval of the rezone request to the McCook City Council. There were questions about two lots that contained single family dwellings directly south of the Southwest Nebraska Public Health Department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

APPROVALS:



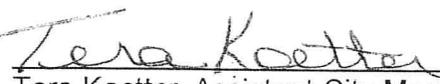
Nathan A. Schneider, City Manager

May 10, 2023



Lea Ann Doak, City Clerk

May 10, 2023



Tera Koetter, Assistant City Manager

May 10, 2023

EXHIBIT #1

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

**CITY MANAGER'S REPORT
JUNE 5, 2023 MCCOOK CITY COUNCIL MEETING**

4.C.
ITEM NO. Approve the Final Subdivision Agreement for the McCook Business Park Subdivision Phase II.

4.D.
ITEM NO. Approve Resolution No. 2023-09, rescinding in part and amending Resolution No. 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. in Red Willow County, Nebraska, and incorporating the terms of the final subdivision agreement between the City of McCook and the McCook Economic Development Corporation.

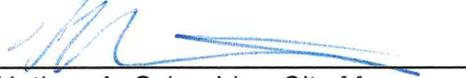
BACKGROUND:

At the May 15, 2023 McCook City Council meeting, a public hearing was held regarding the creation of the McCook Business Park Subdivision Phase II. Additionally, Resolution 2023-07 was included as an action item, which served to authorize the creation of the McCook Business Park Subdivision Phase II. Resolution 2023-07 was conditioned upon the McCook City Council approving a final subdivision agreement at the June 5, 2023 McCook City Council meeting. Following the May 15, 2023 McCook City Council meeting, the McCook Economic Development Corporation reconceptualized the proposed subdivision agreement to address some of the concerns expressed by residents of Ravenswood Road. City of McCook staff members, including City Manager Nate Schneider, Public Works Director Kyle Potthoff, and Fire Department Chief Marc Harpham, reviewed the proposed subdivision agreement modifications and are comfortable with the proposed amendments. As a result of the revisions to the subdivision agreement, the Preliminary Plat/Final Plat for the McCook Business Park Phase II has been modified to reflect the subdivision agreement changes. It is the intent of the MEDC and the City of McCook to address the concerns expressed by the residents of Ravenswood Road at the May 15, 2023 McCook City Council meeting.

To that end, the new subdivision agreement diverts the truck traffic created by the new development to Industrial Park Drive, eliminating the Ravenswood Road improvements contemplated in the originally proposed subdivision agreement. Specifically, Industrial Park Drive will be improved by the MEDC, said improvement beginning at the termination point of Industrial Park Drive south of Booe Machine and Salvage and extending east to a point that terminates at the intersection of proposed Lot 1, Lot 3, and Lot 4. A truck turnaround will be included at the east intersection to address potential traffic issues associated with increased commercial traffic. Next, pursuant to the terms of the subdivision agreement, the MEDC will grade and construct a 20 feet wide rock emergency access on East 17th Street from Ravenswood Road to Industrial Park Drive. The emergency access road will include the construction of a gated controlled access point at Ravenswood Road to serve emergency vehicles only. Emergency personnel will be the only individuals that will have the authority to access East 17th Street. Non-emergency vehicles will not have access to the gate key/access code. The Developer will be responsible for maintaining the rock surface of East 17th Street.

Due to these modifications, commercial and private vehicles will not be able to access proposed Lots 1, 2, 3, or 4 by traversing Ravenswood Road. Industrial Park Drive will serve as the access road to all of the lots contemplated in the Preliminary/Final Plat. Since Ravenswood Road will not receive additional truck traffic, there is no provision for improving Ravenswood Road included in the proposed subdivision agreement.

APPROVALS:



Nathan A. Schneider, City Manager

May 31, 2023



Lea Ann Doak, City Clerk

May 31, 2023

RESOLUTION NO. 2023-09

A RESOLUTION RESCINDING RESOLUTION NO. 2023-07 AND REENACTING WITH AMENDMENT RESOLUTION NO 2023-07 REGARDING APPROVAL OF THE MCCOOK BUSINESS PARK - PHASE II FINAL PLAT AND INCORPORATING THE TERMS OF THE SUBDIVISION AGREEMENT BETWEEN THE CITY OF MCCOOK AND THE MCCOOK ECONOMIC DEVELOPMENT CORPORATION.

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 6th 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. The Council hereby rescinds Resolution Nol. 2023-07 and replaces it with Resolution No. 2023-09.

SECTION 2. That the Final Plat of McCook Business Park - Phase II Addition (as amended) 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 3. 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.

SECTION 4. That the terms of the final subdivision agreement between the City of McCook and the McCook Economic Development Corporation be incorporated and made a part hereof as Exhibit "A".

PASSED AND APPROVED this 5th day of June, 2023.

Linda Taylor, Ex-officio Mayor
and Council President

ATTEST:

Lea Ann Doak, City Clerk-Treasurer

FINAL PLAT

McCOOK BUSINESS PARK - PHASE II

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

PLANNING COMMISSION APPROVAL

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

Nate Schneider, Secretary

Kurt Vosburg, Chairman

MUNICIPAL APPROVAL

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

LeaAnn Doak, City Clerk

Linda Taylor, Mayor

RECORDING INFORMATION

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

DATE: _____

TIME: _____

Register of Deeds: Tami Teel

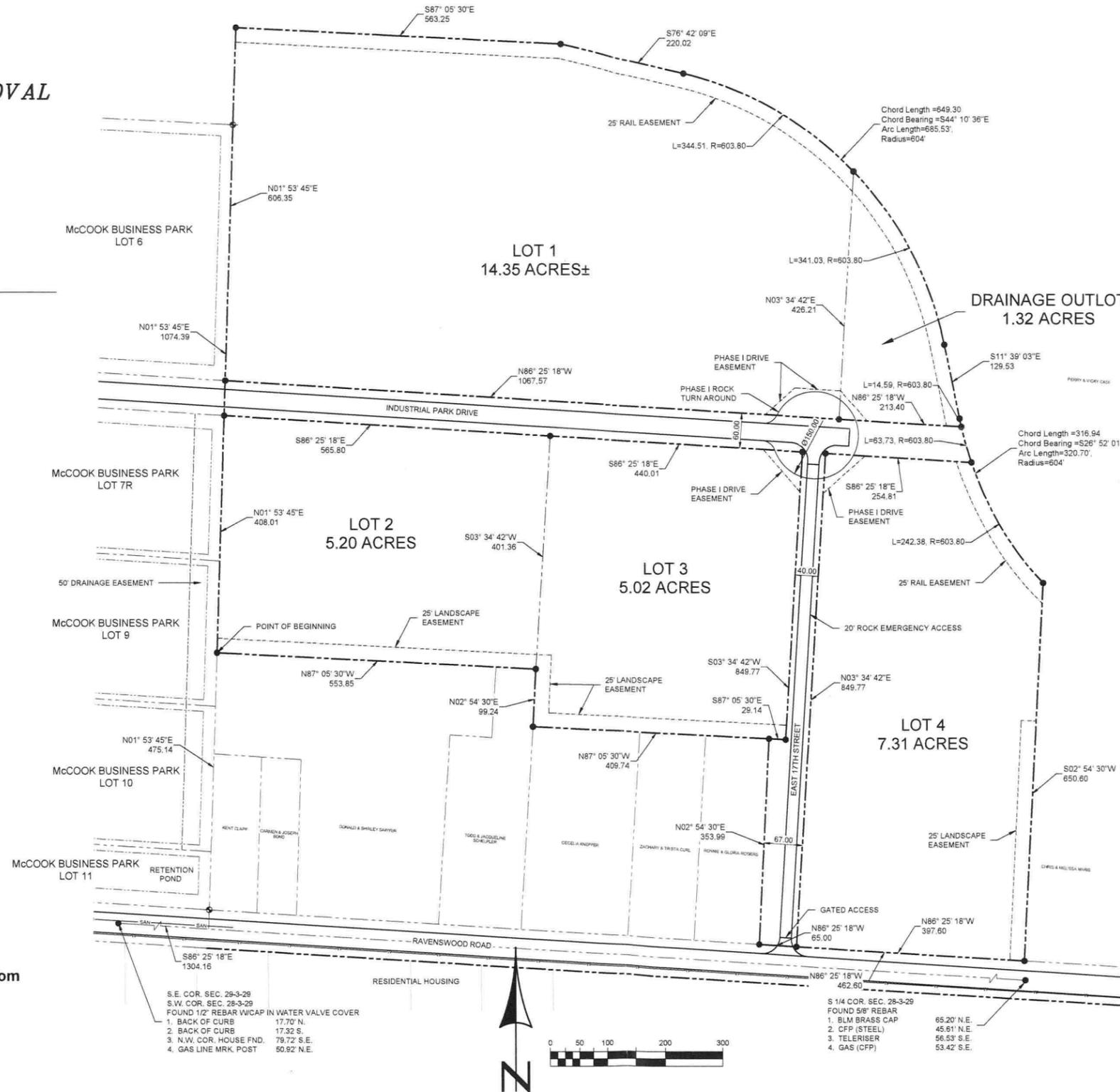
LEGEND

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 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

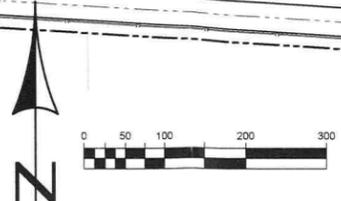
ENGINEER
W DESIGN ASSOCIATES
214 E. 1ST ST. McCOOK, NE 68001 | 308.345.2370 | ENGINEERS | ARCHITECTS
2026 W. 2ND ST. HASTINGS, NE 68011 | 402.463.2277 | WWW.WDESIGNASSOCIATES.COM

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S.E. COR. SEC. 28-3-28
S.W. COR. SEC. 28-3-29
FOUND 1/2" 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 MRK. POST 50.92' N.E.

S 1/4 COR. SEC. 28-3-29
FOUND 5/8" REBAR
1. BLM BRASS CAP 65.20' N.E.
2. C/P (STEEL) 45.61' N.E.
3. TELEVISER 56.53' 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 _____
Perry Case, Owner

By _____
Vicky Case, 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:

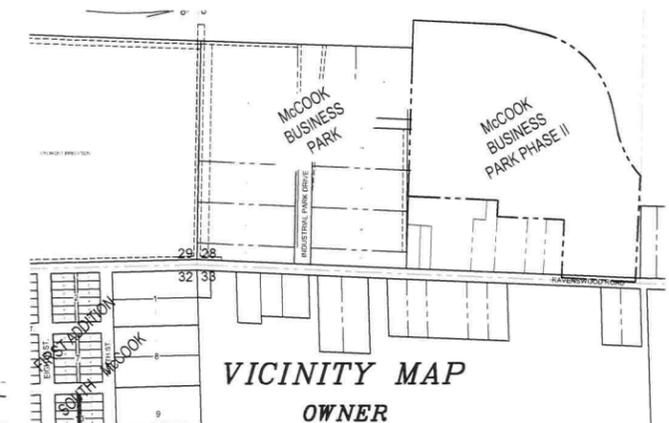
Referring to the SW corner of the said SW 1/4 of said Section 28, thence S86°25'18"E (assumed and all bearing relative to) along the South section line a distance of 1304.16 feet to a point on the South line of Section 28, thence N01°53'45"E along the East line of lots 9 and 10 of the McCook Business 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 S87°05'30"E along said South ROW line a distance of ±563.25 feet to a point, thence S76°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 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 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 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



VICINITY MAP

OWNER
McCOOK ECONOMIC DEVELOPMENT CORPORATION
%TROY BRUNTZ, PRESIDENT
402 NORRIS AVE SUITE 301
McCOOK, NE 68001

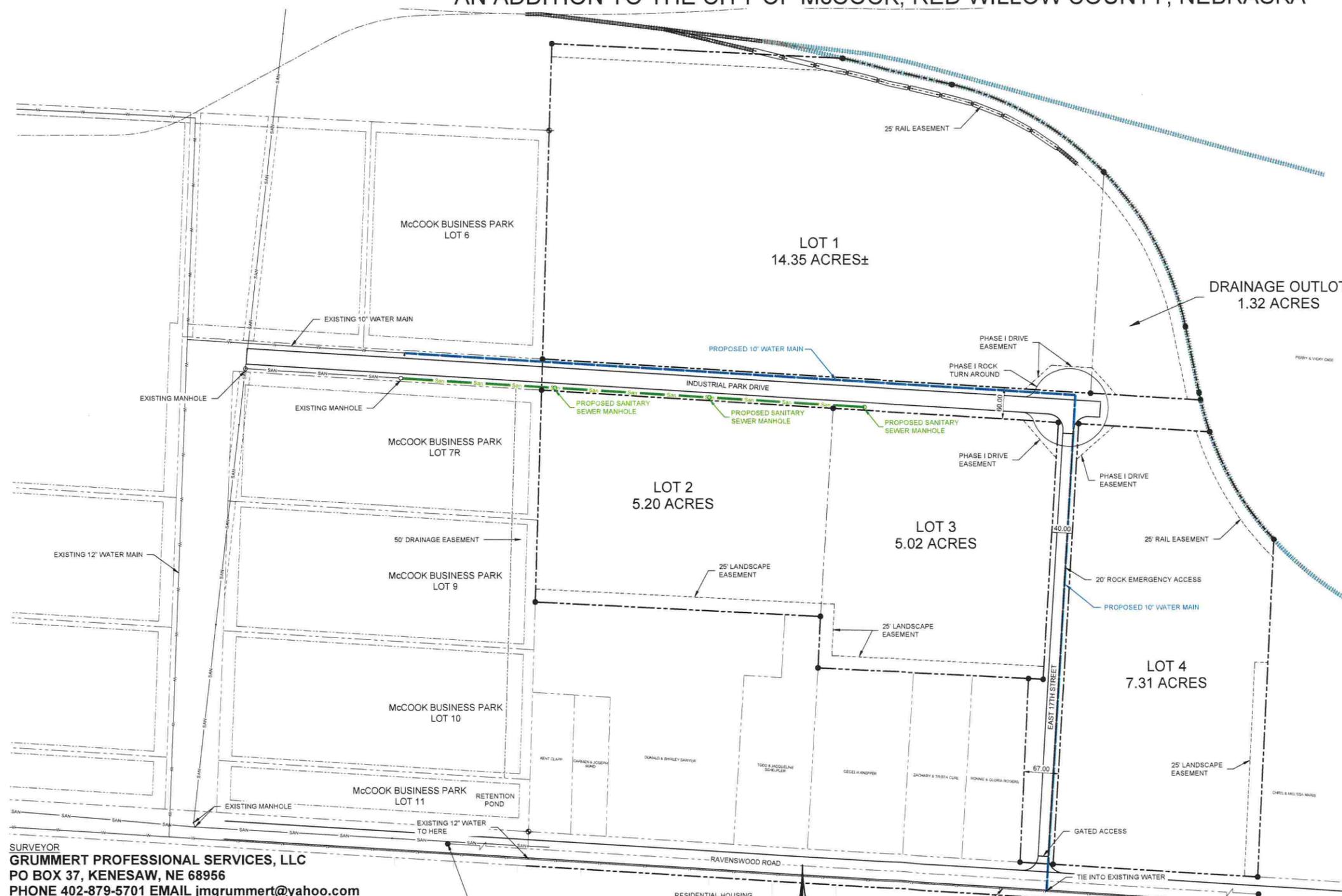
CURRENT AGRICULTURAL ZONING
MINIMUM LOT = 3 ACRES
MINIMUM FRONT YARD = 40 FEET
MINIMUM REAR YARD = 50 FEET
MINIMUM SIDE YARD = 20 FEET

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

PROPOSED & EXISTING UTILITIES

McCOOK BUSINESS PARK - PHASE II

AN ADDITION TO THE CITY OF McCOOK, RED 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 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 S87°05'30"E along said South ROW line a distance of ±563.25 feet to a point, thence S76°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 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 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.

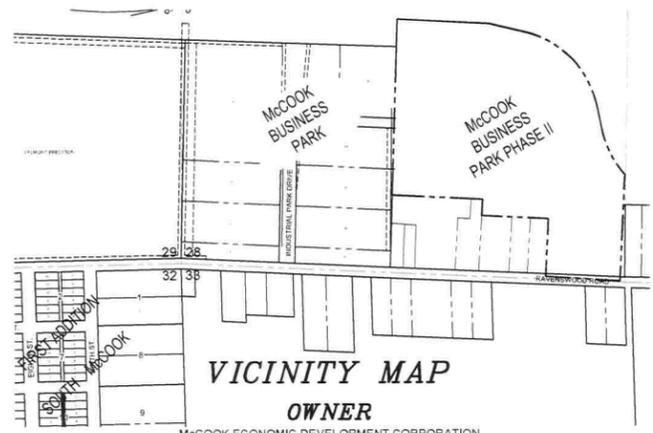
SURVEYORS CERTIFICATE

I, Joshua Eugene 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
⊕	FOUND CORNER
⊙	CALCULATED POINT
●	SET 4" x 24" REBAR WITH BLUE LS-783 CAP UNLESS NOTED OTHERWISE



VICINITY MAP

OWNER

McCOOK ECONOMIC DEVELOPMENT CORPORATION
 %TROY BRUNTZ, PRESIDENT
 402 NORRIS AVE SUITE 301
 McCOOK, NE 68001

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

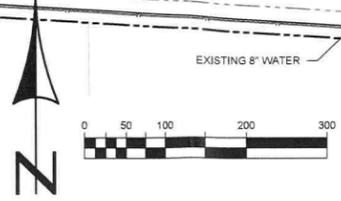
SURVEYOR
GRUMMERT PROFESSIONAL SERVICES, LLC
 PO BOX 37, KENESAW, NE 68956
 PHONE 402-879-5701 EMAIL jmgrummert@yahoo.com
 WWW.GRUMMERTSURVEYING.COM

ENGINEER
W DESIGN ASSOCIATES
 214 E. 1ST ST., McCOOK, NE 68001 | 308.345.2370 | ENGINEERS | ARCHITECTS
 206 W. 2ND ST., HASTINGS, NE 68021 | 402.463.2277 | WWW.WDESIGNASSOCIATES.COM

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S.E. COR. SEC. 28-3-28
 S.W. COR. SEC. 28-3-29
 FOUND 1/2" 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 MRK. POST 50.92' N.E.

S 1/4 COR. SEC. 28-3-29
 FOUND 5/8" REBAR
 1. 1/2" BLM BRASS CAP 65.20' N.E.
 2. CFP (STEEL) 45.61' N.E.
 3. TELLERISER 56.53' S.E.
 4. GAS (CFP) 53.42' S.E.



PROPOSED & EXISTING UTILITIES

McCOOK BUSINESS PARK - PHASE II

AN ADDITION TO THE CITY OF McCOOK, RED 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 Red Willow County, Nebraska, more particularly described as follows:

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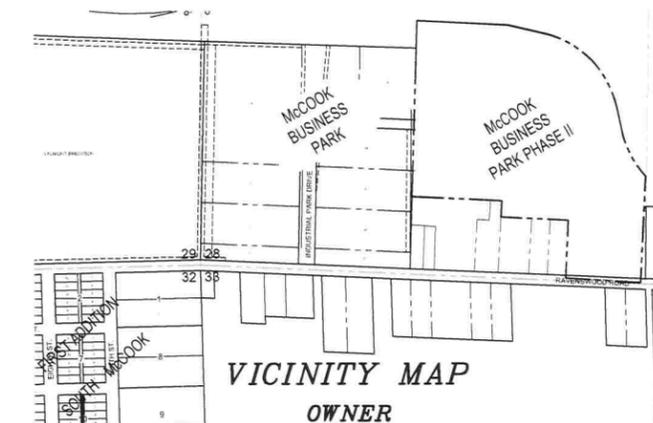
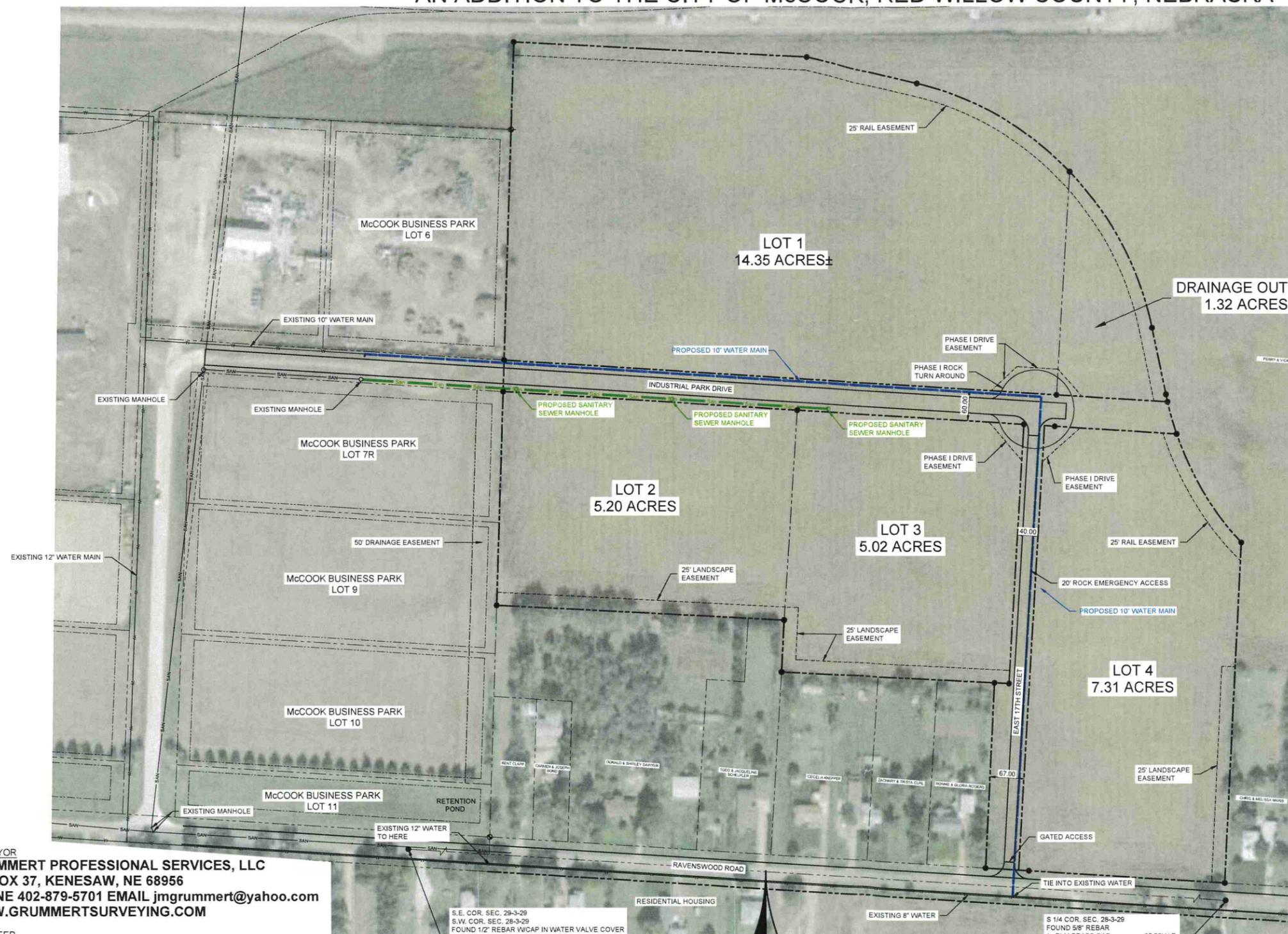
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Joshua E. Grummert LS-783

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BLDG. SETBACK LINE	----
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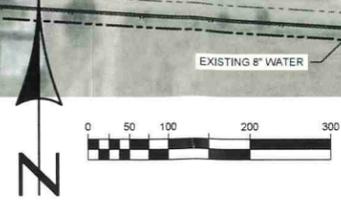
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2. CFP (STEEL) 45.61' N.E.
3. TELERISER 56.53' S.E.
4. GAS (CFP) 53.42' S.E.



**SUBDIVISION AGREEMENT FOR
MCCOOK BUSINESS PARK SUBDIVISION PHASE II
CITY OF McCOOK, NEBRASKA**

This Subdivision Agreement is entered into pursuant to the terms, conditions, and requirements of the Subdivision Ordinance #2014-2900 of the City of McCook, Nebraska, by and between McCook Economic Development Corp., hereinafter referred to as **DEVELOPER** and the City of McCook, Nebraska, hereinafter referred to as **CITY**.

The **DEVELOPER** and **CITY**, in consideration of the mutual covenants and agreements contained herein, agree to the following:

1. **DEVELOPER** is the owner of the following described real 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. 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 S87°05'30"E along said South ROW line a distance of ±563.25 feet to a point, thence S76°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 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 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.

2. Upon approval of Ordinance No. _____ said property will be situated

within the **CITY** limits and subject to the provisions of the City's Subdivision Ordinance #2014-2900.

3. **DEVELOPER** desires to develop said real property as a subdivision to be known as McCook Business Park Phase II consisting of Lots 1 through 4 with an additional drainage out lot located in the northeast portion of the subdivision.

4. Upon approval of the final plat of the McCook Business Park by the City Council of the City of McCook, Nebraska, the **DEVELOPER** and the **CITY** shall be bound by the terms and conditions set forth in this subdivision agreement.

5. Upon approval of the final plat, the **DEVELOPER** shall commence construction of Phase II as set forth herein:

a) The **DEVELOPER** shall construct and install a 10" water main east from the existing 10" main located south of Lot 6 in the original McCook Business Park with said water main to extend south to the existing 8" water main on the southern boundary adjacent to Ravenswood Road.

b) The **DEVELOPER** shall extend the existing 8" sewer main on Industrial Park Drive to provide sufficient sewer to ~~all lots 1, 2, and 3~~ located within McCook Business Park Phase II. ~~Lot 4 will be served by the existing sewer main on Ravenswood Road.~~

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c) The **DEVELOPER** shall grade and maintain Industrial Park Drive the entire length and width of the proposed streets as set out on the Final Plat. Additionally, the **DEVELOPER** shall grade and maintain all associated drainage ditches.

d) The **DEVELOPER** shall provide a Drainage Report reflecting flow routing through the detention ponds with said report being subject to **CITY** approval. The

Subdivision Agreement
McCook Business Park Subdivision
Page 3

Drainage Report shall meet the following requirements:

(i) To be conservative, detention cell sizing should consider the effects based on a 10-year, 24-hour duration storm;

(ii) Routing design should include a varying outflow with cell depth, and depth in the cell varying with time;

(iii) Emergency overflow elevation in the configuration of the overflow in the detention cells must be provided with final design;

(iv) Proposed storm sewer must have a minimum of 10' horizontal clearance and 18" vertical clearance between the proposed water main.

e) The **DEVELOPER** shall complete the construction of the detention pond located on the drainage outlot in the northeast portion of the McCook Business Park Phase II. Said detention pond shall be subject to modifications as to depth, size, or slope required by the Drainage Report. The **DEVELOPER** shall remain fully responsible for the upkeep and maintenance of said detention pond, drainage structures, and all drainage ditches subject to **CITY** approval. The **DEVELOPER** shall provide final grading contours for all improvements.

f) The **DEVELOPER** shall immediately plant the type and number of ten-gallon size trees as dictated by the **CITY** along the landscape easements included in the Final Plat constituting the landscape screen. The **DEVELOPER** shall be fully responsible for installation, upkeep, maintenance, and replacement of any trees situated in the landscape screen subject to **CITY** approval.

6. The **DEVELOPER** shall grade, gravel and maintain ~~all the extension Industrial of~~

Subdivision Agreement
McCook Business Park Subdivision
Page 4

Industrial Park Drive not paved in the initial construction of the original McCook Business Park subdivision, ~~is to include a truck turnaround at the east end.~~

7. The **DEVELOPER** shall ~~pave, curb and gutter the intersection of Ravenswood Road and Industrial Park Drive as shown on the Preliminary Construction Plans when building permits are issued for Lot 4 of McCook Business Park Subdivision Phase II; grade and construct a 20 foot wide rock emergency access on East 17th Street, from Ravenswood Road to Industrial Park Drive. This will also include the construction of a gated controlled access point at Ravenswood Road to serve emergency personnel. The Developer shall maintain the rock surface to be free of weeds.~~

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8. The **DEVELOPER** shall construct a structure to provide controlled access to the McCook Business Park Phase II intersection at Ravenswood Road and ~~Industrial Park East 17th Street.~~

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9. Prior to any lot in McCook Business Park Subdivision Phase II receiving an occupancy permit, that portion of Industrial Park Drive necessary to provide adequate ingress and egress to the lot must be paved to allow adequate ingress and egress onto the public paved surface.

10. ~~Upon the issuance of a building permit for Lot 4, the **DEVELOPER** shall pave all Industrial Park Drive and Ravenswood Road from the western boundary of the subdivision to the intersection of Ravenswood Road and Industrial Park Drive. All the paving must be completed prior to the issuance of an occupancy permit for Lot 4. Access to Lot 4 shall be from Industrial Park Drive, not Ravenswood Road.~~

~~11. The **DEVELOPER** shall provide documentation showing that truck traffic entering or leaving Industrial Park Drive onto or from Ravenswood Road shall be able to maneuver~~

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Subdivision Agreement
McCook Business Park Subdivision
Page 5

~~the turn without leaving the paved surface of the intersection of Ravenswood Road and Industrial Park Drive, respectively.~~

ADDITIONAL PROVISIONS, CONDITIONS, AND REQUIREMENTS

12. The parties agree that the **DEVELOPER** shall construct and develop the subdivision in accordance with this Subdivision Agreement.

13. ~~The **DEVELOPER** shall make every effort to fund the costs to pave Ravenswood Road with grants, tax increment financing and/or other funding sources.~~

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14. The **DEVELOPER** hereby agrees to not protest the creation of any improvement districts that affect the McCook Business Park Subdivision Phase II.

15. In anticipation of increased truck traffic merging at the intersection of South Highway 83 and South Street, the **DEVELOPER** hereby agrees to share in the cost to improve the intersection including the installation of any traffic control signals at a future specified time as determined by the **CITY**. The **DEVELOPER'S** share shall be determined by a traffic count conducted by the Nebraska Department of Transportation to determine the proportionate number of vehicles entering and leaving the McCook Business Park Phase II from said intersection.

16. The **DEVELOPER** hereby agrees to provide all utility easements requested by the **CITY**. All streets and utilities shall be dedicated to the **CITY** upon Final Plat approval.

17. All improvements and infrastructure as provided for in this subdivision agreement shall be constructed to meet all City and State standards and specifications as set forth in the City of McCook Ordinances and Subdivision Regulations.

18. It is the intent of the parties that the existing subdivision regulations will be revised

**Subdivision Agreement
McCook Business Park Subdivision
Page 6**

to eliminate the requirement of sidewalks in industrial zones. The parties acknowledge that the McCook City Council must vote affirmatively to so revise the existing subdivision regulations. In the event the McCook City Council does not adopt the proposed revision to eliminate sidewalks in industrial zones, the **DEVELOPER** will be required to comply with the subdivision regulations pertaining to sidewalks.

19. The **DEVELOPER** shall provide a street lighting plan as each phase of street construction is commenced. Said Street Lighting Plan shall be subject to the approval of the **CITY**. The Street Lighting Plan shall be implemented and constructed as each phase is completed. The construction of street lights shall be the responsibility of the **DEVELOPER**. Street lights will not be installed on the emergency access road called East 17th Street.

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20. The **DEVELOPER** shall be responsible for paving to City specifications as set forth in the subdivision regulations from McCook Business Park Phase II across the City right of way to the property line of any particular lot. The **DEVELOPER** shall be responsible for construction of said paved driveway which shall be constructed when a building permit is issued for a particular lot.

INFRASTRUCTURE FINANCING

21. The **DEVELOPER** shall finance the infrastructure improvements as each Phase is commenced.

22. The **DEVELOPER** agrees that if special assessments are assessed for the infrastructure improvements, they will be levied only against the real property comprising the McCook Business Park Subdivision Phase II.

**Subdivision Agreement
McCook Business Park Subdivision
Page 7**

McCook Economic Development Corp., Developer

**CITY OF MCCOOK,
NEBRASKA**

Linda Taylor, Mayor

ATTEST:

Lea Ann Doak, City Clerk

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

ITEM NO. 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 6th P.M. in Red Willow County, Nebraska.

ITEM NO. 2.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. in Red Willow County, Nebraska, said Resolution 2023-~~07~~ conditioned upon the McCook City Council approving a final subdivision agreement at the June 5, 2023 McCook City Council meeting.

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 6th 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

*

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 is adjacent to the BNSF rail line.

The Comprehensive 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:

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

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

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

- ✓ (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.

to be supplement

leg 1 for a title on

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.

TR

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

TR

(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.

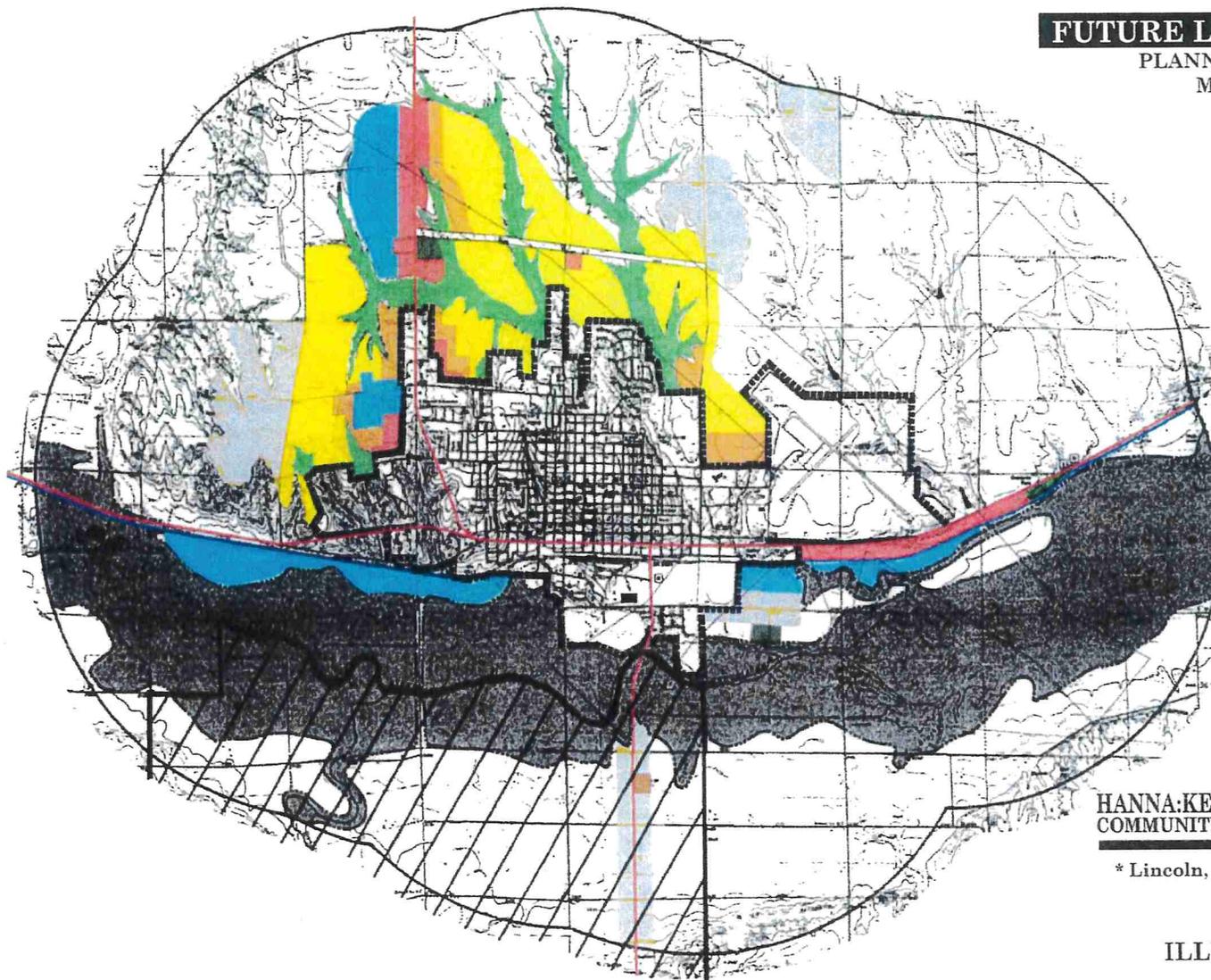
Thank you for your consideration of the request. We all look forward to working with the City of McCook to bring this exciting project to fruition.

Sincerely,



Charlie McPherson, Executive Director
McCook Economic Development Corporation

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

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 6th 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 15TH 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
JUNE 5, 2023 MCCOOK CITY COUNCIL MEETING**

4.C.
ITEM NO. Approve the Final Subdivision Agreement for the McCook Business Park Subdivision Phase II.

4.D.
ITEM NO. Approve Resolution No. 2023-09, rescinding in part and amending Resolution No. 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. in Red Willow County, Nebraska, and incorporating the terms of the final subdivision agreement between the City of McCook and the McCook Economic Development Corporation.

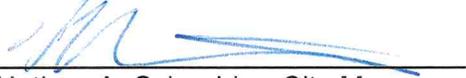
BACKGROUND:

At the May 15, 2023 McCook City Council meeting, a public hearing was held regarding the creation of the McCook Business Park Subdivision Phase II. Additionally, Resolution 2023-07 was included as an action item, which served to authorize the creation of the McCook Business Park Subdivision Phase II. Resolution 2023-07 was conditioned upon the McCook City Council approving a final subdivision agreement at the June 5, 2023 McCook City Council meeting. Following the May 15, 2023 McCook City Council meeting, the McCook Economic Development Corporation reconceptualized the proposed subdivision agreement to address some of the concerns expressed by residents of Ravenswood Road. City of McCook staff members, including City Manager Nate Schneider, Public Works Director Kyle Potthoff, and Fire Department Chief Marc Harpham, reviewed the proposed subdivision agreement modifications and are comfortable with the proposed amendments. As a result of the revisions to the subdivision agreement, the Preliminary Plat/Final Plat for the McCook Business Park Phase II has been modified to reflect the subdivision agreement changes. It is the intent of the MEDC and the City of McCook to address the concerns expressed by the residents of Ravenswood Road at the May 15, 2023 McCook City Council meeting.

To that end, the new subdivision agreement diverts the truck traffic created by the new development to Industrial Park Drive, eliminating the Ravenswood Road improvements contemplated in the originally proposed subdivision agreement. Specifically, Industrial Park Drive will be improved by the MEDC, said improvement beginning at the termination point of Industrial Park Drive south of Booe Machine and Salvage and extending east to a point that terminates at the intersection of proposed Lot 1, Lot 3, and Lot 4. A truck turnaround will be included at the east intersection to address potential traffic issues associated with increased commercial traffic. Next, pursuant to the terms of the subdivision agreement, the MEDC will grade and construct a 20 feet wide rock emergency access on East 17th Street from Ravenswood Road to Industrial Park Drive. The emergency access road will include the construction of a gated controlled access point at Ravenswood Road to serve emergency vehicles only. Emergency personnel will be the only individuals that will have the authority to access East 17th Street. Non-emergency vehicles will not have access to the gate key/access code. The Developer will be responsible for maintaining the rock surface of East 17th Street.

Due to these modifications, commercial and private vehicles will not be able to access proposed Lots 1, 2, 3, or 4 by traversing Ravenswood Road. Industrial Park Drive will serve as the access road to all of the lots contemplated in the Preliminary/Final Plat. Since Ravenswood Road will not receive additional truck traffic, there is no provision for improving Ravenswood Road included in the proposed subdivision agreement.

APPROVALS:



Nathan A. Schneider, City Manager

May 31, 2023



Lea Ann Doak, City Clerk

May 31, 2023

RESOLUTION NO. 2023-09

A RESOLUTION RESCINDING RESOLUTION NO. 2023-07 AND REENACTING WITH AMENDMENT RESOLUTION NO 2023-07 REGARDING APPROVAL OF THE MCCOOK BUSINESS PARK - PHASE II FINAL PLAT AND INCORPORATING THE TERMS OF THE SUBDIVISION AGREEMENT BETWEEN THE CITY OF MCCOOK AND THE MCCOOK ECONOMIC DEVELOPMENT CORPORATION.

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 6th 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. The Council hereby rescinds Resolution No. 2023-07 and replaces it with Resolution No. 2023-09.

SECTION 2. That the Final Plat of McCook Business Park - Phase II Addition (as amended) 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 3. 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.

SECTION 4. That the terms of the final subdivision agreement between the City of McCook and the McCook Economic Development Corporation be incorporated and made a part hereof as Exhibit "A".

PASSED AND APPROVED this 5th day of June, 2023.

Linda Taylor, Ex-officio Mayor
and Council President

ATTEST:

Lea Ann Doak, City Clerk-Treasurer

FINAL PLAT

McCOOK BUSINESS PARK - PHASE II

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

PLANNING COMMISSION APPROVAL

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

Nate Schneider, Secretary

Kurt Vosburg, Chairman

MUNICIPAL APPROVAL

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

LeaAnn Doak, City Clerk

Linda Taylor, Mayor

RECORDING INFORMATION

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

DATE: _____

TIME: _____

Register of Deeds: Tami Teel

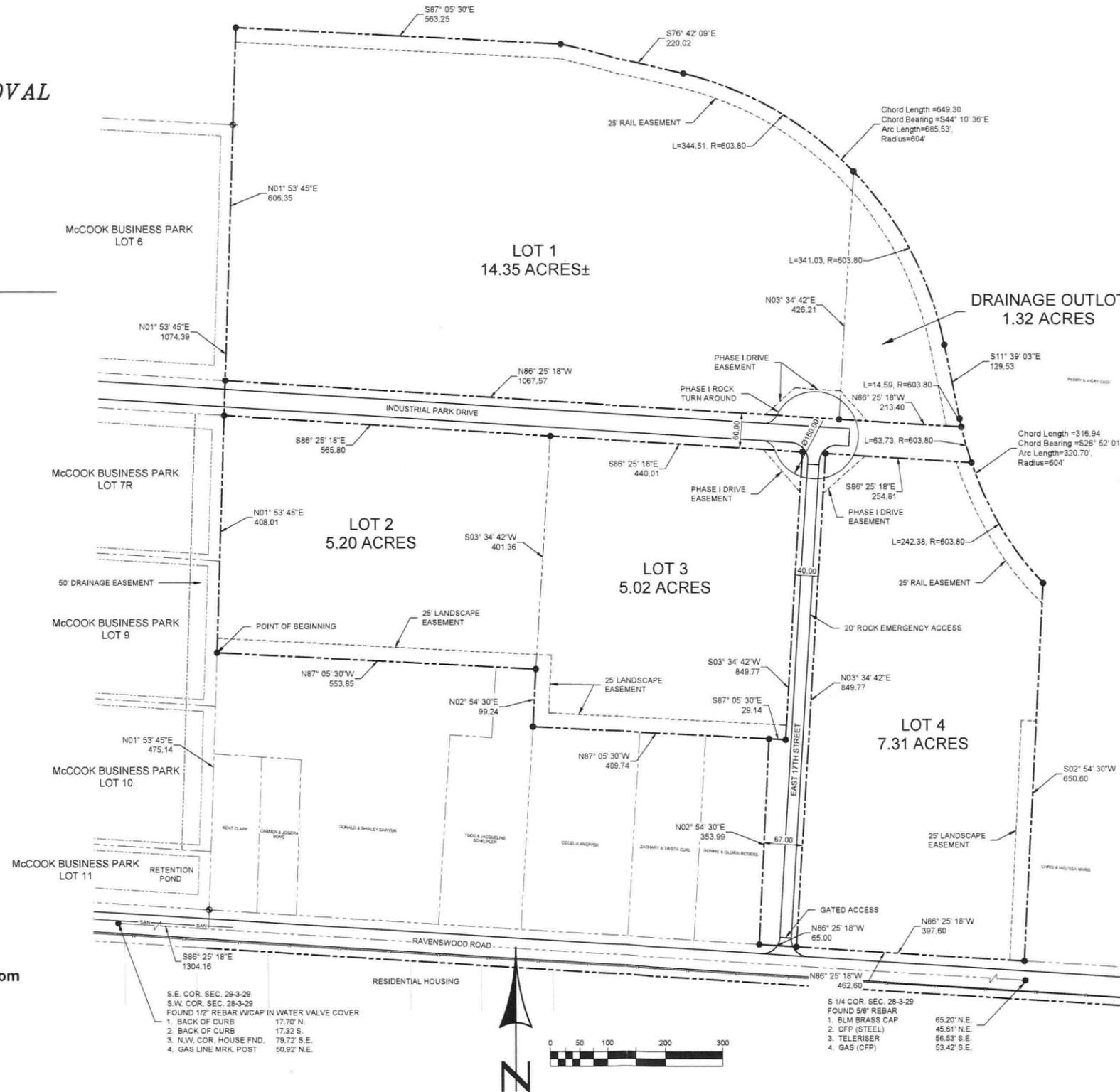
LEGEND

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

SURVEYOR
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PO BOX 37, KENESAW, NE 68956
PHONE 402-879-5701 EMAIL jmgrummert@yahoo.com
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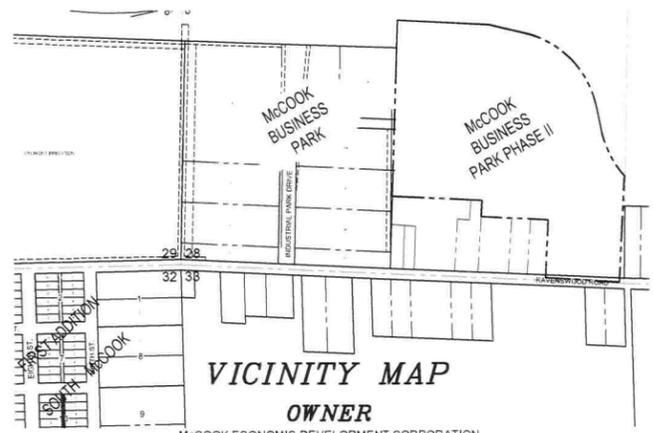
DEDICATION
McCOOK BUSINESS PARK PHASE II, as it appears on the foregoing Plat and as described with the desires of the undersigned owners and proprietors. The said owners hereby dedicate the streets, alleys, easements and other open areas to the Public use and benefit.
By: _____
Perry Case, Owner
By: _____
Vicky Case, 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 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 S87°05'30"E along said South ROW line a distance of ±563.25 feet to a point, thence S76°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 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 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 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



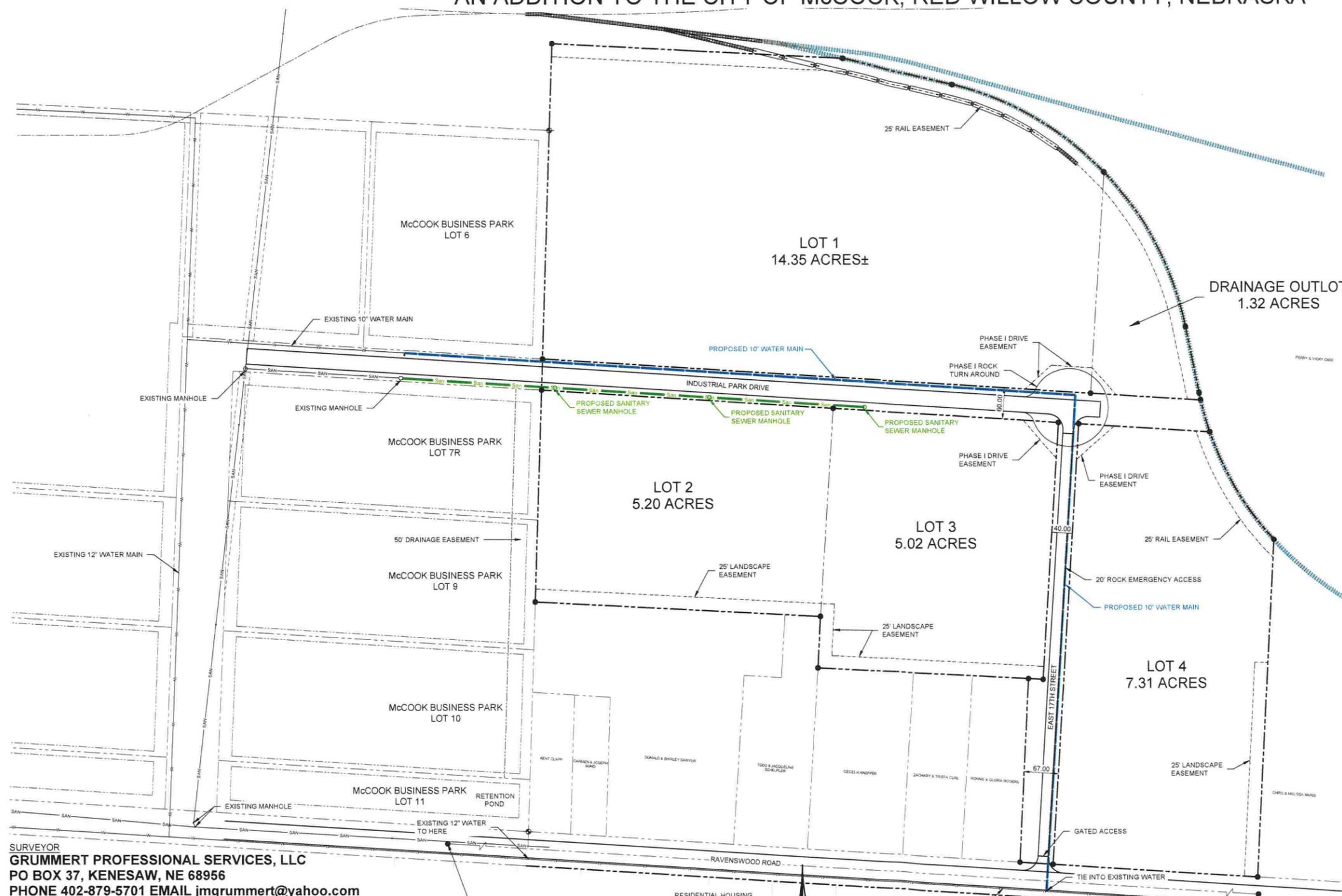
VICINITY MAP
OWNER
McCOOK ECONOMIC DEVELOPMENT CORPORATION
%TROY BRUNTZ, PRESIDENT
402 NORRIS AVE SUITE 301
McCOOK, NE 68001

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
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PROPOSED & EXISTING UTILITIES

McCOOK BUSINESS PARK - PHASE II

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



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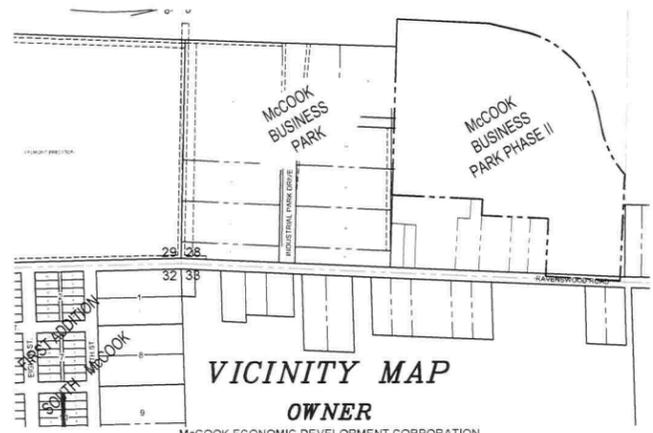
SURVEYORS CERTIFICATE

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
⊕	FOUND CORNER
⊙	CALCULATED POINT
●	SET 4" x 24" REBAR WITH BLUE LS-783 CAP UNLESS NOTED OTHERWISE



VICINITY MAP

OWNER

McCOOK ECONOMIC DEVELOPMENT CORPORATION
 %TROY BRUNTZ, PRESIDENT
 402 NORRIS AVE SUITE 301
 McCOOK, NE 68001

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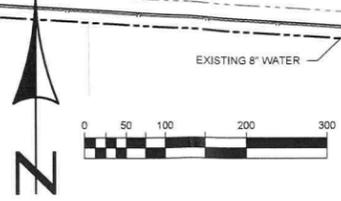
SURVEYOR
GRUMMERT PROFESSIONAL SERVICES, LLC
 PO BOX 37, KENESAW, NE 68956
 PHONE 402-879-5701 EMAIL jmgrummert@yahoo.com
 WWW.GRUMMERTSURVEYING.COM

ENGINEER
W DESIGN ASSOCIATES
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S.E. COR. SEC. 28-3-28
 S.W. COR. SEC. 28-3-29
 FOUND 1/2" 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 MRK. POST 50.92' N.E.

S 1/4 COR. SEC. 28-3-29
 FOUND 5/8" REBAR
 1. 1/2" BLM BRASS CAP 65.20' N.E.
 2. CFP (STEEL) 45.61' N.E.
 3. TELLERISER 56.53' S.E.
 4. GAS (CFP) 53.42' S.E.



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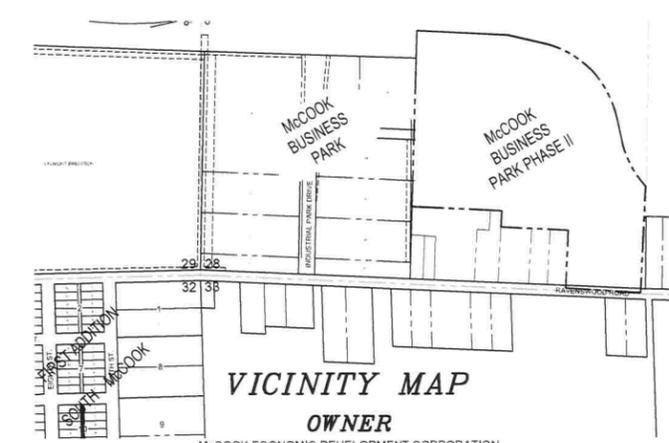
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Joshua E. Grummert LS-783

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 2021 W. 2ND ST., HASTINGS, NE 68801 | 402.463.2271 | WWW.WDASOFT.COM

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S.E. COR. SEC. 29-3-29
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 FOUND 12" REBAR W/CAP IN WATER VALVE COVER
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 3. TELERISER 56.53' S.E.
 4. GAS (CFP) 53.42' S.E.

**SUBDIVISION AGREEMENT FOR
MCCOOK BUSINESS PARK SUBDIVISION PHASE II
CITY OF McCOOK, NEBRASKA**

This Subdivision Agreement is entered into pursuant to the terms, conditions, and requirements of the Subdivision Ordinance #2014-2900 of the City of McCook, Nebraska, by and between McCook Economic Development Corp., hereinafter referred to as **DEVELOPER** and the City of McCook, Nebraska, hereinafter referred to as **CITY**.

The **DEVELOPER** and **CITY**, in consideration of the mutual covenants and agreements contained herein, agree to the following:

1. **DEVELOPER** is the owner of the following described real 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. 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 S87°05'30"E along said South ROW line a distance of ±563.25 feet to a point, thence S76°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 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 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.

2. Upon approval of Ordinance No. _____ said property will be situated

within the **CITY** limits and subject to the provisions of the City's Subdivision Ordinance #2014-2900.

3. **DEVELOPER** desires to develop said real property as a subdivision to be known as McCook Business Park Phase II consisting of Lots 1 through 4 with an additional drainage out lot located in the northeast portion of the subdivision.

4. Upon approval of the final plat of the McCook Business Park by the City Council of the City of McCook, Nebraska, the **DEVELOPER** and the **CITY** shall be bound by the terms and conditions set forth in this subdivision agreement.

5. Upon approval of the final plat, the **DEVELOPER** shall commence construction of Phase II as set forth herein:

a) The **DEVELOPER** shall construct and install a 10" water main east from the existing 10" main located south of Lot 6 in the original McCook Business Park with said water main to extend south to the existing 8" water main on the southern boundary adjacent to Ravenswood Road.

b) The **DEVELOPER** shall extend the existing 8" sewer main on Industrial Park Drive to provide sufficient sewer to ~~all lots 1, 2, and 3~~ located within McCook Business Park Phase II. ~~Lot 4 will be served by the existing sewer main on Ravenswood Road.~~

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c) The **DEVELOPER** shall grade and maintain Industrial Park Drive the entire length and width of the proposed streets as set out on the Final Plat. Additionally, the **DEVELOPER** shall grade and maintain all associated drainage ditches.

d) The **DEVELOPER** shall provide a Drainage Report reflecting flow routing through the detention ponds with said report being subject to **CITY** approval. The

Subdivision Agreement
McCook Business Park Subdivision
Page 3

Drainage Report shall meet the following requirements:

(i) To be conservative, detention cell sizing should consider the effects based on a 10-year, 24-hour duration storm;

(ii) Routing design should include a varying outflow with cell depth, and depth in the cell varying with time;

(iii) Emergency overflow elevation in the configuration of the overflow in the detention cells must be provided with final design;

(iv) Proposed storm sewer must have a minimum of 10' horizontal clearance and 18" vertical clearance between the proposed water main.

e) The **DEVELOPER** shall complete the construction of the detention pond located on the drainage outlot in the northeast portion of the McCook Business Park Phase II. Said detention pond shall be subject to modifications as to depth, size, or slope required by the Drainage Report. The **DEVELOPER** shall remain fully responsible for the upkeep and maintenance of said detention pond, drainage structures, and all drainage ditches subject to **CITY** approval. The **DEVELOPER** shall provide final grading contours for all improvements.

f) The **DEVELOPER** shall immediately plant the type and number of ten-gallon size trees as dictated by the **CITY** along the landscape easements included in the Final Plat constituting the landscape screen. The **DEVELOPER** shall be fully responsible for installation, upkeep, maintenance, and replacement of any trees situated in the landscape screen subject to **CITY** approval.

6. The **DEVELOPER** shall grade, gravel and maintain ~~all the extension Industrial of~~

Subdivision Agreement
McCook Business Park Subdivision
Page 4

Industrial Park Drive not paved in the initial construction of the original McCook Business Park subdivision, ~~is to include a truck turnaround at the east end.~~

7. The **DEVELOPER** shall ~~pave, curb and gutter the intersection of Ravenswood Road and Industrial Park Drive as shown on the Preliminary Construction Plans when building permits are issued for Lot 4 of McCook Business Park Subdivision Phase II; grade and construct a 20 foot wide rock emergency access on East 17th Street, from Ravenswood Road to Industrial Park Drive. This will also include the construction of a gated controlled access point at Ravenswood Road to serve emergency personnel. The Developer shall maintain the rock surface to be free of weeds.~~

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8. The **DEVELOPER** shall construct a structure to provide controlled access to the McCook Business Park Phase II intersection at Ravenswood Road and ~~Industrial Park East 17th Street.~~

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9. Prior to any lot in McCook Business Park Subdivision Phase II receiving an occupancy permit, that portion of Industrial Park Drive necessary to provide adequate ingress and egress to the lot must be paved to allow adequate ingress and egress onto the public paved surface.

10. ~~Upon the issuance of a building permit for Lot 4, the **DEVELOPER** shall pave all Industrial Park Drive and Ravenswood Road from the western boundary of the subdivision to the intersection of Ravenswood Road and Industrial Park Drive. All the paving must be completed prior to the issuance of an occupancy permit for Lot 4. Access to Lot 4 shall be from Industrial Park Drive, not Ravenswood Road.~~

~~11. The **DEVELOPER** shall provide documentation showing that truck traffic entering or leaving Industrial Park Drive onto or from Ravenswood Road shall be able to maneuver~~

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Subdivision Agreement
McCook Business Park Subdivision
Page 5

~~the turn without leaving the paved surface of the intersection of Ravenswood Road and Industrial Park Drive, respectively.~~

ADDITIONAL PROVISIONS, CONDITIONS, AND REQUIREMENTS

12. The parties agree that the **DEVELOPER** shall construct and develop the subdivision in accordance with this Subdivision Agreement.

13. ~~The **DEVELOPER** shall make every effort to fund the costs to pave Ravenswood Road with grants, tax increment financing and/or other funding sources.~~

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14. The **DEVELOPER** hereby agrees to not protest the creation of any improvement districts that affect the McCook Business Park Subdivision Phase II.

15. In anticipation of increased truck traffic merging at the intersection of South Highway 83 and South Street, the **DEVELOPER** hereby agrees to share in the cost to improve the intersection including the installation of any traffic control signals at a future specified time as determined by the **CITY**. The **DEVELOPER'S** share shall be determined by a traffic count conducted by the Nebraska Department of Transportation to determine the proportionate number of vehicles entering and leaving the McCook Business Park Phase II from said intersection.

16. The **DEVELOPER** hereby agrees to provide all utility easements requested by the **CITY**. All streets and utilities shall be dedicated to the **CITY** upon Final Plat approval.

17. All improvements and infrastructure as provided for in this subdivision agreement shall be constructed to meet all City and State standards and specifications as set forth in the City of McCook Ordinances and Subdivision Regulations.

18. It is the intent of the parties that the existing subdivision regulations will be revised

**Subdivision Agreement
McCook Business Park Subdivision
Page 6**

to eliminate the requirement of sidewalks in industrial zones. The parties acknowledge that the McCook City Council must vote affirmatively to so revise the existing subdivision regulations. In the event the McCook City Council does not adopt the proposed revision to eliminate sidewalks in industrial zones, the **DEVELOPER** will be required to comply with the subdivision regulations pertaining to sidewalks.

19. The **DEVELOPER** shall provide a street lighting plan as each phase of street construction is commenced. Said Street Lighting Plan shall be subject to the approval of the **CITY**. The Street Lighting Plan shall be implemented and constructed as each phase is completed. The construction of street lights shall be the responsibility of the **DEVELOPER**. Street lights will not be installed on the emergency access road called East 17th Street.

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20. The **DEVELOPER** shall be responsible for paving to City specifications as set forth in the subdivision regulations from McCook Business Park Phase II across the City right of way to the property line of any particular lot. The **DEVELOPER** shall be responsible for construction of said paved driveway which shall be constructed when a building permit is issued for a particular lot.

INFRASTRUCTURE FINANCING

21. The **DEVELOPER** shall finance the infrastructure improvements as each Phase is commenced.

22. The **DEVELOPER** agrees that if special assessments are assessed for the infrastructure improvements, they will be levied only against the real property comprising the McCook Business Park Subdivision Phase II.

**Subdivision Agreement
McCook Business Park Subdivision
Page 7**

McCook Economic Development Corp., Developer

**CITY OF MCCOOK,
NEBRASKA**

Linda Taylor, Mayor

ATTEST:

Lea Ann Doak, City Clerk

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

ITEM NO. 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 6th P.M. in Red Willow County, Nebraska.

ITEM NO. 2.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. in Red Willow County, Nebraska, said Resolution 2023-07 conditioned upon the McCook City Council approving a final subdivision agreement at the June 5, 2023 McCook City Council meeting.

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 6th 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

*

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 is adjacent to the BNSF rail line.

The Comprehensive 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:

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

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

✓ (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.

to be supplement

leg 1 for a title on

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.

T/A

(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.

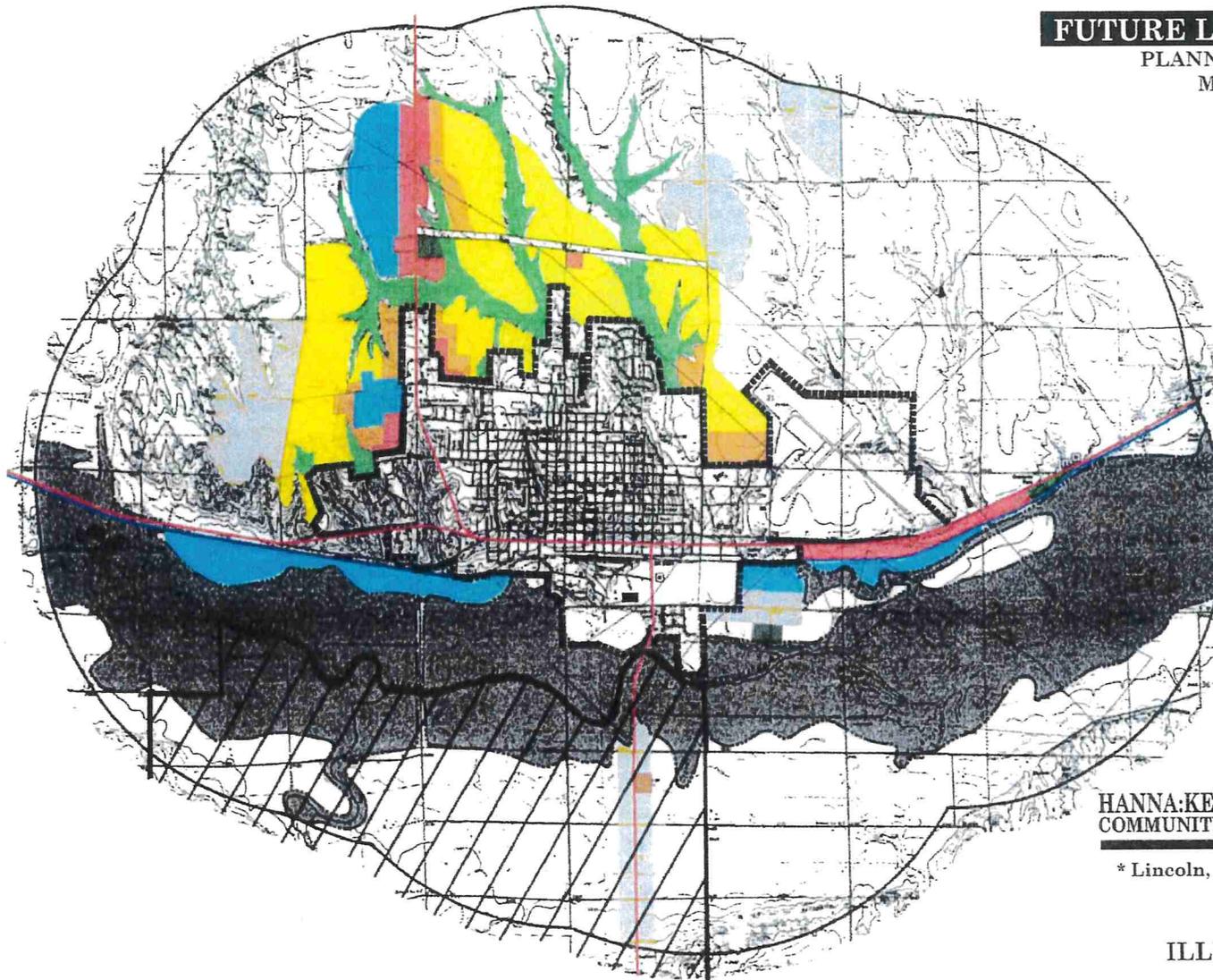
Thank you for your consideration of the request. We all look forward to working with the City of McCook to bring this exciting project to fruition.

Sincerely,



Charlie McPherson, Executive Director
McCook Economic Development Corporation

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

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 6th 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 15TH 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
JUNE 5, 2023 MCCOOK CITY COUNCIL MEETING**

ITEM NO. 4.E, Approve on second 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 6th P.M. in Red Willow County, Nebraska.

BACKGROUND:

Please refer to the attached City Manager's Report for Background to this agenda item. Staff has received no feedback from the public regarding this agenda item following the May 15, 2023 McCook City Council meeting.

APPROVALS:



Nathan A. Schneider, City Manager

May 31, 2023



Lea Ann Doak, City Clerk

May 31, 2023



Tera Koetter, Assistant City Manager

May 31, 2023

**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 6th P.M. in Red Willow County, Nebraska, said property located at the proposed McCook Business Park - Phase II.

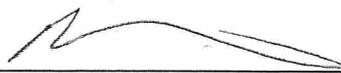
ITEM NO. 2F Approve on first reading, Ordinance No. 2023- 3068, allowing for the zoning change from Agricultural District (AG) to Industrial Heavy District (IH) for the following property: a tract of land located in the SW 1/4 of Section 28, Township 3 North, Range 29, West of the 6th P.M. in Red Willow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

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 6th 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.

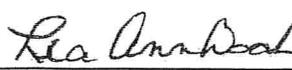
At the May 8, 2023 McCook Planning Commission meeting, the Planning Commission voted to recommend approval of the rezone request to the McCook City Council.

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

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 6TH 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 6th 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

**CITY MANAGER'S REPORT
JUNE 5, 2023 2022 CITY COUNCIL MEETING**

ITEM: 4.F.

Presentation by Councilmember Weedin regarding the recent Choice Gas Selection Period and the future of ACE.

BACKGROUND:

This item has been put on the agenda at the request of Councilmember Weedin.

**FISCAL
IMPACT:** None.

APPROVALS:



Lea Ann Doak, City Clerk

June 1, 2023



Tera Koetter, Assistant City Manager

June 1, 2023



Nathan A. Schneider, City Manager

June 1, 2023

From: Gene Weedin <geneweedin51@gmail.com>
Sent: Wednesday, May 17, 2023 4:27 PM
To: Nate Schneider <nschneider@cityofmccook.com>
Subject: Agenda

Nate,

Could I be placed on the next council agenda? Would like to explain to the council how McCook did in the recent Choice Gas Selection Period. Also explain some of the concerns that face ACE and the future of ACE and what we as a council can do to get more people to select ACE as their natural gas supplier.

Thanks.
Gene