

MCCOOK CITY COUNCIL

REGULAR MEETING

**Monday, November 10, 2025
5:15 PM - City Council Chambers**

Call to Order and Roll Call.

Open Meetings Act Announcement.

Items

1. Approve the minutes of the October 13, 2025 regular Planning Commission meeting.
2. Public Hearings and Regular Agenda.
 - A. Public Hearing - Regarding a request from MEDC, W.A.G.S. Properties, L.L.C., and NML, LLC, seeking approval for a vacation and preliminary plat for property located in the NE 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M., in Red Willow County, Nebraska (located north of West S Street and west of West 7th Street).
 1. Adjourn the Public Hearing.
 - B. Recommend to the McCook City Council approval of a vacation of land located in the NE 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M., in Red Willow County, Nebraska (located north of West S Street and west of West 7th Street).
 - C. Recommend to the McCook City Council approval of a preliminary plat of land to be known as the Second North Pointe Addition, said land located in the NE 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M., in Red Willow County, Nebraska (located north of West S Street and west of West 7th Street).
 - D. Public Hearing - Regarding the Second Substantial Modification to the Redevelopment Plan for the North Pointe Redevelopment Project in the City of McCook, Nebraska.
 1. Adjourn the Public Hearing.
 - E. Approve Resolution No. PC 2025-02 recommending approval of a Second Substantial Modification to the Redevelopment Plan for the North Pointe Redevelopment Project in the City of McCook, Nebraska.
 - F. Review and discuss the proposed Light Industrial (I-1) and Heavy Industrial (I-2) districts of the proposed City of McCook Zoning Regulations.

Adjournment.

**CITY MANAGER'S REPORT
NOVEMBER 10, 2025 PLANNING COMMISSION MEETING**

ITEM: **1.**

RECOMMENDATION:

Approve the minutes of the October 13, 2025 regular McCook Planning Commission meeting.

BACKGROUND:

Receive and approve the minutes.

**FISCAL
IMPACT:** None.

APPROVALS:



Lea Ann Doak, City Clerk

November 5, 2025

McCook Planning Commission
October 13, 2025
5:15 P.M.

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 Chad Lyons; Vice Chair Tammie Hilker; Commissioners Matt Davidson, Kelly Hammerlun, Bruce McDowell, Jesse Stevens.

Absent: Commissioners Camy Bradley, Jamie Mockry, Kurt Vosburg, Bobby Gaulke.

City Officials present: City Manager Nate Schneider, Assistant City Manager Tera Koetter, City Attorney Nate Mustion, City Clerk Lea Ann Doak, Building Official Barry Mooney.

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on October 9, 2025, the designated method of giving notice, a copy of the proof of publication being attached to these minutes. Advance notice of the meeting was also given to all members of the Planning Commission. Availability of the agenda was communicated in the advance notice. All proceedings hereafter shown were taken while the meeting was open to the attendance of the public. Open Meetings Act Announcement.

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

1. Approve the minutes of the September 8, 2025 regular Planning Commission meeting.

Motion to approve the minutes of the September 8, 2025 regular Planning Commission meeting. This motion, made by Chad Lyons and seconded by McDowell, passed.

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

2. Public Hearings and Regular Agenda.

- 2.A. Public Hearing - Request for a special exception by Linda and Lee Maiden to locate a Bed and Breakfast/Vacation Rental in a Residential Medium Density District (RM) - property located at #2 Gemini Court, legally described as Lots 8 and 9, Block 2, Third Century II Addition to the City of McCook, Red Willow County, Nebraska.

Motion to recess as a Planning Commission and convene a public hearing for the purpose of receiving public comment with respect to the request for a special exception by Linda and Lee Maiden to locate a Bed and Breakfast/Vacation Rental in a Residential Medium Density District (RM) - property located at #2 Gemini Court, legally described as Lots 8 and 9, Block 2, Third

Century II Addition to the City of McCook, Red Willow County, Nebraska, with the City Attorney to act as hearing officer. This motion, made by Chad Lyons and seconded by Jesse Stevens, passed. Bradley: ABSENT, Davidson: YEA, Gaulke: ABSENT, Hammerlun: YEA, Hilker: YEA, Lyons: YEA, McDowell: YEA, Mockry: ABSENT, Stevens: YEA, Vosburg: ABSENT
YEA: 6, NAY: 0, ABSENT: 4

The City Attorney received into evidence Exhibit #1 - City Manager's Report prepared for the October 13, 2025 Planning Commission meeting (1 page), Exhibit #2 - Notice of Hearing published (1 page); Exhibit #3 - Notice of Hearing mailed and posted (1 page); Exhibit #4 - ownership list for mailing of Notice of Hearing (2 pages); Exhibit #5 - Land Use Action Request Form and attachments (10 pages); Exhibit #6 - City of McCook Zoning Ordinance Article 9, Residential Medium Density District (RM) (3 pages); Exhibit #7 - City of McCook Zoning Ordinance Article 24, Special Exceptions (1 page); and Exhibit #8 - Findings and Determinations of McCook City Council (2 pages).

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

With no one present to comment, motion to adjourn the public hearing and to reconvene as a Planning Commission. This motion, made by Chad Lyons and seconded by Matt Davidson, passed. Bradley: ABSENT, Davidson: YEA, Gaulke: ABSENT, Hammerlun: YEA, Hilker: YEA, Lyons: YEA, McDowell: YEA, Mockry: ABSENT, Stevens: YEA, Vosburg: ABSENT
YEA: 6, NAY: 0, ABSENT: 4

2.B. Recommend approval to the City Council the application for a special exception by Linda and Lee Maiden to locate a Bed and Breakfast/Vacation Rental in a Residential Medium Density District (RM) - property located at #2 Gemini Court, legally described as Lots 8 and 9, Block 2, Third Century II Addition to the City of McCook, Red Willow County, Nebraska; finding Special Exception considerations A-I are satisfied, and said grant conditioned upon the applicant procuring proper commercial insurance and listing the City of McCook as an additional insured.

Motion to recommend approval to the City Council the application for a special exception by Linda and Lee Maiden to locate a Bed and Breakfast/Vacation Rental in a Residential Medium Density District (RM) - property located at #2 Gemini Court, legally described as Lots 8 and 9, Block 2, Third Century II Addition to the City of McCook, Red Willow County, Nebraska; finding Special Exception considerations A-I are satisfied, and said grant conditioned upon the applicant procuring proper commercial insurance and listing the City of McCook as an additional insured. This motion, made by Chad Lyons and seconded by Tammie Hilker, passed.

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

2.C. Review and discuss the proposed Highway Commercial District (C-3) chapter of the proposed City of McCook Zoning Regulations and give input on the amount of detail

preferred in the Light Industrial (I-1) and Heavy Industrial (I-2) Districts.

Discussion was held regarding the Highway Commercial District (C-3) chapter of the proposed zoning ordinance.

After discussion, it was the consensus of the Commission to have the Light Industrial (I-1) and Heavy Industrial (I-2) District chapters brought back for consideration in a format similar to our current zoning ordinance.

There will be a meeting of the Commission scheduled for November 10, 2025.

Adjournment.

With no further business, Chair Lyons declared the Planning Commission meeting adjourned at 6:39 P.M.

Recording Secretary

**CITY MANAGER'S REPORT
NOVEMBER 10, 2025 PLANNING COMMISSION MEETING**

ITEM NO. **2A.** - Public Hearing - Consider a request from MEDC, W.A.G.S. Properties, LLC, and NML, LLC, seeking approval for a vacation and preliminary plat for property located in the NE 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M. in Red Willow County, Nebraska (located north of West S Street and west of West 7th Street).

ITEM NO. **2B.** - Recommend approval of a vacation of land located in the NE 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M. in Red Willow County, Nebraska (located north of West S Street and west of West 7th Street).

ITEM NO. **2C.** - Recommend approval of a preliminary plat for land located in the NE 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M., in Red Willow County, Nebraska (located north of West S Street and west of West 7th Street).

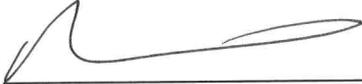
BACKGROUND:

On behalf of the property owners, MEDC; W.A.G.S. Properties, L.L.C.; and NML, LLC, the applicant, Amanda Engell, requests approvals for a vacation and preliminary plat for property generally located north of West S Street and west of West 7th Street, all found within the current North Pointe Subdivision.

The applicants request to vacate land collaboratively owned by them located in the NE 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M. in Red Willow County, Nebraska, which is part of the North Pointe Subdivision. The legal description of the property to be vacated is attached to this report and is made part of the report by this reference.

Following the vacation process, the intent is for Second North Pointe Addition to be created through the adoption of a preliminary plat, and ultimately, passage of a final plat in December. The Second North Pointe Addition will be comprised of two blocks, with Block 1 containing 6 residential lots and Block 2 containing 7 lots, 5 of which will be residential lots. Additionally, streets (West 9th Street and West T Street) are included. The preliminary plat includes proposed and existing utilities. As mentioned, plans include developing the majority of the proposed lots into residential properties (one lot will be an outlot and another lot will keep its existing structure).

APPROVALS:



Nathan A. Schneider, City Manager

November 5, 2025



Lea Ann Doak, City Clerk

November 5, 2025

EXHIBIT #1

PAGE(S) - 1

**NOTICE OF PUBLIC HEARING
VACATION**

NOTICE IS HEREBY GIVEN that a public hearing will be held by the City of McCook Planning Commission on November 10, 2025, at 5:15 P.M. and by the McCook City Council on November 17, 2025, at 5:30 P.M. The hearings will be held in the City Council Chambers, 505 West "C" Street, McCook, Nebraska, to consider the vacation of Block 2, Lots 9 - 16, Block 3, Lots 1 - 4. North Pointe Addition to the City of McCook, Red Willow County, Nebraska. Any and all persons desiring to comment may attend said public hearing and will be given an opportunity to be heard. For additional information regarding this notice please contact Nate Schneider, City of McCook City Manager, at 345-2022 ext. 225.

-s- Lea Ann Doak
City Clerk

Publish: October 31, 2025.

EXHIBIT #2

PAGE(S) - 1

**NOTICE OF PUBLIC HEARING
VACATION**

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

Block 2, Lots 9 - 16, Block 3, Lots 1 - 4. North Pointe Addition to the City of McCook, Red Willow County, Nebraska.

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

November 10, 2025 - 5:15 P.M.
McCook Planning Commission
City Council Chambers
505 West "C" Street

November 17, 2025 - 5:30 P.M.
McCook City Council
City Council Chambers
505 West "C" Street

ANY AND ALL PERSONS desiring to comment on the above-described request will be given an opportunity to be heard. Please direct all inquiries to Nate Schneider, City of McCook City Manager at 308-345-2022 ext. 225.

-s- Lea Ann Doak
City Clerk

Post: October 31, 2025.
Mail: October 31, 2025.

EXHIBIT #3

PAGE(S) - 1

Property Owners Notified:

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

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

W.A.G.S
C/O CHRIS WAGNER
PO BOX 749
MCCOOK, NE 69001

GALEN PERRY
1001 W R ST
MCCOOK, NE 69001

CRAIG AND CHERYL CHRISTNER
808 SPRUCE
MCCOOK, NE 69001

KEITH RIEMER
804 WEST S STREET
MCCOOK, NE 69001

NML, LLC
PO BOX 217
MCCOOK, NE 69001

RANDY AND BARBARA HOFFMANN
JULIE RIPPEN
801 WEST S STREET
MCCOOK, NE 69001

DAVE AND ANGELA MCCARTY
1700 W 4
MCCOOK, NE 69001

CHASE PEIRSON
2101 WEST 7TH STREET
MCCOOK, NE 69001

CTE CONSTRUCTION, LLC
PO BOX 106
MCCOOK, NE 69001

PRESIDENT
MCCOOK PUBLIC SCHOOLS
600 WEST 7TH
MCCOOK, NE 69001

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

JOHN & LUCILLE MCCANUEL
805 SPRUCE ROAD
MCCOOK, NE 69001

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

VINCENT & ERICA CHANCELLOR
806 WEST S STREET
MCCOOK, NE 69001

WALTER ESKILDSEN
803 WEST S STREET
MCCOOK, NE 69001

MICHELLE MINTLING
PO BOX 5
MCCOOK, NE 69001

BENJAMIN AND LINDSAY WEBB
802 SPRUCE
MCCOOK, NE 69001

JESSE AND STEPHANIE STEVENS
1606 W 2ND STREET
MCCOOK, NE 69001

GARFIELD GEORGE GRIM
801 SPRUCE
MCCOOK, NE 69001

MCCOOK COMMUNITY BUILDERS, LLC
STE 301
402 NORRIS AVE
MCCOOK, NE 69001

EXHIBIT #4



VACATION APPLICATION

OFFICE USE ONLY

STREET/ALLEY #: _____

SUBDIVISION FILE #: _____

DATE FILED: _____

FEE: _____

RECEIPT #: _____

Applicant/Agent's Name: MEDC ; WAG.S Properties LLC

Applicant/Agent's Address: 402 Norris Ave Suite 301 McCook, NE

E-Mail: amanda@mccookne.org Phone: 308-345-1200 Ext 2

Property Owner Name: McCook Economic Development Corp ; W.A.G.S Properties LLC

Property Owner Address: 402 Norris Ave Suite 301 ; 1411 East 5th St PO Box 749 McCook, NE

E-Mail: amanda@mccookne.org ; chriswagner@drivewagner.com Phone: 308-345-1200 Ext 2 ; 308-340-0915

Type of Vacation requested (MARK ALL THAT APPLY):

SUBDIVISION

STREET

ALLEY

EASEMENT

Address or general location of area to be vacated: North Pointe Addition Blk 2 lots 9-16 & Blk 3 lot 3

Legal Description of area to be vacated: North Pointe Addition Blk 2 lots 9-16 & Blk 3 Lot 3

Length of Street/Alley/Easement: N/A

Width of Street/Alley/Easement: N/A

The following information and exhibits shall accompany the completed application:

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

Applicant /Agent/Owner: Amanda Eugell [Signature] Date: 10/15/25

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

PLEASE NOTE

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

EXHIBIT #5

PAGE(S) - 1

October 15, 2025

Mr. Nate Schneider, City Manager

City of McCook

505 West C Street

McCook, NE 69001

RE: North Pointe Addition, North Pointe Block 2 Lots 9-16 & Block 3 Lot 3 Vacation Approval

Dear Mr. Schneider

As owners of the property known as the North Pointe Addition hereby give approval to the vacation of the following description of lots:

The North Pointe Addition Block 2 Lots 9-16 & Block 3 Lot 3

The vacation is being done to facilitate the final plat of the North Pointe Addition as presented.

Respectfully:



Troy Bruntz

President MEDC



Chris Wagner

W.A.G.S Properties, LLC

EXHIBIT #6

PAGE(S) - 2

October 21, 2025

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

RE: North Pointe Addition, North Pointe Block 2 Lots 9-16 & Block 3 Lot 3 Vacation Approval

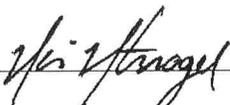
Dear Mr. Schneider

As owners of the property within the area known as the North Pointe Addition, hereby give approval to the vacation of the following description of lots:

The North Pointe Addition Block 2 Lots 9-16 & Block 3 Lot 3

The vacation is being done to facilitate the final plat of the North Pointe Addition as presented.

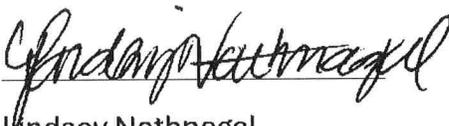
Respectfully:



Nick Nothnagel
Member, NML, LLC



Matthew Nothnagel
Member, NML, LLC



Lindsey Nothnagel
Member, NML, LLC

EXHIBIT 1

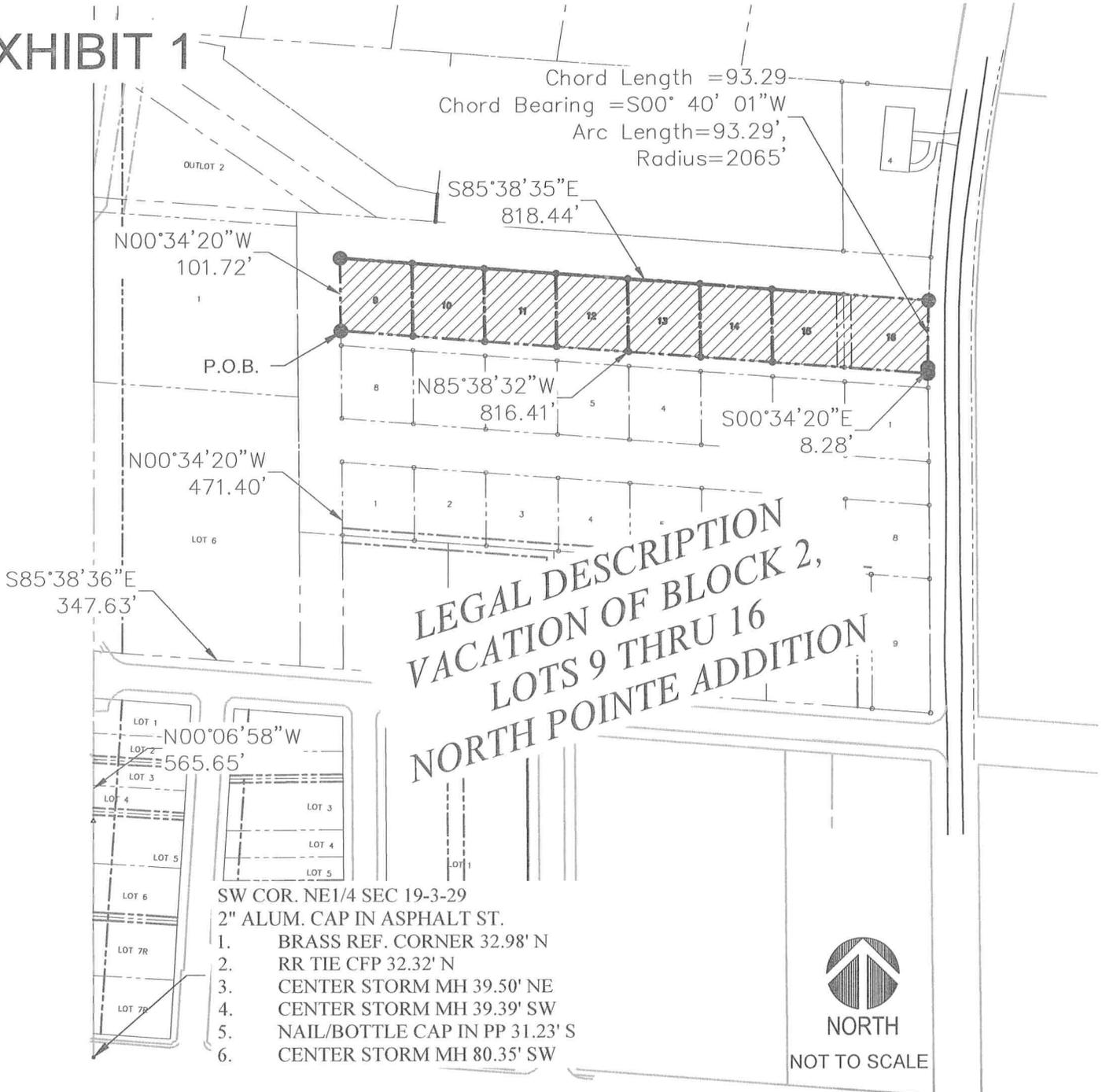


EXHIBIT #7

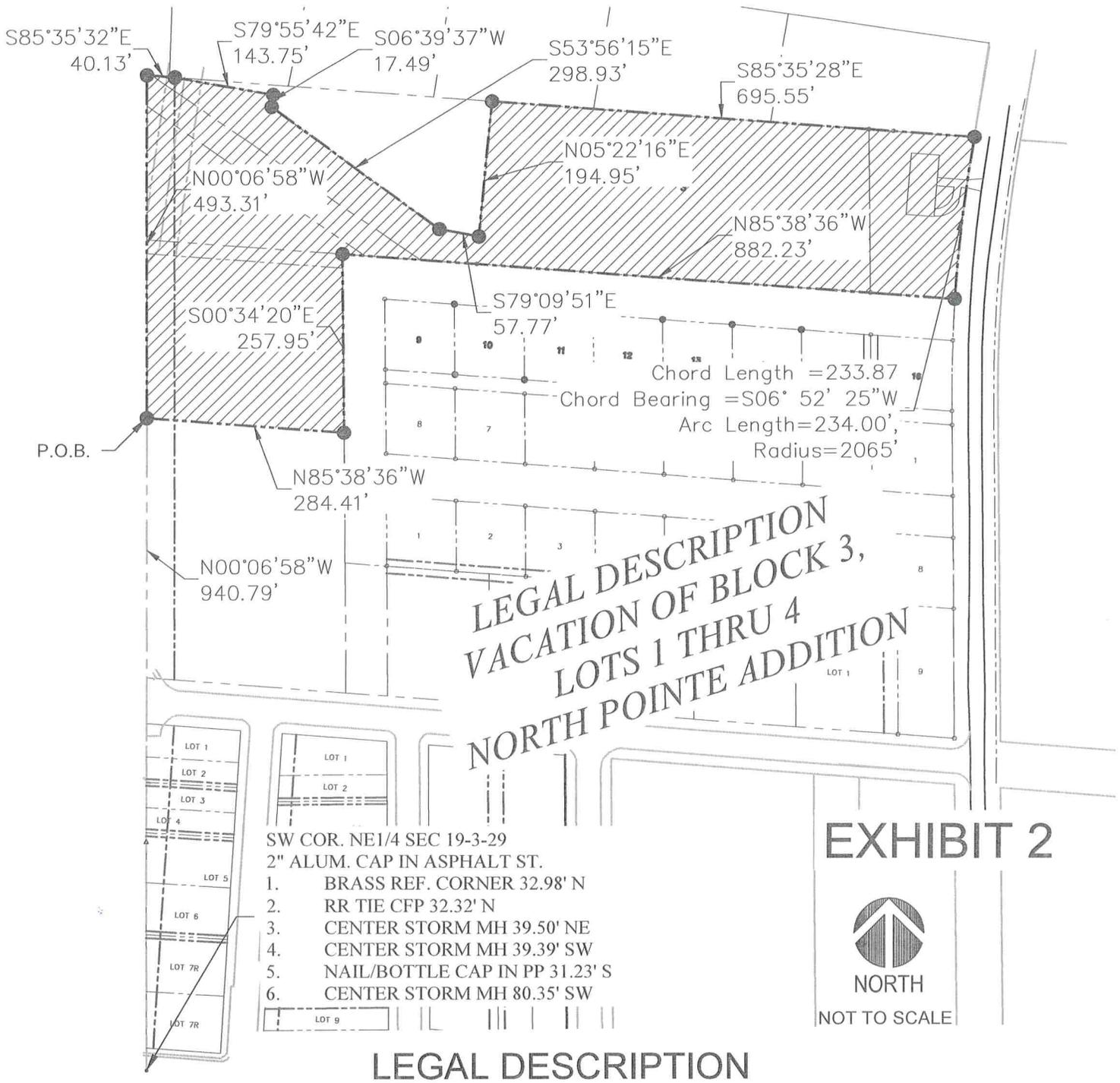
LEGAL DESCRIPTION

PAGE(S) - 2

A tract of land located in the NE 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M. in Red Willow County, Nebraska, which is the NORTH POINTE ADDITION, an Addition to the City of McCook, Nebraska, more particularly described as follows:

Referring to the SW corner of the said NE 1/4 of said Section 19, thence N00°06'58"W (assumed and all bearing relative to) along the 1/4 section line a distance of 565.65 feet to a point on the North Right of Way Line of R Street, thence S85°38'36"E along said Right of Way a distance of 347.63 feet to a point, thence N00°34'20"W a distance of 471.40 feet to a point, said point being the Point of Beginning. Thence N00°34'20"W a distance of 107.72 feet to a point, thence S85°38'35"E a distance of 818.44 feet to a point, thence Southwesterly along a curve to the left, with a Chord Bearing of S00°40'01"W, a Chord Distance of 93.29 feet, an Arc Length of 93.29 feet and a Radius of 2065 feet to a point, thence S00°34'20"E a distance of 8.28 feet to a point, thence N85°38'32"W a distance of 816.41 feet to the Point of Beginning.

Said tract containing 1.90 acres more or less subject to any easement, right-of-ways and reservations of record.



A tract of land located in the NE 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M. in Red Willow County, Nebraska, which is the NORTH POINTE ADDITION, an Addition to the City of McCook, Nebraska, more particularly described as follows:

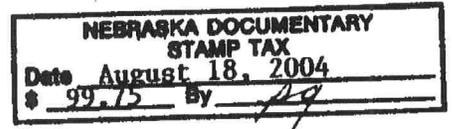
Referring to the SW corner of the said NE 1/4 of said Section 19, thence N00°06'58"W (assumed and all bearing relative to) along the 1/4 section line a distance of 940.79 feet to a point, said point being the Point of Beginning. Thence N00°06'58"W a distance of 493.31 feet to a point, thence S85°35'32"E a distance of 40.13 feet to a point, thence S79°55'42"E a distance of 143.75 feet to a point, thence S06°39'37"W a distance of 17.49 feet to a point, thence S53°56'15"E a distance of 298.93 feet to a point, thence S79°09'51"E a distance of 57.77 feet to a point, thence N05°22'16"E a distance of 194.95 feet to a point, thence S85°35'28"E a distance of 695.55 feet to a point, thence Southwesterly along a curve to the left, with a Chord Bearing of S06°52'25"W, a Chord Distance of 233.87 feet, an Arc Length of 234.00 feet and a Radius of 2065 feet to a point, thence N85°38'36"W a distance of 882.23 feet to a point, thence S00°34'20"E a distance of 257.95 feet to a point, thence N85°38'36"W a distance of 284.41 feet to the Point of Beginning.

Said tract containing 7.07 acres more or less subject to any easement, right-of-ways and reservations of record.

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

Pauletta Server
Reg. of Deeds, Red Willow Co.

2004-01741



JOINT TENANCY WARRANTY DEED

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

See Attached Exhibit A

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

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

Executed: August 13, 2004

[Signature]
Richard Klug

[Signature]
Pamela Klug

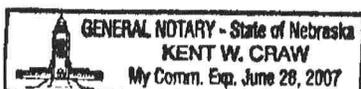
EXHIBIT #8

PAGE(S) - 15



STATE OF NEBRASKA)
)SS.
COUNTY OF RED WILLOW)

The foregoing instrument was acknowledged before me on the 13th day of August 2004, by Richard Klug and Pamela Klug, husband and wife.



[Signature]
Notary Public

Exhibit "A"

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

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

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

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

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

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

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

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

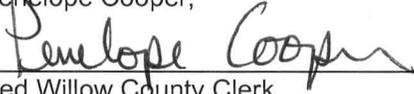


STATE OF NEBRASKA)
) ss.
RED WILLOW COUNTY)

I, Penelope Cooper, County Clerk in and for said county, do hereby certify that the foregoing is a true and complete copy of the original book 131 page 458 recorded on August 18, 2004.

|Dated this 20th day of October 2025.

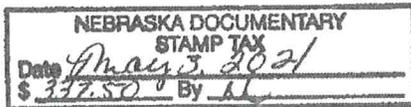
Penelope Cooper,



Red Willow County Clerk



Recorded May 3 2021 9:30 AM
Inst. No. 2020-00740
Fees: \$ 22.00 Pages 3
Tan Lee
Register of Deeds, Red Willow County, NE



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

TRUSTEE'S DEED

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

SEE ATTACHED EXHIBIT "A"

GRANTOR covenants with GRANTEES that GRANTOR:

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

Executed April 28, 2021



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

Kathy Klein
By Kathy Klein, Trust Officer

STATE OF Nevada
COUNTY OF CLARK

The foregoing instrument was acknowledged before me this 28 day of April,
20 21 by Kathy Klein, Trust Officer of the Premier Trust, Inc. as Custodian for IRA Account Number 004116
in the name of David Winder, IRA.

Krystal Gomez
Notary Public

My Commission expires July 14, 2021

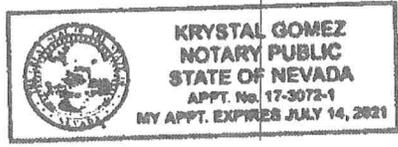


EXHIBIT "A"

File # M015743-

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

and,

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

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

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

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

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

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

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

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

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

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

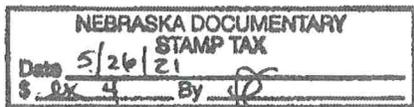
Thence S79°09'51"E a distance of 57.77 feet,

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

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



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



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

CORRECTIVE TRUSTEE'S DEED

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

SEE ATTACHED EXHIBIT "A"

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

GRANTOR covenants with GRANTEES that GRANTOR:

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

Executed 5-21, 2021.



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

Kathy Klein
By Kathy Klein, Trust Officer

Nevada
STATE OF ~~NEBRASKA~~
COUNTY OF Clark

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

Katherine Lachance
Notary Public

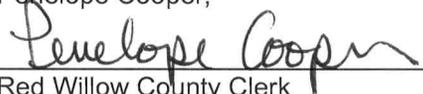
My Commission expires 11/25/2024



STATE OF NEBRASKA)
) ss.
RED WILLOW COUNTY)

I, Penelope Cooper, County Clerk in and for said county, do hereby certify that the foregoing is a true and complete copy of the original instrument number 2021-00746 recorded on May 3, 2021.

|Dated this 20th day of October 2025.

Penelope Cooper,


Red Willow County Clerk



EXHIBIT "A"

File # M015743-

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

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

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

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

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

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

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

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

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

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

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

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

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

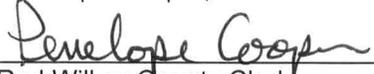


STATE OF NEBRASKA)
) ss.
RED WILLOW COUNTY)

I, Penelope Cooper, County Clerk in and for said county, do hereby certify that the foregoing is a true and complete copy of the original instrument number 2021-00931 recorded on May 26, 2021.

|Dated this 20th day of October 2025.

Penelope Cooper,



Red Willow County Clerk



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

NEBRASKA DOCUMENTARY
STAMP TAX
Date October 7, 2021
\$ 180.00 By JD

KEEP TOP 3" FREE, SEE 1995 LB 288 THAT REVISED NEB. REV. STATS. 23-1503.01M

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

WARRANTY DEED

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

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

and

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

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

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

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

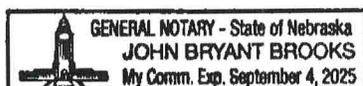
Executed: October 7, 2021

McCook Economic Development Corporation, a Nebraska corporation, Grantor

Dennis G. Berry
Dennis G. Berry, President

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

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



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

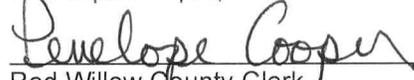


STATE OF NEBRASKA)
) ss.
RED WILLOW COUNTY)

I, Penelope Cooper, County Clerk in and for said county, do hereby certify that the foregoing is a true and complete copy of the original instrument number 2021-01795 recorded on October 7, 2021.

|Dated this 20th day of October 2025.

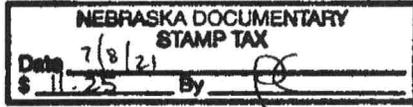
Penelope Cooper,



Red Willow County Clerk



Recorded July 8, 2021 1:25 PM
Inst. No. 02051-01192
Fees: \$ 10.00 Pages 1
Penelope Cooper, Deputy
Register of Deeds, Red Willow County, NE



KEEP TOP 3" FREE, SEE 1996 LB 288 THAT REVISED NEB. REV. STAT. 23-1503.01M

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

CORPORATION JOINT TENANCY WARRANTY DEED

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

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

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

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

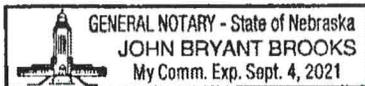
Executed: July 8, 2021.

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

[Signature]
Dennis Berry, President, Grantor

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

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



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

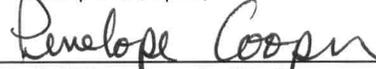


STATE OF NEBRASKA)
) ss.
RED WILLOW COUNTY)

I, Penelope Cooper, County Clerk in and for said county, do hereby certify that the foregoing is a true and complete copy of the original instrument number 2021-01192 recorded on July 8, 2021.

|Dated this 20th day of October 2025.

Penelope Cooper,



Red Willow County Clerk



North Pointe Vacation Utility

October 21, 2025

Utility confirmation for the partial vacation of a The North Pointe Addition Block 2 lots 9-16 and Block 3 lot 3.

Black Hills Energy – Amanda Engell spoke with Dallas Minnick on 10/21, and he confirmed there are no utilities outside of already identified easements.

MPPD – Amanda Engell spoke with Dalton on 10/21 and confirmed that this is not within MPPD’s jurisdiction so they have no utilities in this area.

NPPD – Amanda Engell emailed Jeff Peterson on 10/21. Confirmed with him on 10/28 that we are all clear via phone.

Pinpoint – Amanda Engell emailed and spoke with Krista Sayer on 10/21. She emailed back confirming no utilities outside of already identified easements.

Great Plains – Amanda Engell emailed and spoke with Barry on 10/21. Barry confirmed there are no utilities outside of already identified easements.

CenturyLink – W Design has had locates out there in the past and there wasn’t anything located outside of the easements. Amanda has been unsuccessful in getting in contact with anyone at CenturyLink to speak with. When the MEDC did the first phase of infrastructure, CenturyLink did not put in any telecommunication utilities with other providers at that time.

EXHIBIT #9

PAGE(S) - 2

Amanda Engell

From: Krista Sayer <krista.sayer@pnpt.com>
Sent: Tuesday, October 21, 2025 11:21 AM
To: Amanda Engell
Subject: RE: MEDC - North Pointe Addition Easement Confirmation

Amanda,

We do not have any utilities located outside of the already identified easement.

Krista Sayer

Dispatcher

krista.sayer@pnpt.com

Office Phone : (308)697-1811 | Work Cell : (402)209-7664

From: Amanda Engell <amanda@mccookne.org>

Sent: Tuesday, October 21, 2025 11:10 AM

To: Krista Sayer <krista.sayer@pnpt.com>

Subject: MEDC - North Pointe Addition Easement Confirmation

Good morning Krista,

I am going through the process with W Design and the city to vacate a portion of the existing North Pointe Addition plat north of the fairgrounds so I can replat to provide larger lots for the community. I have attached the original plat with highlights in red of the lots that we will be vacating. Could you please confirm for me that you do not have any utilities located outside of the already identified easements that would effect these lots? I do not believe you would since we just put in the infrastructure in the alley between S & T Street but I have to provide confirmation for the city and their vacation process.

Please let me know if you have any questions. 308-345-1200 ext 2 or 308-340-4379

Amanda Engell

Director of Housing Development

McCook Economic Development Corp.

402 Norris Ave. | Suite 301

P: (308) 345-1200 | C: (308) 340-4379



**NOTICE OF PUBLIC HEARING
PRELIMINARY PLAT APPROVAL**

NOTICE IS HEREBY GIVEN that a public hearing will be held by the City of McCook Planning Commission on November 10, 2025, at 5:15 P.M. and by the McCook City Council on November 17, 2025, at 5:30 P.M. The hearings will be held in the City Council Chambers, 505 West "C" Street, McCook, Nebraska, to consider the preliminary plat on a tract of land located in the NE 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M. in Red Willow County, Nebraska, to be known as Second North Pointe Addition. A copy of the proposed preliminary plat and legal description are available for public inspection at the office of the City Clerk. Any and all persons desiring to comment on the proposed preliminary plat may attend said public hearings and will be given an opportunity to be heard. For additional information regarding this notice please contact Nate Schneider, City of McCook City Manager, at 345-2022 ext. 225.

-s- Lea Ann Doak
City Clerk

Publish: October 31, 2025.

EXHIBIT #10

PAGE(S) - 1

**NOTICE OF PUBLIC HEARING
PRELIMINARY PLAT APPROVAL**

NOTICE IS HEREBY GIVEN that a public hearing will be held to consider the preliminary plat on a tract of land located in the NE 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M. in Red Willow County, Nebraska, to be known as Second North Pointe Addition. A copy of the proposed preliminary plat and legal description are available for public inspection at the office of the City Clerk.

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

NOVEMBER 10, 2025 - 5:15 P.M.
MCCOOK PLANNING COMMISSION
CITY COUNCIL CHAMBERS
505 WEST "C" STREET

NOVEMBER 17, 2025 - 5:30 P.M.
MCCOOK CITY COUNCIL
CITY COUNCIL CHAMBERS
505 WEST "C" STREET

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

-s- Lea Ann Doak
City Clerk

Mail: October 31, 2025.
Post: October 31, 2025.

EXHIBIT #11

PAGE(S) - 1

Property Owners Notified:

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

RED WILLOW COUNTY
C/O PENNY COOPER
502 NORRIS AVE
MCCOOK, NE 69001

W.A.G.S
C/O CHRIS WAGNER
PO BOX 749
MCCOOK, NE 69001

GALEN PERRY
1001 W R ST
MCCOOK, NE 69001

CRAIG AND CHERYL CHRISTNER
808 SPRUCE
MCCOOK, NE 69001

NML, LLC
PO BOX 217
MCCOOK, NE 69001

RANDY AND BARBARA HOFFMANN
JULIE RIPPEN
801 WEST S STREET
MCCOOK, NE 69001

KEITH RIEMER
804 WEST S STREET
MCCOOK, NE 69001

DAVE AND ANGELA MCCARTY
1700 W 4
MCCOOK, NE 69001

CHASE PIERSON
2101 W 7TH
MCCOOK, NE 69001

CTE CONSTRUCTION, LLC
PO BOX 106
MCCOOK, NE 69001

PRESIDENT
MCCOOK PUBLIC SCHOOLS
600 WEST 7TH
MCCOOK, NE 69001

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

JOHN & LUCILLE MCANUEL
805 SPRUCE ROAD
MCCOOK, NE 69001

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

VINCENT AND ERICA CHANCELLOR
806 WEST S STREET
MCCOOK, NE 69001

MICHELLE MINTLING
PO BOX 5
MCCOOK, NE 69001

JESSE AND STEPHANIE STEVENS
1606 WEST 2ND
MCCOOK, NE 69001

BENJAMIN AND LINDSAY WEBB
802 SPRUCE
MCCOOK, NE 69001

WALTER ESKILDSEN
803 WEST S STREET
MCCOOK, NE 69001

GARFIELD GEORGE GRIM
801 SPRUCE
MCCOOK, NE 69001

MCCOOK COMMUNITY BUILDERS, LLC
STE 301
402 NORRIS AVE
MCCOOK, NE 69001

EXHIBIT #12

PAGE(S) - 1

A tract of land located in the NE 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M. in Red Willow County, Nebraska, which is the SECOND NORTH POINTE ADDITION, an Addition to the City of McCook, Nebraska, more particularly described as follows:

Tract 1

Referring to the SW corner of the said NE 1/4 of said Section 19, thence N00°06'58"W (assumed and all bearing relative to) on the West line of said NE1/4 a distance of 565.65 feet to a point on the North Right of Way Line of "R" Street, thence S85°38'36"E along said Right of Way a distance of 347.63 feet to a point on the East Right of Way line of West 9th Street, thence continuing on said East Right of Way N00°34'20"W a distance of 471.40 feet to a point, said point being the Point of Beginning. Thence N00°34'20"W a distance of 101.71 feet to a point on the South Right of Way line of "T" Street, thence continuing on said South Right of Way line S85°38'35"E a distance of 818.44 feet to a point on the West line of West 7th Street, thence continuing on said West Right of Way line of West 7th Street Southwesterly on a curve to the left, with a Chord Bearing of S00°40'01"W, a Chord Distance of 93.29 feet, an Arc Length of 93.29 feet and a Radius of 2065 feet to a point, thence continuing on said West Right of Way line of West 7th Street S00°34'20"E a distance of 8.28 feet to a point, thence N85°38'32"W a distance of 816.41 feet to the Point of Beginning.

Said tract containing 1.90 acres more or less subject to any easement, right-of-ways and reservations of record or shown on attached plat.

Tract 2

Referring to the SW corner of the said NE 1/4 of said Section 19, thence N00°06'58"W (assumed and all bearing relative to) on the West line of said NE1/4 a distance of 940.79 feet to a point, said point being the Point of Beginning. Thence continuing along said West line of the NE1/4 N00°06'58"W a distance of 493.31 feet to a point, thence S85°35'32"E a distance of 40.13 feet to a point, thence S79°55'42"E a distance of 143.75 feet to a point, thence S06°39'37"W a distance of 17.49 feet to a point, thence S53°56'15"E a distance of 298.93 feet to a point, thence S79°09'51"E a distance of 57.77 feet to a point, thence N05°22'16"E a distance of 194.95 feet to a point, thence S85°35'28"E a distance of 695.55 feet to a point on the West Right of Way line of West 7th Street, thence continuing on said West Right of Way line of West 7th Street Southwesterly on a curve to the left, with a Chord Bearing of S06°52'25"W, a Chord Distance of 233.87 feet, an Arc Length of 234.00 feet and a Radius of 2065 feet to a point on the North Right of Way line of "T" Street, thence continuing along said Right of Way line N85°38'36"W a distance of 882.23 feet to a point on the West Right of Way line of West 9th Street, thence continuing on said Right of Way of West 9th Street S00°34'20"E a distance of 257.95 feet to a point, thence N85°38'36"W a distance of 284.41 feet to the Point of Beginning.

Said tract containing 7.07 acres more or less subject to any easement, right-of-ways and reservations of record or shown on attached plat.

EXHIBIT #14

PAGE(S) - 1

CITY OF McCOOK

LAND USE ACTION REQUEST FORM

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

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

Name of Project: North Pointe Addition-Second North Pointe Addition
 Description of Project: Parties want to vacate original plat of Block 2 lots 9 thru 16 and Block 3 lots 1 thru 4. to create a new plat with revised lot sizes to accomodate larger lots for residential development

Project sponsor or developer:

Name: MEDC; WAGS Properties LLC, NML LLC
 Address: 402 Norris Ave Suite 301
 Phone number: 308-345-1200
 Fax number: N/A
 E-mail Address: amanda@mccookne.org

Land owner or owners:

Name: MEDC; WAGS Properties LLC, NML LLC
 Address: 402 Norris Ave Ste 301; 1411 E 5th St; Po Box 217
 Phone number: 308-345-1200; 308-340-0915; 308-340-2703
 Fax number: _____
 E-Mail Address: amanda@mccookne.org; chriswagner@drivewagner.com; nicksdistribution@yahoo.com

Authorization of the land use action by land owner:

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

Amanda Engell
Printed Name:

Printed Name:

Amanda Engell
Signature: *on behalf of MERC

Signature:

10-21-25
Date:

Address and physical location of the Proposed Land Use Action: North Pointe Addition
Block 2 Lots 9 thru 16 & Block 3 lots 1 thru 4
Property Description (Of the parent parcel for subdivisions): _____

Required Information:

See Attached sheets for required information for:

- _____ Subdivisions
- _____ Zone Changes and special exceptions
- _____ Planned developments

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

Fee, complete application, and required attachments accepted by:

Printed name

Signature

Date

REQUIRED ATTACHMENTS:

For Subdivisions:

Sent by /
W Design

Sketch Plan:

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

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

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

Covenants Recorded on April 3, 24

If so, briefly explain what they might consist of.

See attached

(Attach explanation)

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

_____ Preliminary Plat Submission:

- ~~/~~ (a) Plat Submission Requirements: The subdivider shall submit to the Zoning Administrator:
_____ five (5) copies of the preliminary plat and any supplemental materials specified by the Planning Commission of conditional approval. (The plat submission requirements are stipulated under C-3 Procedure for conditional approval of Preliminary Plat of the City of McCook Subdivision Regulations)
- _____ (b) Fees: A plat review fee shall accompany the preliminary plat in the amount specified in the City Fee Ordinance. (See Attached list of fees for building, zoning, and subdivision actions)
- Sent by W Design* ~~/~~ (c) Scale and Preliminary Plat contents. Preliminary plats shall be a scale of one (1) inch to one hundred (100) feet or 1" = 200' if seventy-five percent (75%) of the lots are one (1) acre or larger, and shall be prepared with the following information:
- ~~/~~ (1) The proposed name of the subdivision (the name shall not duplicate or too closely resemble the name or names of any existing subdivision).
- ~~/~~ (2) The location of the boundary lines of the subdivision and reference to the section or quarter section lines.
- ~~/~~ (3) The names and addresses of the owner, developer, and the engineer who prepared the plat.
- ~~/~~ (4) Scale of the plat, one inch = one hundred feet or larger.
- ~~/~~ (5) Date of preparation and north point.
- _____ (6) Present zoning.
- ~~/~~ (7) Existing conditions:
- ~~/~~ aa. Location, width and name of platted streets or other public ways, railroads and utility rights-of-way, parks and other public open spaces and permanent buildings within or adjacent to the proposed subdivision shall be shown on the Preliminary Plat.
- ~~/~~ bb. All existing sewers, water mains, gas mains, culverts, or other underground installations, within the proposed subdivision, or adjacent thereto, with pipe size and manholes, grades and location shall be shown. Control elevation of surface drainage entering and existing from the property.
- _____ cc. Names of adjacent subdivisions together with arrangement of streets and lots, and owners of adjacent parcels of unsubdivided land shall be shown.

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

Recorded April 03, 2024 02:45 PM

Inst. No. 2024-00441

Fees: \$ 34.00 Pages 5

Jasmine Dimock Deputy
Register of Deeds, Red Willow County, NE

Return To: Goodwin Siegfried, LLC, 116 West C Street, P.O. Box 607, McCook, Nebraska 69001

**DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND
EASEMENTS OF NORTH POINTE SUBDIVISION**

This declaration is made as of the 2 day of April, 2024, by McCook Economic Development Corporation, a Nebraska nonprofit corporation, hereinafter referred to as the "Declarant".

Declarant is the Owner of certain real property located in Red Willow County, Nebraska, and described as follows:

Lots 1 through 9 of Block 1; Lots 1 through 16 of Block 2; and Outlot 2 of Block 3; all in North Pointe Addition to the City of McCook, Red Willow County, Nebraska,

Collectively referred to herein as the "Lots" and "North Pointe Subdivision" or the "Subdivision", plus any additional property annexed to this Declaration at a future date by the recording of an Annexation document reflecting the additional property to be included and subject to this Declaration.

Declarant desires to provide for the preservation of the values of the property located in the North Pointe Subdivision, for the maintenance and character and residential integrity of the Subdivision.

NOW THEREFORE, the Declarant hereby declares that each and all of the Lots shall be held, sold and conveyed subject to the following restrictions, covenants, conditions and easements, all of which are for the purpose of enhancing and protecting the value, desirability, and attractiveness of the Lots and the enjoyment of the residents of the Lots. These restrictions, covenants and easements shall run with such Lots and shall be binding upon all parties having or acquiring any right, title or interest in each Lot, or any part thereof, as is more fully described herein. These restrictions, covenants and easements may be modified in writing only by the consent of three-fourths (75%) of the Owners of the Lots. The Lots are, and each Lot is and shall be subject to all and each of the following conditions and other terms:

Covenants, Conditions and Restrictions

1. The purpose of the Lots sold in the North Pointe Addition is for the construction of single-family dwellings. Minimum enclosed and finished living space of each dwelling, exclusive of open porches, open breezeways and garages and basements, shall be no less than 1200 square feet.

2. Each dwelling must provide attached enclosed garage space for not less than two or more than four cars.

3. No apartment buildings, duplexes, or barndominiums are allowed.
 4. Any roof shall be 30-year or greater asphalt shingle. No metal roofs are allowed, unless otherwise approved by the Association as later described herein.
 5. No steel or aluminum siding shall be allowed on any structure.
 6. No structure which is capable of being moved in a constructed state shall be permitted including modular, mobile, or pre-cut houses. All construction must be of new materials.
 7. All Lots shall be kept free of trash and debris. All weeds and vegetation on sold lots shall be kept mowed to a height not greater than 12 inches above ground level
 8. Any exterior lighting installed on any new building or lot shall be either indirect or of such controlled focus and intensity not as to be of disturbance to residents of adjacent property.
 9. No livestock, except domestic house pets, shall be kept on the premises. All pets shall be kept on the premises, except while under supervision or on a leash. No more than two dogs per family may be kept on above property.
 10. No commercial ventures with the exception of in home daycare may be conducted and continued on any property subject to this Declaration.
 11. No building or other structure, or any part thereof, shall be erected or placed on the property nearer than the setbacks specified by the ordinances promulgated by the City of McCook.
 12. No landscaping shall be placed within or on the utility easement line. This includes, but is not limited to, planting trees, shrubs, flowers, or other vegetation that may interfere with access to utility lines, infrastructure, or other essential services located within the easement.
 13. No structure of a temporary character, including but not limited to a trailer, tent, shack, camping unit, or other outbuilding shall be brought on, to, kept, or maintained on the premises at any time; except that building used as construction shacks for contractors shall be permitted during the period of construction. No structure shall be occupied as a residence until all exterior construction is fully completed according to plans.
 14. Only one (1) outbuilding is allowed per standard-sized lot (standard-sized lots are those measuring 100 feet x 100 feet), the size of which shall not exceed 1500 square feet. Outbuildings on oversized lots (those lots larger than 100 feet x100 feet) may be larger than 1500 square feet, but any plans to build a larger outbuilding must be pre-approved by the Association. Any outbuilding shall be of the same design and detail of decoration as the house. No metal buildings or pole structures allowed.
 15. Fences shall be in back yards only, and may be colored chain link, plastic, metal, or wood. Fences shall not exceed 6 feet high or extend onto easements.
 16. No unlicensed, abandoned or inoperable automobiles or vehicles of any kind shall be stored or parked in the Subdivision in such a manner as to be visible from any portion of the subdivision.
 17. Each Owner shall maintain the grading upon such Owner's Lot, and the Association (as later defined herein) shall maintain the grading upon the common areas. Each Owner and the Association agree that they will not in any way interfere with the established drainage pattern over any real property which they have a duty to maintain, from adjoining or other real property.
-

North Pointe Subdivision
Homeowners' Association

The North Pointe Subdivision Homeowners' Association ("Association") has been or will be formed as a Nebraska nonprofit corporation under the Nebraska Nonprofit Corporation Act on behalf of Owners and future Owners of Lots in the North Pointe Subdivision. The Association shall have a Board of Directors to manage the affairs of the Association, as provided in the Association's Bylaws and Articles of Incorporation.

The Board of Directors shall be appointed by a majority of the Owners of the Lots. Said Board shall be authorized to adopt rules of the Association as necessary to carry out the intent of this Agreement.

The term "Owner" as used herein shall mean either the Declarant or any other person who owns a Lot. Each Owner and future Owner of a Lot shall be a member of the Association and entitled to cast one vote per lot owned at all meetings of the members.

Owner covenants and agrees to pay the Association annual assessments or charges, fines, fees and other charges, whether or not it shall be or has been so expressed in the deed to such Lot. All Owners of each Lot shall be jointly and severally liable to the Association for the payment of all assessments, fees, charges and other amounts attributable to their Lot during their ownership of such Lot.

Said assessments, charges, fines, fees and other charges shall be used exclusively for the expenses, charges and costs of the operation of the HOA and the common area maintenance, repair and replacement, and for all of those purposes and activities which may be required of the Association or which the Association may be empowered to pursue pursuant to this Declaration or by the law, including without limitation, maintenance, operation, repair and replacement of drainage facilities, publicly dedicated property or easements. The annual assessments may include a reserve fund for the maintenance, repair and replacement of those items that must be maintained, repaired, or replaced on a periodic basis (including without limitation any drainage facilities owned or maintained by the Association), and for the payment of insurance deductibles.

Annual assessments shall be fixed at a uniform rate for all Lots sufficient to meet the expected needs of the Association, as described above. The annual assessments shall commence as to all Lots that have been included in this Declaration and made subject to this Declaration on the date that Declarant conveys the first Lot to a purchaser. The annual assessment shall be based on a budget adopted by the Association no less frequently than annually. Annual assessments shall be due and payable in monthly installments, or as otherwise determined by the Board of Directors. Any Owner purchasing a Lot between installment due dates shall pay a pro rata share of the installment payment.

Common Areas shall be defined as Outlot 2 on Block 3 and any other common area later designated by the Board of Directors of the Association.

The Association shall have the right to enforce all terms of this Declaration and the Association's Articles of Incorporation, Bylaws and rules and regulations, which may include levying and collecting fines for violations, as well as bringing an action against the Owner personally obligated to pay assessments or responsible for complying with the covenants, conditions and restrictions outlined herein, or any person violating or attempting to violate the provisions hereof.

Any assessment not paid within ten (10) days after the due date thereof may bear interest from the due date at the rate of 16% per annum, or at such other lawful rate as may be set from time to time by the Board of Directors. The Board may also set a late fee amount in an amount which they determine from time to time to be sufficient to cover the extra costs and expenses involved in handling delinquent payments. The Association may bring an action at law against the Owner personally obligated to pay the same, or foreclose the Lien against the Owners' Lot. If a judgment is obtained, such judgment or decree shall include reasonable attorney's fees to be fixed by the court, together with the costs of the action, and may include interest and late charges.

All other laws of the State of Nebraska shall apply with regard to the governance of the Association, the placement and enforcement of liens on property for unpaid assessments of the Association, and remedies available to the Association to enforce and carry out this agreement. In the event of a dispute relating to this Declaration, the Lots, or the enforcement of the obligations created herein, any action must be brought in the District Court of Red Willow County, Nebraska.

Easements

1. Drainage and Utilities. Easements and right-of-way for the installation and maintenance of utilities, drainage facilities, public or private improvements and access thereto are reserved as shown on the recorded plats affecting the Lots and any amendments to such plats or as established by any other instrument of record. Declarant creates and reserves to itself until it no longer owns a majority of the Lots, and thereafter to the Association, a blanket non-exclusive easement upon, over and across the Common Area and all Lots for the construction, operation, maintenance, repair and replacement of utilities, drainage and facilities therefor and other appurtenances thereto.

2. Ingress and Egress. Every Owner and their invitees, as well as the Association, shall have a non-exclusive right and perpetual easement for the purpose of pedestrian and vehicular access to their Lots and any Common Areas, and such easement shall be appurtenant to and shall pass with the title to every Lot. This easement shall provide ingress and egress, on, over and across the roads, driveways, streets, sidewalks, access ways, and Common Areas, now or hereafter constructed, erected, installed or located in or on the Subdivision. By virtue of this Easement, the Declarant generally intends to provide for pedestrian and vehicular access and for utilities services to the property subject to this Declaration as well as those portion(s) of the annexable land which have not been included in the Subdivision.

- a. Extent of Owners' Easements. The rights and easements of enjoyment created hereby shall be subject to the following:
 - i. The terms, provisions, covenants, conditions, restrictions, easements, reservations, uses, limitations, and obligations contained in this Declaration; and
 - ii. The right of the Association to take such steps as are reasonably necessary to protect the Common Elements against foreclosure; and
 - iii. The right of the Association to promulgate, amend, repeal, re-enact and publish rules and regulations with which each Owner shall strictly comply, including, but not limited to, the right of the Association to regulate and/or restrict vehicular parking and improvements; and
 - iv. The right of the Association, through its Board of Directors, to enter into, make, perform or enforce any contracts, leases, agreements, licenses, easements and rights-of-way, for the use of real property or improvements by Owners, other persons, their family members, guests and invitees, for any purpose(s) the Board of Directors may deem to be useful, beneficial or otherwise appropriate; and
 - v. The right of the Association to close or limit the use of the Common Areas while maintaining, repairing and making replacements thereto or for the health, safety and well-being of the Owners and the public.

Apr. 1 IN WITNESS WHEREOF, the undersigned has hereunto set its hand this 2nd day of _____, 2024.

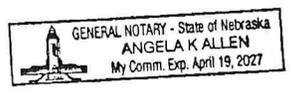
DECLARANT:

McCOOK ECONOMIC DEVELOPMENT CORPORATION, a Nebraska nonprofit corporation

By: [Signature]
Title: President

STATE OF NEBRASKA)
) ss.
COUNTY OF RED WILLOW)

The foregoing instrument was acknowledged before me by Troy Bruntz,
as President for the McCook Economic Development Corporation, a
Nebraska nonprofit corporation, on this 2nd day of April, 2024.



[Signature]
Notary Public

**CITY MANAGER'S REPORT
NOVEMBER 10, 2025 MCCOOK PLANNING COMMISSION MEETING**

2.D.

ITEM NO. ___ Public Hearing - Regarding the Second Substantial Modification to the Redevelopment Plan for the North Pointe Redevelopment Project in the City of McCook, Nebraska.

2.E.

ITEM NO. ___ Approve Resolution No. PC2025 - 01 recommending approval of a Second Substantial Modification to the Redevelopment Plan for the North Pointe Redevelopment Project in the City of McCook, Nebraska.

BACKGROUND:

The City of McCook has adopted the Redevelopment Plan for the North Pointe Redevelopment Project, which allows for subsequent modification. The project includes three phases, two of which have been completed or commenced. It is necessary to amend the Redevelopment Plan to expand the Phase 3 area and add additional lots to Phase 3, and authorize the issuance of additional TIF indebtedness for Phase 3 of the project. A Second Substantial Modification to the Redevelopment Plan has been prepared to address Phase 3. A public hearing must be made in conjunction with the Second Substantial Modification of the Redevelopment Plan.

In particular, Phase 3 originally consisted of the construction of approximately eight residential dwelling units on the south side of what has been platted as West T Street. Based on feedback after the West S Street residential lots were formed, it has been determined that larger lots are preferred by home buyers. As such, the Second Substantial Modification of the Redevelopment Plan decreases the number of lots from eight to six. The six lots will be substantially larger to attract purchasers. Additionally, the Modification considers the development of four additional lots north of West T Street and one additional lot west of West T Street.

The Modification estimates a public improvement cost estimate of \$703,044. The CDA issued a TIF Note for \$955,500 for Phase 2, leaving \$344,500 for Phase 3. However, due to the increase in lot size and the overall increase in the number of Phase 3 lots, the TIF amount that is anticipated to be generated by Phase 3 is much higher. Phase 3 is now anticipated to generate approximately \$468,500 more in TIF revenue than previously estimated. This makes the total Phase 3 TIF amount \$813,000.

The increase in TIF expenses is necessary for the project to be completed. This Modification will result in the net increase of three homes being built, futhering the goals of the original Redevelopment Plan.

As always, a cost benefit analysis has been completed per Neb. Rev. Stat. 18-2147. Currently, the unimproved value of the subjected lots under the comprehensive Redevelopment Plan is \$110,000. After improvements, it is estimated that the valuation of the lots will be \$4,385,000, resulting in an increment base of \$4,275,000. The resulting annual projected tax shift is estimated to be \$82,490.

A copy of the Second Substantial Modification to the Redevelopment Plan is attached to this report for review.

EXHIBIT #1

PAGE(S) - 2

APPROVALS:



Nathan A. Schneider, City Manager

November 5, 2025



Lea Ann Doak, City Clerk

November 5, 2025



Tera Koetter, Assistant City Manager

November 5, 2025

NOTICE OF PUBLIC HEARING

Public notice is hereby given by the Planning Commission of the City of McCook, Nebraska, that a public hearing will be held at 5:15 p.m. on Monday, November 10, 2025, in the City Council Chambers at the McCook Municipal Center, 505 W C Street, McCook, Nebraska.

The purpose of the hearing is to obtain public comment prior to the review and consideration of a proposed substantial modification to the redevelopment plan for the City of McCook, including the expansion and modification of Phase 3 of the North Pointe Redevelopment Project that was previously approved.

The property which is the subject of this Notice and of the public hearing is legally described as follows:

Lots 9–16, Block 2; and Lots 1 and 3, Block 3, North Pointe Addition, an addition to the City of McCook, Red Willow County, Nebraska.

All interested parties shall be afforded at such public hearing a reasonable opportunity to express their views regarding the proposed substantial modification to the North Pointe Redevelopment Plan. A map of the redevelopment area and a copy of the redevelopment plan and cost-benefit analysis for the project shall be maintained at the office of the City Clerk.

/s/ Lea Ann Doak, City Clerk

Publish: October 24 and 31, 2025

EXHIBIT #2

PAGE(S) - 1

COPY OF NOTICE MAILED TO:

McCook Community College
President
1205 East 3rd
McCook, NE 69001

Chairman of the Board
Educational Service Unit No 15
344 Main
PO Box 398
Trenton, NE 69044

Chairman of the Board
Middle Republican NRD
208 Center Ave
PO Box 81
Curtis, NE 69025

Chairman of the Board
Red Willow County Commissioners
502 Norris Avenue
McCook, NE 69001

Board President
McCook School District
600 West 7th
McCook, NE 69001

EXHIBIT #3

PAGE(S) - 1



P.O. BOX 1059 · 505 West C Street · McCOOK, NE 69001 · PHONE (308) 345-2022 · FAX (308) 345-1461

CERTIFIED MAIL

Date: October 24, 2025

To: McCook Community College
President
1205 East 3rd Street
McCook NE 69001

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Lea Ann Doak, City Clerk

EXHIBIT #4

PAGE(S) - 5



P.O. BOX 1059 · 505 West C Street · McCOOK, NE 69001 · PHONE (308) 345-2022 · FAX (308) 345-1461

CERTIFIED MAIL

Date: October 24, 2025

To: Chair of the Board
Educational Service Unit No. 15
344 Main
PO Box 398
Trenton NE 69004

NOTICE OF PUBLIC HEARING

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Lea Ann Doak, City Clerk



P.O. BOX 1059 · 505 West C Street · McCOOK, NE 69001 · PHONE (308) 345-2022 · FAX (308) 345-1461

CERTIFIED MAIL

Date: October 24, 2025

To: Chair of the Board
Middle Republican NRD
208 Center Avenue
PO Box 81
Curtis NE 69025

NOTICE OF PUBLIC HEARING

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Lea Ann Doak, City Clerk



P.O. BOX 1059 · 505 West C Street · McCOOK, NE 69001 · PHONE (308) 345-2022 · FAX (308) 345-1461

CERTIFIED MAIL

Date: October 24, 2025

To: Chair of the Board
Red Willow County Commissioners
502 Norris Avenue
McCook NE 69001

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Lea Ann Doak, City Clerk



P.O. BOX 1059 · 505 West C Street · McCOOK, NE 69001 · PHONE (308) 345-2022 · FAX (308) 345-1461

CERTIFIED MAIL

Date: October 24, 2025

To: Board President
McCook School District
600 West 7th Street
McCook NE 69001

NOTICE OF PUBLIC HEARING

Public notice is hereby given by the Planning Commission of the City of McCook, Nebraska, that a public hearing will be held at 5:15 p.m. on Monday, November 10, 2025, in the City Council Chambers at the McCook Municipal Center, 505 W C Street, McCook, Nebraska.

The purpose of the hearing is to obtain public comment prior to the review and consideration of a proposed substantial modification to the redevelopment plan for the City of McCook, including the expansion and modification of Phase 3 of the North Pointe Redevelopment Project that was previously approved.

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Lea Ann Doak, City Clerk

**SECOND SUBSTANTIAL MODIFICATION TO THE
REDEVELOPMENT PLAN FOR THE
NORTH POINTE REDEVELOPMENT PROJECT
IN THE CITY OF MCCOOK, NEBRASKA**

RECITALS

- A. The “Redevelopment Plan North Pointe Redevelopment Area, 2013” was approved and adopted by the City Council of the City of McCook, Nebraska (the “Governing Body”) in 2013 (the “2013 Plan”).
- B. The “Redevelopment Plan for the North Pointe Redevelopment Project in the City of McCook, Nebraska” was approved and adopted by the Governing Body on October, 18, 2021 (the “2021 Plan”).
- C. A Minor Modification to the 2021 Plan was approved and adopted by the Community Development Agency of the City of McCook, Nebraska (“CDA”) on May 1, 2023 (the “Minor Modification”).
- D. A Substantial Modification to the 2021 Plan was approved and adopted by the Community Development Agency of the City of McCook, Nebraska (“CDA”) on July 17, 2023 (the “First Substantial Modification”).
- E. The 2013 Plan, the 2021 Plan, the Minor Modification, and the First Substantial Modification shall be collectively referred to herein as the “Redevelopment Plan”.
- F. The Redevelopment Plan serves as a guide for the implementation of the North Pointe Redevelopment Project (the “Project”).
- G. The purpose of this Second Substantial Modification is modify Phase 3 of the Project, as defined in the Redevelopment Plan, specifically to expand the project site for Phase 3 and to authorize the issuance of additional TIF Indebtedness for the Project.
- H. Except as amended in this Second Substantial Modification, the Redevelopment Plan is affirmed and ratified.

**Amendment to the Redevelopment Plan for the
North Pointe Redevelopment Project**

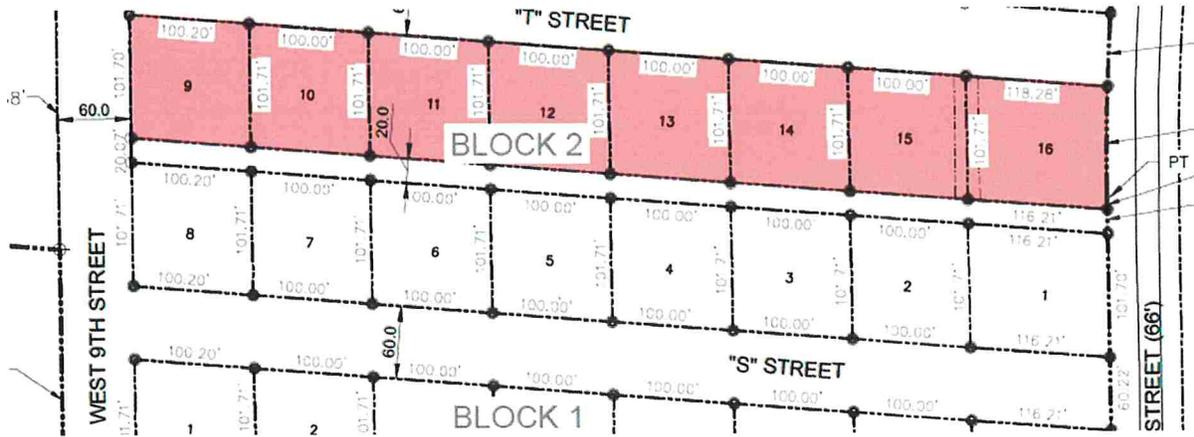
1. Modification and Expansion of the Phase 3 Project Site

Phase 3 of the Project previously consisted of the construction of approximately eight (8) residential dwelling units on the following eight (8) lots:

Lots 9–16, Block 2, North Pointe Addition, an addition to the City of McCook, Red Willow County, Nebraska

EXHIBIT #5

PAGE(S) - 9



It has been determined that those lots are smaller than the desired lot size for this project and this area, so those 8 lots will be replatted into 6 lots.

This replatting will increase the size of the lots will result in the decrease of Phase 3 lots south of T Street by 2 lots. This will allow larger homes to be built which align better with the market and what potential buyers are looking for with respect to lot sizes in this area.

Additionally, the CDA has determined that there is a benefit to adding additional lots north of T Street and west of West 9th Street to Phase 3. The following property located directly north and west of the Phase 3 lots, will be added to the Phase 3 Project Site:

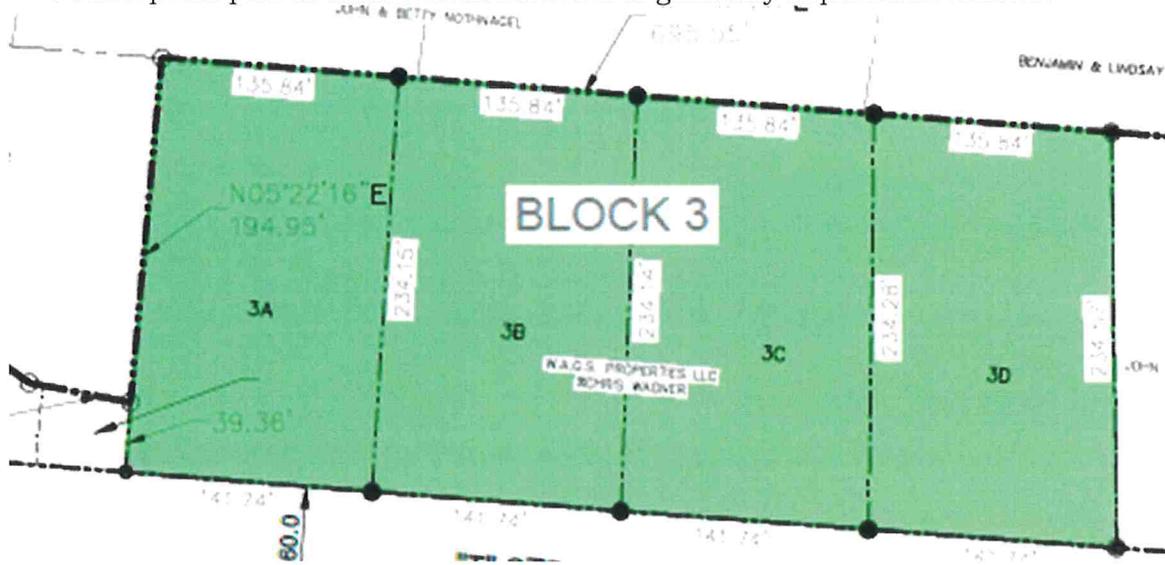
Lots 1 and 3, Block 3, North Pointe Addition, an addition to the City of McCook, Red Willow County, Nebraska ("Additional Lots")

As generally depicted below:



The additional property north of T Street (Lot 3, Block 3) will be subdivided into approximately four large residential lots for development.

The conceptual plat of these subdivided lots is generally depicted as follows:



This replatting, together with the additional lot to the west, will result in a net increase of three (3) lots for Phase 3 of the project, increasing the anticipated number of homes from 8 to 11.

Upon the approval of this Second Modification and the replat of the property as described above, the Phase Three Project site shall consist of the property defined and described on the attached and incorporated Exhibit A. Adding the Additional Lots to the Phase 3 Project Area does not materially change the project analysis set forth in the Redevelopment Plan. The additional lots are located within the Redevelopment Area, adjacent to and consistent in conditions with the current project site, need the same public improvements to be developed, and will further the CDA's goals in the Redevelopment Plan. The overall net effect of this modification is to allow approximately (3) additional homes to be constructed in the project area, with larger lots for each home. The following supplemental notes are added to the "Statutory Elements" set forth in Exhibit B to the 2021 Plan for clarification:

1. Property Acquisition, Demolition and Disposal

It is still accurate that no public acquisition or private property, relocation of families or business, or the sale of property is necessary to accomplish the Project, but it should be noted that the Additional Lots are not owned by the Redeveloper, McCook Economic Development Corporation ("MEDC"). The Additional Lots are owned by a third party. The Additional Lots shall benefit from the public improvements that are part of the North Pointe Redevelopment Project.

The owner of the Additional Lots shall acknowledge and/or sign on to the Redevelopment Agreement between MEDC and the CDA for the limited obligations set forth therein, including the obligations protecting to the tax increment on said lots. MEDC shall remain the redeveloper responsible for the public improvements. Additional details may be set forth in the Phase 3 Redevelopment Agreement.

2. Zoning, Building Code, and Ordinances

As described herein, the Project site needs to be replatted to accomplish the goals of this Second Substantial Modification. MEDC, with the cooperation of the owner of the Additional Lots, shall be responsible for completing the necessary subdivision and replatting. No other zoning change or approvals are required relating to the Additional Lots.

The subdivision and development of the Additional Lots will not occur without the public improvements, so it is imperative to capture the tax increment necessary to finance the public infrastructure improvements for the Project, or it will be infeasible to develop the Additional Lots.

Accordingly, upon the approval of this Second Modification and the replat of the property as described above, the Phase Three Project site shall consist of the property defined and described on the attached and incorporated Exhibit A.

2. Phase 3 TIF Indebtedness

As set forth in the Redevelopment Plan, MEDC has already identified approximately \$2,300,000 of anticipated TIF-eligible costs relating to Phase 2 and Phase 3. Due to the additional lots, the anticipated costs of the Phase 3 TIF-eligible public improvements has increased. The new preliminary public improvement cost estimates for Phase 3 are set forth below:

Item	Estimate Quantity	Unit Price	Total
1 Subgrade Prep	5050 Sq. Yds.	\$ 9.00	\$ 45,450.00
2 Paving - 6" Concrete	4600 Sq. Yds.	\$ 58.00	\$ 266,800.00
3 Sidewalk	150 Sq. Yds.	\$ 80.00	\$ 12,000.00
4 Excavation	1500 Cu. Yds	\$ 9.00	\$ 13,500.00
5 Embankment	1500 Cu. Yds	\$ 12.00	\$ 18,000.00
6 8" Sanitary Sewer	454 Lin. Ft.	\$ 80.00	\$ 36,320.00
7 New Manhole	2 Ea.	\$ 10,000.00	\$ 20,000.00
8 Raise Existing Manhole	1 Ea.	\$ 5,000.00	\$ 5,000.00
9 Sanitary Taps	3 Ea.	\$ 700.00	\$ 2,100.00
10 6" Water Main	1200 Lin. Ft.	\$ 63.00	\$ 75,600.00
11 6" Gate Valve	4 Ea.	\$ 2,400.00	\$ 9,600.00
12 Fire Hydrant	3 Ea.	\$ 5,000.00	\$ 15,000.00
13 Water Main Taps	11 Ea.	\$ 1,500.00	\$ 16,500.00
14 Storm Sewer	1 L.S.	\$ 50,000.00	\$ 50,000.00
	Sub Total	.	<u>\$ 585,870.00</u>
	Contingency		\$ 58,587.00
	Engineering		\$ 58,587.00
	Grand Total		<u>\$ 703,044.00</u>

The Redevelopment Plan authorized a total of \$1,300,000 in TIF for Phase 2 and Phase 3. The CDA issued a TIF Note for \$955,500 for Phase 2, leaving \$344,500 in TIF authorized for Phase 3. However, due to the increased size of the Phase 3 lots and the overall increase in the number of Phase 3 lots, the TIF amount that is anticipated to be generated by Phase 3 is substantially higher. Phase 3 is now anticipated to generate approximately and additional \$468,500 in TIF, for a total Phase 3 TIF amount of \$813,000. The Revised Phase 3 TIF Calculations are set forth on the attached and incorporated Exhibit B.

With an increase in the TIF expenses over the already estimated \$2,300,000, the increase in TIF is justified and necessary for the project to be completed. This Second Substantial Modification will result in the net increase of three (3) homes being built, which furthers the CDA's goals of the Redevelopment Plan. Therefore the CDA approves the increase of the overall TIF amount for the Project by \$468,500. This will result in an authorized amount of TIF for Phase 3 not to exceed \$813,000.

3. Cost Benefit Analysis

The Cost Benefit Analysis set forth in the Redevelopment Plan is ratified and reaffirmed, but the following notes with respect to Phase 3, as revised herein, are hereby added to supplement the cost benefit analysis. This section is not meant to be an exhaustive cost-benefit analysis, because a cost-benefit analysis for the project was already approved, but it meant to address any specific changes solely to Phase 3 of the Project based on this Second Substantial Modification.

1. Tax shifts resulting from the approval of the use of funds pursuant to Section 18-2147:

The potential 15 year tax shift for Phase 3 is updated and set forth as follows (assuming the entire Phase 3 occurred in a single tax year):

a. Redevelopment Project Valuation:	\$110,000
b. Projected Completed Project Assessed Valuation:	\$4,385,000
c. Projected Tax Increment Base:	\$4,275,000
d. Estimated Tax Levy:	1.929606
e. Annual Projected Tax Shift:	\$82,490

The Annual Projected Tax Shift is based on assumed values and levy rates; actual amounts and rates will vary from those assumptions, and it is understood that the actual tax shift may vary materially from the projected amount. The levy rate is assumed to be the 2024 levy rate. There has been no accounting for incremental growth or change in the tax levy over the 15 year TIF period.

The Annual Projected Tax Shift analysis set forth above assumes a full buildout in year one of the project. This is unlikely to occur, and the project will more likely be completed in phases. The project is anticipated to be completed in three to five phases over three to five years. The phasing does not change the overall tax shift or the approved TIF amount, but only affects the timing of the tax shift.

2. Public infrastructure and community public service needs impacts and local tax impacts arising from the approval of the redevelopment project:

a. Public infrastructure improvements and impacts:

No substantial negative effects are anticipated on the public infrastructure and community public service needs. As stated in the original Cost Benefit Analysis, the City infrastructure will be expanded by the Redeveloper at no cost to the City. The Redeveloper had previously identified more than \$2,300,000 in TIF-eligible costs for the Project. Adding the Additional Lots has increased the necessary public improvements—for example, now including public sewer extensions to service the Additional Lots—and the additional TIF created will assist with the overall costs required to complete the project.

...

5. Impacts on the student populations of school districts within the City:

The modification of the Project will increase the overall project size by 3 housing units. The initial cost benefit analysis was based upon approximate housing units in the Project, which number was subject to change in final design or implementation, so three additional units does not materially change the original analysis.

6. Other impacts determined by the agency to be relevant to the consideration of costs and benefits arising from the redevelopment project:

The modification of Phase Three appears to demonstrate the successes desired by a redevelopment project. The approved development has directly led to additional development. In this case, four lots that would not be feasible to develop without the public improvements being constructed for the project and particularly the additional public improvements to serve the Additional Lots that are being added to the scope of the Project pursuant to this Second Substantial Modification. The amendment to the project is necessary to develop the Additional Lots and will make the overall Project more feasible for MEDC, a nonprofit redeveloper.

...

4. Conclusion

Pursuant to this Second Substantial Modification of the Redevelopment Plan:

1. The legal description of the Phase 3 project is set forth on the attached and incorporated Exhibit A.

2. The total TIF amount authorized for Phase 3 shall be \$813,000.

These modifications will allow the additional houses to be built and will assist MEDC in paying for the necessary public infrastructure improvements to benefit the entire Project and the Redevelopment Area. The remainder of the Redevelopment Plan is ratified and affirmed.

Exhibit A
Phase 3 Project Site

Legal Description of the Phase Three Project Site:

Lots 9–16, Block 2, North Pointe Addition, an addition to the City of McCook,
Red Willow County, Nebraska

And

Lots 1 and 3, Block 3, North Pointe Addition, an addition to the City of McCook,
Red Willow County, Nebraska

Upon the completion of the replat of all or a portion of the Phase 3 Project Site legally described above, this Exhibit A shall be supplemented to include the updated legal description, and no further action or approval shall be necessary to supplement this Exhibit A.

**Exhibit B
Updated Phase 3 TIF Projections**

Assumptions:	Tax Levy (est.):	1.929606	
	Interest Rate:	5.0%	
	Base Val/Unit	\$10,000	
	Final Val/Unit	\$375,000	(7 Lots)
		\$440,000	(4 Lots)

Preliminary Schedule:

Year	1	2	3	Total
Homes	3	4	4	11

TIF Calculations:

Sub-Phase	1	2	3
TIF Period	15	15	15
Base Value	\$30,000	\$40,000	\$40,000
Base Taxes	\$579	\$772	\$772
Final Value	\$1,255,000	\$1,630,000	\$1,500,000
Total Taxes	\$24,217	\$31,453	\$28,944
Tax Increment	\$23,638	\$30,681	\$28,172
Phase Years	1 to 15	2 to 16	3 to 17

Year	Sub-Phase 1	Sub-Phase 2	Sub-Phase 3	TOTAL
1	\$23,638	\$0	\$0	\$23,638
2	\$23,638	\$30,681	\$0	\$54,318
3	\$23,638	\$30,681	\$28,172	\$82,491
4	\$23,638	\$30,681	\$28,172	\$82,491
5	\$23,638	\$30,681	\$28,172	\$82,491
6	\$23,638	\$30,681	\$28,172	\$82,491
7	\$23,638	\$30,681	\$28,172	\$82,491
8	\$23,638	\$30,681	\$28,172	\$82,491
9	\$23,638	\$30,681	\$28,172	\$82,491
10	\$23,638	\$30,681	\$28,172	\$82,491
11	\$23,638	\$30,681	\$28,172	\$82,491
12	\$23,638	\$30,681	\$28,172	\$82,491
13	\$23,638	\$30,681	\$28,172	\$82,491
14	\$23,638	\$30,681	\$28,172	\$82,491
15	\$23,638	\$30,681	\$28,172	\$82,491
16	\$0	\$30,681	\$28,172	\$58,853
17	\$0	\$0	\$28,172	\$28,172
TOTAL	\$354,565	\$460,211	\$422,584	\$1,237,360

Present Value \$813,874

**PLANNING COMMISSION
CITY OF MCCOOK, NEBRASKA**

RESOLUTION NO. PC2025-01

(Second Substantial Modification to Redevelopment Plan –
North Pointe Redevelopment Project)

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MCCOOK, NEBRASKA, MAKING A RECOMMENDATION TO THE COMMUNITY DEVELOPMENT AGENCY AND THE CITY COUNCIL OF THE CITY OF MCCOOK, NEBRASKA, WITH RESPECT TO A SUBSTANTIAL MODIFICATION TO THE REDEVELOPMENT PLAN FOR THE NORTH POINTE REDEVELOPMENT PROJECT.

RECITALS

- A. The City of McCook, Nebraska (“City”) has adopted the Redevelopment Plan for the North Pointe Redevelopment Project, as subsequently amended from time to time (the “Redevelopment Plan”).
- B. The Redevelopment Plan serves as a guide for the implementation of the North Pointe Redevelopment Project (the “Project”).
- C. The Project includes three (3) phases.
- D. The CDA desires to amend the Redevelopment Plan to: (1) expand the Phase 3 area and add additional lots to Phase 3, and (2) authorize the issuance of additional TIF Indebtedness for Phase 3 of the Project.
- E. The CDA has prepared the Second Substantial Modification to the Redevelopment Plan (the “Amendment”) to make the substantial modification described above. A copy of the Amendment is on file and available for public inspection with the McCook City Clerk.
- F. Pursuant to Neb. Rev. Stat. § 18-2115, public hearings are required for a substantial modification to the Redevelopment Plan. The CDA has determined that the Amendment is a substantial modification to the Redevelopment Plan because it increases the amount of ad valorem taxes pledged for the Project by more than 5.0%.
- G. The CDA has submitted the question of whether the Amendment should be approved to authorize the issuance of additional TIF Indebtedness as stated in said Amendment.
- H. Notice of public hearing regarding the question of whether the Amendment should be recommended to the City Council and ultimately be adopted and approved by the City was provided in conformity with the Open Meetings Act, Neb. Rev. Stat. § 84-1407 et seq., the Community Development Law, Neb. Rev. Stat. §§ 18-2115 and 18-2115.01, and Nebraska law.
- I. On November 10, 2025, the Planning Commission held a public hearing relating to the question of whether the Amendment should be recommended to the City Council and ultimately be adopted and approved by the City. All interested parties were afforded

at such public hearing a reasonable opportunity to express their views respecting the submitted question.

J. The Planning Commission has reviewed the Amendment and has duly considered all statements made and material submitted related to the submitted question.

NOW THEREFORE, BE IT RESOLVED, by the Planning Commission of the City of McCook, Nebraska, in accordance with the Community Development Law, Neb. Rev. Stat. §§ 18-2101 to 18-2158 (the "Act"), as follows:

1. The Project Site, as defined in the Redevelopment Plan, is in need of redevelopment to remove blight and substandard conditions identified pursuant to the Act.
2. The Amendment will, in accordance with the present and future needs of the City of McCook, promote the health, safety, morals, order, convenience, prosperity, and the general welfare of the community in conformance with the legislative declarations and determinations set forth in the Act.
3. The Amendment is in conformance with the general plan for development of the City of McCook as a whole, as set forth in the City of McCook Comprehensive Plan, as amended.

BE IT FURTHER RESOLVED, that pursuant to the provisions of the Act and in light of the foregoing findings and determinations, the Planning Commission does hereby recommend: (i) recommendation of the Amendment by the CDA to the City Council; and (ii) approval of the Amendment by the City Council as the governing body for the City of McCook.

Passed and approved by the Planning Commission on this 10th day of November, 2025.

PLANNING COMMISSION OF THE
CITY OF MCCOOK, NEBRASKA

By: _____
Chairman

**CITY MANAGER'S REPORT
NOVEMBER 10, 2025 MCCOOK PLANNING COMMISSION MEETING**

2.F.
ITEM: Review and discuss the proposed Light Industrial (I-1) and Heavy Industrial (I-2) Districts of the proposed City of McCook Zoning Regulations.

BACKGROUND:

Staff has reviewed, and is prepared to present the I-1 or I-2 Districts to the Planning Commission. Attached to the report are the recommendations

APPROVALS:



Lea Ann Doak, City Clerk

November 10, 2025



Nathan A. Schneider, City Manager

November 10, 2025



Tera Koetter, Assistant City Manager

November 10, 2025

ARTICLE 15

LIMITED INDUSTRIAL DISTRICT (I-1)

Article 15 - Limited Industrial District (I-1)

Section 1501. Intent.

The intent of an Limited Industrial District (I-1) is to provide space for certain commercial and a wide range of industrial uses and structures which are able to meet certain performance standards to protect nearby non-commercial and non-industrial uses from undesirable environmental conditions. Residential and other similar uses are prohibited from this district in order to limit environmental effects associated with certain commercial and industrial uses, irrespective of their meeting performance standards.

Section 1502. Permitted Principal Uses and Structures.

Limited industrial, trade, or service uses must meet the performance standards outlined in Section 1506. The following principal uses and structures shall be permitted in Limited Industrial Districts (I-1):

1. Wholesale, storage and warehouse uses;
2. Garaging and equipment maintenance;
3. Automobile service stations, sales, and repair (no wrecking);
4. Freight terminals; and
5. Any limited industrial, trade, or service use which can meet the performance standards outlined in Section 1506, provided, such is not specifically prohibited.

Section 1503. Permitted Accessory Uses and Structures.

Limited Industrial Districts (I-1) accessory uses shall be in conformance with the provisions of Section 2105 and temporary uses shall be in conformance with the provisions of Section 2122 of this ordinance.

Accessory uses and structures must meet the performance standards outlined in Section 1506. The following accessory uses and structures shall be permitted in the Limited Industrial District (I-1):

1. Caretaker and watchmen quarters;
2. Cargo containers following the prescribed conditions of Section 2115 of this Ordinance;
2. Medical facilities accessory to an industrial use; and
3. Accessory uses and structures normally appurtenant to the permitted uses and structures when established in conformance within the space limits of this district .

Section 1504. Special Exceptions.

After the provisions of this Ordinance relating to special exceptions have been fulfilled, the City Council may permit as special exceptions in the Limited Industrial Districts (I-1) any use which is

consistent with the intent of this district and which is not prohibited:

1. **TALK TO CRAIG AND JASON** Alternative energy systems utilizing Biomass, Geothermal, Hydropower, Solar and/or Wind sources in conformance with "Net Metering" per Neb. Rev. Stat. 70-2001 to 70-2005. Individual or "Small Wind Energy Conversion Systems (SWECS) shall also be in conformance with the provisions of Article 21, Div. 3 of this Ordinance; and
2. Telecommunication Towers under the prescribed conditions of Article 21, Div. 4, of this Ordinance.

Section 1505. Prohibited Uses and Structures.

All residential dwellings of any kind and/or all other uses which are not specifically permitted, or cannot meet the performance standards for industry, or are not permissible as special exceptions, shall be prohibited.

Section 1506. Performance Standards.

To be a permitted industrial use in a Limited Industrial District (I-1), whether as a permitted use or as a special exception, such use must meet the following performance standards:

1. Physical Appearance. All operations shall be carried on within an enclosed building except that new materials or equipment in operable condition may be stored in the open. Normal daily wastes of an inorganic nature may be stored in containers not in a building when such containers are not readily visible from the street.
2. Fire Hazard. No operation shall involve the uses of highly flammable gases, acid, liquids, grinding processes or other inherent fire hazard. This provision shall not be construed to prohibit the use of normal fuels, motor fuels and welding gases when handled in accordance with other City ordinances.
3. Noise. No operation shall be carried on which involves noise in excess of the normal traffic noise of the adjacent street at the time of the daily peak hour of traffic volume. Noise shall be measured at the property line and when the level of such noise cannot be determined by observation with the natural sense, a suitable instrument may be used and measurement may include breakdowns into a reasonable number of frequency ranges. All noises shall be muffled so as not to be objectionable due to intermittence, beat frequency or shrillness.
4. Sewage and Liquid Wastes. No operation shall be carried on which involves the discharge into a sewer, water course or ground of liquid wastes of any radioactive nature, or liquid wastes of a chemical nature which are detrimental to normal sewage plant operation or corrosive and damaging to sewer pipes and installations.
5. Air Contaminants. The performance standard for the City of McCook shall be compliant with the Clean Air Act, as amended (42 U.S.C. 7401 et seq.) within the corporate limits of the city and the extraterritorial jurisdiction of the city according to the authority the Nebraska Department of Environment and Energy may have available and may exercise including all authority delegated or conferred in the applicable laws or regulations of the United States or the State of Nebraska; including Neb. Rev. Stat. §81-1504 (23); Neb. Rev. Stat. §81 1528 (1); and the Clean Air Act, as amended (42 U.S.C. 7401 et seq.). Such powers shall include without limitation those involving

injunctive relief, civil penalties, criminal fines and burden of proof. Nothing in this Ordinance and standards is intended to preclude the control of air pollution by resolution, ordinance, or regulation not in actual conflict with the Clean Air Act or the air pollution control regulations of the State of Nebraska set forth under Title 129 Nebraska Air Quality Regulations of the Nebraska Administrative Code. The City of McCook will look to the Nebraska Department of Energy and Environment (NDEE) to enforce Title 129 requirements in the zoning jurisdiction of the City.

6. Odor. The emissions of odors that are generally agreed to be obnoxious shall be prohibited. Observations of odor shall be made at the property line of the establishment causing the odor. As a guide to classification of odor it shall be deemed that strong odors of putrefaction and fermentation tend to be obnoxious and that such odors as associated with baking or the roasting of nuts and coffee shall not normally be considered obnoxious within the meaning of this Ordinance.
7. Gases. The gases sulphur dioxide and hydrogen sulphide shall not exceed five (5) parts per million. All nitrous fumes shall not exceed one (1) part per million. Measurements shall be taken at the property line of the particular establishment involved.
8. Vibration. All machines including punch presses and stamping machines shall be so mounted as to minimize vibration and in no case shall such vibration exceed a displacement of three thousandths (3/1000) of an inch measured at the property line. The use of steam or broad hammers shall not be permitted in this District.
9. Glare and Heat. All glare, such as welding arcs and open furnaces, shall be shielded so that they shall not be visible from the property line. No heat from furnaces or processing equipment shall be sensed at the property line to the extent of raising the temperature of air or materials more than five (5) degrees Fahrenheit.

Section 1507. Height, Lot and Yard Requirements.

Uses	Lot Area (Sq. Ft.)	Lot Width (ft.)*	Front Yard (ft.)	Side Yard (ft.)**	Rear Yard (ft.)	Max Height (ft.)	Max. Lot Coverage (%)
Permitted Uses	10,000	80	20	10	15	***	60

* Platted lots in existence as of the 2013 update of this Ordinance may have a lot width of less than eighty (80) feet, as long as the lot meets the front, side and rear yard setback requirements.

** Lots adjacent to any residential district, the side yard shall not be less than twenty-five (25) feet along that portion of the lot abutting the residential district.

*** When a building or structure is within one hundred fifty (150) feet of a residential district zone, said building or structure shall not exceed forty-five (45) feet in height; When a building or structure is more than one hundred fifty (150) feet from a residential district zone, said building structure shall not exceed seventy-five (75) feet in height.

Section 1508. Use Limitations.

All uses within the Limited Industrial District (I-1) are subject to the following restrictions:

1. All operations, activities and storage shall be conducted wholly inside a building, or buildings, unless the nearest point of such operation or activity is more than two hundred (200) feet from the boundary of any other zoning district other than an I-1 or I-2 district and except that storage may be maintained outside the building and side or rear yards if such storage area is separated from public streets and other property (except property located in an I-1 or I-2 district) by screening of not less than six (6) feet in height.
2. Servicing and maintenance of vehicles shall be permitted only when such is necessary to the conduct of a permitted use.
3. If a lot in an I-1 district adjoins a residential district, screening shall be provided at the lot lines sufficient to protect, on a year around basis, the privacy of adjoining residential uses.
4. No building shall be used for residential purposes except structures that allow a watchman to reside on the premises.

Section 1509. Parking Regulations.

Parking within the Limited Industrial District (I-1) shall be in conformance with the provisions of Article 23 of this Ordinance.

Section 1510. Fence Regulations.

Fences, walls and hedges within the Limited Industrial District (I-1) shall be in conformance with the provisions of Section 2104 of this Ordinance.

Section 1511. Sign Regulations.

Signs within the Limited Industrial District (I-1) shall be in conformance with the provisions of Section 2217 of this Ordinance.

ARTICLE 16

GENERAL INDUSTRIAL DISTRICT (I-2)

Article 16 - General Industrial District

Section 1601. Intent.

It is the intent of General Industrial Districts (I-2) to provide land for the widest range of industrial operations permitted in the planning jurisdiction area, for those industrial uses which are unable to meet the performance standards designated for the Limited Industrial Districts (I-1) to be nuisance-free in operation of construction.

Section 1602. Permitted Principal Uses and Structures.

The general industrial, trade, or service uses must meet the performance standards outline in Section 1606.

The following principal uses and structures shall be permitted in General Industrial Districts (I-2):

1. Wholesale, storage and warehouse uses;
2. Garaging and equipment maintenance;
3. Automobile service stations, sales, and repair;
4. Freight terminals;
5. Manufacturing uses;
6. General research facilities;
7. Indoor eating and drinking establishments on the same lot as, and incidental to, any use allowed by right or special review;
8. Automobile parking lots;
9. Sales, service and storage of mobile homes, campers, boats, bicycles, motor vehicles, motorized equipment and accessories for such vehicles, not including salvage junk yards;
10. Commercial uses (excluding retail stores) including, but not limited to the following: lumber yards, nurseries, stock production and sales, yard equipment, transportation centers, service garages, wholesale operations, household equipment and appliance repair, rental establishments, car washes, bulk cleaning and laundry plants, cold storage lockers, and printing services -- provided adequate safeguards be taken to protect adjoining properties from objectionable or harmful substances, conditions or operations;
11. Feed mixing plants; and
12. Any limited industrial, trade, or service use which can meet the "limited industrial: performance standards for the I-1 Limited Industrial District outlined in Section 1506, provided, such is not specifically prohibited.

Section 1603. Permitted Accessory Uses and Structures.

The following accessory uses and structures shall be permitted in the General Industrial Districts (I-2):

1. Accessory uses and structures normally appurtenant to the permitted uses and structures when established in conformance within the space limits of this district;
2. Caretaker and watchmen quarters;
3. Cargo containers following the prescribed conditions of Section 2115 of this Ordinance;
4. Medical facilities accessory to an industrial use.

Section 1604. Special Exceptions.

After the provisions of this Ordinance relating to special exceptions have been fulfilled, the City Council may permit as special exceptions in the General Industrial District (I-2):

1. **TALK TO CRAIG AND JASON** Alternative energy systems utilizing Biomass, Geothermal, Hydropower, Solar and/or Wind sources in conformance with "Net Metering" per Neb. Rev. Stat. 70-2001 to 70-2005. Individual or "Small Wind Energy Conversion Systems (SWECS) shall also be in conformance with the provisions of Article 20, Div. 3 of this Ordinance;
2. The storage above ground of liquid petroleum products or chemicals of flammable or noxious nature when more than one hundred fifty thousand (150,000) gallons are stored on one (1) lot of less than one (1) acre in size or when more than twenty-five thousand (25,000) gallons are stored in one (1) tank;
3. The storage of flammable or noxious gases above or below ground in excess of five million (5,000,000) cubic feet on any one (1) lot of less than one (1) acre or two million (2,000,000) cubic feet in any one (1) tank;
4. Meat and poultry packing, slaughtering, eviscerating and skinning; and the rendering of by-products of slaughtering and killing animals or poultry;
5. Livestock confinement facilities/operation and yards for the sale, transfer and temporary holding of livestock;
6. Junk Yard.
7. Veterinarian services;
8. Telecommunication Towers under the prescribed conditions In Article 21, Div. 4 of this Ordinance;
9. Adult establishment, when located a distance of at least 1,000 feet from an additional adult establishment, residence, school, church or place of worship, or eating and drinking establishment;
10. Public Recycling centers and household waste transfer stations; and

11. Salvage Yard.

Section 1605. Prohibited Uses and Structures.

All residential dwellings of any kind and all other uses which are not specifically permitted cannot meet the performance standards for industry or are not permissible as special exceptions, shall be prohibited.

Section 1606. Performance Standards.

To be a permitted industrial use in General Industrial Districts (I-2) whether as a permitted use or as a special exception, such uses must meet the following performance standards:

1. Appearance. Junk, salvage, auto wrecking and similar operations shall be shielded from view from streets and from adjacent properties in another district by means of a sturdy, sight obscuring fence in good repair or two rows of alternate planted evergreen or red cedar trees.
2. Fire Hazard. All flammable substances involved in any activity established in this district shall be handled in conformance with the latest edition of the Fire Prevention Code published by the American Insurance Association and other City ordinances.
3. Noise. All noises and noise-causing activities shall be muffled so that they will not create a disturbance greater than normal peak hour traffic noise on a major street when observed from any area Residential District. Major street noise for comparison purposes shall be measured at the property line.
4. Sewage and Liquid Waste. No operation shall be carried on which involves the discharge into a sewer, water course or the ground of liquid wastes of any radioactive nature, or liquid waste of a chemical nature which are detrimental to normal sewage plant operation or corrosive and damaging to sewer pipes and installations.
5. Air Contaminants. The performance standard for the City of McCook shall be compliant with the Clean Air Act, as amended (42 U.S.C. 7401 et seq.) within the corporate limits of the city and the extraterritorial jurisdiction of the city according to the authority the Nebraska Department of Environment and Energy may have available and may exercise including all authority delegated or conferred in the applicable laws or regulations of the United States or the State of Nebraska; including Neb. Rev. Stat. §81-1504 (23); Neb. Rev. Stat. §81 1528 (1); and the Clean Air Act, as amended (42 U.S.C. 7401 et seq.). Such powers shall include without limitation those involving injunctive relief, civil penalties, criminal fines and burden of proof. Nothing in this Ordinance and standards is intended to preclude the control of air pollution by resolution, ordinance, or regulation not in actual conflict with the Clean Air Act or the air pollution control regulations of the State of Nebraska set forth under Title 129 Nebraska Air Quality Regulations of the Nebraska Administrative Code. The City of McCook will look to the Nebraska Department of Energy and Environment (NDEE) to enforce Title 129 requirements in the zoning jurisdiction of the City.
6. Odor. Odor causing operations shall be controlled to reduce escape of odors to the minimum practical within the limits of technology and economics.
7. Gases. All noxious gases shall be controlled to the extent that they will not be injurious to life and property. The gases sulfur dioxide and hydrogen sulfide shall not exceed five

(5) parts per million, carbon monoxide shall not exceed twenty-five (25) parts per million, and nitrous fumes shall not exceed five (5) parts per million. All measurements shall be made at the property line.

8. Vibration. All machines including punch presses and stamping machines shall be mounted to minimize vibration. Vibration shall not be so excessive that it interferes with industrial operations on nearby lots.
9. Glare and Heat. All glare, such as welding arcs and open furnaces, shall be shielded so that they shall not be visible from the property line. No heat from furnaces or processing equipment shall be sensed at the property line to the extent of raising the temperature of air or materials more than five (5) degrees Fahrenheit.

Section 1607. Height, Lot and Yard Requirements.

Uses	Lot Area (Sq. Ft.)	Lot Width (ft.)*	Front Yard (ft.)	Side Yard (ft.)**	Rear Yard (ft.)	Max Height (ft.)	Max. Lot Coverage (%)
Permitted Uses	10,000	80	25	10	20	***	60

* Platted lots in existence as of the 2013 update of this Ordinance may have a lot width of less than eighty (80) feet, as long as the lot meets the front, side and rear yard setback requirements.

** Lots adjacent to any residential district, the side yard shall not be less than twenty-five (25) feet along that portion of the lot abutting the residential district.

*** When a building or structure is within one hundred fifty (150) feet of a residential district zone, said building or structure shall not exceed forty-five (45) feet in height; When a building or structure is more than one hundred fifty (150) feet from a residential district zone, said building structure shall not exceed seventy-five (75) feet in height.

Section 1608. Use Limitations.

All uses within the General Industrial Districts (I-2) are subject to the following restrictions:

1. All operations, activities and storage shall be conducted wholly inside a building, or buildings, unless the nearest point of such operation or activity is more than two hundred (200) feet from the boundary of any other zoning district other than an I-1 or I-2 district and except that storage may be maintained outside the building and side or rear yards if such storage area is separated from public streets and other property (except property located in an I-1 or I-2 district) by screening of not less than six (6) feet in height.
2. If a lot in an I-2 District adjoins a residential district, screening shall be provided at the lot lines sufficient to project, on a year around basis, the privacy of adjoining residential uses.
3. Servicing and maintenance of vehicles shall be permitted only when such is necessary to the conduct of a permitted use.

4. No building shall be used for residential purposes except structures that allow a watchman or custodian to reside on the premises.

Section 1609. Parking Regulations.

Parking within the General Industrial District (I-2) shall be in conformance with the provisions of Article 23 of this Ordinance.

Section 1610. Fence Regulations.

Fences, walls and hedges within the General Industrial District (I-2) shall be in conformance with the provisions of Section 2104 of this Ordinance.

Section 1611. Sign Regulations.

Signs within the General Industrial District (I-2) shall be in conformance with the provisions of Section 2217 of this Ordinance.