

## **REVISED AGENDA**

### **MCCOOK CITY COUNCIL**

### **REGULAR MEETING**

**Monday - November 2, 2015  
6:30 P.M. - City Council Chambers**

- **Call to Order and Roll Call.**
- **Open Meetings Act Announcement.**  
*\*A copy of the Open Meetings Act is posted by the entrance to the Council Chambers and is available for public review.*
- **Invocation.**  
The McCook Ministerial Association - Bruce Lester, Evangelical Free Church.
- **Pledge of Allegiance.**

#### **1. Citizen's Comments.**

*\*The Council welcomes your input. You may address the Council at this time on items that are not on tonight's agenda. According to Nebraska Open Meeting Laws no action may be taken by Council.*

*At the appropriate time during the meeting, citizens wishing to comment on tonight's Agenda items will be given an opportunity.*

#### **2. Announcements & Recognitions.**

#### **3. Public Hearings.**

- A. Public Hearing - regarding the purchase of property owned by John and Betty Nothnagel, unimproved property located east of "R" Street West and 8<sup>th</sup> Street West and west of 7<sup>th</sup> Street West, for the purpose of extending "R" Street West to 7<sup>th</sup> Street West.  
[110215 nothnagel](#)
- B. Adopt Resolution No. 2015-22 authorizing the purchase of property owned by John and Betty Nothnagel, unimproved property located east of "R" Street West and 8<sup>th</sup> Street West and west of 7<sup>th</sup> Street West, for the purpose of extending "R" Street West to 7<sup>th</sup> Street West.
- C. Public Hearing - regarding a report from Rex Nelson regarding the Citizen's Advisory Committee meetings held July 27, 2015 and October 26, 2015.  
[110215 medc](#)
- D. Receive and file the minutes of the July 27, 2015 Economic Development Plan Citizen's Advisory Review Committee meeting.

#### 4. Consent Agenda.

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

A. Approve the minutes of the October 19, 2015 regular City Council meeting.

110215 minutes

B. Approve a Memorandum of Understanding with Mid-Plains Community College providing for the one-time payment of \$1,000 to the City of McCook for skatepark purposes.

110215 college

C. Approve the application for a Special Designated Liquor License submitted by Loop Brewing Company, LLC, Liquor License #LK-093351, for a Christmas Party to be held at the Keystone Building, 402 Norris Avenue, on December 5, 2015 from 5:00 P.M. to 12:00 A.M.

110215 loop

D. Receive and file the minutes of the October 6, 2015 Senior Center Advisory Board meeting and the May 13, 2015 Library Advisory Board meeting.

110215 bd minutes

E. Approve the application for a Special Designated Liquor License submitted by Schmick's Market Inc, Liquor License #IDK-084561, for a dance and reception to be held at the Red Willow County Fairgrounds Community Building, 1412 West 5<sup>th</sup> Street, on November 28, 2015 from 4:00 P.M. to 11:59 P.M.

110215 schmicks 11\_28

F. Approve drawings and specifications for Downtown Improvements and set date to receive bids as December 14, 2015 at 2:00 P.M.

110215 dtr

G. Authorize Great Plains Communications to occupy city right-of-way for the installation of underground fiber optic cable and coax cable and authorize the Mayor to sign the Application to Occupy Right of Way.

110215 great plains

H. Recommend approval to the Nebraska Liquor Control Commission the Application for Reconstruction to Liquor License submitted by Casey's General Store #2291, 704 West "B" Street, which holds License #B-050367, increasing size of one story building approximately 40' X 68' to a one storey building approximately 40' x 83'.

110215 caseys

I. Approve the application for a Special Designated Liquor License submitted by Schmick's Market Inc, Liquor License #IDK-084561, for a dance and reception to be held at the Red Willow County Fairgrounds Community Building, 1412 West 5<sup>th</sup> Street, on December 19, 2015 from 4:00 P.M. to 11:59 P.M.

110215 schmicks 12\_19

J. Approve the McCook Area Chamber of Commerce request to conduct the Annual Christmas Light Parade at 6:00 P.M. on December 5, 2015, the flying in of Santa Claus at McCook Ben Nelson Regional Airport at 10:00 A.M., and the use of a fire truck for Santa's Transportation in the parade.

[110215 chamber christmas](#)

**5. Regular Agenda.**

A. Review and approve an agreement with Bryan and Ami Hauxwell regarding a cattle operation existing on Road 388, east of the City of McCook's corporate boundary and within the two mile extraterritorial jurisdiction. [110215 hauxwell](#)

[110215 hauxwell agree](#)

B. Council Comments.

▪ **Adjournment.**

**CITY MANAGER'S REPORT  
NOVEMBER 2, 2015 CITY COUNCIL MEETING**

**ITEM NO. 3A** Public Hearing - Regarding the purchase of property owned by John and Betty Nothnagel, unimproved property located east of West R Street and West 8<sup>th</sup> Street and West of West 7<sup>th</sup> Street, for the purpose of extending West R Street to West 7<sup>th</sup> Street.

**ITEM NO. 3B** Approve the purchase of property owned by John and Betty Nothnagel, unimproved property located east of West R Street and West 8<sup>th</sup> Street and West of West 7<sup>th</sup> Street, for the purpose of extending West R Street to West 7<sup>th</sup> Street.

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**BACKGROUND:**

As construction continues in the Clary Subdivision with the continuing Clary Village and North Pointe projects, as well as the future Quillan Courts project, it has become obvious that an additional entrance would greatly enhance the development area. Currently, West R Street (located between the North Pointe Property project and Clary Village project) ends prior to merging with West 7<sup>th</sup> Street. The only access to these areas is from the south. This addition would provide an alternate option for ingress/egress for our emergency vehicles and first responders. It would alleviate some of the traffic flow coming from the north and headed to the south when the projects are completed. As has been discussed, the North Pointe project has the potential to expand significantly to the north, adding additional phases as development occurs. If additional private lots are developed, it will be important to provide another access point for residents to reduce traffic flow along the north/south streets. When we began the North Pointe project in 2013, the City discussed its preference to have an east/west addition connecting 7<sup>th</sup> street to West R.

The owners of the property are John and Betty Nothnagel. Through discussions, a potential deal has been reached securing the property for future development purposes. The Nothnagels were only interested in parting with the property if the City would agree to pave the west side of the existing street right of way located west of the Smoker's Outlet building and south of the Riverview Cemetery entrance. Per the Nothnagels, consideration for their property would come in the form of the City extending the pavement in the City's right of way west in a pie shape formation that would allow for an increased turning radius for delivery trucks utilizing the Smoker's Outlet parking lot. There was a request made to do a like-kind exchange for the property, but since it is right of way property, it cannot be sold.

The City will be responsible for paving the right of way. The City will pave the right of way with concrete. There will be one tree that will need to be removed as part of the paving project. A rough estimate was asked for and it is estimated that the right of way paving will cost between \$15,000 - \$17,000. While the unimproved value of the land the Nothnagels own is worth less than the value recited by the Red Willow County Assessor, it is important that the land be acquired in order to complete R Street. The City wanted to work with the property owner to purchase the land and a condemnation action would not have been in the best interest of the City or Nothnagels. Further, a condemnation action would have had additional costs attached to it that would have exceeded the actual value of the lot owned by the Nothnagels.

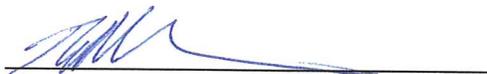
It is possible that the cost of paving may even be less than the rough estimate received, depending on whether the City can provide some of the needed resources to complete the project.

**RECOMMENDATIONS:**

**ITEM NO. 3A** Public Hearing - Regarding the purchase of property owned by John and Betty Nothnagel, unimproved property located east of West R Street and West 8<sup>th</sup> Street and West of West 7<sup>th</sup> Street, for the purpose of extending West R Street to West 7<sup>th</sup> Street.

**ITEM NO. 3B** Approve the purchase of property owned by John and Betty Nothnagel, unimproved property located east of West R Street and West 8<sup>th</sup> Street and West of West 7<sup>th</sup> Street, for the purpose of extending West R Street to West 7<sup>th</sup> Street.

**APPROVALS:**

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

October 28, 2015

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

October 28, 2015

## NOTICE OF PUBLIC HEARING

**NOTICE IS HEREBY GIVEN** that on November 2, 2015 at 6:30 P.M. in the City Council Chambers, McCook Municipal Center, the City of McCook will hold a public hearing concerning acquisition of an unimproved tract of land located east of "R" Street West and 8<sup>th</sup> Street West and west of 7<sup>th</sup> Street West, in Red Willow County, Nebraska.

Said tract of land is proposed to be used for the extension of "R" Street West to 7<sup>th</sup> Street West. All interested parties are invited to attend this public hearing at which time you will have an opportunity to be heard regarding the proposed acquisition.

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

Publish: October 26, 2015.

## RESOLUTION NO. 2015-22

WHEREAS, the City of McCook, Nebraska is interested in acquiring certain property located in Red Willow County, Nebraska for the purpose of future extension of "R" Street West to 7<sup>th</sup> Street West.

WHEREAS, Section 18-1755, R.R.S., authorizes a city acquiring an interest in real property by purchase or eminent domain to do so only after the City Council has authorized the acquisition by action taken in a public meeting after notice and a public hearing was held for the purpose of discussing the proposed acquisition of this property; and

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

SECTION 1. The City of McCook shall enter into an Agreement with John and Betty Nothnagel, setting the terms and conditions for the purchase of the following described real estate located in Red Willow County, Nebraska:

A tract of land located in the NE 1/4 of Section 19, T3N, R29W of the 6th P.M. in Red Willow County, Nebraska, more particularly described as follows:

Referring to the NW Corner of Block 10, Egan Park Addition to the City of McCook, thence N85°25'38"W (assumed and all bearing relative to) along the south line of "R" Street extended a distance of 66.11 feet to a point on the west right-of-way line of West Seventh Street, which is the Point of Beginning, thence continuing N85°25'38"W a distance of 81.17 feet to a point, thence N00°25'19"W a distance of 66.16 feet to a point, thence S85°11'43"E a distance of 81.87 feet to a point on the west right-of-way line of West Seventh Street, thence S00°09'36"W along said right-of-way line a distance of 65.77 feet to the Point of Beginning

Said tract containing 5,358.4 square feet, more or less, subject to any existing right-of-ways, easements or reservations of record.

SECTION 2. The Mayor of the City of McCook is hereby authorized and directed to execute said agreement on behalf of the City of McCook.

SECTION 3. Said agreement, referred to hereinabove, is inserted in full and attached herewith, and made a part hereof as Exhibit "A".

SECTION 4. That this resolution shall be in full force and effect immediately upon its passage and adoption.

SECTION 5. That all resolutions or parts of resolutions in conflict herewith are hereby repealed.

PASSED AND APPROVED THIS 2<sup>nd</sup> day of November, 2015.

**CITY OF MCCOOK, NEBRASKA**

ATTEST:

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

By: \_\_\_\_\_  
Michael D. Gonzales, Mayor

## PAVING AGREEMENT

THIS AGREEMENT (the "Agreement"), made this \_\_\_\_ day of \_\_\_\_\_, 2015 by the City of McCook, Nebraska, a municipal corporation (the "City") and John and Betty Nothnagel, ("Nothnagel").

### RECITALS

WHEREAS, the City is the owner of property interests located in the City of McCook, Nebraska, including particular property located at Referring to the NW Corner of Block 5, West McCook Addition to the City of McCook, Red Willow County, Nebraska. Thence west along the north line of Block 5 extended, a distance of 49 feet to a point on the west line of the existing paving which is the Point of Beginning; thence continue west along said line a distance of 31 feet to a point on the west right of way line of West 12<sup>th</sup> Street; thence south along the said west right of way line a distance of 148 feet to a point on the north right of way line of Highway 6 and 34; thence southeasterly along said highway right of way line a distance of 5 feet to a point on the west line of the existing paving; thence northeasterly along the existing paving a distance of 150 feet to the point of beginning.

(herein referred to as the "the Right of Way")

WHEREAS, Licensee wishes to have the City pave and/or asphalt the Right of Way.

WHEREAS, the City is desirous of acquiring property owned by the Licensee legally described as follows: A tract of land located in the NE  $\frac{1}{4}$  of Section 19, T3N, R29W of the 6<sup>th</sup> P.M. in Red Willow County, Nebraska, more particularly described as follows: Referring to the NW Corner of Block 10, Egan Park Addition to the City of McCook, thence N85°25'38"W (assumed and all bearing relative to) along the south line of "R" Street extended a distance of 66.11 feet to a point on the west right-of-way line of West Seventh Street, which is the Point of Beginning, thence continuing N85°25'38"W a distance of 81.17 feet to a point, thence N00°25'19"W a distance of 66.16 feet to a point, thence S85°11'43"E a distance of 81.87 feet to

a point on the west right-of-way line of West Seventh Street, thence S00°09'36"W along said right-of-way line a distance of 65.77 feet to the Point of Beginning.

(herein referred to as the "Property")

Said tract containing 5,358.4 square feet, more or less, subject to any existing right-of-ways, easements or reservations of record.

#### AGREEMENT

NOW, THEREFORE, in consideration of the mutual promises and obligations contained herein, the parties hereby agree as follows:

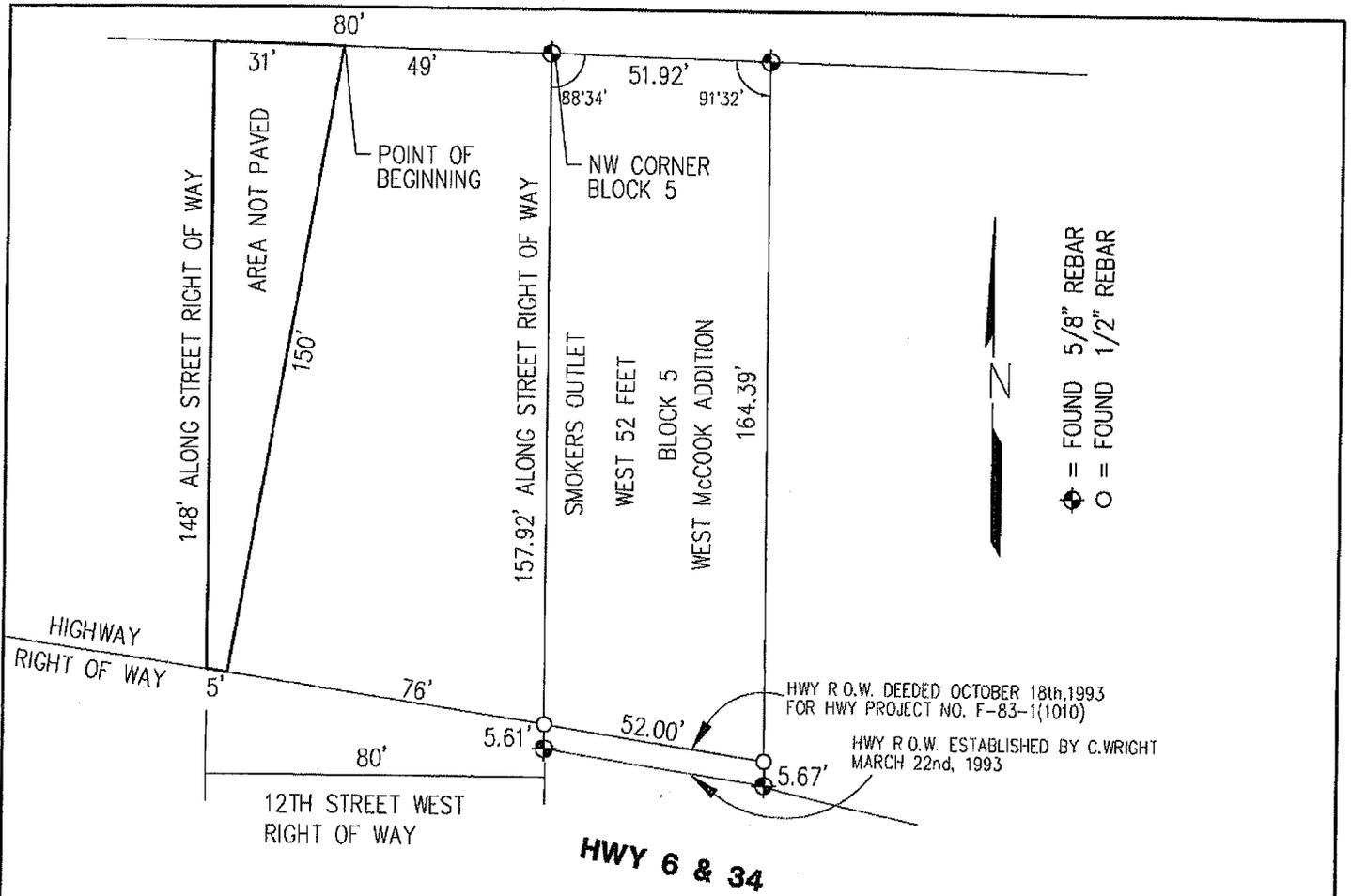
1. *Property*. The City hereby Agrees to pave or asphalt the Right of Way at the City's cost and City will provide all materials and labor for the project. One tree will be removed from the Right of Way at the City's cost and City will provide all materials and labor for the removal.
2. As consideration for the Right of Way paving project, the Nothnagels agree to convey the Property to the City by executing a Quitclaim Deed upon execution of this Agreement.

CITY OF MCCOOK

By: \_\_\_\_\_  
John Nothnagel

By: \_\_\_\_\_  
Michael Gonzales, Mayor

By: \_\_\_\_\_  
Betty Nothnagel



Referring to the Northwest corner of Block 5, West McCook Addition to the City of McCook, Red Willow County, Nebraska. Thence west along the north line of Block 5 extended, a distance of 49 feet to a point on the west line of the existing paving which is the Point of Beginning; thence continue west along said line a distance of 31 feet to a point on the west right of way line of West 12th Street; thence south along the said west right of way line a distance of 148 feet to a point on the north right of way line of Highway 6 and 34; thence southeasterly along said highway right of way line a distance of 5 feet to a point on the west line of the existing paving; thence northeasterly along the existing paving a distance of 150 feet to the point of beginning.

Book:

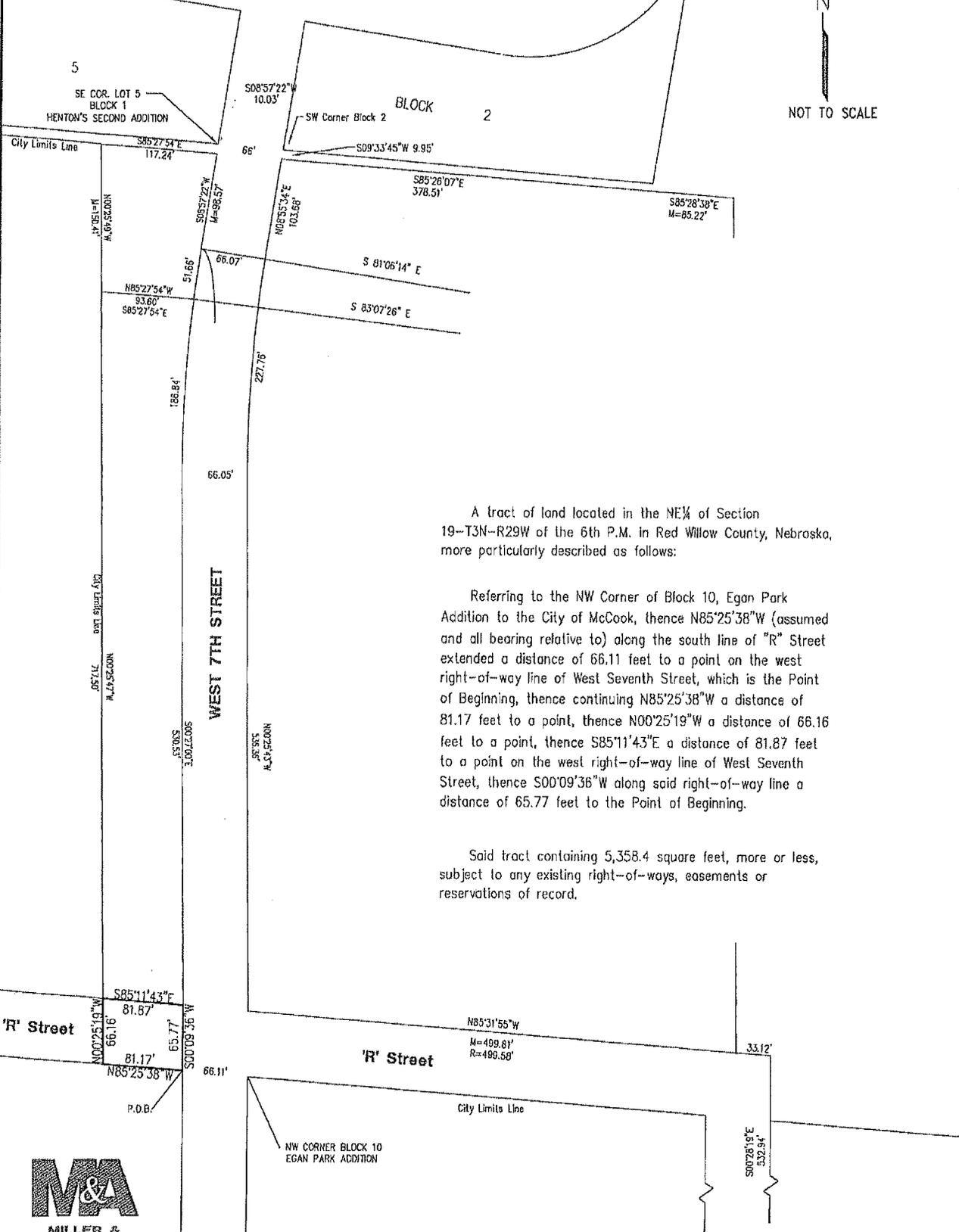
Date: SEPTEMBER 2015

**MILLER & ASSOCIATES**  
**Consulting Engineers, P.C.**  
 109 East 2nd Street  
 McCook, Nebraska 69001

Proj: WEST 12TH STREET ROW  
 West McCook Add.

# HENTON'S SECOND ADDITION SECTION 19 RED WILLOW COUNTY, NEBRASKA

NOT TO SCALE



A tract of land located in the NE¼ of Section 19--T3N--R29W of the 6th P.M. in Red Willow County, Nebraska, more particularly described as follows:

Referring to the NW Corner of Block 10, Egan Park Addition to the City of McCook, thence N85°25'38"W (assumed and all bearing relative to) along the south line of "R" Street extended a distance of 66.11 feet to a point on the west right-of-way line of West Seventh Street, which is the Point of Beginning, thence continuing N85°25'38"W a distance of 81.17 feet to a point, thence N00°25'19"W a distance of 66.16 feet to a point, thence S85°11'43"E a distance of 81.87 feet to a point on the west right-of-way line of West Seventh Street, thence S00°09'36"W along said right-of-way line a distance of 65.77 feet to the Point of Beginning.

Said tract containing 5,358.4 square feet, more or less, subject to any existing right-of-ways, easements or reservations of record.



**MILLER & ASSOCIATES**  
CONSULTING  
ENGINEERS,  
P.C.

DATE: JUNE 2013

## Part of Section 19 - T3N - R29W Red Willow County, NE

**CITY MANAGER'S REPORT  
AUGUST 17, 2015 CITY COUNCIL MEETING**

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**ITEM: 3C** Public Hearing - Regarding a report from Rex Nelson regarding the Citizen's Advisory Committee meetings held July 27, 2015 and October 26, 2015.

**ITEM: 3D** Receive and file the minutes of the July 27, 2015 Economic Development Plan Citizen's Advisory Review Committee meeting.

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**BACKGROUND:**

Quarterly Economic Development Plan Citizen's Advisory Review Committee meetings were held on July 27, 2015 and October 26, 2015. Per the City's Plan, a public hearing will be held to discuss the contents of the meetings.

**FISCAL**

**IMPACT:** None.

**RECOMMENDATION:**

**ITEM: 3C** Public Hearing - Regarding a report from Rex Nelson regarding the Citizen's Advisory Committee meetings held July 27, 2015 and October 26, 2015.

**ITEM: 3D** Receive and file the minutes of the July 27, 2015 Economic Development Plan Citizen's Advisory Review Committee meeting.

**APPROVALS:**

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

October 28, 2015

## NOTICE OF PUBLIC HEARING

**NOTICE IS HEREBY GIVEN** that the Mayor and City Council of McCook, Nebraska will hold a public hearing on November 2, 2015 at 6:30 p.m. CDST in the City Council Chambers of the McCook Municipal Center concerning the findings and suggestions of the Citizens Advisory Committee regarding the functions and progress of the economic development program for the City of McCook.

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

-s- Lea Ann Doak  
City Clerk

Publish: October 27, 2015.

ECONOMIC DEVELOPMENT PLAN  
CITIZEN'S ADVISORY REVIEW COMMITTEE  
REGULAR MEETING

MINUTES  
Monday – July 27, 2015  
12:00 P.M. - Heritage Senior Center

The Economic Development Plan Citizen's Advisory Review Committee of the City of McCook was called to order by Rex Nelson and began at 12:00 P.M. at the Heritage Senior Center.

Present: Chair - Rex Nelson - MEDC; Committee Members Leon Kuhlen, Linda Taylor, Troy Bruntz, Jerda Garey-Vickers, Danielle Johnson; City Manager Nate Schneider; Angela Allen, Recording Secretary.

Absent: Bill Burton and Gary Wiemers

The Open Meetings Act was posted by the entrance to the Heritage Senior Center Room and available for public review.

(1) REVIEW AND APPROVE MINUTES OF APRIL 27, 2015 MEETING.

Kuhlen introduced a motion to approve the April 27, 2015 minutes; Bruntz seconded. Roll Call Vote: Yea Kuhlen, Bruntz, Taylor, Garey-Vickers and Johnson. No: None. Absent: Burton and Wiemers. Motion passed.

(2) WELCOME NEW COMMITTEE MEMBERS.

The committee welcomed Danielle Johnson. There other two new members Bill Burton and Gary Wiemers were absent.

(3) REVIEW OF REVENUES COLLECTED TO DATE

Nelson reviewed the revenues collected to date for the period ending June 30, 2015. He also mentioned that sales tax revenue has been down for the last three months, which is partially due to the down turn in the oil market and the reduction of agricultural prices.

(4) REVIEW OF LB840 ENDING PROGRAM BALANCES

Nelson reviewed the LB840 Ending Program Balances as of June 30, 2015. He also reported that Purple Moon Cookery sold their building and paid off their loan in June.

(5) REVIEW OF FUND-RELATED ACTIVITIES

Nelson handed out and review his detailed quarterly report dated July 24, 2015. This report included all projects that have been funded since October 2014 and it provides supplemental

information to the check register prepared by City Clerk Lea Ann Doak. Projects include: MEDC monthly administrative payments, Hormel Business Plan Competition contribution, City of McCook's legal expenses for Clary Subdivision relocation issues, North Pointe TIF bond, Clary Village bridge loan, Clary Village equity loan, Façade Improvement grants, MEDC's legal expenses for the Clary Village project and MPCC/NBDC Coordinator position contribution.

Nelson handed out and reviewed his LB840 Program Allocations worksheet. Taylor expressed concerns about the need for the façade improvement program. Nelson explained the purpose of the program is to help the downtown look sharp and a revitalize the downtown will attract more people to the downtown area. She felt the money would be better utilized for business recruitment that will bring in more sales tax. Nelson suggested she bring her concerns up at the MEDC board meeting this afternoon. Schneider said if there was a need for the Keystone Bond reserve money of \$112,000 we could refinance the bond.

(6) OPEN DISCUSSION

Garey-Vickers requested suggestions the committee provides be included in the minutes. Bruntz explained that according to the economic development plan we are an advisory committee to review the projects to make sure the funds are being spent accordingly to the plan and to provide input and advise the city council.

Schneider explained that there will be a quarterly public hearing for the City Council to receive status report from the committee. Nelson and another committee member will attend the public hearing.

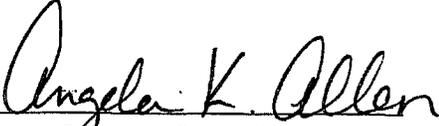
It was the consensus of the committee to place "Election of Committee Chair" on the next meeting agenda.

(7) NEXT MEETING

The next Economic Development Plan Citizen's Advisory Review Committee meeting will be October 26th at 12:00 noon at the Heritage Senior Center.

(8) ADJOURNMENT

The meeting adjourned at 1:15 P.M.

  
Angela K. Allen, Recording Secretary

**CITY MANAGER'S REPORT  
NOVEMBER 2, 2015 CITY COUNCIL MEETING**

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**ITEM:**          **4A**  

Approve the minutes of the October 19, 2015 regular City Council meeting.

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**BACKGROUND:**

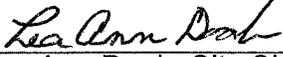
Receive and approve the minutes.

**FISCAL  
IMPACT:**     None.

**RECOMMENDATION:**

Approve the minutes of the October 19, 2015 regular City Council meeting.

**APPROVALS:**

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

October 28, 2015

MCCOOK CITY COUNCIL  
October 19, 2015  
6:30 P.M.

A MEETING OF THE MAYOR AND COUNCIL OF THE CITY OF MCCOOK, NEBRASKA convened in open, regular, and public session at 6:30 o'clock P.M. in the City Council Chambers.

Present: Mayor Gonzales, Councilmembers Hepp, Calvin, McDowell, Weedin.

Absent: None.

City Officials present: City Manager Schneider, City Attorney Mustion, City Clerk Doak, Police Chief Brown, Public Works Director Potthoff, and Senior Services Director Siegfried.

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on October 15, 2015, the designated method of giving notice, a copy of the proof of publication being attached to these minutes. Advance notice of the meeting was also given to the Mayor and members of the City Council and a copy of the Acknowledgment of Receipt of such notice is attached to these minutes. Availability of the agenda was communicated in the advance notice to the Mayor and Council. All proceedings hereafter shown were taken while the meeting was open to the attendance of the public.

Mayor Gonzales announced that a copy of the Open Meetings Act was posted by the entrance to the Council Chambers and available for public review. Invocation was provided by Doug Griger, pastor of the United Memorial Methodist Church. Following the Pledge of Allegiance to the flag of the United States of America, Mayor Gonzales called the meeting to order.

**1. Citizen's comments.**

No one was present for citizen's comments.

**2. Announcements & Recognitions.**

City Manager Schneider informed the Council that this past weekend the Evangelical Free Church worked on various projects around town, including the cleanup of five of the nuisance properties and that Tyler Neff, who serves in the National Guards, has been deployed to Afghanistan. We appreciate his service to our Country and to the City, we will miss him and wish him well.

**3. Proclamations.**

- A. Approve the proclamation designating the month of October 2015 as "Domestic Violence Awareness Month" and authorize the Mayor to sign.

Upon a motion by Councilmember Calvin, seconded by Councilmember Hepp, the Council approved the proclamation designating the month of October 2015 as "Domestic Violence Awareness Month" and authorize the Mayor to sign. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

**4. Presentations.**

- A. Receive and file a report from Eric Hellriegel of Miller and Associates, P.C., updating the McCook Downtown Revitalization Project.

Eric Hellriegel, Project Coordinator for Miller and Associates, gave an update of the Downtown Revitalization Project, presenting drawings of the proposed walking path from the parking lot on East First to Norris Avenue and the parking structure to be constructed in the parking lot.

## **5. Public Hearings.**

- A. Public Hearing - proposed Redevelopment Plan for the Quillan Courts, L.L.C. Redevelopment Project Area 2015 as to its conformity with the general plan of the development of the City as a whole.

Upon a motion by Councilmember Weedon, seconded by Councilmember Hepp, the Council voted to recess as a City Council and convene a public hearing for the purpose of receiving public comment on the proposed Redevelopment Plan for the Quillan Courts, L.L.C. Redevelopment Project Area 2015 as to its conformity with the general plan of the development of the City as a whole with the City Attorney to act as hearing officer. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedon. NAY: None.

The City Attorney offered and received into evidence Exhibit #1 - the City Manager's Report prepared for the October 19, 2015 City Council meeting; Exhibit #2 - Notice of Hearing published and mailing list of those receiving advanced notice; Exhibit #3 - copy of letter to McCook Community College; Exhibit #4 - copy of letter to Chairman of the Board, Educational Service Unit No. 15; Exhibit #5 - copy of letter mailed to Chairman of the Board, Middle Republican NRD; Exhibit #6 - copy of letter mailed to Vesta Dack, Chairman Red Willow County Commissioners; Exhibit #7 - Tom Bredvick, President of the McCook School District Board; Exhibit #8 - Planning Commission minutes dated October 12, 2015 (2 pages); Exhibit #9 - McCook Planning Commission Resolution No. PC2015-06; Exhibit #10 - proposed Quillan Courts Redevelopment Plan (18 pages); Exhibit #11 - proposed Resolution No. 2015-21.

City Manager Schneider reviewed his presented City Manager's Report and the proposed Redevelopment Plan.

Rex Nelson, McCook Economic Development Corporation Executive Director, was present to address questions from the Council.

There being no one else present to comment, upon a motion by Mayor Gonzales, seconded by Councilmember Hepp, the Council voted to adjourn the public hearing and to reconvene as a City Council. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedon. NAY: None.

Upon a motion by Mayor Gonzales, seconded by Councilmember McDowell, the Council voted to recess as a City Council and to convene as the McCook Community Development Agency for consideration of the CDA Agenda at 7:13 P.M.

## **MCCOOK COMMUNITY DEVELOPMENT AGENCY REGULAR MEETING**

A regular meeting of the Community Development Agency of the City of McCook, Nebraska was

held on Monday, October 19, 2015, at 6:30 p.m., in City Council Chambers at the McCook Municipal Center, 505 West "C" Street, McCook, Nebraska, the same being open to the public and preceded by advance publicized notice duly given in strict compliance with the provisions of the Open Meetings Act. Each member of the Agency was also given advance notice of the meeting as acknowledged. Additionally, reasonable efforts were made to provide advance notice of the time, date and place of the meeting to all news media requesting the same.

Mayor Gonzales presided and City Clerk Doak recorded the proceedings. The meeting was called to order at 7:13 p.m. and on roll call the following Agency members were present: Gonzales, Hepp, Calvin, McDowell, Weedin; the following Agency Members were absent: None. A quorum being present and the meeting duly commenced, the following proceedings were had and done while the meeting was open to the attendance of the public. The Mayor publicly announced that a copy of the Open Meetings Act is posted by the entrance to the Council Chambers and is available for public review.

1. Approve the minutes of the May 4, 2015 Community Development Agency regular meeting.

Upon a motion by Agency Member Calvin, seconded by Agency Member Weedin, the Agency voted to approve the minutes of the May 4, 2015 Community Development Agency regular meeting. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

2. Adopt Resolution No. CDA 2015-04 recommending approval of a Redevelopment Plan of the City of McCook, Nebraska submitted by Quillan Courts, L.L.C; approving a Cost Benefit Analysis, approving a Redevelopment Project of the City of McCook, Nebraska; and approval of related actions.

City Manager Schneider reviewed the proposed Redevelopment Plan during the Public Hearing held by the City Council on October 19, 2015.

Upon a motion by Agency Member Calvin, seconded by Agency Member Weedin, the Agency voted to adopt Resolution No. CDA 2015-04 recommending approval of a Redevelopment Plan of the City of McCook, Nebraska submitted by Quillan Courts, L.L.C; approving a Cost Benefit Analysis, approving a Redevelopment Project of the City of McCook, Nebraska; and approval of related actions. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

3. Adjournment.

There being no further business to come before the Agency, Mayor Gonzales declared the meeting adjourned at 7:15 P.M.

Upon a motion by Mayor Gonzales, seconded by Councilmember Hepp, the Council voted to recess as the McCook Community Development Agency and reconvene as the McCook City Council.

### **MCCOOK CITY COUNCIL**

- B. Adopt Resolution No. 2015-21 approving a Redevelopment Plan of the City of McCook, Nebraska; and related matters for the purpose of the development of Quillan Courts, L.L.C.

Upon a motion by Councilmember Weedon, seconded by Councilmember Hepp, the Council voted to adopt Resolution No. 2015-21 approving a Redevelopment Plan of the City of McCook, Nebraska; and related matters for the purpose of the development of Quillan Courts, L.L.C. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedon. NAY: None.

## **6. Consent Agenda.**

Councilmember Hepp requested that Item C be removed from the Consent Agenda and placed on the Regular Agenda.

A. Approve the minutes of the October 5, 2015 regular City Council meeting.

Upon a motion by Councilmember Calvin, seconded by Councilmember McDowell, the Council voted to approve the minutes of the October 5, 2015 regular City Council meeting. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedon. NAY: None.

B. Approve the application for a Special Designated Liquor License submitted by the McCook Area Chamber of Commerce for a Quarterly Networking Affair to be held at the McCook Municipal Auditorium, 302 West 5<sup>th</sup> Street, on December 9, 2015 from 5:30 P.M. to 7:00 P.M.

Upon a motion by Councilmember Calvin, seconded by Councilmember McDowell, the Council voted to approve the application for a Special Designated Liquor License submitted by the McCook Area Chamber of Commerce for a Quarterly Networking Affair to be held at the McCook Municipal Auditorium, 302 West 5<sup>th</sup> Street, on December 9, 2015 from 5:30 P.M. to 7:00 P.M. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedon. NAY: None.

D. Approve the application for a Special Designated Liquor License submitted by Mo Dough LLC, Liquor License #IK-057785, for the McCook Community Hospital Company Christmas Party to be held at the Peter and Delores Graff Event Center, 104 East "M" Street, on December 5, 2015 from 8:00 A.M. to 1:00 A.M.

Upon a motion by Councilmember Calvin, seconded by Councilmember McDowell, the Council voted to approve the application for a Special Designated Liquor License submitted by Mo Dough LLC, Liquor License #IK-057785, for the McCook Community Hospital Company Christmas Party to be held at the Peter and Delores Graff Event Center, 104 East "M" Street, on December 5, 2015 from 8:00 A.M. to 1:00 A.M. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedon. NAY: None.

E. Approve the application for a Special Designated Liquor License submitted by Mo Dough LLC, Liquor License #IK-057785, for the Valmont Company Christmas Party to be held at the AFRC (Army Reserve Building), 38709 East Highway 6 & 34, on December 19, 2015 from 9:00 A.M. to 1:00 A.M.

Upon a motion by Councilmember Calvin, seconded by Councilmember McDowell, the Council voted to approve the application for a Special Designated Liquor License submitted by Mo Dough LLC, Liquor License #IK-057785, for the Valmont Company Christmas Party to be held at the AFRC (Army Reserve Building), 38709 East Highway 6 & 34, on December 19, 2015 from 9:00

A.M. to 1:00 A.M. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

- F. Approve the application for a Special Designated Liquor License submitted by Mo Dough LLC, Liquor License #IK-057785, for the Parker Company Christmas Party to be held at the AFRC (Army Reserve Building), 38709 East Highway 6 & 34, on December 12, 2015 from 9:00 A.M. to 1:00 A.M.

Upon a motion by Councilmember Calvin, seconded by Councilmember McDowell, the Council voted to approve the application for a Special Designated Liquor License submitted by Mo Dough LLC, Liquor License #IK-057785, for the Parker Company Christmas Party to be held at the AFRC (Army Reserve Building), 38709 East Highway 6 & 34, on December 12, 2015 from 9:00 A.M. to 1:00 A.M. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

- G. Receive and file the claims for the month of September 2015 as published October 19, 2015.

Upon a motion by Councilmember Calvin, seconded by Councilmember McDowell, the Council voted to receive and file the claims for the month of September 2015 as published October 19, 2015. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

- H. Approve an addendum to the Fixed Base Operator Lease Agreement between Griff Malleck, d/b/a Red Willow Aviation and the City of McCook to include an additional 90' by 75' concrete slab, 12' x 14' of said concrete to be added by Red Willow Aviation at Red Willow Aviation's cost.

Upon a motion by Councilmember Calvin, seconded by Councilmember McDowell, the Council voted to approve an addendum to the Fixed Base Operator Lease Agreement between Griff Malleck, d/b/a Red Willow Aviation and the City of McCook to include an additional 90' by 75' concrete slab, 12' x 14' of said concrete to be added by Red Willow Aviation at Red Willow Aviation's cost. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

- I. Receive and file the minutes of the October 12, 2015 Planning Commission meeting.

Upon a motion by Councilmember Calvin, seconded by Councilmember McDowell, the Council voted to receive and file the minutes of the October 12, 2015 Planning Commission meeting. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

- J. Approve the bid specifications for two (2) new 2015 or 2016 3/4 Ton 4-Wheel Drive pickup trucks for the Street and Parks Departments, that includes an alternate for a third pickup for the Cemetery Department, and set the date to receive bids as November 9, 2015 at 2:30 P.M.

Upon a motion by Councilmember Calvin, seconded by Councilmember McDowell, the Council voted to approve the bid specifications for two (2) new 2015 or 2016 3/4 Ton 4-Wheel Drive pickup trucks for the Street and Parks Departments, that includes an alternate for a third pickup for the Cemetery Department, and set the date to receive bids as November 9, 2015 at 2:30 P.M. The

motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

**7. Regular Agenda.**

6C. Approve the bid specifications for two (2) new 2016 All Wheel Drive or 4-Wheel Drive vehicles for use by the McCook Police Department and set the date to receive the bids as November 9, 2015 at 2:00 P.M.

Upon a motion by Councilmember Hepp, seconded by Councilmember McDowell, the Council voted to approve the bid specifications for two (2) new 2016 All Wheel Drive or 4-Wheel Drive vehicles for use by the McCook Police Department and set the date to receive the bids as November 9, 2015 at 2:00 P.M. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

A. Approve on third and final reading Ordinance No. 2015-2921 vacating the dedicated alley located directly to the south of Lot 28, Block 1, South McCook Addition to the City of McCook, Red Willow County, Nebraska.

Considered on its third and final reading, Ordinance No. 2015-2921 entitled:

AN ORDINANCE TO VACATE THE DEDICATED ALLEY LOCATED DIRECTLY TO THE SOUTH OF LOT TWENTY-EIGHT (28), BLOCK ONE (1), SOUTH MCCOOK ADDITION TO THE CITY OF MCCOOK, RED WILLOW COUNTY, NEBRASKA; TO PROVIDE FOR THE FILING OF THIS ORDINANCE IN THE OFFICE OF THE REGISTER OF DEEDS OF RED WILLOW COUNTY, NEBRASKA; PROVIDING FOR THE REPEAL OF ANY AND ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR A TIME AND DATE FROM AND AFTER WHICH THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE.

Ordinance No. 2015-2921 was read by title only and thereafter Councilmember Weedin moved for final passage of the Ordinance, which motion was seconded by Councilmember Hepp. The Mayor then stated the question: "Shall Ordinance No. 2015-2921 be passed and adopted?" Upon roll call vote the following Councilmembers voted YEA: Gonzales, Calvin, Hepp, McDowell, Weedin. NAY: None. Motion carried. The passage and adoption of said Ordinance having been concurred in by a majority of the Council, the Mayor declared the Ordinance lawfully passed and adopted upon publication as required by law.

B. Approve on third and final reading Ordinance No. 2015-2922 creating a new 20 foot alley to replace the vacated alley located directly to the south of Lot 28, Block 1, South McCook Addition to the City of McCook, Red Willow County, Nebraska.

Considered on its third and final reading, Ordinance No. 2015-2922 entitled:

AN ORDINANCE CREATING A NEW TWENTY FOOT (20') ALLEY TO REPLACE THE VACATED ALLEY LOCATED DIRECTLY TO THE SOUTH OF LOT TWENTY-EIGHT (28), BLOCK ONE (1), SOUTH MCCOOK ADDITION TO THE CITY OF MCCOOK, RED WILLOW COUNTY, NEBRASKA; TO PROVIDE FOR THE DEDICATION OF SAID ALLEY; TO PROVIDE FOR THE FILING OF THIS ORDINANCE IN THE OFFICE OF THE REGISTER OF DEEDS OF RED WILLOW COUNTY, NEBRASKA; PROVIDING FOR THE REPEAL OF ANY AND ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR A TIME AND

DATE FROM AND AFTER WHICH THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE.

Ordinance No. 2015-2922 was read by title only and thereafter Councilmember Hepp moved for final passage of the Ordinance, which motion was seconded by Councilmember Calvin. The Mayor then stated the question: "Shall Ordinance No. 2015-2922 be passed and adopted?" Upon roll call vote the following Councilmembers voted YEA: Gonzales, Calvin, Hepp, McDowell, Weedin. NAY: None. Motion carried. The passage and adoption of said Ordinance having been concurred in by a majority of the Council, the Mayor declared the Ordinance lawfully passed and adopted upon publication as required by law.

- C. Approve on third and final reading Ordinance No. 2015-2923 authorizing the sale of Part of Block 1, South McCook Addition to the City of McCook, Red Willow County, Nebraska, more particularly described as follows: Beginning at the SW corner of Lot 29, Block 1, South McCook Addition, thence N02°24'55"W (assumed and all bearings relative to) along the west line of Lot 29 a distance of 59.86 feet to the SE Corner of lot 28, thence S89°25'59"W along the south line of Lot 28 a distance of 44.19 feet to the SW corner of Lot 28, thence S00°47'07"E a distance of 59.85 feet, thence N89°26'40"E a distance of 43.80 feet to the Point of Beginning, said tract containing 2633.40 square feet more or less, subject to any easements, right-of-ways, or reservations of record.

Considered upon its second reading, Ordinance No. 2015-2923 entitled:

AN ORDINANCE OF THE CITY OF MCCOOK, NEBRASKA, AUTHORIZING AND DIRECTING THE SALE AND CONVEYANCE OF REAL ESTATE HEREINAFTER DESCRIBED TO JASON MICHAELIS; TO PROVIDE FOR PUBLICATION OF NOTICE OF SALE AND CONVEYANCE AND THE TERMS THEREOF; TO PROVIDE FOR THE RIGHT TO FILE A REMONSTRANCE AGAINST THE CONVEYANCE; AND TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM BY AUTHORITY OF THE CITY COUNCIL AND EFFECTIVE DATE OF THIS ORDINANCE.

Ordinance No. 2015-2923 was read by title only and thereafter Councilmember Hepp moved for final passage of the Ordinance, which motion was seconded by Councilmember Calvin. The Mayor then stated the question: "Shall Ordinance No. 2015-2923 be passed and adopted?" Upon roll call vote the following Councilmembers voted YEA: Gonzales, Calvin, Hepp, McDowell, Weedin. NAY: None. Motion carried. The passage and adoption of said Ordinance having been concurred in by a majority of the Council, the Mayor declared the Ordinance lawfully passed and adopted upon publication as required by law.

- D. Council Comments.

Council comments included opening of the skatepark was a success, it is being highly used, it is by far nicer than any other in our area, it is amazing, and thanked Rex Nelson's wife for having the vision of a skatepark; and recognized the Evangelical Free Church for their service to the community with the various projects they took part in this past weekend.

- E. An Executive Session may be held upon a majority vote of the Council for the protection of public interest and protection of attorney client privilege for a strategy session with their Attorney with respect to potential litigation involving a Zoning Regulation Violation.

Upon a motion by Councilmember Calvin, seconded by Councilmember McDowell, the Council voted to move into executive session for the protection of public interest and protection of attorney client privilege for a strategy session with their Attorney with respect to potential litigation involving a Zoning Regulation Violation at 7:34 P.M. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedon. NAY: None.

Mayor Gonzales announced that at this time, pursuant to the Nebraska Open Meetings Act, a closed session will be held for the protection of public interest and protection of attorney client privilege for a strategy session with their Attorney with respect to potential litigation involving a Zoning Regulation Violation. The Council will reconvene in public session following this closed session.

Included in the executive session were City Manager Schneider, City Attorney Mustion, and City Clerk Doak.

Upon a motion by Councilmember Weedon, seconded by Councilmember McDowell, the Council voted to move out of executive session at 7:41 P.M. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedon. NAY: None.

▪ **Adjournment.**

There being no further business to come before the Council, Mayor Gonzales declared the meeting adjourned at 7:42 P.M.

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Michael D. Gonzales, Mayor

ATTEST:

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Lea Ann Doak, City Clerk

**CITY MANAGER'S REPORT  
NOVEMBER 2, 2015 CITY COUNCIL MEETING**

**ITEM: 4B** Approve a Memorandum of Understanding with Mid-Plains Community College providing for the one-time payment of \$1,000 to the City of McCook for skatepark purposes.

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**BACKGROUND:**

Mid-Plains Community College wishes to pay \$1,000 to the City of McCook for skatepark purposes. The City in return agrees that the skatepark will be open for use by the Mid-Plains Community College students. While all individuals are free to use the skatepark under the terms established, in order to pay out this sum, Mid-Plains Community College needs this understanding to be memorialized.

**FISCAL IMPACT:**

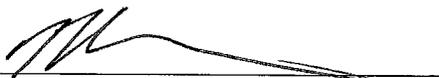
\$1,000 payable to the City of McCook for use at the skatepark.

**RECOMMENDATIONS:**

Approve a Memorandum of Understanding with Mid-Plains Community College providing for the one-time payment of \$1,000 to the City of McCook for skatepark purposes.

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

October 28, 2015

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

October 28, 2015

# Memorandum of Understanding

Among

## Mid-Plains Community College and the City of McCook

This Memorandum of Understanding (MOU) is among MCC and the City of McCook for the express purpose of laying out terms for use of the skatepark which will be located to the northeast of Brooks Hall. This understanding defines the nature of the relationship and responsibilities of all parties. The parties understand that this agreement is not specific in many areas but all parties agree to make a good faith effort to accommodate one another to carry out the intent of this agreement.

### MPCC agrees to:

1. Have two contact people for the City of McCook available to follow up on items of concern:
  - a. Dean of Student Brian Obert
  - b. McCook Campus Vice President Andy Long

### The City of McCook would provide

1. Access for students to use the skatepark whenever it is open and available for public use as long as the park is open in the future.

### Consideration

- MPCC will provide a one-time payment of \$1,000 payable to the City of McCook for use of the park in the future.

### It is Mutually Agreed that:

This Memorandum should be reviewed as needed by both parties.

This Memorandum can be amended by mutual agreement of both parties at any time.

### SIGNATURES

My signature indicates agreement with the above stated agreements and conditions:

\_\_\_\_\_  
City of McCook Representative

\_\_\_\_\_  
Date

\_\_\_\_\_  
MPCC Representative

\_\_\_\_\_  
Date

Contact Information Regarding this MOU:

Andy Long  
Vice President, MPCC  
308-345-8119  
[longa@mpcc.edu](mailto:longa@mpcc.edu)

**CITY MANAGER'S REPORT  
NOVEMBER 2, 2015 CITY COUNCIL MEETING**

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**ITEM:        4C**

Approve the application for a Special Designated Liquor License submitted by Loop Brewing Company, LLC, Liquor License #LK-093351, for a Christmas Party to be held at the Keystone Building, 402 Norris Avenue, on December 5, 2015 from 5:00 P.M. to 12:00 A.M.

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**BACKGROUND:**

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

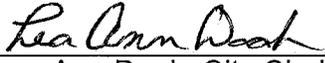
**FISCAL**

**IMPACT:**     None.

**RECOMMENDATION:**

Approve the application for a Special Designated Liquor License submitted by Loop Brewing Company, LLC, Liquor License #LK-093351, for a Christmas Party to be held at the Keystone Building, 402 Norris Avenue, on December 5, 2015 from 5:00 P.M. to 12:00 A.M.

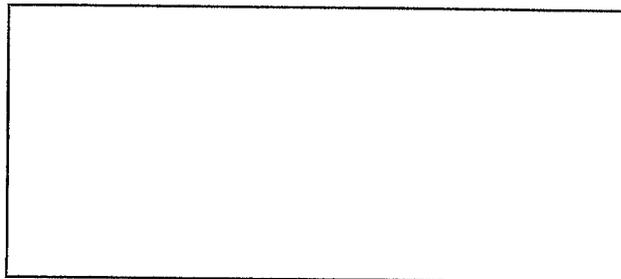
**APPROVALS:**

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

October 28, 2015

**APPLICATION FOR SPECIAL DESIGNATED LICENSE**

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



DO YOU NEED POSTERS? YES  NO

**NON PROFIT APPLICANTS**

(Check one that best applies)

Municipal  Political  Fine Arts  Fraternal  Religious  Charitable  Public Service

**LIQUOR LICENSE HOLDERS**

Liquor license number and class (i.e. C-55441)

LK - 93351

**COMPLETE ALL QUESTIONS**

1. Type of alcohol to be served and/or consumed: Beer  Wine  Distilled Spirits

2. Licensee name (last, first,), corporate name or limited liability company (LLC) name  
(As it reads on your liquor license)

NAME: Loop Brewing Company, LLC

ADDRESS: 404 West A Street

CITY McCook

ZIP 69001

3. Location where event will be held; name, address, city, county, zip code

BUILDING NAME Keystone Building

ADDRESS: 402 Norris Ave

CITY McCook

ZIP 69001

COUNTY and COUNTY # Red Willow - 48

a. Is this location within the city/village limits?

YES  NO

b. Is this location within the 150' of church, school, hospital or home for aged/indigent or for veterans and/or wives?

YES  NO

c. Is this location within 300' of any university or college campus?

YES  NO

4. Date(s) and Time(s) of event (no more than six (6) **consecutive** days on one application)

Date 12/05/2015	Date	Date	Date	Date	Date
<b>Hours</b> From 5 PM	<b>Hours</b> From	<b>Hours</b> From	<b>Hours</b> From	<b>Hours</b> From	<b>Hours</b> From
To 12 AM	To	To	To	To	To

- a. Alternate date: \_\_\_\_\_
- b. Alternate location: \_\_\_\_\_  
**(Alternate date or location must be specified in local approval)**

5. Indicate type of activity to be carried on during event:

Dance \_\_\_ Reception \_\_\_ Fund Raiser \_\_\_ Beer Garden \_\_\_ Sampling/Tasting \_\_\_

Other Christmas Party

6. Description of area to be licensed

Inside building, dimensions of area to be covered **IN FEET** 50 x 75  
 (not square feet or acres)

\*Outdoor area dimensions of area to be covered **IN FEET** \_\_\_\_\_ x \_\_\_\_\_

**\*SKETCH OF OUTDOOR AREA (or attach copy of sketch) (sample sketch)**

If outdoor area, how will premises be enclosed?

\_\_\_ Fence; \_\_\_ snow fence \_\_\_ chain link \_\_\_ cattle panel  
 \_\_\_ other \_\_\_\_\_  
 \_\_\_ Tent

7. How many attendees do you expect at event? 150

8. If over 150 attendees. Indicate the steps that will be taken to prevent underage persons from obtaining alcohol beverages. (Attach separate sheet if needed)

ID's will be checked for each person purchasing alcohol. Also, we will be scanning the area to make sure no drinks end up in the hands of a minor via someone else that may have purchased the alcohol for them.

9. Will premises to be covered by license comply with all Nebraska sanitation laws? YES  NO

a. Are there separate toilets for both men and women? YES  NO

10. Where will you be purchasing your alcohol?

Wholesaler X      Retailer \_\_\_\_\_      Both \_\_\_\_\_      BYO \_\_\_\_\_  
(includes wineries)

11. Will there be any games of chance operating during the event? YES  NO

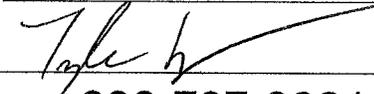
If so, describe activity \_\_\_\_\_

NOTE: Only games of chance approved by the Department of Revenue, Charitable Gaming Division are permitted. All other forms of gambling are prohibited by State Law. There are no exceptions for Non Profit Organizations or any events raising funds for a charity. This is only an application for a Special Designated License under the Liquor Control Act and is not a gambling permit application.

12. Any other information or requests for exemptions: \_\_\_\_\_

13. Name and telephone number/cell phone number of immediate supervisor. This person will be at the location of the event when it occurs, able to answer any questions from Commission and/or law enforcement before and during the event, and who will be responsible for ensuring that any applicable laws, ordinances, rules and regulations are adhered to. PLEASE PRINT LEGIBLY

Print name of Event Supervisor Tyler Loop

Signature of Event Supervisor 

Event Supervisor phone: Before 308-737-9921 During 308-737-9921  
Email address loopbrewingcompany@yahoo.com

Consent of Authorized Representative/Applicant

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

sign here   
Authorized Representative/Applicant  
Tyler Loop  
Print Name

Managing Member      10/26/2015  
Title      Date

This individual must be listed on the application as an officer or stockholder unless a letter has been filed appointing an individual as the catering manager allowing them to sign all SDL applications.

The law requires that no special designated license provided for by this section shall be issued by the Commission without the approval of the local governing body. For the purposes of this section, the local governing body shall be the city or village within which the particular place for which the special designated license is requested is located, or if such place is not within the corporate limits of a city or village, then the local governing body shall be the county within which the place for which the special designated license is requested is located.

**CITY MANAGER'S REPORT  
NOVEMBER 2, 2015 CITY COUNCIL MEETING**

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**ITEM:**         **4D**

**RECOMMENDATION:**

Receive and file the minutes of the October 6, 2015 Senior Center Advisory Board meeting and the May 13, 2015 Library Advisory Board meeting.

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**BACKGROUND:**

Receive minutes from the various board and commission meetings.

**FISCAL**

**IMPACT:**       None.

**RECOMMENDATION:**

Receive and file the minutes of the October 6, 2015 Senior Center Advisory Board meeting and the May 13, 2015 Library Advisory Board meeting.

**APPROVALS:**

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

October 28, 2015

Heritage Senior Center  
1312 West 5th St.

McCook, NE. 69001

ADVISORY BOARD MEETING  
TUESDAY, OCTOBER 6, 2015

A copy of the Open Meeting Act is posted by the entrance to the meeting room and is available for public review. All meetings begin at 10 AM and open to the public.

Meeting called to order by Joan Dike

Minutes of previous meeting were read and approved. Roll call was taken.

John Andertson - p  
Gene meints - p  
STASTICS  
PUBLIC TRANSIT

Joyce Hofman - p  
Peggy Appleyard -p  
MEALS AT CENTER  
Overall - 4839 Avg. 1613

Jim Hamill - p  
Sharon Parde -p  
HOME DELIVERED MEALS  
Joan Dike - p  
Beth Siegfried - p  
JULY 21 Aug. 22 Sept 21

No. of Riders - 1479  
No. Miles for Van - 4056  
Round Trips - 689  
Individuals Riding - 134  
OLD BUSINESS

Over 60 - 4448 Avg. 1483

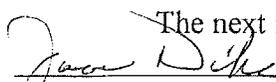
Average 1042  
July Avg. 53  
Aug. Avg. 45  
Sept. Avg 50

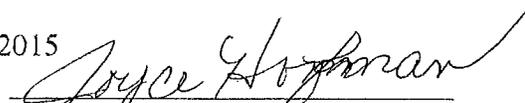
- A. Farmer Market Vouchers 42 given out
- B. Root Beer Float Day - \$149 sent to Wounded Warriors
- C. Nice lunch crowd for Heritage Picnic
- D. No entry in Heritage Days Parade. No driver available
- E. North Wall Moisture. Gene found large holes while weeding and Mike filled in.
- F. New sign installed - donated by Bob and Vonnie Tiller
- G. Annual Rodeo: Mike did great his first year and placed third.

New Business

- H. Election of Officers
- I. Movie License
- J. Veterans Day activity
- k. New Check in System
- L. Thanksgiving
- M. Christmas
- N. Spills

Meeting was adjourned

The next meting will be Tuesday January 5, 2015  
  
Joan Dike - President

  
Joyce Hofman - Secretary

## McCook Public Library Advisory Board Meeting, May 13, 2015

The meeting was called to order at 4:00 p.m. by Steve Batty in President Pam Wolford's absence. Members present were Steve Batty, Jody Crocker, Sharon Bohling, Nancy Buresh, and new member Mary Dueland, to replace Kay Neuhaus who has moved out of town.

There were no comments from the public.

Moved by Sharon and seconded by Steve, the minutes were approved as printed.

There was no open discussion from board members.

In her director's report, Jody stated that sixty-three readers have signed up for the "One Thousand Books before Kindergarten" program. A new elm tree was planted, donated by the Norris Institute. Concerning April's poetry month celebration, assisted by local poet, Jenny Odenbach, coloring contest and poetry writing for kids and adults netted thirty-eight entries. Awards were handed out in each age group for three places. Looking at updating and improving the south doors of the library, Jody is waiting for an

estimate. If it is a large amount, the Library Foundation will assist. Jody reported she has applied to the McCook Community Foundation for a grant of \$3,500 for tables and folding chairs for the basement. MPL is accredited for three more years, thanks to Steve. (20 points) A list of how to earn points was suggested for the board, so all are able to help. Steve explained doing the webinars. Jody will be looking at our accreditation plan. Our hope is to attain gold status, the highest status. Library policies count for a point.

Under unfinished business, the Strategic Plan was handed out for the board to see. It has been approved by the Library Commission. The board now needs to approve it. Nancy made a motion to approve and Steve seconded. The Strategic Plan was approved. The MPL will help to be a volunteer center and also set up a job fair, for the goals for McCook.

Under new business, Steve brought up the organizing of volunteers for the tutoring program. MPL will still do some organization and planning for the after school tutoring, not the school system

as previously stated in the library board minutes. Wednesdays at 4:00pm. may be a starting time.

The next scheduled meeting will be the second Wednesday, October 14, 2015, unless Jody requires an emergency meeting. We will elect officers at the regular meeting in October.

The meeting adjourned at 4:32 p.m.

Respectfully submitted,

Nancy Buresh

**CITY MANAGER'S REPORT  
NOVEMBER 2, 2015 CITY COUNCIL MEETING**

---

**ITEM:        4E**

Approve the application for a Special Designated Liquor License submitted by Schmick's Market Inc, Liquor License #IDK-084561, for a dance and reception to be held at the Red Willow County Fairgrounds Community Building, 1412 West 5<sup>th</sup> Street, on November 28, 2015 from 4:00 P.M. to 11:59 P.M.

---

**BACKGROUND:**

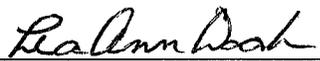
Schmick's will be catering this event. They are making application to allow them to serve alcohol at this temporary location. Approval of the City Council is required with all applications.

**FISCAL  
IMPACT:**       None.

**RECOMMENDATION:**

Approve the application for a Special Designated Liquor License submitted by Schmick's Market Inc, Liquor License #IDK-084561, for a dance and reception to be held at the Red Willow County Fairgrounds Community Building, 1412 West 5<sup>th</sup> Street, on November 28, 2015 from 4:00 P.M. to 11:59 P.M.

**APPROVALS:**

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

October 28, 2015

## Lea Ann Doak

---

**From:** Tyler Schmick  
**Sent:** Friday, October 16, 2015 11:16 AM  
**To:** ldoak@cityofmccook.com; Lori Schmidt  
**Subject:** Fwd: Liq License  
**Attachments:** Liq License 10142015.pdf

Hello,

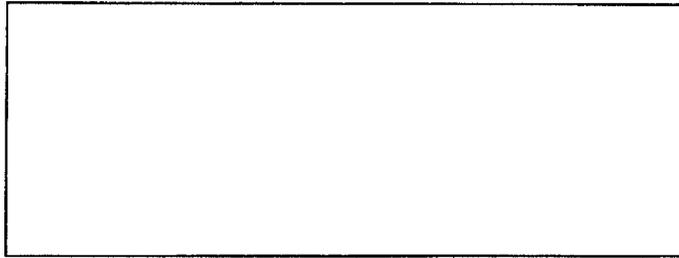
Here is an SDL application for a wedding Nov 28th. Please put it the next available council meeting.

Thanks,

Tyler Schmick

## APPLICATION FOR SPECIAL DESIGNATED LICENSE

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



### Special Designated License (SDL) Application Quick Checklist

#### Requirements:

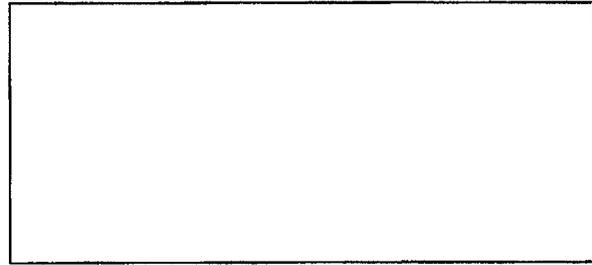
- Application **MUST** include approval from the local governing body (city, village or county clerk of where the event is to be held). Contact this jurisdiction for further requirements. **EFFECTIVE MAY 1, 2015, applications will no longer be accepted without the local approval attached to the application.**
- Only 501c Non-profit organizations or Retail license holders can apply for a Special Designated License. No SDL will be issued to Retail license holders operating under a Temporary Operating Permit (TOP).
- Include \$40 fee for each day/area. Check is payable to the Nebraska Liquor Control Commission (NLCC). If you have a Catering license, there are no fees required. You may also pay online at <http://www.lcc.nebraska.gov/>
- **Applicant** is responsible for all paperwork and fees being sent to the NLCC office before the 10-day deadline. It is not the responsibility of the local governing body to send the application to the NLCC.
- When requesting alternate date(s) and/or location(s), approval from local governing body must include approval for these alternate date(s) and/or locations(s). If requesting sales on Sunday, attach copy of local ordinance or resolution.
- Application must be received in Nebraska Liquor Control Commission (NLCC) office a **MINIMUM** of ten (10) business days prior to date of event (weekends, holidays & date of event are not included in this count). **NO EXCEPTIONS!**  
\*See the calendar on our website at:  
<http://www.lcc.nebraska.gov/pdfs/SDL%20Calendar%20SEPT%202015%20-JAN%202017.pdf>
- When requesting an outdoor area, you must include a box-type diagram of the area to be licensed.
- Non Caterer applicants are only allowed six (6) SDLs per calendar year, this includes consecutive days used on one application (i.e. July 4 – 9 = 6 days).
- Only twelve (12) SDLs will be issued at any specific location that could otherwise hold a liquor license.

#### Non Profit Application **MUST**:

- Include page five (5) of application showing Federal ID number.
- When requesting an exemption from NLCC rules; i.e. waiver of double fencing, request must be received in (NLCC) office a **MINIMUM** of 30 days prior to the date of the event; waiving double fence must complete Form 140.

**APPLICATION FOR SPECIAL DESIGNATED LICENSE**

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



DO YOU NEED POSTERS? YES  NO

**NON PROFIT APPLICANTS**

(Check one that best applies)

Municipal  Political  Fine Arts  Fraternal  Religious  Charitable  Public Service

**LIQUOR LICENSE HOLDERS**

Liquor license number and class (i.e. C-55441)

IDK-084561

**COMPLETE ALL QUESTIONS**

1. Type of alcohol to be served and/or consumed: Beer  Wine  Distilled Spirits

2. Licensee name (last, first,), corporate name or limited liability company (LLC) name  
(As it reads on your liquor license)

NAME: Schmick, Tyler William, Schmick's Market Inc.

ADDRESS: 212 Westview Plaza

CITY McCook ZIP 69001

3. Location where event will be held; name, address, city, county, zip code

BUILDING NAME Red Willow County Fairgrounds Community Building

ADDRESS: 1412 West 5th CITY McCook

ZIP 69001 COUNTY and COUNTY # Red Willow #48

a. Is this location within the city/village limits? YES  NO

b. Is this location within the 150' of church, school, hospital or home for aged/indigent or for veterans and/or wives? YES  NO

c. Is this location within 300' of any university or college campus? YES  NO

4. Date(s) and Time(s) of event (no more than six (6) consecutive days on one application)

Date Nov 28th, 2015	Date _____	Date _____	Date _____	Date _____	Date _____
<u>Hours</u> From 4 pm	<u>Hours</u> From _____	<u>Hours</u> From _____	<u>Hours</u> From _____	<u>Hours</u> From _____	<u>Hours</u> From _____
To 11:59 pm	To _____	To _____	To _____	To _____	To _____

- a. Alternate date: \_\_\_\_\_
- b. Alternate location: \_\_\_\_\_  
(Alternate date or location must be specified in local approval)

5. Indicate type of activity to be carried on during event:

Dance  Reception  Fund Raiser \_\_\_\_\_ Beer Garden \_\_\_\_\_ Sampling/Tasting \_\_\_\_\_

Other \_\_\_\_\_

6. Description of area to be licensed

Inside building, dimensions of area to be covered IN FEET<sup>55</sup> \_\_\_\_\_ x <sup>100</sup> \_\_\_\_\_  
(not square feet or acres)

\*Outdoor area dimensions of area to be covered IN FEET \_\_\_\_\_ x \_\_\_\_\_

**\*SKETCH OF OUTDOOR AREA (or attach copy of sketch) (sample sketch)**

If outdoor area, how will premises be enclosed?

\_\_\_ Fence; \_\_\_ snow fence \_\_\_ chain link \_\_\_ cattle panel  
\_\_\_ other \_\_\_\_\_

\_\_\_ Tent

7. How many attendees do you expect at event? <sup>150</sup> \_\_\_\_\_

8. If over 150 attendees. Indicate the steps that will be taken to prevent underage persons from obtaining alcohol beverages. (Attach separate sheet if needed)

We will card anyone who looks under the age of 30.

\_\_\_\_\_

\_\_\_\_\_

9. Will premises to be covered by license comply with all Nebraska sanitation laws? YES  NO

a. Are there separate toilets for both men and women? YES  NO

10. Where will you be purchasing your alcohol?

Wholesaler \_\_\_ Retailer \_\_\_ Both X BYO \_\_\_  
(includes wineries)

11. Will there be any games of chance operating during the event? YES  NO

If so, describe activity \_\_\_\_\_

NOTE: Only games of chance approved by the Department of Revenue, Charitable Gaming Division are permitted. All other forms of gambling are prohibited by State Law: There are no exceptions for Non Profit Organizations or any events raising funds for a charity. This is only an application for a Special Designated License under the Liquor Control Act and is not a gambling permit application.

12. Any other information or requests for exemptions: \_\_\_\_\_

13. Name and telephone number/cell phone number of immediate supervisor. This person will be at the location of the event when it occurs, able to answer any questions from Commission and/or law enforcement before and during the event, and who will be responsible for ensuring that any applicable laws, ordinances, rules and regulations are adhered to. PLEASE PRINT LEGIBLY

Print name of Event Supervisor Tyler Schmick

Signature of Event Supervisor 

Event Supervisor phone: Before 308-737-7362 During 308-737-7362

Email address schmicksmarket@gmail.com

Consent of Authorized Representative/Applicant

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

sign here  \_\_\_\_\_  
Authorized Representative/Applicant Owner Title 10-14-2015 Date

Tyler Schmick  
Print Name

This individual must be listed on the application as an officer or stockholder unless a letter has been filed appointing an individual as the catering manager allowing them to sign all SDL applications.

The law requires that no special designated license provided for by this section shall be issued by the Commission without the approval of the local governing body. For the purposes of this section, the local governing body shall be the city or village within which the particular place for which the special designated license is requested is located, or if such place is not within the corporate limits of a city or village, then the local governing body shall be the county within which the place for which the special designated license is requested is located.

CITY MANAGER'S REPORT  
NOVEMBER 2, 2015 CITY COUNCIL MEETING

**ITEM: 4F**

**RECOMMENDATION:**

APPROVE DRAWINGS AND SPECIFICATIONS FOR DOWNTOWN IMPROVEMENTS 2015 AND SET DATE TO RECEIVE BIDS FOR DECEMBER 14, 2015 AT 2:00 P.M.

**BACKGROUND:**

The current downtown area currently offers diagonal parking on the street. There is a rising need to offer more accessible access off the street parking to serve the downtown area. This project will allow for foot traffic to move directly from the downtown shopping area to the off-street parking lot. The walkway will be built to meet ADA Handicap Accessible Standards. The walkway will allow individuals to move from the downtown area to the parking lot in a safe and efficient manner.

The parking lot will be constructed with an ADA ramp to ensure access to the parking lot, and the designated accessible parking areas.

The parking canopy will be built in the parking lot to offer an area where cars can be protected while in the parking lot. The canopy will also offer an area for potential future events, where electrical outlet access and potable drinking water will be available.

This project will bid with alternate completion dates to allow for more competitive bids to be submitted. Bid A will be bid with a May 2016 completion date, and Bid B will be bid with an August 2016 completion date.

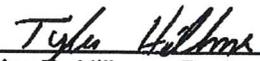
**FISCAL IMPACT:**

None.

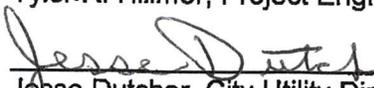
**RECOMMENDATION:**

APPROVE DRAWINGS AND SPECIFICATIONS FOR DOWNTOWN IMPROVEMENTS AND SET DATE TO RECEIVE BIDS FOR DECEMBER 14, 2015 AT 2:00 P.M.

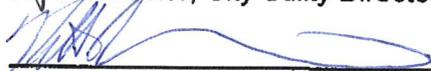
**APPROVALS:**

  
\_\_\_\_\_  
Tyler R. Hillmer, Project Engineer

Date: 10-27-15

  
\_\_\_\_\_  
Jesse Dutcher, City Utility Director

Date: 10-28-15

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

Date: 10-28-15

## ADVERTISEMENT FOR BIDS

Separate sealed BIDS will be received at the City Clerk's Office by Lea Ann Doak, City Clerk, in City of McCook, 505 West C Street, McCook, Nebraska until December 14, 2015, at 2:00 P.M., Local Time, and then such bids shall be immediately publicly opened and read aloud in the City Council Chambers, for furnishing all equipment, labor, materials and appurtenances required to construct **DOWNTOWN IMPROVEMENTS 2015**. The work will include construction of approximately 2,000 S.Y. of parking lot, 3,000 S.F. of sidewalk, 1,300 S.F. of segmental block retaining wall, and a 3,800 S.F. Steel Parking Canopy., and related appurtenances.

The Owner reserves the right to reject any or all bids; and to waive irregularities or informalities to accept the BID it deems most beneficial. Bids received after the specified time of closing will be returned unopened. The Owner will accept only those sealed bids, either hand delivered or received via U.S. Mail or other commercial carrier. Items transmitted by facsimile or electronically will not be accepted.

The Contract Documents may be examined at the following locations: Miller & Associates, 1111 Central Avenue, Kearney, NE 68847  
Miller & Associates, 109 East 2nd Street, McCook, NE 69001  
City of McCook, 505 West C Street, McCook, NE 69001

Copies of the Contract Documents may be obtained at the office of Miller & Associates, Consulting Engineers, P.C. located at 1111 Central Avenue, P.O. Box 306, Kearney, Nebraska 68847, Telephone 308/234-6456 upon payment of \$60 for each half-size set. Full-size sets of documents can be obtained for a deposit of \$90. Any PLAN HOLDER, upon returning the CONTRACT DOCUMENTS within fourteen (14) days of the BID OPENING, and in good condition, will be refunded \$15. A complete set of electronic copies of drawings, specifications, contract documents and proposal form may be obtained from [www.miller-engineers.com](http://www.miller-engineers.com) for a fee of \$25.00 (non-refundable). Once logged into the website, go to "Bidding Documents" [in the upper right-hand corner of the homepage] and you can select the set of documents to download.

Each BIDDER will be required to submit with his proposal, a certified check, cashier's check or bid bond made payable, without condition, to the City Clerk, McCook, Nebraska, in an amount equal to five percent (5%) of the proposal.

Attention of BIDDERS is particularly called to the requirements as to conditions of employment to be observed and minimum wage rates to be paid under the contract, Section 3, Segregated Facility, Section 109 and E.O. 11246.

The Owner is an equal opportunity employer and requires all contractors and consultants to comply with all applicable Federal and State laws and regulations. The Owner, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office the Secretary, Part 21, Nondiscrimination in Federally assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively insure that in any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin, sex, age and disability/handicap in consideration for an award.

-s- Lea Ann Doak, City Clerk

Publish: November 6, 13, and 20, 2015.

**CITY MANAGER'S REPORT  
NOVEMBER 2, 2015 CITY COUNCIL MEETING**

---

**ITEM:            4G**

**RECOMMENDATION:**

**AUTHORIZE GREAT PLAINS COMMUNICATIONS TO OCCUPY CITY RIGHT OF WAY FOR THE INSTALLATION OF UNDERGROUND FIBER OPTIC CABLE AND COAX CABLE AND AUTHORIZE THE MAYOR TO SIGN THE APPLICATION TO OCCUPY RIGHT OF WAY.**

---

**BACKGROUND:**

Great Plains Communications is asking permission to occupy City of McCook Right of Way to install underground fiber optic cable and coax cable. The request includes the following location:

The request is to install underground fiber optic cable and coax cable beginning on the south side of West "Q" Street approximately 50 feet east of the West "Q" Street and West 8 ½ Street intersection, then going north crossing West "Q" Street and running approximately 487 feet within the Clary Village Subdivision easement.

We have attached maps that identify the location and a copy of the \$2,500.00 check for the required performance guarantee.

**FISCAL  
IMPACT:**           None.

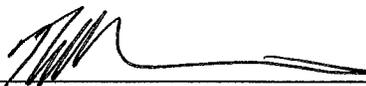
**RECOMMENDATION:**

**AUTHORIZE GREAT PLAINS COMMUNICATIONS TO OCCUPY CITY RIGHT OF WAY FOR THE INSTALLATION OF UNDERGROUND FIBER OPTIC CABLE AND COAX CABLE AND AUTHORIZE THE MAYOR TO SIGN THE APPLICATION TO OCCUPY RIGHT OF WAY.**

**APPROVALS:**

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

October 28, 2015

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

October 28, 2015



As shown in the drawn diagram, we will bore in two 1 ¼ " ducts and set three pedestals mirroring the existing NPPD pedestals. From our pedestals we will put two ¾ " ducts per duplex. We plan to begin construction on November 9<sup>th</sup> 2015 to provide services as soon as possible. The construction is to be finished by November 27<sup>th</sup>. Thank you

Any questions or comments please contact:

Kevin Poppe: (402)-533-3573 or [kpoppe@gpcom.com](mailto:kpoppe@gpcom.com)

Adam Simpson: (402) 427-4194 or [asimpson@gpcom.com](mailto:asimpson@gpcom.com)



# Application to occupy Right of Way

Applicant: \_\_\_\_\_ Date 10/28/2015  
 Name Great Plains Communication Phone (402) 533-3573  
 Address 1600 Great Plains Fax  
Centre, Blain NE 68008 Email kpoppe@gpcom.com  
 Start Date 11/9/2015 Finish Date 11/27/2015

**A CASH BOND IS REQUIRED**

**FOR ALL RIGHT-OF-WAY ENCROACHMENTS**

<b>Type: (Circle)</b> Over-cross <input checked="" type="radio"/> Under-cross Occupy Miscellaneous	<b>With a (Circle)</b> Water line Sewer Line Gas Line Telephone Line ( <input checked="" type="radio"/> Underground) <input type="radio"/> Aerial	<input type="checkbox"/> Tree Trimming/Removal <input checked="" type="checkbox"/> CATV - FIBER <input type="checkbox"/> Other <input type="checkbox"/> Electric Line (Underground Aerial)
--	---	---

**Location:** beginning 50 feet ( East) ( West) ( North) ( South) of (Intersection) W Q st and W 8 1/2  
 and ending (East West) ( North) ( South) 487.31 feet of (Intersection) W Q st and W 8 1/2 st  
NE

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

**Performance Guarantee: (Make Payable to City of McCook)**  
 Amount: \$ 2,500.00 Check No. 256407 Soc. Sec. No. or FID No. \_\_\_\_\_  
 This guarantee is for the faithful compliance by the Applicant to the terms of the permit. It is understood that should the Applicant fail to perform the work as set forth in the permit, the City of McCook will have the right to keep the performance guarantee as liquidated damages for its necessary supervisory and inspection expenses and to initiate such legal proceedings as are necessary to secure either performance of the work in compliance with the terms of the permit or the restoration of the right of way to its previous condition prior to the activities of the Applicant.

**NOTE:** Please provide a location plan for over-cross or under-cross of location to occupy City of McCook right-of-way. When your project requires engineering plans, please submit four sets of plans, no larger than 18" X 24". The engineering plans shall show the general features of the work to be completed and all information such as sizes, distances, dimensions, sleeves, cuts and fills, erosion control measures, etc., when applicable.

\_\_\_\_\_ kpoppe@gpcom.com  
*Ken Poppe* 2015.10.22 14:16:06 -05'00'  
 Applicant's signature

Recommended By \_\_\_\_\_  
 Comments \_\_\_\_\_

Date \_\_\_\_\_

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



--- Two 1 1/4" ducts  
□ Pedestal  
Two 3/4" ducts



Great Plains Communications, Inc.  
 PO Box 500  
 Blair, NE 68008-0500  
 (402) 426-9511

PLEASE DETACH AND RETAIN

No. 256407  
 Date: 10/26/2015

DATE	INVOICE	DESCRIPTION	GROSS	NET
10/23/2015	20151026081429	DEPOSIT CATV CONSTRUCTION MCCK WO#151092	2,500.00	2,500.00
Totals:			2,500.00	2,500.00

THIS CHECK IS VOID WITHOUT A COLORED BACKGROUND AND WATERMARK/LINES ON THE BACK - HOLD AT ANGLE TO VIEW



Great Plains Communications, Inc.  
 PO Box 500  
 Blair, NE 68008-0500  
 (402) 426-9511

No. 256407

76-1316/1049

Washington County Bank  
 Blair, Nebraska 68008

TWO THOUSAND FIVE HUNDRED AND NO / 100\*\*\*\*\*

**COPY**

PAY TO THE ORDER OF  
 CITY OF MCCOOK  
 LEA ANN DOAK, CITY CLERK  
 W 5TH & C STREET  
 MCCOOK NE 69001

DATE	CHECK NO.	AMOUNT
10/26/2015	256407	\$*****2,500.00

*Lea Ann Doak*

SIGNATURE HAS A COLORED BACKGROUND • BORDER CONTAINS MICROPRINTING

⑈ 256407⑈ ⑆ 104913161⑆ 059682⑈

**CITY MANAGER'S REPORT  
NOVEMBER 2, 2015 CITY COUNCIL MEETING**

---

**ITEM:**         **4H**

**RECOMMENDATION:**

Recommend approval to the Nebraska Liquor Control Commission the Application for Reconstruction to Liquor License submitted by Casey's General Store #2291, 704 West "B" Street, which holds License #B-050367, increasing size of one story building approximately 40' X 68' to a one storey building approximately 40' x 83'.

---

**BACKGROUND:**

Upon notice from the Liquor Control Commission, this application is being presented to the Council for consideration. The Casey's General Store at 704 West "B" is remodeling to allow them to provide for more adequate amenities for their customers. If recommendation of denial or no recommendation is made, the Commission has no alternative but to cease processing this request.

**FISCAL  
IMPACT:**       None.

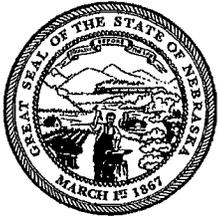
**RECOMMENDATION:**

Recommend approval to the Nebraska Liquor Control Commission the Application for Reconstruction to Liquor License submitted by Casey's General Store #2291, 704 West "B" Street, which holds License #B-050367, increasing size of one story building approximately 40' X 68' to a one storey building approximately 40' x 83'.

**APPROVALS:**

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

May 28, 2015



**Pete Ricketts**  
Governor

## STATE OF NEBRASKA

**NEBRASKA LIQUOR CONTROL COMMISSION**

**Hobert B. Rupe**

*Executive Director*

301 Centennial Mall South, 5th Floor

P.O. Box 95046

Lincoln, Nebraska 68509-5046

Phone (402) 471-2571

Fax (402) 471-2814 or (402) 471-2374

TRS USER 800 833-7352 (TTY)

web address: <http://www.lcc.ne.gov/>

October 27, 2015

MCCOOK CITY CLERK  
PO BOX 1059  
302 W 5TH ST  
MCCOOK NE 69001 1059

Dear Clerk

**Please present this request to you city/village/county board and send us a copy of their recommendation. If recommendation of denial or no recommendation is made the Commission has no alternative but to cease processing this request.**

**RECONSTRUCTION:**

**LICENSE #:** B-050367

**LICENSEE / TRADE NAME:** CASEY'D RETAL COMPANY / CASEY'S GENERAL STORE #2291

**ADDRESS:** 704 W B STREET  
**CITY/COUNTY:** MCCOOK / RED WILLOW

**PREMISE PHONE:** 308-345-5476  
**MANAGER:** 402-371-7308  
**E-MAIL:** MIKAEL.AHRENS@CASEYS.COM

**CURRENT DESCRIPTION:** ONE STORY BUILDING APPROX 40'X 68'

**NEW DESCRIPTION:** ONE STORY BUILDING APPROX 40'X 83'

Sincerely,

NEBRASKA LIQUOR CONTROL COMMISSION

Randy Seybert  
Licensing Division  
rs  
cc: file

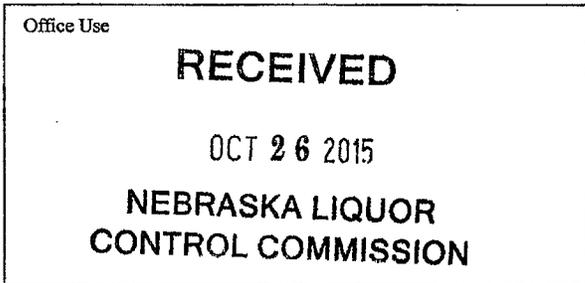
**Janice M. Wiebusch**  
Commissioner

**Robert Batt**  
Chairman

**Bruce Bailey**  
Commissioner  
FORM 35-4001  
REV. 12/99

**APPLICATION FOR RECONSTRUCTION  
TO LIQUOR LICENSE**

NEBRASKA LIQUOR CONTROL COMMISSION  
301 CENTENNIAL MALL SOUTH  
PO BOX 95046  
LINCOLN, NE 68509-5046  
PHONE: (402) 471-2571  
FAX: (402) 471-2814  
Website: [www.lcc.ne.gov](http://www.lcc.ne.gov)



**Application:**

- **Must include processing fee of \$45.00 checks made payable to Nebraska Liquor Control Commission (NLCC)**
- **Must include simple hand drawn sketch showing area to licensed, must include outside dimensions in feet (not square feet), show direction north.  
NO BLUE PRINTS**
- **May include approval from the local governing body; no reconstruction shall be approved unless endorsed by the local governing body**
- **Check with your local governing body for any additional requirements that may be necessary in making this request for reconstruction**

RS

LIQUOR LICENSE # 50367 CLASS TYPE D  
LICENSEE NAME CASEY'S RETAIL COMPANY  
TRADE NAME CASEY'S GENERAL STORE #2291  
PREMISE ADDRESS 704 W B STREET  
CITY MCCOOK  
CONTACT PERSON MIKAEL AHRENS, STORE OPERATIONS / LICENSING  
PHONE NUMBER OF CONTACT PERSON 515-965-6517  
EMAIL ADDRESS OF CONTACT PERSON mikael.ahrens@caseys.com



**RECEIVED**  
MP

1. What is being reconstructed?  
Explain why this area is being rebuilt

RECEIVED

Remodeling for more adequate amenities for customers. (Corrected layout and plans attached)

OCT 26 2015

NEBRASKA LIQUOR  
CONTROL COMMISSION

2. Include a sketch of the area to be licensed showing:
- ✓ Include sketch of building to be licensed with length & width in feet
  - ✓ Is outdoor area to be licensed include on sketch with length & width
  - ✓ Indicate the direction north
  - ✓ Indicate single story building or give number of floors, how many are licensed
  - ✓ Indicate if there is a basement to be included in the licensed description
3. If reconstructing an outdoor area explain:
- ✓ type of fencing
  - ✓ height of fence
  - ✓ length & width of outdoor area in feet

*12.07 Outdoor area shall mean an outdoor area included in licensed premises, which is used for the service and consumption of alcoholic liquors and which is contained by a permanent fence, wall or other barrier approved by the Commission and shall be in compliance with all building and fire, or other applicable local ordinances. Rule Chapter 2-012.07*

I acknowledge under oath that the premises as reconstructed to comply in all respects with the requirements of the act. Neb Rev Stat §53-129

*Robert C. Ford*

Signature of Licensee or Officer

State of IOWA  
County of POLK

The foregoing instrument was acknowledged before me this

10/20/2015

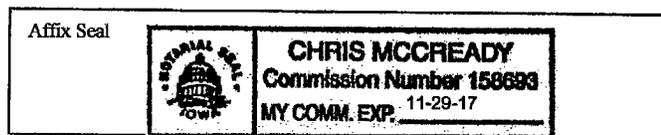
Date

by CHRIS MCCREADY

name of person acknowledged (individual(s) signing document)

*Chris McCreedy*

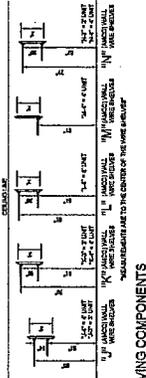
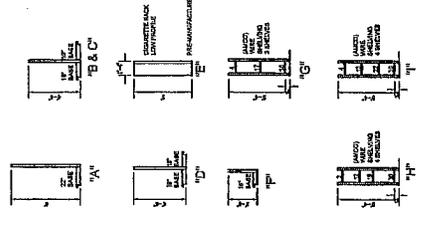
Notary Public signature





**General Notes**

- 1) OWNER TO PROVIDE ALL NECESSARY PERMITS AND APPROVALS TO ALL NECESSARY AGENCIES AND AUTHORITIES.
- 2) ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NEBRASKA BUILDING CODE AND ALL APPLICABLE LOCAL ORDINANCES.
- 3) ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NEBRASKA ELECTRICAL CODE AND ALL APPLICABLE LOCAL ORDINANCES.
- 4) ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NEBRASKA MECHANICAL CODE AND ALL APPLICABLE LOCAL ORDINANCES.
- 5) ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NEBRASKA PLUMBING CODE AND ALL APPLICABLE LOCAL ORDINANCES.
- 6) ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NEBRASKA FIRE AND LIFE SAFETY CODE AND ALL APPLICABLE LOCAL ORDINANCES.
- 7) ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NEBRASKA ENERGY CODE AND ALL APPLICABLE LOCAL ORDINANCES.
- 8) ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NEBRASKA ENVIRONMENTAL CODE AND ALL APPLICABLE LOCAL ORDINANCES.
- 9) ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NEBRASKA HEALTH CARE FACILITY CONSTRUCTION CODE AND ALL APPLICABLE LOCAL ORDINANCES.
- 10) ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NEBRASKA MODEL BUILDING CODE AND ALL APPLICABLE LOCAL ORDINANCES.



2) SHELVING COMPONENTS

**RECEIVED**

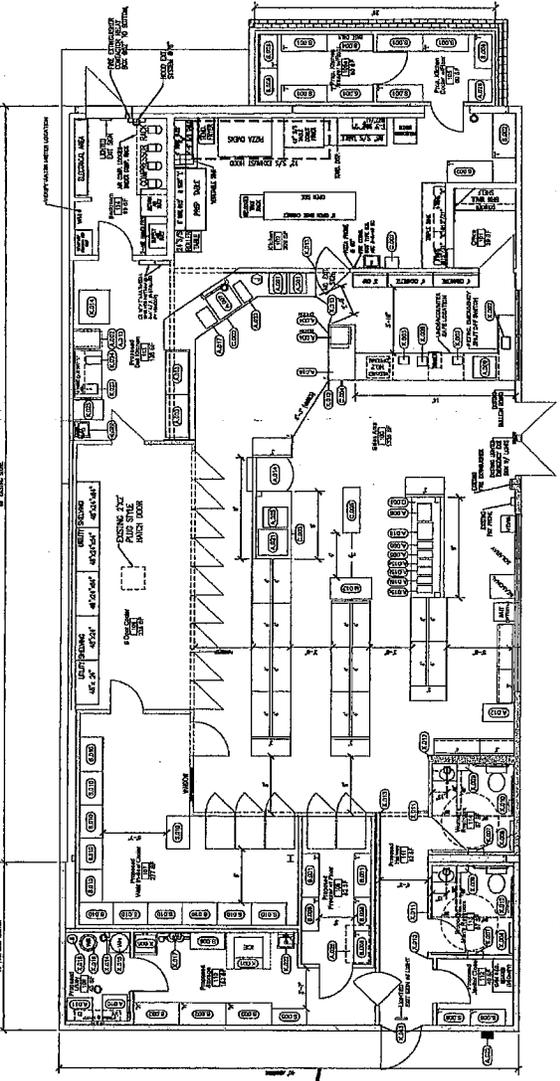
OCT 26 2015

NEBRASKA LIQUOR CONTROL COMMISSION

**CASKEY'S**  
 CASKEY'S CONSTRUCTION DIVISION  
 3015 CASTLE ROAD  
 (27) LEIPOLD AVENUE  
 MOORE, NE 68881  
 (402) 733-1111  
 EQUIPMENT PLAN  
 AD-101

60'

15'

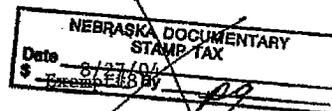
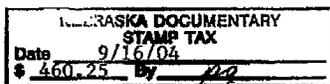


1) Equipment Plan

NO.	DESCRIPTION	QTY	UNIT	REMARKS
1	REFRIGERATOR	1	EA	12" x 12" x 1/2"
2	FREEZER	1	EA	12" x 12" x 1/2"
3	SHELVING	1	EA	12" x 12" x 1/2"
4	REFRIGERATOR	1	EA	12" x 12" x 1/2"
5	FREEZER	1	EA	12" x 12" x 1/2"
6	SHELVING	1	EA	12" x 12" x 1/2"
7	REFRIGERATOR	1	EA	12" x 12" x 1/2"
8	FREEZER	1	EA	12" x 12" x 1/2"
9	SHELVING	1	EA	12" x 12" x 1/2"
10	REFRIGERATOR	1	EA	12" x 12" x 1/2"
11	FREEZER	1	EA	12" x 12" x 1/2"
12	SHELVING	1	EA	12" x 12" x 1/2"
13	REFRIGERATOR	1	EA	12" x 12" x 1/2"
14	FREEZER	1	EA	12" x 12" x 1/2"
15	SHELVING	1	EA	12" x 12" x 1/2"
16	REFRIGERATOR	1	EA	12" x 12" x 1/2"
17	FREEZER	1	EA	12" x 12" x 1/2"
18	SHELVING	1	EA	12" x 12" x 1/2"
19	REFRIGERATOR	1	EA	12" x 12" x 1/2"
20	FREEZER	1	EA	12" x 12" x 1/2"
21	SHELVING	1	EA	12" x 12" x 1/2"
22	REFRIGERATOR	1	EA	12" x 12" x 1/2"
23	FREEZER	1	EA	12" x 12" x 1/2"
24	SHELVING	1	EA	12" x 12" x 1/2"
25	REFRIGERATOR	1	EA	12" x 12" x 1/2"
26	FREEZER	1	EA	12" x 12" x 1/2"
27	SHELVING	1	EA	12" x 12" x 1/2"
28	REFRIGERATOR	1	EA	12" x 12" x 1/2"
29	FREEZER	1	EA	12" x 12" x 1/2"
30	SHELVING	1	EA	12" x 12" x 1/2"

Recorded in Book 131, Page 501  
August 27, 2004, 11:20 A.M.

*Pauletta Harver*  
Reg. of Deeds, Red Willow Co.



**CORPORATION WARRANTY DEED**

**RECEIVED**

OCT 26 2015

**NEBRASKA LIQUOR CONTROL COMMISSION**

KNOW ALL MEN BY THESE PRESENTS, that Casey's General Stores, Inc. a corporation organized and existing under the laws of the State of Iowa, and duly authorized to transact business in the State of Nebraska, herein called the GRANTOR, in consideration of One Dollar and other valuable consideration received from GRANTEE, does grant, bargain, sell, convey and confirm unto Casey's Retail Company, a corporation organized and existing under and by virtue of the laws of the State of Iowa, and duly authorized to transact business in the State of Nebraska, having its principal office at One S.E. Convenience Blvd, Ankeny, Iowa 50021, herein called the GRANTEE, the following described real property comprising Casey's General Store No. 2291, locally known as 704 West B Street, McCook, Nebraska, situated in Red Willow County, Nebraska:

SEE EXHIBIT "A" attached hereto, by this reference incorporated herein

To have and to hold the above described premises together with all tenements, hereditaments and appurtenances thereto belonging unto the GRANTEE and to GRANTEE'S successors and assigns forever.

And GRANTOR does hereby covenant with the GRANTEE and with GRANTEE'S successors and assigns that GRANTOR is lawfully seized of said premises; that they are free from encumbrance, except those easements, restrictions and covenants of record.

That GRANTOR has good right and lawful authority to convey the same; and that GRANTOR warrants and will defend the title to said premises against the lawful claims of all persons whomsoever.

Dated this 1st day of July, 2004.



CASEY'S GENERAL STORES, INC.

By: *Terry W. Handley*  
Terry W. Handley,  
Senior Vice President, Operations

By: *John G. Harmon*  
John G. Harmon, Secretary

STATE OF IOWA )  
COUNTY OF POLK ) SS:

On this 1st day of July, 2004, before me the undersigned, a Notary Public in and for said county and state, personally appeared Terry W. Handley and John G. Harmon, who being by me duly sworn, did state that they are the Senior Vice President, Operations and Secretary, respectively, of Casey's General Stores, Inc., the corporation named in the foregoing instrument; that the seal affixed to the foregoing instrument is the seal of said corporation; and that said instrument was signed and sealed on behalf of said corporation by authority of its Board of Directors; and the said Terry W. Handley and John G. Harmon, as such officers, acknowledged the execution of said instrument to be the voluntary act and deed of said corporation, by it and by them voluntarily executed.

*Janet L. Lyon*  
NOTARY PUBLIC - STATE OF IOWA

This instrument was prepared by:  
Eli J. Wirtz, Corporate Counsel  
Casey's General Stores, Inc.  
One S.E. Convenience Blvd.  
Ankeny IA 50021

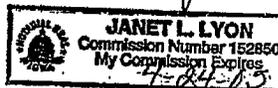


EXHIBIT "A"

To Warranty Deed from  
Casey's General Stores, Inc. to Casey's Retail Company

Legal Description of the Real Estate Conveyed

RECEIVED

OCT 26 2005

NEBRASKA LIQUOR  
CONTROL COMMISSION

Lots 1, 2, and 3  
Block 11  
West McCook Addition to the City of McCook, Red Willow County, Nebraska

Further subject to Access Easement Agreement dated October 18, 1999 and recorded  
November 15, 1999 in Miscellaneous Book 90, Page 352 of the records of the Register of  
Deeds of Red Willow County, Nebraska

Local Address: 704 West B Street, McCook, Nebraska

**CITY MANAGER'S REPORT  
NOVEMBER 2, 2015 CITY COUNCIL MEETING**

---

**ITEM:            41**

Approve the application for a Special Designated Liquor License submitted by Schmick's Market Inc, Liquor License #IDK-084561, for a dance and reception to be held at the Red Willow County Fairgrounds Community Building, 1412 West 5<sup>th</sup> Street, on December 19, 2015 from 4:00 P.M. to 11:59 P.M.

---

**BACKGROUND:**

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

**FISCAL  
IMPACT:**       None.

**RECOMMENDATION:**

Approve the application for a Special Designated Liquor License submitted by Schmick's Market Inc, Liquor License #IDK-084561, for a dance and reception to be held at the Red Willow County Fairgrounds Community Building, 1412 West 5<sup>th</sup> Street, on December 19, 2015 from 4:00 P.M. to 11:59 P.M.

**APPROVALS:**

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

October 28, 2015

## Lea Ann Doak

---

**From:** Tyler Schmick  
**Sent:** Wednesday, October 28, 2015 4:44 PM  
**To:** Lori Schmidt; ldoak@cityofmccook.com  
**Subject:** SDL for Dec 19th  
**Attachments:** Mark Reiners Fairgrounds dec 19th.pdf

Hey Guys,

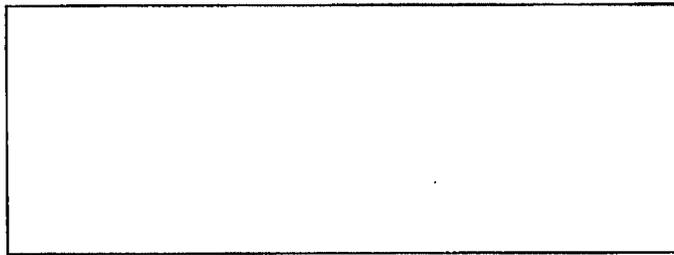
Here is an SDL application for a reception at the fairground Dec 19, 2015 for Mark Reiners.

Also, I was curious on the status of the last one I sent on Oct 16th for a November 28th reception.

Thanks,  
Tyler

## APPLICATION FOR SPECIAL DESIGNATED LICENSE

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



### Special Designated License (SDL) Application Quick Checklist

#### Requirements:

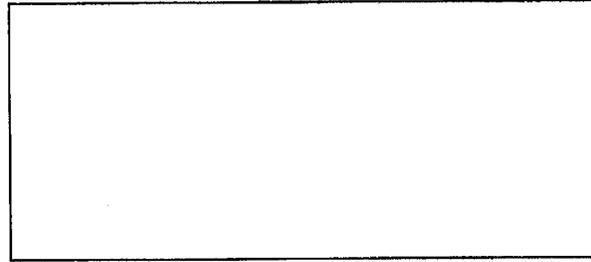
- Application **MUST** include approval from the local governing body (city, village or county clerk of where the event is to be held). Contact this jurisdiction for further requirements. **EFFECTIVE MAY 1, 2015, applications will no longer be accepted without the local approval attached to the application.**
- Only 501c Non-profit organizations or Retail license holders can apply for a Special Designated License. No SDL will be issued to Retail license holders operating under a Temporary Operating Permit (TOP).
- Include \$40 fee for each day/area. Check is payable to the Nebraska Liquor Control Commission (NLCC). If you have a Catering license, there are no fees required. You may also pay online at <http://www.lcc.nebraska.gov/>
- **Applicant** is responsible for all paperwork and fees being sent to the NLCC office before the 10-day deadline. It is not the responsibility of the local governing body to send the application to the NLCC.
- When requesting alternate date(s) and/or location(s), approval from local governing body must include approval for these alternate date(s) and/or locations(s). If requesting sales on Sunday, attach copy of local ordinance or resolution.
- Application must be received in Nebraska Liquor Control Commission (NLCC) office a **MINIMUM** of ten (10) business days prior to date of event (weekends, holidays & date of event are not included in this count). **NO EXCEPTIONS!**  
\*See the calendar on our website at:  
<http://www.lcc.nebraska.gov/pdfs/SDL%20Calender%20SEPT%202015%20-JAN%202017.pdf>
- When requesting an outdoor area, you must include a box-type diagram of the area to be licensed.
- Non Caterer applicants are only allowed six (6) SDLs per calendar year, this includes consecutive days used on one application (i.e. July 4 – 9 = 6 days).
- Only twelve (12) SDLs will be issued at any specific location that could otherwise hold a liquor license.

#### Non Profit Application **MUST**:

- Include page five (5) of application showing Federal ID number.
- When requesting an exemption from NLCC rules; i.e. waiver of double fencing, request must be received in (NLCC) office a **MINIMUM** of 30 days prior to the date of the event; waiving double fence must complete Form 140.

**APPLICATION FOR SPECIAL DESIGNATED LICENSE**

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



DO YOU NEED POSTERS? YES  NO

**NON PROFIT APPLICANTS**  
(Check one that best applies)

Municipal  Political  Fine Arts  Fraternal  Religious  Charitable  Public Service

**LIQUOR LICENSE HOLDERS**

Liquor license number and class (i.e. C-55441)

IDK-084561

**COMPLETE ALL QUESTIONS**

1. Type of alcohol to be served and/or consumed: Beer  Wine  Distilled Spirits

2. Licensee name (last, first,), corporate name or limited liability company (LLC) name  
(As it reads on your liquor license)

NAME: Schmick, Tyler William, Schmick's Market Inc.

ADDRESS: 212 Westview Plaza

CITY McCook ZIP 69001

3. Location where event will be held; name, address, city, county, zip code

BUILDING NAME Red Willow County Fairgrounds Community Building

ADDRESS: 1412 West 5th CITY McCook

ZIP 69001 COUNTY and COUNTY # Red Willow #48

a. Is this location within the city/village limits? YES  NO

b. Is this location within the 150' of church, school, hospital or home for aged/indigent or for veterans and/or wives? YES  NO

c. Is this location within 300' of any university or college campus? YES  NO

4. Date(s) and Time(s) of event (no more than six (6) **consecutive** days on one application)

Date Dec 19th, 2015	Date	Date	Date	Date	Date
<b>Hours</b> From 4 pm	<b>Hours</b> From	<b>Hours</b> From	<b>Hours</b> From	<b>Hours</b> From	<b>Hours</b> From
To 11:59 pm	To	To	To	To	To

a. Alternate date: \_\_\_\_\_

b. Alternate location: \_\_\_\_\_  
(Alternate date or location must be specified in local approval)

5. Indicate type of activity to be carried on during event:

Dance  Reception  Fund Raiser \_\_\_\_\_ Beer Garden \_\_\_\_\_ Sampling/Tasting \_\_\_\_\_

Other \_\_\_\_\_

6. Description of area to be licensed

Inside building, dimensions of area to be covered **IN FEET** <sup>55</sup> \_\_\_\_\_ x <sup>100</sup> \_\_\_\_\_  
(not square feet or acres)

\*Outdoor area dimensions of area to be covered **IN FEET** \_\_\_\_\_ x \_\_\_\_\_

\***SKETCH OF OUTDOOR AREA (or attach copy of sketch) (sample sketch)**

If outdoor area, how will premises be enclosed?

\_\_\_ Fence; \_\_\_ snow fence \_\_\_ chain link \_\_\_ cattle panel

\_\_\_ other \_\_\_\_\_

\_\_\_ Tent

7. How many attendees do you expect at event? <sup>150</sup> \_\_\_\_\_

8. If over 150 attendees. Indicate the steps that will be taken to prevent underage persons from obtaining alcohol beverages. (Attach separate sheet if needed)

We will card anyone who looks under the age of 30.

9. Will premises to be covered by license comply with all Nebraska sanitation laws? YES  NO

a. Are there separate toilets for both men and women? YES  NO

10. Where will you be purchasing your alcohol?

Wholesaler \_\_\_ Retailer \_\_\_ Both X BYO \_\_\_  
(includes wineries)

11. Will there be any games of chance operating during the event? YES  NO

If so, describe activity \_\_\_\_\_

NOTE: Only games of chance approved by the Department of Revenue, Charitable Gaming Division are permitted. All other forms of gambling are prohibited by State Law: There are no exceptions for Non Profit Organizations or any events raising funds for a charity. This is only an application for a Special Designated License under the Liquor Control Act and is not a gambling permit application.

12. Any other information or requests for exemptions: \_\_\_\_\_

13. Name and telephone number/cell phone number of immediate supervisor. This person will be at the location of the event when it occurs, able to answer any questions from Commission and/or law enforcement before and during the event, and who will be responsible for ensuring that any applicable laws, ordinances, rules and regulations are adhered to. PLEASE PRINT LEGIBLY

Print name of Event Supervisor Tyler Schmick

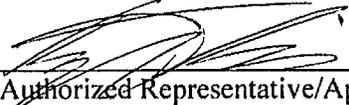
Signature of Event Supervisor 

Event Supervisor phone: Before 308-737-7362 During 308-737-7362

Email address schmicksmarket@gmail.com

Consent of Authorized Representative/Applicant

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

sign here  UP/OWNER 10-28-2015  
Authorized Representative/Applicant Title Date

Tyler Schmick  
Print Name

This individual must be listed on the application as an officer or stockholder unless a letter has been filed appointing an individual as the catering manager allowing them to sign all SDL applications.

The law requires that no special designated license provided for by this section shall be issued by the Commission without the approval of the local governing body. For the purposes of this section, the local governing body shall be the city or village within which the particular place for which the special designated license is requested is located, or if such place is not within the corporate limits of a city or village, then the local governing body shall be the county within which the place for which the special designated license is requested is located.

**CITY MANAGER'S REPORT  
NOVEMBER 2, 2015 CITY COUNCIL MEETING**

---

**ITEM:**          5J  

**RECOMMENDATION:**

Approve the McCook Area Chamber of Commerce request to conduct the Annual Christmas Light Parade at 6:00 P.M. on December 5, 2015, the flying in of Santa Claus at McCook Ben Nelson Regional Airport at 10:00 A.M., and the use of a fire truck for Santa's Transportation in the parade.

---

**BACKGROUND:**

The McCook Area Chamber of Commerce requests the assistance of Police and Fire Department staff and equipment to conduct the annual Christmas Light Parade activities on Saturday, December 5, 2015. The activities include flying Santa Claus into McCook Ben Nelson Regional Airport at 10:00 a.m. and the use of the fire truck for Santa's transportation in the parade. Other activities include lining up parade entries around Norris Park, conducting a lighting ceremony, and conducting the parade from Norris Park down Norris Avenue to "C" Street and then west to West 2<sup>nd</sup> street at 6:00 P.M.

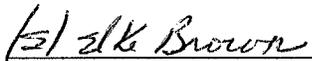
The McCook Police and Fire Departments will have personnel and equipment available to assist the McCook Chamber of Commerce in their proposed activities. This annual event presents no significant issues for the Police and Fire Departments.

**FISCAL  
IMPACT:**     None.

**RECOMMENDATION:**

Approve the McCook Area Chamber of Commerce request to conduct the Annual Christmas Light Parade at 6:00 P.M. on December 5, 2015, the flying in of Santa Claus at McCook Ben Nelson Regional Airport at 10:00 A.M., and the use of a fire truck for Santa's Transportation in the parade.

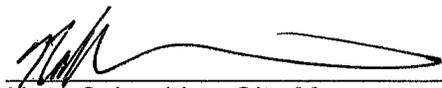
**APPROVALS:**

  
\_\_\_\_\_  
Isaac Brown, Chief of Police

October 30, 2015

  
\_\_\_\_\_  
Marc Harpham, Fire Chief

October 30, 2015

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

October 30, 2015

October 23, 2015

Nate Schneider  
McCook City Council  
P.O. Box 1059  
McCook, NE 69001

Dear Nate & Council:

Please place the McCook Area Chamber of Commerce on the agenda for the Monday, November 2, 2015, meeting to request approval for several Christmas activities.

- We would appreciate consideration on the flying in of Santa Claus and the use of the airport for this activity. We are planning for Santa's arrival at 10:00 a.m. on Saturday, December 5. I have consulted the airport schedule and learned that there is no conflict with a commercial flight at that time.
- We are also planning to have the "Light up the Bricks" Parade on Saturday, December 5 beginning @ 6:00 p.m. As we have done in past years, we plan to have the parade entries line up around Norris Park. Following the lighting ceremony, the parade will proceed down Norris Avenue and turn on West C Street to West 2<sup>nd</sup> at which time they may disband. Santa will be leading the parade with his reindeer this year, however we would still ask that the fire truck be a part of the parade, as the kids love the big engine safety vehicles. We will not line up in any order; the floats will line up as they show up. Maybe the fire trucks could be our closer? The parade route has gone smoothly the past several years so I don't anticipate any problems. We would appreciate police support as has been provided in the past. As in past years, we will not need to block any part of Norris Avenue for the parade or post-parade activities.

Thank you for your consideration of these requests. If you have any questions or concerns, please feel free to contact me prior to the meeting.

Sincerely,  


McCOOK AREA CHAMBER OF COMMERCE  
Tacie Fawver  
Executive Director

**CITY MANAGER'S REPORT  
NOVEMBER 2, 2015 CITY COUNCIL MEETING**

**ITEM: 5A** Review and approve an agreement with Bryan and Ami Hauxwell regarding a cattle operation existing on Road 388, east of the City of McCook's corporate boundary and within the two mile extraterritorial jurisdiction.

---

**BACKGROUND:**

In July, the City was contacted about concerns regarding the expansion of a cattle operation located north on Road 388, east of the McCook Ben Nelson Regional Airport. City Staff viewed the property and noticed there was indeed dirt work being done on property owned by Bryan and Ami Hauxwell at this location. City Staff contacted the Hauxwells and informed them of the concerns with respect to expansion at their operation. The Hauxwells, through their attorney George Vinton, explained that there was no expansion planned, instead, that there was a reconfiguration being made to the existing set-up to make the cattle more accessible for various purposes. Staff conducted a satellite aerial search to determine the history of the Hauxwell property. It appeared that there has been an operation at the location since at least 1996 from our review. During that time, there had been additions in the form of pens to the site. Staff reviewed the zoning ordinance as it existed in 1996 regarding whether this should have been permitted. The 1996 ordinance stated that if the operation was within one mile of a residential property, it should not be allowed. That said, the Hauxwells mentioned that the prior land owner had been using the property for the same purpose, just not to the same extent.

Staff started meeting with the Hauxwells to discuss their plans with their land. As part of our discussions, Staff asked the Hauxwells to draw a map of the current pen structure and what the proposed structure would look like. Staff also asked for a current head count. The number of cattle at the site was approximately 900-1,000 head. Also during this time, Staff contacted the Nebraska Department of Environmental Quality to make sure state standards were being met by the Hauxwell operation. NDEQ informed the City that there were three classifications of cattle operations. Cattle operations over 1,000 head were considered "large" operations; operations between 999 head and 300 head were "medium" operations and operations under 299 head were "small" operations. NDEQ stated that each category had rules that were different from the others. NDEQ has inspected the facility and the Hauxwells are registering with the Department and will meet all environmental rules.

The operative rule in this case is found in the AG District Zoning Regulations. Section 702 states that farming and ranching activities are permitted, but the operator can't expand their existing livestock facility in excess of ten animals. The Hauxwells have informed us that the new configuration of their pens will not expand their livestock operation in excess of ten animals. Their operation fluctuates, as they fatten calves before they are moved to feedlots. They hold the animals at their location for a period of about two or three months. The number consistently changes. Through their certification with NDEQ, they will be authorized to confine

and feed 950 head. Staff has been told that is the number they currently have on site. If they exceed that number, their operation will close in on the "large" operator status, which they don't want as a designation due to increased regulations.

The two sides have discussed a resolution to this issue for a few months. Both sides are proposing an agreement that would allow continued operation of the feeding operation but that would serve to limit the size of the operation, ensure environmental certification and would include the provision of yearly head counts.

It is important to note, the City of McCook has two mile jurisdiction outside of the city limits. The City wants to work with the agriculture community. However, the City also has an obligation to keep some agricultural activities a reasonable distance away. The City cannot monitor all of the matters that may stretch into its two mile jurisdiction but there should be an attempt to stay as close to the zoning regulations as is possible.

**FISCAL IMPACT:**

None.

**RECOMMENDATIONS:**

Review and approve an agreement with Bryan and Ami Hauxwell regarding a cattle operation existing on Road 388, east of the City of McCook's corporate boundary and within the two mile extraterritorial jurisdiction.

**APPROVALS:**

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

October 28, 2015

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

October 28, 2015

Agreement will be emailed  
out on Friday when  
finalized.

Attachment for  
Regular Agenda  
Item 5A

## SETTLEMENT AGREEMENT

COMES NOW Ami Hauxwell and Bryan Hauxwell, Property Owner, and the City of McCook, a Municipal Corporation, and in consideration of the mutual promises and covenants stated herein, stipulate as follows:

WHEREAS, the Property Owner are individuals residing in Red Willow County, Nebraska, outside the corporate limits of the City of McCook, Nebraska.

WHEREAS, the City of McCook is a municipal corporation chartered and existing under the laws of the State of Nebraska, and characterized as a city of the first class.

WHEREAS, the City of McCook asserts authority for extra territorial zoning for two miles outside of its corporate limits, which include the property of Property Owner with the following described legal description, to wit:.

**A tract of land in the Northeast quarter (NE1/4) of Section Twenty-two (22), Township three (3) North, Range Twenty-nine (29) West of the 6<sup>th</sup> PM, described as: Commencing at the Northeast Corner of said Section 22; thence on Azimuth 182° 00'00" along the East Line of said Section 22 a distance of 2484.54 feet to a point; thence on Azimuth 271° 01'00" a distance of 1485.22 feet to a point; thence on Azimuth 02° 00'00" a distance of 2468.81 feet to a point on the North Line of said Section 22; thence on Azimuth 90° 24'31" along the North Line of said Section 22 a distance 1485.57 feet to the Point of Beginning, containing 84.43 acres, more or less of which of 1.88 acres are existing county road ride-of-way, leaving a net 82.55 acres, more or less, all in Red Willow County, Nebraska.**

(hereinafter referred to as the "Property")

WHEREAS, the City of McCook asserts authority for extra territorial zoning for two miles outside of its corporate limits, which include the Property. The Property is zoned in a transitional agricultural district by the City. McCook Zoning Ordinance 2013-2897 Article 7 § 702 (1), permits the operation of general farming and ranching activities in a transitional agricultural district as permitted principle uses excluding any expansion of existing or development of livestock confinement facilities/operations in excess of 10 animals.

WHEREAS, the Property was used as a livestock confinement operation prior to the Property Owners taking possession of the Property in 1996 and has been used as such ever since. However, the Property Owners have gradually expanded their livestock confinement operation on the Property over the years.

WHEREAS, the Property Owners currently confine approximately 900 head of cattle on the Property and have registered themselves as a Medium Sized Operation with the Nebraska Department of Environmental Quality and are licensed to confine up to 950 head of cattle with the

Medium Sized Operation designation.

WHEREAS, the Property Owner has plans to reconfigure the pens on the Property to allow for feed bunks along the county road.

WHEREAS, a dispute has arisen between the City of McCook and Property Owner as to whether the Property Owner's cattle operation and planned reconfiguration is in violation of McCook City Ordinances.

WHEREAS, The City of McCook and the Property Owner desire to enter into a settlement agreement to completely and finally dispose of the aforementioned issues.

NOW THEREFORE, the Property Owner and the City of McCook hereby stipulate and agree as follows:

1. That the Property Owner shall be allowed to continue to operate its cattle operation on the Property.
2. That the Property Owner shall be allowed to reconfigure the pens on the Property.
3. That the Property Owner shall not expand its cattle operation past a NDEQ Medium Sized Operation designation and/or have more than 950 head operation on the Property. Furthermore, the Property Owner shall comply with all applicable local, state and federal laws.
4. That the Property Owner shall provide documentation to the City of McCook annually showing the City of McCook the average number together with the maximum number of head of cattle confined on the Property for each calendar year.

It is understood and agreed that this settlement is the compromise of a potential doubtful and disputed claim, and that this stipulation shall not be construed as an admission of liability on the part of the Property Owner and/or the City of McCook, and that all parties expressly deny liability therefore.

It is further understood and agreed that the parties reserve and preserve any and all claims which may arise from non-performance of the terms, condition, representations, warranties and covenants contained in this Agreement.

The parties further declare and represent that no promises, inducements or agreements not herein expressed have been made to or by the parties, and that this Agreement contains the entire agreement between the parties hereto, and that the terms of this Agreement are contractual and not a mere recital.

All of the terms and conditions of the Agreement shall survive the execution of the Agreement.

The parties further state that this Agreement has been carefully read, and they know the contents thereof, and that it is entered voluntarily.

By signing below, the undersigned officers of the parties hereto hereby certify that they have the full power and authority to execute this Agreement on behalf of their respective organization.

DATED this \_\_\_\_ day of October, 2015.

PROPERTY OWNER

CITY OF MCCOOK

By: \_\_\_\_\_  
Bryan Hauxwell, Property Owner

By: \_\_\_\_\_  
Michael Gonzales, Mayor

By: \_\_\_\_\_  
Ami Hauxwell, Property Owner