

# MCCOOK CITY COUNCIL

## REGULAR MEETING

**Monday, August 21, 2023**  
**5:30 PM - City Council Chambers**

Roll Call.

Excuse Absences.

Open Meetings Act Announcement.

Invocation - McCook Ministerial Association - Jeff Kelley, Memorial Methodist Church.

Pledge of Allegiance.

Call to Order.

Items.

1. Discussion regarding a Land Use Action Request application from McCook Solar, LLC, as agent for Harold B. Pearson and Lori S. Pearson; Masonic Temple Craft, Inc.; Pearson's Pheasant Run Limited Partnership; CCJH, LLC; and John and Melinda Palic as Trustees of the John and Melinda Palic Revocable Trusts, for consideration of a special exception designation to allow for an alternative solar energy system to be located within McCook's extraterritorial jurisdiction, said district zoned as an Agricultural District (AG).
2. Announcements & Recognitions.
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 August 7, 2023 regular City Council meeting, the August 11, 2023 and the August 15, 2023 special City Council meetings.
  - B. Approve the request from Ronda Graff to utilize city streets and walking trails for the 2023 Heritage Days Road Race to be held the morning of October 14, 2023.
  - C. Approve and enter into a contract with Capital City Concepts, LLC, providing for a Comparability Study to establish compensation parameters for the City of McCook's employees.
  - D. Authorize the Mayor to sign the letter of support for the proposed construction of an all-inclusive playground to be located in Kelley Park which will replace the existing play structure.
  - E. Accept the minutes of the August 14, 2023 Planning Commission meeting.

- F. Authorize Resolution No. 2023-14 approving the grant application for Federal Assistance from the Nebraska Game and Parks Commission Recreational Trails program for the McCook Recreational Trail Phase IV - Westview Trail & Crossing.
  - G. Authorize legal action to abate a nuisance found on property located at 103 South 7th Street.
  - H. Authorize legal action to abate a nuisance found on property located at 110 South 9th Street.
  - I. Approve an application from Telcom Construction to occupy city right-of-way for the purpose of replacing telephone cable for 704 West 3rd Street.
  - J. Approve the application for a Special Designated Liquor License submitted by Ambriz Ventures, LLC, Liquor License #CK-124450, for a wedding reception to be held at the McCook Municipal Auditorium, 302 West 5th Street, on September 30, 2023 from 12:00 P.M. to 11:00 P.M.
  - K. Approve the application for a Special Designated Liquor License submitted by Just 1 More Bar and Grill, Liquor License #C-123114, for a wedding reception to be held at the Red Willow County Community Building, 1412 West 5th Street, on September 30, 2023 at 3:00 P.M. to 2:00 A.M.
  - L. Receive and file the claims for the month of July 2023, published August 11, 2023.
  - M. Ratify the Mayor's appointments to the Planning Commission - reappointing Jesse Stevens, Kurt Vosburg, and Matt Davidson - terms expire September 2026 and to the Senior Citizens Advisory Board - reappointing Mary Keslin and appointing Matthew Duffield to replace John Deon - terms expire September 2023.
  - N. Forward to the City's insurance carrier for review and appropriate action a property damage claim from Amanda Shroust in the amount of \$210.00.
  - O. Forward to the City's insurance carrier for review and appropriate action a property damage claim from Kenny Yeager.
  - P. Receive and file the Financial Report for the period ending July 31, 2023.
  - Q. Authorize the City of McCook to submit a FEMA Post Fire Hazard Mitigation Grant for the purpose of decreasing the wildland fire danger risk in a residential area within the city.
4. Regular Agenda.
- A. Receive and file a request from Jerry Reitz regarding the removal of a special assessment against property located at 810 West 4th.
  - B. Update regarding the swimming pool and ballpark projects.
  - C. Ordinance No. 2023-3070 providing for the adoption of the budget for FY 2023/2024.
    - 1. Chairperson asks Clerk to read Ordinance by title.
    - 2. Consider approval of Ordinance No. 2023-3070 upon its first of three readings.
  - D. Ordinance No. 2023-3071 providing for the adoption of the FY 2023/2024 Fiscal Year Employee Classification Pay Plan.
    - 1. Chairperson asks Clerk to read Ordinance by title.

2. Consider approval of Ordinance No. 2023-3071 upon its first of three readings.
- E. Ordinance No. 2023-3072 providing for the amendment of Appendix F, Solid Waste Collection Fees of the City of McCook Code of Ordinances.
  1. Chairperson asks Clerk to read Ordinance by title.
  2. Consider approval of Ordinance No. 2023-3072 upon its first of three readings.
- F. Council Comments.
- G. Annual evaluation of the job performance of City Manager Nathan A. Schneider; as allowed by state law, upon a majority vote, the Council may go into Closed Session for consideration of this item.
  1. Nebraska Open Meetings Act statement, if a motion to close passes.
  2. If moved into Executive Session, motion to close.

Adjournment.

**CITY MANAGER'S REPORT  
AUGUST 21, 2023 MCCOOK CITY COUNCIL MEETING**

**ITEM NO. 1.** Discussion regarding a Land Use Action Request application from McCook Solar, LLC, as agent for Harold B. Pearson and Lori S. Pearson; Masonic Temple Craft, Inc.; Pearson's Pheasant Run Limited Partnership; CCJH, LLC; and John and Melinda Palic as Trustees of the John and Melinda Palic Revocable Trusts, for consideration of a special exception designation to allow for an alternative solar energy system to be located within McCook's extraterritorial jurisdiction, said district zoned as an Agricultural District (AG).

---

**BACKGROUND:**

McCook Solar, LLC has submitted a Land Action Request application on behalf of 5 potentially impacted landowners, requesting a special exception to locate an alternative solar energy system within McCook's extraterritorial zoning jurisdiction. The solar project would be located northwest of McCook and would occupy approximately one square mile. The area is currently zoned as an Agricultural District (AG). Per Article 7, Section 703 of the McCook Zoning Ordinance, alternative solar energy systems may be permitted if the provisions relating to a special exception have been fulfilled. Article 24, Section 2402 of the McCook Zoning Ordinance, establishes the criteria that must be complied with in order to receive such a special exception designation. Article 7, Section 703 and Article 24, Section 2402, are included with this report for review.

Attached to this report is the Land Action Request application. The purpose of the application is to request a special exception that permits the construction and continued maintenance of an approximately 55 megawatt AC solar electric generating facility to be located on approximately 551 acres of land. The project would include, but not be limited to, solar panels, racking, trackers, inverters, a short overhead transmission line from the project substation to the McCook Substation, battery energy storage system, access roads, laydown yard, transformer, junction boxes, substation, operations and maintenance building, and the AC electrical current collection system. The application includes agreements between McCook Solar, LLC and the landowners, authorizing McCook Solar, LLC to submit the necessary documentation to apply for, pursue, obtain and perfect a special exception for the solar project. Section IV of the application recites McCook's special exception considerations and corresponding answers. After closer review of McCook Zoning Ordinance Article 24, Section 2402, Section IV(I) of McCook's Solar LLC's application should be omitted from consideration, as it is not a criteria to be considered per McCook Zoning Ordinance Article 24. All of the other stated criteria are consistent with McCook's special exception rules.

The City of McCook has contracted with Marvin Consulting to assist with our review of the application and to help apply the findings to McCook's special exception criteria. Keith Marvin will be present via Zoom during Monday's meeting. The City of McCook has also contacted NPPD and MPPD to provide input with respect to the application. Brice Barton of 39 North will be present to speak on behalf of the application.

At the August 14, 2023 McCook Planning Commission meeting, a discussion was held regarding the application. The minutes from the meeting are included, herein.

This item is a discussion item and no action will be taken at the meeting. Please note, any decisions regarding the application must be based on the criteria contained within Article 24, Section 2402 of McCook's Zoning Ordinance. Nothing else may be considered.

**APPROVALS:**



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

August 16, 2023



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

August 16, 2023



July 14, 2023

Nate Schneider  
McCook City Manager  
505 West C. Street  
McCook, NE 69001

*Via email*

RE: McCook Solar, LLC Land Use Action Request application

Dear Mr. Schneider,

On behalf of Birch Creek Development, LLC, I am pleased to submit the McCook Solar, LLC Land Use Action Request application via electronic delivery today. A hard copy of the application and the permit fee of \$75 is being overnighted to your attention.

Upon your review of this application, the Project respectfully requests to be included on the agenda for the August 14, 2023 meeting of the Planning Commission and the agenda for the City Council on August 21, 2023.

We can provide additional copies of this application for both the Planning Commission and the City Council at your request.

Thank you for your consideration of this application and request for hearings.

Sincerely,

A handwritten signature in black ink that reads "Jennifer A. Dean".

Jennifer A. Dean  
Principal  
[dean@39northllc.com](mailto:dean@39northllc.com)  
913-219-5004

cc: Brice Barton, 39North  
Thadd Barker, Birch Creek  
Joe Arb, Birch Creek

Kansas Office 785.443.3434  
Denver Office 720.732.3154



## Table of Contents

I.	Introduction and Purpose .....	2
A.	Purpose .....	2
B.	Applicant Ability to Apply for Land Use Action Request .....	2
II.	Description of Project .....	2
A.	Project Area.....	2
B.	Project Siting .....	3
C.	Compatibility with the Nebraska Game and Parks Commission Guidance for Utility-Scale Photovoltaic Solar Energy Projects .....	7
D.	Project Description.....	7
III.	Project Construction and Operation .....	8
A.	Project Construction.....	8
B.	Project Operations.....	8
C.	Permanent Operational Staffing .....	8
D.	Project Decommissioning .....	9
E.	Project Property Taxes .....	9
IV.	McCook Special Exception Considerations .....	9
A.	Additional Requests .....	11

## I. INTRODUCTION AND PURPOSE

The following pages specify in detail the application of McCook Solar, LLC (“Project Company” or “Applicant”) for up to 65 megawatts (“MW”) alternating current (“AC”) of nameplate rating utility scale solar project in the jurisdiction of the City of McCook, Red Willow County, Nebraska (“Project”). The Project Company is a wholly owned subsidiary of Birch Creek Development, LLC. The Applicant respectfully submits this Land Use Action Request Application (“Application”) and requests approval by the McCook City Council of a Land Use Action Permit (“Permit”) for the Project as follows.

The proposed Project would fully comply with the McCook Code of Ordinances, Article 24 – Special Exceptions, Ordinances No. 2016-2929, passed and approved May 2, 2016 (“Zoning Ordinance”), the McCook, Nebraska Comprehensive Plan 2013-2023 (See Section V.J.), and all other applicable local, state, and federal laws and regulations.

Please see **Attachment 1 – Application for a Land Use Action Request**

### A. PURPOSE

The Project consists of up to a 65MW AC solar electric generating facility to be located on approximately 551 acres of land including but not limited to, solar panels, racking, trackers, inverters, a short overhead transmission line from the project substation to the McCook Substation, battery energy storage system, access roads, laydown yard, transformer, junction boxes, substation, operations and maintenance building, and the AC electrical current collection system. See **Attachment 2 – Site Plan**.

### B. APPLICANT ABILITY TO APPLY FOR LAND USE ACTION REQUEST

Each of the Project’s agreements with landowners authorizes the Project Company to seek and obtain the required permits and approvals for the Project on the landowner’s behalf. Each landowner has authorized the Project Company to seek the necessary permitting on his/her/its respective property by signing an Authorization to Include Certain Property in an Application for Special Permit for a Large Solar Facility (“Authorizations”). The Project Company is therefore acting as applicant for the participating landowners for this Application.

The ownership and contact information for the landowners is included as **Attachment 3 – Landowner Contact Information**. The signed landowner Authorizations are included in **Attachment 4 – Landowner Authorizations**.

## II. DESCRIPTION OF PROJECT

### A. PROJECT AREA

The proposed Project is located generally west of Highway 83, generally east of Road 383 and north of 717, on approximately 551 acres consisting of 5 landowners outside the city limits of the City of McCook but within the City’s Extra Territorial Jurisdiction (“ETJ”). See **Attachment 3 – Landowner Contact Information**. The acreages are based on the current iteration of the Site Plan (See **Attachment 2 – Site**

Plan) and may be slightly modified when the final design is determined. The final design will be approximate to, and less than, the acreage provided in this Application. **Figure 1 – Regional Project Location Map** depicts the regional Project location within the state, **Figure 2 – Geographical Location Map** shows the local Project location within a more focused geographical area, and **Figure 3 – Project Location Map** depicts the Project location with an aerial photography base map.

The area northwest of the City of McCook has characteristics that make it suitable for solar energy development. The relatively flat topography of the region, combined with its abundant sunshine, creates ideal conditions for solar panel installation. It's worth noting that while there are valleys and drainages in the area, they do not significantly hinder the feasibility of solar energy development or construction. The Applicant has designed the Project to minimize potential impacts to these valleys, drainages, and other sensitive areas by not installing underground facilities in areas that have the potential for erosion (See **Attachment 2 – Site Plan**). Moreover, the agricultural land use in the region provides additional benefits for solar development. The land used for crops is typically not heavily wooded, which means there are fewer shading issues that can impact the efficiency of solar panels. Additionally, the open fields provide ample space for utility-scale solar projects. Overall, the combination of the area's sunny climate, flat topography, and open agricultural land use make it an ideal location for solar energy development.

If approved, this would be the first utility scale solar project in Red Willow County.

## **B. PROJECT SITING**

The layout and siting of the proposed Project has been designed based on the following considerations:

- Location of interconnection facilities;
- Land under voluntary long-term lease or easement from property owners;
- Location of the Project facilities (solar array, interconnection location, access roads);
- Public road access to the Project;
- Construction and ongoing operations;
- Zoning Ordinance;
- City of McCook Comprehensive Plan 2013-2023;
- Nebraska Game & Parks Commission Solar Guidelines (2022).

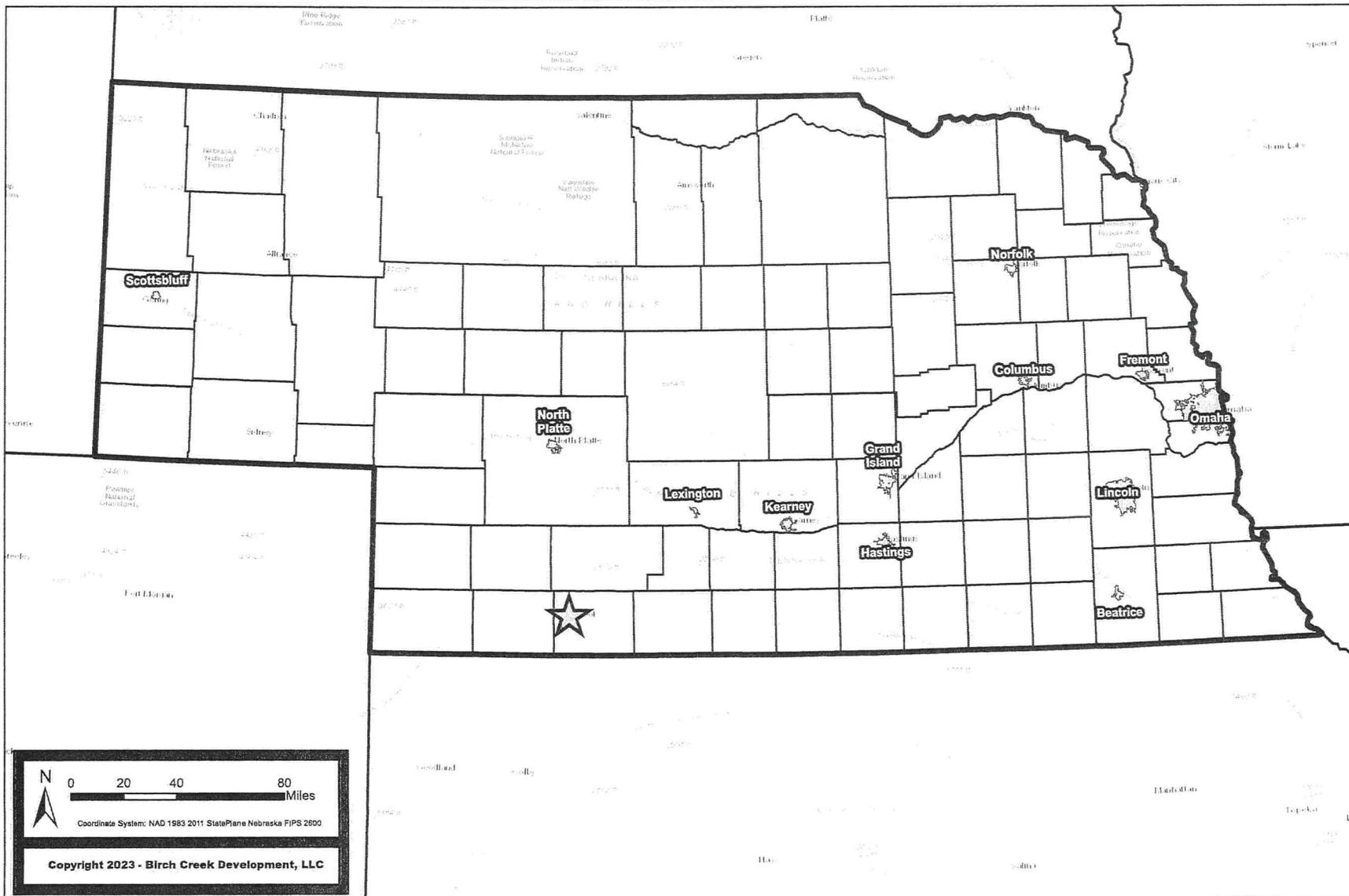
The proposed Project is situated on 6 parcels of land that are owned by 5 owners. The Project Company possesses signed landowner agreements for the parcels under lease (See **Attachment 3 – Landowner Contact Information**). These agreements allow the proposed Project to host all equipment necessary to apply for the Land Use Action permit, build and operate the Project, including but not limited to, solar panels, racking, trackers, inverters, a short overhead transmission line from the project substation to the McCook Substation, battery energy storage system, access roads, laydown yard, transformer, junction boxes, substation, operations and maintenance building, and the AC electrical current collection system.

Figure 1

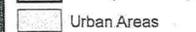
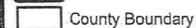
Regional Project Location Map

# McCook Solar, LLC

## Figure 1 - Regional Project Location Map



### Legend



Coordinate System: NAD 1983 2011 StatePlane Nebraska FIPS 2800

Copyright 2023 - Birch Creek Development, LLC

Created By: Thedd Barker

Date: 6/8/2023

Service Layer Credits: Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), Swisstopo, © OpenStreetMap contributors, and the GIS User Community

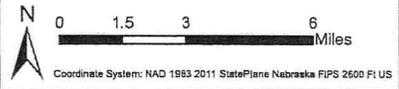
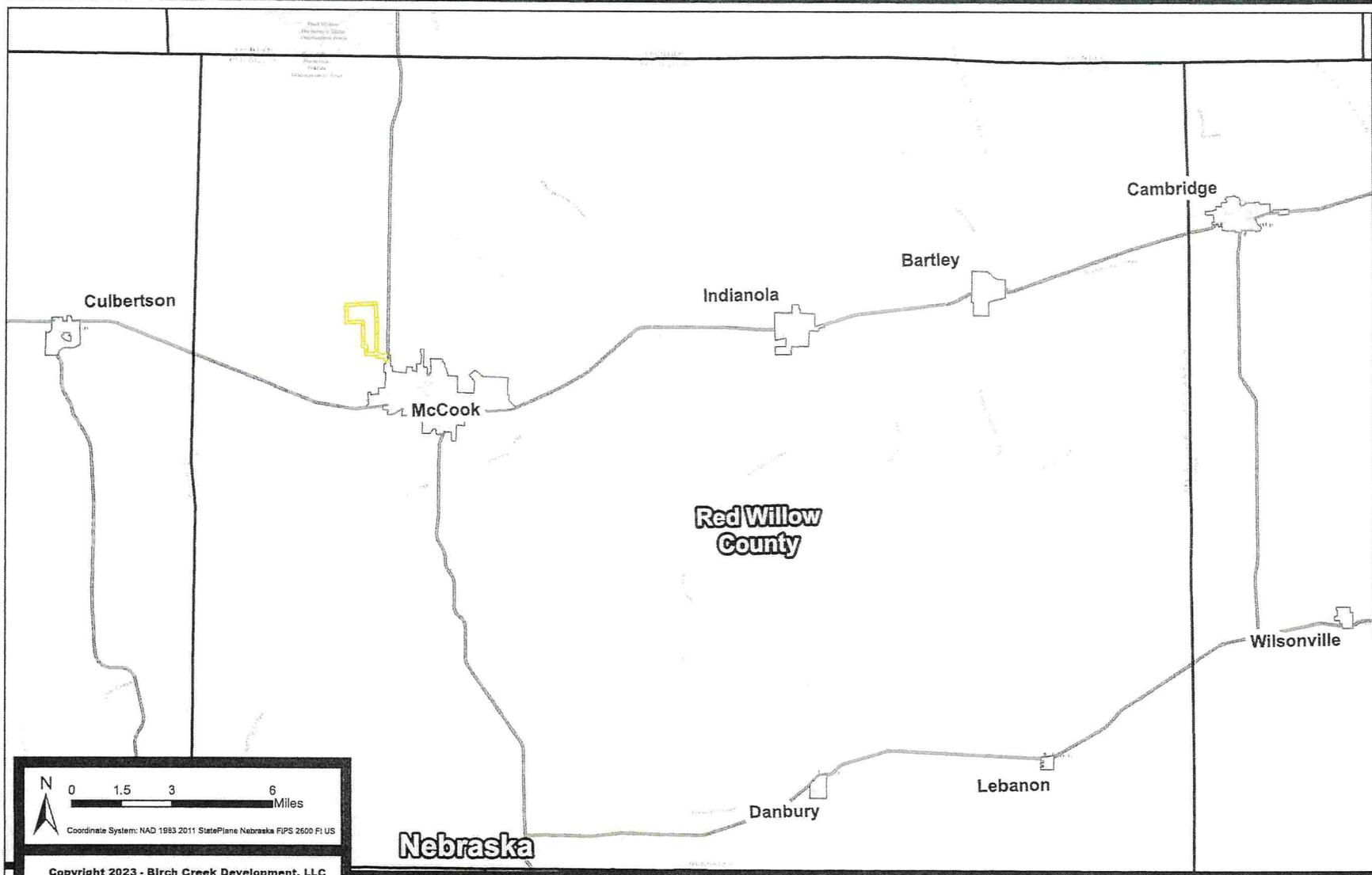
Figure 2  
Geographical Location Map

# McCook Solar, LLC

## Figure 2 - Geographical Location Map

### Legend

-  Project Area
-  State Boundary
-  County Boundary
-  Urban Areas
-  Highways



Copyright 2023 - Birch Creek Development, LLC

Nebraska  
Kansas

Created By: Thadd Barker  
Date: 6/6/2023

Service Layer Credits: Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, Geobase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, © OpenStreetMap contributors, and the GIS User Community

Figure 3  
Project Location Map

# McCook Solar LLC

## Figure 3 - Project Location Map



### **C. COMPATIBILITY WITH THE NEBRASKA GAME AND PARKS COMMISSION GUIDANCE FOR UTILITY-SCALE PHOTOVOLTAIC SOLAR ENERGY PROJECTS**

The Project has been sited in conformance with the Nebraska Game and Parks Commission Guidance for Utility-Scale Photovoltaic Solar Energy Projects (December 2022). The Project is in previously disturbed areas to avoid potential impacts to protected species, rare plant communities and areas of wildlife concentration. Siting in previously disturbed areas minimizes fragmentation to intact habitats. Ground disturbance will be minimized to the extent possible. Restoration of ground disturbance will occur as soon as possible after construction is complete. Restoration will be completed with native vegetation and in accordance with existing landowner agreements. Collection lines will be buried to minimize electrocution risk to avian species.

### **D. PROJECT DESCRIPTION**

The Applicant is proposing to construct, install, operate, and maintain up to a 56MW AC solar photovoltaic (PV) facility known as the McCook Solar Project to be located within the ETJ of the City of McCook in Red Willow County, Nebraska (See **Figure 3**). The project site is rural, disturbed, and undeveloped property zoned General Agriculture in Red Willow County. It is outside of the "Flood Hazard Overlay" zone as well as the "Transitional Agriculture" zone. It is also outside of the "Wellhead Protection Overlay" district. The Project is outside the 10-mile Approach Zone, the 3-mile Turning Zone, Private Airport Protection Overlay district, and both the Airport Operational Zone and Airport Transition Zone.

The power generated by the proposed Project will be transmitted to the electrical grid maintained by the Southwest Power Pool via Nebraska Public Power District's (NPPD) McCook Substation, as shown in **Figure 3**. The proposed Project will be connected to the distribution grid, thereby providing clean, renewable energy to local homes and businesses in the area in and around McCook and Red Willow County.

The proposed Project will create other environmental, social, and economic benefits. These benefits include new local jobs during construction, long-term maintenance jobs, annual pollution reductions, and substantial contributions towards meeting the renewable energy goals of some of Nebraska's public power utilities. NPPD has set a goal of achieving 10 percent of its energy production from renewable and alternative energy sources (McCook, Nebraska Comprehensive Plan 2013-2023). The Applicant is seeking a recommendation of approval from the McCook Planning Commission and an approval from the City of McCook's City Council for a Land Use Action Request to be valid throughout the useful life of the proposed Project in accordance with the Zoning Ordinance.

Facilities within the Project footprint necessary for the photovoltaic system include access roads to facilitate the temporary construction and long-term maintenance of the solar array and panels with woven mesh fencing, racking system, trackers, inverters, collection system, temporary parking, an equipment laydown staging area to be used during construction and routine maintenance, operations and maintenance building, and additional chain-link fencing that surrounds the substation within the site boundary. As shown in **Attachment 2 – Site Plan**, all weather access roads will run north to south and east to west through the Project site.

The Project proposes a minimum of 10-foot setbacks or more from property lines to perimeter fencing with any solar panels located a minimum of 20 foot from fence lines to minimize visual impact of the

Project from roads and nearby houses. Furthermore, the Project will include a woven mesh “cattle fence” with wood posts that surrounds the solar array to increase consistency with neighboring properties. The proposed fence would be approximately 7 feet high. There will be a continuous fence installed around the perimeter of the entire solar array to prevent the public or unauthorized members from unauthorized entry to the site. The Applicant will also consider wildlife friendly strategies in the fence design and will consult with state and federal wildlife agencies regarding best practices.

Modifications to the Site Plan for the Project may be necessary as the Project advances to ensure the highest standards of safety, efficiency, and effectiveness. Technology advancements and unforeseen site-specific conditions during development may influence modifications to the Site Plan. The Project Company is committed to working with the Project’s development, engineering, and procurement partners to identify potential changes and adjust the Site Plan accordingly. The Applicant will provide the final design when applying for building permits. The preliminary Site Plan is included in **Attachment 2 – Site Plan**, and the Applicant will keep stakeholders and decision makers informed of any changes that may arise.

### **III. PROJECT CONSTRUCTION AND OPERATION**

#### **A. PROJECT CONSTRUCTION**

Even though there is some topographical relief in the area, the conditions are optimal for a utility scale solar project due to the topography on the site where most Project facilities are sited while avoiding the more excessive slopes around the edges of the Project. This will result in minimal site preparation and ground disturbance which will expedite the construction process. Most of the construction will occur during approximately a 6- to 8-month period with minimal construction occurring both before and after the 6-month period. Relatively few pieces of large construction equipment are anticipated for construction, which will minimize traffic disturbances. Most of the construction traffic will consist of small commercial use trucks and trailers and personal vehicles for construction staff traveling to and from the Project. The Project Company plans to prepare a Stormwater Pollution Prevention Plan (SWPPP) to be followed during construction of the Project. Lastly, the Project has been designed to minimize grading and soil hauling, which will minimize dust caused during construction. The Project will meet state mandated fire codes.

#### **B. PROJECT OPERATIONS**

During the operation period of the Project, the solar modules will likely be washed as needed with an electronic cleaning system. This cleaning system dramatically reduces the amount of water needed to clean the modules. The information and figures contained in this Application are estimates based on field analyses and site visits performed to date and may change based on the final design of the solar PV system and associated facilities. The Project will provide training to local Emergency Medical Services staff to respond to potential emergencies. The Project will also provide funding to the local Fire Department through increased taxes.

#### **C. PERMANENT OPERATIONAL STAFFING**

Approximately 1-2 employees will be needed to provide regular maintenance for the Project and will not have any impact on public utilities or schools.

#### **D. PROJECT DECOMMISSIONING**

The Project is anticipated to have an expected useful life of at least 40 years. Once the expected useful life of the solar PV facility is over, it would either be refurbished and repowered or disassembled and decommissioned. If refurbishing and repowering the solar PV facility is elected, the Project would obtain all required agreements with the landowner and all required permit approvals.

If the Project is not refurbished or repowered, Nebraska Revised Statutes section 70-1014.02(2)(a)(iii) provides that the developer / owner shall provide the Nebraska Power Review Board with a decommissioning plan that includes a decommissioning estimate and, from the end of the tenth year of commercial operation forward, shall post financial security with the Board in an amount equal to the net decommissioning cost in the estimate to ensure funds are available to decommission the Project if the developer / owner does not do so. The City of McCook can also impose its own decommissioning requirements, in which case the State of Nebraska requirements do not apply.

#### **E. PROJECT PROPERTY TAXES**

Per section 77-6203 of the Nebraska Revised Statutes, qualifying renewable energy facilities are required to pay a per MW nameplate capacity and real property tax. These revenues would flow to the applicable taxing entities in the same proportion as real property tax revenues flow. If a Nebraska utility purchases the Project, the utility is exempt from the Nameplate Capacity Tax and property tax per section 77-6203 of the Nebraska Revised Statutes. Please see **Attachment 5 – Property Tax Benefits from Solar Energy Facilities in Nebraska** for more detail and an example of the potential property tax revenues from the Project.

### **IV. MCCOOK SPECIAL EXCEPTION CONSIDERATIONS**

The Applicant considered the Special Exception requirements in the Zoning Ordinance when siting and designing the Project.

*(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*

Project staff will obey all local, state, and federal laws as well as generally established industry standard safety procedures. No one other than those specifically trained in the construction, maintenance, or dismantling of the Project will be allowed to participate in those activities. Project staff will obey traffic laws and industry safety standards, including parking any vehicles and trailers in a safe and orderly way.

After construction, Project staff will perform regular and emergency maintenance as needed. Only minimal maintenance vehicles, such as pickups and small trailers typical to the area, will be required during operations. No heavy haul trucks will be used except for the rare occasion where equipment may need to be repaired or replaced.

Project staff will obey all local, state, and federal laws as well as generally established industry standard safety procedures.

Project staff will take precautions against fire and casualties by obeying all local, state, and federal laws as well as generally established industry standard safety procedures. In addition, any vehicles that are performing installation, construction or maintenance for the Project will have a fire extinguisher in the vehicle.

*(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*

Off-street parking and loading areas will be provided off Road 718 at a temporary construction staging and office site. Limited permanent off-street parking will be provided via improving the existing driveway at the intersection of Road 718 and Road 383 at an Operations and Maintenance facility. The temporary and permanent parking locations were chosen with consideration for ease of access off Roads 718 and 383 as well as proximity to residences to limit potential effects during construction.

*(C) The location of refuse and service areas, with particular reference to the items in (A) and (B) above*

During construction, refuse and service areas will be provided at the temporary construction site. The Project will contract with a local refuse and service provider to maintain a clean and orderly construction site. A refuse service will also be available at the Operations and Maintenance facility.

*(D) Utilities, with reference to locations, availability, and compatibility*

Existing utilities in the area will provide the Operations and Maintenance Building with the services necessary to operate the Project efficiently and safely. Power and water are available and accessible near the proposed Operations and Maintenance Building location.

*(E) Screening and buffering with reference to type, dimensions, and character*

The facility will utilize cattle fencing with wood posts surrounding the solar array consistent with existing fencing within the region as a means of integrating with minimal visual impact. No additional screening is proposed.

*(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*

The Project will have exterior lighting for emergency operations and maintenance use only. Exterior lighting will be on only when in use and only on rare occasions when maintenance would need to occur at night. Limited and rare use of exterior lighting at night would reduce potential impacts to local traffic.

Once installed, the solar array would operate with minimal noise, as the only moving part is the motor to move the solar panels a few inches every several minutes to follow the sun throughout the day. Operation of the proposed Project would not result in detrimental or toxic health effects to people residing or working in the vicinity. The large distance from public roadways and nearby properties would minimize the aesthetic views of the solar array.

*(G) Required yards and other open space*

Yards and other open spaces are not required for the Project.

*(H) General compatibility with adjacent properties and other properties in the district*

The facility will utilize cattle fencing with wood posts consistent with existing fencing within the region as a means of integrating with minimal visual impact. The solar array would operate with minimal noise, as the only moving part is the motor to move the solar panels a few inches every several minutes to follow the sun throughout the day. Once constructed, the only traffic required for operations and maintenance would be minimal and vehicles would consist of those already typical for the area.

*(I) The Project proposed in this application will not affect the landowners' ability to use, lease, or sell their property.*

The Project has signed long-term lease agreements with 4 landowners. There are no prohibitions in the agreements that restrict the landowners' ability to lease or sell their property other than preserving the rights of the Project to develop, construct, and operate a utility scale solar project.

*(J) Compatibility with existing and future land use plan in the McCook Comprehensive Plan*

The Project Company has sited the Project in accordance with industry standard setbacks and the Zoning Ordinance which was developed to provide safety to both Project staff, landowners, and other citizens. In addition, the siting of the Project allows for the continuation of the existing land use of the surrounding area as well as providing opportunity for additional development and permitted uses.

The Project will not create additional needs for long-term housing in the area. This project supports the Section Economic Development - Action Step 3 to provide diversified business and employment activities. The Public Power Districts in Nebraska have set a goal of achieving 10 percent of their energy production from renewable and alternative energy sources (McCook, Nebraska Comprehensive Plan 2013-2023).

## **A. ADDITIONAL REQUESTS**

The Applicant is not requesting modifications or variances to the existing Zoning Ordinance.

# Attachment 1

## Application for Land Use Action Request

CITY OF McCOOK

LAND USE ACTION REQUEST FORM

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

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

Name of Project: McCook Solar LLC

Description of Project: See Application text

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

Project sponsor or developer:

Name: Birch Creek Development LLC

Address: 2650 Locust Street, Suite 100, St. Louis, MO 63103

Phone number: 213-471-8690

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

E-mail Address: norqual@birchcreekdev.com

Land owner or owners:

Name: See Application Attachment 3

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

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

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

E-Mail Address: \_\_\_\_\_

Authorization of the land use action by land owner:

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

Chris Norqua1/  
Authorized Representative

Printed Name:

Printed Name:

DocuSigned by:  
*Chris Norqua1*  
9029020204113E619  
Signature:

Signature:

7/14/2023

Date:

Address and physical location of the Proposed Land Use Action: \_\_\_\_\_

See Application text

Property Description (Of the parent parcel for subdivisions): \_\_\_\_\_

See Application text

**Required Information:**

See Attached sheets for required information for:

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

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

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

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

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

## REQUIRED ATTACHMENTS:

For Zone Changes and Special Exceptions:

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

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

---

---

---

X 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.)  
See Application text

---

---

---

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

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

(G) required yards and other open space;

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

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

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

\_\_\_\_\_  
**See Application text**  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

FINDINGS AND DETERMINATIONS OF MCCOOK CITY COUNCIL

CASE NO. \_\_\_\_\_

SIGNED: \_\_\_\_\_  
Mayor

DATE \_\_\_\_\_

ATTEST: \_\_\_\_\_  
City Clerk

SPECIAL EXCEPTION CONSIDERATIONS:

YES

NO

1. The proposed special exception use would satisfactorily provide for:

a) ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;

\_\_\_\_\_

b) off street parking and loading areas where required, with particular attention to the items in a) above, and the economic, noise, glare, or odor effects of the special exception on adjoining properties and properties generally in the district;

\_\_\_\_\_

c) refuse and service areas, with particular attention 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 and economic effect and comparability and harmony with properties in the district;

\_\_\_\_\_

g) required yard and other open space;

\_\_\_\_\_

h) general compatibility with adjacent properties and other property in the district.

\_\_\_\_\_

i) Compatibility with existing and future land use plan in the McCook Comprehensive Plan.

\_\_\_\_\_

2. The specific rules governing special exceptions have been complied with.

CITY COUNCIL FINDINGS AND DECISION:

The McCook City Council hereby determines that the special exception will \_\_\_\_\_, will not \_\_\_\_\_ adversely affect the public interest. The special exception herein requested is \_\_\_\_\_, is not \_\_\_\_\_ hereby granted subject to the stipulations noted below, if any.

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.

Attachment 2

Site Plan

# MCCOOK SOLAR, LLC

MCCOOK, NE 69001  
40.235, -100.661

### GENERAL NOTES

#### SCOPE OF WORK

THE INSTALLATION OF A SOLAR PHOTOVOLTAIC (PV) PLANT INCLUDING PV MODULES, GRID-INTERACTIVE INVERTERS & SINGLE AXIS TRACKERS TO SUPPLY POWER DIRECTLY TO THE LOCAL ELECTRIC UTILITY GRID.

#### PROJECT LOCATION

MCCOOK, NE 69001  
40.235, -100.661

#### INTERCONNECTION

THE PV SYSTEM SHALL OPERATE IN PARALLEL WITH THE ELECTRIC UTILITY SERVICE PROVIDER. THE INVERTERS PROVIDE ANTI-ISLANDING PROTECTION AS WELL AS HARMONIC LIMITS THAT COMPLY WITH UL 1741, IEEE 1547, AND IEEE 519.

#### OPERATION

PERMISSION TO OPERATE THE PV SYSTEM IS NOT AUTHORIZED UNTIL FINAL INSPECTIONS AND APPROVALS ARE OBTAINED FROM THE AUTHORITY HAVING JURISDICTION AND THE ELECTRIC UTILITY SERVICE PROVIDER.

#### CODE ENFORCED

NATIONAL ELECTRIC CODE, 2020 EDITION

#### AUTHORITY HAVING JURISDICTION

CITY OF MCCOOK

#### ELECTRIC UTILITY SERVICE PROVIDER

NEBRASKA PUBLIC POWER DISTRICT

#### NATURE OF ENGINEERING DRAWINGS AS SHOWN

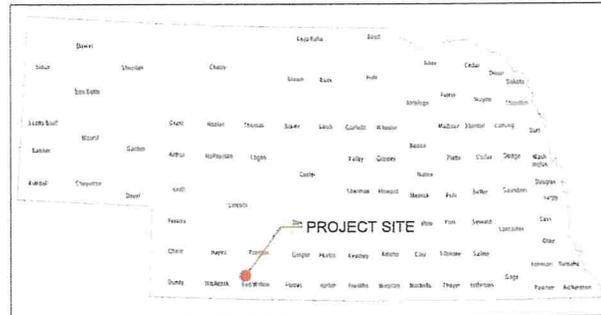
WITH THE EXCEPTION OF THOSE COMMITTED DESIGN CONSTRAINTS NOTED IMMEDIATELY BELOW, THE SITE PLANS DEPICTED IN THIS ENGINEERING PACKAGE ARE INDICATIVE BASED UPON THE ASSUMED PROJECT DETAILS SHOWN ON SHEET E-001 AND ARE SUBJECT TO CHANGE, GIVEN THE RATE AT WHICH SOLAR EQUIPMENT IS PROGRESSING, IT IS HIGHLY LIKELY THAT THE FINAL TECHNOLOGY SELECTIONS WILL DIFFER FROM WHAT IS SHOWN WITHIN THIS DRAWING PACKAGE. AS TECHNOLOGY IS CHANGED, THE RESULTING SITE PLANS WILL CHANGE.

THESE PLANS ARE BEING PRESENTED TO SUPPORT THE LAND USE PERMITTING PROCESS AS REPRESENTATIVE OF WHAT THE COUNTY CAN EXPECT TO SEE IN THE FINAL CONSTRUCTION PLANS. THIS ENGINEERING SHOULD NOT BE RELIED UPON TO REFLECT THE EXACT LOCATION OF ANY SITE IMPROVEMENTS IN THE FINAL DESIGN.

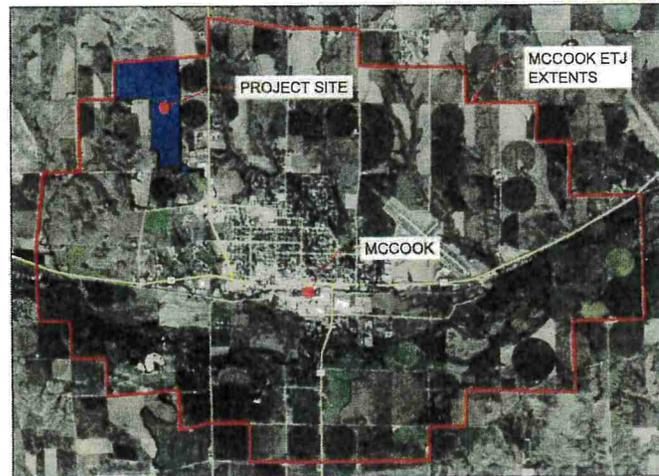
#### COMMITTED DESIGN CONSTRAINTS

1. WHERE NO CITY OR COUNTY ZONING REQUIREMENTS EXIST: 10' SETBACK FROM PROPERTY LINE TO FENCE.
2. PANELS TO BE SET BACK AT LEAST 20' FROM FENCE LINES
3. INTERIOR SITE ROADS SET BACK AT LEAST 10' FROM FENCES

### COUNTY MAP



### VICINITY MAP



### PROJECT DETAILS

#### SYSTEM SUMMARY

DC SYSTEM SIZE 76,259.659 W  
AC SYSTEM SIZE 56.0 MW / 54.8 MVA  
POI DC / AC RATIO 1.328  
DC VOLTAGE 1,500 V  
POCC / POI VOLTAGE 115 KV

#### PV MODULES

MANUFACTURER RENALT ENERGY  
MODEL RE PE 600G2G  
DC POWER @ STC 660 W  
MODULES PER STRING 30  
TOTAL STRING QTY 3,852  
TOTAL MODULE QTY 115,560

#### INVERTER / PCS

MANUFACTURER SUNGROW  
MODEL S03500LUD-MV  
AC POWER RATING 3,600 KVA  
TOTAL INVERTERS 18

#### RACKING

MANUFACTURER ATI  
MODEL / TYPE VS  
PITCH 20°-0.66°  
INTER-ROW SPACING 12'-2.60"  
GCR 39.00%  
MAX TRACKER ROTATION ±52°  
AZIMUTH 180°

#### SITE ATTRIBUTES

FENCED AREA 281.96 ACRES  
LENGTH OF FENCE 32,521 FEET

OWNER



**NOT FOR  
CONSTRUCTION**

PROJECT

**MCCOOK SOLAR, LLC**  
MCCOOK, NE 69001  
40.235, -100.661

ENGINEER



mk@mkssolar.com DTG: M-4589

SEAL

THIS DRAWING AND ALL INFORMATION HEREIN IS THE PROPERTY OF MKS SOLAR, LLC. NO PART OF THIS DRAWING OR INFORMATION HEREIN IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF MKS SOLAR, LLC. ALL RIGHTS RESERVED.

#### REVISIONS

#	DESCRIPTION	DATE
A	PRELIMINARY DESIGN	05/04/2023

MCCOOK SOLAR, LLC  
MCCOOK, NE 69001

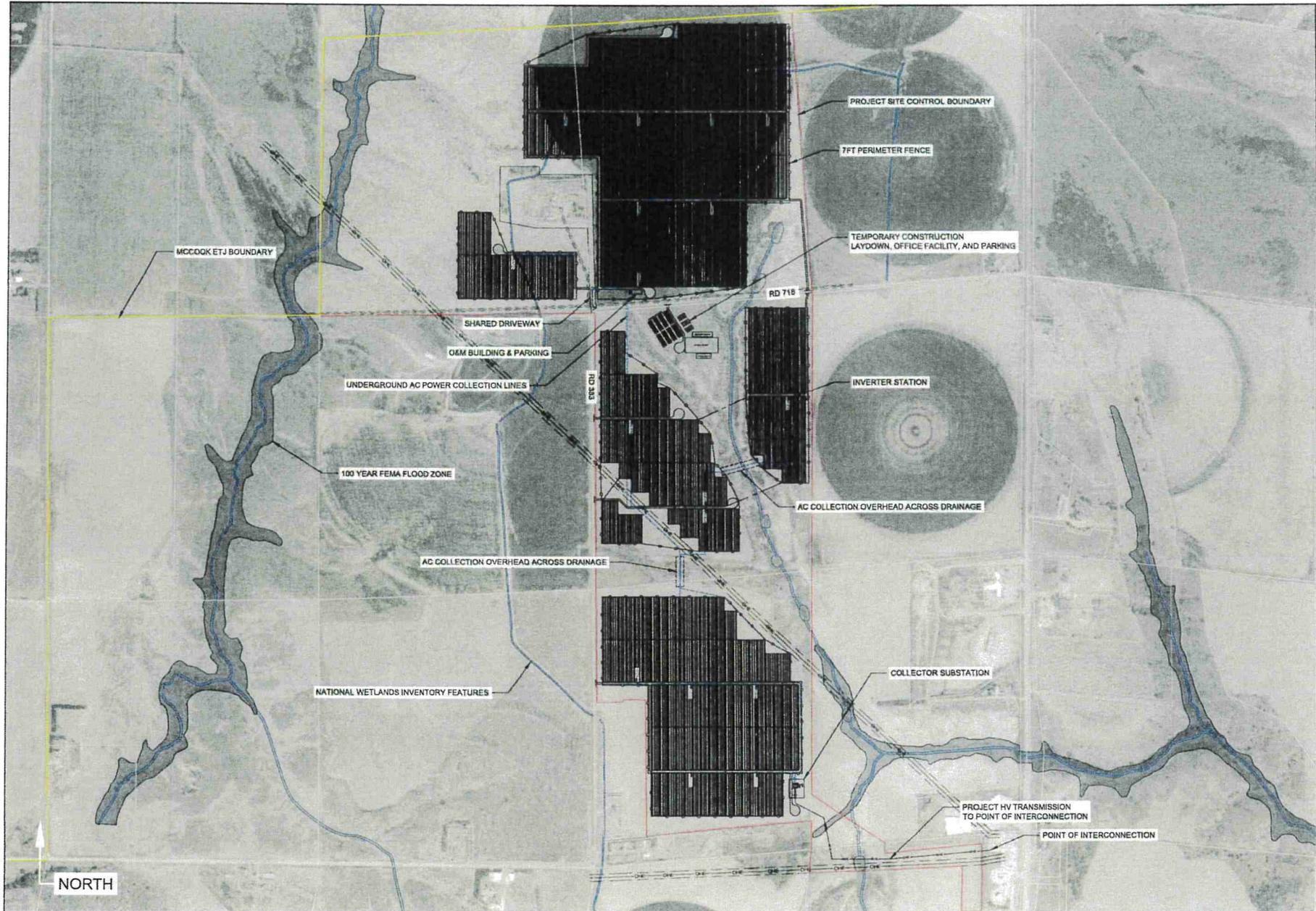
SHEET TITLE

COVER SHEET

SHEET NO.

**E-001**

ATTACHMENT 2 - SITE PLAN



NORTH

OWNER  
 BIRCH CREEK

**NOT FOR CONSTRUCTION**

PROJECT  
**MCCOOK SOLAR, LLC**  
 MCCOOK, NE 69001  
 40,235, -100,661

ENGINEER  
 MKS  
www.mksinc.com (202) 444-8888  
 SEAL

REVISIONS

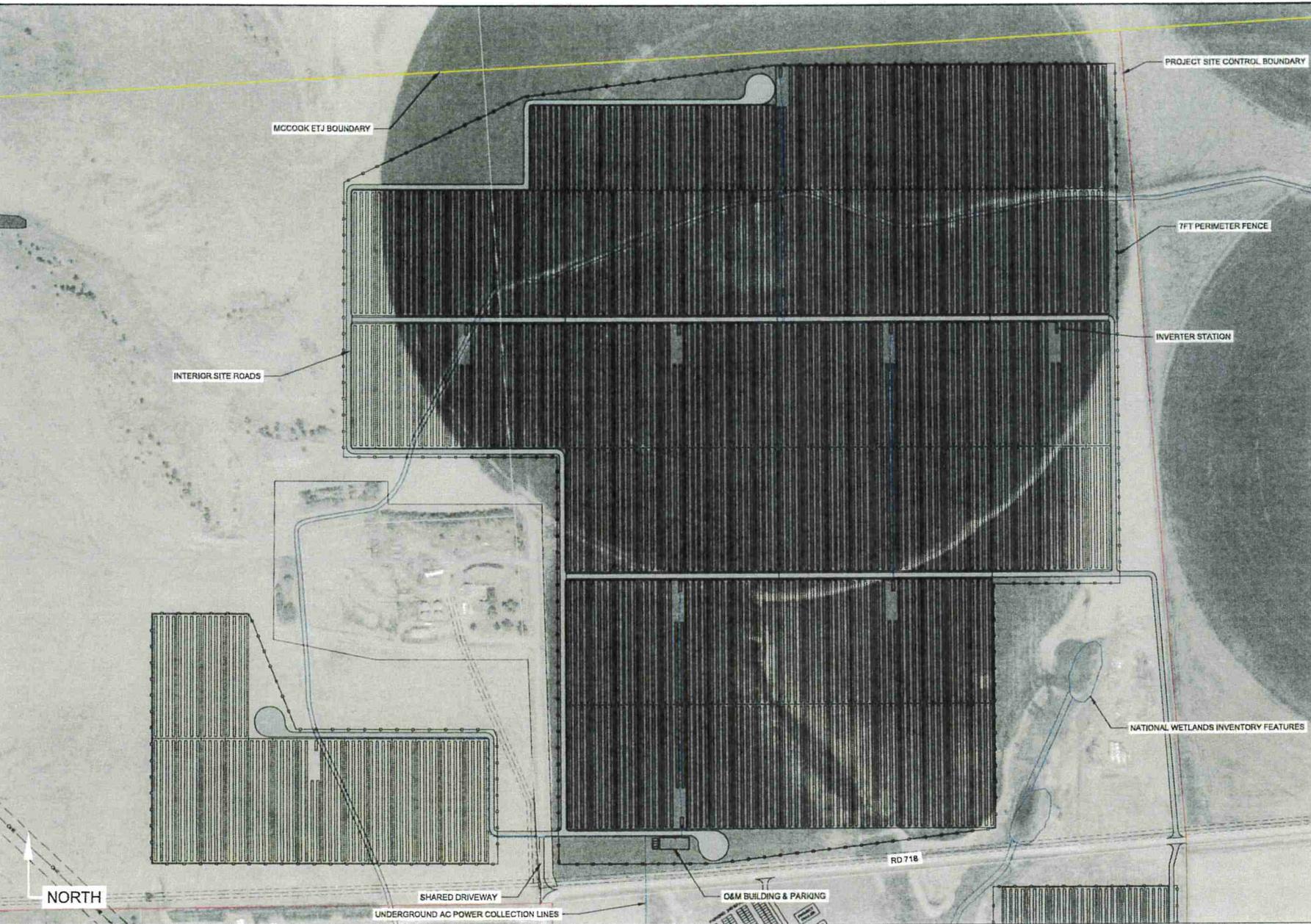
#	DESCRIPTION	DATE
A	PRELIMINARY DESIGN	03/04/2023

SHEET TITLE  
**OVERALL SITE PLAN**

SHEET NO.  
**E-101**  
 SCALE: 1"=430'

**MCCOOK SOLAR, LLC**  
 MCCOOK, NE 69001

ATTACHMENT 2 - SITE PLAN



OWNER  
 BIRCH CREEK

**NOT FOR CONSTRUCTION**

PROJECT  
**MCCOOK SOLAR, LLC**  
 MCCOOK, NE 69001  
 40.235, -100.661

ENGINEER  
  
 mks@mkstmn.com      (402) 484-8388  
 SEAL

THIS DOCUMENT IS A PROFESSIONAL ENGINEERING DESIGN AND IS THE PROPERTY OF MKS. ANY REPRODUCTION OR TRANSMISSION OF THIS DOCUMENT WITHOUT THE WRITTEN PERMISSION OF MKS IS STRICTLY PROHIBITED. MKS ASSUMES NO LIABILITY FOR ANY DAMAGE OR LOSS OF PROFITS, REVENUE, OR BUSINESS OPPORTUNITIES, OR FOR ANY SPECIAL, CONSEQUENTIAL, OR PUNITIVE DAMAGES, INCLUDING ATTORNEY'S FEES, ARISING FROM THE USE OF THIS DOCUMENT.

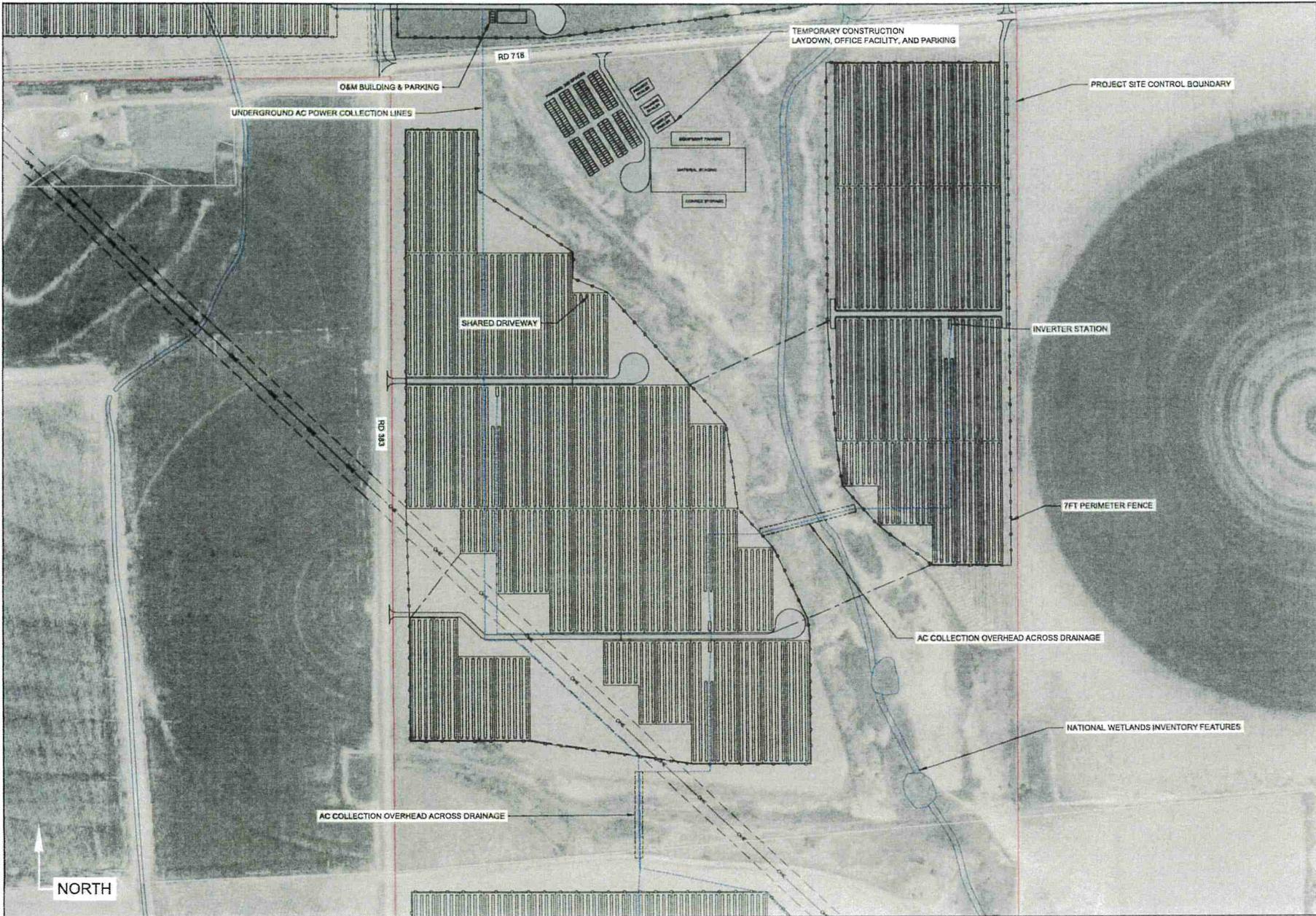
#	DESCRIPTION	DATE
A	PRELIMINARY DESIGN	05/04/2023

MCCOOK SOLAR, LLC  
 MCCOOK, NE 69001

SHEET TITLE  
**OVERALL SITE PLAN  
 DETAIL VIEW 1**

SHEET NO.  
**E-102**  
 SCALE: 1"=150'

ATTACHMENT 2 - SITE PLAN



OWNER  
 BIRCH CREEK

**NOT FOR CONSTRUCTION**

PROJECT  
**MCCOOK SOLAR, LLC**  
 MCCOOK, NE 69001  
 40.235, -100.661

ENGINEER  
  
 MKS  
 MKS@MKSUSA.COM (303) 666-3338  
 SEAL

THIS DOCUMENT IS THE PROPERTY OF MKS. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED IN THE TITLE. MKS ASSUMES NO LIABILITY FOR ANY ERRORS OR OMISSIONS. THE USER OF THIS DOCUMENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.

REVISIONS		
#	DESCRIPTION	DATE
A	PRELIMINARY DESIGN	05/04/2023

MCCOOK SOLAR, LLC  
 MCCOOK, NE 69001

SHEET TITLE  
**OVERALL SITE PLAN  
 DETAIL VIEW 2**

SHEET NO.  
**E-103**  
 SCALE: 1"=150'

ATTACHMENT 2 - SITE PLAN



OWNER  
 BIRCH CREEK

**NOT FOR CONSTRUCTION**

PROJECT  
**MCCOOK SOLAR, LLC**  
 MCCOOK, NE 68001  
 40.235, -100.651

ENGINEER  
 **MKS**  
REGISTERED PROFESSIONAL ENGINEER  
STATE OF NEBRASKA  
 JAMES M. KASPER  
 SEAL

REVISIONS

#	DESCRIPTION	DATE
A	PRELIMINARY DESIGN	05/04/2021

**MCCOOK SOLAR, LLC**  
 MCCOOK, NE 68001

SHEET TITLE  
**OVERALL SITE PLAN  
 DETAIL VIEW 3**

SHEET NO.  
**E-104**  
 SCALE: 1"=150'

## Attachment 3

### Landowner Contact Information

## Attachment 3

### Landowner Contact Information

Grantor	Contact	Phone	Email	Address	City	State	Zip Code
CCJH, LLC	Curtis Swanhorst	308.340.5292	curtswanhorst@gmail.com	#9 Mashie Drive	McCook	NE	69001
Harold B. & Lori S. Pearson	Harold Pearson	308.340.1789	hbpearson78@gmail.com	71817 RD 383	McCook	NE	69001
John E. Palic Revocable Trust dated May 23, 2014 MeLinda R. Palic Revocable Trust dated May 23, 2014	John Palic	308.340.6873	jpalic81@gmail.com	38272 Finch Trail	McCook	NE	69001
Masonic Temple Craft, inc.	Greg Wolford	308.340.6049	greg@wdesignea.com	P. O. Box 962	McCook	NE	69001
Pearson's Pheasant Run Limited Partnership	Harold Pearson	308.340.1789	hbpearson78@gmail.com	71817 RD 383	McCook	NE	69001

Attachment 4  
Landowner Authorizations

**AUTHORIZATION TO INCLUDE CERTAIN PROPERTY IN AN APPLICATION FOR  
A LAND USE ACTION REQUEST FOR A SOLAR FACILITY**

The undersigned owner of the following real estate located in Red Willow County,

Nebraska:

Parcel 1: A tract of land in the Southeast Quarter (SE¼) of Section Eleven (11), Township Three (3) North, Range Thirty (30) West of the 6<sup>th</sup> P.M., more particularly described as follows: Referring to the southeast corner of said Section 11, thence on Azimuth (assumed) 355°40' along the east section line a distance of 835.72 feet to the point of beginning; thence on Azimuth 271°48' a distance of 465.83 feet to a point; thence on Azimuth 279°20' a distance of 265.57 feet to a point on the easterly right of way line of Lateral 38.4; thence on Azimuth 355°16' along said right of way a distance of 328.58 feet to a point; thence on Azimuth 78°44' along the southerly right of way line of Lateral 38.4 a distance of 211.61 feet to a point; thence on Azimuth 86°12' a distance of 513.48 feet to a point on the east section line; thence on Azimuth 175°40' along the east section line a distance of 461.85 feet to the point of beginning.

(approximately 6.9 acres), hereby acknowledges and understands and agrees that its signature below authorizes McCook Solar, LLC, or its authorized representatives, to submit by any means to the City of McCook, Nebraska, any necessary filing or document to apply for, pursue, obtain and perfect a Special Exception for a Land Use Action Request using solar energy.

Date: June 07, 2023.

Harold B. Pearson

Harold B. Pearson

Lori S. Pearson

Lori S. Pearson

Date: 06/07/2023

**AUTHORIZATION TO INCLUDE CERTAIN PROPERTY IN AN APPLICATION FOR  
A LAND USE ACTION REQUEST FOR A SOLAR FACILITY**

The undersigned owner of the following real estate located in Red Willow County,  
Nebraska:

Township 3 North, Range 30 West, of the 6<sup>th</sup> P.M., County of Red Willow, State of  
Nebraska  
Section 13, NW 1/4

Containing 132.81 acres according to the Red Willow County Assessor's Office

(approximately 133 acres), hereby acknowledges and understands and agrees that its signature  
below authorizes McCook Solar, LLC, or its authorized representatives, to submit by any means  
to the City of McCook, Nebraska, any necessary filing or document to apply for, pursue, obtain  
and perfect a Special Exception for a Land Use Action Request using solar energy.

Date: May 18, 2023.

**MASONIC TEMPLE CRAFT, INC.**  
a Nebraska non-profit corporation

By:   
Greg A. Wolford, President

Date: 18 May 23

**AUTHORIZATION TO INCLUDE CERTAIN PROPERTY IN AN APPLICATION FOR  
A LAND USE ACTION REQUEST FOR A SOLAR FACILITY**

The undersigned owner of the following real estate located in Red Willow County,  
Nebraska:

Parcel 1: Township 3 North, Range 30 West of the 6th Meridian, County of Red Willow,  
State of Nebraska  
Section 11: E½

**LESS AND EXCEPT**

A tract of land in the Southeast Quarter (SE¼) of Section Eleven (11), Township Three (3) North, Range Thirty (30) West of the 6th P.M., more particularly described as follows: Referring to the southeast corner of said Section 11, thence on Azimuth (assumed) 355°40' along the east section line a distance of 835.72 feet to the point of beginning; thence on Azimuth 271°48' a distance of 465.83 feet to a point; thence on Azimuth 279°20' a distance of 265.57 feet to a point on the easterly right of way line of Lateral 38.4; thence on Azimuth 355°16' along said right of way a distance 328.58 feet to a point; thence on Azimuth 78°44' along the southerly right of way line of Lateral 38.4 a distance of 211.61 feet to a point; thence on Azimuth 86°12' a distance of 513.48 feet to a point on the east section line; thence on Azimuth 175°40' along the east section line a distance of 461.85 feet to the point of beginning.

Containing 287.41 acres according to the Red Willow County Assessor's Office

Parcel 2: Township 3 North, Range 30 West of the 6th Meridian, County of Red Willow,  
State of Nebraska  
Section 12: W½

Containing 282.32 acres according to the Red Willow County Assessor's Office

Parcel 3: Township 3 North, Range 30, West of the 6th Meridian, County of Red Willow,  
State of Nebraska  
Section 1: S½

**LESS AND EXCEPT**

A strip of land lying across the eastern part of the Southeast Quarter of Section 1, Township 3 North, Range 30, West of the 6th P.M., Red Willow County, Nebraska, described as follows: Beginning at the southeast corner of said Section 1; thence northerly on the East line of the Southeast Quarter of said Section 1 a distance of 2,706.6 feet to the northeast corner of said Southeast Quarter; thence westerly on the North line of said Southeast Quarter a distance of 67.5 feet; thence southerly a

distance of 2,706.6 feet to a point on the South line of said Southeast Quarter; thence easterly on said South line a distance of 42.3 feet to the point of beginning. Containing 3.35 acres, more or less, which includes 2.05 acres, more or less, previously occupied as a public highway. (Exception 1, Bk 71-42)

AND LESS AND EXCEPT

Pearson's Country Terrace Subdivision Filing No. 1, being a part of the SE $\frac{1}{4}$  of Section 1, Township 3 North, Range 30, West of the 6th P.M., Red Willow County, Nebraska, described as follows: Beginning at the Northeast corner of the Southeast Quarter (SE $\frac{1}{4}$ ) of said Section 1; thence westerly S 85°53'07" W, a distance of 62.50 feet to the True Point of Beginning; thence southerly S 01°05'53" E, a distance of 1300.00 feet to a point; thence westerly S 88°54'07" W, a distance of 780.00 feet to a point, thence northerly N 01°05'53" W a distance of 1258.89 feet to a point; thence easterly N 85°53'07" E, a distance of 781.08 feet to the True Point of Beginning. (Exception 2, Bk 94-508)

AND LESS AND EXCEPT

A tract of land in the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$ ) of Section One (1), Township Three (3) North, Range Thirty (30), West of the 6th P.M., Red Willow County, Nebraska, more particularly described as follows: Referring to the east quarter corner of said Section 1; thence S 88°53' W, 843.6 feet to the true point of beginning; thence S 01°06' E, 490.0 feet to a point; thence S 88°54' W, 470.0 feet to a point; thence N 03°23' W, 464.8 feet to a point on the north line of the SE $\frac{1}{4}$  of Section 1; thence N 88°53' E, 489.4 feet to the point of beginning, containing 5.25 acres, more or less. (Exception 3, Bk 107-447)

AND LESS AND EXCEPT

A tract of land in the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$ ) of Section One (1), Township Three (3) North, Range Thirty (30) West of the 6th P.M., more particularly described as follows: Referring to the southeast corner of said Section 1; thence N 00°34'00" W, 1405.91 feet; thence S 88°54'07" W, 680.42 feet to the true point of beginning; continue on this line of S 88°54'07" W, a distance of 150.00 feet; thence N 01°05'53" W, a distance of 160.00 feet; thence S 88°54'07" W, a distance of 300.00 feet; thence S 01°05'53" E, a distance of 320.00 feet; thence N 88°54'07" E, a distance of 450.00 feet; thence N 01°05'53" W, a distance of 160.00 feet to the point of beginning. Containing 2.75 acres, more or less. (Exception 4, Bk 109-259)

Containing 254.42 acres according to the Red Willow County Assessor's Office

Parcel 4: Township 3 North, Range 30, West of the 6th Meridian, County of Red Willow, State of Nebraska  
Section 2: SE $\frac{1}{4}$

Containing 171.71 acres according to the Red Willow County Assessor's Office (approximately 996 acres), hereby acknowledges and understands and agrees that its signature below authorizes McCook Solar, LLC, or its authorized representatives, to submit by any means to the City of McCook, Nebraska, any necessary filing or document to apply for, pursue, obtain and perfect a Special Exception for a Land Use Action Request using solar energy.

Date: 05/22/2023

**PEARSON'S PHEASANT RUN LIMITED PARTNERSHIP,**  
a Nebraska limited partnership

By: George E Pearson  
George E. Pearson, General Partner

Date: 05/22/2023

**AUTHORIZATION TO INCLUDE CERTAIN PROPERTY IN AN APPLICATION FOR  
A LAND USE ACTION REQUEST FOR A SOLAR FACILITY**

The undersigned owner of the following real estate located in Red Willow County,  
Nebraska:

Parcel 1: Township 3 North, Range 30 West, of the 6th Meridian, Red Willow, Nebraska

Section 13: SE¼

**LESS AND EXCEPT**

A tract described as follows: Referring to the Southeast Corner of the SE¼ of said Section 13; thence bearing S84°24'W in the South line of said SE¼ a distance of 77.8 feet to the West right-of-way line of US Highway 83, which point is the Point of Beginning; thence continuing on bearing S84°24'W, a distance of 1,000.0 feet to a point; thence bearing N00°28'E, a distance of 400.0 feet to a point; thence bearing N84°24'E, a distance of 1,000.0 feet to said right-of-way line; thence bearing S00°28'W in said right-of-way line, a distance of 400.0 feet to the point of beginning, containing 9.13 acres, more or less.

**AND LESS AND EXCEPT**

The real estate conveyed to the State of Nebraska by Warranty Deed dated November 8, 1948, recorded January 5, 1949, in Book 71, Page 144, and more particularly described as follows: A strip of land lying across the eastern part of the Southeast Quarter of Section 13, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska, described as follows: Beginning at the Southeast corner of said Section 13; thence Northerly on the East line of the Southeast Quarter of said Section 13 a distance of 2,686.2 feet to the Northeast corner of said Southeast Quarter; thence Westerly on the North line of said Southeast Quarter a distance of 39.8 feet; thence Southerly a distance of 1,374 feet to a point 43.9 feet Westerly from said East line; thence Westerly 90 degrees right a distance of 30.00 feet to a point 73.9 feet Westerly from said East line; thence Southerly a distance of 1,312.2 feet to a point on the South line of said Southeast Quarter; thence Easterly on said South line a distance of 77.8 feet to the point of beginning, containing 3.60 acres, more or less, which includes 2.04 acres, more or less, previously occupied as a Public Highway.

**AND LESS AND EXCEPT**

The real estate conveyed to the State of Nebraska by Warranty Deed dated July 29, 1993, recorded October 18, 1993, in Book 122, Page 92, and more particularly described as follows: A tract of land located in part of the Southeast Quarter of Section 13, Township 3 North, Range 30 West of the Sixth Principal Meridian, Red

Willow County, Nebraska, described as follows: Referring to the Southeast corner of said quarter section; thence Northerly a distance of 399.89 feet along the East line of said quarter section to the Point of Beginning; thence Northerly deflecting 00 degrees, 00 minutes, 00 seconds a distance of 1333.20 feet along said line to a point on the property line of the Grantor(s); thence Westerly deflecting 096 degrees, 00 minutes, 30 seconds left, a distance of 92.48 feet along said line; thence Southerly deflecting 083 degrees, 54 minutes, 42 seconds left, a distance of 364.38 feet; thence Southerly deflecting 005 degrees, 17 minutes, 08 seconds left, a distance of 200.57 feet to a point on the Westerly existing Highway 83 right of way line; thence Southerly deflecting 005 degrees, 21 minutes, 29 seconds right, a distance of 200.03 feet along said right of way line; thence Southerly deflecting 014 degrees, 56 minutes, 37 seconds right, a distance of 205.60 feet; thence Southerly deflecting 024 degrees, 58 minutes, 05 seconds left, a distance of 304.59 feet to a point on the Westerly existing Highway 83 right of way line; thence Southerly deflecting 010 degrees, 01 minutes, 27 seconds right, a distance of 68.65 feet along said right of way line to a point on the property line of the Grantor(s); thence Easterly deflecting 096 degrees, 02 minutes, 05 seconds left, a distance of 76.73 feet along said line to a point on the East line of said quarter section to the Point of Beginning containing 2.79 acres, more or less, which includes 1.99 acres, more or less previously occupied as Public Highway.

AND LESS AND EXCEPT

The real estate conveyed to the State of Nebraska by Warranty Deed dated July 29, 1993, recorded October 18, 1993, in Book 122, Page 92, and more particularly described as follows: A tract of land located in part of the Southeast Quarter of Section 13, Township 3 North, Range 30 West of the Sixth Principal Meridian, Red Willow County, Nebraska, described as follows: Beginning at the Northeast corner of said quarter section; thence Southerly a distance of 55.28 feet along the East line of said quarter section to a point on the property line of the Grantor(s); thence Westerly deflecting 084 degrees, 07 minutes, 46 seconds right, a distance of 85.59 feet along said line; thence Northerly deflecting 095 degrees, 59 minutes, 02 seconds right, a distance of 55.29 feet to a point on the North line of said quarter section; thence Easterly deflecting 084 degrees, 00 minutes, 58 seconds right, a distance of 85.48 feet along said line to the Northeast corner of said quarter section to the POINT OF BEGINNING containing 0.11 acres, more or less, which includes 0.05 acres, more or less previously occupied as Public Highway.

AND LESS AND EXCEPT

The real estate conveyed to the State of Nebraska by Warranty Deed dated July 29, 1993, recorded October 18, 1993, in Book 122, Page 94, and more particularly described as follows: A tract of land located in part of the Southeast Quarter of Section 13, Township 3 North, Range 30 West of the Sixth Principal Meridian, Red Willow County, Nebraska, described as follows: Referring to the Northeast corner of said quarter section; thence Southerly a distance of 55.28 feet along the East line

of said quarter section to the POINT OF BEGINNING; thence Southerly deflecting 000 degrees, 00 minutes, 00 seconds a distance of 929.60 feet along said line to a point on the property line of the Grantor(s); thence Westerly deflecting 083 degrees, 59 minutes, 30 seconds right, a distance of 92.48 feet along said line; thence Northerly deflecting 096 degrees, 25 minutes, 45 seconds right, a distance of 930.55 feet to a point on the property line of the Grantor(s); thence Easterly deflecting 083 degrees, 42 minutes, 31 seconds right, a distance of 85.59 feet along said line to a point on the East line of said quarter section to the POINT OF BEGINNING containing 1.89 acres, more or less, which includes 1.41 acres, more or less previously occupied as Public Highway.

AND LESS AND EXCEPT

The real estate conveyed to the State of Nebraska by Warranty Deed dated July 29, 1993, recorded October 18, 1993, in Book 122, Page 96, and more particularly described as follows: A tract of land located in the Northeast Quarter of Section 13, Township 3 North, Range 30 West of the Sixth Principal Meridian, Red Willow County, Nebraska, more particularly described as follows: Beginning at the Southeast corner of said Northeast Quarter of Section 13; thence Westerly a distance of 70.85 feet along the South line of said Northeast Quarter of Section 13; thence Northerly deflecting 95 degrees, 46 minutes, 46 seconds right, a distance of 804.96 feet; thence Northerly deflecting 02 degrees, 17 minutes, 26 seconds right, a distance of 200.16 feet; thence Northerly deflecting 02 degrees, 17 minutes, 26 seconds left, a distance of 339.83 feet; thence Easterly deflecting 84 degrees, 26 minutes, 49 seconds right, a distance of 66.15 feet to a point on the East line, of said Northeast Quarter of Section 13; thence Southerly deflecting 95 degrees, 41 minutes, 44 seconds right, a distance of 1344.06 feet along said East line of the Northeast Quarter of Section 13 to the Point of Beginning containing 2.15 acres, more or less, which includes 1.28 acres, more or less previously occupied as Public Highway.

AND LESS AND EXCEPT

The real estate conveyed to Gayle Ruggles and Barbara J. Ruggles, husband and wife, and Arthur Ruggles by Trustee's Deed dated and recorded December 31, 2012, as Instrument No. 2012-02434, and more particularly described as follows: Part of the Southeast Quarter of Section 13, Township 3 North, Range 30, West of the 6th P.M., Red Willow County, Nebraska, more particularly described as follows: Referring to the East Quarter corner of said Section 13, thence S 00°00'00" E (assumed and all bearings relative to) along the east section line a distance of 55.28 feet to a point; thence S 84°07'56" W a distance of 85.59 feet to the Northeast corner of an existing 30 acre tract, also on the west right-of-way line of HWY 83 which is the point of beginning, thence continuing S 84°07'56" W along the north line of said existing 30 acre tract a distance of 279.45 feet to a point; thence S 06°22'27" E a distance of 212.47 feet to a point; thence S 84°30'32" W a distance of 120.32 feet to a point; thence S 05°50'07" E a distance of 306.00 feet to a point;

thence N 84°50'04" E a distance of 340.59 feet to a point on west R.O.W. line of HWY 83; thence N 00°25'14" E along said R.O.W. line a distance of 525.00 feet to the Point of Beginning.

AND LESS AND EXCEPT

The real estate conveyed to CCJH, LLC by two Trustee's Deeds dated August 24, 2021, and recorded August 25, 2021, as Instrument Nos. 2021-01505 and 2021-01506, and more particularly described as follows: That portion of the Southeast ¼ of Section 13, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska, and more particularly described as follows: Commencing at the E1/4 corner of said Section 13; thence S00°28'41"W (assumed and all bearings used in this description are relative to) on the East line of said Southeast ¼, a distance of 581.01 feet; Thence S85°19'03"W a distance of 89.39 feet to the Point of Beginning being the Southeast corner of Tract 1 surveyed by Gerhard H. Dicenta L.S. No. 514, dated December 13, 2012 and on the West right-of-way of Highway 83; Thence continuing S85°19'03"W on the South line of said Tract 1 a distance of 340.59 feet to the Southwest corner of said Tract 1; Thence S18°30'46"W a distance of 51.01 feet; Thence S07°38'28"W a distance of 69.05 feet; Thence S86°43'51"W a distance of 260.83 feet; Thence S09°39'55"W a distance of 688.82 feet; Thence N85°14'19"E a distance of 318.79 feet; Thence N56°36'44"E a distance of 245.91 feet; Thence N34°27'18"E a distance of 63.10 feet; Thence N54°31'48"E a distance of 119.55 feet; Thence N25°12'39"E a distance of 183.57 feet to a point on said West right-of-way; Thence N00°58'26"E on said West right-of-way a distance of 389.31 feet to the Point of Beginning.

Containing 87.98 acres according to the Red Willow County Assessor's Office

Parcel 2: A portion of Bish Addition in the City of McCook, more particularly described as follows: Beginning at the Northeast corner of Block 2, of said Bish Addition; thence N89°42'00"W (all bearings used in this description are relative to the North line of said Block 2 assumed to be N89°42'00"W) on the North line of Block 2, a distance of 345.39 feet; thence N00°21'15"E, a distance of 70.03 feet to the Southwest corner of Block 16, Four Corners Addition to McCook; thence S89°42'00"E on the South line of Block 16, a distance of 345.72 feet to a point on the west right-of-way line of U.S. Highway 83, and East line of said Bish Addition; thence S00°37'51"W on said East line, a distance of 70.03 feet to the point of beginning

Containing 0.56 acres according to the Red Willow County Assessor's Office

Parcel 3: Part of the NE¼ of Section 24, Township 3 North, Range 30 West of the 6th P.M., in Red Willow County, Nebraska, more particularly described as follows: Beginning at the North ¼ corner of said Section 24, thence N84°36'45"E (assumed and all bearings used in this description are relative to) on the North line of said NE¼, a distance of 721.98 feet to the Northeast corner of that parcel described in Instrument No. 2016-00601 of the records of said Red Willow County.

Thence on the West and South lines of said parcel for the following two (2) courses:

Thence  $S00^{\circ}28'19''W$ , a distance of 92.47 feet;

Thence  $N84^{\circ}35'18''E$ , a distance of 947.92 feet to a point on the West line of Block 16, Four Corners Addition as recorded in Book 94, Page 506 of said records;

Thence  $S00^{\circ}33'32''W$  on the West line of said Block 16 and the extension, a distance of 732.44 feet to a point on the North line of Block 2, Bish Addition as recorded in Instrument No. 2017-01517 of said records; Thence on the Northerly, Westerly and Southerly lines of Blocks 1 and 2, of said Bish Addition for the following four (4) courses;

Thence  $N89^{\circ}29'23''W$ , a distance of 21.92 feet;

Thence on the arc of a curve to the left having a central angle of  $89^{\circ}41'08''$ , a radius of 100.00 feet and an arc length of 156.53 feet;

Thence  $S00^{\circ}49'30''W$  on the forward tangent to the last mentioned curve, a distance of 758.05 feet;

Thence  $S89^{\circ}28'16''E$ , a distance of 125.01 feet;

Thence  $S00^{\circ}33'43''W$  across a perpetual easement and on the West line of a tract described in Book 105, Page 337 of said records, a distance of 310.02 feet to a point on the North line of Block 1 of A.M. Bishop Addition recorded in Instrument No. 2012-00202 of said records; Thence on the North, West and South lines of said Block 1 for the following three (3) courses;

Thence  $N89^{\circ}26'21''W$ , a distance of 32.16 feet;

Thence  $S01^{\circ}07'53''W$ , a distance of 227.63 feet;

Thence  $S88^{\circ}54'56''E$ , a distance of 399.39 feet;

Thence  $S03^{\circ}26'53''W$ , a distance of 60.05 feet to a point on the North line of Block 17 of said Four Corners Addition; Thence  $N88^{\circ}54'56''W$  on the North line of said Block 17 and the extension, a distance of 396.90 feet; Thence  $S01^{\circ}08'00''W$  on the West line of a tract described in Instrument No. 2009-0499 in said records, a distance of 420.29 feet to a point on the North Right-of-Way of Drive 716; Thence  $S83^{\circ}35'47''W$  on said Right-of-Way, a distance of 60.56 feet to a point being the Southeast corner of Block 2 of said A.M. Bishop Addition; Thence on the East, North and West lines of said Block 2 for the following three (3) courses:

Thence N01°08'00"E, a distance of 419.97 feet;

Thence S83°23'41"W, a distance of 525.03 feet;

Thence S01°07'50"W, a distance of 419.95 feet to a point on the North Right-of-Way line of said Drive 716 and the Southeast corner of Block 3, of said A.M. Bishop Addition;

Thence S83°23'53"W on said North Right-of-Way, a distance of 605.60 feet to the Southeast corner of Lashley-Tucker Subdivision as recorded in Instrument No. 2019-00051 of said records; Thence on the East, North and West lines of said Lashley-Tucker Subdivision for the following five (5) courses;

Thence N01°06'40"E, a distance of 943.03 feet;

Thence S83°25'09"W, a distance 560.56 feet;

Thence S01°05'41"W, a distance of 462.91 feet;

Thence S06°35'54"E, a distance of 307.14 feet;

Thence S83°42'28"W, a distance of 153.49 feet to a point on the West line of said NE¼;

Thence N05°32'58"E on said West line, a distance of 2597.74 feet to the N¼ corner of said Section 24 and the Point of Beginning.

Parcel #000339000 containing 78.23 acres according to the Red Willow County Assessor's Office

Parcel #000690200 containing 3.41 acres according to the Red Willow County Assessor's Office

Parcel #000455100 containing 1.30 acres according to the Red Willow County Assessor's Office

Parcel #000455002 containing 5.20 acres according to the Red Willow County Assessor's Office

Parcel #000905001 containing 0.69 acres according to the Red Willow County Assessor's Office

A total of 88.83 acres according to the Red Willow County Assessor's Office

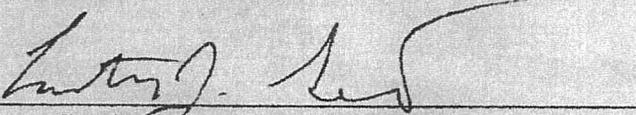
Parcel #000905001 containing 0.69 acres according to the Red Willow County Assessor's Office

A total of 88.83 acres according to the Red Willow County Assessor's Office

(approximately 178 acres), hereby acknowledges and understands and agrees that its signature below authorizes McCook Solar, LLC, or its authorized representatives, to submit by any means to the City of McCook, Nebraska, any necessary filing or document to apply for, pursue, obtain and perfect a Special Exception for a Land Use Action Request using solar energy.

Date: May 31, 2023.

**CCJH, LLC,**  
a Nebraska limited liability company

By:   
Curtis J. Swanhorst, President

Date: 5-31-23

**AUTHORIZATION TO INCLUDE CERTAIN PROPERTY IN AN APPLICATION FOR  
A LAND USE ACTION REQUEST FOR A SOLAR FACILITY**

The undersigned owner of the following real estate located in Red Willow County,  
Nebraska:

Township 3 North, Range 30 West, of the 6th Meridian, Red Willow, Nebraska  
Section 13: SW $\frac{1}{4}$

LESS AND EXCEPT

A tract of land located in the SW $\frac{1}{4}$  of Section 13, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska, more particularly described as follows: Commencing at the SW corner of said SW $\frac{1}{4}$ , thence Easterly on the south line of said SW $\frac{1}{4}$  89.3 feet to the Point of Beginning, said point being the East line of Bureau of Reclamation Right-of-Way, thence continuing on said South line 2030.5 feet to the SE corner of said SW $\frac{1}{4}$ , thence Northerly on the East line of said SW $\frac{1}{4}$  280.01 feet, thence Westerly, parallel to the south line of said SW $\frac{1}{4}$  2032.6 feet to the East Bureau of Reclamation R.O.W., thence Southerly along Bureau R.O.W. 280.0 feet to the Point of Beginning.

AND LESS AND EXCEPT

Tracts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 of Malord Field Subdivision, being a part of the SW $\frac{1}{4}$  of Section 13, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska, more particularly described as follows: Considering the West Line of the SW $\frac{1}{4}$  of said Section 13 as bearing N 00°00'00" E and with all bearings contained herein relative thereto: Commencing at the S.W. Corner of said Section 13; thence easterly along the South Line of the said SW $\frac{1}{4}$  N 84°52'00" E 89.30 feet to a point on the East right-of-way line of the Bureau of Reclamation Canal; thence leaving the said South Line of the SW $\frac{1}{4}$  and continuing northerly along the said East right-of-way line N 00°00'00" E 200.00 feet to a point, said point being the True Point of Beginning; thence continuing northerly along said right-of-way line extended north N 00°00'00" E 1335.90 feet to a point; thence easterly N 90°00'00" E 200.00 feet to a point; thence northerly N 00°00'00" E 22.89 feet to a point; thence easterly N 90°00'00" E 224.00 feet to a point; thence southerly S 00°00'00" W 1320.70 feet to a point; thence southwesterly S 84°52'00" W 425.70 feet to a point, said point being the True Point of Beginning. Containing 12.935 acres, more or less.

Approximately 107.28 acres

(approximately 108 acres), hereby acknowledges and understands and agrees that its signature below authorizes McCook Solar, LLC, or its authorized representatives, to submit by any means

5/24/23

to the City of McCook, Nebraska, any necessary filing or document to apply for, pursue, obtain and perfect a Special Exception for a Land Use Action Request using solar energy.

Date: May 30, 2023.

JOHN E. PALIC REVOCABLE TRUST,  
PURSUANT TO A WRITTEN TRUST  
AGREEMENT DATED MAY 23, 2014

By: John E. Palic TRUSTEE  
John E. Palic, Trustee

Date: 5/30/23

MELINDA R. PALIC REVOCABLE TRUST,  
PURSUANT TO A WRITTEN TRUST  
AGREEMENT DATED MAY 23, 2014

By: Melinda R. Palic  
Melinda R. Palic, Trustee

Date: 5/30/23

## Attachment 5

# Property Tax Benefits from Solar Energy Facilities in Nebraska

David C. Levy

1700 Farnam Street  
Suite 1500  
Omaha, NE 68102-2068  
Tel: 402.344.0500  
Fax: 402.344.0588  
Direct: 402.636.8310  
dlevy@bairdholm.com  
www.bairdholm.com  
Also admitted in California, Iowa

## Property Tax Benefits from Solar Energy Facilities in Nebraska

---

In Nebraska, renewable energy facilities pay two forms of property tax:

- (1) Tax on the facility's "nameplate" or energy-producing capacity at a rate of \$3,518 per alternating current megawatt ("MWac") (flat excise tax, set by statute).
- (2) Tax on real property improvements (including foundations, roads, operation and maintenance buildings, leasehold values). Because the tax on real property improvements depends on local valuation and levy rate, it will vary by improvement type, year and location.

To estimate property tax revenue, a good rule of thumb is that a solar energy facility will generate approximately \$4,000 annually in new property tax revenue per MW of nameplate capacity. To demonstrate, we estimate below the annual property tax revenue for a hypothetical solar energy facility with up to a 56 MWac nameplate capacity.

- Nameplate Capacity Tax =  $\$3,518 \times 56 \text{ MW} = \$197,008$  per year.
- Real Property Tax = approximately  $\$482 \times 56 \text{ MW} =$  approximately \$26,992 per year.
- Total Property Tax = \$197,008 nameplate capacity tax + approximately \$26,992 real property tax = approximately \$224,000 per year.

Property tax allocation to schools and other local taxing jurisdictions follows local levy. Local school district(s) in which project improvements exist receive the largest share of property tax revenue – typically around two-thirds. Below is a sample allocation of the revenue from the same hypothetical 56 MW solar energy facility based on the real tax levy for the CCJH, LLC property near McCook, Nebraska.

If a Nebraska utility purchases the project, the utility is exempt from the Nameplate Capacity Tax and property tax per section 77-6203 of the Nebraska Revised Statutes.

Taxing Entity	Levy Rate	Annual Tax Received (approx.)
Red Willow County .....	0.307765 .....	\$44,428
School District #17 .....	1.075944 .....	\$155,323
Mid-Plains Community College... ..	0.078170 .....	\$11,284
Educational Service Unit #15 .....	0.014995 .....	\$2,165
High Plains Historical Society .....	0.001693 .....	\$245
Natural Resource District.....	0.035110 .....	\$5,069
Western Fire District.....	0.038000 .....	\$5,489
<b>APPROXIMATE TOTAL .....</b>	<b>1.573351.....</b>	<b>\$224,000</b>

## Relevant Statutes

77-6202(2) Nameplate capacity means the capacity of a renewable energy generation facility to generate electricity as measured in megawatts, including fractions of a megawatt. Nameplate capacity shall be determined based on the facility's alternating current capacity. *(Tax is on nameplate of facility, not generation.)*

77-6203(1) The owner of a renewable energy generation facility annually shall pay a nameplate capacity tax equal to the total nameplate capacity of the commissioned renewable energy generation facility multiplied by a tax rate of three thousand five hundred eighteen dollars per megawatt. *(Tax is on direct current nameplate of facility, not generation.)*

(4) The presence of one or more renewable energy generation facilities or supporting infrastructure shall not be a factor in the assessment, determination of actual value, or classification under section 77-201 of the real property underlying or adjacent to such facilities or infrastructure. *(No impact from the facility on underlying or surrounding property taxes.)*

(5)(a) The Department of Revenue shall collect the tax due under this section.

(6)(b) The owner of a renewable energy generation facility is liable for the taxes under this section with respect to the facility, whether or not the owner of the facility is the owner of the land on which the facility is situated. *(Owner of the facility pays the facility property taxes.)*

77-6204(1) The county treasurer shall distribute all revenue received from the Department of Revenue pursuant to section 77-6203 to local taxing entities which, but for such personal property tax exemption, would have received distribution of personal property tax revenue from depreciable personal property used directly in the generation of electricity using wind, solar, biomass, or landfill gas as the fuel source. *(County Treasurer distributes the Nameplate Capacity Tax to the taxing entities in the same proportion as real property taxes.)*

(4) The Department of Revenue shall not retain any revenue collected pursuant to sections 77-6201 to 77-6204. *(Department of Revenue conveys Nameplate Capacity Tax revenue to the County Treasurer without reduction or discount.)*

## ARTICLE 7

### AGRICULTURAL DISTRICT (AG)

#### Article 7 - Agricultural District (AG)

**Section 701. Intent.** The intent of an Agricultural District (AG) is to protect agricultural lands from incompatible land uses in order to preserve land best suited to agricultural uses and land in which the natural environment should be continued, and to limit residential, commercial and industrial development to those areas where they are best suited for reasons of practicality and municipal fiscal integrity.

It is further intended that building permits are not required for normal livestock fences and land and water conservation measures such as those recommended by the Soil Conservation Service.

Although this district is intended to provide for the agricultural use of land, it is recognized that certain areas within the district may have the capability in terms of proximity to urban development and accessibility to facilities, services, and utilities of accommodating residential expansion in the future through orderly annexation consistent with the adopted Comprehensive Plan.

**Section 702. Permitted Principal Uses and Structures.** The following principal uses and structures shall be permitted in Agricultural Districts (AG):

1. General farming and ranching activities, excluding any expansion of existing or development of livestock confinement facilities/operations in excess of (10) animals.
2. Single family farm or ranch dwellings, and non-farm single family dwellings.
3. Individual mobile homes under the prescribed conditions of Section 2109 of this Ordinance.
4. Public parks and public recreation areas, including but not limited to playgrounds, golf courses, campgrounds and rest areas.
5. Railroad track right-of-way.
6. Public facilities, utility substations and distribution systems.
7. Churches, places of worship and cemeteries.
8. Public and parochial, nursery, primary, intermediate and secondary schools.
9. Publicly owned Detention Facilities.

**Section 703. Permitted Accessory Uses and Structures.** The following accessory uses and structures shall be permitted in Agricultural Districts (AG):

1. Roadside stands.
2. Home occupations, under the prescribed conditions of Section 2116 of this Ordinance.
3. Mobile homes under the prescribed conditions of Section 2109 of this Ordinance.
4. Accessory uses and structures normally appurtenant to the permitted uses and structures when established within the space limits of this district.

**Section 704. Special Exceptions.** After the provisions of this ordinance relating to special exceptions have been fulfilled, the City Council may permit as special exceptions in Agricultural Districts (AG) not contiguous to the city limits:

1. Sanitary sewage disposal and water systems, including agricultural irrigation wells, in conformance with the requirements of the Nebraska Departments of Environmental Quality (NEDEQ) and Health and Human Services (NEDHHS).
2. Mobile home parks, under the prescribed conditions of Section 2110 of this Ordinance.
3. Airports.
4. Bed and breakfast establishments.
5. Fairgrounds, race tracks and amusement parks.
6. Private golf courses, country clubs and golf driving ranges.
7. Amphitheatres, stadiums, drive-in movies, arenas and field houses.
8. Private or commercially owned go-cart tracks, riding stables, playing fields, athletic fields, bowling, swimming pools, automobile parking.
9. The following uses must be located one mile or further from the nearest occupied residential (excluding residence of owner or operator) structure or public school as measured from the nearest edge of the lot lines:
  - A. Commercial auction yards and barns.
  - B. Commercial production and husbandry of poultry, fish and small animals.
  - C. Feed mills, packing plants, fertilizer plants and anhydrous ammonia storage tank facilities or plants.
10. Kennels.
11. Veterinarian services.
12. Telecommunication Towers, under the prescribed conditions of Article 30.
13. Sales, service, and storage of mobile homes, campers, boats, motor vehicles, motorized equipment and accessories for such vehicles, not including salvage junk yards.
14. Commercial uses (excluding retail stores) including, but not limited to the following: lumber yards, nurseries, yard equipment, transportation centers, service garages, wholesale operations, household equipment and appliances repair, rental establishments, car washes and truck washes.
15. Mining, storage and sales of gravel and sand.
16. Alternative energy systems utilizing Biomass, Geothermal, Hydropower, Solar and/or Wind sources in conformance with "Net Metering" per Nebraska State Statutes §70-2001 to 2005 (August 30, 2009, as amended). Individual or "Small Wind Energy Conversion Systems (SWECS) shall also be in conformance with the provisions of Section 2117 of this Ordinance.

17. Commercial Wind Energy Conversion Systems (CWECS) utilizing a single or multiple tower applications, or "Wind Farm" held in single ownership or in an association of multiple owners, in conformance with the provisions of Section 2117 of this Ordinance.
18. Rural subdivisions, in which all dwellings within the subdivision utilize a shared or "community style" water well or sanitary sewer lagoon in accordance with all restrictions of the Nebraska Department of Environmental Quality (NEDEQ) and the Department of Health and Human Services. In which case, minimum lot sizes may be reduced to one (1) acre in area.

**Section 705. Prohibited Uses and Structures.** All other uses and structures which are not specifically permitted or not permissible as special exceptions shall be prohibited from Agricultural Districts (AG).

**Section 706. Minimum Lot Requirements.** The minimum lot area and lot area per dwelling unit shall be three (3) acres, except that the minimum lot area and lot area per dwelling unit shall be two (2) acres for a single family dwelling erected prior to July 1, 2004, with a minimum lot width or road frontage of two hundred (200') feet.

**Section 707. Minimum Yard Requirements.**

(A) Front Yard: There shall be a minimum front yard of not less than a depth of forty (40) feet, measured from the existing road way right-of-way line.

Rear Yard: There shall be a minimum rear yard of not less than a depth of fifty (50) feet, measured from the property line.

Side Yard: Each side yard shall not be less than twenty (20) feet measured from the property line.

Any accessory use structures, which are not a continuous part of the principal structure, may be located in the rear yard with a side and rear yard of not less than twenty (20') feet.

(B) Residential platted lots in existence as of the effective date of this 2013 update shall have Minimum Yard Requirements as follows:

Front Yard: There shall be a minimum front yard of not less than a depth of twenty-five (25) feet, measured from the existing road way right-of-way line.

Rear Yard: There shall be a minimum rear yard of not less than a depth of twenty-five (25) feet, measured from the property line.

Side Yard: Each side yard shall not be less than ten (10) feet measured from the property line.

**Section 708. Maximum Height.** No limitation, except when located within the designated approach path or zones of the McCook Ben Nelson Regional Airport, all Agricultural District (AG) properties shall be in conformance with the provisions of Article 26 of this Ordinance.

**Section 709. Parking Regulations.** Parking within the Agricultural District (AG) shall be in conformance with the provisions of Section 2111 of this Ordinance.

**Section 710. Fence Regulations.** Fences, walls and hedges within the Agricultural District (AG) shall be in conformance with the provisions of Section 2102 of this Ordinance.

**Section 711. Sign Regulations.** Signs within the Agricultural District (AG) shall be in conformance with the provisions of Section 2112 of this Ordinance.

## ARTICLE 24

### SPECIAL EXCEPTIONS

#### Article 24 - Special Exceptions

**Section 2401. Special Exceptions.** As the zoning ordinance is established at the present time, the McCook City Council has been given the authority to hear and decide requests for special exceptions. This is consistent with State Law; however, the City also has the option to delegating this power to the Planning Commission through the Zoning Ordinance.

**Section 2402. Conditions for Granting Special Exceptions.** A special exception shall not be granted by the City Council unless and until:

1. A written application for a special exception is submitted indicating the section of this ordinance under which the special exception is sought and stating the grounds on which it is requested;
2. Notice shall be given at least ten (10) days in advance of public hearing. The owner of the property for which special exception is sought or his agent shall be notified by certified mail. Notice of such hearings shall be posted on the property for which special exception is sought at least ten (10) days prior to the public hearing;
3. The public hearing shall be held. Any party may appear in person, or agent or attorney;
4. The City Council shall make a finding that is empowered under the section of this Ordinance described in the application to grant the special exception, and that the granting of the special exception will not adversely affect the public interest;
5. Before any special exception shall be issued, the City Council shall make written findings certifying compliance with the specific rules governing individual special exceptions and that satisfactory provisions and arrangements have been made concerning the following where applicable:
  - A. ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;
  - B. off-street parking and loading areas where required, with particular attention to the items in A above, and the economic, noise, glare or odor effects of the special exception on adjoining properties and properties generally in the district;
  - C. refuse and service area, with particular reference to the items in A and B above;
  - D. utilities, with reference to locations, availability, and compatibility;
  - E. screening and buffering with reference to type, dimensions, and character;
  - F. signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district;
  - G. required yards and other open space;
  - H. general compatibility with adjacent properties and other property in the district.
  - I. compatibility with the existing and future land use plans in the McCook Comprehensive Plan.

McCook Planning Commission  
August 14, 2023  
5:15 P.M. Central

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

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

Absent: None.

City Officials present: City Manager Schneider, City Attorney Mustion, City Clerk Doak, Public Works Director Potthoff.

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on August 10, 2023, the designated method of giving notice, a copy of the proof of publication being attached to these minutes. Advance notice of the meeting was also given to all members of the Planning Commission. Availability of the agenda was communicated in the advance notice. All proceedings hereafter shown were taken while the meeting was open to the attendance of the public.

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

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

Motion to approve the minutes of the July 10, 2023 regular Planning Commission meeting. This motion, made by Vosburg and seconded by Hilker, passed.

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

YEA: 10, NAY: 0

2. Discussion regarding a Land Use Action Request application from McCook Solar, LLC for consideration of a special exception designation to allow for an alternative solar energy system to be located within McCook's extraterritorial jurisdiction, said district zoned as an Agricultural District (AG).

City Manager Schneider reviewed the following information contained in his City Manager's Report dated August 14, 2023: "McCook Solar, LLC has submitted a Land Action Request application, requesting permission to locate an alternative solar energy system within McCook's extraterritorial zoning jurisdiction. The solar project would be located northwest of McCook. The area is currently zoned as an Agricultural District (AG). Per Article 7, Section 703 of the McCook Zoning Ordinance, alternative solar energy systems may be permitted if the provisions relating to a special exception have been fulfilled. Article 24, Section 2402 of the McCook Zoning Ordinance, establishes the

criteria that must be complied with in order to receive such a special exception designation. Article 7, Section 703 and Article 24, Section 2402, are included with this report for review.”

“Attached to this report is the Land Action Request application. The purpose of the application is to request the construction and continued maintenance of a 65 megawatt AC solar electric generating facility to be located on approximately 551 acres of land. The project would include, but not be limited to, solar panels, racking, trackers, inverters, a short overhead transmission line from the project substation to the McCook Substation, battery energy storage system, access roads, laydown yard, transformer, junction boxes, substation, operations and maintenance building, and the AC electrical current collection system. The application includes signatures from potential leaseholders as consenting stakeholders.”

“The City of McCook has contracted with Marvin Consulting to assist with our review of the application and to help apply the findings to McCook's special exception criteria. Keith Marvin will be present via Zoom at Monday's meeting. The City of McCook has also contacted NPPD and MPPD to provide input with respect to the application. Brice Barton of 39North will be present to speak on behalf of the application.”

“This item is a discussion item and no action will be taken at the meeting.”

City Attorney Mustion stated that discussion needs to stay on the Special Exception Considerations A - I and comments from the public will be limited to five minutes.

Representatives present via zoom for the City were Marvin Consulting representatives Keith Marvin and John Shepherd. Representatives present for McCook Solar, LLC, 39North, and Birch Creek Development, LLC were Brice Barton, Thadd Barker, and Jennifer Dean. Those present via zoom were John Arb, David Levy, and Christi Thomas.

Brice Barton, 39North, reviewed the Land Use Application with the Commission.

Commissioner discussion included if the development was contingent to having buyers (Power Purchase Agreement - PPA) for the power, would they start construction without the buyer (PPA); if it was an assignable lease; how the Nameplate Capacity Tax and the Real Property Tax works; how is the stormwater runoff handled - a NPDES permit is required; how is decommissioning of the project handled - they recycle as much as can be and dispose of according to Federal Law; how are damaged panels, such as those in western Nebraska destroyed by hail, disposed of - they recycle as much as can be and dispose of according to Federal Law, a majority of those panels destroyed by hail are still operable; the length of the contract is 40 years; the type of fencing is used for buffering; where will their domestic water come from; will there be any power storage - does not contemplate any at this time, Mr. Arb added that Battery Energy Storage (BES) could be done as expansion of the project; is there any special fire training required; what amount of noise will there be - the panels make little noise, will have a main transmission/substation similar to the current NPPD substation; and do they have any locations in Nebraska - none at this time, but there are others located in Nebraska.

Mr. Marvin noted that the Future Land Use map included in the City's Comprehensive Plan might need to be amended to remove the portion designated as residential development.

Todd Cappel expressed concerns approving the request before they have a purchase power agreement, could that be a condition of the conditional use permit; his discussions with NPPD indicate that there is a lot more to the process than they are alluding to, to get approval with the Southwest Power Pool.

Tim Walters questioned if the County has any ruling on what is included in the City's extraterritorial jurisdiction; this area appears to be where the growth of McCook will be and expressed concerns with putting a project of this size for 40 years, it will kill McCook's growth.

Brian Loeker questioned the process for taking care of the equipment when damaged.

Chris Flaska questioned the demand for the power produced by something of this size.

Greg Wolford, representative the Masonic Temple, one of the landowners, spoke in support of the project. They are a charitable organization that has donated to various projects, one of them being their recent donation to the swimming pool project. The \$50,000 a year into their budget would be a benefit. They too did have the same questions presented and are now comfortable with the project.

City Manager Schneider noted that the request will be on the Council agenda for discussion at their August 21 meeting.

Adjournment.

With no further questions of the applicant, Chair Vosburg declared the Planning Commission meeting adjourned at 7:00 P.M.

---

Lea Ann Doak, City Clerk-Treasurer  
Recording Secretary

**CITY MANAGER'S REPORT  
AUGUST 21, 2023 CITY COUNCIL MEETING**

---

**ITEM:**           A.   

Approve the minutes of the August 7, 2023 regular City Council meeting and the August 11 and August 15, 2023 special City Council meetings.

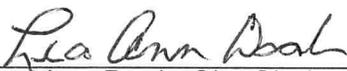
---

**BACKGROUND:**

Receive and approve the minutes.

**FISCAL  
IMPACT:**     None.

**APPROVALS:**

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

August 18, 2023

McCook City Council  
August 7, 2023  
5:30 P.M. Central

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

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

Absent: None.

City Officials present: City Manager Schneider, City Attorney Mustion, City Clerk Doak, Assistant City Manager Koetter, Library Director Crocker, Fire Chief Harpham, Public Works Director Potthoff, Solid Waste Superintendent Province, Senior Services Director Siegfried, Police Chief Smith, and Wastewater Superintendent White.

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on August 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 the Mayor and members of the City Council and a copy of the Acknowledgement of Receipt of such notice is attached to these minutes. Availability of the agenda was communicated in the advance notice to the Mayor and Council. All proceedings hereafter shown were taken while the meeting was open to the attendance of the public.

Mayor Taylor announced that a copy of the Open Meetings Act was posted by the entrance to the Council Chambers and available for public review. Invocation was provided by Jeff Donelan, McCook Evangelical Free Church. Following the Pledge of Allegiance to the flag of the United States of America, Mayor Taylor called the meeting to order.

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

A special City Council meeting was scheduled for noon on August 11, 2023 for consideration of a Special Designated Liquor License request and a Planning Commission meeting is scheduled for August 14, 2023 at 5:15 for discussion regarding a Special Exception request from McCook Solar, LLC to allow for an alternative solar energy system to be located within McCook's extraterritorial jurisdiction.

## **2. Public Hearings.**

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

Motion to recess as a City Council and convene a public hearing for the purpose of receiving public comment on a report from the Economic Development Plan Citizen's Advisory Review Committee

regarding meeting held July 24, 2023 with the City Attorney to act as hearing officer. This motion, made by Calvin and seconded by Muehlenkamp, passed.

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

The City Attorney offered and received into evidence Exhibit #1 - the City Manager's Report dated August 7, 2023 (1 page); Exhibit #2 - Notice of Hearing published (1 page); Exhibit #3 - Agenda for the July 24, 2023 meeting of the Economic Development Plan Citizen's Advisory Review Committee and attachments (10 pages); and Exhibit #4 - the minutes of the April 24, 2023 Economic Development Plan Citizen's Advisory Review Committee (3 pages).

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

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

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

2.B. Accept the minutes of the April 24, 2023 Economic Development Plan Citizen's Advisory Review Committee meeting.

Motion to accept the minutes of the April 24, 2023 Economic Development Plan Citizen's Advisory Review Committee meeting. This motion, made by Calvin and seconded by Weedin, passed.

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

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

Councilmember Weedin requested that Item H be removed from the Consent Agenda and placed on the Regular Agenda.

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

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

3.A. Approve the minutes of the July 17, 2023 regular City Council meeting.

3.B. Authorize Great Plains Communications to occupy city right of way for the installation of underground fiber optic cable, duct and ground level fiber optic vaults in the 1600 Block West "Q" Street.

3.C. Authorize city staff to purchase one (1) new 2023 Vactor 2100i jet/vac combo truck for the

Wastewater Department from MacQueen Equipment located in Lincoln, Nebraska, for the amount of \$449,807.37, using Sourcewell as the Purchasing Agent.

- 3.D. Approve the application for a Special Designated Liquor License submitted by Loop Brewing Company, Liquor License #LK-093351, for a Wedding Reception to be held at The Barn, 1701 North Highway 83, on October 7, 2023 from 3:00 P.M. to 1:00 A.M.
- 3.E. Approve the St. Patrick Catholic Church request to close portions of East 4th Street, East "F" Street, and East "G" Street and to utilize city property for the Annual Fall Festival on September 24, 2023.
- 3.F. Approve the issuance of a Grant of License in favor of Kent and Susan Strunk, owners of property located at 308 South Street, permitting the use of platted, but undeveloped right of way.
- 3.G. Approve the specifications for the North Pointe and West "C" Street paving and Utilities Project and set the time and date to receive bids as August 29, 2023 at 2:30 P.M.

#### **4. Regular Agenda.**

- 3.H. Authorize an emergency purchase from Polen Implement out of Elyria, Ohio in the amount of \$74,450.00 for one used 2018 John Deere 6120R Tractor with an Intelligent Variable Transmission (IVT) for use in the composting operation at the Transfer Station.

Councilmember Weedon asked Public Works Director Potthoff and Solid Waste Superintendent Province to clarify the need for the tractor.

Motion to Authorize an emergency purchase from Polen Implement out of Elyria, Ohio in the amount of \$74,450.00 for one used 2018 John Deere 6120R Tractor with an Intelligent Variable Transmission (IVT) for use in the composting operation at the Transfer Station. This motion, made by Weedon and seconded by Calvin, passed.

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

- 4.A. Receive and put on file a renewed request from the McCook Chamber of Commerce for ACE funds to assist with the City of McCook's event promotions.

Molly Smith, past Chamber President & CEO, presented the request to the Council and reviewed what the funds were used for this past year. They are again requesting \$6,000 from ACE funds to assist with promotion of city events.

- 4.B. Field a "Topic for Consideration" filed by Maggie Repass concerning a request to allow the use of ATVs and UTVs in McCook corporate city limits.

Maggie Repass and Jim Lewis presented for discussion their request to allow the use of ATVs and

UTVs in the city limits, noting that other communities across the state have made ordinances to allow them.

Brian Calvin inquired if helmets would be required and Spencer Smith spoke in support of allowing the use of them within the City.

Discussion included safety concerns, requiring that they be registered and licensed; who would be responsible for the licensing program; age requirements; how to allow crossing of the two highways in town; only allowing UTVs and not ATVs; and requiring helmets.

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

City Manager Schneider stated that D.A. Davidson marketed the swimming pool bond this past week for a Par Amount of \$5.68 million, with a maximum annual debt service of \$460,000, and no debt service was required. Carrothers is on schedule and a meeting is planned for Tuesday to discuss the plan for the bathhouse facade. Work continues on the Sports Complex purchase agreement with the College Foundation.

4.D. Discussion regarding the status of the NDED Rural Workforce Housing award earmarked for a Saint Catherine's project.

City Manager Schneider updated the Council on the status of the NDED Rural Workforce Housing grant award that was earmarked for a Saint Catherine's project. The City has been notified that the award would not be in the form of a grant, but rather, it would be treated as a loan, payable upon completion of the mitigation efforts. Contact has been made with NDED and other recipients of the grant to determine the best steps forward.

Phil Lyons and Mitch Lyster expressed concerns with the City not being the owners of the property and moving forward with the loan.

4.E. Council Comments.

There were no Council comments.

### **Adjournment.**

There being no further business to come before the Council, Mayor Taylor declared the meeting adjourned at 6:33 P.M.

---

Linda Taylor, Ex-officio Mayor  
and Council President

ATTEST:

---

Lea Ann Doak, City Clerk-Treasurer

McCook City Council  
August 11, 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, Weedon, Muehlenkamp.

Absent: Councilmember Rambali.

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

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

YEA: 4, NAY: 0, ABSENT: 1

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

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on August 10, 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. Mayor Taylor called the meeting to order.

Call to Order.

**1. Regular Agenda.**

- 1.A. Approve the application for a Special Designated Liquor License submitted by The Wandering Well, Liquor License #CK-123459, for a Wedding Reception to be held at the Red Willow County Community Building, 1412 West 5th Street, on August 26, 2023 from 4:00 P.M. to 1:00 A.M.

Motion to approve the application for a Special Designated Liquor License submitted by The Wandering Well, Liquor License #CK-123459, for a Wedding Reception to be held at the Red Willow County Community Building, 1412 West 5th Street, on August 26, 2023 from 4:00 P.M. to 1:00 A.M. This motion, made by Calvin and seconded by Weedon, passed.

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

YEA: 4, NAY: 0, ABSENT: 1

**Adjournment.**

There being no further business to come before the Council, Mayor Taylor declared the meeting adjourned at 12:05 P.M.

---

Linda Taylor, Ex-officio Mayor  
and Council President

ATTEST:

---

Lea Ann Doak, City Clerk-Treasurer

McCook City Council  
August 15, 2023  
5:30 PM Central  
Special Meeting

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

Present: Mayor Taylor, Councilmembers Calvin, Weedon, Rambali (arrived 5:45 P.M.).

Absent: Councilmember Muehlenkamp.

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

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

City Officials present: City Manager Schneider, City Clerk Doak, Assistant City Manager Koetter, Library Director Crocker, Utilities Director Fawver, Fire Chief Harpham, Public Works Director Potthoff, Senior Services Director Siegfried, Police Chief Smith, Water Laborer Foreman Trevor VanPelt, and Waste Water Disposal Operator John White.

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on August 10, 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. Mayor Taylor called the meeting to order.

**1. Budget Workshop.**

- 1.A. Presentation from the McCook Humane Society with respect to increasing the contract amount the City of McCook pays for animal services.

Representatives of the Humane Society, Joyce Anderson and Lorie Prestes gave an update of the Humane Society and because of their increase in costs requested a 5% increase in the contribution that the City makes to the Humane Society.

- 1.B. Mariah Pierson proposed all-inclusive playground in Kelley Park.

Mariah Pierson, Kacey Karr, and Trisha Wagner gave a presentation on their proposed Inclusive

Playground to be installed in Kelley Park and asked for city support of the project.

It was the consensus of the Council to have a letter of support prepared for consideration at the next City Council meeting.

1.C. Review of the Proposed FY2023/2024 Annual Budget.

The Departments and members of their staff reviewed their proposed budgets with the Council.

**Adjournment.**

There being no further business to come before the Council, Mayor Taylor declared the meeting adjourned at 9:15 P.M.

---

Linda Taylor, Ex-officio Mayor  
and Council President

ATTEST:

---

Lea Ann Doak, City Clerk-Treasurer

**CITY MANAGER'S REPORT  
AUGUST 21, 2023 CITY COUNCIL MEETING**

---

**ITEM:** 2.B.

**RECOMMENDATION:**

**APPROVE THE REQUEST FROM RONDA GRAFF TO UTILIZE CITY STREETS AND WALKING TRAILS FOR THE 2023 HERITAGE DAYS ROAD RACE TO BE HELD IN THE MORNING OF OCTOBER 14, 2023.**

---

**BACKGROUND:**

Ronda Graff is requesting the use of city streets and walking trails for the Heritage Days road race to be held in the morning on Saturday October 14th. The event is scheduled to begin at 6:30 a.m. and to be completed by 9:00 a.m. There should be no impact to City resources during this event. The race organizer will be responsible for providing resources to assure safe travel for the participants. A map of the race route is attached. A certificate of insurance has been requested.

**FISCAL  
IMPACT:** None.

**APPROVALS:**



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

August 7, 2023

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

August 7, 2023

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

August 7, 2023

August 2023

To: McCook City Council  
McCook Police Chief Joel Smith  
McCook City Attorney Nate Schneider  
McCook City Public Works Director Kyle Potthoff

**Re: 2023 Heritage Days Road Race**

While the Republican River Fitness Series has come to an end, a few races have continued. One of those is the Heritage Days Road Race, which will be Saturday, Oct. 14.

Community Hospital, the YMCA, the McCook High School Cross Country team and myself are working together to put on this race as a fund-raiser for the XC team and to add to the Heritage Days festivities.

We are returning to a very simple format:

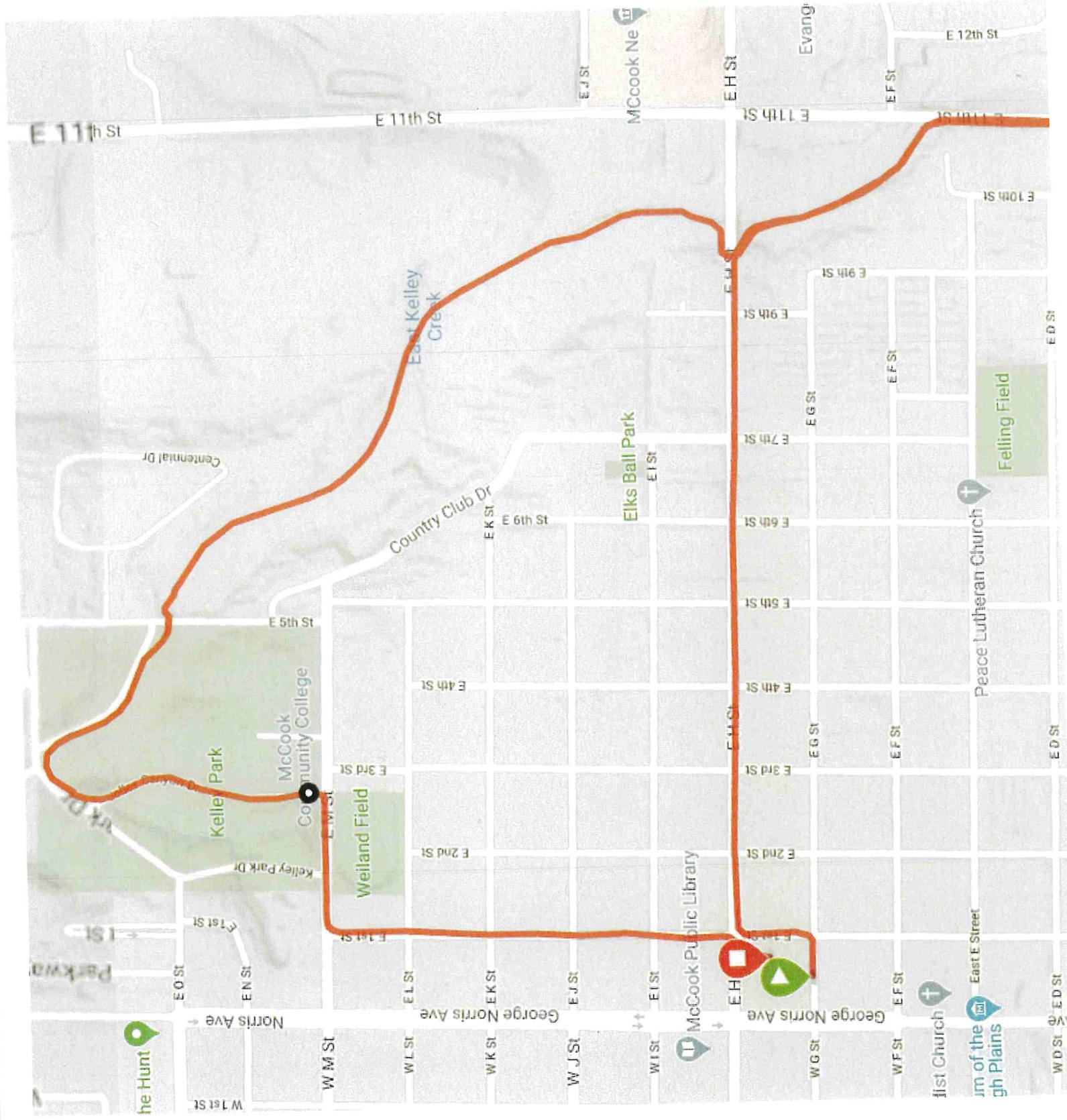
- Race day begins at 6:30 a.m. with packet pickup/registration at the corner of East First and G streets at Norris Park.
- Race begins at 7:30 a.m. Final runners should be done by 8:30 a.m.
- The McCook XC team will serve as volunteers along the course with placement by Coach Tom Sughroue.
- Entire event will be done at Norris Park by 9 a.m.

Attached is the proposed course which we have used in the past. We are not requesting that any streets be closed, but if there are police officers available near by, we wouldn't say no.

As you can see by the course map, we will have runners on H Street at 7:30 a.m. for approximately 5-10 minutes before they enter the walking trail but traffic is usually light at that time of day and we will have volunteers assisting with traffic at the intersections.

If you have any questions or concerns about the event, please let me know.

Ronda Graff  
308-340-3412, rondagraff@gmail.com



the Hunt

Norris Ave

E 1st St

E 2nd St

E 3rd St

E 4th St

E 5th St

E 6th St

E 7th St

E 8th St

E 9th St

E 10th St

E 11th St

E 12th St

W 1st St

W 2nd St

W 3rd St

W 4th St

W 5th St

W 6th St

W 7th St

W 8th St

W 9th St

Keller Park

McCook Community College

Weiland Field

East Kelley Creek

Country Club Dr

Elks Ball Park

McCook Public Library

Peace Lutheran Church

Felling Field

McCook Ne

Evang

East E Street

High Plains

**CITY MANAGER'S REPORT  
AUGUST 21, 2023 MCCOOK CITY COUNCIL MEETING**

---

**ITEM 2.C.**

Approve and enter into a contract with Capital City Concepts, LLC, providing for a Comparability Study to establish compensation parameters for the City of McCook's employees.

---

**BACKGROUND:**

A Comparability Study is needed to assure that the City of McCook's employees rate of pay is comparable to similarly situated Nebraska municipalities. Nebraska's Industrial Relations Act establishes the framework that all public employers and employees must adhere to. Due to a number of external economic events that have affected our country as a whole over the past three years, staff believes a review of the City of McCook's employees rate of pay is necessary to comply with the Act, as well as the Nebraska Commission of Industrial Relations Guidelines.

Capital City Concepts, LLC is a well known comparability data company that a number of State public employers have utilized to assure compliance with Nebraska Commission of Industrial Relations Guidelines. Capital City Concepts, LLC assisted the City during its most recent Study, which was initiated in 2019.

Attached to this report is a contract for the Council's consideration. McCook's previous wage study was an NCIR study, which study included only cities that meet the criteria established by the NCIR. The difficulty we found with this type of study is that it is limited solely to communities that are "comparable" to McCook. In most instances, this type of study works extremely well. However, for a few of our departments, there was a lack of comparables (most notably, McCook's Senior Center). A different study approach can be utilized, known as a market study. The market study approach includes cities that meet or may exceed the population criteria established by the Nebraska Commission for Industrial Relations. Market studies focus more on retention and recruitment, which has been an issue for the City of McCook over the past few years.

Regardless, the cost of the contract would not exceed \$18,000. That number includes expenses, with the exception of travel.

**APPROVALS:**



---

Lea Ann Doak, City Clerk

August 16, 2023



---

Nate Schneider, City Manager

August 16, 2023

**CITY MANAGER'S REPORT  
AUGUST 21, 2023 CITY COUNCIL MEETING**

---

**ITEM:** 2.D.

**RECOMMENDATION:**

**AUTHORIZE THE MAYOR TO SIGN THE LETTER OF SUPPORT FOR THE PROPOSED CONSTRUCTION OF AN ALL-INCLUSIVE PLAYGROUND TO BE LOCATED IN KELLEY PARK WHICH WILL REPLACE THE EXISTING PLAY STRUCTURE.**

---

**BACKGROUND:**

At the special meeting of the McCook City Council held on Tuesday August 15, 2023, Mariah Pierson, Tricia Wagner and Kacee Karr presented a plan to construct a new all-inclusive playground at Kelley Park. This proposed playground would replace the current play structure that is in need of roughly \$50,000.00 in deck replacements.

This letter will allow for this group to begin organizing their fund raising efforts.

**FISCAL  
IMPACT:** None.

**RECOMMENDATION:**

**AUTHORIZE THE MAYOR TO SIGN THE LETTER OF SUPPORT FOR THE PROPOSED CONSTRUCTION OF AN ALL-INCLUSIVE PLAYGROUND TO BE LOCATED IN KELLEY PARK WHICH WILL REPLACE THE EXISTING PLAY STRUCTURE.**

**APPROVALS:**

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

August 16, 2023

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

August 16, 2023



Linda Taylor, Mayor

---

P.O. BOX 1059 • 505 WEST C • McCook, NE 69001-1059 • PHONE (308) 345-2022 • FAX (308) 345-1461

August 15, 2023

RE: Letter of Support - All-Inclusive Playground

At the special meeting of the McCook City Council held on Tuesday August 15, 2023, Mariah Pierson, Tricia Wagner and Kacee Karr presented a plan to construct a new all-inclusive playground at Kelley Park. This proposed playground would replace the current play structure that is in need of roughly \$50,000.00 in deck replacements. Please accept this letter confirming the McCook City Council's support of this project.

Cordially,

Linda Taylor  
Mayor

**CITY MANAGER'S REPORT  
JULY 17, 2023 CITY COUNCIL MEETING**

---

**ITEM:**   E.  

**RECOMMENDATION:**

Accept the minutes of the July 10, 2023 Planning Commission meeting.

---

**BACKGROUND:**

Accept minutes from the various board and commission meetings.

**FISCAL  
IMPACT:**     None.

**APPROVALS:**

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

August 18, 2023

McCook Planning Commission  
August 14, 2023  
5:15 P.M. Central

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

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

Absent: None.

City Officials present: City Manager Schneider, City Attorney Mustion, City Clerk Doak, Public Works Director Potthoff.

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on August 10, 2023, the designated method of giving notice, a copy of the proof of publication being attached to these minutes. Advance notice of the meeting was also given to all members of the Planning Commission. Availability of the agenda was communicated in the advance notice. All proceedings hereafter shown were taken while the meeting was open to the attendance of the public.

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

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

Motion to approve the minutes of the July 10, 2023 regular Planning Commission meeting. This motion, made by Vosburg and seconded by Hilker, passed.

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

YEA: 10, NAY: 0

2. Discussion regarding a Land Use Action Request application from McCook Solar, LLC for consideration of a special exception designation to allow for an alternative solar energy system to be located within McCook's extraterritorial jurisdiction, said district zoned as an Agricultural District (AG).

City Manager Schneider reviewed the following information contained in his City Manager's Report dated August 14, 2023: "McCook Solar, LLC has submitted a Land Action Request application, requesting permission to locate an alternative solar energy system within McCook's extraterritorial zoning jurisdiction. The solar project would be located northwest of McCook. The area is currently zoned as an Agricultural District (AG). Per Article 7, Section 703 of the McCook Zoning Ordinance, alternative solar energy systems may be permitted if the provisions relating to a special exception have been fulfilled. Article 24, Section 2402 of the McCook Zoning Ordinance, establishes the

criteria that must be complied with in order to receive such a special exception designation. Article 7, Section 703 and Article 24, Section 2402, are included with this report for review.”

“Attached to this report is the Land Action Request application. The purpose of the application is to request the construction and continued maintenance of a 65 megawatt AC solar electric generating facility to be located on approximately 551 acres of land. The project would include, but not be limited to, solar panels, racking, trackers, inverters, a short overhead transmission line from the project substation to the McCook Substation, battery energy storage system, access roads, laydown yard, transformer, junction boxes, substation, operations and maintenance building, and the AC electrical current collection system. The application includes signatures from potential leaseholders as consenting stakeholders.”

“The City of McCook has contracted with Marvin Consulting to assist with our review of the application and to help apply the findings to McCook's special exception criteria. Keith Marvin will be present via Zoom at Monday's meeting. The City of McCook has also contacted NPPD and MPPD to provide input with respect to the application. Brice Barton of 39North will be present to speak on behalf of the application.”

“This item is a discussion item and no action will be taken at the meeting.”

City Attorney Mustion stated that discussion needs to stay on the Special Exception Considerations A - I and comments from the public will be limited to five minutes.

Representatives present via zoom for the City were Marvin Consulting representatives Keith Marvin and John Shepherd. Representatives present for McCook Solar, LLC, 39North, and Birch Creek Development, LLC were Brice Barton, Thadd Barker, and Jennifer Dean. Those present via zoom were John Arb, David Levy, and Christi Thomas.

Brice Barton, 39North, reviewed the Land Use Application with the Commission.

Commissioner discussion included if the development was contingent to having buyers (Power Purchase Agreement - PPA) for the power, would they start construction without the buyer (PPA); if it was an assignable lease; how the Nameplate Capacity Tax and the Real Property Tax works; how is the stormwater runoff handled - a NPDES permit is required; how is decommissioning of the project handled - they recycle as much as can be and dispose of according to Federal Law; how are damaged panels, such as those in western Nebraska destroyed by hail, disposed of - they recycle as much as can be and dispose of according to Federal Law, a majority of those panels destroyed by hail are still operable; the length of the contract is 40 years; the type of fencing is used for buffering; where will their domestic water come from; will there be any power storage - does not contemplate any at this time, Mr. Arb added that Battery Energy Storage (BES) could be done as expansion of the project; is there any special fire training required; what amount of noise will there be - the panels make little noise, will have a main transmission/substation similar to the current NPPD substation; and do they have any locations in Nebraska - none at this time, but there are others located in Nebraska.

Mr. Marvin noted that the Future Land Use map included in the City's Comprehensive Plan might need to be amended to remove the portion designated as residential development.

Todd Cappel expressed concerns approving the request before they have a purchase power agreement, could that be a condition of the conditional use permit; his discussions with NPPD indicate that there is a lot more to the process than they are alluding to, to get approval with the Southwest Power Pool.

Tim Walters questioned if the County has any ruling on what is included in the City's extraterritorial jurisdiction; this area appears to be where the growth of McCook will be and expressed concerns with putting a project of this size for 40 years, it will kill McCook's growth.

Brian Loeker questioned the process for taking care of the equipment when damaged.

Chris Flaska questioned the demand for the power produced by something of this size.

Greg Wolford, representative the Masonic Temple, one of the landowners, spoke in support of the project. They are a charitable organization that has donated to various projects, one of them being their recent donation to the swimming pool project. The \$50,000 a year into their budget would be a benefit. They too did have the same questions presented and are now comfortable with the project.

City Manager Schneider noted that the request will be on the Council agenda for discussion at their August 21 meeting.

Adjournment.

With no further questions of the applicant, Chair Vosburg declared the Planning Commission meeting adjourned at 7:00 P.M.

---

Lea Ann Doak, City Clerk-Treasurer  
Recording Secretary

**CITY MANAGER'S REPORT  
AUGUST 21, 2023 MCCOOK CITY COUNCIL MEETING**

ITEM NO. 2.F Authorize Resolution No. 2023- 14 approving the grant application for Federal Assistance from the Nebraska Game and Parks Commission Recreational Trails Program for the McCook Recreational Trail Phase IV- Westview Trail & Crossing.

---

**BACKGROUND:**

This grant application will request financial assistance from the Nebraska Game and Parks Commission Recreational Trails Program for Phase IV of the McCook Recreational Trail - Westview Trail & Crossing. In this phase, intermittent sidewalks along HWY 83 will be renovated into an 8 ft concrete trail stretching from the junction of Highways 6 & 34 and Highway 83 and extend north to Q Street. A pedestrian crosswalk is planned for the intersection of West J Street and Highway 83. A new 10 ft concrete Norris Prairie Arboretum Trail will lead to the Norris Prairie Arboretum & Study Center.

The total cost of this trail and crossing is estimated to be \$615,934.50. This grant request is for \$250,000. The Community Hospital has graciously committed \$200,000 to this project. The City of McCook's share would be \$22,568.50. These funds are included in the City of McCook's FY 2023-2024 budget. The remainder would have to be paid by a sidewalk improvement district. In 2020, conversations were held with some of the property owners in regard to the improvement district and the response was positive.

The final application will be submitted in order to meet the deadline of September 4, 2023.

**APPROVALS:**



Nathan A. Schneider, City Manager

August 16, 2023



Tera Koetter, Assistant City Manager

August 16, 2023



Lea Ann Doak, City Clerk

August 16, 2023

**CITY OF MCCOOK, NEBRASKA  
RESOLUTION NO. 2023-14**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCCOOK, NEBRASKA,  
APPROVING THE GRANT APPLICATION FOR FEDERAL ASSISTANCE FROM THE  
NEBRASKA GAME AND PARKS COMMISSION RECREATIONAL TRAILS PROGRAM FOR  
THE MCCOOK RECREATIONAL TRAIL PHASE IV - WESTVIEW TRAIL & CROSSING.**

1. The City of McCook is applying for federal assistance from the Recreational Trails Program for the purpose of: match funding for the Westview Trail and Crossing project. This project will include two new trails and a highway crossing. An 8 foot wide 5,765 ft long concrete pedestrian trail along Hwy 83 will span from Q street south to the Hwy 83 and Hwy 6 & 34 junction. A lighted pedestrian crosswalk will be placed at the J Street and Hwy 83 intersection. The crosswalk will connect to a 608 ft long, 10-foot-wide concrete trail leading into the Norris Institute's Prairie Arboretum which shall serve as a trail destination.
2. The City of McCook has conducted an Environmental Review and has determined the project will not significantly and negatively impact the natural environment of the project location or general vicinity.
3. The McCook City Manager, Nate Schneider, is authorized to sign the application for federal assistance, and any other official project documents that are necessary to obtain such assistance, including any agreements, contracts or other documents that are required by the State of Nebraska or the Federal Highway Administration.
4. The City of McCook currently has the written commitment for the 20% local matching share for the project elements that are identified on the Application form and the Supplemental Documents and will, as it becomes necessary, allocate the local funds for this project.
5. The City of McCook will commit the necessary financial resources to operate and maintain the completed project in a safe and attractive manner.
6. The City of McCook will not discriminate against any person on the basis of race, color, age, religion, disability, sex or nation origin in the use of any property or facility that is acquired or developed pursuant to the project proposal, and shall comply with the terms and intent of Title VI of the Civil Rights Act of 1964, and any of the regulations promulgated pursuant to such Act.
7. The City of McCook will comply with all rules and regulations of the Recreational Trails Program, applicable Executive Orders and all state laws that govern the grant applicant during the performance of the project.
8. The City of McCook will comply with the Federal disability access and use standards where they can be reasonably applied, in accord with the American with Disability Act of 1991.
9. The Resolution must be signed by the Mayor.

PASSED AND APPROVED this 21<sup>st</sup> day of August, 2023.

I certify that this resolution is a true copy of the original document that was adopted by the City of McCook, Nebraska at a properly advertised and announced public meeting held this 21<sup>st</sup> day of August, 2023.

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

ATTEST:

\_\_\_\_\_  
Lea Ann Doak, City Clerk-Treasurer  
(SEAL)

**CITY MANAGER'S REPORT  
AUGUST 21, 2023 MCCOOK CITY COUNCIL MEETING**

**ITEM NO. 2.G** Authorize legal action to abate a nuisance found on property located at 103 South 7<sup>th</sup> Street.

---

**BACKGROUND:**

Per the City of McCook's Code of Ordinances, Section 31.03, the City as a body corporate and politic, shall have the power to sue. Accordingly, the City of McCook has had to use this power to assist with the abatement of nuisances that exist on private properties. As such, staff is requesting the authority to abate a nuisance found on property located at 103 South 7<sup>th</sup> Street. The determination that the property was a nuisance property in need of abatement occurred at a Health Board meeting held on April 11, 2023. To date, the nuisance has not been abated.

**APPROVALS:**

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

August 16, 2023

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

August 16, 2023

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

August 16, 2023

IN THE DISTRICT COURT OF RED WILLOW COUNTY, NEBRASKA

CITY OF MCCOOK, a Municipal Corporation,	)	CASE NO. CI 23-___
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
ANTHONY T. GASSMANN,	)	<b>COMPLAINT</b>
	)	
Defendants.	)	
	)	

COMES NOW the Plaintiff, by and through its attorney, Nathaniel J. Mustion, and for its cause of action against the Defendant, alleges as follows:

1. Plaintiff is a municipal corporation organized and existing under the laws of the State of Nebraska (Plaintiff will also be referred to herein as the "City").
2. Defendant, Anthony T. Gassmann, resides in Kansas at 1594 D5 Lane, Dresden.
3. Defendant Anthony T. Gassmann is the record owner of real estate within the city limits of McCook, Nebraska, located at 103 South 7th Street, legally described as:

Lot Eleven (11), Block Three (3), Original Town of McCook, Red Willow County, Nebraska.

(herein the "Property")

A true and accurate copy of the Warranty Deed is attached hereto, marked as Exhibit "A," and is made a part hereof by this reference.

4. Neither of the parties are members of the Armed Forces of the United States or its allies.
5. Defendant has permitted and continue to permit a nuisance to be maintained on the Property by reason that he has permitted to remain thereon: sidewalks in disrepair, garbage and refuse, the porch is structurally unsound, the roof is severely damaged, exterior walls are sagging, broken/missing windows, severe dry rot in fascia and cracking foundation.
6. The City, pursuant to Nebraska Law, has enacted health and sanitation regulations prohibiting the maintenance of nuisances within the city limits of McCook. A true and accurate copy of Chapter 95 of the McCook Code of Ordinances: Nuisance; Health and Sanitation is attached hereto, marked as Exhibit "B," and is made a part hereof by this reference.

7. On October 21, 2022 the City sent a letter to the Defendant outlining the violations of the City of McCook Ordinances and requested that the Defendant abate the nuisance within 30 days or the case would be turned over to the City Board of Health. A true and accurate copy of the letter is attached hereto and marked as Exhibit "C," and made a part hereof by this reference. A true and accurate copy of the Unsafe Structures Inspection Checklist and Report cited in Exhibit "C" is attached hereto and marked as Exhibit "D" and made a part hereof by this reference.
8. The Defendant did not abate the nuisances on the Property. Accordingly, the City served him a letter dated March 7, 2023 giving him notice that the City Health Board was going to convene and inspect the Property on April 11, 2023 at 9:00 a.m. A true and accurate copy of the March 7, 2023 letter is attached hereto and marked as Exhibit "E," and made a part hereof by this reference.
9. The City Health Board duly convened on April 11, 2023. A hearing was held to determine whether the Property was a nuisance property pursuant to City of McCook Municipal Code §§ 95.02 and 95.03. Following the evidentiary hearing the Health Board determined the Property to be a nuisance. Specifically, the Health Board found: sidewalks in disrepair, garbage and refuse, the porch is structurally unsound, the roof is severely damaged, exterior walls are sagging, broken/missing windows, severe dry rot in fascia and cracking foundation.
10. The City recorded a Notice of Health Board Determination with the Red Willow County, Nebraska, Register of Deeds. A true and accurate copy of the recorded Notice of Health Board Determination is attached hereto and marked as Exhibit "F," and made a part hereof by this reference.
11. The Defendant still has not abated the nuisances at the Property.
12. That the Plaintiff is entitled to an order permitting the Plaintiff to proceed with the abatement or demolition of the building on the Property and the contents therein and assessment of the costs hereof against the real estate as in the case of other special assessments.

WHEREFORE, the Plaintiff prays for an order of this Court enjoining the maintenance of the nuisance located at located at 103 South 7th Street, legally described as:

Lot Eleven (11), Block Three (3), Original Town of McCook, Red Willow County, Nebraska.

and for an order permitting the Plaintiff to proceed with the abatement of the described public nuisance by abating the nuisance or by demolition and upon completion of the work by the Plaintiff, the authorization to bill the property owners or occupants or to levy the cost of a special assessment against said real estate, for costs of this action and for such other relief as may be appropriate herein.

DATED this 15<sup>th</sup> day of August, 2023.

CITY OF MCCOOK, a Municipal  
Corporation, Plaintiff

By: 

Nathaniel J. Mustion, #24982  
City Attorney  
101 West C Street  
McCook, NE 69001  
(308) 345-1600

Recorded November 3, 2009, 1:10 P.M.  
Instrument No. 2009-01812

Pauletta Herver  
Reg. of Deeds, Red Willow Co.

NEBRASKA DOCUMENTARY	
STAMP TAX	
Date	11/03/09
\$6.75	By <u>PH</u>

WARRANTY DEED

Bernard J. Weaver and Kathryn L. Weaver, husband and wife, GRANTOR, in consideration of One Dollar (\$1.00) and other good and valuable consideration, conveys to GRANTEE, Anthony T. Gassmann, the following described real estate (as defined in Neb. Rev. Stat. § 76-201):

Lot 11, Block 3, First Addition to South McCook, Red Willow County, Nebraska.

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

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

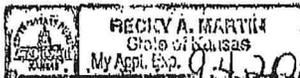
Executed: October 27, 2009

Bernard J. Weaver  
Bernard J. Weaver

Kathryn L. Weaver  
Kathryn L. Weaver

STATE OF Kansas ;  
COUNTY OF Pawnee ;

The foregoing instrument was acknowledged before me this 27 day of October, 2009 by Bernard J. Weaver and Kathryn L. Weaver, husband and wife.



Becky A. Martin  
Notary Public

File No. M007507-

EXHIBIT " A "

## 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.

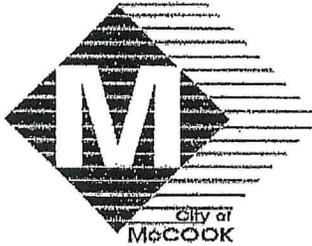
(Prior Code, § 4-303) (Ord. 1701, passed 9-19-1983; Ord. 2018-2965, passed 5-7-2018; Ord. 2020-3002, passed 4-6-2020)

*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 of McCook Building & Zoning Department  
PO Box 1059 • 505 West C Street  
McCook, NE 69001  
(308) 345-2022 • (308) 345-1461 fax  
[bldginsp@cityofmccook.com](mailto:bldginsp@cityofmccook.com)  
[www.cityofmccook.com](http://www.cityofmccook.com)

October 21, 2022

Anthony Gassmann  
1594 D5 Lane  
Dresden, KS 67635

RE: Vacant Structure

To Whom It May Concern,

Based on an inspection of your property at *103 South 7<sup>th</sup> St.* on *June 29, 2022*, there are indications that the structure is unsafe according to the 2018 International Property Maintenance Code, Section 108 as amended and adopted by reference in Chapter 150, Section 150.070 of the McCook Code of Ordinances in that it is dangerous to the life, health, property, or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

The property located at *103 South 7<sup>th</sup> St.* is considered dangerous or unsafe for the following reasons:

Sidewalks in disrepair

Garbage and refuse throughout interior of structure

Ceilings and floors are compromised

Foundations looks to be shifting and has severe cracking

Porch is structurally unsound

Roof is in severe condition

Unusable toilets and lavatories

Exterior walls are sagging and can see movement and are exposed

Windows are broken and missing

Severe dry rot in fascia

Structure is unsecured

Accessory building has no roof only sheathing, severe structural damage, and severe shifting and listing

\*Please see attached Inspection Checklist Report\*

The owner, occupant or agent in charge of the property shall have thirty (30) days from the date of this letter to abate the nuisance; provided, however, that the Building Inspector may grant one or more extensions of the thirty (30) day period if the owner, occupant or agent of the property demonstrates that due diligence is being exercised in the abatement of the condition.

If the conditions are not remedied, the McCook Board of Health shall inspect the property per McCook Municipal Code 95.03. If the Board of Health determines your property violates code 95.02, steps will be taken to remedy your property by the City of McCook.

Please contact my office (308-345-2022 Ext. 232) to discuss alternatives and procedures relative to abating the situation listed above. Your cooperation is respectfully requested.

Sincerely,

Barry Mooney - Building Inspector

EXHIBIT " C "



City of McCook Building & Zoning Department  
PO Box 1059 • 505 West C Street  
McCook, NE 69001  
(308) 345-2022 • (308) 345-1461 fax  
[bldginsp@cityofmccook.com](mailto:bldginsp@cityofmccook.com)  
[www.cityofmccook.com](http://www.cityofmccook.com)

### Unsafe Structures Inspection Checklist and Report

Street Address: 103 S 7th Date of Inspection: 6/29/22  
Owner(s): Anthony Gassmann Time of Inspection: 11:00 am  
Legal Description: First Addition to South McCook, Blk 3, Lot 11

#### Premises

Yards \_\_\_\_\_  
Fences \_\_\_\_\_  
Sidewalks Disrepair  
Drives \_\_\_\_\_  
Drainage \_\_\_\_\_  
Garbage & Refuse Interior  
Infestation \_\_\_\_\_

#### Structures or Dwellings

Basement or Cellar \_\_\_\_\_  
Ceilings Compromised  
Floors Compromised  
Foundations Shifting, severe cracking  
Porches Structurally unsound  
Roof Poor repair, severe condition  
Sewage & Waste Disposal \_\_\_\_\_

Structures or Dwellings cont'd

Awnings, Signs, Marquees \_\_\_\_\_

Stairways \_\_\_\_\_

Structural Members \_\_\_\_\_

Toilets & Lavatories Unusable

Walls, Exterior Sagging + movement

Walls, Interior Exposed

Windows Broken + missing

Additional Findings/Notes:

Unseamed structure

Severe dryrot on fascia

decaying building; no roof only sheathing, severe structural damage, severe  
shifting + listing

Building Inspector Barry Mooney

Date 6-29-22



P.O. BOX 1059 • 505 WEST C • McCook, NE 69001-1059 • PHONE (308) 345-2022 • FAX (308) 345-1461

March 7, 2023

Anthony Gassman  
1594 D5 Lane  
Dresden, KS 67635

Health Board Inspection & Hearing for your property located at:  
103 South 7<sup>th</sup> St. McCook, NE 69001

Pursuant to City of McCook Municipal Code of Ordinance Section 95.03 (A), it is the duty of every owner, occupant, lessee, or mortgagee of real estate in the City of McCook to keep such real estate free of public nuisances. The City of McCook Board of Health has been vested with the power to inspect all properties that violate these nuisance requirements.

The City of McCook is concerned that your property located at 1207 West M St. McCook, NE violates the city's nuisance; health and sanitation requirements as outlined in Chapter 95 of the city's Code of Ordinance. Specifically, it has been noted that your property contains the following conditions which qualifies it as a nuisance property:

Sidewalks in disrepair	Garbage and refuse throughout interior of structure
Porch is structurally unsound	Roof is in severe condition
Exterior walls are sagging, can see movement	Broken and/or missing windows
Severe dry rot in fascia	Foundation looks to be shifting and has severe cracking

The City of McCook is asking for your cooperation in this process. We request that you be present at the meeting on Tuesday, April 11, 2023, at 9:00am, to be located at the Municipal Building Council Chambers when we conduct the investigation and public hearing. Please note, if you are not present on April 11, 2023, to allow entry into your property, the City of McCook has the authority to apply for the Red Willow County District Court for an order authorizing inspection of the property.

A copy of Chapter 95; Nuisance; Health and Sanitation is included with this letter for your review. If you have any questions or concerns regarding the inspection or public hearing, please contact Police Chief Joel Smith at 308-345-3450. Also attached is the letter dated October 21, 2022, as well as pictures of the property that was taken on June 29, 2022, to include the inspection report done on the same day.

Thank you for your attention to this matter. It is our intention to work with you to assure your property complies with the City of McCook public and private nuisance issues.

*Nate Schneider*  
Nate Schneider – City Manager

*Joel Smith*  
Joel Smith – Police Chief

EXHIBIT " E "

Recorded August 15, 2023 11:45 AM

Inst. No. 2023-00969

Fees: \$ 16.00 Pages 2

Jasmin Dimes Deputy  
Register of Deeds, Red Willow County, NE

KEEP TOP 3.0" FREE, SEE 2011 LB 264 THAT REVISED NEB. REV. STATS. 23-1603.01

Upon recording, return to:

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

101 WEST C ST.

McCOOK, NE 69001

**TITLE OF DOCUMENT:**

Notice of Health Board Determination:

Anthony Gassman

**RECORD AGAINST THE FOLLOWING LEGAL DESCRIPTION:**

Lot Eleven (11), Block Three (3),  
Original Town of McCook, Red Willow  
County, Nebraska.

EXHIBIT " F "



P.O. BOX 1059 • 505 WEST C • McCook, NE 69001-1059 • PHONE (308) 345-2022 • FAX (308) 345-1461

April 13, 2023

### NOTICE OF HEALTH BOARD DETERMINATION

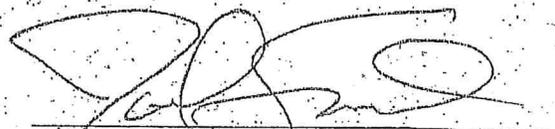
Anthony Gassman  
1594 D5 Lane  
Dresden, KS 67635

On April 11, 2023, the City of McCook Board of Health held a hearing determining whether the property located at 103 South 7<sup>th</sup> St., McCook, Nebraska, was a nuisance property pursuant to City of McCook Municipal Code §§ 95.02 and 95.03. Following the evidentiary hearing the Health Board determined said property to be a nuisance property.

In particular, the Board of Health found sidewalks in disrepair, garbage and refuse, porch is structurally unsound, roof is in severe condition, exterior walls are sagging, broken/missing windows, severe dry rot in fascia and cracking foundation.

Due to these conditions the Health Board has declared the property to be a public nuisance. The conditions listed above must be remedied at once. If said property is not remedied, the City of McCook will commence legal action against you as property owner.

Upon receipt of this notice you have five (5) days to comply with removing the nuisances or to appeal the decision of the Health Board to the McCook City Council.

  
\_\_\_\_\_  
Chief Joel Smith, Secretary/Board of Health

**CITY MANAGER'S REPORT  
AUGUST 21, 2023 MCCOOK CITY COUNCIL MEETING**

**ITEM NO. 2.H** Authorize legal action to abate a nuisance found on property located at 110 South 9<sup>th</sup> Street.

---

**BACKGROUND:**

Per the City of McCook's Code of Ordinances, Section 31.03, the City as a body corporate and politic, shall have the power to sue. Accordingly, the City of McCook has had to use this power to assist with the abatement of nuisances that exist on private properties. As such, staff is requesting the authority to abate a nuisance found on property located at 110 South 9<sup>th</sup> Street. The determination that the property was a nuisance property in need of abatement occurred at a Health Board meeting held on April 11, 2023. To date, the nuisance has not been abated.

**APPROVALS:**



Nathan A. Schneider, City Manager

August 16, 2023



Lea Ann Doak, City Clerk

August 16, 2023



Tera Koetter, Assistant City Manager

August 16, 2023

IN THE DISTRICT COURT OF RED WILLOW COUNTY, NEBRASKA

CITY OF MCCOOK, a Municipal Corporation,	)	CASE NO. CI 23-___
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
EDDIE D. PARK,	)	<b>COMPLAINT</b>
	)	
Defendants.	)	
	)	

COMES NOW the Plaintiff, by and through its attorney, Nathaniel J. Mustion, and for its cause of action against the Defendant, alleges as follows:

1. Plaintiff is a municipal corporation organized and existing under the laws of the State of Nebraska (Plaintiff will also be referred to herein as the "City").
2. Defendant, Eddie D. Park, resides at 302 Halifax Avenue, Lebanon, Nebraska 69036.
3. Defendant Eddie D. Park is the record owner of real estate within the city limits of McCook, Nebraska, located at 110 South 9<sup>th</sup> Street, legally described as:

Lot 5, Block 2, First Addition to South McCook, Red Willow County, Nebraska.  
(herein the "Property")

A true and accurate copy of the Warranty Deed is attached hereto, marked as Exhibit "A," and is made a part hereof by this reference.

4. Neither of the parties are members of the Armed Forces of the United States or its allies.
5. Defendant has permitted and continue to permit a nuisance to be maintained on the Property by reason that he has permitted to remain thereon:
  - 5.1. Overgrown weeds and grass.
  - 5.2. The basement/cellar is exposed and unsecure.
  - 5.3. The foundation of the structure is shifting and cracking.
  - 5.4. Columns on porch are unstable.
  - 5.5. The roof is compromised.
  - 5.6. Exterior walls are exposed with dry rot and structurally compromised.
  - 5.7. Windows are broken and missing.

6. The City, pursuant to Nebraska Law, has enacted health and sanitation regulations prohibiting the maintenance of nuisances within the city limits of McCook. A true and accurate copy of Chapter 95 of the McCook Code of Ordinances: Nuisance; Health and Sanitation is attached hereto, marked as Exhibit "B," and is made a part hereof by this reference.
7. On October 21, 2022 the City sent a letter to the Defendant outlining the violations of the City of McCook Ordinances and requested that the Defendant abate the nuisance within 30 days or the case would be turned over to the City Board of Health. A true and accurate copy of the letter is attached hereto and marked as Exhibit "C," and made a part hereof by this reference. A true and accurate copy of the Unsafe Structures Inspection Checklist and Report cited in Exhibit "C" is attached hereto and marked as Exhibit "D" and made a part hereof by this reference.
8. The Defendant did not abate the nuisances on the Property. Accordingly, the City served him a letter dated March 7, 2023 giving him notice that the City Health Board was going to convene and inspect the Property on April 11, 2023 at 9:00 a.m. A true and accurate copy of the March 7, 2023 letter is attached hereto and marked as Exhibit "E," and made a part hereof by this reference.
9. The City Health Board duly convened on April 11, 2023. A hearing was held to determine whether the Property was a nuisance property pursuant to City of McCook Municipal Code §§ 95.02 and 95.03. Following the evidentiary hearing the Health Board determined the Property to be a nuisance. Specifically, the Health Board found:
  - 9.1. Overgrown weeds and grass.
  - 9.2. The basement/cellar is exposed and unsecure.
  - 9.3. The foundation of the structure is shifting and cracking.
  - 9.4. Columns on porch are unstable.
  - 9.5. The roof is compromised.
  - 9.6. Exterior walls are exposed with dry rot and are structurally compromised.
10. Windows are broken and missing. The City recorded a Notice of Health Board Determination with the Red Willow County, Nebraska, Register of Deeds. A true and accurate copy of the

recorded Notice of Health Board Determination is attached hereto and marked as Exhibit "F," and made a part hereof by this reference.

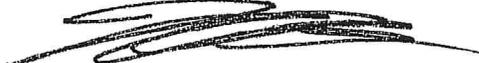
11. The Defendant still has not abated the nuisances at the Property.
12. That the Plaintiff is entitled to an order permitting the Plaintiff to proceed with the abatement or demolition of the building on the Property and the contents therein and assessment of the costs hereof against the real estate as in the case of other special assessments.

WHEREFORE, the Plaintiff prays for an order of this Court enjoining the maintenance of the nuisance located at located at 110 South 9th Street, legally described as:

Lot 5, Block 2, First Addition to South McCook, Red Willow County, Nebraska.  
and for an order permitting the Plaintiff to proceed with the abatement of the described public nuisance by abating the nuisance or by demolition and upon completion of the work by the Plaintiff, the authorization to bill the property owners or occupants or to levy the cost of a special assessment against said real estate, for costs of this action and for such other relief as may be appropriate herein.

DATED this 15 day of August, 2023.

CITY OF MCCOOK, a Municipal  
Corporation, Plaintiff

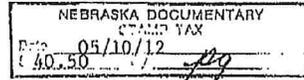
By: 

Nathaniel J. Mustion, #24982  
City Attorney  
101 West C Street  
McCook, NE 69001  
(308) 345-1600

Recorded May 10, 2012, 8:20 A.M.  
Instrument No. 2012-00889 (1)

Pauletta Server  
Reg. of Deeds, Red Willow Co.

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



**WARRANTY DEED**

Edmond Casida, a single person, and E Sue Hillebrand, aka Sue Hillebrand, a single person, GRANTOR, in consideration of One Dollar (\$1.00) and other good and valuable consideration, conveys to GRANTEE, Eddie D Park, the following described real estate (as defined in Neb. Rev. Stat. § 76-201):

Lot 5, Block 2, First Addition to South McCook, Red Willow County, Nebraska.

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

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

Executed: May 8, 2012.

Edmond A Casida  
Edmond Casida

E Sue Hillebrand  
E. Sue Hillebrand

STATE OF Kansas )  
COUNTY OF Decatur )

The foregoing instrument was acknowledged before me this 8<sup>th</sup> day of May, 2012 by Edmond Casida, a single person, and E Sue Hillebrand, aka Sue Hillebrand, a single person, .

Alvera L. Bruggeman  
Notary Public

My Commission Expires: 3-6-2015

File No. M009115-

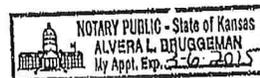


EXHIBIT "A"

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 dissembling 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 of McCook Building & Zoning Department  
PO Box 1059 • 505 West C Street  
McCook, NE 69001  
(308) 345-2022 • (308) 345-1461 fax  
[bldginsp@cityofmccook.com](mailto:bldginsp@cityofmccook.com)  
[www.cityofmccook.com](http://www.cityofmccook.com)

October 21, 2022

Eddie Park  
302 Halifax Avenue  
Lebanon, NE 69036

COPY

RE: Vacant Structure

To Whom It May Concern,

Based on an inspection of your property at *110 South 9<sup>th</sup> St.* on *June 29, 2022*, there are indications that the structure is unsafe according to the 2018 International Property Maintenance Code, Section 108 as amended and adopted by reference in Chapter 150, Section 150.070 of the McCook Code of Ordinances in that it is dangerous to the life, health, property, or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

The property located at *110 South 9<sup>th</sup> St.* is considered dangerous or unsafe for the following reasons:

- The exterior is overgrown
- The basement/cellar is exposed and unsecured
- Shifting and cracking foundation
- Columns on porch are unstable
- Roof is compromised
- Exterior walls are exposed with dry rot and structurally compromised
- Windows are broken and missing

\*Please see attached Inspection Checklist Report\*

The owner, occupant or agent in charge of the property shall have thirty (30) days from the date of this letter to abate the nuisance; provided, however, that the Building Inspector may grant one or more extensions of the thirty (30) day period if the owner, occupant or agent of the property demonstrates that due diligence is being exercised in the abatement of the condition.

If the conditions are not remedied, the McCook Board of Health shall inspect the property per McCook Municipal Code 95.03. If the Board of Health determines your property violates code 95.02, steps will be taken to remedy your property by the City of McCook.

Please contact my office (308-345-2022 Ext. 232) to discuss alternatives and procedures relative to abating the situation listed above. Your cooperation is respectfully requested.

Sincerely,

Barry Mooney - Building Inspector

EXHIBIT "   C   "



City of McCook Building & Zoning Department  
PO Box 1059 • 505 West C Street  
McCook, NE 69001  
(308) 345-2022 • (308) 345-1461 fax  
[bldginsp@cityofmccook.com](mailto:bldginsp@cityofmccook.com)  
[www.cityofmccook.com](http://www.cityofmccook.com)

### Unsafe Structures Inspection Checklist and Report

Street Address: 110 S 9th Date of Inspection: 6/29/22

Owner(s): Eddie Park Time of Inspection: 11:20 am

Legal Description: First Addition to South McCook, Blk 2, Lot 3

#### Premises

Yards Overgrown

Fences \_\_\_\_\_

Sidewalks \_\_\_\_\_

Drives \_\_\_\_\_

Drainage \_\_\_\_\_

Garbage & Refuse \_\_\_\_\_

Infestation \_\_\_\_\_

#### Structures or Dwellings

Basement or Cellar Exposed/unsecured

Ceilings \_\_\_\_\_

Floors \_\_\_\_\_

Foundations Shifting + cracking

Porches Columns unstable

Roof Compromised structure

Sewage & Waste Disposal \_\_\_\_\_

Structures or Dwellings cont'd

Awnings, Signs, Marquees \_\_\_\_\_

Stairways \_\_\_\_\_

Structural Members \_\_\_\_\_

Toilets & Lavatories \_\_\_\_\_

Walls, Exterior Exposed with dryrot, structurally compromised

Walls, Interior \_\_\_\_\_

Windows Broken & missing

Additional Findings/Notes:

Building Inspector Benny Morone

Date 6-29-22



March 7, 2023

Eddie Park  
302 Halifax Avenue  
Lebanon, NE 69036

 COPY

Health Board Inspection & Hearing for your property located at:  
110 South 9<sup>th</sup> St. McCook, NE 69001

Pursuant to City of McCook Municipal Code of Ordinance Section 95.03 (A), it is the duty of every owner, occupant, lessee, or mortgagee of real estate in the City of McCook to keep such real estate free of public nuisances. The City of McCook Board of Health has been vested with the power to inspect all properties that violate these nuisance requirements.

The City of McCook is concerned that your property located at *110 S. 9<sup>th</sup> St* McCook, NE violates the city's nuisance; health and sanitation requirements as outlined in Chapter 95 of the city's Code of Ordinance. Specifically, it has been noted that your property contains the following conditions which qualifies it as a nuisance property:

Overgrown yard	Foundation shifting & cracking
Columns on porch unstable	Compromised roof
Broken windows and missing	Exterior walls have dry rot and is structurally compromised

The City of McCook is asking for your cooperation in this process. We request that you be present at the meeting on Tuesday, April 11, 2023, at 9:00am, to be located at the Municipal Building Council Chambers when we conduct the investigation and public hearing. Please note, if you are not present on April 11, 2023, to allow entry into your property, the City of McCook has the authority to apply for the Red Willow County District Court for an order authorizing inspection of the property.

A copy of Chapter 95; Nuisance; Health and Sanitation is included with this letter for your review. If you have any questions or concerns regarding the inspection or public hearing, please contact Police Chief Joel Smith at 308-345-3450. Also attached is the letter dated October 21, 2022, as well as pictures of the property that was taken on June 29, 2022 to include the inspection report done on the same day.

Thank you for your attention to this matter. It is our intention to work with you to assure your property complies with the City of McCook public and private nuisance issues.

*Nate Schneider*  
Nate Schneider – City Manager

*Joel Smith*  
Joel Smith – Police Chief

EXHIBIT " E "

Recorded August 15, 2023 11:45 AM  
Inst. No. 2023-00970  
Fees: \$ 16.00 Pages 2  
*Jasmine Dimer Deputy*  
Register of Deeds, Red Willow County, NE

KEEP TOP 3.0" FREE, SEE 2011 LB 254 THAT REVISED NEB. REV. STAT§. 23-1603.01

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

**TITLE OF DOCUMENT:**

Notice of Health Board Determination:

Eddie Park

**RECORD AGAINST THE FOLLOWING LEGAL DESCRIPTION:**

Lot 5, Block 2, First Addition to South McCook, Red Willow County,  
Nebraska

EXHIBIT " F "



P.O. BOX 1059 • 505 WEST C • McCook, NE 69001-1059 • PHONE (308) 345-2022 • FAX (308) 345-1461

April 13, 2023

### NOTICE OF HEALTH BOARD DETERMINATION

Eddie Park  
302 Halifax Avenue  
Lebanon, NE 69036

On April 11, 2023, the City of McCook Board of Health held a hearing determining whether or not the property located at 110 South 9<sup>th</sup> Street, McCook, Nebraska, was a nuisance property pursuant to City of McCook Municipal Code §§ 95.02 and 95.03. Following the evidentiary hearing the Health Board determined said property to be a nuisance property.

In particular, the Board of Health found that there was an overgrown yard, the foundation shifting and cracking, the columns on the porch are unstable, a deteriorated roof, broken and missing windows, the exterior walls have dry rot and are structurally unsound.

Due to these conditions the Health Board has declared the property to be a public nuisance. The conditions listed above must be remedied at once. If said property is not remedied, the City of McCook will commence legal action against you as property owner.

Upon receipt of this notice you have five (5) days to comply with removing the nuisances or to appeal the decision of the Health Board to the McCook City Council.

  
Chief Joel Smith, Secretary/Board of Health

**CITY MANAGER'S REPORT  
AUGUST 21, 2023 CITY COUNCIL MEETING**

**ITEM:**            2.1.

**RECOMMENDATION:**

**Approve an application from Telcom Construction to occupy City right-of-way for the purpose of replacing telephone cable for 704 West 3<sup>rd</sup> Street.**

**BACKGROUND:**

The telephone service for 704 West 3rd Street is being replaced with a new telephone cable via underground boring. The bore will begin at the West edge of the alley and continue East 120 feet to the end point at the property.

**FISCAL IMPACT:** (None)

**APPROVALS:**

  
\_\_\_\_\_  
Pat Fawver Utilities Dir.

August 21, 2023

  
\_\_\_\_\_  
Kyle Potthoff, Public Works Dir.

August 21, 2023

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

August 21, 2023



P.O. BOX 1059 • 505 WEST C • McCook, NE 69001-1059 • PHONE (308) 345-2022 • FAX (308) 345-1461

Job: 23093089

### APPLICATION TO OCCUPY RIGHT-OF-WAY

APPLICANT NAME: Telcom Construction for Lumen / Century Link DATE: \_\_\_\_\_  
ADDRESS: PO Box 189, Clearwater, MN 55320 PHONE: (320) 365 - 0086  
FAX: \_\_\_\_\_ START DATE: 07/12/23 FINISH DATE: 10/16/23

#### A CASH BOND IS REQUIRED FOR ALL RIGHT-OF-WAY ENCROACHMENTS

<b>Type: (circle)</b> Over-Cross <u>Under-Cross</u> Occupy Miscellaneous	<b>With a: (circle)</b> Water Line Sewer Line Gas Line <u>Telephone Line</u> <u>(Underground)</u> Aerial	Tree Trimming/Removal Grading Other Electric Line (Underground Aerial)
--	---	--

**Location:** Beginning 185 feet (East West North South) of Intersection W G ST  
w 3rd St and ending (East West North South) \_\_\_\_\_ feet of Intersection

Customer's address: 704 w 3rd ST

**Requirements:** The applicant agrees to complete this work in accordance with the terms and conditions of the City of McCook. Any permit issued **will be cancelled** if the work specified **is not completed within the term listed on the permit** or within any **additional length of time granted**. Request for an extension of time to complete the work must be made in writing. Any extension granted will be acknowledged in writing by the City of McCook. **The Applicant may cancel the permit with written notification** at any time prior to beginning work on right-of-way.

**Performance Guarantee: (Make Payable to City of McCook)**  
Amount: \$ \_\_\_\_\_ Check No. \_\_\_\_\_ Soc. Sec. No. Or FID No. \_\_\_\_\_  
This guarantee is for the faithful compliance by the Applicant to the terms of the permit. It is understood that should the Applicant fail to perform the work as set forth in the permit, the City of McCook will have the right to keep the performance guarantee as liquidated damages for its necessary supervisory and inspection expenses and to initiate such legal proceedings as are necessary to secure either performance of the work in compliance with the terms of the permit or the restoration of the right-of-way to its previous condition prior to the activities of the Applicant.

**NOTE:** Please provide a location plan for over-cross or under-cross of location to occupy City of McCook right-of-way. When your project requires engineering plans, please submit four sets of plans, no larger than 18"x24". The engineering plans shall show the general features of the work to be completed and all information such as sizes, distances, dimensions, sleeves, cuts and fills, erosion control measures, etc., when applicable. City of McCook Municipal Code §94.34.

Jane Brown  
Applicant's Signature

\_\_\_\_\_  
Utilities Director Approval

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Director of Public Works Approval

# BSW SKETCH FORM

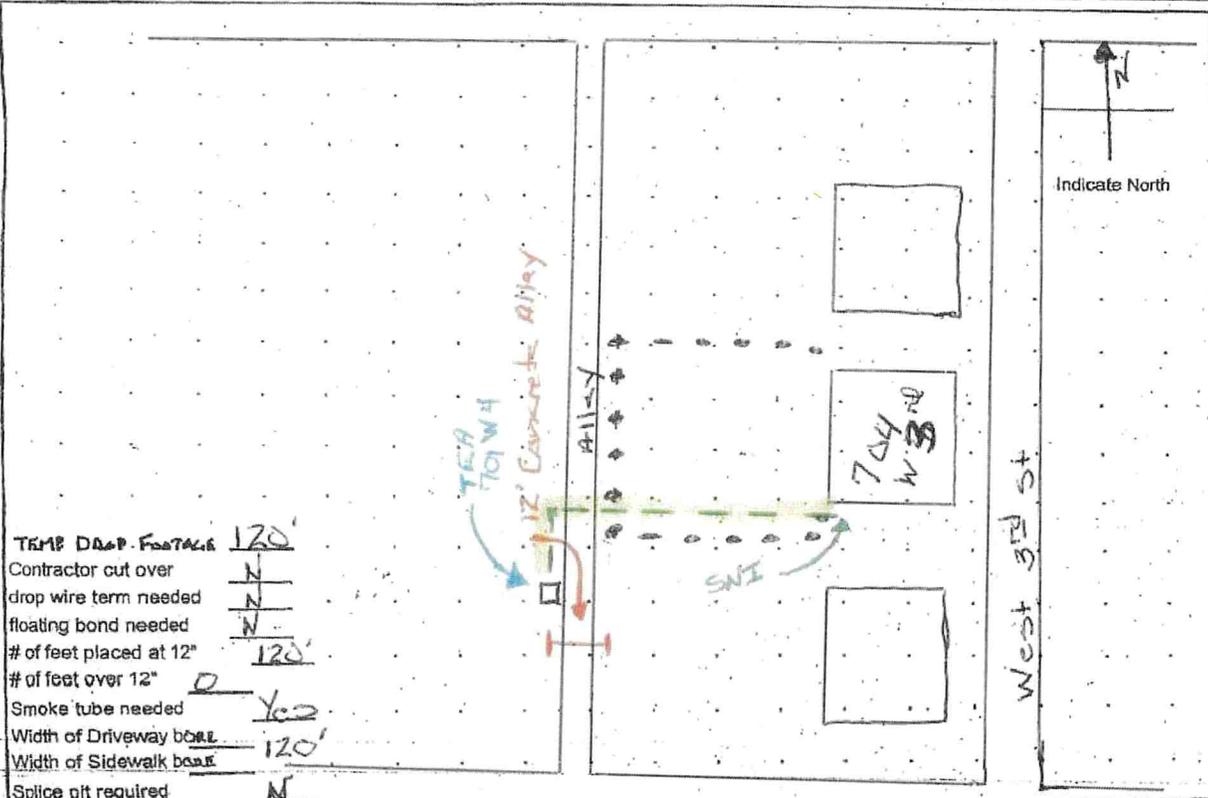
23093089

CMS #:

NPA / NNX (Wire Center): 308 345

Date Submitted: 6/30/23

<p>Installation / Repair / Preprovisioning (Please Circle One of the Above)</p> <p>Job ID <u>VN598706</u></p> <p>TN <u>345-2610</u></p> <p>1. Held For BSW <input type="checkbox"/></p> <p>2. Held - cannot locate ENCAP <input type="checkbox"/></p> <p>3. OOS - Can not lay temp <input type="checkbox"/></p> <p>4. Held for F1-F2, also need BSW <input type="checkbox"/></p> <p>5. Temp Placed - (Need Sketch Below) <input checked="" type="checkbox"/></p> <p>6. Found Temp - Same Job <input type="checkbox"/></p> <p style="padding-left: 20px;">- Other Location <input type="checkbox"/></p> <p>7. Add Line <input type="checkbox"/></p>	<p>Customer Name: <u>Dabbon Faboheltz</u></p> <p>Address: <u>704 West 3<sup>rd</sup> St</u> City: <u>McCook</u></p> <p>911 Address: _____</p> <p>Phone: _____ CBR: <u>308-345-3975</u></p> <p>Subdivision: _____ Lot: _____ Block: _____</p> <p>County <u>Red Willow</u> Section _____ Range _____ Township _____</p> <p style="font-size: small; text-align: center;">Quarter Section (Circle one) NW - NE - SW - SE</p> <p>Submitted By: _____</p> <p>Name: <u>Mahin</u> EC: _____ Pgr/Cell: <u>530-6905</u></p> <p>Supervisor: <u>Dickson</u></p> <p>Office #: _____ Pager: _____</p> <p>Customer was contacted: verbal <input checked="" type="checkbox"/> card <input type="checkbox"/></p>
<p>Hudson/King: Yr: _____ Pg: _____ Terminal Address: <u>71W4</u></p> <p>Cross Street: _____ Total BSW Footage: <u>120'</u> Type of Wire: <u>3</u> (3pr / 6pr)</p>	
<p>L-INFO: <u>L</u> <u>S</u> <u>N</u> <u>2</u> <u>C</u> <u>C</u> <u>3</u> <u>S</u> <u>N</u> <u>C</u></p> <p style="font-size: x-small; text-align: center;">L,E    F,R,S    N,E,S,W    1-2-3-4-5-6-7    W,S,P,O,C    G,A,M,N    3/6    S,N    P,N    C</p>	



TEMP DASH FOOTAGE 120'

Contractor cut over N

drop wire term needed N

floating bond needed N

# of feet placed at 12" 120'

# of feet over 12" 0

Smoke tube needed Yes

Width of Driveway base 120'

Width of Sidewalk base

Splice pit required N

Road Push  Permit Required  Hand Dig  (Note: Hand Dig Must be 12")

**CITY MANAGER'S REPORT  
AUGUST 21, 2023 CITY COUNCIL MEETING**

---

**ITEM:**        2.J.

Approve the application for a Special Designated Liquor License submitted by Ambriz Ventures, LLC, Liquor License #CK-124450, for a wedding reception to be held at the McCook Municipal Auditorium, 302 West 5<sup>th</sup> Street, on September 30, 2023 from 12:00 P.M. to 11:00 P.M.

---

**BACKGROUND:**

Ambriz Ventures will be catering this event. They are making application to allow them to serve alcohol at this temporary location. Approval of the City Council is required with all applications. Approval of this request is also approving consumption of alcohol in the auditorium.

**FISCAL  
IMPACT:**     None.

**APPROVALS:**

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

August 17, 2023

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

August 17, 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

**Ambriz Ventures, LLC**

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

312 Norris Ave, McCook, NE 69001

Retail Liquor License Address or Non-Profit Business Address

CK #124450

Retail License Number or Non-Profit Federal ID #

Consecutive Dates only 09-30-2023

Event Date(s): \_\_\_\_\_

Event Start Time(s): 12p \_\_\_\_\_

Event End Time(s): 11p \_\_\_\_\_

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

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

Event Building Name: McCook City Auditorium

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

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 Reception 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: Andrew Ambriz Event Contact Phone Number: 402-922-0774

Event Contact Email: andrew@sehnerts.com

\*Signature Authorized Representative: Andrew Ambriz Printed Name Andrew Ambriz

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

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

**Local Governing Body completes below:**

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

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

\_\_\_\_\_  
Date

**CITY MANAGER'S REPORT  
AUGUST 21, 2023 CITY COUNCIL MEETING**

---

**ITEM:**        2.K.

Approve the application for a Special Designated Liquor License submitted by Just 1 More Bar and Grill, Liquor License #C-123114, for a wedding reception to be held at the Red Willow County Community Building, 1412 West 5<sup>th</sup> Street, on September 30, 2023 at 3:00 P.M. to 2:00 A.M.

---

**BACKGROUND:**

Just 1 More Bar 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

August 17, 2023

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

August 17, 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

Just 1 More Bar & Grill LLC

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

406 Tate St Hayes Center, NE 69032

Retail Liquor License Address or Non-Profit Business Address

123114

Retail License Number or Non-Profit Federal ID #

Consecutive Dates only

Event Date(s):

9/30/2023

Event Start Time(s):

3:00 P.m.

Event End Time(s):

2:00 A.M.

Alternate Date: N/A

Alternate Location Building & Address: N/A

Event Building Name: Red Willow Community Building 1412 W 5

Event Street Address/City: West 5th & "O" Street

Indoor area to be licensed in length & width: 120 x 50

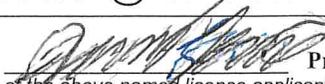
Outdoor area to be licensed in length & width: \_\_\_ x \_\_\_ (Diagram Form #109 must be attached)

Type of Event: Wedding Reception 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: Jeremy Loomis Event Contact Phone Number: 308-737-0502

Event Contact Email: loomisconstruction@hotmail.com

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

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

Local Governing Body completes below:

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

Local Governing Body Authorized Signature

Date

**CITY MANAGER'S REPORT  
AUGUST 21, 2023 2022 CITY COUNCIL MEETING**

---

**ITEM:**        2.L.

Receive and file the claims for the month of July 2023, published August 11, 2023.

---

**BACKGROUND:**

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

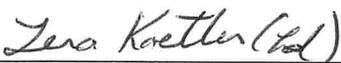
Staff is always available to address any questions that the Council may have regarding a specific claim.

**FISCAL  
IMPACT:**     None.

**APPROVALS:**

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

August 17, 2023

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

August 17, 2023

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

August 17, 2023

CITY OF MCCOOK  
CLAIMS FOR JULY 2023

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

20/20 TECHS-SC 4438.25; ACE-S 2611.39; AKRS-S 5461.02; AMERICAN AG LAB-SC 1424.68; AMERICAN ELECTRIC-S 65.28; AMERITAS-CLAIMS-SC 4007.24; AMERITAS-DENTAL-SC 380.38; ANYTIME TRI STATE TOWING-SC 495.00; ARROW CAR WASH-S 69.93; AT&T MOBILITY-SC 2572.69; AURORA COOP-S 13698.43; AMERICAN WATER WORKS-SC 348.00; BERT GURNEY & ASSOC-S 4534.00, SC 79.97; BLACK HILLS ENERGY-SC 1669.60; BW TELECOM-SC 144.14; C&K-S 1053.64; CAMBRIDGE TELEPHONE-SC 234.12; CAROLINA SOFTWARE-S 200.00; CARQUEST-S 2262.18; CASH WA-S 18859.42; CDW-G-SC 2319.54; CENTURY LINK-SC 4365.10; CITY OF MCCOOK-PS 416730.31; CITY SELF INS-BT 333787.50; SALES TAX-47408.49; UTILITIES-SC 4606.48; CLINE WILLIAMS, WRIGHT JOHNSON-SC 1200.00; COACH MASTER'S INC-S 283.80; COMMON SCENTS-S 75.00; CONSOLIDATED MGMT-SC 1086.50; J. CROCKER-SC 216.24; CROELL-CO 5314.25; CONTRACTOR SERVICES, INC-S 1750.00; CULLIGAN-S 113.00; D & S HARDWARE-SC 901.02; DAS ACCT-SC 1577.78, S 66.00; DEVENY-S 153.99; DIAMOND LAKE BOOKS- S 503.75; DIAMOND VOGEL-S 97.35; D. DOWNING-SC 52.00; EAKES-S 1762.55, SC 337.98; ELLERBROCK-NORRIS-625.00; FAIR-PLAY CORP-S 92.78; FASTENAL-S 41.92; FICA-PS 21176.25; FRONTIER COMM-SC 34.19; GARRISONS-S 50.00; GEO-COMM, INC-SC 3956.00; M. GILLISPIE-SC 41.00; GLASS EXPRESS-S 423.00; GOOGLE SVCS-SC 534.00; GREAT PLAINS COMM-SC 2843.64; HANCOCK LUMBER-S 193.11; HANDTEVY-SC 1242.09; HENNING BROS-SC 59.00; HERITAGE SENIOR CENTER-SC 180.030; HERNDON RECOGNITION-SC 835.13; HIGH PLAINS RADIO-SC 60.00; HOMETOWN LEASING-SC 1515.66; HUFFY'S-SC 411.70; IDEAL LINEN-S 123.05; IIMC-SC 125.00; ISLAND SPRINKLERS-S 725.73; J BAR J LANDFILL-SC 56895.56; K & C GRAIN-S 59836.57; KEARNEY HUB-S 462.59; KIDS REFERENCE-S 229.89; KOHL'S AUTO-S 3.30; L-TRON-S 407.00; LAKESIDE SAND AND GRAVEL-S 1501.50; LAMP RYNEARSON-CO 65200.00; LNM-SC 1465.00; LIFE-ASSIST-S 285.98; LUTZ & CO-SC 175.00; MACQUEEN EQ-S 9367.19; MC CHAMBER-SC 1550.00; MCCOOK EDC-S 25000.00; MC GAZETTE-SC 24.46, S

1399.53; MC HUMANE SOCIETY-S 4184.97; MPPD-SC 1642.60; MPS-SC 32442.00; MC NET SC 69.95; MCKESSON MEDICAL-S 617.38; MEAD-S 70.50; MEDICARE-PS 5823.252; MICROMARKETING-S 3507.42; MIDWEST CONNECT-S 223., SC 2263.50; MILCO ENVIRON-SC 580.60; MOUSEL, BROOKS, SCHNEIDER, MUSTION, SCHIFFLET-SC 4618.00; MUNICIPAL SUPPLY-CO 14267.94, S 6091.98; MUTUAL OMAHA-SC 1510.63; NASC-SC 135.00; NE DEPT REV-SALES TAX-SC 2660.73, S 11214.66; NE DEPT OF REV-MOTOR FUELS TAX-SC 1357.00; NE DEPT OF REV-LOTTERY-SC 6404.00; NE LIBRARY COMM-S 1168.00; NE LAW ENFORC INTEL-SC 1134.55; NEBRASKA TRUCK CENTER-S 1931.57; NEBRASKALAND TIRE-S 116.31; NICK'S DIST-S 1307.46; NEBRASKA MACHINERY-S 317.51; NPPD-SC 34552.89; NSG LOGISTICS-S 1977.13; NSVFA-SC 540.00; O'REILLY-S 157.55; OCLC, INC-SC 1987.10; ONE BILLING SOLUTIONS-SC 7027.39; ONE CALL-SC 106.48; OWENS ORDINANCE-S 499.99; PAPER TIGER SHREDDING-S 180.00; PARDE ELECTRIC-S 333.97; PAULSEN, INC-CO 458.50, S 2654.85; PETROTEK ENGR-SC 3497.50; PINPOINT COMM-SC 69.99; PLATTE VALLEY COMM-S 310.00; PLEASANT VALLEY FISH FARM-S 800.00; POAN-SC 130.00; PRAISE WINDOWS-S 140.00; QUADIENT FINANCE-S 901.85, SC 98.15; QUADIENT LEASING-SC 600.00; QUALITY IRR-S 161.94; QUILL-S 161.94; R&R REPAIR-S 1744.92; RADWELL INT'L-S897.65; RAMKOTA HOTEL-SC 618.00; RAVENSWOOD ELECTRIC-S 5352.12; RED WILLOW CO CRT-SC 17.00; RIVISTAS, LLC-S 1263.87; ROCHESTER MIDLAND-S 442.00; RUGGLES TRAILER SALES-S 400.00; SHARP CONST-CO 2640.00; B SIEGFRIED-SC 94.32; SOUTHWEST FARM & AUTO-S 2038.85; SOUTHWESTERN EQ CO-S 1175.54; STRYKER MEDICAL-S 1610.16; TASTE OF HOME-S 33.30; TOTAL TURF-S 98.00; TYLER TECH-SC 264.75; UMR-SC 160814.29; US FOODS-S 701.74; USA BLUEBOOK-S 533.49, SC 61.07; UTILITY REFUNDS-832.62; VAN DIEST-S 724.40; VK ELECTRONICS-S 490.00; VOLZ-S 857.00; W DESIGN-SC 3083.75, CO 3657.96; WAGNER FORD-S 325.86; WALMART-S 2554.43; WEATHERCRAFT-S 81.00; WEX BANK-S 19309.32, SC 94.20; WPS MEDICARE-SC 688.00.

-s- Lea Ann  
Doak City Clerk

PUBLISH: AUGUST 11, 2023

**CITY MANAGER'S REPORT  
AUGUST 21, 2023 CITY COUNCIL MEETING**

---

**ITEM:**          **2.M.**  

**RECOMMENDATION:**

Ratify the Mayor's appointments to the:

- Planning Commission - reappoint Jesse Stevens, Kurt Vosburg, and Matt Davidson - terms expire September 2026;
  - Senior Citizens Advisory Board - reappoint Mary Keslin and appoint Matthew Duffield to replace John Deon - terms expire September 2023
- 

**BACKGROUND:**

All appointees have been contacted and are willing to serve on the various boards.

**FISCAL**

**IMPACT:**     None.

**APPROVALS:**



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

August 17, 2023

## PLANNING COMMISSION

RON FRIEHE

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

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

CAMY BRADLEY

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

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

TAMMIE HILKER

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

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

BRUCE MCDOWELL

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

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

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

MATT DAVIDSON

1505 Centennial  
Appointed - June 2019 (Replaced Don Harpst)  
Reappointed - August 23  
Term Expires - September 2026

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

KURT VOSBURG\*

#13 Wedgewood  
Appointed - November 2005  
Reappointed - August 2023  
Term Expires - September 2026

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

JESSE STEVENS

1606 West 2<sup>nd</sup> Street  
Appointed - September 2015 (replaced Lonnie Anderson)  
Reappointed - August 2023  
Term Expires - September 2026

345-5688 (H)  
345-5598 (O)  
340-2932 (C)

CHAD LYONS

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

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

DALE DUELAND

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

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

JAMIE MOCKRY - ALTERNATE

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

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

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

\*Denotes Chairperson - 3 yr. Terms

August 17, 2023

## SENIOR CITIZENS ADVISORY BOARD

DAN STRAMEL 340-8616  
PO Box 95  
Appointed - October 2019 (replaced John Anderson)  
Reappointed - January 2023  
Term Expires - September 2025

ROBERT PANTENBURG 345-6675  
1405 West Circle Drive  
Appointed - August 2016 (replaced Joan Dike)  
Reappointed - January 2023  
Term Expires - September 2025

JIM HAMILL 345-1956  
413 North Cherokee  
Appointed - March 2011 (replaced Carol Borgman)  
Reappointed - January 2023  
Term Expires - September 2025

JOHN ZLOMKE  
#4 Georgia Court  
Appointed - February 2022 (filled Sharon Parde remain term and new term)  
Term Expires - September 2025

MARY KESLIN  
Appointed - September 2017 Replaced Peggy Appleyard  
Reappointed - August 2023  
Term Expires - September 2026

MATTHEW DUFFIELD  
Appointed - September 2023 (replaced John Deon)  
Term Expires - September 2026

NATALIE MICKEY  
405 East 1<sup>st</sup> Street  
Appointed - April 2023 (Filled Joe Ryland remaining 4 months)  
Term Expires - September 2026

\*Denotes Chairman  
3 yr. terms

**CITY MANAGER'S REPORT  
AUGUST 21, 2023 CITY COUNCIL MEETING**

---

**ITEM:**        2.N.

Forward to the City's insurance carrier for review and appropriate action a property damage claim from Amanda Shrout in the amount of \$210.00.

---

**BACKGROUND:**

Staff received the property damage claim from Amanda Shrout in the amount of \$210.00. The governing body is required to forward the claim to the City's insurance carrier for review and appropriate action.

**FISCAL  
IMPACT:**     None.

**APPROVALS:**

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

August 17, 2023

**CITY MANAGER'S REPORT  
AUGUST 21, 2023 CITY COUNCIL MEETING**

---

**ITEM:**        2.0.

Forward to the City's insurance carrier for review and appropriate action a property damage claim from Kenny Yeager.

---

**BACKGROUND:**

Staff received the property damage claim from Kenny Yeager. The governing body is required to forward the claim to the City's insurance carrier for review and appropriate action.

**FISCAL  
IMPACT:**    None.

**APPROVALS:**

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

August 17, 2023

**CITY MANAGER'S REPORT  
AUGUST 21, 2023 CITY COUNCIL MEETING**

---

**ITEM:**          2.P.  

Receive and file the Financial Report for the period ending July 31, 2023.

---

**BACKGROUND:**

The Treasurer's Report (Attachment A) gives the beginning cash balances as of October 1, 2022, plus Total (YTD) Receipts, minus Total (YTD) Disbursements, giving the ending cash balance on July 31, 2023.

Per the Banking Services Agreement with McCook National Bank, all funds are deposited into the Public Funds Account at a higher rate of interest. The bank then sweeps in increments of \$100,000 to the Primary Operating Account to cover disbursements as they clear the bank. The Payroll Account is also a sweep account and maintains a \$1,000 balance.

All of the bank accounts are interest bearing, except the Payroll Account and the Purchase Account. The Purchase Account is our VISA credit card.

Attachment B gives the ending cash balances by fund as of July 31, 2023.

Attachment C is a Financial Summary of Revenue and Expense by Fund for the quarter ending July 31, 2023.

Staff is always available to address any questions that the Council may have. The Department Heads receive monthly financial reports and it is their responsibility to monitor their individual budgets. It is the bottom-line per department that is monitored. If they go over on a line item, that must adjust for it in another line item.

**FISCAL  
IMPACT:**        None.

**APPROVALS:**

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

August 17, 2023

# ATTACHMENT

A

City of McCook, Nebraska  
 TREASURER'S REPORT  
 Period Ending July 31, 2023 (unaudited)

Beginning Cash on Hand, October 1, 2022			
McCook National Bank - Public Funds	\$	18,671,683.72	
McCook National Bank - Primary Operating	\$	(335,089.91)	
McCook National Bank - LB840 Funds	\$	1,013,373.90	
McCook National Bank - Payroll	\$	1,000.00	
McCook National Bank - CRA	\$	57.93	
Purchases Account	\$	10,000.00	
Petty Cash	\$	1,150.00	
NDEQ Irrevocable Escrow	\$	84,562.10	
McCook National Bank - Pension	\$	5,343.21	
<b>TOTAL BEGINNING CASH</b>			<b>\$ 19,452,080.95</b>
Receipts:			
Taxes	\$	5,300,209.18	
Fees, Permits and Licenses	\$	463,050.03	
Intergovernmental Services	\$	1,606,025.32	
Charges - Current Services	\$	1,773,219.67	
Public Utilities	\$	3,294,148.97	
Use of Money & Property	\$	2,129,587.54	
Interfund Transfers	\$	4,001,007.19	
Other Revenue	\$	1,992,121.02	
Unapplied/Accounts Payable	\$	683.12	
<b>PLUS TOTAL RECEIPTS</b>			<b>\$ 20,560,052.04</b>
Disbursements:			
Personal Services	\$	6,221,706.57	
Supplies	\$	1,533,700.70	
Services & Charges	\$	6,273,524.71	
Budget Transfers	\$	2,802,777.69	
Capital Outlay	\$	1,981,273.64	
Unapplied/Accounts Payable	\$	223.08	
<b>MINUS TOTAL DISBURSEMENTS</b>			<b>\$ 18,813,206.39</b>
Ending Cash Balance July 31, 2023			
McCook National Bank - Public Funds	\$	19,616,367.24	
McCook National Bank - Primary Operating	\$	253,154.36	
McCook National Bank - LB840 Funds	\$	1,220,715.94	
McCook National Bank - Payroll	\$	1,000.00	
McCook National Bank - CRA	\$	57.93	
Petty Cash	\$	1,150.00	
Purchase Account	\$	10,000.00	
NDEQ Irrevocable Escrow	\$	88,782.33	
McCook National Bank - Pension	\$	7,698.80	
<b>TOTAL ENDING CASH</b>	<b>\$</b>	<b>21,198,926.60</b>	<b>\$ 21,198,926.60</b>

Dated: July 31, 2023

-s- Lea Ann Doak, City Clerk

# ATTACHMENT

## B

City of McCook, Nebraska  
 TREASURER'S REPORT  
 CASH BALANCE BY FUNDS  
 Period Ending July 31, 2023 (unaudited)

Beginning Cash on Hand, October 1, 2022	Beginning Cash	YTD Revenue	YTD Expenditures	Ending Cash
General Fund - 10	\$ 3,575,164.58	\$ 7,358,943.27	\$ 7,211,537.59	\$ 3,722,570.26
General Fund Unapplied/Accts. Payable	\$ 2,519.00	\$ 713.00	\$ 223.08	\$ 3,008.92
Street Fund - 15	\$ 427,843.11	\$ 198,374.15	\$ 88,000.00	\$ 538,217.26
Special Revenue - 20	\$ 1,799,787.84	\$ 205,219.67	\$ 554,193.19	\$ 1,450,814.32
Special Revenue Unapplied/Accts. Payable	\$ -		\$ -	\$ -
Debt Service - 30	\$ 398,745.43	\$ 11,901.00	\$ -	\$ 410,646.43
Community Redevelopment Authority - 40	\$ 72,946.36	\$ 415,299.27	\$ 155,177.97	\$ 333,067.66
Economic Development Fund - 45	\$ 1,013,373.90	\$ 507,550.49	\$ 300,208.45	\$ 1,220,715.94
Pension Trust - 50	\$ 5,343.21	\$ 18,083.89	\$ 15,728.30	\$ 7,698.80
Trust & Agency - 60	\$ 357,584.48	\$ 154,922.61	\$ 147,647.90	\$ 364,859.19
Internal Service Fund - 65	\$ 950,039.53	\$ 2,389,322.71	\$ 2,300,510.66	\$ 1,038,851.58
Enterprise Fund - 70	\$ 10,115,278.54	\$ 8,030,976.25	\$ 7,711,047.79	\$ 10,435,207.00
Enterprise Fund Unapplied/Accts. Payable	\$ 254.80	\$ (29.88)	\$ -	\$ 224.92
Capital Improvement - 80	\$ 733,200.17	\$ 1,268,775.61	\$ 328,931.46	\$ 1,673,044.32
<b>BALANCES</b>	<b>\$ 19,452,080.95</b>	<b>\$ 20,560,052.04</b>	<b>\$ 18,813,206.39</b>	<b>\$ 21,198,926.60</b>

Dated: July 31, 2023

-s- Lea Ann Doak, City Clerk

# ATTACHMENT C

CITY OF MCCOOK  
 STATEMENT OF REVENUES - BUDGET VS. ACTUAL  
 AS OF: JULY 31ST, 2023

10 -GENERAL FUND  
 FINANCIAL SUMMARY

% OF YEAR COMPLETED: 83.33

	ORIGINAL BUDGET	CURRENT BUDGET	MONTHLY REVENUE	YEAR-TO-DATE REVENUE	PRIOR YEAR YEAR-TO-DATE	BUDGET REMAINING	% BUDGET REMAINING
<u>REVENUE SUMMARY</u>							
GENERAL REVENUE	10,577,173	10,577,173	605,463.92	7,232,599.27	6,609,136.82	3,344,573.73	31.62
RESERVES/CO TREASURER BAL	<u>1,798,887</u>	<u>1,798,887</u>	<u>10,396.00</u>	<u>126,344.00</u>	<u>205,836.96</u>	<u>1,672,543.00</u>	<u>92.98</u>
TOTAL REVENUES	<u>12,376,060</u>	<u>12,376,060</u>	<u>615,859.92</u>	<u>7,358,943.27</u>	<u>6,814,973.78</u>	<u>5,017,116.73</u>	<u>40.54</u>
	=====	=====	=====	=====	=====	=====	=====
	ORIGINAL BUDGET	CURRENT BUDGET	MONTHLY EXPENDITURES	YEAR-TO-DATE EXPENDITURES	PRIOR YEAR YEAR-TO-DATE	BUDGET REMAINING	% BUDGET REMAINING
ADMINISTRATION	791,193	791,193	55,562.10	575,326.15	468,943.94	215,866.85	27.28
PUBLICITY	8,750	8,750	94.74	5,039.54	3,980.25	3,710.46	42.41
AUDITORIUM	52,201	52,201	1,834.71	39,916.17	36,758.91	12,284.83	23.53
COUNCIL	574,381	574,381	62,409.12	319,255.41	199,158.05	255,125.59	44.42
POLICE	2,280,517	2,280,517	145,294.37	1,591,727.35	1,480,056.25	688,789.65	30.20
MUNICIPAL CENTER	102,694	102,694	4,222.15	95,311.15	77,821.11	7,382.85	7.19
FIRE	2,479,053	2,479,053	82,955.82	1,245,394.77	1,082,063.10	1,233,658.23	49.76
AMBULANCE	181,576	181,576	14,002.44	140,699.81	120,007.10	40,876.19	22.51
CIVIL DEFENSE	9,709	9,709	31.58	5,468.00	4,931.80	4,241.00	43.68
BUILDING & ZONING	101,414	101,414	7,231.84	80,461.39	76,241.98	20,952.61	20.66
LIBRARY	377,218	377,218	30,572.25	299,222.03	268,218.45	77,995.97	20.68
STREET	1,143,869	1,143,869	81,083.04	914,389.83	809,963.30	229,479.17	20.06
CEMETERY	255,032	255,032	10,364.19	186,602.64	183,211.35	68,429.36	26.83
PARKS	266,425	266,425	19,545.44	194,323.82	209,379.89	72,101.18	27.06
BALL PARKS	129,638	129,638	8,653.93	86,617.61	117,541.35	43,020.39	33.19
POOL	13,372	13,372	130.43	3,163.17	4,166.38	10,208.83	76.34
AIRPORT	176,011	176,011	11,534.07	127,563.91	109,301.72	48,447.09	27.53
UNEMPLOYMENT	10,000	10,000	0.00	0.00	0.00	10,000.00	100.00
UNCOLLECTABLE TAX	16,000	16,000	294.54	11,386.91	11,054.82	4,613.09	28.83
SENIOR CENTER	509,676	509,676	39,635.43	381,456.40	351,457.68	128,219.60	25.16
PUBLIC TRANSPORTATION	197,007	197,007	13,600.60	152,157.96	146,719.78	44,849.04	22.77
HEALTH OPERATING	861,250	861,250	71,771.00	717,710.00	655,895.00	143,540.00	16.67
RESERVES/CO TREASURER BAL	<u>623,887</u>	<u>623,887</u>	<u>0.00</u>	<u>38,343.57</u>	<u>188,869.68</u>	<u>585,543.43</u>	<u>93.85</u>
TOTAL EXPENDITURES	<u>11,160,873</u>	<u>11,160,873</u>	<u>660,823.79</u>	<u>7,211,537.59</u>	<u>6,605,741.89</u>	<u>3,949,335.41</u>	<u>35.39</u>
	=====	=====	=====	=====	=====	=====	=====
REVENUES OVER/(UNDER) EXPENDITURES	1,215,187	1,215,187	( 44,963.87)	147,405.68	209,231.89	1,067,781.32	87.87

CITY OF MCCOOK  
 STATEMENT OF REVENUES - BUDGET VS. ACTUAL  
 AS OF: JULY 31ST, 2023

15 -STREET FUND  
 FINANCIAL SUMMARY

% OF YEAR COMPLETED: 83.33

	ORIGINAL BUDGET	CURRENT BUDGET	MONTHLY REVENUE	YEAR-TO-DATE REVENUE	PRIOR YEAR YEAR-TO-DATE	BUDGET REMAINING	% BUDGET REMAINING
<u>REVENUE SUMMARY</u>							
STREET IMPROVEMENTS	575,602	575,602	2,007.00	198,374.15	149,581.02	377,227.85	65.54
TOTAL REVENUES	575,602	575,602	2,007.00	198,374.15	149,581.02	377,227.85	65.54
	=====	=====	=====	=====	=====	=====	=====
	ORIGINAL BUDGET	CURRENT BUDGET	MONTHLY EXPENDITURES	YEAR-TO-DATE EXPENDITURES	PRIOR YEAR YEAR-TO-DATE	BUDGET REMAINING	% BUDGET REMAINING
STREET IMPROVEMENTS	575,602	575,602	0.00	88,000.00	2,000.00	487,602.00	84.71
TOTAL EXPENDITURES	575,602	575,602	0.00	88,000.00	2,000.00	487,602.00	84.71
	=====	=====	=====	=====	=====	=====	=====
REVENUES OVER/(UNDER) EXPENDITURES	0	0	2,007.00	110,374.15	147,581.02 (	110,374.15)	0.00

CITY OF MCCOOK  
 STATEMENT OF REVENUES - BUDGET VS. ACTUAL  
 AS OF: JULY 31ST, 2023

20 -SPECIAL REVENUE  
 FINANCIAL SUMMARY

% OF YEAR COMPLETED: 83.33

	ORIGINAL BUDGET	CURRENT BUDGET	MONTHLY REVENUE	YEAR-TO-DATE REVENUE	PRIOR YEAR YEAR-TO-DATE	BUDGET REMAINING	% BUDGET REMAINING
<b>REVENUE SUMMARY</b>							
FAA GRANTS	129,711	129,711	0.00	39,887.00	189,487.00	89,824.00	69.25
PUBLIC TRANSIT GRANTS	66,000	66,000	0.00	0.00	18,709.70	66,000.00	100.00
ACE REVENUE SHARING	23,939	23,939	129.00	11,641.00	9,176.00	12,298.00	51.37
MCCOOK RECREATIONAL TRAIL	54,272	54,272	207.00	1,622.00	191.00	52,650.00	97.01
CCCCFF GRANT-SWIMMING POOL	11,718	11,718	0.00	2,625.00	0.00	9,093.00	77.60
MCCOOK COMM FOUNDATION	0	0	25,000.00	25,000.00	0.00	25,000.00	0.00
COVID-19 CARES ACT	122,729	122,729	7,983.61	11,269.61	42,477.32	111,459.39	90.82
ENHANCED E911	45,353	45,353	2,416.70	19,105.68	25,638.07	26,247.32	57.87
RAVENSWOOD RD PROJECT	0	0	0.00	0.00	0.00	0.00	0.00
INSURANCE REIMBURSEMENT	465,025	465,025	1,622.00	13,194.00	12,761.25	451,831.00	97.16
PSAP FUNDS	137,722	137,722	279.00	39,551.32	67,329.17	98,170.68	71.28
MUNICIPAL FACILITY CONST	34,785	34,785	0.00	0.00	0.00	34,785.00	100.00
SKATE PARK IMPROVEMENTS	4,642	4,642	0.00	0.00	0.00	4,642.00	100.00
AME RESCUE PLAN ACT-ARPA	921,716	921,716	2,457.00	24,704.00	33,316.00	897,012.00	97.32
BIRDELLA NELSON TECH CTR	0	0	0.00	16,620.06	0.00	16,620.06	0.00
SWIMMING POOL PROJECT	0	0	0.00	0.00	0.00	0.00	0.00
<b>TOTAL REVENUES</b>	<b>2,017,612</b>	<b>2,017,612</b>	<b>40,094.31</b>	<b>205,219.67</b>	<b>399,085.51</b>	<b>1,812,392.33</b>	<b>89.83</b>

	ORIGINAL BUDGET	CURRENT BUDGET	MONTHLY EXPENDITURES	YEAR-TO-DATE EXPENDITURES	PRIOR YEAR YEAR-TO-DATE	BUDGET REMAINING	% BUDGET REMAINING
FAA GRANTS	129,711	129,711	0.00	32,497.63	173,937.56	97,213.37	74.95
PUBLIC TRANSIT GRANTS	66,000	66,000	0.00	0.00	18,709.70	66,000.00	100.00
ACE REVENUE SHARING	23,939	23,939	1,550.00	5,389.00	18,960.00	18,550.00	77.49
MCCOOK RECREATIONAL TRAIL	54,272	54,272	0.00	0.00	0.00	54,272.00	100.00
CCCCFF GRANT-SWIMMING POOL	11,718	11,718	0.00	1,331.25	7,031.80	10,386.75	88.64
MCCOOK COMM FOUNDATION	0	0	25,000.00	25,000.00	0.00	25,000.00	0.00
COVID-19 CARES ACT	122,729	122,729	0.00	40,343.62	384,791.32	82,385.38	67.13
ENHANCED E911	45,353	45,353	0.00	12,364.11	150,149.85	32,988.89	72.74
RAVENSWOOD RD PROJECT	0	0	0.00	0.00	0.00	0.00	0.00
INSURANCE REIMBURSEMENT	465,025	465,025	0.00	51,910.25	9,251.00	413,114.75	88.84
PSAP FUNDS	137,722	137,722	9,109.22	72,869.55	59,786.09	64,852.45	47.09
MUNICIPAL FACILITY CONST	34,785	34,785	0.00	0.00	0.00	34,785.00	100.00
SKATE PARK IMPROVEMENTS	4,642	4,642	0.00	0.00	0.00	4,642.00	100.00
AME RESCUE PLAN ACT-ARPA	921,716	921,716	2,423.58	290,284.64	416,418.21	631,431.36	68.51
BIRDELLA NELSON TECH CTR	0	0	0.00	22,203.14	0.00	22,203.14	0.00
SWIMMING POOL PROJECT	0	0	0.00	0.00	0.00	0.00	0.00
<b>TOTAL EXPENDITURES</b>	<b>2,017,612</b>	<b>2,017,612</b>	<b>38,082.80</b>	<b>554,193.19</b>	<b>1,239,035.53</b>	<b>1,463,418.81</b>	<b>72.53</b>
<b>REVENUES OVER/(UNDER) EXPENDITURES</b>	<b>0</b>	<b>0</b>	<b>2,011.51</b>	<b>( 348,973.52)</b>	<b>( 839,950.02)</b>	<b>348,973.52</b>	<b>0.00</b>

CITY OF MCCOOK  
 STATEMENT OF REVENUES - BUDGET VS. ACTUAL  
 AS OF: JULY 31ST, 2023

30 -DEBT SERVICE  
 FINANCIAL SUMMARY

% OF YEAR COMPLETED: 83.33

	ORIGINAL BUDGET	CURRENT BUDGET	MONTHLY REVENUE	YEAR-TO-DATE REVENUE	PRIOR YEAR YEAR-TO-DATE	BUDGET REMAINING	% BUDGET REMAINING
<u>REVENUE SUMMARY</u>							
GENERAL OBLIGATION	0	0	0.00	0.00	0.00	0.00	0.00
SPECIAL ASSESSMENTS	397,286	397,286	1,529.00	11,901.00	1,406.00	385,385.00	97.00
BOND RESERVE	<u>0</u>	<u>0</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
TOTAL REVENUES	<u>397,286</u>	<u>397,286</u>	<u>1,529.00</u>	<u>11,901.00</u>	<u>1,406.00</u>	<u>385,385.00</u>	<u>97.00</u>
	=====	=====	=====	=====	=====	=====	=====
	ORIGINAL BUDGET	CURRENT BUDGET	MONTHLY EXPENDITURES	YEAR-TO-DATE EXPENDITURES	PRIOR YEAR YEAR-TO-DATE	BUDGET REMAINING	% BUDGET REMAINING
GENERAL OBLIGATION	0	0	0.00	0.00	0.00	0.00	0.00
SPECIAL ASSESSMENTS	397,286	397,286	0.00	0.00	122.84	397,286.00	100.00
BOND RESERVE	<u>0</u>	<u>0</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
TOTAL EXPENDITURES	<u>397,286</u>	<u>397,286</u>	<u>0.00</u>	<u>0.00</u>	<u>122.84</u>	<u>397,286.00</u>	<u>100.00</u>
	=====	=====	=====	=====	=====	=====	=====
REVENUES OVER/(UNDER) EXPENDITURES	0	0	1,529.00	11,901.00	1,283.16 (	11,901.00)	0.00

CITY OF MCCOOK  
 STATEMENT OF REVENUES - BUDGET VS. ACTUAL  
 AS OF: JULY 31ST, 2023

40 -COMMUNITY DEVELOPMENT  
 FINANCIAL SUMMARY

% OF YEAR COMPLETED: 83.33

	ORIGINAL BUDGET	CURRENT BUDGET	MONTHLY REVENUE	YEAR-TO-DATE REVENUE	PRIOR YEAR YEAR-TO-DATE	BUDGET REMAINING	% BUDGET REMAINING
<b>REVENUE SUMMARY</b>							
KEYSTONE BUS CENTER PROJ	31,000	31,000	0.00	27,474.93	28,587.79	3,525.07	11.37
CITY INVESTMENTS	72,602	72,602	307.00	9,604.00	256.00	62,998.00	86.77
NORTH POINTE	30,000	30,000	1,754.75	33,197.88	22,463.82	3,197.88	10.66-
CLARY VILLAGE LLC	9,500	9,500	0.00	3,950.91	4,561.42	5,549.09	58.41
MCCOOK HOTEL GROUP/COBBL	60,000	60,000	0.00	26,582.98	27,614.18	33,417.02	55.70
QUILLAN COURTS	15,000	15,000	0.00	4,610.18	7,304.02	10,389.82	69.27
MCCOOK LODGING/HOLIDAY I	100,000	100,000	0.00	94,052.91	50,620.97	5,947.09	5.95
NEXT GENERATION	220,000	220,000	0.00	210,895.38	113,563.63	9,104.62	4.14
N-STANT CONVENIENCE	20,000	20,000	0.00	4,740.22	0.00	15,259.78	76.30
BLACKWOOD ENTERPRISES	200,000	200,000	0.00	189.88	0.00	199,810.12	99.91
<b>TOTAL REVENUES</b>	<b>758,102</b>	<b>758,102</b>	<b>2,061.75</b>	<b>415,299.27</b>	<b>254,971.83</b>	<b>342,802.73</b>	<b>45.22</b>
	=====	=====	=====	=====	=====	=====	=====
	ORIGINAL BUDGET	CURRENT BUDGET	MONTHLY EXPENDITURES	YEAR-TO-DATE EXPENDITURES	PRIOR YEAR YEAR-TO-DATE	BUDGET REMAINING	% BUDGET REMAINING
KEYSTONE BUS CENTER PROJ	31,000	31,000	0.00	0.00	28,587.79	31,000.00	100.00
CITY INVESTMENTS	72,602	72,602	0.00	0.00	0.00	72,602.00	100.00
NORTH POINTE	30,000	30,000	0.00	7,818.05	21,508.66	22,181.95	73.94
CLARY VILLAGE LLC	9,500	9,500	0.00	0.00	4,561.42	9,500.00	100.00
MCCOOK HOTEL GROUP/COBBL	60,000	60,000	0.00	0.00	27,614.18	60,000.00	100.00
QUILLAN COURTS	15,000	15,000	0.00	463.46	6,420.15	14,536.54	96.91
MCCOOK LODGING/HOLIDAY I	100,000	100,000	0.00	45,323.83	50,620.97	54,676.17	54.68
NEXT GENERATION	220,000	220,000	0.00	101,572.63	113,563.63	118,427.37	53.83
N-STANT CONVENIENCE	20,000	20,000	0.00	0.00	0.00	20,000.00	100.00
BLACKWOOD ENTERPRISES	200,000	200,000	0.00	0.00	0.00	200,000.00	100.00
<b>TOTAL EXPENDITURES</b>	<b>758,102</b>	<b>758,102</b>	<b>0.00</b>	<b>155,177.97</b>	<b>252,876.80</b>	<b>602,924.03</b>	<b>79.53</b>
	=====	=====	=====	=====	=====	=====	=====
<b>REVENUES OVER/(UNDER) EXPENDITURES</b>	<b>0</b>	<b>0</b>	<b>2,061.75</b>	<b>260,121.30</b>	<b>2,095.03</b>	<b>260,121.30</b>	<b>0.00</b>

CITY OF MCCOOK  
 STATEMENT OF REVENUES - BUDGET VS. ACTUAL  
 AS OF: JULY 31ST, 2023

45 -ECONOMIC DEVELOPMENT FUND  
 FINANCIAL SUMMARY

% OF YEAR COMPLETED: 83.33

	ORIGINAL BUDGET	CURRENT BUDGET	MONTHLY REVENUE	YEAR-TO-DATE REVENUE	PRIOR YEAR YEAR-TO-DATE	BUDGET REMAINING	% BUDGET REMAINING
<u>REVENUE SUMMARY</u>							
ECONOMIC DEVELOPMENT FUN	<u>1,554,742</u>	<u>1,554,742</u>	<u>51,468.51</u>	<u>507,550.49</u>	<u>492,245.08</u>	<u>1,047,191.51</u>	<u>67.35</u>
TOTAL REVENUES	<u>1,554,742</u>	<u>1,554,742</u>	<u>51,468.51</u>	<u>507,550.49</u>	<u>492,245.08</u>	<u>1,047,191.51</u>	<u>67.35</u>
	=====	=====	=====	=====	=====	=====	=====
	ORIGINAL BUDGET	CURRENT BUDGET	MONTHLY EXPENDITURES	YEAR-TO-DATE EXPENDITURES	PRIOR YEAR YEAR-TO-DATE	BUDGET REMAINING	% BUDGET REMAINING
ECONOMIC DEVELOPMENT FUN	<u>1,554,742</u>	<u>1,554,742</u>	<u>12,015.50</u>	<u>300,208.45</u>	<u>443,021.80</u>	<u>1,254,533.55</u>	<u>80.69</u>
TOTAL EXPENDITURES	<u>1,554,742</u>	<u>1,554,742</u>	<u>12,015.50</u>	<u>300,208.45</u>	<u>443,021.80</u>	<u>1,254,533.55</u>	<u>80.69</u>
	=====	=====	=====	=====	=====	=====	=====
REVENUES OVER/(UNDER) EXPENDITURES	0	0	39,453.01	207,342.04	49,223.28 (	207,342.04)	0.00

CITY OF MCCOOK  
 STATEMENT OF REVENUES - BUDGET VS. ACTUAL  
 AS OF: JULY 31ST, 2023

50 -PENSION TRUST  
 FINANCIAL SUMMARY

% OF YEAR COMPLETED: 83.33

	ORIGINAL BUDGET	CURRENT BUDGET	MONTHLY REVENUE	YEAR-TO-DATE REVENUE	PRIOR YEAR YEAR-TO-DATE	BUDGET REMAINING	% BUDGET REMAINING
<u>REVENUE SUMMARY</u>							
POLICE OFFICER DISABILIT	23,343	23,343	10.34	18,083.89	19,003.73	5,259.11	22.53
TOTAL REVENUES	23,343	23,343	10.34	18,083.89	19,003.73	5,259.11	22.53
	=====	=====	=====	=====	=====	=====	=====
	ORIGINAL BUDGET	CURRENT BUDGET	MONTHLY EXPENDITURES	YEAR-TO-DATE EXPENDITURES	PRIOR YEAR YEAR-TO-DATE	BUDGET REMAINING	% BUDGET REMAINING
POLICE OFFICER DISABILIT	23,343	23,343	1,572.83	15,728.30	15,727.77	7,614.70	32.62
TOTAL EXPENDITURES	23,343	23,343	1,572.83	15,728.30	15,727.77	7,614.70	32.62
	=====	=====	=====	=====	=====	=====	=====
REVENUES OVER/(UNDER) EXPENDITURES	0	0	( 1,562.49)	2,355.59	3,275.96	( 2,355.59)	0.00

CITY OF MCCOOK  
 STATEMENT OF REVENUES - BUDGET VS. ACTUAL  
 AS OF: JULY 31ST, 2023

60 -AGENCY FUND  
 FINANCIAL SUMMARY

% OF YEAR COMPLETED: 83.33

	ORIGINAL BUDGET	CURRENT BUDGET	MONTHLY REVENUE	YEAR-TO-DATE REVENUE	PRIOR YEAR YEAR-TO-DATE	BUDGET REMAINING	% BUDGET REMAINING
<b>REVENUE SUMMARY</b>							
PERPETUAL CARE	164,975	164,975	1,121.00	9,145.00	6,563.00	155,830.00	94.46
SENIOR CENTER CONTRIBUTIO	83,101	83,101	1,693.00	17,753.00	8,026.25	65,348.00	78.64
SCHOOL	8,050	8,050	0.00	6,327.50	6,725.00	1,722.50	21.40
FIRE CONTRIBUTIONS	7,793	7,793	25.00	14,219.76	643.06 (	6,426.76)	82.47-
LIBRARY MEMORIAL	54,658	54,658	125.00	13,075.00	22,190.00	41,583.00	76.08
COMMUNITY BETTERMENT	135,915	135,915	5,672.25	71,876.87	81,449.63	64,038.13	47.12
DARE CONTRIBUTIONS	1,776	1,776	0.00	2,226.50	434.66 (	450.50)	25.37-
PUBLIC WORKS CONTRIBUTION	6,994	6,994	0.00	1,246.05	0.00	5,747.95	82.18
AMBULANCE CONTRIBUTIONS	9,801	9,801	1,500.00	2,200.00	12,200.00	7,601.00	77.55
COMMUNITY PARAMEDIC PROG	4,316	4,316	0.00	0.00	0.00	4,316.00	100.00
POLICE CONTRIBUTIONS	4,715	4,715	1,500.00	16,752.93	2,750.38 (	12,037.93)	255.31-
FIRE TRAINING TRAILER	14,500	14,500	0.00	100.00	0.00	14,400.00	99.31
<b>TOTAL REVENUES</b>	<b>496,594</b>	<b>496,594</b>	<b>11,636.25</b>	<b>154,922.61</b>	<b>140,981.98</b>	<b>341,671.39</b>	<b>68.80</b>
<hr/>							
	ORIGINAL BUDGET	CURRENT BUDGET	MONTHLY EXPENDITURES	YEAR-TO-DATE EXPENDITURES	PRIOR YEAR YEAR-TO-DATE	BUDGET REMAINING	% BUDGET REMAINING
PERPETUAL CARE	164,975	164,975	0.00	28,183.52	0.00	136,791.48	82.92
SENIOR CENTER CONTRIBUTIO	83,101	83,101	0.00	4,628.52	1,571.96	78,472.48	94.43
SCHOOL	8,050	8,050	0.00	6,327.50	6,725.00	1,722.50	21.40
FIRE CONTRIBUTIONS	7,793	7,793	0.00	15,272.37	1,497.61 (	7,479.37)	95.98-
LIBRARY MEMORIAL	54,658	54,658	1,456.27	4,698.00	13,682.88	49,960.00	91.40
COMMUNITY BETTERMENT	135,915	135,915	11,472.00	86,955.00	85,440.00	48,960.00	36.02
DARE CONTRIBUTIONS	1,776	1,776	0.00	1,342.33	2,063.44	433.67	24.42
PUBLIC WORKS CONTRIBUTION	6,994	6,994	0.00	870.00	0.00	6,124.00	87.56
AMBULANCE CONTRIBUTIONS	9,801	9,801	0.00	225.00	15,250.00	9,576.00	97.70
COMMUNITY PARAMEDIC PROG	4,316	4,316	0.00	0.00	0.00	4,316.00	100.00
POLICE CONTRIBUTIONS	4,715	4,715	0.00 (	1,106.09)	0.00	5,821.09	123.46
FIRE TRAINING TRAILER	14,500	14,500	0.00	251.75	0.00	14,248.25	98.26
<b>TOTAL EXPENDITURES</b>	<b>496,594</b>	<b>496,594</b>	<b>12,928.27</b>	<b>147,647.90</b>	<b>126,230.89</b>	<b>348,946.10</b>	<b>70.27</b>
<hr/>							
REVENUES OVER/(UNDER) EXPENDITURES	0	0 (	1,292.02)	7,274.71	14,751.09 (	7,274.71)	0.00

CITY OF MCCOOK  
 STATEMENT OF REVENUES - BUDGET VS. ACTUAL  
 AS OF: JULY 31ST, 2023

65 -INTERNAL SERVICE FUND  
 FINANCIAL SUMMARY

% OF YEAR COMPLETED: 83.33

	ORIGINAL BUDGET	CURRENT BUDGET	MONTHLY REVENUE	YEAR-TO-DATE REVENUE	PRIOR YEAR YEAR-TO-DATE	BUDGET REMAINING	% BUDGET REMAINING
<u>REVENUE SUMMARY</u>							
FLEX DEPENDENT CARE	10,729	10,729	0.00	1,152.00	3,572.34	9,577.00	89.26
FLEX - MEDICAL	60,056	60,056	2,871.68	29,976.36	29,716.04	30,079.64	50.09
SELF INSURED HEALTH INSUR	<u>2,705,527</u>	<u>2,705,527</u>	<u>411,203.49</u>	<u>2,358,194.35</u>	<u>2,265,833.01</u>	<u>347,332.65</u>	<u>12.84</u>
TOTAL REVENUES	<u>2,776,312</u>	<u>2,776,312</u>	<u>414,075.17</u>	<u>2,389,322.71</u>	<u>2,299,121.39</u>	<u>386,989.29</u>	<u>13.94</u>
	=====	=====	=====	=====	=====	=====	=====
	ORIGINAL BUDGET	CURRENT BUDGET	MONTHLY EXPENDITURES	YEAR-TO-DATE EXPENDITURES	PRIOR YEAR YEAR-TO-DATE	BUDGET REMAINING	% BUDGET REMAINING
FLEX DEPENDENT CARE	10,729	10,729	0.00	2,092.00	3,918.42	8,637.00	80.50
FLEX - MEDICAL	60,056	60,056	1,871.30	38,441.35	35,776.54	21,614.65	35.99
SELF INSURED HEALTH INSUR	<u>2,705,527</u>	<u>2,705,527</u>	<u>167,474.61</u>	<u>2,259,977.31</u>	<u>1,709,927.81</u>	<u>445,549.69</u>	<u>16.47</u>
TOTAL EXPENDITURES	<u>2,776,312</u>	<u>2,776,312</u>	<u>169,345.91</u>	<u>2,300,510.66</u>	<u>1,749,622.77</u>	<u>475,801.34</u>	<u>17.14</u>
	=====	=====	=====	=====	=====	=====	=====
REVENUES OVER/(UNDER) EXPENDITURES	0	0	244,729.26	88,812.05	549,498.62 (	88,812.05)	0.00

CITY OF MCCOOK  
STATEMENT OF REVENUES - BUDGET VS. ACTUAL  
AS OF: JULY 31ST, 2023

70 -ENTERPRISE FUND  
FINANCIAL SUMMARY

% OF YEAR COMPLETED: 83.33

	ORIGINAL BUDGET	CURRENT BUDGET	MONTHLY REVENUE	YEAR-TO-DATE REVENUE	PRIOR YEAR YEAR-TO-DATE	BUDGET REMAINING	% BUDGET REMAINING
<b>REVENUE SUMMARY</b>							
SOLID WASTE-LANDFILL POST	0	0	0.00	0.00	0.00	0.00	0.00
SOLID WASTE - RECYCLING	320,800	320,800	5,997.99	76,100.10	80,790.81	244,699.90	76.28
SOLID WASTE - COLLECTION	1,066,154	1,066,154	78,163.92	755,861.99	691,756.82	310,292.01	29.10
SOLID WASTE - TRANSFER ST LANDFILL RESERVE	1,475,222	1,475,222	112,066.58	997,707.67	884,541.44	477,514.33	32.37
SOLID WASTE - DISPOSAL	871,162	871,162	9,889.00	90,754.00	65,168.00	780,408.00	89.58
WATER MAINTENANCE & OPERA	464,160	464,160	30,934.75	351,951.63	281,434.19	112,208.37	24.17
WATER BOND & INTEREST RED	5,013,617	5,013,617	226,605.25	2,071,966.71	2,007,297.75	2,941,650.29	58.67
WATER CAPITAL - REPLACEME	1,245,246	1,245,246	34,201.00	337,545.00	368,896.00	907,701.00	72.89
WATER CAPITAL - DEVELOPME	4,859,232	4,859,232	41,467.00	389,374.00	276,974.00	4,469,858.00	91.99
WATER QUALITY SOLUTION	0	0	0.00	0.00	0.00	0.00	0.00
SEWER MAINTENANCE & OPERA	171,290	171,290	811.15	5,928.33	657.39	165,361.67	96.54
SEWER BOND & INTEREST RES	2,995,043	2,995,043	153,430.34	1,474,917.76	1,356,199.01	1,520,125.24	50.75
SEWER CAPITAL - REPLACEME	122,729	122,729	471.00	3,673.00	433.00	119,056.00	97.01
SEWER CAPITAL - DEVELOPME	3,131,593	3,131,593	41,285.00	408,269.00	1,115,741.00	2,723,324.00	86.96
COMBINED UTILITIES	1,361	1,361	7.00	55.00	4.00	1,306.00	95.96
ELECTRIC UTILITY	500,846	500,846	0.00	0.00	0.00	500,846.00	100.00
<b>TOTAL REVENUES</b>	<b>1,330,000</b>	<b>1,330,000</b>	<b>102,278.76</b>	<b>1,066,872.06</b>	<b>1,063,913.91</b>	<b>263,127.94</b>	<b>19.78</b>
=====							

	ORIGINAL BUDGET	CURRENT BUDGET	MONTHLY EXPENDITURES	YEAR-TO-DATE EXPENDITURES	PRIOR YEAR YEAR-TO-DATE	BUDGET REMAINING	% BUDGET REMAINING
SOLID WASTE-LANDFILL POST	14,550	14,550	880.59	7,833.67	7,194.24	6,716.33	46.16
SOLID WASTE - RECYCLING	364,340	364,340	11,474.94	100,964.96	93,383.30	263,375.04	72.29
SOLID WASTE - COLLECTION	1,066,154	1,066,154	71,373.23	718,473.95	659,955.05	347,680.05	32.61
SOLID WASTE - TRANSFER ST LANDFILL RESERVE	1,417,132	1,417,132	97,777.12	948,212.65	864,482.34	468,919.35	33.09
SOLID WASTE - DISPOSAL	871,162	871,162	0.00	0.00	0.00	871,162.00	100.00
WATER MAINTENANCE & OPERA	464,160	464,160	30,934.75	353,201.63	282,684.19	110,958.37	23.91
WATER BOND & INTEREST RED	5,013,617	5,013,617	218,627.82	2,483,711.64	1,919,483.96	2,529,905.36	50.46
WATER CAPITAL - REPLACEME	1,245,246	1,245,246	0.00	440,239.85	445,771.46	805,006.15	64.65
WATER CAPITAL - DEVELOPME	4,859,232	4,859,232	3,921.60	218,456.84	544,721.98	4,640,775.16	95.50
WATER QUALITY SOLUTION	0	0	0.00	0.00	0.00	0.00	0.00
SEWER MAINTENANCE & OPERA	171,290	171,290	0.00	0.00	0.00	171,290.00	100.00
SEWER BOND & INTEREST RES	2,995,043	2,995,043	109,695.59	1,087,476.22	1,062,938.96	1,907,566.78	63.69
SEWER CAPITAL - REPLACEME	122,729	122,729	0.00	0.00	0.00	122,729.00	100.00
SEWER CAPITAL - DEVELOPME	3,131,593	3,131,593	0.00	285,604.32	292,690.45	2,845,988.68	90.88
COMBINED UTILITIES	1,361	1,361	0.00	0.00	0.00	1,361.00	100.00
ELECTRIC UTILITY	500,846	500,846	0.00	0.00	0.00	500,846.00	100.00
<b>TOTAL EXPENDITURES</b>	<b>1,330,000</b>	<b>1,330,000</b>	<b>102,278.76</b>	<b>1,066,872.06</b>	<b>1,063,913.91</b>	<b>263,127.94</b>	<b>19.78</b>
=====							
<b>REVENUES OVER/(UNDER) EXPENDITURES</b>	<b>0</b>	<b>0</b>	<b>190,644.34</b>	<b>319,928.46</b>	<b>956,587.48</b>	<b>( 319,928.46)</b>	<b>0.00</b>

CITY OF MCCOOK  
 STATEMENT OF REVENUES - BUDGET VS. ACTUAL  
 AS OF: JULY 31ST, 2023

80 -CAPITAL IMPROVEMENTS FUND  
 FINANCIAL SUMMARY

% OF YEAR COMPLETED: 83.33

	ORIGINAL BUDGET	CURRENT BUDGET	MONTHLY REVENUE	YEAR-TO-DATE REVENUE	PRIOR YEAR YEAR-TO-DATE	BUDGET REMAINING	% BUDGET REMAINING
<u>REVENUE SUMMARY</u>							
2022 RECREATION BOND	0	0	94,151.80	708,229.31	0.00 (	708,229.31)	0.00
CAPITAL IMPROVE 2018	798,957	798,957	55,462.33	547,628.30	535,631.30	251,328.70	31.46
CAPITAL IMPROVE PRE 2018	<u>440,196</u>	<u>440,196</u>	<u>1,629.00</u>	<u>12,918.00</u>	<u>1,463.00</u>	<u>427,278.00</u>	<u>97.07</u>
TOTAL REVENUES	1,239,153	1,239,153	151,243.13	1,268,775.61	537,094.30 (	29,622.61)	2.39-
	=====	=====	=====	=====	=====	=====	=====
	ORIGINAL BUDGET	CURRENT BUDGET	MONTHLY EXPENDITURES	YEAR-TO-DATE EXPENDITURES	PRIOR YEAR YEAR-TO-DATE	BUDGET REMAINING	% BUDGET REMAINING
2022 RECREATION BOND	0	0	65,200.00	88,020.00	0.00 (	88,020.00)	0.00
CAPITAL IMPROVE 2018	798,957	798,957	9,188.63	224,005.04	158,604.37	574,951.96	71.96
CAPITAL IMPROVE PRE 2018	<u>440,196</u>	<u>440,196</u>	<u>0.00</u>	<u>16,906.42</u>	<u>15,015.57</u>	<u>423,289.58</u>	<u>96.16</u>
TOTAL EXPENDITURES	1,239,153	1,239,153	74,388.63	328,931.46	173,619.94	910,221.54	73.46
	=====	=====	=====	=====	=====	=====	=====
REVENUES OVER/(UNDER) EXPENDITURES	0	0	76,854.50	939,844.15	363,474.36 (	939,844.15)	0.00

CITY MANAGER'S REPORT  
AUGUST 21, 2023 CITY COUNCIL MEETING

---

ITEM: 3.Q.

RECOMMENDATION:

Authorize the City of McCook to submit a FEMA Post Fire Hazard Mitigation Grant for the purpose of decreasing the wildland fire danger risk in a residential area within the city.

---

BACKGROUND:

In early June, 2023, we were contacted by Erica Wertz, Hazard Mitigation Program Specialist/RECOVERY, with the Nebraska Emergency Management Agency to see if we had interest in applying for a grant for fire management assistance. This grant will help us to identify high-risk wildfire areas within residential areas in the City of McCook. City staff identified a site located on Country Club Drive that is owned by the City of McCook.

Staff with the Nebraska Emergency Management Agency have agreed to assist the City of McCook in applying for this grant and have extended the deadline out to September 1, 2023 to allow us time to pursue this grant funding.

The grant will fund 75 percent of the project, leaving the city to match 25 percent of the total cost. Initial estimates are \$65,000, requiring a match of \$16,250.

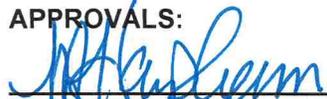
FISCAL  
IMPACT:

The 25 percent match of \$16,250 will come from the Safety Dividend funds.

RECOMMENDATION:

Authorize the City of McCook to submit a FEMA Post Fire Hazard Mitigation Grant for the purpose of decreasing the wildland fire danger risk in a residential area within the city.

APPROVALS:

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

18 AUGUST 2023  
Date

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

8/18/2023  
Date

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

8-18-23  
Date



August 12, 2023

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

1:3,206

- Parcels
- Sections

**CITY MANAGER'S REPORT  
AUGUST 21, 2023 MCCOOK CITY COUNCIL MEETING**

ITEM NO. 4.A Receive and file a request from Jerry Reitz regarding the removal of a special assessment against property located at 810 West 4th.

---

**BACKGROUND:**

Jerry Reitz recently purchased property legally described as Lot 2, Block 5, Seventh Addition to the City of McCook at a tax certificate sale. Approximately 13 years ago, the City demolished a house on the lot pursuant to the City of McCook's Health Board ordinance. The demolished house had an address of 810 West 4<sup>th</sup> Street. The value of the work associated with the demolition was assessed against the lot. While one house was demolished on the lot, a second house remains on the lot. It was common practice decades ago to build two residences on the same lot. That practice is no longer permitted. The existing house has an address of 810 ½ West 4<sup>th</sup> Street. Although the two homes sat on the same lot, two separate addresses had been assigned to each respective residence. At the time 810 West 4<sup>th</sup> Street was demolished, 810 ½ West 4<sup>th</sup> Street was occupied by the lot's owner. The City did not want to pursue the demolition of 810 ½ West Street in 2010 because the owner would become homeless. The existing house is in poor condition. The existing house was determined to be a nuisance by the health board in approximately 2017. Due to a lack of funding, the existing house has not been remedied.

Mr. Reitz is requesting that the City remove its assessment against the lot as a whole. Mr. Reitz has informed staff that he would like to demolish the residence addressed 810 ½ West 4<sup>th</sup> Street at his own cost. Mr. Reitz informed staff that after demolition of the residence, he would like to combine his lot at 808 West 4<sup>th</sup> Street with the property at issue, as the two properties are adjacent to each other. Such an action would remove a property that has been deemed a nuisance per McCook's Health Board.

This matter comes before the Council as a request from Mr. Reitz and action is not required at this time.

**APPROVALS:**

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

August 16, 2023

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

August 16, 2023

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

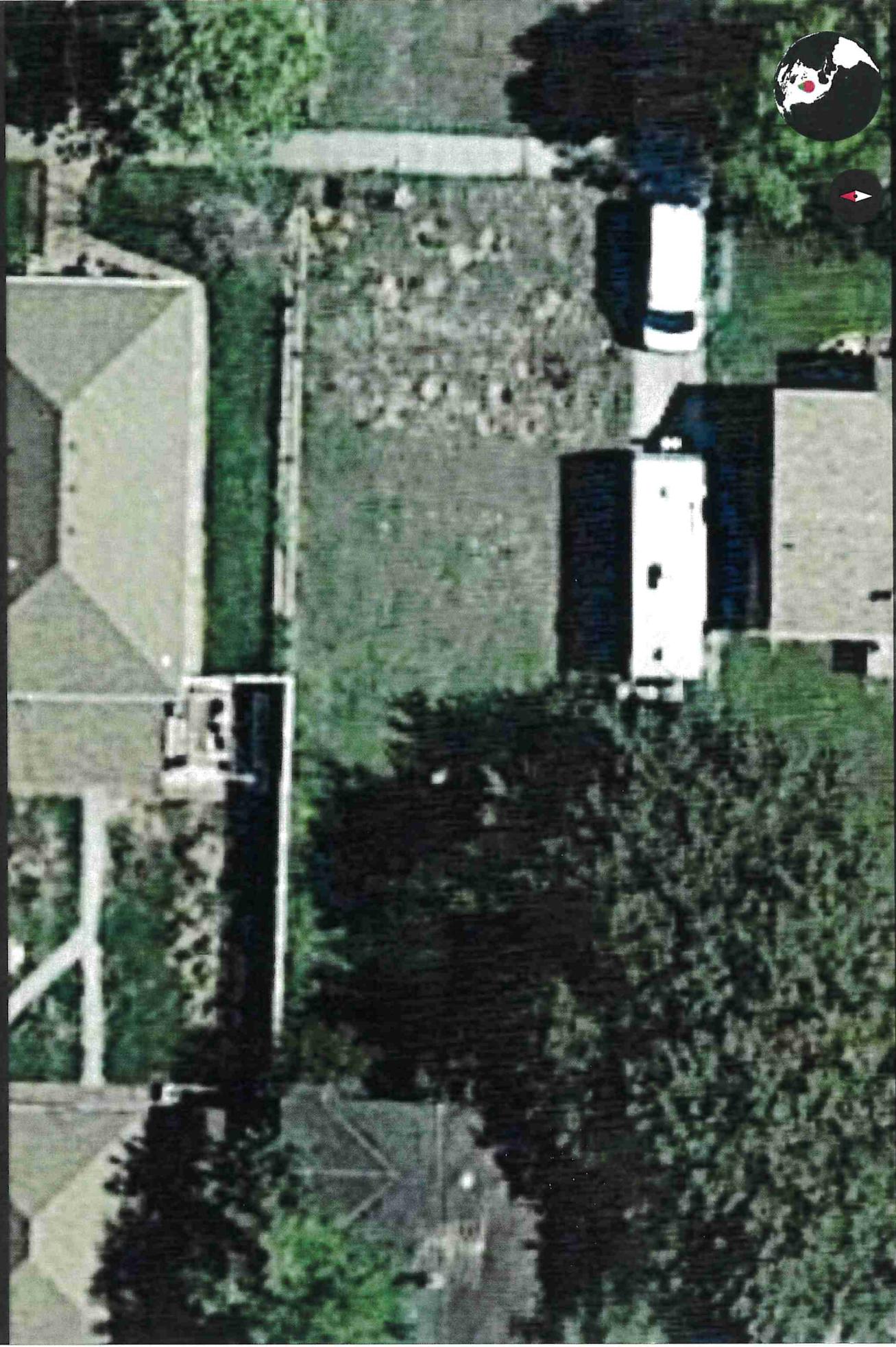
August 16, 2023

810 West 4th

You are currently running an experimental version of Earth.

[Learn more](#)

[Send feedback](#)



Google Earth

Imagery date: 10/7/17 - newer

9 m

Camera: 863 m 40°12'20"N 100°37'53"W

789 m

RESOLUTION NO. 2010-02

FIXING ASSESSMENTS FOR DEMOLITION COSTS TO ABATE NUISANCES

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

SECTION 1. The following lots and parcels of real estate are found to have been specially benefitted in the amount set out for demolition to abate nuisances. Pursuant to Section 4-303 of the Municipal Code of the City of McCook, Nebraska, it is hereby ordered that a special tax assessment be levied this date on the tracts of real estate set out below in the amounts set out for the demolition charges:

<u>OWNER OF RECORD</u>	<u>LEGAL DESCRIPTION</u>	<u>ASSESSMENT AMOUNT</u>
Sharon M. Boley & Christopher H. Boley 810½ West 4 <sup>th</sup> Street McCook NE 69001	Seventh Addition Block 5, Lot 2	\$14,706.56

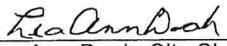
SECTION 2. That such assessments shall be a lien on the property on which it is levied from the date of levy; becomes due and payable upon the date of levy; and when so paid, the lot, piece or parcel of ground against which it was assessed shall be released from the lien or charge of such levy.

SECTION 3. That the City Clerk of said City of McCook, Red Willow County, Nebraska shall furnish to the County Treasurer of said county a copy of this resolution and to the County Clerk of said county, a certified copy thereof.

PASSED AND APPROVED THIS 1<sup>st</sup> day of February, 2010.

  
\_\_\_\_\_  
Dennis Berry, Mayor

ATTEST:

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

## DEMOLITION CITY COSTS

Sharon M., Jenny R. & Christopher H. Boley  
810 West 4th Street  
Seventh Addition - Block 5, Lot 2

Back Taxes 06, 07, 08, 09	\$ 1,589.31
Pest Control	\$ 70.00
Asbestos Removal	\$ 1,260.00
Caution Tape	\$ 8.49
Demolition Permit	\$ 50.00
Demolish House	\$ 9,000.00
Transfer Station Charges	\$ 2,728.76
<b>Total Costs</b>	<b>\$ 14,706.56</b>

**CITY MANAGER'S REPORT  
AUGUST 21, 2023 MCCOOK CITY COUNCIL MEETING**

**ITEM NO. 4.B.** 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

August 16, 2023



Lea Ann Doak, City Clerk

August 16, 2023



Tera Koetter, Assistant City Manager

August 16, 2023

**CITY MANAGER'S REPORT  
AUGUST 21, 2023 CITY COUNCIL MEETING**

---

**ITEM:**        4.C.

Introduce and approve Ordinance No. 2023-3070 providing for the adoption of the budget for FY 2023/2024 upon its first of three readings.

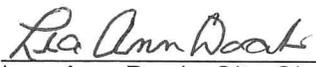
---

**BACKGROUND:**

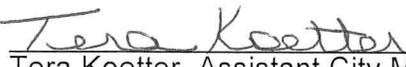
Ordinance No. 2023-3070 provides for the adoption of the budget for Fiscal Year 2023/2024 after discussion and consideration by the Council. This will be the first of three readings. The budget hearing is scheduled for the September 5<sup>th</sup> meeting.

**FISCAL  
IMPACT:**        None.

**APPROVALS:**

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

August 16, 2023

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

August 16, 2023

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

August 16, 2023

**ORDINANCE NO. 2023-3070**

AN ORDINANCE TO ADOPT THE BUDGET STATEMENT TO BE TERMED THE ANNUAL APPROPRIATION BILL; TO APPROPRIATE SUMS FOR NECESSARY EXPENSES AND LIABILITIES; TO PROVIDE FOR AN EFFECTIVE DATE.

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

Section 1. That after complying with all procedures required by law, the budget presented and set forth in the budget statement is hereby approved as the Annual Appropriation Bill for the fiscal year beginning October 1, 2023, through September 30, 2024. All sums of money contained in the budget statement are hereby appropriated for the necessary expenses and liabilities of the City of McCook. A copy of the budget document shall be forwarded as provided by law to the Auditor of Public Accounts, State Capitol, Lincoln, Nebraska, and the County Clerk of Red Willow County, Nebraska, for use by the levying authority.

Section 2. This ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

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

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

ATTEST:

-s- Lea Ann Doak  
City Clerk

**CITY MANAGER'S REPORT  
AUGUST 21, 2023 CITY COUNCIL MEETING**

---

**ITEM:**        4.D.

Introduce and approve Ordinance No. 2023-~~307~~<sup>3071</sup> providing for the adoption of the FY 2023/2024 Fiscal Year Employee Classification Pay Plan upon its first of three readings.

---

**BACKGROUND:**

The attached ordinance provides for the adoption of the Employee Classification and Pay Plan for Fiscal Year 2023/2024.

**FISCAL  
IMPACT:**        None.

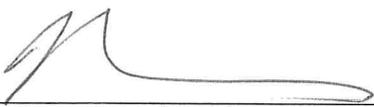
**APPROVALS:**

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

August 16, 2023

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

August 16, 2023

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

August 16, 2023

**ORDINANCE NO. 2023-3071**

AN ORDINANCE OF THE CITY OF MCCOOK, NEBRASKA PROVIDING FOR THE ADOPTION OF THE 2023/2024 FISCAL YEAR EMPLOYEE CLASSIFICATION AND PAY PLAN; PROVIDING FOR AN EFFECTIVE DATE FOR THE IMPLEMENTATION OF THE CLASSIFICATION AND PAY PLAN; REPEALING ANY AND ALL OTHER ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR A TIME AND DATE FROM AND AFTER WHICH THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE.

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

SECTION 1. The 2023/2024 Employee Classification and Pay Plan shall be and is hereby adopted. Said Classification and Pay Plan is incorporated herein by reference the same as if set out in full. A copy of the Classification and Pay Plan shall be on file in the office of the City Clerk and is available for public inspection at any reasonable time. (Ref. City of McCook Code of Ordinances, § 30.075).

SECTION 2. The Employee Classification and Pay Plan shall be effective October 1, 2023.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4. This ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

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

-s- Linda Taylor, Ex-officio Mayor  
and Council President

ATTEST:

-s- Lea Ann Doak  
City Clerk

Publish:

**CITY MANAGER’S REPORT  
AUGUST 21, 2023 CITY COUNCIL MEETING**

---

**ITEM:**        4.E.

**RECOMMENDATION:**

**INTRODUCE ON FIRST READING ORDINANCE NO. 2023-3072  
PROVIDING FOR THE AMENDMENT OF APPENDIX F, SOLID WASTE  
COLLECTION FEES OF THE CITY MCCOOK CODE OF ORDINANCES  
AND APPROVE**

---

**BACKGROUND:**

This Ordinance provides for the increase to the solid waste collection fees as included in the proposed FY 2023-2024 budget.

As we all know, fuel prices are continuing to increase. The Transfer Station, in particular, the hauling segment of our operation utilizes a substantial amount of fuel. The Transfer Station hauls, on average, 4 semi loads of solid waste to J Bar J Landfill which is near Ogallala per day Monday thru Thursday. We occasionally haul additional loads on Friday and/or Saturday, depending on the amount of solid waste that is brought in each day. The landfill is located approximately 105 miles north/northwest of McCook making each roundtrip approximately 210 miles.

The solid waste that is received at the Transfer Station consists of both commercial waste and residential waste. The commercial waste makes up approximately 77% of all waste received at the Transfer Station, with residential waste making up the remaining 23%.

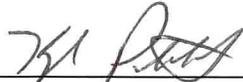
The fee for Residential Trash Collection will increase from \$26.25 to \$27.25 per month which includes a \$2.00/month recycling fee to help support the recycling program. The last increase was in October 2022 where the fee increased from \$24.50/month to \$26.25/month.

The fee for Household/Commercial Waste will increase from \$77.00/ton to \$83.00/ton. The last increase was in October 2022 where the fee increased from \$67.00 to \$77.00.

This Ordinance also includes a fee of \$6.00/month for the yard waste collection service. This service is provided beginning in April and running thru November. It includes the weekly pickup up of grass and leaves that are placed in a city provided roll out container. This service had its first increase since April 2002 last year. That increase was \$1.00/month.

**FISCAL  
IMPACT:**        None.

**APPROVALS:**

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

August 16, 2023

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

August 16, 2023

**ORDINANCE NO. 2023-3072**

AN ORDINANCE PROVIDING FOR THE AMENDMENT OF APPENDIX F, SOLID WASTE COLLECTION FEES, OF THE CITY OF MCCOOK, NEBRASKA CODE OF ORDINANCES; PROVIDING FOR A RATE TO BE CHARGED FOR SOLID WASTE COLLECTION AND DISPOSAL; PROVIDING FOR THE REPEAL OF ORDINANCE NO. 2022-3048 AND ANY AND ALL ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM AND FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

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

SECTION 1. That Appendix F, Solid Waste Collection Fees, of the City of McCook, Nebraska Code of Ordinances, shall be and is hereby amended to read as follows:

**APPENDIX F: SOLID WASTE COLLECTION FEES  
SOLID WASTE COLLECTION FEES**

(A) In order to pay for the cost of operation and maintenance of the Transfer Station and to provide funds necessary for equipment and future land acquisition, the following fees are hereby established in compliance with Section 55.02:

(1) All residents of the corporate limits of the City of McCook shall not be charged a fee at the Transfer Station for any refuse or debris that is generated on their own residential property and personally delivered to the Transfer Station. Except as provided in Section E of this Appendix, residents and nonresidents delivering construction, demolition, or remodeling and all persons hauling for hire, commercial, contract for commercial tree trimmers, lawn caretakers, or nonresidents of the City of McCook shall be assessed according to the Solid Waste Collection schedule of fees.

(2) The City will operate in accordance with Nebraska Department of Environmental Quality's *Title 132 Integrated Solid Waste Management* regulations.

(B) (1) *Solid Waste Collection schedule of fees.* See Chapter 38, Fee Schedule.

Household/Commercial Waste No Yard Waste	\$.041500 per pound (\$83.00 per ton) minimum charge - \$5.00
Yard Waste Only	\$.012675 per pound (\$25.35 per ton) minimum charge - \$5.00
Non Solid Waste Scale Fee	\$5.00

(2) *Solid Waste Collection payment due.* Payment of the above fee(s) is due and payable upon entrance into the Transfer Station.

(C) *Fee for U-Load-It Clean-up program.* A fee of fifty dollars (\$50.00) for the use of a city truck is hereby provided for use of the City's U-Load-It Clean-Up Program. Scale fees will be charged according to the above schedule as outlined in Sections A and B of the Appendix.

(D) *Solid Waste Collection/Disposal fee.*

(1) All residential units within the corporate City Limits shall be charged a monthly solid waste collection/disposal fee of \$25.25 and a monthly recycling fee of \$2.00.

(2) All residential units within the corporate City Limits may request an additional container to be used for yard waste only, and shall be charged a monthly disposal fee of \$6.00 per month, effective April 1, 2024, during those months that yard waste is banned from Landfills.

(3) Tracts of land or buildings containing three (3) or more residential units may choose alternative solid waste collection/disposal methods upon the approval of the City Manager.

(4) All solid waste collection/disposal fees prescribed by this Appendix shall be a lien upon the premises and real estate for which the service is supplied and if not paid when due such charge shall be certified to the City Treasurer and may be recovered by the City in an action at law and it may be certified to the County Clerk and assessed against said real estate and premises served and be collected and returned in the same manner as other City taxes are certified, assessed, collected and returned.

(5) Bills for solid waste collection/disposal fees charged pursuant to this Appendix shall be rendered at the same time that bills are rendered for water service, and all collection/disposal fees levied by this Appendix which are not paid at or before water service charges are required to be paid, shall be deemed delinquent and the water service of such user may be discontinued.

(E) *Waiver of fees for affordable housing projects.* Disposal fees shall be waived for the deposit at the Transfer Station of solid waste that was generated by the remodeling or clean up of a residential dwelling located within the corporate limits of the City of McCook using funds provided by the Nebraska Department of Economic Development pursuant to the Nebraska Affordable Housing Trust Fund Act.

(F) *Partial waiver of fees for demolition of certain residential dwelling units.* Thirty percent of the total disposal fees shall be waived for the deposit at the Transfer Station of solid waste generated by the demolition of a residential dwelling unit located within the corporate limits of the City of McCook along with an accessory detached garage if the requirements set forth in this subsection are satisfied. In order to qualify for such partial waiver of disposal fees, the owner of the dwelling unit must apply in writing to the Building Inspector of the City for a partial waiver of fees at least 14 days prior to commencement of the demolition work and must establish to the satisfaction of the Building Inspector that:

(1) The owner received written confirmation from the Building Inspector that the demolition qualifies for a partial waiver of disposal fees prior to commencing with the demolition work;

(2) all asbestos and other hazardous materials were abated and removed from the structures prior to commencing demolition work in accordance with all federal, state, and local laws;

(3) the dwelling unit has been abandoned for a continuous period of at least twelve (12) months prior to submission of the application for partial waiver of fees as shown by water, gas or electric utility records;

(4) the dwelling unit is so old, dilapidated, or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy such that it is unreasonable to repair the structure;

(5) there is no reimbursement for disposal fees available from any other source such as homeowner's insurance; and

(6) the owner obtained a permit authorizing such demolition from the City of McCook prior to commencement of the demolition work.

SECTION 2. Any and all ordinances or parts of ordinances in conflict herewith shall be and are hereby repealed.

SECTION 3. This ordinance shall take effect and be in full force October 1, 2022 and from and after its passage, approval and publication in pamphlet form according to law.

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

-s- Linda Taylor, Ex-officio Mayor  
and Council President

ATTEST:

-s- Lea Ann Doak  
City Clerk