

**AGENDA**  
**MCCOOK CITY COUNCIL**  
**REGULAR MEETING**  
**Monday - November 16, 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 - 1<sup>st</sup> Assembly of God 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 - request for a special exception to allow a storage building for personal or commercial use in an Agricultural (AG) District located within the two mile extra-territorial jurisdiction of the City of McCook; A part of the NW1/4 NW1/4 of Section 25, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska; a tract of land containing approximately 5 acres more or less located on the south side of what would be "J" Street extended west; Project Sponsor/Developer - Ron Friehe, Ryan Peters, and Brian Esch; Land owner - Norris Institute.
- [111615 esch](#)
- B. Approve the request for a special exception to allow a storage building for personal or commercial use in an Agricultural (AG) District located within the two mile extra-territorial jurisdiction of the City of McCook; A part of the NW1/4 NW1/4 of Section 25, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska; a tract of land containing approximately 5 acres more or less located on the south side of what would be "J" Street extended west; Project Sponsor/Developer - Ron Friehe, Ryan Peters, and Brian Esch; Land owner - Norris Institute; that the granting of the special exception will not adversely affect the public interest; and that satisfactory provisions and arrangements have been made by the applicant concerning Special Exception Considerations a - i.

C. Public Hearing - Consider Clary Subdivision Replat No. 3, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10, Block 1, Lots 1, 2, 3, 4, 5, 6, and 7, Block 2, and West 9<sup>th</sup> Street, a Replat of Part of Lot 2, Block 1, Clary Subdivision, and Lot 2B, a Replat of Part of Lot 1, Block 1, Clary Subdivision; Excepting the East 60 Feet of Lot 2B, Which has been dedicated as West 8 ½ Street to the City of McCook with the Recording of Clary Subdivision Replat No. 2, all in the City of McCook, Red Willow County, Nebraska.

111615 clary replat

D. Approve the requested creation of Clary Subdivision Replat No. 3, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10, Block 1, Lots 1, 2, 3, 4, 5, 6, and 7, Block 2, and West 9<sup>th</sup> Street, a Replat of Part of Lot 2, Block 1, Clary Subdivision, and Lot 2B, a Replat of Part of Lot 1, Block 1, Clary Subdivision; Excepting the East 60 Feet of Lot 2B, which has been dedicated as West 8½ Street to the City of McCook with the Recording of Clary Subdivision Replat No. 2, all in the City of McCook, Red Willow County, Nebraska.

E. Approve the Preliminary Subdivision Agreement for Clary Subdivision Replat No. 3 between the City of McCook, the McCook Economic Development Corporation and Quillan Courts, L.L.C.

F. Public Hearing - Consider the Preliminary Planned Development District to be known as Quillan Courts Planned Development District, said District to be located between West 10<sup>th</sup> Street and West 8½ Street and West R Street, and West Q Street (as diagramed in Proposed Replat Clary Subdivision Replat No. 3, Clary Subdivision to the City of McCook, Red Willow County, Nebraska).

111615 pud

G. Approve the Preliminary Planned Development District to be known as Quillan Courts Planned Development District (as diagramed in Proposed Replat Clary Subdivision Replat No. 3, Clary Subdivision to the City of McCook, Red Willow County, Nebraska).

H. Public Hearing - Consider a modification to Article 12, Central Business District (CB), of the McCook Zoning Ordinance, adding funeral homes, funeral chapels, and funeral services as permitted principal uses and structures in the CB District.

111615 daum

I. Introduce and approved Ordinance No. 2015-2925 providing for the modification of Article 12, Central Business District, of the McCook Zoning Ordinance, adding funeral homes, funeral chapels, and funeral services as permitted principal structures in the Central Business District (CB).

#### 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 November 2, 2015 regular City Council meeting and the November 5, 2015 special City Council meeting.

111615 minutes

B. Award the bid for two new Special Services Vehicles for use by the Police Department to Wagner Ford-Mercury-Toyota in the amount of \$50,794.

111615 police vehicles

C. Receive and file the minutes of the November 9, 2015 Planning Commission meeting.

111615 board minutes

D. Receive and file the claims for the month of October 2015 as published November 12, 2015. 111615 claims

E. Approve the bid specifications for one (1) new Four Wheel Drive

Rubber-Tired Loader for the City of McCook Transfer Station and set the date to receive bids as December 8, 2015 at 2:00 P.M.

[111615 loader](#)

**5. Regular Agenda.**

A. Review and discuss Ordinance No. 113-02(3), Location of Trailers: Zoning Requirements.

[111615 trailers](#)

B. Council Comments.

▪ **Adjournment.**

**CITY MANAGER'S REPORT  
NOVEMBER 16, 2015 MCCOOK CITY COUNCIL MEETING**

**ITEM: 3A** Public Hearing - Request for a special exception by Ron Friehe, Ryan Peters and Brian Esch, to allow a storage building in the Agricultural District (AG).

**ITEM: 3B** Approve the application for a special exception by Ron Friehe, Ryan Peters and Brian Esch for a storage building at property legally described as part of NW1/4NW1/4 of Section 25, Township 3, Range 30, to allow a storage building in an Agricultural (AG) District, based upon special exception requirements A - I.

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**BACKGROUND:**

An application for a special exception has been submitted by Ron Friehe, Ryan Peters and Brian Esch to allow for a storage building in the Agricultural (AG) District. The property is located west of Spyglass Street and south of Road 716 (J Street extended). It is owned by the Norris Institute. A purchase agreement has been completed and the sale of the land to the co-sponsors is contingent upon the granting of a special exception.

On review of the Article 7 special exceptions provision, it is stated that the City Council may permit storage buildings for mobile homes, campers, boats, motor vehicles, motorized equipment and accessories in the AG District. There is no distinction made in this provision between commercial and private purposes. Pursuant to the application, the co-sponsors are making the request to construct a building for agricultural and other consumer item storage. It appears that the co-sponsors are contemplating utilizing the building for purposes permitted pursuant to the ordinance.

The City Council has had similar special exception requests in the past and have approved them with regard to storage facilities in the AG District. Reviewing the site, it appears that the location would be appropriate for such a building as it is not adjacent to an improved street and it is located far enough away from other residential properties that it may not be an attractive site for residential builds. Further, it doesn't appear that it is in an area that would be developed agriculturally. It will require some grading in order to put a storage building at the requested site, but my discussions with the co-sponsors indicate a willingness to invest in order to develop the project. At the Planning Commission meeting on November 9, 2015, a question was asked whether this would curtail potential residential development west of McCook. This was a consideration during the request processing. The property is south of Road 716 (J Street extended) and that has not been part of the planning discussions with respect to residential development. Up to this point, the property owned by the Bishop Trust (north of Road 716) has been the area where it is felt residential development may be best suited. Staff does not want to see storage buildings or other types of structures north of Road 716 and that was made part of the agreement with the Bishop Trust when a minor subdivision was completed in 2014. The area at issue in this request was not contemplated for residential development during those discussions.

**FISCAL  
IMPACT:** None.

**RECOMMENDATIONS:**

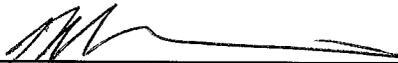
**ITEM: 3A** Public Hearing - Request for a special exception by Ron Friehe, Ryan Peters and Brian Esch, to allow a storage building in the Agricultural District (AG).

**ITEM: 3B** Approve of the application for a special exception by Ron Friehe, Ryan Peters and Brian Esch for a storage building at property legally described as part of NW1/4NW1/4 of Section 25, Township 3, Range 30, to allow a storage building in an Agricultural (AG) District, based upon special exception requirements A - I.

**APPROVALS:**

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

November 12, 2015

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

November 12, 2015

**NOTICE OF HEARING  
REQUEST FOR  
SPECIAL EXCEPTION**

NOTICE IS HEREBY GIVEN that a public hearing will be held on a request for a special exception to allow a storage building for personal or commercial use in an Agricultural (AG) District located within the two mile extra-territorial jurisdiction of the City of McCook.

**LEGAL**

**DESCRIPTION:** A part of the NW1/4 NW1/4 of Section 25, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska; a tract of land containing approximately 5 acres more or less located on the south side of what would be "J" Street extended west.

**PROJECT SPONSOR/  
DEVELOPER:**

Ron Friehe; Ryan Peters; and Brian Esch

**LAND OWNER:** Norris Institute

Public Hearings will be held on the dates, times, and at the places listed below:

NOVEMBER 9, 2015 - 5:15 P.M.  
MCCOOK PLANNING COMMISSION  
CITY COUNCIL CHAMBERS  
505 WEST "C" STREET

NOVEMBER 16, 2015 - 6:30 P.M.  
MCCOOK CITY COUNCIL  
CITY COUNCIL CHAMBERS  
505 WEST "C" STREET

ANY AND ALL PERSONS desiring to comment on the above-described request will be given an opportunity to be heard. Please direct all inquiries to Barry Mooney, City of McCook Building Official at 308-345-2022 ext. 232.

-s- Lea Ann Doak  
City Clerk

Publish: October 30, 2015.  
Post: October 30, 2015.  
Mail: October 30, 2015.

**OWNERSHIP LIST FOR MAILING:**

Nic Curl  
915 East G  
McCook, NE 69001

A.M. Bishop Family Trust  
9001 Old 81 Loop  
Rudy, AR 72952-8519

Lewis & Irma Parks  
71594 Rd 383  
McCook, NE 69001

Richard Burton  
P.O. Box 992  
McCook, NE 69001

Norris Institute  
P.O. Box 130  
McCook, NE 69001

C&K Distributors, Inc.  
71554 Rd 383  
McCook, NE 69001

Jay Johnson  
#15 Spyglass  
McCook, NE 69001

Tim & Kristi Daum  
P.O. Box 476  
McCook, NE 69001

Ron & Doris Friehe  
#1 Spyglass  
McCook, NE 69001

Ryan Peters  
#5 Spyglass  
McCook, NE 69001

Brian Esch  
#3 Sandpiper  
McCook, NE 69001

# CITY OF McCOOK

## LAND USE ACTION REQUEST FORM

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

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

Name of Project: Highland storage

Description of Project: Construct steel building(s) to be owned by various partners. Building will be designed to fit the specific needs of storage for owners and/or tenants. Storage will include agricultural and consumer items.

Project sponsor or developer:

Name: Ron Friche; Ryan Peters; & Brian Esch

Address: 1 Sandpiper St.; 5 Spyglass St.; 3 Sandpiper St.

Phone number: (308)340-5007 ; (308)340-8288 ; (308)340-6215

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

E-mail Address: ron.friche@edwardjones.com ; ryanpeters67@hotmail.com ; eschbriand@gmail.com

Land owner or owners:

Name: Current: Norris Institute

Address: % Cloyd Clark P.O. Box 130, McCook, NE 69001

Phone number: 345-2452

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

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

Authorization of the land use action by land owner:

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

Norris Institute  
Printed Name:  
Cloyd Clark, President  
Signature: Cloyd Clark  
10-21-15  
Date:

Ronald L Friehe  
Printed Name:  
Ronald L Friehe Trustee  
Signature:  
Ryan R. Peters      Brian D. Esch  
Ryan R. Peters      Brian D. Esch

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

Part of NW 1/4 NW 1/4 of 25-3-30 containing 5 ac more or less

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

Zoned Agriculture  
Native grass

**Required Information:**

See Attached sheets for required information for:

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

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

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

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

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

## REQUIRED ATTACHMENTS:

### For Zone Changes and Special Exceptions:

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

✓ Include a description of the reason for the request for a change of zone:

Build storage on ag property

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

Build storage on ag property

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

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

(G) required yards and other open space;

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

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

Storage in an Agricultural zoned district is compliant  
with the Comprehensive Plan.

**FINDINGS AND DETERMINATIONS OF MCCOOK CITY COUNCIL**

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

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

Mayor

DATE \_\_\_\_\_

ATTEST: \_\_\_\_\_

City Clerk

SPECIAL EXCEPTION CONSIDERATIONS:

YES

NO

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

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

\_\_\_\_\_

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

\_\_\_\_\_

c) refuse and service areas, with particular attention to the items in a) and b) above;

\_\_\_\_\_

d) utilities, with reference to locations, availability and compatibility;

\_\_\_\_\_

e) screening and buffering with reference to type, dimensions and character;

\_\_\_\_\_

f) signs, if any, and proposed exterior lighting with reference to glare, traffic safety and economic effect and comparability and harmony with properties in the district;

\_\_\_\_\_

g) required yard and other open space;

\_\_\_\_\_

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

\_\_\_\_\_

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

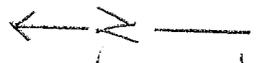
\_\_\_\_\_

CITY COUNCIL FINDINGS AND DECISION:

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

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2012.

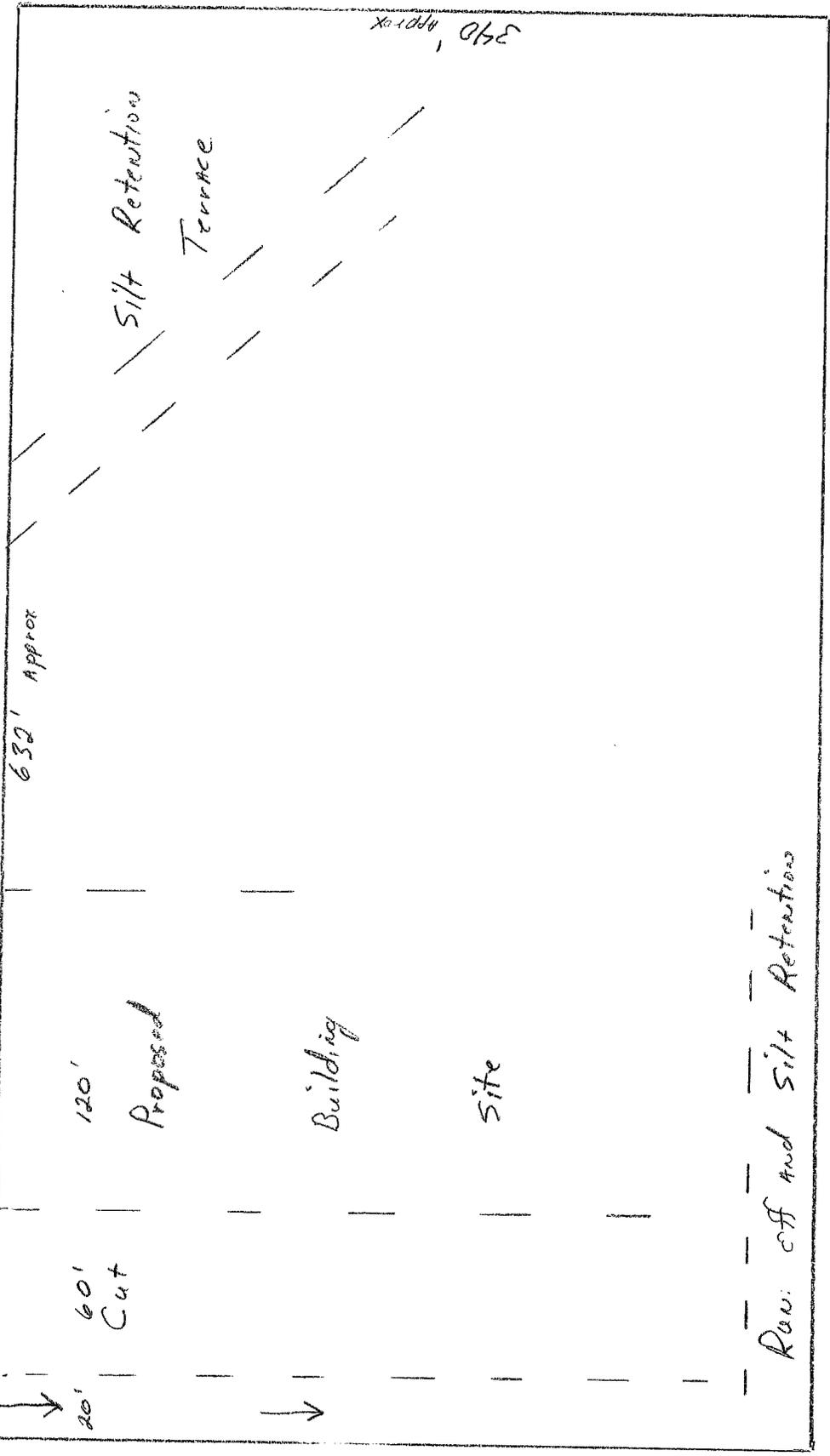




Terrace to Control  
Drainage from West

Road - County

Drive



632' Approx

120'

60'  
Cut

20'

Proposed

Building  
Site

Silt Retention  
Terrace

340 Approx

Row: off and Silt Retention

## REAL ESTATE CONTRACT

This agreement is between The Norris Institute, a Nebraska Non-profit Corporation, herein called SELLER, and Ronald L. Friehe, Trustee of the Ronald L. Friehe Living Trust; Brian D. Esch; and Ryan R. Peters, herein called BUYER:

That the SELLER has agreed to sell to the BUYER and the BUYER has agreed to buy the following described real estate:

A tract of land in the Northwest Quarter of the Northwest Quarter of Section Twenty-five (25), Township Three (3) North, Range Thirty (30), West of the 6th P.M. in Red Willow County, Nebraska, more particularly described as follows: Referring to the Northwest corner of said Section 25; thence S0°01'E, 33.28 feet to a point; thence N82°38'E, 509.48 feet to the true Point of Beginning; thence continuing N82°38'E, 636.14 feet to a point; thence S05°09'W, 342.38 feet to a point; thence West in a line parallel to the first described line 636 feet to a point; thence North in a line parallel to the second described line 342 feet to the point of beginning, containing 5.00 acres, more or less.

### PRICE AND TERMS OF PAYMENT

The total price is \$40,000.00 payable to Mousel, Brooks, Garner & Schneider, P.C., L.L.O., Trust Account, for the benefit of SELLER, by cashier's check or certified funds at closing, to be adjusted as set forth herein.

### CONTINGENT ON SPECIAL EXCEPTION

This contract is contingent upon BUYER's ability to secure a special exception from the City of McCook for its anticipated construction project. SELLER agrees to cooperate with BUYER in the application process. BUYER agrees to promptly apply for such special exception and all parties agree that, to the extent processing of the application is not completed within the time set for closing, the closing date shall be automatically extended until the City of McCook has advised of either approval or rejection of the application. In the event BUYER is unable to secure a special exception, this Contract shall be deemed null and void .

### POSSESSION; CLOSING

BUYER shall have possession upon closing. The purchase shall be closed by Mousel, Brooks, Garner & Schneider, P.C., L.L.O., 101 West C Street, McCook, Nebraska, on or before November 24, 2015, at 10:00 a.m. However closing shall be automatically extended to the extent reasonably necessary for SELLER to cure any title defect, as required by the title insurance binder. But, in no event shall such extension exceed thirty days from the date of the title commitment.

CC  
BDE  
RFP  
RRP

#### TAXES AND ASSESSMENTS

SELLER shall be responsible for all taxes for 2015 and prior years, if any. SELLER shall pay all special assessments in improvement districts levied prior to the date of this contract, if any.

#### TITLE INSURANCE

Marketable title shall be evidenced by a policy of title insurance to ensure the BUYER that the BUYER is, after the delivery and recording of the deed, the owner of the above described real estate; without exception for taxes for 2014 and all prior years, and all special assessments and free from other encumbrances except as otherwise provided herein. A reasonable time shall be granted to furnish a commitment for such policy of title insurance and if marketable title cannot be furnished in accordance with this paragraph, this agreement shall be void and all sums advanced by BUYER shall be returned to BUYER. Cost of owner's title insurance shall be apportioned one-half to SELLER and one-half to BUYER. Any additional cost of lender's title insurance shall be paid by BUYER.

#### DEED

The SELLER agrees to execute a good and sufficient warranty deed conveying said property to the BUYER.

#### CONDITION OF PREMISES

(a) This contract is based on BUYER's personal inspection or investigation of the premises and not upon any representation or warranties of condition by the SELLER or SELLER's agents, if any. However, SELLER acknowledges that there are no latent defects in the property of which SELLER is aware.

(b) SELLER shall, subject to any limitation set forth above, maintain the premises until delivery of possession.

#### TIME

It is mutually agreed that time is an essential element in this contract.

#### COSTS

(a) In addition to title insurance as set forth above, SELLER shall be responsible for one-half of the following expenses at closing: real estate contract fee and closing fee. SELLER shall be responsible for the full cost of the following expenses at closing: deed preparation; documentary stamp tax, and any other requirements necessary to cure any title defect, as required by the title insurance commitment.

(b) In addition to title insurance as set forth above, BUYER shall be responsible for one-half of the following expenses at closing: real estate contract fee; and, closing fee. BUYER shall be responsible for the full cost of the following expenses at closing: recording fees for deed and deed of trust. Any expenses BUYER incurs to BUYER's lender or arising from BUYER's financing costs for the purchase of the subject premises shall be the sole responsibility of BUYER.

REPRESENTATION

By signing this document, BUYER and SELLER acknowledge and agree that Mousel, Brooks, Garner & Schneider, P.C., L.L.O., its attorneys and employees were retained by SELLER to prepare this Purchase agreement. BUYER and SELLER further acknowledge that Mousel, Brooks, Garner & Schneider, P.C., L.L.O. represents the interests of the SELLER in this agreement and that BUYER had the opportunity to review this Purchase Agreement with counsel of his/her/their choice prior to execution of the same and that Mousel, Brooks, Garner & Schneider, P.C., L.L.O. gave no opinions or advice to BUYER regarding the execution thereof.

MISCELLANEOUS

(a) This contract shall not be assigned by either party without the consent of the other party, which consent shall not be unreasonably withheld.

(b) This agreement shall be binding on the heirs, devisees, personal representatives and assigns of the parties hereto.

(d) This agreement may be signed in counterparts. Signature pages when attached to the agreement shall constitute a binding contract.

IN WITNESS WHEREOF, we have hereunto set our hands this 21<sup>ST</sup> day of October, 2015.

SELLER:

The Norris Institute, a Nebraska  
Non-profit Corporation

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

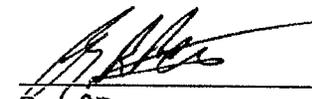
Its: \_\_\_\_\_

Clay Clark  
President

BUYER:

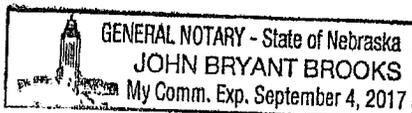
Ronald L. Friehe Trustee  
Ronald L. Friehe, Trustee of the  
Ronald L. Friehe Living Trust

Brian D. Esch  
Brian D. Esch

  
\_\_\_\_\_  
Ryan R. Peters  
RRP

STATE OF NEBRASKA, COUNTY OF RED WILLOW ) ss.

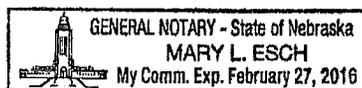
The foregoing Real Estate Contract was acknowledged before me on October 21,  
2015, by Clayd Clark, as president of The Norris Institute, a Nebraska Non-  
profit Corporation, on behalf of the corporation, Seller.

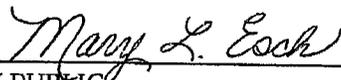


  
\_\_\_\_\_  
NOTARY PUBLIC

STATE OF NEBRASKA, COUNTY OF RED WILLOW ) ss.

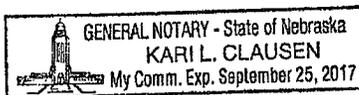
The foregoing Real Estate Contract was acknowledged before me on October 21, 2015,  
2015, by Ronald L. Friehe, Trustee of the Ronald L. Friehe Living Trust, Buyer.

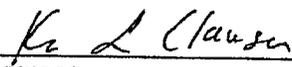


  
\_\_\_\_\_  
NOTARY PUBLIC

STATE OF NEBRASKA, COUNTY OF RED WILLOW ) ss.

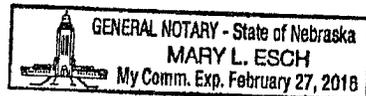
The foregoing Real Estate Contract was acknowledged before me on Oct. 21, 2015,  
2015, by Brian D. Esch, Buyer.

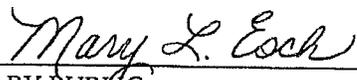


  
\_\_\_\_\_  
NOTARY PUBLIC

STATE OF NEBRASKA, COUNTY OF RED WILLOW ) ss.

The foregoing Real Estate Contract was acknowledged before me on October 21, 2015,  
2015, by Ryan R. Peters, Buyer.



  
\_\_\_\_\_  
NOTARY PUBLIC

**MCCOOK PLANNING COMMISSION  
REGULAR MEETING**

**MINUTES**

**Monday - November 9, 2015  
5:15 P.M. - City Council Chambers**

Present: Vice Chair Dueland; Commissioners Garey-Vickers, Harpst, Hilker, Lyons, Wolford; City Manager Schneider; City Attorney Mustion; City Clerk Doak.

Absent: Chair Vosburg; Commissioners Shipshock, Siegfried, Stevens.

Vice-Chair requested that Commissioner Garey-Vickers conduct the meeting in the absence of Chair Vosburg.

Commissioner Garey-Vickers announced that a copy of the Open Meetings Act was posted by the entrance to the Council Chambers and available for public review.

(1) APPROVE THE MINUTES OF THE OCTOBER 12, 2015 REGULAR MEETING.

Upon a motion by Commissioner Wolford, seconded by Commissioner Dueland, the Commission voted to approve the minutes of the October 12, 2015 meeting. The motion passed upon the following roll call vote: YEA: Dueland, Garey-Vickers, Harpst, Hilker, Lyons, Wolford. NAY: None. ABSENT: Shipshock, Siegfried, Stevens, Vosburg.

(2) PUBLIC HEARINGS:

ITEM A PUBLIC HEARING - REQUEST FOR A SPECIAL EXCEPTION TO ALLOW A STORAGE BUILDING FOR PERSONAL OR COMMERCIAL USE IN AN AGRICULTURAL (AG) DISTRICT LOCATED WITHIN THE TWO MILE EXTRA-TERRITORIAL JURISDICTION OF THE CITY OF MCCOOK; A PART OF THE NW1/4 NW1/4 OF SECTION 25, TOWNSHIP 3 NORTH, RANGE 30 WEST OF THE 6TH P.M., RED WILLOW COUNTY, NEBRASKA; A TRACT OF LAND CONTAINING APPROXIMATELY 5 ACRES MORE OR LESS LOCATED ON THE SOUTH SIDE OF WHAT WOULD BE "J" STREET EXTENDED WEST; PROJECT SPONSOR/DEVELOPER - RON FRIEHE, RYAN PETERS, AND BRIAN ESCH; LAND OWNER - NORRIS INSTITUTE.

Upon a motion by Commissioner Garey-Vickers, seconded by Commissioner Dueland, the Commission voted to recess as the Planning Commission and convene as a Hearing Board for the purpose of receiving public comment on the request for a special exception to allow a storage building for personal or commercial use in an Agricultural (AG) District located within the two mile extra-territorial jurisdiction of the City of McCook; A part of the NW1/4 NW1/4 of Section 25, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska; a tract of land containing approximately 5 acres more or less located on the south side of what would be "J" Street extended west; Project Sponsor/Developer - Ron Friehe, Ryan Peters, and Brian Esch; Land owner - Norris Institute. The motion passed upon the following roll call vote: YEA: Dueland, Garey-Vickers, Hilker, Harpst, Lyons, Wolford. NAY: None. ABSENT: Shipshock, Siegfried, Stevens, Vosburg.

The Commission received into evidence Exhibit #1 - City Manager's Report prepared for the November 9, 2015 Planning Commission meeting; Exhibit #2 - Notice of Hearing; Exhibit #3 -

ownership mailing list receiving advanced Notice of Hearing; Exhibit #4 - Land Use Application, eight pages; Exhibit 5 - Real Estate Contract between the applicants and the Norris Institute.

City Manager Schneider reviewed the information presented in the City Manager's Report; An application for a special exception has been submitted by Ron Friehe, Ryan Peters and Brian Esch to allow for a storage building in the Agricultural (AG) District. The property is located west of Spyglass Street and south of Road 716 ("J" Street extended). It is owned by the Norris Institute. A purchase agreement has been completed and the sale of the land to the co-sponsors is contingent upon the granting of a special exception. On review of the Article 7 special exceptions provision, it is stated that the City Council may permit storage buildings for mobile homes, campers, boats, motor vehicles, motorized equipment and accessories in the AG District. There is no distinction made in this provision between commercial and private purposes. Pursuant to the application, the co-sponsors are making the request to construct a building for agricultural and other consumer item storage. It appears that the co-sponsors are contemplating utilizing the building for purposes permitted pursuant to the ordinance. The City Council has had similar special exception requests in the past and have approved them with regard to storage facilities in the AG District. Reviewing the site, it appears that the location would be appropriate for such a building as it is not adjacent to an improved street and it is located far enough away from other residential properties that it may not be an attractive site for residential builds. Further, it doesn't appear that it is in an area that would be developed agriculturally. It will require some grading in order to put a storage building at the requested site, but my discussions with the co-sponsors indicate a willingness to invest in order to develop the project.

Ron Friehe addressed the application with the Commission. They have a Real Estate Contract with the Norris Institute for the purchase of this parcel contingent to approval of the special exception. The building will be 60' wide and at least 125' long, maybe longer if they have more interested parties than anticipated. The entrances will be on the east side of the building, drainage will be to the north to "J" Street and to the south, with a possible retention pond in the low lying area to the south of the building. It will be a condominium type arrangement with individual ownership.

No one else was present to comment.

Upon a motion by Commissioner Hilker, Vosburg, by Commissioner Dueland, Commission voted to close the public hearing and reconvene as a Planning Commission. The motion passed upon the following roll call vote: YEA: Dueland, Garey-Vickers, Hilker, Harpst, Lyons, Wolford. NAY: None. ABSENT: Shipshock, Siegfried, Stevens, Vosburg.

ITEM B RECOMMEND TO THE CITY COUNCIL APPROVAL OF THE REQUEST FOR A SPECIAL EXCEPTION TO ALLOW A STORAGE BUILDING FOR PERSONAL OR COMMERCIAL USE IN AN AGRICULTURAL (AG) DISTRICT LOCATED WITHIN THE TWO MILE EXTRA-TERRITORIAL JURISDICTION OF THE CITY OF MCCOOK; A PART OF THE NW1/4 NW1/4 OF SECTION 25, TOWNSHIP 3 NORTH, RANGE 30 WEST OF THE 6TH P.M., RED WILLOW COUNTY, NEBRASKA; A TRACT OF LAND CONTAINING APPROXIMATELY 5 ACRES MORE OR LESS LOCATED ON THE SOUTH SIDE OF WHAT WOULD BE "J" STREET EXTENDED WEST; PROJECT SPONSOR/DEVELOPER - RON FRIEHE, RYAN PETERS, AND BRIAN ESCH; LAND OWNER - NORRIS INSTITUTE; THAT THE GRANTING OF THE SPECIAL EXCEPTION WILL NOT ADVERSELY AFFECT THE PUBLIC INTEREST; AND THAT SATISFACTORY PROVISIONS AND ARRANGEMENTS HAVE BEEN MADE BY THE APPLICANT CONCERNING SPECIAL EXCEPTION CONSIDERATIONS A - I.

Commission discussion included future annexation concerns; it may be best to allow only residential to the north of what would be "J" Street extended; Bishop lots to the north are zoned as Agricultural, the best use may be residential in the future; the possibility of making the distinction that the property to the north should be designated as residential.

Upon a motion by Commissioner Garey-Vickers, seconded by Commissioner Lyons, the Commission voted to recommend to the City Council approval of the request for a special exception to allow a storage building for personal or commercial use in an Agricultural (AG) District located within the two mile extra-territorial jurisdiction of the City of McCook; A part of the NW1/4 NW1/4 of Section 25, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska; a tract of land containing approximately 5 acres more or less located on the south side of what would be "J" Street extended west; Project Sponsor/Developer - Ron Friehe, Ryan Peters, and Brian Esch; Land owner - Norris Institute; that the granting of the special exception will not adversely affect the public interest; and that satisfactory provisions and arrangements have been made by the applicant concerning Special Exception Considerations a - i. The motion passed upon the following roll call vote: YEA: Dueland, Garey-Vickers, Hilker, Harpst, Lyons, Wolford. NAY: None. ABSENT: Shipshock, Siegfried, Stevens, Vosburg.

ITEM C PUBLIC HEARING - CONSIDER CLARY SUBDIVISION REPLAT NO.3, LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, AND 10, BLOCK 1, LOTS 1, 2, 3, 4, 5, 6, AND 7, BLOCK 2, AND WEST 9<sup>TH</sup> STREET, A REPLAT OF PART OF LOT 2, BLOCK 1, CLARY SUBDIVISION, AND LOT 2B, A REPLAT OF PART OF LOT 1, BLOCK 1, CLARY SUBDIVISION; EXCEPTING THE EAST 60 FEET OF LOT 2B, WHICH HAS BEEN DEDICATED AS WEST 8 ½ STREET TO THE CITY OF MCCOOK WITH THE RECORDING OF CLARY SUBDIVISION REPLAT NO. 2, ALL IN THE CITY OF MCCOOK, RED WILLOW COUNTY, NEBRASKA.

Upon a motion by Commissioner Hilker, seconded by Commissioner Harpst, the Commission voted to recess as the Planning Commission and convene as a Hearing Board for the purpose of receiving public comment on the proposed Clary Subdivision Replat No.3, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10, Block 1, Lots 1, 2, 3, 4, 5, 6, and 7, Block 2, and West 9<sup>th</sup> Street, a Replat of Part of Lot 2, Block 1, Clary Subdivision, and Lot 2B, a Replat of Part of Lot 1, Block 1, Clary Subdivision; Excepting the East 60 Feet of Lot 2B, Which has been dedicated as West 8 ½ Street to the City of McCook with the Recording of Clary Subdivision Replat No. 2, all in the City of McCook, Red Willow County, Nebraska. The motion passed upon the following roll call vote: YEA: Dueland, Garey-Vickers, Hilker, Harpst, Lyons, Wolford. NAY: None. ABSENT: Shipshock, Siegfried, Stevens, Vosburg.

The Commission received into evidence Exhibit #1 - City Manager's Report prepared for the November 9, 2015 Planning Commission meeting; Exhibit #2 - Notice of Hearing; Exhibit #3 - ownership mailing list receiving advanced Notice of Hearing; Exhibit #4 - proposed Subdivision Agreement and Maps, 21 pages.

City Manager Schneider reviewed the information presented in the City Manager's Report; at the last Planning Commission meeting in October, the Quillan Courts Redevelopment Plan was presented and approval was recommended and made to and by the City Council. As part of the project, it is necessary to properly subdivide the property in order to build and locate the single family and duplex structures. An application has been presented asking for the City to consider Replat No. 3, attached to your packets. This particular issue is different from a major subdivision because the Clary Village is in existence and a replat is necessary in order to meet City zoning and subdivision requirements. Along with the approval of the Replat No. 3, it is necessary to enter into a subdivision agreement in order to set the duties and responsibilities

of the parties to this project. A preliminary subdivision agreement is submitted to the Planning Commission for consideration. There are several items included in the agreement. First, the parties are in agreement that West 9<sup>th</sup> Street will be accepted by the City as a conforming street. Second, the parties will incorporate the Planned Unit Development Agreement into the Subdivision Agreement. Third, all existing sidewalk will be allowed to remain as is. New sidewalks on the east side of both blocks will be required to follow City of McCook Subdivision requirements. The north side of Block 1 shall have paved sidewalk, but due to drainage concerns, it will be located directly behind the street curb. There will not be sidewalk on the west side of Block 1 as detention ponds will not allow for sidewalk development. The lack of sidewalk should not interfere with the residents of Quillan Courts as there are no structures located on the west side of the Block 1. Staff feels it is important that there is a through sidewalk on the east side of Block 2 to provide one continuous sidewalk from West R Street to West Q Street. ADA approved crosswalks will be part of the project. Fourth, as mentioned, detention ponds are required as part of this project. The ponds will be located on the west side of Block 1. These detention ponds were considered when the Clary Village project was being proposed. The ponds should slow drainage coming from the new construction. The drainage will still be directed to the end of developed West 10<sup>th</sup> Street, but there should be no increase in the amount of runoff at this location. Fifth, water and sewer will be part of the project, with it being noted that the water line will run along the east side of Block 2 and the water line will run along the west side of Block 1. One fire hydrant will have to be located at the corner of West Q Street and West 9<sup>th</sup> Street. Sixth, the Developer will be responsible for providing street light as outlined in our regulations.

John Allen, owner of property directly to the west, expressed concerns with the current erosion issues with the water running off of "F" Street onto his property. He suggested that some rubble could be placed there to slow the flow of the water onto his property.

City Manager Schneider stated that the displacement of the water will not be greater. The drainage will be maintained as current, it will not reduce or increase.

No one else was present to comment.

Upon a motion by Commissioner Harpst, by Commissioner Hilker, the Commission voted to close the public hearing and reconvene as a Planning Commission. The motion passed upon the following roll call vote: YEA: Dueland, Garey-Vickers, Hilker, Harpst, Lyons, Wolford. NAY: None. ABSENT: Shipshock, Siegfried, Stevens.

ITEM D RECOMMEND APPROVAL TO THE MCCOOK CITY COUNCIL THE REQUESTED CREATION OF CLARY SUBDIVISION REPLAT NO. 3, LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, AND 10, BLOCK 1, LOTS 1, 2, 3, 4, 5, 6, AND 7, BLOCK 2, AND WEST 9<sup>TH</sup> STREET, A REPLAT OF PART OF LOT 2, BLOCK 1, CLARY SUBDIVISION, AND LOT 2B, A REPLAT OF PART OF LOT 1, BLOCK 1, CLARY SUBDIVISION; EXCEPTING THE EAST 60 FEET OF LOT 2B, WHICH HAS BEEN DEDICATED AS WEST 8½ STREET TO THE CITY OF MCCOOK WITH THE RECORDING OF CLARY SUBDIVISION REPLAT NO. 2, ALL IN THE CITY OF MCCOOK, RED WILLOW COUNTY, NEBRASKA.

Commissioner Dueland stated that he serves on the MEDC Board, due to a possible conflict of interest he would be abstaining from the vote on this item.

Commission discussion included whether or not the detention pond would be defined in the purchase agreement to insure that it would be maintained in the future.

City Manager Schneider stated that an easement for the detention pond would be added to

insure that it would be maintained in the future.

Upon a motion by Commissioner Garey-Vickers, seconded by Commissioner Harpst, the Commission voted to recommend approval to the McCook City Council the requested creation of Clary Subdivision Replat No. 3, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10, Block 1, Lots 1, 2, 3, 4, 5, 6, and 7, Block 2, and West 9<sup>th</sup> Street, a Replat of part of Lot 2, Block 1, Clary Subdivision, and Lot 2B, a Replat of part of Lot 1, Block 1, Clary Subdivision; excepting the East 60 feet of Lot 2B, which has been dedicated as West 8½ Street to the City of McCook with the recording of Clary Subdivision Replat No. 2, all in the City of McCook, Red Willow County, Nebraska. The motion passed upon the following roll call vote: YEA: Garey-Vickers, Hilker, Harpst, Lyons, Wolford. NAY: None. ABSTAIN: Dueland. ABSENT: Shipshock, Siegfried, Stevens, Vosburg.

ITEM E RECOMMEND APPROVAL OF THE PRELIMINARY SUBDIVISION AGREEMENT FOR CLARY SUBDIVISION REPLAT NO. 3 BETWEEN THE CITY OF MCCOOK, THE MCCOOK ECONOMIC DEVELOPMENT CORPORATION AND QUILLAN COURTS, L.L.C.

Commissioner Dueland stated that he serves on the MEDC Board, due to a possible conflict of interest he would be abstaining from the vote on this item.

Upon a motion by Commissioner Garey-Vickers, seconded by Commissioner Wolford, the Commission voted to recommend approval of the Preliminary Subdivision Agreement for Clary Subdivision Replat No. 3 between the City of McCook, the McCook Economic Development Corporation and Quillan Courts, L.L.C. The motion passed upon the following roll call vote: YEA: Garey-Vickers, Hilker, Harpst, Lyons, Wolford. NAY: None. ABSTAIN: Dueland. ABSENT: Shipshock, Siegfried, Stevens.

ITEM F PUBLIC HEARING - CONSIDER THE PRELIMINARY PLANNED DEVELOPMENT DISTRICT TO BE KNOWN AS QUILLAN COURTS PLANNED DEVELOPMENT DISTRICT, SAID DISTRICT TO BE LOCATED BETWEEN WEST 10<sup>TH</sup> STREET AND WEST 8 ½ STREET AND WEST R STREET AND WEST Q STREET (AS DIAGRAMED IN PROPOSED REPLAT CLARY SUBDIVISION REPLAT NO. 3, CLARY SUBDIVISION TO THE CITY OF MCCOOK, RED WILLOW COUNTY, NEBRASKA).

Upon a motion by Commissioner Garey-Vickers, seconded by Commissioner Hilker, the Commission voted to recess as the Planning Commission and convene as a Hearing Board for the purpose of receiving public comment on the proposed Preliminary Planned Development District to be known as Quillan Courts Planned Development District, said District to be located between West 10<sup>th</sup> Street and West 8 ½ Street and West R Street and West Q Street (as diagramed in Proposed Replat Clary Subdivision Replat No. 3, Clary Subdivision to the City of McCook, Red Willow County, Nebraska). The motion passed upon the following roll call vote: YEA: Dueland, Garey-Vickers, Hilker, Harpst, Lyons, Wolford. NAY: None. ABSENT: Shipshock, Siegfried, Stevens, Vosburg.

The Commission received into evidence Exhibit #1 - City Manager's Report prepared for the November 9, 2015 Planning Commission meeting; Exhibit #2 - Notice of Hearing; Exhibit #3 - ownership mailing list receiving advanced Notice of Hearing; Exhibit #4 - proposed Resolution No. PC2015-07; Exhibit #5 - proposed Planned Unit Development Agreement, 1 pages.

City Manager Schneider reviewed the information presented in the City Manager's Report; this agenda item refers to a preliminary zoning issue, not a final zoning issue. The location of this project is in the Clary Subdivision to the City of McCook. The City is running this request

simultaneous to a Major Subdivision request from the developer, Quillan Courts, L.L.C. As such, the designations used for this report will refer to Proposed Clary Subdivision Replat No. 3. Clary Subdivision is in the Residential Medium (RM) District. The developer wishes to construct six residential buildings on Proposed Block 1 and four residential buildings on Proposed Block 2 in Proposed Clary Subdivision Replat No. 3. Diagrams depicting the location of the units are included with this report. The Planned Development District includes improvements such as sanitary sewer, water, sidewalk, and drainage improvements. No streets are being considered as part of this project. The City has been petitioned by the Economic Development Corporation to find that West 9<sup>th</sup> Street meets City standards. After review, the City has found and that West 9<sup>th</sup> Street between West R and West Q Streets meets City standards. The need for the Planned Unit Development District is due to the nature of the proposed residential structures and the proposed lots located on this site. The developer is proposing that the duplex units be placed on individual lots as opposed to one lot for each of the two units. The request would violate lot size and setback requirements. The only practical way to achieve the desired development is to create a Planned Unit Development District. By creating a Planned Unit Development, exceptions can be made to the Residential Medium Density District zoning requirements, assuring enough flexibility to construct the duplexes. A Planned Unit Development District agreement will need to be completed. A rough draft is attached to this report. A complete, final agreement will be brought back to the Planning Commission when there is a finalized Planned Unit Development to be reviewed. The planned unit development would be consistent with the proposed future land use of the Comprehensive Plan.

No one else was present to comment.

Upon a motion by Commissioner Dueland, by Commissioner Harpst, voted to close the public hearing and reconvene as a Planning Commission. The motion passed upon the following roll call vote: YEA: Dueland, Garey-Vickers, Hilker, Harpst, Lyons, Wolford. NAY: None. ABSENT: Shipshock, Siegfried, Stevens.

ITEM G APPROVE RESOLUTION NO. PC2015-07 RECOMMENDING TO THE MCCOOK CITY COUNCIL APPROVAL OF THE PRELIMINARY PLANNED DEVELOPMENT DISTRICT TO BE KNOWN AS QUILLAN COURTS PLANNED DEVELOPMENT DISTRICT (AS DIAGRAMED IN PROPOSED REPLAT CLARY SUBDIVISION REPLAT NO. 3, CLARY SUBDIVISION TO THE CITY OF MCCOOK, RED WILLOW COUNTY, NEBRASKA).

Commissioner Dueland stated that he serves on the MEDC Board, due to a possible conflict of interest he would be abstaining from the vote on this item.

Upon a motion by Garey-Vickers, seconded by Commissioner Wolford, the Commission voted to approve Resolution No. PC2015-07 recommending to the McCook City Council approval of the Preliminary Planned Development District to be known as Quillan Courts Planned Development District (as diagramed in Proposed Replat Clary Subdivision Replat No. 3, Clary Subdivision to the City of McCook, Red Willow County, Nebraska). The motion passed upon the following roll call vote: YEA: Garey-Vickers, Hilker, Harpst, Lyons, Wolford. NAY: None. ABSTAIN: Dueland. ABSENT: Shipshock, Siegfried, Stevens.

ITEM H PUBLIC HEARING - CONSIDER A MODIFICATION TO ARTICLE 12, CENTRAL BUSINESS DISTRICT (CB), OF THE MCCOOK ZONING ORDINANCE, ADDING FUNERAL HOMES, FUNERAL CHAPELS, AND FUNERAL SERVICES AS PERMITTED PRINCIPAL USES AND STRUCTURES IN THE CB DISTRICT.

Upon a motion by Commissioner Hilker, seconded by Commissioner Harpst, the Commission voted to recess as the Planning Commission and convene as a Hearing Board for the purpose of receiving public comment on the proposed modification to Article 12, Central Business District (CB), of the McCook Zoning Ordinance, adding funeral homes, funeral chapels, and funeral services as permitted principal uses and structures in the CB District. The motion passed upon the following roll call vote: YEA: Dueland, Garey-Vickers, Hilker, Harpst, Lyons, Wolford. NAY: None. ABSENT: Shipshock, Siegfried, Stevens, Vosburg.

The Commission received into evidence Exhibit #1 - City Manager's Report prepared for the November 9, 2015 Planning Commission meeting; Exhibit #2 - Notice of Hearing; Exhibit #3 - Article 12 - Central Business District information from the City of McCook Zoning Ordinance, two pages.

City Manager Schneider reviewed the information presented in the City Manager's Report; in the Spring/Summer of 2015, Tim Daum, owner of Carpenter-Breland Funeral Home, Inc., approached the City regarding possible expansion of his business through the addition of a crematorium at its current site or a site across the alley from their current buildings. When reviewing the request, Staff discovered that the 2013 Zoning Regulations changed the boundary of the CB District to include the Carpenter-Breland property located at 305 East C Street. It was also found that Herrmann-Jones Funeral Chapel was also located in the CB District. After reviewing the CB District permitted principal uses and structures and special exception uses, it was noted that the ordinance fails to include funeral homes, funeral chapels and funeral services as allowable structures within the CB District. In relation to Staff's discussion with Mr. Daum, there is concern that the two funeral homes would be considered non-conforming properties and prohibited from expanding or modifying their existing structures. Staff does not believe it was the intent of the new zoning ordinance to "zone out" the two funeral home businesses. Our guess is that it was unintentionally left out of the permitted principle uses and structures provision. Be that as it may, Staff recommends that funeral homes, funeral chapels and funeral services be included as permitted principal uses and structures in the CB District. We are not including cemeteries as an additional use in the CB District, as Staff does not believe a cemetery should be located in the CB District (although the likelihood of this happening in the future is very slim). If this item is approved by the City Council, Carpenter-Breland would consider moving their crematorium from it's current location on West 17<sup>th</sup> Street to the 305 East C Street property. Staff has discussed the crematorium with Mr. Daum and it is our understanding that crematoriums are closely regulated by the State of Nebraska. Environmental concerns are addressed through these regulations and should not impact the neighbors located around the Carpenter-Breland property. It is our understanding that the location would be on the current mortuary grounds, not across the alley next to residences.

No one else was present to comment.

Upon a motion by Commissioner Dueland, by Commissioner Harpst, the Commission voted to close the public hearing and reconvene as a Planning Commission. The motion passed upon the following roll call vote: YEA: Dueland, Garey-Vickers, Hilker, Harpst, Lyons, Wolford. NAY: None. ABSENT: Shipshock, Siegfried, Stevens.

ITEM I RECOMMEND FOR APPROVAL TO THE CITY COUNCIL, A MODIFICATION OF ARTICLE 12, CENTRAL BUSINESS DISTRICT, OF THE MCCOOK ZONING ORDINANCE, ADDING FUNERAL HOMES, FUNERAL CHAPELS, AND FUNERAL SERVICES AS PERMITTED PRINCIPAL STRUCTURES IN THE CENTRAL BUSINESS DISTRICT (CB).

Upon a motion by Commissioner Garey-Vickers, seconded by Commissioner Hilker, the Commission voted to recommend for approval to the City Council, a modification of Article 12,

Central Business District, of the McCook Zoning Ordinance, adding funeral homes, funeral chapels, and funeral services as permitted principal structures in the Central Business District (CB). The motion passed upon the following roll call vote: YEA: Dueland, Garey-Vickers, Hilker, Harpst, Lyons, Wolford. NAY: None. ABSENT: Shipshock, Siegfried, Stevens.

(3) ADJOURNMENT.

With no further business, Chair Vosburg declared the Planning Commission meeting adjourned at 6:45 P.M.

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Lea Ann Doak  
Recording Secretary

**CITY MANAGER'S REPORT  
NOVEMBER 16, 2015 MCCOOK CITY COUNCIL MEETING**

**ITEM NO. 3C** Public Hearing - Consider Clary Subdivision Replat No. 3, Lots 1,2,3,4,5,6,7,8,9 and 10 Block 1, Lots 1,2,3,4,5,6 and 7 Block 2, and West 9<sup>th</sup> Street, a Replat of Part of Lot 2, Block 1, Clary Subdivision, and Lot 2B, a Replat of Part of Lot 1, Block 1, Clary Subdivision; Excepting the East 60 Feet of Lot 2B, Which has been Dedicated as West 8 ½ Street to the City of McCook with the Recording of Clary Subdivision Replat No. 2, all in the City of McCook, Red Willow county, Nebraska.

**ITEM NO. 3D** Approval to the requested creation of Clary Subdivision Replat No. No.3, Lots 1,2,3,4,5,6,7,8,9 and 10 Block 1, Lots 1,2,3,4,5,6 and 7 Block 2, and West 9<sup>th</sup> Street, a Replat of Part of Lot 2, Block 1, Clary Subdivision, and Lot 2B, a Replat of Part of Lot 1, Block 1, Clary Subdivision; Excepting the East 60 Feet of Lot 2B, Which has been Dedicated as West 8 ½ Street to the City of McCook with the Recording of Clary Subdivision Replat No. 2, all in the City of McCook, Red Willow County, Nebraska.

**ITEM NO. 3E** Approve the Preliminary Subdivision Agreement for Clary Subdivision Replat No. 3 between the City of McCook, the McCook Economic Development Corporation and Quillan Courts, L.L.C.

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**BACKGROUND:**

At the October 19, 2015 City Council meeting, the Quillan Courts Redevelopment Plan was presented and approval was made by the City Council. As part of the project, it is necessary to properly subdivide the property in order to build and locate the single family and duplex structures. An application has been presented asking for the City to consider Replat No. 3, attached to your packets. This particular issue is different from a major subdivision because the Clary Village is in existence and a replat is necessary in order to meet City zoning and subdivision requirements.

Along with the approval of the Replat No. 3, it is necessary to enter into a subdivision agreement in order to set the duties and responsibilities of the parties to this project. A preliminary subdivision agreement is submitted to the Planning Commission for consideration. There are several items included in the agreement. First, the parties are in agreement that West 9<sup>th</sup> Street will be accepted by the City as a conforming street. Second, the parties will incorporate the Planned Unit Development Agreement into the Subdivision Agreement. Third, all existing sidewalks will be allowed to remain as is. New sidewalks on the east side of both blocks will be required to follow City of McCook Subdivision requirements. The north side of Block 1 shall have paved sidewalk, but due to drainage concerns, it will be located directly behind the street curb. There will not be sidewalk on the west side of Block 1 as detention ponds will not allow for sidewalk development. The lack of sidewalk should not interfere with the residents of Quillan Courts as there are no structures located on the west side of the Block 1. Staff feels it is important that there is a through sidewalk on the east side of Block 2 to provide one continuous sidewalk from West R Street to West Q Street. ADA approved

crosswalks will be part of the project. Fourth, as mentioned, detention ponds are required as part of this project. The ponds will be located on the west side of Block 1. These detention ponds were considered when the Clary Village project was being proposed. The ponds should slow drainage coming from the new construction. The drainage will still be directed to the end of developed West 10<sup>th</sup> Street, but there should be no increase in the amount of runoff at this location. Fifth, water and sewer will be part of the project, with it being noted that the water line will run along the east side of Block 2 and the water line will run along the west side of Block 1. One fire hydrant will have to be located at the corner of West Q Street and West 9<sup>th</sup> Street. Sixth, the Developer will be responsible for providing street light as outlined in our regulations.

**RECOMMENDATIONS:**

**ITEM NO. 3C** Public Hearing - Consider Clary Subdivision Replat No.3, Lots 1,2,3,4,5,6,7,8,9 and 10 Block 1, Lots 1,2,3,4,5,6 and 7 Block 2, and West 9<sup>th</sup> Street, a Replat of Part of Lot 2, Block 1, Clary Subdivision, and Lot 2B, a Replat of Part of Lot 1, Block 1, Clary Subdivision; Excepting the East 60 Feet of Lot 2B, Which has been Dedicated as West 8 ½ Street to the City of McCook with the Recording of Clary Subdivision Replat No. 2, all in the City of McCook, Red Willow county, Nebraska.

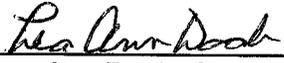
**ITEM NO. 3D** Approval to the requested creation of Clary Subdivision Replat No. No.3, Lots 1,2,3,4,5,6,7,8,9 and 10 Block 1, Lots 1,2,3,4,5,6 and 7 Block 2, and West 9<sup>th</sup> Street, a Replat of Part of Lot 2, Block 1, Clary Subdivision, and Lot 2B, a Replat of Part of Lot 1, Block 1, Clary Subdivision; Excepting the East 60 Feet of Lot 2B, Which has been Dedicated as West 8 ½ Street to the City of McCook with the Recording of Clary Subdivision Replat No. 2, all in the City of McCook, Red Willow County, Nebraska.

**ITEM NO. 3E** Approve the Preliminary Subdivision Agreement for Clary Subdivision Replat No. 3 between the City of McCook, the McCook Economic Development Corporation and Quillan Courts, L.L.C.

**APPROVALS:**

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

November 12, 2015

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

November 12, 2015

NOTICE OF PUBLIC HEARING  
PRELIMINARY PLAT APPROVAL

NOTICE IS HEREBY GIVEN that a public hearing will be held to consider the final plat on the following described property to be known as Clary Subdivision Replat No. 3:

A replat of part of Lot Two (2), Block One (1), Clary Subdivision, and Lot Two B (2B), a replat of part of Lot One (1), Block One (1), Clary Subdivision; excepting the east sixty feet (60') of Lot Two B (2B), which has been dedicated as West 8½ Street to the City of McCook with the recording of Clary Subdivision Replat No. 2, all in the City of McCook, Red Willow County, Nebraska.

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

NOVEMBER 9, 2015 - 5:15 P.M.  
MCCOOK PLANNING COMMISSION  
CITY COUNCIL CHAMBERS  
505 WEST "C" STREET

NOVEMBER 9, 2015 - 6:30 P.M.  
MCCOOK CITY COUNCIL  
CITY COUNCIL CHAMBERS  
505 WEST "C" STREET

ANY AND ALL PERSONS desiring to comment on the above-described final plat may attend the public hearing and will be given an opportunity to be heard. For additional information regarding this notice please contact Barry Mooney, City of McCook Building Official, at 345-2022 ext. 232.

-s- Lea Ann Doak  
City Clerk

Publish: October 30, 2015.

Property Owners Notified:

JOHN D WALTERS  
71822 OLD HWY 17  
MCCOOK, NE 69001

NORTH POINTE PROPERTIES LLC  
c/o WILLIAM DAVIS  
2205 PONDEROSA DRIVE  
MCCOOK, NE 69001

D E W CONTRACTING, LLC  
C/O DAVID WINDER  
2103 WEST 7TH STREET  
MCCOOK NE 69001

JOHN D ALLEN  
1203 WEST Q  
MCCOOK, NE 69001

MCCOOK ECONOMIC DEVELOPMENT  
CORPORATION  
402 NORRIS AVE, SUITE 301  
MCCOOK NE 69001

CLARY VILLAGE LLC  
402 NORRIS, STE 301  
MCCOOK, NE 69001

JOHN D ALLEN  
1203 WEST Q  
MCCOOK, NE 69001

ROBERT B & SHARON K HARVEY  
1518 EAST FAIRACRES DRIVE  
MCCOOK, NE 69001

GREGORY GANS & DEBORAH  
CROUCH  
1514 EAST FAIRACRES  
MCCOOK NE 69001

RICHARD J LINNEMEYER  
1508 EAST FAIRACRES  
MCCOOK, NE 69001

JERRY L & KALYN S RUZICKA  
13004 NEBRASKA CT  
KANSAS CITY, KS 66109

PIETRO & MAUREEN S GIORGIONE  
P O BOX 756  
MCCOOK, NE 69001

BRANDON KRUEGER, ET AL  
PO BOX 53  
HOLSTEIN NE 68950-0053

ROSE A SCOTT  
706 EAST 5TH  
MCCOOK, NE 69001

ROBERT L & RITA G WALTEMATH  
1505 EAST FAIRACRES DR  
MCCOOK, NE 69001

BERNARD & KATHY WEAVER  
c/o RICHARD FISHER  
1518 WEST 10TH  
MCCOOK NE 69001

LINDA P BONAR  
1516 WEST 10TH ST  
MCCOOK, NE 69001

RANDY & SYDNEY BAUMAN  
1514 WEST 10TH ST  
MCCOOK, NE 69001

VIRGINIA M KING  
1510 WEST 10TH ST  
MCCOOK, NE 69001

JOHN CROSBY  
1508 WEST 10TH ST  
MCCOOK, NE 69001

CECIL R & FERMA L SCARROW  
1506 WEST 10TH ST  
MCCOOK, NE 69001

RED WILLOW COUNTY  
c/o RED WILLOW CO. FAIR BOARD  
P O BOX 876  
MCCOOK NE 69001-0876

TOM BREDVICK, PRESIDENT  
MCCOOK SCHOOL BOARD  
302 ELIZABETH LANE  
MCCOOK, NE 69001

**SUBDIVISION AGREEMENT FOR  
QUILLAN COURTS, L.L.C. SUBDIVISION REPLAT NO. 3**

WHEREAS, the McCook Economic Development Corporation ("Owner") and Quillan Courts, L.L.C. ("Developer"), being the sole owner and developer for the following described tract of land: A tract of land legally described as a Part of Lot 2 in Block 1, Clary Subdivision and Lot 2B a Replat of Part of Lot 1, Block 1, Clary Subdivision, Excepting the east 60 feet of Lot 2B which has been dedicated as West 8 ½ Street to the City of McCook with the recording of Clary Subdivision Replat No. 2, all in the City of McCook, Red Willow County, Nebraska.

WHEREAS, the Owner and Developer desire to subdivide the property and to do so, a Subdivision Agreement is required;

WHEREAS, the Owner and Developer have met with the City of McCook to review the Subdivision Agreement;

WHEREAS, public improvements are necessary to develop the property properly in accordance with the requirements of the City of McCook;

NOW, THEREFORE, the undersigned Owner, Developer and City of McCook, Nebraska (hereinafter referred to as the "City"), in consideration of the mutual covenants and agreements herein contained, agree as follows.

**OWNER, DEVELOPER AND CITY AGREE AS FOLLOWS:**

1. That by signing this Subdivision Agreement the City, Owner, and Developer agree to the following:
  - a) That a planned unit development agreement is necessary to provide the flexibility to complete the Clary Subdivision Replat No. 3. The Planned Unit Development agreement is attached to this subdivision agreement, marked as Exhibit 1 and made a part of this agreement by this reference.
  - b) That West 9<sup>th</sup> Street between West Q Street and West R Street is accepted in its as is state and the Owner nor Developer are required to make any improvements to the street as part of this development project.
  - c) That the sidewalk that currently exists, shall be allowed to remain as is. The Developer shall construct new sidewalk on the east side of both proposed Blocks 1 and 2. These sidewalks shall follow all Federal, State and Local rules and regulations with respect to their construction. The Developer shall be construct a sidewalk on the north side of Block 1, adjacent to West R Street. The Developer shall be allowed to construct this sidewalk (north side of Block 1) back of curb in order to meet adequately provide for drainage due

to the new construction. The Owner and Developer shall not be required to develop a sidewalk on the west side of Block 1, as there are no structures planned for development and drainage project construction limits the ability to construct such sidewalk. The sidewalk on the east side of Block 2 to be developed by the Developer shall run from West Q Street to West R Street. The parties agree that the Developer will construct ADA approved crosswalks at each street corner for the property subject to this Agreement.

- d) The Developer shall construct two detention ponds located on the west side of Block 1.
  - e) The Developer shall run new water line along the east side of Block 2 and shall extend said line to a point at or near the back of curb on Q Street. The water line shall be a 6" line. A fire hydrant shall be included in this project and shall be placed by the Developer at or near the corner of West Q Street and West 9<sup>th</sup> Street. The City shall be responsible for tapping the water mains and extending their service lines to a point at or near the back of curb, for a fee.
  - f) The Developer shall run new sewer line along the west side of the block and shall extend it to a point at or near 73.59 feet north of the corner of West Q Street and West 9<sup>th</sup> Street. The Developer shall be responsible for connecting each of the units to the line. Tapping shall be conducted per city ordinance.
  - g) That is shall be the responsibility of the Developer to finance and provide adequate street lighting for the project.
2. This Subdivision Agreement contains the entire agreement between the parties, and no statements, promises or inducements made by either party or agent of either party that are not contained in this written contract shall be valid or binding; this contract may not be enlarged, modified, or altered except in writing signed by both parties and endorsed on this agreement.
3. This agreement shall run with the land and be binding upon and inure to the benefit of the parties hereto and shall be binding upon heirs, executors, administrators, and subsequent title owners in interest, devisees, assignees, and successors of the Owner hereto.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2015.

By: \_\_\_\_\_  
Jim Ulrich, President of the-McCook  
Economic Development Corporation

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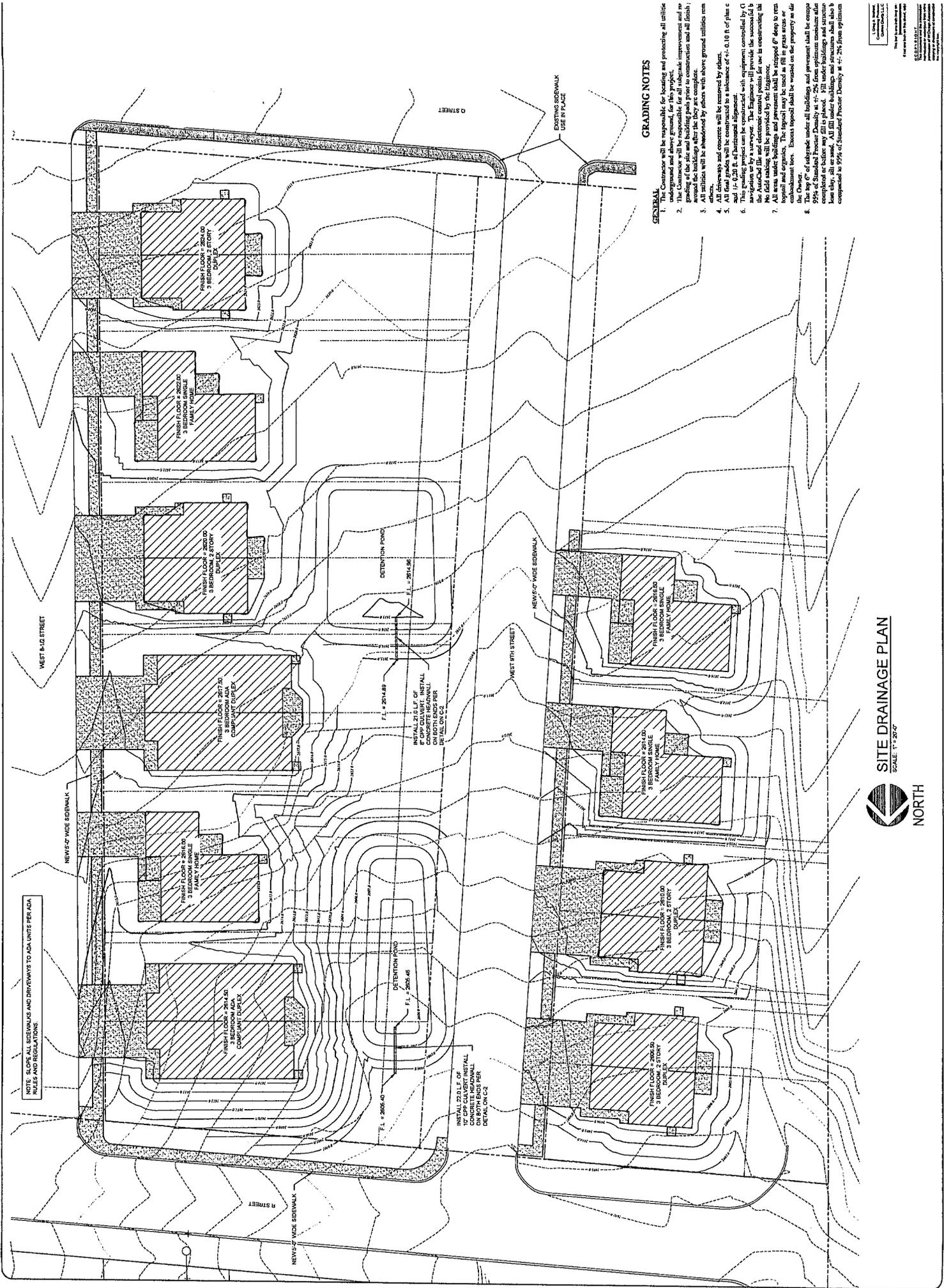
Quillan Courts L.L.C., President

---

Mike Gonzales, Mayor of the City of McCook







NOTE: BLOCK ALL SIDEWALKS AND DRIVEWAYS TO ADA UNITS PER ADA RULES AND REGULATIONS.

NEW 6'-0" WIDE SIDEWALK  
CONCRETE HEADWALL  
10" CIP CALVERT INSTALL  
ON BOTH SIDES PER  
DETAIL ON C-2

DETENTION POND  
F.L. = 2865.40

DETENTION POND  
F.L. = 2871.86

DETENTION POND  
F.L. = 2878.32

DETENTION POND  
F.L. = 2884.78

DETENTION POND  
F.L. = 2891.24

DETENTION POND  
F.L. = 2897.70

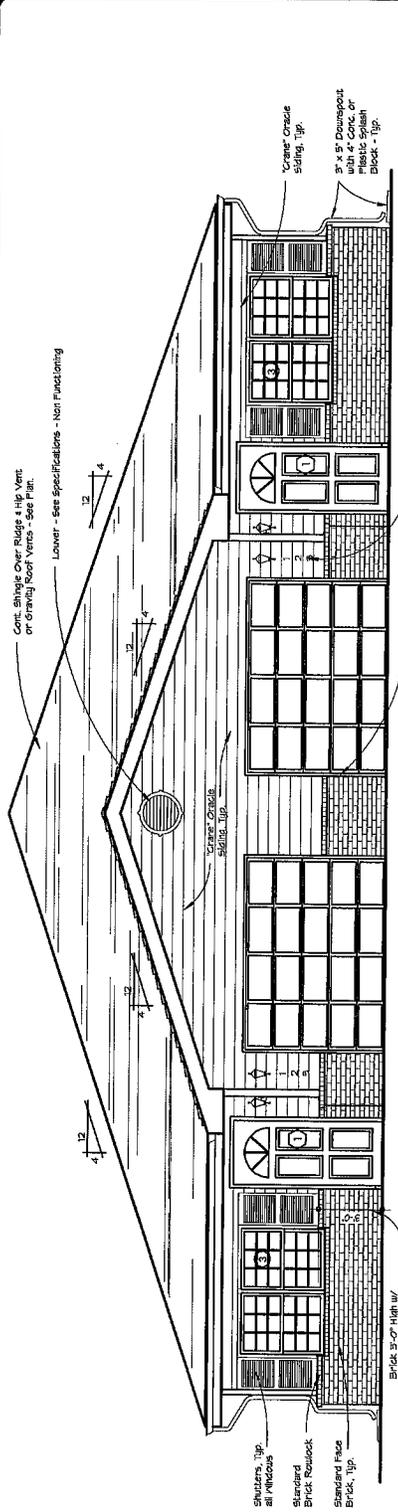
DETENTION POND  
F.L. = 2904.16

DETENTION POND  
F.L. = 2910.62

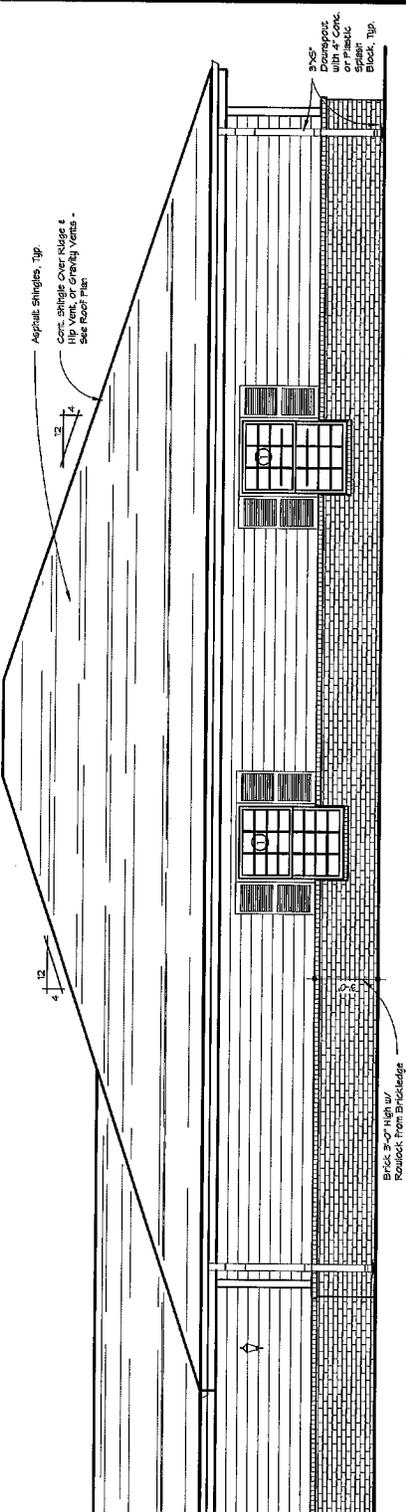
**GRADING NOTES**

- GENERAL**
- The Contractor will be responsible for locating and protecting all utilities and structures on the site.
  - The Contractor will be responsible for all subsurface improvement and no grading of the site and building pads prior to construction and all finish grading of the site and building pads after the floor is complete.
  - All utilities will be abandoned by others with above ground utilities run in trench.
  - All driveways and concrete will be removed by others.
  - All final grades will be constructed to a tolerance of +/- 0.10 ft of plan and +/- 0.20 ft of horizontal alignment.
  - The grading plan is based on the topographic information furnished by the owner. The Engineer will not be responsible for the accuracy of the AutoCAD file and electronic control points for use in constructing the final grading. No field staking will be provided by the Engineer.
  - All areas under buildings and pavement shall be stepped 6" deep to retain water. The top 6" of the grade area shall be compacted to the same density as the Owner.
  - The top 6" of subsurface under all buildings and pavement shall be compacted to a minimum of 95% of Standard Proctor Density at +/- 2% from optimum moisture after lean clay fill is used. All fill under buildings and structures shall also be compacted to 95% of Standard Proctor Density at +/- 2% from optimum

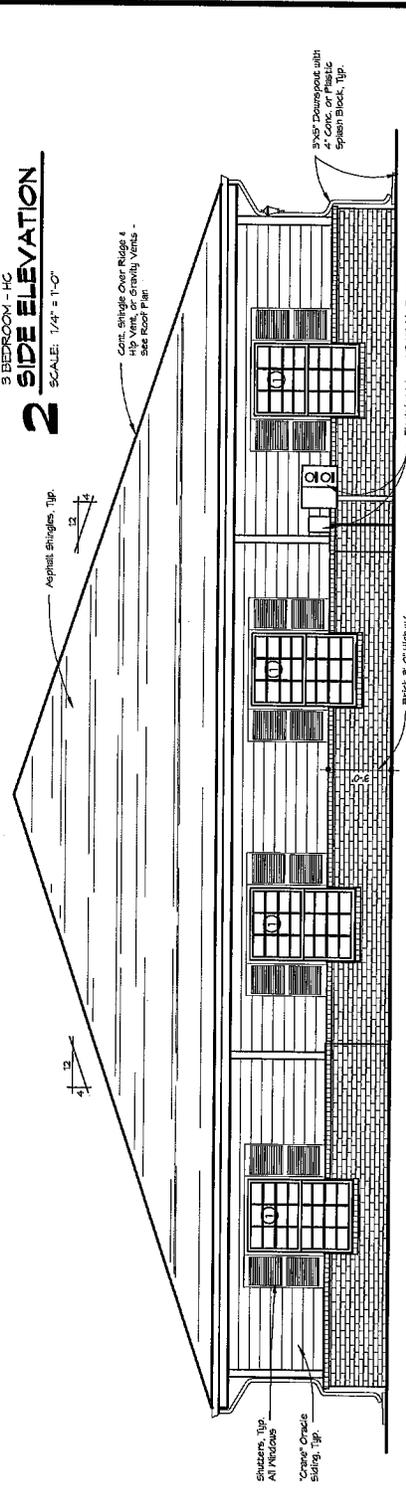




**1 FRONT ELEVATION**  
3 BEDROOM - HC  
SCALE: 1/4" = 1'-0"

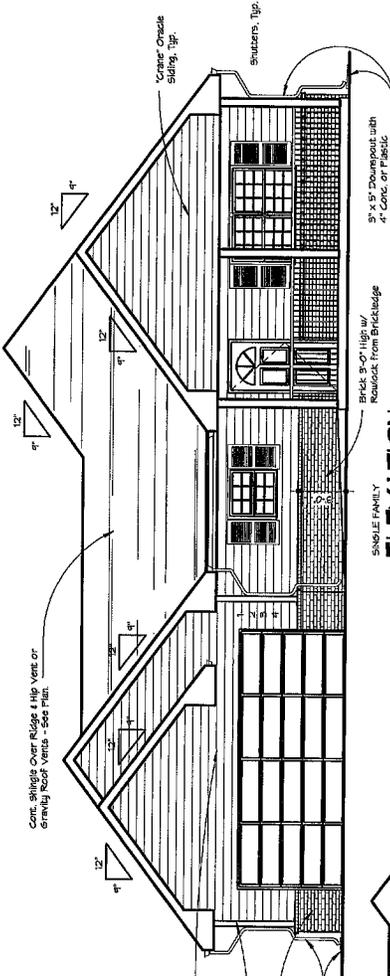


**2 SIDE ELEVATION**  
3 BEDROOM - HC  
SCALE: 1/4" = 1'-0"

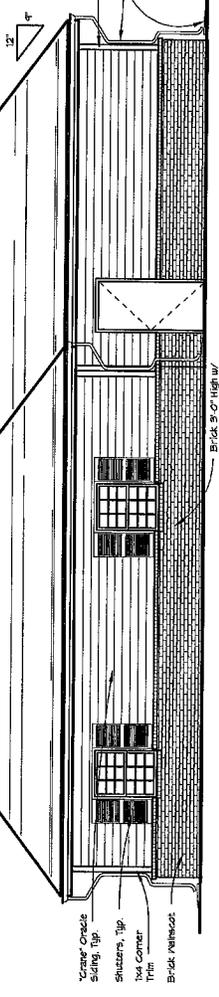


**3 REAR ELEVATION**  
3 BEDROOM - HC  
SCALE: 1/4" = 1'-0"

The Drawings, Specifications and other documents prepared by the Architect for this project are hereby accepted by the Owner. The Architect shall be deemed to warrant the accuracy of the drawings and documents prepared by the Architect for this project. The Architect shall be deemed to warrant the accuracy of the drawings and documents prepared by the Architect for this project. The Architect shall be deemed to warrant the accuracy of the drawings and documents prepared by the Architect for this project. The Architect shall be deemed to warrant the accuracy of the drawings and documents prepared by the Architect for this project.



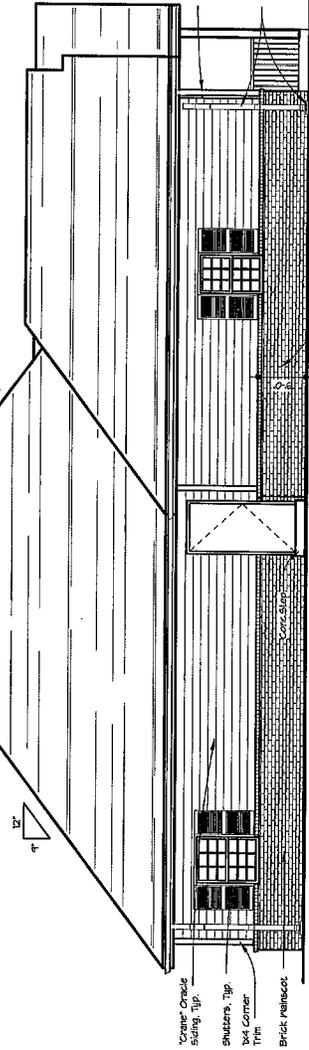
**1 ELEVATION**  
SCALE: 3/16" = 1'-0"



**2 ELEVATION**  
SCALE: 3/16" = 1'-0"



**4 ELEVATION**  
SCALE: 3/16" = 1'-0"



**3 ELEVATION**  
SCALE: 3/16" = 1'-0"

The Designer, Architect and other professionals are not responsible for the construction of this project. The Architect has the right to make changes to this project at any time without notice. The Architect is not responsible for the construction of this project. The Architect is not responsible for the construction of this project. The Architect is not responsible for the construction of this project.



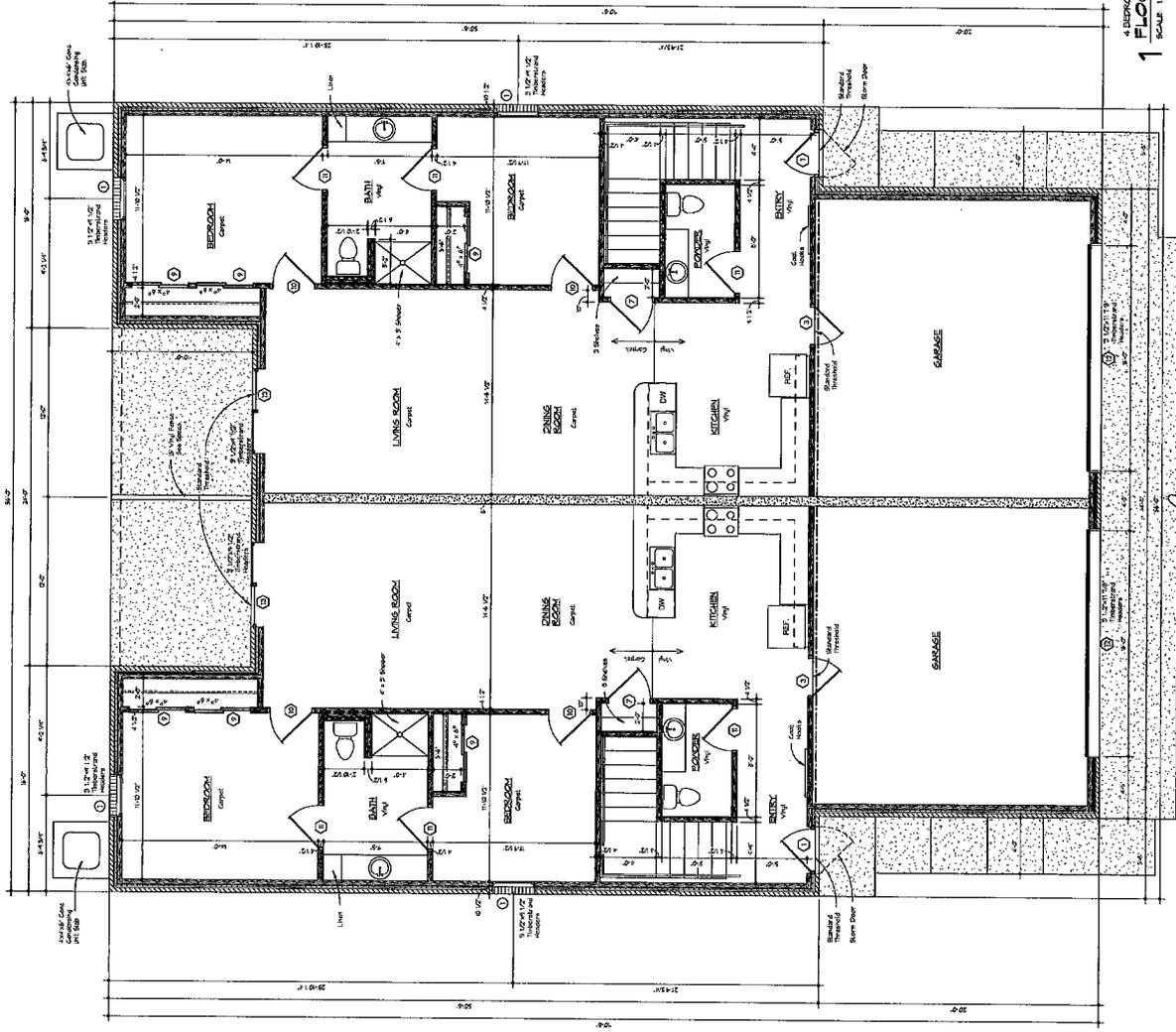
McCook, NE  
**QUILLAN COURTS, LLC**

Tim C. Schaller  
**ARCHITECT**  
 P.O. Box 197 Larned, Kansas 67550  
 620-285-2950 Fax 620-285-2940

Unnamed

DATE	1/4" = 1'-0"
SCALE	1/4" = 1'-0"
PROJECT	
CLIENT	
ARCHITECT	

1  
**FLOOR PLAN**  
 SCALE: 1/4" = 1'-0"



**LEGEND**

Symbol	1" = 1'-0"
Symbol	1/4" = 1'-0"

OF SHEETS

A5.6

The drawings, specifications and other documents prepared by the architect are to be read in conjunction with the contract documents. The architect is not responsible for the accuracy of the information provided by others. The architect is not responsible for the accuracy of the information provided by others. The architect is not responsible for the accuracy of the information provided by others.



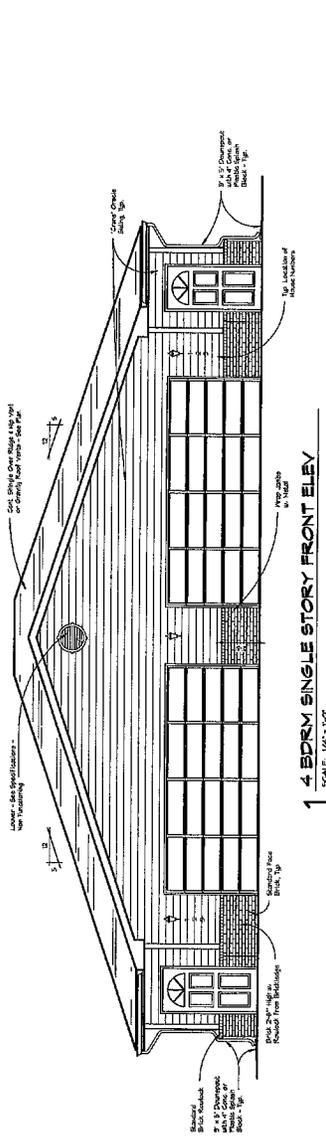


McCook, NE  
**QUILLAN COURTS, LLC**

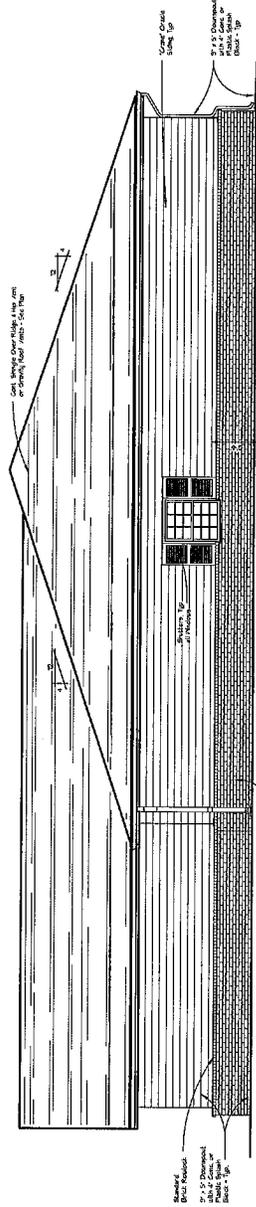
**TIM C. SCHALLER**  
**ARCHITECT**  
 P.O. Box 197 Larned, Kansas 67550  
 620-285-2950 Fax 620-285-2940

4 BDRM  
 SINGLE  
 STORY  
 ELEVATIONS

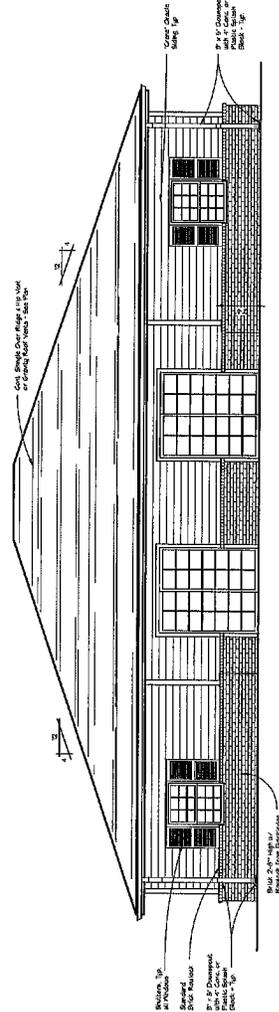
DATE	1/4" = 1'-0"
SCALE	1/4" = 1'-0"
PROJECT	QUILLAN COURTS, LLC
ARCHITECT	TIM C. SCHALLER
NO. OF SHEETS	4
SHEET NO.	A4.4



**1 4 BDRM SINGLE STORY FRONT ELEY**  
 SCALE 1/4" = 1'-0"



**2 4 BDRM SINGLE STORY SIDE ELEY**  
 SCALE 1/4" = 1'-0"



**3 4 BDRM SINGLE STORY REAR ELEY**  
 SCALE 1/4" = 1'-0"

The drawings, specifications and other documents prepared by the architect are to be used by the contractor for the purpose of construction only. The architect is not responsible for the construction of the building. The contractor shall be responsible for obtaining all necessary permits and for the safety of the construction site. The architect is not responsible for the construction of the building.

NO.	DATE	BY	CHKD.	SCALE

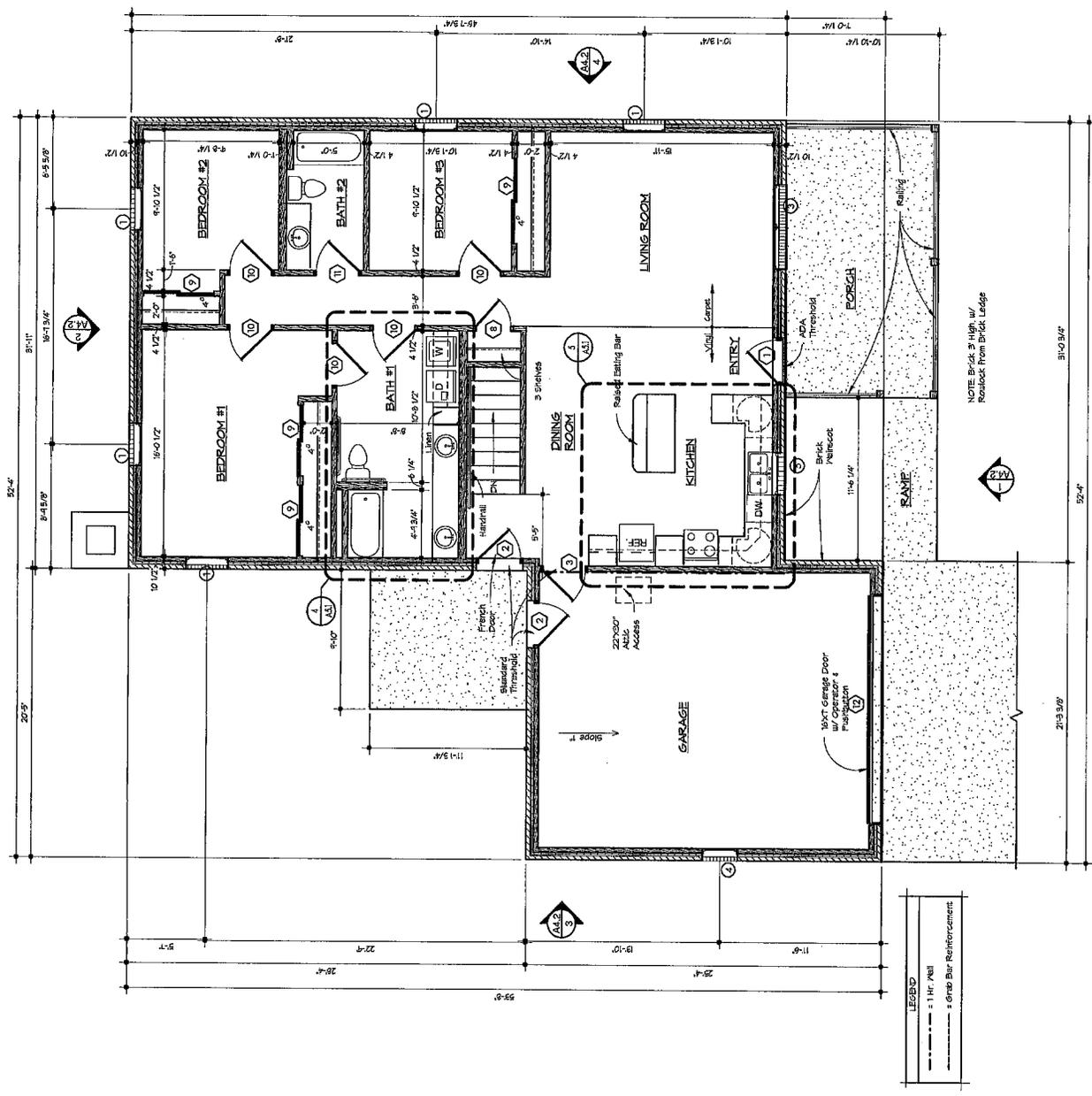
A2.1

**Tim C. Schaller**  
**Architect**  
 P.O. Box 197 Larned, Kansas 67350  
 620-285-2950 Fax 620-285-2940

The Drawings, Specifications and other documents prepared by this Architect for the project are the property of this Architect. The Architect shall accept no liability for errors or omissions in the drawings or specifications, including the responsibility for any construction methods and other matters not shown or specified. The Architect shall accept no liability for any damage or injury to persons or property resulting from the use of the drawings or specifications, including the responsibility for any construction methods and other matters not shown or specified.

**QUILLAN COURTS, LLC**  
 McCook, NE

**1 SINGLE FAMILY FLOOR PLAN**  
 SCALE: 3/16" = 1'-0"



NOTE: Brick 2" High w/ Roundtop from Brick Ledger

LEGEND

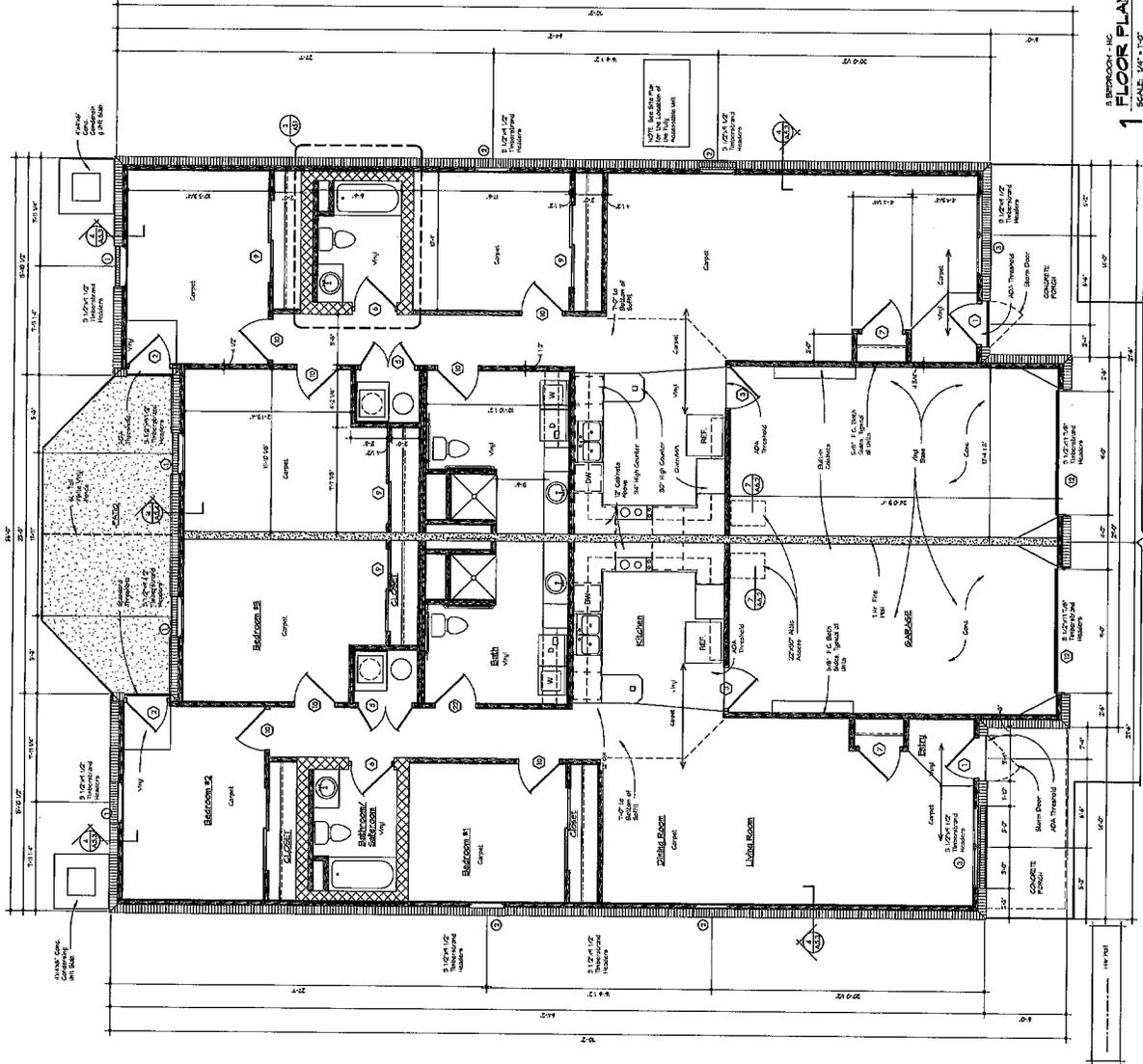
---	1 Hr. AWI
---	1/2\"
---	6\"

**QUILLAN COURTS, LLC**  
 McCook, NE

**TIM C. SCHALLER**  
 ARCHITECT  
 P.O. Box 197 Larned, Kansas 67550  
 620-285-2950 Fax 620-285-2940

DESIGN	ARCHITECT
AUTHOR	ARCHITECT
DATE	1/11/11
SCALE	1/4" = 1'-0"
PROJECT	1181 WEST

**A2.2**  
 OF 2



**1** 1st FLOOR PLAN  
 SCALE: 1/4" = 1'-0"

The Economy, Organization and style of this project are the result of the Architect's creative and professional skill. The Architect is not responsible for the design of any mechanical, electrical, plumbing, or other systems, or for the construction of any such systems. The Architect is not responsible for the design of any structural elements, or for the construction of any such elements. The Architect is not responsible for the design of any landscape or site work, or for the construction of any such work. The Architect is not responsible for the design of any interior or exterior finishes, or for the construction of any such finishes. The Architect is not responsible for the design of any furniture or fixtures, or for the construction of any such furniture or fixtures. The Architect is not responsible for the design of any signage or graphics, or for the construction of any such signage or graphics. The Architect is not responsible for the design of any other items, or for the construction of any such items.

# QUILLAN COURTS, L.L.C.

## NEW WATER & SANITARY SEWER

### MCCOOK, NEBRASKA

#### INDEX OF DRAWINGS

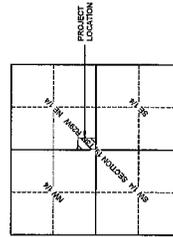
- C-1 SITE UTILITIES PLAN
- C-2 PLAN AND PROFILE SEWER
- C-3 PLAN AND PROFILE WATER
- C-4 WATER AND SEWER DETAILS

#### ESTIMATED QUANTITIES

ITEM	DESCRIPTION	QUANTITY	UNITS
1	MOBILIZATION	1	L.S.
2	MANHOLES (STANDARD)	1	EACH
2A	MANHOLES (FLAT TOP)	1	EACH
3	8" PVC SEWER MAIN W/TRACER WIRE	517	L.F.
4	4" PVC SEWER MAIN W/TRACER WIRE	310	L.F.
5	8" x 8" x 4" TEE	14	EACH
6	REMOVE CONCRETE	71.5	SQ.YDS.
7	BUILD 6" CONCRETE	71.5	SQ.YDS.
8	6" PVC WATER MAIN W/TRACER WIRE	537	L.F.
9	6" x 6" x 6" TEE	1	EACH
10	6" FIRE HYDRANT 5'-0" BURY	1	EACH
11	6" GATE VALVE W/ RISER BOX	1	EACH

#### ITEMS PROVIDED & INSTALLED BY CITY

ITEM	DESCRIPTION	QUANTITY	UNITS
1	6" x 6" TAPPING TEE W/ GATE VALVE	1	EACH
2	16" x 6" TAPPING TEE W/ GATE VALVE	1	EACH
3	3/4" TAPPING SADDLE	16	EACH
4	3/4" CORP STOP	16	L.F.
5	3/4" POLY PIPE	580	L.F.
6	3/4" CURB STOP	16	EACH
7	BORE 3/4" POLY PIPE	520	L.F.
8	2" TAPPING SADDLE	1	EACH
9	2" CORP STOP	1	EACH
10	2" POLY PIPE	58	L.F.
11	BORE 2" POLY PIPE	53	L.F.
12	2" METER PIT & SETTER	1	EACH



LOCATION MAP  
NOT TO SCALE

DATE: SEP 2, 2015

DWG: 15-1000

DRAWN: AM

CHECKED:

REVISIONS

REV 1 (7-28-15)



**WDA ASSOCIATES**  
Consulting Engineers and Architects  
McCook, Nebraska 68901

MCCOOK, NEBRASKA

QUILLAN COURTS, L.L.C.





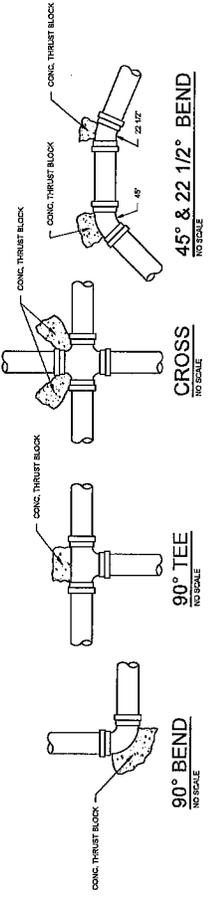


**CONCRETE SPECIFICATIONS FOR WATER & SEWER SYSTEMS**

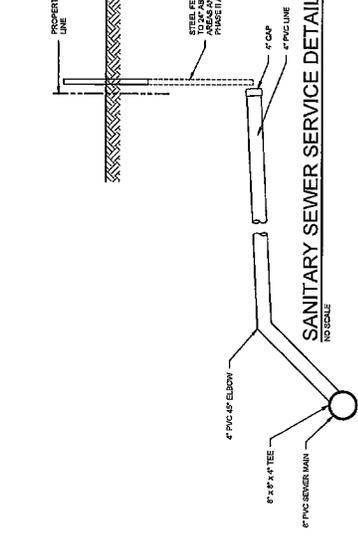
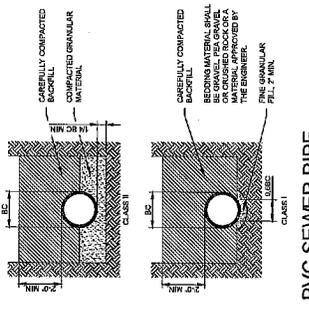
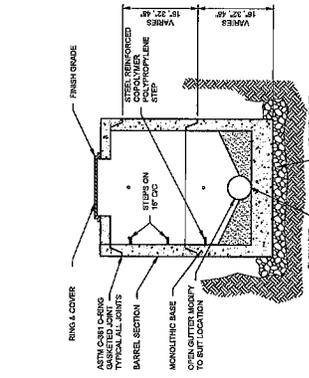
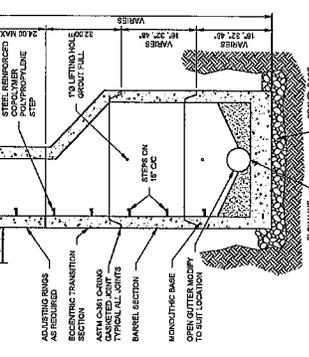
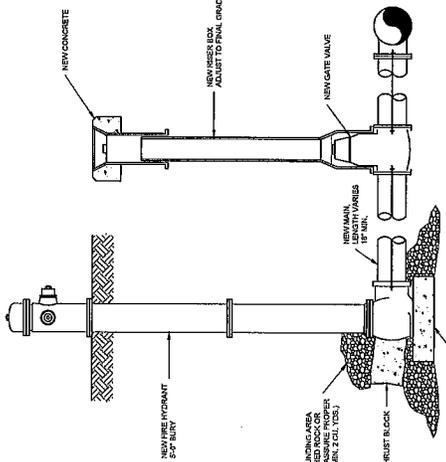
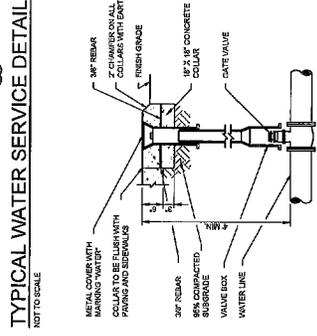
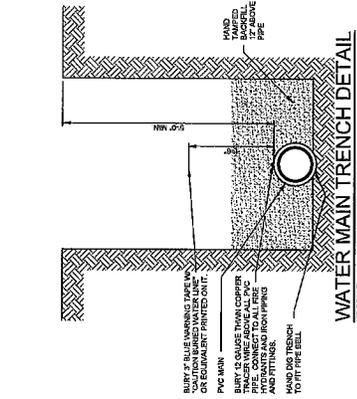
1. ALL CONCRETE SHALL BE NOOK #820 WITH A COMPRESSIVE STRENGTH OF 3000 PSI.
2. ALL CONCRETE SHALL BE PLACED AND FINISHED WITH A FINISH OF 3/8" SAND FINISH.
3. ALL CONCRETE SHALL MATCH ALL EXISTING CURB PROFILES.
4. ALL CONCRETE TO HAVE SLOPE ON TROUGH FINISH.

**WATER MAIN BUILD NOTES:**

1. ALL NEW WATER MAIN SHALL HAVE A MINIMUM BURY DEPTH OF 5'-0" TO THE TOP OF THE PIPE.
2. ALL WORK SHALL BE COMPLETED IN CONFORMANCE WITH THE NEBRASKA DEPT. OF HEALTH AND ENVIRONMENTAL CONTROL CODES.
3. ALL TRENCH BACKFILL UNDER STREETS, DRIVEWAYS, AND YARDS SHALL BE COMPACTED TO 90% OF STANDARD PROCTOR DENSITY. ALL TRENCH BACKFILL UNDER GRASS AND LAWNS SHALL BE COMPACTED TO 90% OF STANDARD PROCTOR DENSITY.
4. THE CONTRACTOR SHALL LOCATE AND PROTECT ALL OVERHEAD AND UNDERGROUND UTILITIES.



Pipe Size (in. (in.))	Bearing Area Required		
	90° El	45° El	22-1/2° El
120 (4)	1.0 (2.5)	1.0 (2.5)	1.0 (2.5)
150 (6)	1.5 (3.8)	1.5 (3.8)	1.5 (3.8)
180 (9)	2.0 (5.1)	2.0 (5.1)	2.0 (5.1)
210 (12)	2.5 (6.4)	2.5 (6.4)	2.5 (6.4)
240 (15)	3.0 (7.6)	3.0 (7.6)	3.0 (7.6)
270 (18)	3.5 (8.9)	3.5 (8.9)	3.5 (8.9)
300 (24)	4.5 (11.4)	4.5 (11.4)	4.5 (11.4)
360 (48)	9.0 (22.9)	9.0 (22.9)	9.0 (22.9)



REVISIONS	DATE	BY	CHKD

WDA ASSOCIATES  
1000 S. 10th Street  
McCook, NE 68001  
Phone: 402.883.1111  
Fax: 402.883.1112  
www.wdaassociates.com

NOTE: COVER OUTSIDE OF MANHOLE W/OUT W.A.R.  
MANHOLE W/OUT W.A.R. SHALL BE CONSIDERED AS UNDESIRABLE FOR EQUAL.

**MCCOOK PLANNING COMMISSION  
REGULAR MEETING**

**MINUTES**

**Monday - November 9, 2015  
5:15 P.M. - City Council Chambers**

Present: Vice Chair Dueland; Commissioners Garey-Vickers, Harpst, Hilker, Lyons, Wolford; City Manager Schneider; City Attorney Mustion; City Clerk Doak.

Absent: Chair Vosburg; Commissioners Shipshock, Siegfried, Stevens.

Vice-Chair requested that Commissioner Garey-Vickers conduct the meeting in the absence of Chair Vosburg.

Commissioner Garey-Vickers announced that a copy of the Open Meetings Act was posted by the entrance to the Council Chambers and available for public review.

(1) APPROVE THE MINUTES OF THE OCTOBER 12, 2015 REGULAR MEETING.

Upon a motion by Commissioner Wolford, seconded by Commissioner Dueland, the Commission voted to approve the minutes of the October 12, 2015 meeting. The motion passed upon the following roll call vote: YEA: Dueland, Garey-Vickers, Harpst, Hilker, Lyons, Wolford. NAY: None. ABSENT: Shipshock, Siegfried, Stevens, Vosburg.

(2) PUBLIC HEARINGS:

ITEM A PUBLIC HEARING - REQUEST FOR A SPECIAL EXCEPTION TO ALLOW A STORAGE BUILDING FOR PERSONAL OR COMMERCIAL USE IN AN AGRICULTURAL (AG) DISTRICT LOCATED WITHIN THE TWO MILE EXTRA-TERRITORIAL JURISDICTION OF THE CITY OF MCCOOK; A PART OF THE NW1/4 NW1/4 OF SECTION 25, TOWNSHIP 3 NORTH, RANGE 30 WEST OF THE 6TH P.M., RED WILLOW COUNTY, NEBRASKA; A TRACT OF LAND CONTAINING APPROXIMATELY 5 ACRES MORE OR LESS LOCATED ON THE SOUTH SIDE OF WHAT WOULD BE "J" STREET EXTENDED WEST; PROJECT SPONSOR/DEVELOPER - RON FRIEHE, RYAN PETERS, AND BRIAN ESCH; LAND OWNER - NORRIS INSTITUTE.

Upon a motion by Commissioner Garey-Vickers, seconded by Commissioner Dueland, the Commission voted to recess as the Planning Commission and convene as a Hearing Board for the purpose of receiving public comment on the request for a special exception to allow a storage building for personal or commercial use in an Agricultural (AG) District located within the two mile extra-territorial jurisdiction of the City of McCook; A part of the NW1/4 NW1/4 of Section 25, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska; a tract of land containing approximately 5 acres more or less located on the south side of what would be "J" Street extended west; Project Sponsor/Developer - Ron Friehe, Ryan Peters, and Brian Esch; Land owner - Norris Institute. The motion passed upon the following roll call vote: YEA: Dueland, Garey-Vickers, Hilker, Harpst, Lyons, Wolford. NAY: None. ABSENT: Shipshock, Siegfried, Stevens, Vosburg.

The Commission received into evidence Exhibit #1 - City Manager's Report prepared for the November 9, 2015 Planning Commission meeting; Exhibit #2 - Notice of Hearing; Exhibit #3 -

ownership mailing list receiving advanced Notice of Hearing; Exhibit #4 - Land Use Application, eight pages; Exhibit 5 - Real Estate Contract between the applicants and the Norris Institute.

City Manager Schneider reviewed the information presented in the City Manager's Report; An application for a special exception has been submitted by Ron Friehe, Ryan Peters and Brian Esch to allow for a storage building in the Agricultural (AG) District. The property is located west of Spyglass Street and south of Road 716 ("J" Street extended). It is owned by the Norris Institute. A purchase agreement has been completed and the sale of the land to the co-sponsors is contingent upon the granting of a special exception. On review of the Article 7 special exceptions provision, it is stated that the City Council may permit storage buildings for mobile homes, campers, boats, motor vehicles, motorized equipment and accessories in the AG District. There is no distinction made in this provision between commercial and private purposes. Pursuant to the application, the co-sponsors are making the request to construct a building for agricultural and other consumer item storage. It appears that the co-sponsors are contemplating utilizing the building for purposes permitted pursuant to the ordinance. The City Council has had similar special exception requests in the past and have approved them with regard to storage facilities in the AG District. Reviewing the site, it appears that the location would be appropriate for such a building as it is not adjacent to an improved street and it is located far enough away from other residential properties that it may not be an attractive site for residential builds. Further, it doesn't appear that it is in an area that would be developed agriculturally. It will require some grading in order to put a storage building at the requested site, but my discussions with the co-sponsors indicate a willingness to invest in order to develop the project.

Ron Friehe addressed the application with the Commission. They have a Real Estate Contract with the Norris Institute for the purchase of this parcel contingent to approval of the special exception. The building will be 60' wide and at least 125' long, maybe longer if they have more interested parties than anticipated. The entrances will be on the east side of the building, drainage will be to the north to "J" Street and to the south, with a possible retention pond in the low lying area to the south of the building. It will be a condominium type arrangement with individual ownership.

No one else was present to comment.

Upon a motion by Commissioner Hilker, Vosburg, by Commissioner Dueland, Commission voted to close the public hearing and reconvene as a Planning Commission. The motion passed upon the following roll call vote: YEA: Dueland, Garey-Vickers, Hilker, Harpst, Lyons, Wolford. NAY: None. ABSENT: Shipshock, Siegfried, Stevens, Vosburg.

ITEM B RECOMMEND TO THE CITY COUNCIL APPROVAL OF THE REQUEST FOR A SPECIAL EXCEPTION TO ALLOW A STORAGE BUILDING FOR PERSONAL OR COMMERCIAL USE IN AN AGRICULTURAL (AG) DISTRICT LOCATED WITHIN THE TWO MILE EXTRA-TERRITORIAL JURISDICTION OF THE CITY OF MCCOOK; A PART OF THE NW1/4 NW1/4 OF SECTION 25, TOWNSHIP 3 NORTH, RANGE 30 WEST OF THE 6TH P.M., RED WILLOW COUNTY, NEBRASKA; A TRACT OF LAND CONTAINING APPROXIMATELY 5 ACRES MORE OR LESS LOCATED ON THE SOUTH SIDE OF WHAT WOULD BE "J" STREET EXTENDED WEST; PROJECT SPONSOR/DEVELOPER - RON FRIEHE, RYAN PETERS, AND BRIAN ESCH; LAND OWNER - NORRIS INSTITUTE; THAT THE GRANTING OF THE SPECIAL EXCEPTION WILL NOT ADVERSELY AFFECT THE PUBLIC INTEREST; AND THAT SATISFACTORY PROVISIONS AND ARRANGEMENTS HAVE BEEN MADE BY THE APPLICANT CONCERNING SPECIAL EXCEPTION CONSIDERATIONS A - I.

Commission discussion included future annexation concerns; it may be best to allow only residential to the north of what would be "J" Street extended; Bishop lots to the north are zoned as Agricultural, the best use may be residential in the future; the possibility of making the distinction that the property to the north should be designated as residential.

Upon a motion by Commissioner Garey-Vickers, seconded by Commissioner Lyons, the Commission voted to recommend to the City Council approval of the request for a special exception to allow a storage building for personal or commercial use in an Agricultural (AG) District located within the two mile extra-territorial jurisdiction of the City of McCook; A part of the NW1/4 NW1/4 of Section 25, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska; a tract of land containing approximately 5 acres more or less located on the south side of what would be "J" Street extended west; Project Sponsor/Developer - Ron Friehe, Ryan Peters, and Brian Esch; Land owner - Norris Institute; that the granting of the special exception will not adversely affect the public interest; and that satisfactory provisions and arrangements have been made by the applicant concerning Special Exception Considerations a - i. The motion passed upon the following roll call vote: YEA: Dueland, Garey-Vickers, Hilker, Harpst, Lyons, Wolford. NAY: None. ABSENT: Shipshock, Siegfried, Stevens, Vosburg.

ITEM C PUBLIC HEARING - CONSIDER CLARY SUBDIVISION REPLAT NO.3, LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, AND 10, BLOCK 1, LOTS 1, 2, 3, 4, 5, 6, AND 7, BLOCK 2, AND WEST 9<sup>TH</sup> STREET, A REPLAT OF PART OF LOT 2, BLOCK 1, CLARY SUBDIVISION, AND LOT 2B, A REPLAT OF PART OF LOT 1, BLOCK 1, CLARY SUBDIVISION; EXCEPTING THE EAST 60 FEET OF LOT 2B, WHICH HAS BEEN DEDICATED AS WEST 8 ½ STREET TO THE CITY OF MCCOOK WITH THE RECORDING OF CLARY SUBDIVISION REPLAT NO. 2, ALL IN THE CITY OF MCCOOK, RED WILLOW COUNTY, NEBRASKA.

Upon a motion by Commissioner Hilker, seconded by Commissioner Harpst, the Commission voted to recess as the Planning Commission and convene as a Hearing Board for the purpose of receiving public comment on the proposed Clary Subdivision Replat No.3, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10, Block 1, Lots 1, 2, 3, 4, 5, 6, and 7, Block 2, and West 9<sup>th</sup> Street, a Replat of Part of Lot 2, Block 1, Clary Subdivision, and Lot 2B, a Replat of Part of Lot 1, Block 1, Clary Subdivision; Excepting the East 60 Feet of Lot 2B, Which has been dedicated as West 8 ½ Street to the City of McCook with the Recording of Clary Subdivision Replat No. 2, all in the City of McCook, Red Willow County, Nebraska. The motion passed upon the following roll call vote: YEA: Dueland, Garey-Vickers, Hilker, Harpst, Lyons, Wolford. NAY: None. ABSENT: Shipshock, Siegfried, Stevens, Vosburg.

The Commission received into evidence Exhibit #1 - City Manager's Report prepared for the November 9, 2015 Planning Commission meeting; Exhibit #2 - Notice of Hearing; Exhibit #3 - ownership mailing list receiving advanced Notice of Hearing; Exhibit #4 - proposed Subdivision Agreement and Maps, 21 pages.

City Manager Schneider reviewed the information presented in the City Manager's Report; at the last Planning Commission meeting in October, the Quillan Courts Redevelopment Plan was presented and approval was recommended and made to and by the City Council. As part of the project, it is necessary to properly subdivide the property in order to build and locate the single family and duplex structures. An application has been presented asking for the City to consider Replat No. 3, attached to your packets. This particular issue is different from a major subdivision because the Clary Village is in existence and a replat is necessary in order to meet City zoning and subdivision requirements. Along with the approval of the Replat No. 3, it is necessary to enter into a subdivision agreement in order to set the duties and responsibilities

of the parties to this project. A preliminary subdivision agreement is submitted to the Planning Commission for consideration. There are several items included in the agreement. First, the parties are in agreement that West 9<sup>th</sup> Street will be accepted by the City as a conforming street. Second, the parties will incorporate the Planned Unit Development Agreement into the Subdivision Agreement. Third, all existing sidewalk will be allowed to remain as is. New sidewalks on the east side of both blocks will be required to follow City of McCook Subdivision requirements. The north side of Block 1 shall have paved sidewalk, but due to drainage concerns, it will be located directly behind the street curb. There will not be sidewalk on the west side of Block 1 as detention ponds will not allow for sidewalk development. The lack of sidewalk should not interfere with the residents of Quillan Courts as there are no structures located on the west side of the Block 1. Staff feels it is important that there is a through sidewalk on the east side of Block 2 to provide one continuous sidewalk from West R Street to West Q Street. ADA approved crosswalks will be part of the project. Fourth, as mentioned, detention ponds are required as part of this project. The ponds will be located on the west side of Block 1. These detention ponds were considered when the Clary Village project was being proposed. The ponds should slow drainage coming from the new construction. The drainage will still be directed to the end of developed West 10<sup>th</sup> Street, but there should be no increase in the amount of runoff at this location. Fifth, water and sewer will be part of the project, with it being noted that the water line will run along the east side of Block 2 and the water line will run along the west side of Block 1. One fire hydrant will have to be located at the corner of West Q Street and West 9<sup>th</sup> Street. Sixth, the Developer will be responsible for providing street light as outlined in our regulations.

John Allen, owner of property directly to the west, expressed concerns with the current erosion issues with the water running off of "F" Street onto his property. He suggested that some rubble could be placed there to slow the flow of the water onto his property.

City Manager Schneider stated that the displacement of the water will not be greater. The drainage will be maintained as current, it will not reduce or increase.

No one else was present to comment.

Upon a motion by Commissioner Harpst, by Commissioner Hilker, the Commission voted to close the public hearing and reconvene as a Planning Commission. The motion passed upon the following roll call vote: YEA: Dueland, Garey-Vickers, Hilker, Harpst, Lyons, Wolford. NAY: None. ABSENT: Shipshock, Siegfried, Stevens.

ITEM D RECOMMEND APPROVAL TO THE MCCOOK CITY COUNCIL THE REQUESTED CREATION OF CLARY SUBDIVISION REPLAT NO. 3, LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, AND 10, BLOCK 1, LOTS 1, 2, 3, 4, 5, 6, AND 7, BLOCK 2, AND WEST 9<sup>TH</sup> STREET, A REPLAT OF PART OF LOT 2, BLOCK 1, CLARY SUBDIVISION, AND LOT 2B, A REPLAT OF PART OF LOT 1, BLOCK 1, CLARY SUBDIVISION; EXCEPTING THE EAST 60 FEET OF LOT 2B, WHICH HAS BEEN DEDICATED AS WEST 8½ STREET TO THE CITY OF MCCOOK WITH THE RECORDING OF CLARY SUBDIVISION REPLAT NO. 2, ALL IN THE CITY OF MCCOOK, RED WILLOW COUNTY, NEBRASKA.

Commissioner Dueland stated that he serves on the MEDC Board, due to a possible conflict of interest he would be abstaining from the vote on this item.

Commission discussion included whether or not the detention pond would be defined in the purchase agreement to insure that it would be maintained in the future.

City Manager Schneider stated that an easement for the detention pond would be added to

insure that it would be maintained in the future.

Upon a motion by Commissioner Garey-Vickers, seconded by Commissioner Harpst, the Commission voted to recommend approval to the McCook City Council the requested creation of Clary Subdivision Replat No. 3, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10, Block 1, Lots 1, 2, 3, 4, 5, 6, and 7, Block 2, and West 9<sup>th</sup> Street, a Replat of part of Lot 2, Block 1, Clary Subdivision, and Lot 2B, a Replat of part of Lot 1, Block 1, Clary Subdivision; excepting the East 60 feet of Lot 2B, which has been dedicated as West 8½ Street to the City of McCook with the recording of Clary Subdivision Replat No. 2, all in the City of McCook, Red Willow County, Nebraska. The motion passed upon the following roll call vote: YEA: Garey-Vickers, Hilker, Harpst, Lyons, Wolford. NAY: None. ABSTAIN: Dueland. ABSENT: Shipshock, Siegfried, Stevens, Vosburg.

ITEM E RECOMMEND APPROVAL OF THE PRELIMINARY SUBDIVISION AGREEMENT FOR CLARY SUBDIVISION REPLAT NO. 3 BETWEEN THE CITY OF MCCOOK, THE MCCOOK ECONOMIC DEVELOPMENT CORPORATION AND QUILLAN COURTS, L.L.C.

Commissioner Dueland stated that he serves on the MEDC Board, due to a possible conflict of interest he would be abstaining from the vote on this item.

Upon a motion by Commissioner Garey-Vickers, seconded by Commissioner Wolford, the Commission voted to recommend approval of the Preliminary Subdivision Agreement for Clary Subdivision Replat No. 3 between the City of McCook, the McCook Economic Development Corporation and Quillan Courts, L.L.C. The motion passed upon the following roll call vote: YEA: Garey-Vickers, Hilker, Harpst, Lyons, Wolford. NAY: None. ABSTAIN: Dueland. ABSENT: Shipshock, Siegfried, Stevens.

ITEM F PUBLIC HEARING - CONSIDER THE PRELIMINARY PLANNED DEVELOPMENT DISTRICT TO BE KNOWN AS QUILLAN COURTS PLANNED DEVELOPMENT DISTRICT, SAID DISTRICT TO BE LOCATED BETWEEN WEST 10<sup>TH</sup> STREET AND WEST 8 ½ STREET AND WEST R STREET AND WEST Q STREET (AS DIAGRAMED IN PROPOSED REPLAT CLARY SUBDIVISION REPLAT NO. 3, CLARY SUBDIVISION TO THE CITY OF MCCOOK, RED WILLOW COUNTY, NEBRASKA).

Upon a motion by Commissioner Garey-Vickers, seconded by Commissioner Hilker, the Commission voted to recess as the Planning Commission and convene as a Hearing Board for the purpose of receiving public comment on the proposed Preliminary Planned Development District to be known as Quillan Courts Planned Development District, said District to be located between West 10<sup>th</sup> Street and West 8 ½ Street and West R Street and West Q Street (as diagramed in Proposed Replat Clary Subdivision Replat No. 3, Clary Subdivision to the City of McCook, Red Willow County, Nebraska). The motion passed upon the following roll call vote: YEA: Dueland, Garey-Vickers, Hilker, Harpst, Lyons, Wolford. NAY: None. ABSENT: Shipshock, Siegfried, Stevens, Vosburg.

The Commission received into evidence Exhibit #1 - City Manager's Report prepared for the November 9, 2015 Planning Commission meeting; Exhibit #2 - Notice of Hearing; Exhibit #3 - ownership mailing list receiving advanced Notice of Hearing; Exhibit #4 - proposed Resolution No. PC2015-07; Exhibit #5 - proposed Planned Unit Development Agreement, 1 pages.

City Manager Schneider reviewed the information presented in the City Manager's Report; this agenda item refers to a preliminary zoning issue, not a final zoning issue. The location of this project is in the Clary Subdivision to the City of McCook. The City is running this request

simultaneous to a Major Subdivision request from the developer, Quillan Courts, L.L.C. As such, the designations used for this report will refer to Proposed Clary Subdivision Replat No. 3. Clary Subdivision is in the Residential Medium (RM) District. The developer wishes to construct six residential buildings on Proposed Block 1 and four residential buildings on Proposed Block 2 in Proposed Clary Subdivision Replat No. 3. Diagrams depicting the location of the units are included with this report. The Planned Development District includes improvements such as sanitary sewer, water, sidewalk, and drainage improvements. No streets are being considered as part of this project. The City has been petitioned by the Economic Development Corporation to find that West 9<sup>th</sup> Street meets City standards. After review, the City has found and that West 9<sup>th</sup> Street between West R and West Q Streets meets City standards. The need for the Planned Unit Development District is due to the nature of the proposed residential structures and the proposed lots located on this site. The developer is proposing that the duplex units be placed on individual lots as opposed to one lot for each of the two units. The request would violate lot size and setback requirements. The only practical way to achieve the desired development is to create a Planned Unit Development District. By creating a Planned Unit Development, exceptions can be made to the Residential Medium Density District zoning requirements, assuring enough flexibility to construct the duplexes. A Planned Unit Development District agreement will need to be completed. A rough draft is attached to this report. A complete, final agreement will be brought back to the Planning Commission when there is a finalized Planned Unit Development to be reviewed. The planned unit development would be consistent with the proposed future land use of the Comprehensive Plan.

No one else was present to comment.

Upon a motion by Commissioner Dueland, by Commissioner Harpst, voted to close the public hearing and reconvene as a Planning Commission. The motion passed upon the following roll call vote: YEA: Dueland, Garey-Vickers, Hilker, Harpst, Lyons, Wolford. NAY: None. ABSENT: Shipshock, Siegfried, Stevens.

ITEM G APPROVE RESOLUTION NO. PC2015-07 RECOMMENDING TO THE MCCOOK CITY COUNCIL APPROVAL OF THE PRELIMINARY PLANNED DEVELOPMENT DISTRICT TO BE KNOWN AS QUILLAN COURTS PLANNED DEVELOPMENT DISTRICT (AS DIAGRAMED IN PROPOSED REPLAT CLARY SUBDIVISION REPLAT NO. 3, CLARY SUBDIVISION TO THE CITY OF MCCOOK, RED WILLOW COUNTY, NEBRASKA).

Commissioner Dueland stated that he serves on the MEDC Board, due to a possible conflict of interest he would be abstaining from the vote on this item.

Upon a motion by Garey-Vickers, seconded by Commissioner Wolford, the Commission voted to approve Resolution No. PC2015-07 recommending to the McCook City Council approval of the Preliminary Planned Development District to be known as Quillan Courts Planned Development District (as diagramed in Proposed Replat Clary Subdivision Replat No. 3, Clary Subdivision to the City of McCook, Red Willow County, Nebraska). The motion passed upon the following roll call vote: YEA: Garey-Vickers, Hilker, Harpst, Lyons, Wolford. NAY: None. ABSTAIN: Dueland. ABSENT: Shipshock, Siegfried, Stevens.

ITEM H PUBLIC HEARING - CONSIDER A MODIFICATION TO ARTICLE 12, CENTRAL BUSINESS DISTRICT (CB), OF THE MCCOOK ZONING ORDINANCE, ADDING FUNERAL HOMES, FUNERAL CHAPELS, AND FUNERAL SERVICES AS PERMITTED PRINCIPAL USES AND STRUCTURES IN THE CB DISTRICT.

Upon a motion by Commissioner Hilker, seconded by Commissioner Harpst, the Commission voted to recess as the Planning Commission and convene as a Hearing Board for the purpose of receiving public comment on the proposed modification to Article 12, Central Business District (CB), of the McCook Zoning Ordinance, adding funeral homes, funeral chapels, and funeral services as permitted principal uses and structures in the CB District. The motion passed upon the following roll call vote: YEA: Dueland, Garey-Vickers, Hilker, Harpst, Lyons, Wolford. NAY: None. ABSENT: Shipshock, Siegfried, Stevens, Vosburg.

The Commission received into evidence Exhibit #1 - City Manager's Report prepared for the November 9, 2015 Planning Commission meeting; Exhibit #2 - Notice of Hearing; Exhibit #3 - Article 12 - Central Business District information from the City of McCook Zoning Ordinance, two pages.

City Manager Schneider reviewed the information presented in the City Manager's Report; in the Spring/Summer of 2015, Tim Daum, owner of Carpenter-Breland Funeral Home, Inc., approached the City regarding possible expansion of his business through the addition of a crematorium at its current site or a site across the alley from their current buildings. When reviewing the request, Staff discovered that the 2013 Zoning Regulations changed the boundary of the CB District to include the Carpenter-Breland property located at 305 East C Street. It was also found that Herrmann-Jones Funeral Chapel was also located in the CB District. After reviewing the CB District permitted principal uses and structures and special exception uses, it was noted that the ordinance fails to include funeral homes, funeral chapels and funeral services as allowable structures within the CB District. In relation to Staff's discussion with Mr. Daum, there is concern that the two funeral homes would be considered non-conforming properties and prohibited from expanding or modifying their existing structures. Staff does not believe it was the intent of the new zoning ordinance to "zone out" the two funeral home businesses. Our guess is that it was unintentionally left out of the permitted principle uses and structures provision. Be that as it may, Staff recommends that funeral homes, funeral chapels and funeral services be included as permitted principal uses and structures in the CB District. We are not including cemeteries as an additional use in the CB District, as Staff does not believe a cemetery should be located in the CB District (although the likelihood of this happening in the future is very slim). If this item is approved by the City Council, Carpenter-Breland would consider moving their crematorium from it's current location on West 17<sup>th</sup> Street to the 305 East C Street property. Staff has discussed the crematorium with Mr. Daum and it is our understanding that crematoriums are closely regulated by the State of Nebraska. Environmental concerns are addressed through these regulations and should not impact the neighbors located around the Carpenter-Breland property. It is our understanding that the location would be on the current mortuary grounds, not across the alley next to residences.

No one else was present to comment.

Upon a motion by Commissioner Dueland, by Commissioner Harpst, the Commission voted to close the public hearing and reconvene as a Planning Commission. The motion passed upon the following roll call vote: YEA: Dueland, Garey-Vickers, Hilker, Harpst, Lyons, Wolford. NAY: None. ABSENT: Shipshock, Siegfried, Stevens.

ITEM I RECOMMEND FOR APPROVAL TO THE CITY COUNCIL, A MODIFICATION OF ARTICLE 12, CENTRAL BUSINESS DISTRICT, OF THE MCCOOK ZONING ORDINANCE, ADDING FUNERAL HOMES, FUNERAL CHAPELS, AND FUNERAL SERVICES AS PERMITTED PRINCIPAL STRUCTURES IN THE CENTRAL BUSINESS DISTRICT (CB).

Upon a motion by Commissioner Garey-Vickers, seconded by Commissioner Hilker, the Commission voted to recommend for approval to the City Council, a modification of Article 12,

Central Business District, of the McCook Zoning Ordinance, adding funeral homes, funeral chapels, and funeral services as permitted principal structures in the Central Business District (CB). The motion passed upon the following roll call vote: YEA: Dueland, Garey-Vickers, Hilker, Harpst, Lyons, Welford. NAY: None. ABSENT: Shipshock, Siegfried, Stevens.

(3) ADJOURNMENT.

With no further business, Chair Vosburg declared the Planning Commission meeting adjourned at 6:45 P.M.

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Lea Ann Doak  
Recording Secretary

**CITY MANAGER'S REPORT  
NOVEMBER 16, 2015 MCCOOK CITY COUNCIL MEETING**

**ITEM NO. 3F** Public Hearing - Consider the Preliminary Planned Development District to be known as Quillan Courts Planned Development District, said District to be located between West 10<sup>th</sup> Street and West 8 ½ Street and West R Street and West Q Street (as diagramed in Proposed Replat Clary Subdivision Replat No. 3, Clary Subdivision to the City of McCook, Red Willow County, Nebraska).

**ITEM NO. 3G** Approve Preliminary Planned Development District to be known as Quillan Courts Planned Development District (as diagramed in Proposed Replat Clary Subdivision Replat No. 3, Clary Subdivision to the City of McCook, Red Willow County, Nebraska).

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**BACKGROUND:**

This agenda item refers to a preliminary zoning issue, not a final zoning issue. The location of this project is in the Clary Subdivision to the City of McCook. The City is running this request simultaneous to a Subdivision request from the developer, Quillan Courts, L.L.C. As such, the designations used for this report will refer to Proposed Clary Subdivision Replat No. 3. Clary Subdivision is in the Residential Medium (RM) District. The developer wishes to construct six residential buildings on Proposed Block 1 and four residential buildings on Proposed Block 2 in Proposed Clary Subdivision Replat No. 3. Diagrams depicting the location of the units are included with this report. The Planned Development District includes improvements such as sanitary sewer, water, sidewalk, and drainage improvements. No streets are being considered as part of this project. The City has been petitioned by the Economic Development Corporation to find that West 9<sup>th</sup> Street meets City standards. After review, the City has found and that West 9<sup>th</sup> Street between West R and West Q Streets meets City standards.

The need for the Planned Unit Development District is due to the nature of the proposed residential structures and the proposed lots located on this site. The developer is proposing that the duplex units be placed on individual lots as opposed to one lot for each of the two units. The request would violate lot size and setback requirements. The only practical way to achieve the desired development is to create a Planned Unit Development District. By creating a Planned Unit Development, exceptions can be made to the Residential Medium Density District zoning requirements, assuring enough flexibility to construct the duplexes.

A Planned Unit Development District agreement will need to be completed. A draft is attached to this report. A final agreement will be brought back to the Planning Commission and City Council when there is a finalized Planned Unit Development to be reviewed. The draft has been reviewed by the Planning Commission and a recommendation was made for the Council to approve it on November 9, 2015.

The planned unit development would be consistent with the proposed future land use of the Comprehensive Plan.

**RECOMMENDATIONS:**

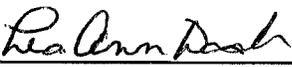
**ITEM NO. 3F** Public Hearing - Consider the Preliminary Planned Development District to be known as Quillan Courts Planned Development District, said District to be located between West 10<sup>th</sup> Street and West 8 ½ Street and West R Street and West Q Street (as diagramed in Proposed Replat Clary Subdivision Replat No. 3, Clary Subdivision to the City of McCook, Red Willow County, Nebraska).

**ITEM NO. 3G** Approve the Preliminary Planned Development District to be known as Quillan Courts Planned Development District (as diagramed in Proposed Replat Clary Subdivision Replat No. 3, Clary Subdivision to the City of McCook, Red Willow County, Nebraska).

**APPROVALS:**

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

November 12, 2015

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

November 12, 2015

**NOTICE OF HEARING**

**PRELIMINARY PLANNED DEVELOPMENT DISTRICT**

NOTICE IS HEREBY GIVEN that a public hearing will be held to consider the Planned Development District to be known as "Quillan Courts", consisting of the following described property:

A replat of part of Lot Two (2), Block One (1), Clary Subdivision, and Lot Two B (2B), a replat of part of Lot One (1), Block One (1), Clary Subdivision; excepting the east sixty feet (60') of Lot Two B (2B), which has been dedicated as West 8½ Street to the City of McCook with the recording of Clary Subdivision Replat No. 2, all in the City of McCook, Red Willow County, Nebraska.

Public Hearings on the above-described Preliminary Planned Development District will be held on the dates, times, and at the places listed below:

NOVEMBER 9, 2015 - 5:15 P.M.  
MCCOOK PLANNING COMMISSION  
CITY COUNCIL CHAMBERS  
505 WEST "C" STREET

NOVEMBER 16, 2015 - 6:30 P.M.  
MCCOOK CITY COUNCIL  
CITY COUNCIL CHAMBERS  
505 WEST "C" STREET

ANY AND ALL PERSONS desiring to comment on the above-described request will be given an opportunity to be heard. Please direct all inquiries to Barry Mooney, City of McCook Building Official at 308-345-2022 ext. 232.

-s- Lea Ann Doak  
City Clerk

Publish: October 30, 2015  
Post: October 30, 2015  
Mail: October 30, 2015

Property Owners Notified:

JOHN D WALTERS  
71822 OLD HWY 17  
MCCOOK, NE 69001

NORTH POINTE PROPERTIES LLC  
c/o WILLIAM DAVIS  
2205 PONDEROSA DRIVE  
MCCOOK, NE 69001

D E W CONTRACTING, LLC  
C/O DAVID WINDER  
2103 WEST 7TH STREET  
MCCOOK NE 69001

JOHN D ALLEN  
1203 WEST Q  
MCCOOK, NE 69001

MCCOOK ECONOMIC DEVELOPMENT  
CORPORATION  
402 NORRIS AVE, SUITE 301  
MCCOOK NE 69001

CLARY VILLAGE LLC  
402 NORRIS, STE 301  
MCCOOK, NE 69001

JOHN D ALLEN  
1203 WEST Q  
MCCOOK, NE 69001

ROBERT B & SHARON K HARVEY  
1518 EAST FAIRACRES DRIVE  
MCCOOK, NE 69001

GREGORY GANS & DEBORAH  
CROUCH  
1514 EAST FAIRACRES  
MCCOOK NE 69001

RICHARD J LINNEMEYER  
1508 EAST FAIRACRES  
MCCOOK, NE 69001

JERRY L & KALYN S RUZICKA  
13004 NEBRASKA CT  
KANSAS CITY, KS 66109

PIETRO & MAUREEN S GIORGIONE  
P O BOX 756  
MCCOOK, NE 69001

BRANDON KRUEGER, ET AL  
PO BOX 53  
HOLSTEIN NE 68950-0053

ROSE A SCOTT  
706 EAST 5TH  
MCCOOK, NE 69001

ROBERT L & RITA G WALTEMATH  
1505 EAST FAIRACRES DR  
MCCOOK, NE 69001

BERNARD & KATHY WEAVER  
c/o RICHARD FISHER  
1518 WEST 10TH  
MCCOOK NE 69001

LINDA P BONAR  
1516 WEST 10TH ST  
MCCOOK, NE 69001

RANDY & SYDNEY BAUMAN  
1514 WEST 10TH ST  
MCCOOK, NE 69001

VIRGINIA M KING  
1510 WEST 10TH ST  
MCCOOK, NE 69001

JOHN CROSBY  
1508 WEST 10TH ST  
MCCOOK, NE 69001

CECIL R & FERMA L SCARROW  
1506 WEST 10TH ST  
MCCOOK, NE 69001

RED WILLOW COUNTY  
c/o RED WILLOW CO. FAIR BOARD  
P O BOX 876  
MCCOOK NE 69001-0876

TOM BREDVICK, PRESIDENT  
MCCOOK SCHOOL BOARD  
302 ELIZABETH LANE  
MCCOOK, NE 69001

**MCCOOK PLANNING COMMISSION**

**RESOLUTION NO. PC2015-07**

A RESOLUTION OF THE MCCOOK PLANNING COMMISSION RECOMMENDING APPROVAL OF A PRELIMINARY PLANNED DEVELOPMENT - OVERLAY DISTRICT, TO BE KNOWN AS QUILLAN COURTS (AS DIAGRAMED IN PROPOSED REPLAT CLARY SUBDIVISION REPLAT NO. 3, CLARY SUBDIVISION OF THE CITY OF MCCOOK, RED WILLOW COUNTY, NEBRASKA.

**WHEREAS**, at their meeting on February 9, 2015, the Planning Commission held a public hearing concerning the creation of a Planned Development - Overlay District to be known as Quillan Courts (as diagramed in proposed Replat Clary Subdivision Replat No. 3, Clary Subdivision of the City of McCook, Red Willow County, Nebraska.

**WHEREAS**, this commission has reviewed the Preliminary Planned Development - Overlay District as to its conformity with the City of McCook Zoning Ordinance No. 2013-2897.

**NOW, THEREFORE, BE IT RESOLVED BY THE MCCOOK PLANNING COMMISSION AS FOLLOWS:**

**Section 1.** The Commission hereby recommends approval of the Preliminary Planned Development - Overlay District to be known as Quillan Courts with such changes and revisions as are deemed appropriate by the City Council.

**Section 2.** All prior resolutions of the Commission in conflict with the terms and provisions of this resolution are hereby expressly repealed to the extent of such conflicts.

**Section 3.** This resolution shall be in full force and effect from and after its passage as provided by law.

PASSED AND APPROVED by the McCook Planning Commission this 9<sup>th</sup> day of November, 2015.

MCCOOK PLANNING COMMISSION

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Dale Dueland, Vice-Chair

ATTEST:

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Lea Ann Doak, Secretary

Planned Unit Development Agreement For  
Quillan Courts Project  
A Planned Unit Development  
in the City of McCook, Red Willow County, Nebraska

WHEREAS, the McCook Economic Development Corporation ("Owner") and Quillan Courts L.L.C. ("Developer"), being the sole owner and developer for the following described tract of land: A tract of land legally described as Lot 2 in Block 1, Clary Subdivision and Lot 2B a Replat of Part of Lot 1, Block 1, Clary Subdivision, Excepting the east 60 feet of Lot 2B which has been dedicated as West 8 ½ Street to the City of McCook with the recording of Clary Subdivision Replat No. 2, all in the City of McCook, Red Willow County, Nebraska.

WHEREAS, the Owner and Developer desire to subdivide the property and to do so, a Planned Unit Development is required;

WHEREAS, the Owner and Developer have met with the City of McCook to review the Planned Unit Development;

WHEREAS, public improvements are necessary to develop the property properly in accordance with the requirements of the City of McCook;

WHEREAS, the Owner and Developer desire to utilize the Planned Development - Overlay District of the McCook City Zoning Regulations for a Planned development District;

WHEREAS, for demonstrative purposes, and eventually platting purposes, the Developer and Owner have presented a proposed Clary Subdivision Replat No. 3 to the City of McCook for consideration as a major subdivision. The proposed Clary Subdivision Replat No. 3 is attached to this Preliminary Agreement, as evidence of the proposed deviations, and is marked as Exhibit "A";

WHEREAS, the area to be developed is located in the City of McCook's Residential Medium Density District (RM) and is subject to the City of McCook zoning regulations;

NOW, THEREFORE, the undersigned Owner, Developer and City of McCook, Nebraska (hereinafter referred to as the "City"), in consideration of the mutual covenants and agreements herein contained, agree as follows.

**OWNER, DEVELOPER AND CITY AGREE AS FOLLOWS:**

1. That by signing this Planned Unit Development Agreement the Owner and Developer agree to the following:
  - a) That the lots upon which the duplex units are to be located are narrower than the required 50 Feet lots in a Residential Medium Density District. The City agrees to the creation of these narrow lots, none of the lots to be less than 36.17 feet in width. The specific lots contemplated by this agreement are Proposed Lots 1, 2, 4, 5, 6 and 7 of proposed Block 1 and Lots 1, 2, 3 and 4 of proposed Block 2, as described in Exhibit "A".
  - b) That the proposed side yard setbacks located on the south side of Proposed Lot 1 and the proposed side yard setback located on the north side of Proposed Lot

2 in Proposed Block 1 shall be 0 feet, as the duplex unit will be located immediately on the proposed lot line to separate the units. A similar agreement is made for Lot 4 and Lot 5 of proposed Block 1, Lot 6 and Lot 7 of proposed Block 1, Lot 9 and 10 of proposed Block 1 and Lot 1 and Lot 2 of Proposed Block 2, and Lot 3 and Lot 4 of Proposed Block 2. Attached Exhibit "A" is attached for demonstrative purposes.

- c) On Block 2, the backyard setback requirements shall be eliminated for Lots 1 through 7, as platted West 10<sup>th</sup> Street will more than likely not be developed. The City acknowledges the extreme topographic and cost considerations that would be required to develop West 10<sup>th</sup> Street. As a result, the parties to this agreement agree that the Developer shall not construct any of the structures to extend west beyond the West 10<sup>th</sup> Street east right-of-way line extending from West Q Street to West K Street.
  - d) That the RM District requirement that the maximum lot coverage for all buildings shall not be more than fifty-five (55) percent of the total lot area is waived for all lots which will contain duplex units. Those lots are: Lot 1, 2, 4, 5, 6, 7, 9 and 10 of Block 1 and Lot 1, 2, 3 and 4 of Block 2.
  - e) There shall be a 10 foot (5 foot on each respective lot) utility easement between Lot 2 and Lot 3, Lot 5 and Lot 6 and Lot 8 and Lot 9 of Block 1 and Lot 2 and Lot 3, Lot 4 and Lot 5 and Lot 6 and Lot 7 of Block 2.
2. This Preliminary Planned Unit Development Agreement contains the entire preliminary agreement between the parties, and no statements, promises or inducements made by either party or agent of either party that are not contained in this written contract shall be valid or binding; this contract may not be enlarged, modified, or altered except in writing signed by both parties and endorsed on this agreement.
3. This agreement shall run with the land and be binding upon and inure to the benefit of the parties hereto and shall be binding upon heirs, executors, administrators, and subsequent title owners in interest, devisees, assignees, and successors of the Owner hereto.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2015.

By: \_\_\_\_\_  
Jim Ulrich, President of the McCook  
Economic Development Corporation

\_\_\_\_\_  
Quillan Courts L.L.C., President

\_\_\_\_\_  
Mike Gonzales, Mayor of the City of McCook

**MCCOOK PLANNING COMMISSION  
REGULAR MEETING**

**MINUTES**

**Monday - November 9, 2015  
5:15 P.M. - City Council Chambers**

Present: Vice Chair Dueland; Commissioners Garey-Vickers, Harpst, Hilker, Lyons, Wolford; City Manager Schneider; City Attorney Mustion; City Clerk Doak.

Absent: Chair Vosburg; Commissioners Shipshock, Siegfried, Stevens.

Vice-Chair requested that Commissioner Garey-Vickers conduct the meeting in the absence of Chair Vosburg.

Commissioner Garey-Vickers announced that a copy of the Open Meetings Act was posted by the entrance to the Council Chambers and available for public review.

(1) APPROVE THE MINUTES OF THE OCTOBER 12, 2015 REGULAR MEETING.

Upon a motion by Commissioner Wolford, seconded by Commissioner Dueland, the Commission voted to approve the minutes of the October 12, 2015 meeting. The motion passed upon the following roll call vote: YEA: Dueland, Garey-Vickers, Harpst, Hilker, Lyons, Wolford. NAY: None. ABSENT: Shipshock, Siegfried, Stevens, Vosburg.

(2) PUBLIC HEARINGS:

ITEM A PUBLIC HEARING - REQUEST FOR A SPECIAL EXCEPTION TO ALLOW A STORAGE BUILDING FOR PERSONAL OR COMMERCIAL USE IN AN AGRICULTURAL (AG) DISTRICT LOCATED WITHIN THE TWO MILE EXTRA-TERRITORIAL JURISDICTION OF THE CITY OF MCCOOK; A PART OF THE NW1/4 NW1/4 OF SECTION 25, TOWNSHIP 3 NORTH, RANGE 30 WEST OF THE 6TH P.M., RED WILLOW COUNTY, NEBRASKA; A TRACT OF LAND CONTAINING APPROXIMATELY 5 ACRES MORE OR LESS LOCATED ON THE SOUTH SIDE OF WHAT WOULD BE "J" STREET EXTENDED WEST; PROJECT SPONSOR/DEVELOPER - RON FRIEHE, RYAN PETERS, AND BRIAN ESCH; LAND OWNER - NORRIS INSTITUTE.

Upon a motion by Commissioner Garey-Vickers, seconded by Commissioner Dueland, the Commission voted to recess as the Planning Commission and convene as a Hearing Board for the purpose of receiving public comment on the request for a special exception to allow a storage building for personal or commercial use in an Agricultural (AG) District located within the two mile extra-territorial jurisdiction of the City of McCook; A part of the NW1/4 NW1/4 of Section 25, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska; a tract of land containing approximately 5 acres more or less located on the south side of what would be "J" Street extended west; Project Sponsor/Developer - Ron Friehe, Ryan Peters, and Brian Esch; Land owner - Norris Institute. The motion passed upon the following roll call vote: YEA: Dueland, Garey-Vickers, Hilker, Harpst, Lyons, Wolford. NAY: None. ABSENT: Shipshock, Siegfried, Stevens, Vosburg.

The Commission received into evidence Exhibit #1 - City Manager's Report prepared for the November 9, 2015 Planning Commission meeting; Exhibit #2 - Notice of Hearing; Exhibit #3 -

ownership mailing list receiving advanced Notice of Hearing; Exhibit #4 - Land Use Application, eight pages; Exhibit 5 - Real Estate Contract between the applicants and the Norris Institute.

City Manager Schneider reviewed the information presented in the City Manager's Report; An application for a special exception has been submitted by Ron Friehe, Ryan Peters and Brian Esch to allow for a storage building in the Agricultural (AG) District. The property is located west of Spyglass Street and south of Road 716 ("J" Street extended). It is owned by the Norris Institute. A purchase agreement has been completed and the sale of the land to the co-sponsors is contingent upon the granting of a special exception. On review of the Article 7 special exceptions provision, it is stated that the City Council may permit storage buildings for mobile homes, campers, boats, motor vehicles, motorized equipment and accessories in the AG District. There is no distinction made in this provision between commercial and private purposes. Pursuant to the application, the co-sponsors are making the request to construct a building for agricultural and other consumer item storage. It appears that the co-sponsors are contemplating utilizing the building for purposes permitted pursuant to the ordinance. The City Council has had similar special exception requests in the past and have approved them with regard to storage facilities in the AG District. Reviewing the site, it appears that the location would be appropriate for such a building as it is not adjacent to an improved street and it is located far enough away from other residential properties that it may not be an attractive site for residential builds. Further, it doesn't appear that it is in an area that would be developed agriculturally. It will require some grading in order to put a storage building at the requested site, but my discussions with the co-sponsors indicate a willingness to invest in order to develop the project.

Ron Friehe addressed the application with the Commission. They have a Real Estate Contract with the Norris Institute for the purchase of this parcel contingent to approval of the special exception. The building will be 60' wide and at least 125' long, maybe longer if they have more interested parties than anticipated. The entrances will be on the east side of the building, drainage will be to the north to "J" Street and to the south, with a possible retention pond in the low lying area to the south of the building. It will be a condominium type arrangement with individual ownership.

No one else was present to comment.

Upon a motion by Commissioner Hilker, Vosburg, by Commissioner Dueland, Commission voted to close the public hearing and reconvene as a Planning Commission. The motion passed upon the following roll call vote: YEA: Dueland, Garey-Vickers, Hilker, Harpst, Lyons, Wolford. NAY: None. ABSENT: Shipshock, Siegfried, Stevens, Vosburg.

ITEM B RECOMMEND TO THE CITY COUNCIL APPROVAL OF THE REQUEST FOR A SPECIAL EXCEPTION TO ALLOW A STORAGE BUILDING FOR PERSONAL OR COMMERCIAL USE IN AN AGRICULTURAL (AG) DISTRICT LOCATED WITHIN THE TWO MILE EXTRA-TERRITORIAL JURISDICTION OF THE CITY OF MCCOOK; A PART OF THE NW1/4 NW1/4 OF SECTION 25, TOWNSHIP 3 NORTH, RANGE 30 WEST OF THE 6TH P.M., RED WILLOW COUNTY, NEBRASKA; A TRACT OF LAND CONTAINING APPROXIMATELY 5 ACRES MORE OR LESS LOCATED ON THE SOUTH SIDE OF WHAT WOULD BE "J" STREET EXTENDED WEST; PROJECT SPONSOR/DEVELOPER - RON FRIEHE, RYAN PETERS, AND BRIAN ESCH; LAND OWNER - NORRIS INSTITUTE; THAT THE GRANTING OF THE SPECIAL EXCEPTION WILL NOT ADVERSELY AFFECT THE PUBLIC INTEREST; AND THAT SATISFACTORY PROVISIONS AND ARRANGEMENTS HAVE BEEN MADE BY THE APPLICANT CONCERNING SPECIAL EXCEPTION CONSIDERATIONS A - I.

Commission discussion included future annexation concerns; it may be best to allow only residential to the north of what would be "J" Street extended; Bishop lots to the north are zoned as Agricultural, the best use may be residential in the future; the possibility of making the distinction that the property to the north should be designated as residential.

Upon a motion by Commissioner Garey-Vickers, seconded by Commissioner Lyons, the Commission voted to recommend to the City Council approval of the request for a special exception to allow a storage building for personal or commercial use in an Agricultural (AG) District located within the two mile extra-territorial jurisdiction of the City of McCook; A part of the NW1/4 NW1/4 of Section 25, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska; a tract of land containing approximately 5 acres more or less located on the south side of what would be "J" Street extended west; Project Sponsor/Developer - Ron Friehe, Ryan Peters, and Brian Esch; Land owner - Norris Institute; that the granting of the special exception will not adversely affect the public interest; and that satisfactory provisions and arrangements have been made by the applicant concerning Special Exception Considerations a - i. The motion passed upon the following roll call vote: YEA: Dueland, Garey-Vickers, Hilker, Harpst, Lyons, Wolford. NAY: None. ABSENT: Shipshock, Siegfried, Stevens, Vosburg.

ITEM C PUBLIC HEARING - CONSIDER CLARY SUBDIVISION REPLAT NO.3, LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, AND 10, BLOCK 1, LOTS 1, 2, 3, 4, 5, 6, AND 7, BLOCK 2, AND WEST 9<sup>TH</sup> STREET, A REPLAT OF PART OF LOT 2, BLOCK 1, CLARY SUBDIVISION, AND LOT 2B, A REPLAT OF PART OF LOT 1, BLOCK 1, CLARY SUBDIVISION; EXCEPTING THE EAST 60 FEET OF LOT 2B, WHICH HAS BEEN DEDICATED AS WEST 8 ½ STREET TO THE CITY OF MCCOOK WITH THE RECORDING OF CLARY SUBDIVISION REPLAT NO. 2, ALL IN THE CITY OF MCCOOK, RED WILLOW COUNTY, NEBRASKA.

Upon a motion by Commissioner Hilker, seconded by Commissioner Harpst, the Commission voted to recess as the Planning Commission and convene as a Hearing Board for the purpose of receiving public comment on the proposed Clary Subdivision Replat No.3, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10, Block 1, Lots 1, 2, 3, 4, 5, 6, and 7, Block 2, and West 9<sup>th</sup> Street, a Replat of Part of Lot 2, Block 1, Clary Subdivision, and Lot 2B, a Replat of Part of Lot 1, Block 1, Clary Subdivision; Excepting the East 60 Feet of Lot 2B, Which has been dedicated as West 8 ½ Street to the City of McCook with the Recording of Clary Subdivision Replat No. 2, all in the City of McCook, Red Willow County, Nebraska. The motion passed upon the following roll call vote: YEA: Dueland, Garey-Vickers, Hilker, Harpst, Lyons, Wolford. NAY: None. ABSENT: Shipshock, Siegfried, Stevens, Vosburg.

The Commission received into evidence Exhibit #1 - City Manager's Report prepared for the November 9, 2015 Planning Commission meeting; Exhibit #2 - Notice of Hearing; Exhibit #3 - ownership mailing list receiving advanced Notice of Hearing; Exhibit #4 - proposed Subdivision Agreement and Maps, 21 pages.

City Manager Schneider reviewed the information presented in the City Manager's Report; at the last Planning Commission meeting in October, the Quillan Courts Redevelopment Plan was presented and approval was recommended and made to and by the City Council. As part of the project, it is necessary to properly subdivide the property in order to build and locate the single family and duplex structures. An application has been presented asking for the City to consider Replat No. 3, attached to your packets. This particular issue is different from a major subdivision because the Clary Village is in existence and a replat is necessary in order to meet City zoning and subdivision requirements. Along with the approval of the Replat No. 3, it is necessary to enter into a subdivision agreement in order to set the duties and responsibilities

of the parties to this project. A preliminary subdivision agreement is submitted to the Planning Commission for consideration. There are several items included in the agreement. First, the parties are in agreement that West 9<sup>th</sup> Street will be accepted by the City as a conforming street. Second, the parties will incorporate the Planned Unit Development Agreement into the Subdivision Agreement. Third, all existing sidewalk will be allowed to remain as is. New sidewalks on the east side of both blocks will be required to follow City of McCook Subdivision requirements. The north side of Block 1 shall have paved sidewalk, but due to drainage concerns, it will be located directly behind the street curb. There will not be sidewalk on the west side of Block 1 as detention ponds will not allow for sidewalk development. The lack of sidewalk should not interfere with the residents of Quillan Courts as there are no structures located on the west side of the Block 1. Staff feels it is important that there is a through sidewalk on the east side of Block 2 to provide one continuous sidewalk from West R Street to West Q Street. ADA approved crosswalks will be part of the project. Fourth, as mentioned, detention ponds are required as part of this project. The ponds will be located on the west side of Block 1. These detention ponds were considered when the Clary Village project was being proposed. The ponds should slow drainage coming from the new construction. The drainage will still be directed to the end of developed West 10<sup>th</sup> Street, but there should be no increase in the amount of runoff at this location. Fifth, water and sewer will be part of the project, with it being noted that the water line will run along the east side of Block 2 and the water line will run along the west side of Block 1. One fire hydrant will have to be located at the corner of West Q Street and West 9<sup>th</sup> Street. Sixth, the Developer will be responsible for providing street light as outlined in our regulations.

John Allen, owner of property directly to the west, expressed concerns with the current erosion issues with the water running off of "F" Street onto his property. He suggested that some rubble could be placed there to slow the flow of the water onto his property.

City Manager Schneider stated that the displacement of the water will not be greater. The drainage will be maintained as current, it will not reduce or increase.

No one else was present to comment.

Upon a motion by Commissioner Harpst, by Commissioner Hilker, the Commission voted to close the public hearing and reconvene as a Planning Commission. The motion passed upon the following roll call vote: YEA: Dueland, Garey-Vickers, Hilker, Harpst, Lyons, Wolford. NAY: None. ABSENT: Shipshock, Siegfried, Stevens.

ITEM D RECOMMEND APPROVAL TO THE MCCOOK CITY COUNCIL THE REQUESTED CREATION OF CLARY SUBDIVISION REPLAT NO. 3, LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, AND 10, BLOCK 1, LOTS 1, 2, 3, 4, 5, 6, AND 7, BLOCK 2, AND WEST 9<sup>TH</sup> STREET, A REPLAT OF PART OF LOT 2, BLOCK 1, CLARY SUBDIVISION, AND LOT 2B, A REPLAT OF PART OF LOT 1, BLOCK 1, CLARY SUBDIVISION; EXCEPTING THE EAST 60 FEET OF LOT 2B, WHICH HAS BEEN DEDICATED AS WEST 8½ STREET TO THE CITY OF MCCOOK WITH THE RECORDING OF CLARY SUBDIVISION REPLAT NO. 2, ALL IN THE CITY OF MCCOOK, RED WILLOW COUNTY, NEBRASKA.

Commissioner Dueland stated that he serves on the MEDC Board, due to a possible conflict of interest he would be abstaining from the vote on this item.

Commission discussion included whether or not the detention pond would be defined in the purchase agreement to insure that it would be maintained in the future.

City Manager Schneider stated that an easement for the detention pond would be added to

insure that it would be maintained in the future.

Upon a motion by Commissioner Garey-Vickers, seconded by Commissioner Harpst, the Commission voted to recommend approval to the McCook City Council the requested creation of Clary Subdivision Replat No. 3, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10, Block 1, Lots 1, 2, 3, 4, 5, 6, and 7, Block 2, and West 9<sup>th</sup> Street, a Replat of part of Lot 2, Block 1, Clary Subdivision, and Lot 2B, a Replat of part of Lot 1, Block 1, Clary Subdivision; excepting the East 60 feet of Lot 2B, which has been dedicated as West 8½ Street to the City of McCook with the recording of Clary Subdivision Replat No. 2, all in the City of McCook, Red Willow County, Nebraska. The motion passed upon the following roll call vote: YEA: Garey-Vickers, Hilker, Harpst, Lyons, Wolford. NAY: None. ABSTAIN: Dueland. ABSENT: Shipshock, Siegfried, Stevens, Vosburg.

ITEM E RECOMMEND APPROVAL OF THE PRELIMINARY SUBDIVISION AGREEMENT FOR CLARY SUBDIVISION REPLAT NO. 3 BETWEEN THE CITY OF MCCOOK, THE MCCOOK ECONOMIC DEVELOPMENT CORPORATION AND QUILLAN COURTS, L.L.C.

Commissioner Dueland stated that he serves on the MEDC Board, due to a possible conflict of interest he would be abstaining from the vote on this item.

Upon a motion by Commissioner Garey-Vickers, seconded by Commissioner Wolford, the Commission voted to recommend approval of the Preliminary Subdivision Agreement for Clary Subdivision Replat No. 3 between the City of McCook, the McCook Economic Development Corporation and Quillan Courts, L.L.C. The motion passed upon the following roll call vote: YEA: Garey-Vickers, Hilker, Harpst, Lyons, Wolford. NAY: None. ABSTAIN: Dueland. ABSENT: Shipshock, Siegfried, Stevens.

ITEM F PUBLIC HEARING - CONSIDER THE PRELIMINARY PLANNED DEVELOPMENT DISTRICT TO BE KNOWN AS QUILLAN COURTS PLANNED DEVELOPMENT DISTRICT, SAID DISTRICT TO BE LOCATED BETWEEN WEST 10<sup>TH</sup> STREET AND WEST 8 ½ STREET AND WEST R STREET AND WEST Q STREET (AS DIAGRAMED IN PROPOSED REPLAT CLARY SUBDIVISION REPLAT NO. 3, CLARY SUBDIVISION TO THE CITY OF MCCOOK, RED WILLOW COUNTY, NEBRASKA).

Upon a motion by Commissioner Garey-Vickers, seconded by Commissioner Hilker, the Commission voted to recess as the Planning Commission and convene as a Hearing Board for the purpose of receiving public comment on the proposed Preliminary Planned Development District to be known as Quillan Courts Planned Development District, said District to be located between West 10<sup>th</sup> Street and West 8 ½ Street and West R Street and West Q Street (as diagramed in Proposed Replat Clary Subdivision Replat No. 3, Clary Subdivision to the City of McCook, Red Willow County, Nebraska). The motion passed upon the following roll call vote: YEA: Dueland, Garey-Vickers, Hilker, Harpst, Lyons, Wolford. NAY: None. ABSENT: Shipshock, Siegfried, Stevens, Vosburg.

The Commission received into evidence Exhibit #1 - City Manager's Report prepared for the November 9, 2015 Planning Commission meeting; Exhibit #2 - Notice of Hearing; Exhibit #3 - ownership mailing list receiving advanced Notice of Hearing; Exhibit #4 - proposed Resolution No. PC2015-07; Exhibit #5 - proposed Planned Unit Development Agreement, 1 pages.

City Manager Schneider reviewed the information presented in the City Manager's Report; this agenda item refers to a preliminary zoning issue, not a final zoning issue. The location of this project is in the Clary Subdivision to the City of McCook. The City is running this request

simultaneous to a Major Subdivision request from the developer, Quillan Courts, L.L.C. As such, the designations used for this report will refer to Proposed Clary Subdivision Replat No. 3. Clary Subdivision is in the Residential Medium (RM) District. The developer wishes to construct six residential buildings on Proposed Block 1 and four residential buildings on Proposed Block 2 in Proposed Clary Subdivision Replat No. 3. Diagrams depicting the location of the units are included with this report. The Planned Development District includes improvements such as sanitary sewer, water, sidewalk, and drainage improvements. No streets are being considered as part of this project. The City has been petitioned by the Economic Development Corporation to find that West 9<sup>th</sup> Street meets City standards. After review, the City has found and that West 9<sup>th</sup> Street between West R and West Q Streets meets City standards. The need for the Planned Unit Development District is due to the nature of the proposed residential structures and the proposed lots located on this site. The developer is proposing that the duplex units be placed on individual lots as opposed to one lot for each of the two units. The request would violate lot size and setback requirements. The only practical way to achieve the desired development is to create a Planned Unit Development District. By creating a Planned Unit Development, exceptions can be made to the Residential Medium Density District zoning requirements, assuring enough flexibility to construct the duplexes. A Planned Unit Development District agreement will need to be completed. A rough draft is attached to this report. A complete, final agreement will be brought back to the Planning Commission when there is a finalized Planned Unit Development to be reviewed. The planned unit development would be consistent with the proposed future land use of the Comprehensive Plan.

No one else was present to comment.

Upon a motion by Commissioner Dueland, by Commissioner Harpst, voted to close the public hearing and reconvene as a Planning Commission. The motion passed upon the following roll call vote: YEA: Dueland, Garey-Vickers, Hilker, Harpst, Lyons, Wolford. NAY: None. ABSENT: Shipshock, Siegfried, Stevens.

ITEM G APPROVE RESOLUTION NO. PC2015-07 RECOMMENDING TO THE MCCOOK CITY COUNCIL APPROVAL OF THE PRELIMINARY PLANNED DEVELOPMENT DISTRICT TO BE KNOWN AS QUILLAN COURTS PLANNED DEVELOPMENT DISTRICT (AS DIAGRAMED IN PROPOSED REPLAT CLARY SUBDIVISION REPLAT NO. 3, CLARY SUBDIVISION TO THE CITY OF MCCOOK, RED WILLOW COUNTY, NEBRASKA).

Commissioner Dueland stated that he serves on the MEDC Board, due to a possible conflict of interest he would be abstaining from the vote on this item.

Upon a motion by Garey-Vickers, seconded by Commissioner Wolford, the Commission voted to approve Resolution No. PC2015-07 recommending to the McCook City Council approval of the Preliminary Planned Development District to be known as Quillan Courts Planned Development District (as diagramed in Proposed Replat Clary Subdivision Replat No. 3, Clary Subdivision to the City of McCook, Red Willow County, Nebraska). The motion passed upon the following roll call vote: YEA: Garey-Vickers, Hilker, Harpst, Lyons, Wolford. NAY: None. ABSTAIN: Dueland. ABSENT: Shipshock, Siegfried, Stevens.

ITEM H PUBLIC HEARING - CONSIDER A MODIFICATION TO ARTICLE 12, CENTRAL BUSINESS DISTRICT (CB), OF THE MCCOOK ZONING ORDINANCE, ADDING FUNERAL HOMES, FUNERAL CHAPELS, AND FUNERAL SERVICES AS PERMITTED PRINCIPAL USES AND STRUCTURES IN THE CB DISTRICT.

Upon a motion by Commissioner Hilker, seconded by Commissioner Harpst, the Commission voted to recess as the Planning Commission and convene as a Hearing Board for the purpose of receiving public comment on the proposed modification to Article 12, Central Business District (CB), of the McCook Zoning Ordinance, adding funeral homes, funeral chapels, and funeral services as permitted principal uses and structures in the CB District. The motion passed upon the following roll call vote: YEA: Dueland, Garey-Vickers, Hilker, Harpst, Lyons, Wolford. NAY: None. ABSENT: Shipshock, Siegfried, Stevens, Vosburg.

The Commission received into evidence Exhibit #1 - City Manager's Report prepared for the November 9, 2015 Planning Commission meeting; Exhibit #2 - Notice of Hearing; Exhibit #3 - Article 12 - Central Business District information from the City of McCook Zoning Ordinance, two pages.

City Manager Schneider reviewed the information presented in the City Manager's Report; in the Spring/Summer of 2015, Tim Daum, owner of Carpenter-Breland Funeral Home, Inc., approached the City regarding possible expansion of his business through the addition of a crematorium at its current site or a site across the alley from their current buildings. When reviewing the request, Staff discovered that the 2013 Zoning Regulations changed the boundary of the CB District to include the Carpenter-Breland property located at 305 East C Street. It was also found that Herrmann-Jones Funeral Chapel was also located in the CB District. After reviewing the CB District permitted principal uses and structures and special exception uses, it was noted that the ordinance fails to include funeral homes, funeral chapels and funeral services as allowable structures within the CB District. In relation to Staff's discussion with Mr. Daum, there is concern that the two funeral homes would be considered non-conforming properties and prohibited from expanding or modifying their existing structures. Staff does not believe it was the intent of the new zoning ordinance to "zone out" the two funeral home businesses. Our guess is that it was unintentionally left out of the permitted principle uses and structures provision. Be that as it may, Staff recommends that funeral homes, funeral chapels and funeral services be included as permitted principal uses and structures in the CB District. We are not including cemeteries as an additional use in the CB District, as Staff does not believe a cemetery should be located in the CB District (although the likelihood of this happening in the future is very slim). If this item is approved by the City Council, Carpenter-Breland would consider moving their crematorium from it's current location on West 17<sup>th</sup> Street to the 305 East C Street property. Staff has discussed the crematorium with Mr. Daum and it is our understanding that crematoriums are closely regulated by the State of Nebraska. Environmental concerns are addressed through these regulations and should not impact the neighbors located around the Carpenter-Breland property. It is our understanding that the location would be on the current mortuary grounds, not across the alley next to residences.

No one else was present to comment.

Upon a motion by Commissioner Dueland, by Commissioner Harpst, the Commission voted to close the public hearing and reconvene as a Planning Commission. The motion passed upon the following roll call vote: YEA: Dueland, Garey-Vickers, Hilker, Harpst, Lyons, Wolford. NAY: None. ABSENT: Shipshock, Siegfried, Stevens.

ITEM I RECOMMEND FOR APPROVAL TO THE CITY COUNCIL, A MODIFICATION OF ARTICLE 12, CENTRAL BUSINESS DISTRICT, OF THE MCCOOK ZONING ORDINANCE, ADDING FUNERAL HOMES, FUNERAL CHAPELS, AND FUNERAL SERVICES AS PERMITTED PRINCIPAL STRUCTURES IN THE CENTRAL BUSINESS DISTRICT (CB).

Upon a motion by Commissioner Garey-Vickers, seconded by Commissioner Hilker, the Commission voted to recommend for approval to the City Council, a modification of Article 12,

Central Business District, of the McCook Zoning Ordinance, adding funeral homes, funeral chapels, and funeral services as permitted principal structures in the Central Business District (CB). The motion passed upon the following roll call vote: YEA: Dueland, Garey-Vickers, Hilker, Harpst, Lyons, Welford. NAY: None. ABSENT: Shipshock, Siegfried, Stevens.

(3) ADJOURNMENT.

With no further business, Chair Vosburg declared the Planning Commission meeting adjourned at 6:45 P.M.

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Lea Ann Doak  
Recording Secretary

**CITY MANAGER'S REPORT  
NOVEMBER 16, 2015 MCCOOK CITY COUNCIL MEETING**

**ITEM: 3H** Public Hearing - Consider a modification to Article 12, Central Business District (CB), of the McCook Zoning Ordinance, adding funeral homes, funeral chapels, and funeral services as permitted principal uses and structures in the CB District.

**ITEM: 3I** Approve a modification of Article 12, Central Business District, of the McCook Zoning Ordinance, adding funeral homes, funeral chapels, and funeral services as permitted principal structures in the Central Business District (CB).

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**BACKGROUND:**

In the Spring/Summer of 2015, Tim Daum, owner of Carpenter-Breland Funeral Home, Inc., approached the City regarding possible expansion of his business through the addition of a crematorium at its current site or a site across the alley from their current buildings. When reviewing the request, Staff discovered that the 2013 Zoning Regulations changed the boundary of the CB District to include the Carpenter-Breland property located at 305 East C Street. It was also found that Herrmann Jones Funeral Chapel was also located in the CB District. After reviewing the CB District permitted principal uses and structures and special exception uses, it was noted that the ordinance fails to include funeral homes, funeral chapels and funeral services as allowable structures within the CB District. In relation to Staff's discussion with Mr. Daum, there is concern that the two funeral homes would be considered non-conforming properties and prohibited from expanding or modifying their existing structures.

Staff does not believe it was the intent of the new zoning ordinance to "zone out" the two funeral home businesses. Our guess is that it was unintentionally left out of the permitted principle uses and structures provision. Be that as it may, Staff recommends that funeral homes, funeral chapels and funeral services be included as permitted principal uses and structures in the CB District. We are not including cemeteries as an additional use in the CB District, as Staff does not believe a cemetery should be located in the CB District (although the likelihood of this happening in the future is very slim).

If this item is approved by the City Council, Carpenter-Breland would consider moving their crematorium from it's current location on West 17<sup>th</sup> Street to the 305 East C Street property. Staff has discussed the crematorium with Mr. Daum and it is our understanding that crematoriums are closely regulated by the State of Nebraska. Environmental concerns are addressed through these regulations and should not impact the neighbors located around the Carpenter-Breland property. It is our understanding that the location would be on the current mortuary grounds, not across the alley next to residences.

**FISCAL  
IMPACT:** None.

**RECOMMENDATIONS:**

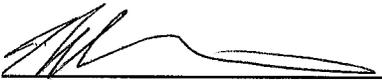
**ITEM: 3H** Public Hearing - Consider a modification to Article 12, Central Business District (CB), of the McCook Zoning Ordinance, adding funeral homes, funeral chapels, and funeral services as permitted principal uses and structures in the CB District.

**ITEM: 3I** Approve a modification of Article 12, Central Business District, of the McCook Zoning Ordinance, adding funeral homes, funeral chapels, and funeral services as permitted principal structures in the Central Business District (CB).

**APPROVALS:**

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

November 12, 2015

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

November 12, 2015

## NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that public hearings will be held to consider changes to Zoning Ordinance No. 2013-2897, by amending Article 12 - Central Business District (CB), Section 1202 - adding Funeral homes, funeral chapels, and funeral services to the Permitted Principal Uses and Structures.

Public Hearings will be held on the dates, times, and at the places listed below:

November 9, 2015 - 5:15 P.M.  
McCook Planning Commission  
City Council Chambers  
505 West "C" Street

November 16, 2015 - 6:30 P.M.  
McCook City Council  
City Council Chambers  
505 West "C" Street

ANY AND ALL PERSONS desiring to comment on the above-described request will be given an opportunity to be heard. Please direct all inquiries to Barry Mooney, the City of McCook Building Official at 308-345-2022 ext. 230.

-s- Lea Ann Doak  
City Clerk

Publish: October 30, 2015.

ORDINANCE NO. 2015-2925

AN ORDINANCE OF THE CITY OF MCCOOK, NEBRASKA PROVIDING FOR THE AMENDMENT OF MCCOOK ZONING ORDINANCE NO. 2013-2897, ARTICLE 12 - CENTRAL BUSINESS DISTRICT (CB), SECTION 1202 - PERMITTED PRINCIPAL USES AND STRUCTURES, ADDING FUNERAL HOMES, FUNERAL CHAPELS, AND FUNERAL SERVICES; PROVIDING FOR THE REPEAL OF ANY AND ALL OTHER ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING A TIME AND DATE FROM AND AFTER WHICH THIS ORDINANCE SHALL TAKE EFFECT AND BE ENFORCED.

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

SECTION 1. Article 12 - Central Business District (CB), Section 1202 - Permitted Principal Uses and Structures, of McCook Zoning Ordinance No. 2013-2897 shall be amended to read as follows:

**"Section 1202. Permitted Principal Uses and Structures.** The following principal uses and structures shall be permitted in the Central Business District (CB):

1. Retail sales, store or business.
2. Finance, insurance and real estate services.
3. Personal and Professional offices or services.
4. Business offices and services, excluding any warehousing and storage services.
5. Electrical repair; radio and television repair; watch, clock and jewelry repair.
6. Residential uses within upper floors, reserving ground floor for commercial uses only.
7. Governmental services.
8. Educational services.
9. Bus passenger terminals and taxicab transportation
10. Churches and places of worship, welfare and charitable services; business associations; professional membership organizations; labor unions and similar organizations; and civic, social and fraternal organizations.
11. Restaurants and taverns.
12. Communications and utility uses.
13. Public buildings and grounds.

14. Convenience stores or filling stations.
15. Automobile service stations.
16. Hotels and motels.
17. Automobile parking lots and structures.
18. Libraries, museums, art galleries and planetaria; aquariums; historic and monument sites; motion picture theaters; legitimate theaters, auditoriums, exhibition halls, gymnasiums and athletic clubs; ice skating, roller skating and bowling.
19. Public uses of an administrative, public service or cultural type including city, county, state, or federal administrative centers and courts, libraries, parks, police and fire stations and other public buildings, structures and facilities.
20. Financial including institutions such as banks, savings and loan associations, credit unions and finance companies.
21. Detached banking facilities (ATM).
22. Medical and dental clinics.
23. Private schools, including but not limited to business or commercial schools, dance or music academies.
24. Sales and showrooms, including service facilities and rental of equipment, provided all displays and merchandise are within the enclosure walls of the buildings.
25. Apartments on floors other than the first floor.
26. Business and professional offices.
27. Existing single family dwellings.
28. Funeral homes, funeral chapels, and funeral services."

SECTION 2. Article 12 - Central Business District (CB), Section 1202 - Permitted Principal Uses and Structures, of McCook Zoning Ordinance No. 2013-2897 shall be and is hereby repealed. All other articles and sections of McCook Zoning Ordinance No. 2013-2897 shall not be altered and shall remain in full force and effect.

SECTION 3. This ordinance shall be in full force and take effect from and after its passage, approval and publication in pamphlet form as required by law.

PASSED AND APPROVED THIS \_\_\_\_\_ day of \_\_\_\_\_, 2015.

-s- Michael D. Gonzales, Mayor

ATTEST:

-s- Lea Ann Doak, City Clerk

Publish:

## ARTICLE 12

### CENTRAL BUSINESS DISTRICT (CB)

#### Article 12 - Central Business District (CB)

**Section 1201. Intent.** The intent of the Central Business District (CB) is to provide commercial areas for those establishments serving the general shopping needs of the trade area and in particular, those establishments customarily oriented to the pedestrian shopper. The grouping of uses is intended to strengthen the central business areas as the urban centers of trade, service, governmental and cultural activities.

**Section 1202. Permitted Principal Uses and Structures.** The following principal uses and structures shall be permitted in the Central Business District (CB):

1. Retail sales, store or business.
2. Finance, insurance and real estate services.
3. Personal and Professional offices or services.
4. Business offices and services, excluding any warehousing and storage services.
5. Electrical repair; radio and television repair; watch, clock and jewelry repair.
6. Residential uses within upper floors, reserving ground floor for commercial uses only.
7. Governmental services.
8. Educational services.
9. Bus passenger terminals and taxicab transportation
10. Churches and places of worship, welfare and charitable services; business associations; professional membership organizations; labor unions and similar organizations; and civic, social and fraternal organizations.
11. Restaurants and taverns.
12. Communications and utility uses.
13. Public buildings and grounds.
14. Convenience stores or filling stations.
15. Automobile service stations.
16. Hotels and motels.
17. Automobile parking lots and structures.
18. Libraries, museums, art galleries and planetaria; aquariums; historic and monument sites; motion picture theaters; legitimate theaters, auditoriums, exhibition halls, gymnasiums and athletic clubs; ice skating, roller skating and bowling.

19. Public uses of an administrative, public service or cultural type including city, county, state, or federal administrative centers and courts, libraries, parks, police and fire stations and other public buildings, structures and facilities.
20. Financial including institutions such as banks, savings and loan associations, credit unions and finance companies.
21. Detached banking facilities (ATM).
22. Medical and dental clinics.
23. Private schools, including but not limited to business or commercial schools, dance or music academies.
24. Sales and showrooms, including service facilities and rental of equipment, provided all displays and merchandise are within the enclosure walls of the buildings.
25. Apartments on floors other than the first floor.
26. Business and professional offices.
27. Existing single family dwellings.

**Section 1203. Permitted Accessory Uses and Structures.** The following accessory uses and structures shall be permitted in the Central Business District (CB):

1. Accessory uses and structures normally appurtenant to the permitted uses and structures when established in conformance within the space limits of this district and under the prescribed conditions of Section 2103 of this Ordinance.

**Section 1204. Special Exceptions.**<sup>1 2</sup> After the provisions of this Ordinance relating to special exceptions have been fulfilled, the City Council may permit as special exceptions in the Central Business District (CB):

1. Other trade and service uses which are similar to the permitted principal uses and which are in harmony with the intent of this district.
2. Structures containing only residential uses.
3. Telecommunication Towers under the prescribed conditions of Article 30 of this Ordinance.
4. Alternative energy systems utilizing Biomass, Geothermal, Hydropower, Solar and/or Wind sources in conformance with "Net Metering" per Nebraska State Statutes §70-2001 to 2005 (August 30, 2009, as amended). Individual or "Small Wind Energy Conversion Systems (SWECS) shall also be in conformance with the provisions of Section 2117 of this Ordinance.

**Section 1205. Prohibited Uses and Structures.** All other uses and structures which are not specifically permitted or not permissible as special exceptions shall be prohibited from the Central Business District (CB).

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<sup>1</sup> Revised August 5, 1996 - Ordinance No. 96-2348

<sup>2</sup> Revised March 20, 2000 - Ordinance No. 2000-2546

**Section 1206. Height and Area Regulations.** The maximum height and minimum area regulations shall be as follows:

1. Minimum lot and maximum height provisions:

	Lot Area (Sq. Ft.)	Lot Width	Front Yard	Side Yard	Rear Yard	Height Principle/Access.
Permitted Principal Uses and Structures	2,400	25'	0'	0' (1)	0'	75'
Single Family Dwelling	4,000	50'	20' (1)	5' (1)	10'	35' / 35'
Duplex Dwelling	2,400 per dwelling unit	50'	20' (1)	5' (1)	10'	35' / 35'
Multifamily Dwelling	2,400 per dwelling unit. Efficiency units 1,200	75'	20' (1)	5' (1)	10'	75' / 35'
Townhouse dwelling	2,400 per dwelling unit	50'	20' (1)	5' (1)	10'	75' / 35'
Other Permitted Uses	4,000	50'	20' (1)	5' (1)	10'	35'

Notes: (1) All buildings located on lots adjacent to a residential district shall be located so as to conform on the adjacent side with the side yard requirements to the adjacent residential district.

**Section 1207. Maximum Lot Coverage.** The maximum lot coverage for all buildings may be one hundred (100%) percent of the total lot area.

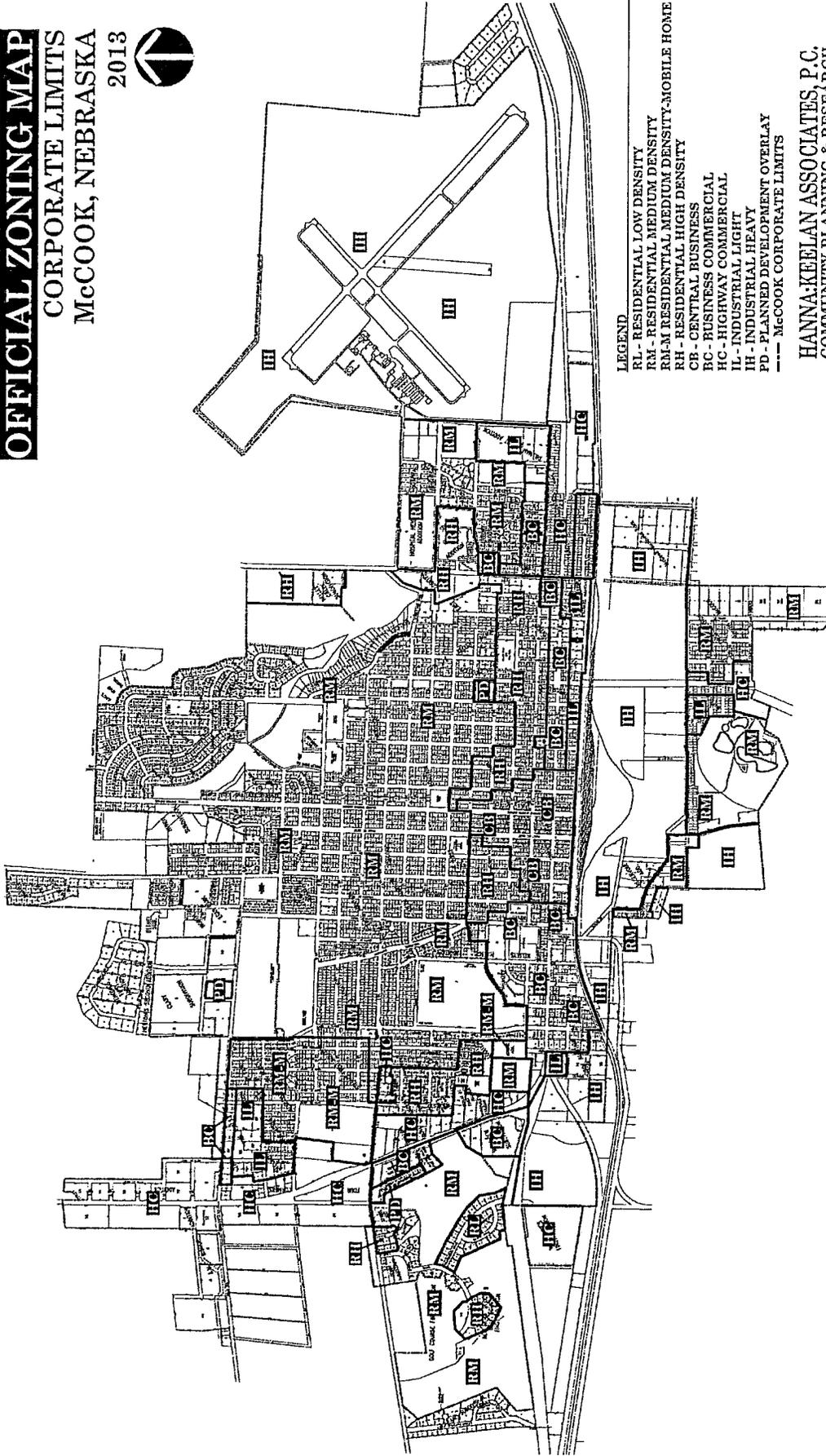
**Section 1208. Fence Regulations.** Fences, walls and hedges within the CB Central Business Districts shall be in conformance with the provisions of Section 2102 of this Ordinance.

**Section 1209. Sign Regulations.** Signs within the CB Central Business Districts shall be in conformance with the provisions of Section 2112 of this Ordinance.

# OFFICIAL ZONING MAP

CORPORATE LIMITS  
McCOOK, NEBRASKA

2013



## LEGEND

- RL - RESIDENTIAL LOW DENSITY
- RM - RESIDENTIAL MEDIUM DENSITY
- RH - RESIDENTIAL HIGH DENSITY
- CB - CENTRAL BUSINESS
- HC - HIGHWAY COMMERCIAL
- IH - INDUSTRIAL LIGHT
- PD - PLANNED DEVELOPMENT OVERLAY
- McCOOK CORPORATE LIMITS

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

\* Lincoln, Nebraska \* 402.464.5383 \*

**MCCOOK PLANNING COMMISSION  
REGULAR MEETING**

**MINUTES**

**Monday - November 9, 2015  
5:15 P.M. - City Council Chambers**

Present: Vice Chair Dueland; Commissioners Garey-Vickers, Harpst, Hilker, Lyons, Wolford; City Manager Schneider; City Attorney Mustion; City Clerk Doak.

Absent: Chair Vosburg; Commissioners Shipshock, Siegfried, Stevens.

Vice-Chair requested that Commissioner Garey-Vickers conduct the meeting in the absence of Chair Vosburg.

Commissioner Garey-Vickers announced that a copy of the Open Meetings Act was posted by the entrance to the Council Chambers and available for public review.

(1) APPROVE THE MINUTES OF THE OCTOBER 12, 2015 REGULAR MEETING.

Upon a motion by Commissioner Wolford, seconded by Commissioner Dueland, the Commission voted to approve the minutes of the October 12, 2015 meeting. The motion passed upon the following roll call vote: YEA: Dueland, Garey-Vickers, Harpst, Hilker, Lyons, Wolford. NAY: None. ABSENT: Shipshock, Siegfried, Stevens, Vosburg.

(2) PUBLIC HEARINGS:

ITEM A PUBLIC HEARING - REQUEST FOR A SPECIAL EXCEPTION TO ALLOW A STORAGE BUILDING FOR PERSONAL OR COMMERCIAL USE IN AN AGRICULTURAL (AG) DISTRICT LOCATED WITHIN THE TWO MILE EXTRA-TERRITORIAL JURISDICTION OF THE CITY OF MCCOOK; A PART OF THE NW1/4 NW1/4 OF SECTION 25, TOWNSHIP 3 NORTH, RANGE 30 WEST OF THE 6TH P.M., RED WILLOW COUNTY, NEBRASKA; A TRACT OF LAND CONTAINING APPROXIMATELY 5 ACRES MORE OR LESS LOCATED ON THE SOUTH SIDE OF WHAT WOULD BE "J" STREET EXTENDED WEST; PROJECT SPONSOR/DEVELOPER - RON FRIEHE, RYAN PETERS, AND BRIAN ESCH; LAND OWNER - NORRIS INSTITUTE.

Upon a motion by Commissioner Garey-Vickers, seconded by Commissioner Dueland, the Commission voted to recess as the Planning Commission and convene as a Hearing Board for the purpose of receiving public comment on the request for a special exception to allow a storage building for personal or commercial use in an Agricultural (AG) District located within the two mile extra-territorial jurisdiction of the City of McCook; A part of the NW1/4 NW1/4 of Section 25, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska; a tract of land containing approximately 5 acres more or less located on the south side of what would be "J" Street extended west; Project Sponsor/Developer - Ron Friehe, Ryan Peters, and Brian Esch; Land owner - Norris Institute. The motion passed upon the following roll call vote: YEA: Dueland, Garey-Vickers, Hilker, Harpst, Lyons, Wolford. NAY: None. ABSENT: Shipshock, Siegfried, Stevens, Vosburg.

The Commission received into evidence Exhibit #1 - City Manager's Report prepared for the November 9, 2015 Planning Commission meeting; Exhibit #2 - Notice of Hearing; Exhibit #3 -

ownership mailing list receiving advanced Notice of Hearing; Exhibit #4 - Land Use Application, eight pages; Exhibit 5 - Real Estate Contract between the applicants and the Norris Institute.

City Manager Schneider reviewed the information presented in the City Manager's Report; An application for a special exception has been submitted by Ron Friehe, Ryan Peters and Brian Esch to allow for a storage building in the Agricultural (AG) District. The property is located west of Spyglass Street and south of Road 716 ("J" Street extended). It is owned by the Norris Institute. A purchase agreement has been completed and the sale of the land to the co-sponsors is contingent upon the granting of a special exception. On review of the Article 7 special exceptions provision, it is stated that the City Council may permit storage buildings for mobile homes, campers, boats, motor vehicles, motorized equipment and accessories in the AG District. There is no distinction made in this provision between commercial and private purposes. Pursuant to the application, the co-sponsors are making the request to construct a building for agricultural and other consumer item storage. It appears that the co-sponsors are contemplating utilizing the building for purposes permitted pursuant to the ordinance. The City Council has had similar special exception requests in the past and have approved them with regard to storage facilities in the AG District. Reviewing the site, it appears that the location would be appropriate for such a building as it is not adjacent to an improved street and it is located far enough away from other residential properties that it may not be an attractive site for residential builds. Further, it doesn't appear that it is in an area that would be developed agriculturally. It will require some grading in order to put a storage building at the requested site, but my discussions with the co-sponsors indicate a willingness to invest in order to develop the project.

Ron Friehe addressed the application with the Commission. They have a Real Estate Contract with the Norris Institute for the purchase of this parcel contingent to approval of the special exception. The building will be 60' wide and at least 125' long, maybe longer if they have more interested parties than anticipated. The entrances will be on the east side of the building, drainage will be to the north to "J" Street and to the south, with a possible retention pond in the low lying area to the south of the building. It will be a condominium type arrangement with individual ownership.

No one else was present to comment.

Upon a motion by Commissioner Hilker, Vosburg, by Commissioner Dueland, Commission voted to close the public hearing and reconvene as a Planning Commission. The motion passed upon the following roll call vote: YEA: Dueland, Garey-Vickers, Hilker, Harpst, Lyons, Wolford. NAY: None. ABSENT: Shipshock, Siegfried, Stevens, Vosburg.

ITEM B RECOMMEND TO THE CITY COUNCIL APPROVAL OF THE REQUEST FOR A SPECIAL EXCEPTION TO ALLOW A STORAGE BUILDING FOR PERSONAL OR COMMERCIAL USE IN AN AGRICULTURAL (AG) DISTRICT LOCATED WITHIN THE TWO MILE EXTRA-TERRITORIAL JURISDICTION OF THE CITY OF MCCOOK; A PART OF THE NW1/4 NW1/4 OF SECTION 25, TOWNSHIP 3 NORTH, RANGE 30 WEST OF THE 6TH P.M., RED WILLOW COUNTY, NEBRASKA; A TRACT OF LAND CONTAINING APPROXIMATELY 5 ACRES MORE OR LESS LOCATED ON THE SOUTH SIDE OF WHAT WOULD BE "J" STREET EXTENDED WEST; PROJECT SPONSOR/DEVELOPER - RON FRIEHE, RYAN PETERS, AND BRIAN ESCH; LAND OWNER - NORRIS INSTITUTE; THAT THE GRANTING OF THE SPECIAL EXCEPTION WILL NOT ADVERSELY AFFECT THE PUBLIC INTEREST; AND THAT SATISFACTORY PROVISIONS AND ARRANGEMENTS HAVE BEEN MADE BY THE APPLICANT CONCERNING SPECIAL EXCEPTION CONSIDERATIONS A - I.

Commission discussion included future annexation concerns; it may be best to allow only residential to the north of what would be "J" Street extended; Bishop lots to the north are zoned as Agricultural, the best use may be residential in the future; the possibility of making the distinction that the property to the north should be designated as residential.

Upon a motion by Commissioner Garey-Vickers, seconded by Commissioner Lyons, the Commission voted to recommend to the City Council approval of the request for a special exception to allow a storage building for personal or commercial use in an Agricultural (AG) District located within the two mile extra-territorial jurisdiction of the City of McCook; A part of the NW1/4 NW1/4 of Section 25, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska; a tract of land containing approximately 5 acres more or less located on the south side of what would be "J" Street extended west; Project Sponsor/Developer - Ron Friehe, Ryan Peters, and Brian Esch; Land owner - Norris Institute; that the granting of the special exception will not adversely affect the public interest; and that satisfactory provisions and arrangements have been made by the applicant concerning Special Exception Considerations a - i. The motion passed upon the following roll call vote: YEA: Dueland, Garey-Vickers, Hilker, Harpst, Lyons, Wolford. NAY: None. ABSENT: Shipshock, Siegfried, Stevens, Vosburg.

ITEM C PUBLIC HEARING - CONSIDER CLARY SUBDIVISION REPLAT NO.3, LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, AND 10, BLOCK 1, LOTS 1, 2, 3, 4, 5, 6, AND 7, BLOCK 2, AND WEST 9<sup>TH</sup> STREET, A REPLAT OF PART OF LOT 2, BLOCK 1, CLARY SUBDIVISION, AND LOT 2B, A REPLAT OF PART OF LOT 1, BLOCK 1, CLARY SUBDIVISION; EXCEPTING THE EAST 60 FEET OF LOT 2B, WHICH HAS BEEN DEDICATED AS WEST 8 ½ STREET TO THE CITY OF MCCOOK WITH THE RECORDING OF CLARY SUBDIVISION REPLAT NO. 2, ALL IN THE CITY OF MCCOOK, RED WILLOW COUNTY, NEBRASKA.

Upon a motion by Commissioner Hilker, seconded by Commissioner Harpst, the Commission voted to recess as the Planning Commission and convene as a Hearing Board for the purpose of receiving public comment on the proposed Clary Subdivision Replat No.3, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10, Block 1, Lots 1, 2, 3, 4, 5, 6, and 7, Block 2, and West 9<sup>th</sup> Street, a Replat of Part of Lot 2, Block 1, Clary Subdivision, and Lot 2B, a Replat of Part of Lot 1, Block 1, Clary Subdivision; Excepting the East 60 Feet of Lot 2B, Which has been dedicated as West 8 ½ Street to the City of McCook with the Recording of Clary Subdivision Replat No. 2, all in the City of McCook, Red Willow County, Nebraska. The motion passed upon the following roll call vote: YEA: Dueland, Garey-Vickers, Hilker, Harpst, Lyons, Wolford. NAY: None. ABSENT: Shipshock, Siegfried, Stevens, Vosburg.

The Commission received into evidence Exhibit #1 - City Manager's Report prepared for the November 9, 2015 Planning Commission meeting; Exhibit #2 - Notice of Hearing; Exhibit #3 - ownership mailing list receiving advanced Notice of Hearing; Exhibit #4 - proposed Subdivision Agreement and Maps, 21 pages.

City Manager Schneider reviewed the information presented in the City Manager's Report; at the last Planning Commission meeting in October, the Quillan Courts Redevelopment Plan was presented and approval was recommended and made to and by the City Council. As part of the project, it is necessary to properly subdivide the property in order to build and locate the single family and duplex structures. An application has been presented asking for the City to consider Replat No. 3, attached to your packets. This particular issue is different from a major subdivision because the Clary Village is in existence and a replat is necessary in order to meet City zoning and subdivision requirements. Along with the approval of the Replat No. 3, it is necessary to enter into a subdivision agreement in order to set the duties and responsibilities

of the parties to this project. A preliminary subdivision agreement is submitted to the Planning Commission for consideration. There are several items included in the agreement. First, the parties are in agreement that West 9<sup>th</sup> Street will be accepted by the City as a conforming street. Second, the parties will incorporate the Planned Unit Development Agreement into the Subdivision Agreement. Third, all existing sidewalk will be allowed to remain as is. New sidewalks on the east side of both blocks will be required to follow City of McCook Subdivision requirements. The north side of Block 1 shall have paved sidewalk, but due to drainage concerns, it will be located directly behind the street curb. There will not be sidewalk on the west side of Block 1 as detention ponds will not allow for sidewalk development. The lack of sidewalk should not interfere with the residents of Quillan Courts as there are no structures located on the west side of the Block 1. Staff feels it is important that there is a through sidewalk on the east side of Block 2 to provide one continuous sidewalk from West R Street to West Q Street. ADA approved crosswalks will be part of the project. Fourth, as mentioned, detention ponds are required as part of this project. The ponds will be located on the west side of Block 1. These detention ponds were considered when the Clary Village project was being proposed. The ponds should slow drainage coming from the new construction. The drainage will still be directed to the end of developed West 10<sup>th</sup> Street, but there should be no increase in the amount of runoff at this location. Fifth, water and sewer will be part of the project, with it being noted that the water line will run along the east side of Block 2 and the water line will run along the west side of Block 1. One fire hydrant will have to be located at the corner of West Q Street and West 9<sup>th</sup> Street. Sixth, the Developer will be responsible for providing street light as outlined in our regulations.

John Allen, owner of property directly to the west, expressed concerns with the current erosion issues with the water running off of "F" Street onto his property. He suggested that some rubble could be placed there to slow the flow of the water onto his property.

City Manager Schneider stated that the displacement of the water will not be greater. The drainage will be maintained as current, it will not reduce or increase.

No one else was present to comment.

Upon a motion by Commissioner Harpst, by Commissioner Hilker, the Commission voted to close the public hearing and reconvene as a Planning Commission. The motion passed upon the following roll call vote: YEA: Dueland, Garey-Vickers, Hilker, Harpst, Lyons, Wolford. NAY: None. ABSENT: Shipshock, Siegfried, Stevens.

ITEM D RECOMMEND APPROVAL TO THE MCCOOK CITY COUNCIL THE REQUESTED CREATION OF CLARY SUBDIVISION REPLAT NO. 3, LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, AND 10, BLOCK 1, LOTS 1, 2, 3, 4, 5, 6, AND 7, BLOCK 2, AND WEST 9<sup>TH</sup> STREET, A REPLAT OF PART OF LOT 2, BLOCK 1, CLARY SUBDIVISION, AND LOT 2B, A REPLAT OF PART OF LOT 1, BLOCK 1, CLARY SUBDIVISION; EXCEPTING THE EAST 60 FEET OF LOT 2B, WHICH HAS BEEN DEDICATED AS WEST 8½ STREET TO THE CITY OF MCCOOK WITH THE RECORDING OF CLARY SUBDIVISION REPLAT NO. 2, ALL IN THE CITY OF MCCOOK, RED WILLOW COUNTY, NEBRASKA.

Commissioner Dueland stated that he serves on the MEDC Board, due to a possible conflict of interest he would be abstaining from the vote on this item.

Commission discussion included whether or not the detention pond would be defined in the purchase agreement to insure that it would be maintained in the future.

City Manager Schneider stated that an easement for the detention pond would be added to

insure that it would be maintained in the future.

Upon a motion by Commissioner Garey-Vickers, seconded by Commissioner Harpst, the Commission voted to recommend approval to the McCook City Council the requested creation of Clary Subdivision Replat No. 3, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10, Block 1, Lots 1, 2, 3, 4, 5, 6, and 7, Block 2, and West 9<sup>th</sup> Street, a Replat of part of Lot 2, Block 1, Clary Subdivision, and Lot 2B, a Replat of part of Lot 1, Block 1, Clary Subdivision; excepting the East 60 feet of Lot 2B, which has been dedicated as West 8½ Street to the City of McCook with the recording of Clary Subdivision Replat No. 2, all in the City of McCook, Red Willow County, Nebraska. The motion passed upon the following roll call vote: YEA: Garey-Vickers, Hilker, Harpst, Lyons, Wolford. NAY: None. ABSTAIN: Dueland. ABSENT: Shipshock, Siegfried, Stevens, Vosburg.

ITEM E RECOMMEND APPROVAL OF THE PRELIMINARY SUBDIVISION AGREEMENT FOR CLARY SUBDIVISION REPLAT NO. 3 BETWEEN THE CITY OF MCCOOK, THE MCCOOK ECONOMIC DEVELOPMENT CORPORATION AND QUILLAN COURTS, L.L.C.

Commissioner Dueland stated that he serves on the MEDC Board, due to a possible conflict of interest he would be abstaining from the vote on this item.

Upon a motion by Commissioner Garey-Vickers, seconded by Commissioner Wolford, the Commission voted to recommend approval of the Preliminary Subdivision Agreement for Clary Subdivision Replat No. 3 between the City of McCook, the McCook Economic Development Corporation and Quillan Courts, L.L.C. The motion passed upon the following roll call vote: YEA: Garey-Vickers, Hilker, Harpst, Lyons, Wolford. NAY: None. ABSTAIN: Dueland. ABSENT: Shipshock, Siegfried, Stevens.

ITEM F PUBLIC HEARING - CONSIDER THE PRELIMINARY PLANNED DEVELOPMENT DISTRICT TO BE KNOWN AS QUILLAN COURTS PLANNED DEVELOPMENT DISTRICT, SAID DISTRICT TO BE LOCATED BETWEEN WEST 10<sup>TH</sup> STREET AND WEST 8 ½ STREET AND WEST R STREET AND WEST Q STREET (AS DIAGRAMED IN PROPOSED REPLAT CLARY SUBDIVISION REPLAT NO. 3, CLARY SUBDIVISION TO THE CITY OF MCCOOK, RED WILLOW COUNTY, NEBRASKA).

Upon a motion by Commissioner Garey-Vickers, seconded by Commissioner Hilker, the Commission voted to recess as the Planning Commission and convene as a Hearing Board for the purpose of receiving public comment on the proposed Preliminary Planned Development District to be known as Quillan Courts Planned Development District, said District to be located between West 10<sup>th</sup> Street and West 8 ½ Street and West R Street and West Q Street (as diagramed in Proposed Replat Clary Subdivision Replat No. 3, Clary Subdivision to the City of McCook, Red Willow County, Nebraska). The motion passed upon the following roll call vote: YEA: Dueland, Garey-Vickers, Hilker, Harpst, Lyons, Wolford. NAY: None. ABSENT: Shipshock, Siegfried, Stevens, Vosburg.

The Commission received into evidence Exhibit #1 - City Manager's Report prepared for the November 9, 2015 Planning Commission meeting; Exhibit #2 - Notice of Hearing; Exhibit #3 - ownership mailing list receiving advanced Notice of Hearing; Exhibit #4 - proposed Resolution No. PC2015-07; Exhibit #5 - proposed Planned Unit Development Agreement, 1 pages.

City Manager Schneider reviewed the information presented in the City Manager's Report; this agenda item refers to a preliminary zoning issue, not a final zoning issue. The location of this project is in the Clary Subdivision to the City of McCook. The City is running this request

simultaneous to a Major Subdivision request from the developer, Quillan Courts, L.L.C. As such, the designations used for this report will refer to Proposed Clary Subdivision Replat No. 3. Clary Subdivision is in the Residential Medium (RM) District. The developer wishes to construct six residential buildings on Proposed Block 1 and four residential buildings on Proposed Block 2 in Proposed Clary Subdivision Replat No. 3. Diagrams depicting the location of the units are included with this report. The Planned Development District includes improvements such as sanitary sewer, water, sidewalk, and drainage improvements. No streets are being considered as part of this project. The City has been petitioned by the Economic Development Corporation to find that West 9<sup>th</sup> Street meets City standards. After review, the City has found and that West 9<sup>th</sup> Street between West R and West Q Streets meets City standards. The need for the Planned Unit Development District is due to the nature of the proposed residential structures and the proposed lots located on this site. The developer is proposing that the duplex units be placed on individual lots as opposed to one lot for each of the two units. The request would violate lot size and setback requirements. The only practical way to achieve the desired development is to create a Planned Unit Development District. By creating a Planned Unit Development, exceptions can be made to the Residential Medium Density District zoning requirements, assuring enough flexibility to construct the duplexes. A Planned Unit Development District agreement will need to be completed. A rough draft is attached to this report. A complete, final agreement will be brought back to the Planning Commission when there is a finalized Planned Unit Development to be reviewed. The planned unit development would be consistent with the proposed future land use of the Comprehensive Plan.

No one else was present to comment.

Upon a motion by Commissioner Dueland, by Commissioner Harpst, voted to close the public hearing and reconvene as a Planning Commission. The motion passed upon the following roll call vote: YEA: Dueland, Garey-Vickers, Hilker, Harpst, Lyons, Wolford. NAY: None. ABSENT: Shipshock, Siegfried, Stevens.

ITEM G APPROVE RESOLUTION NO. PC2015-07 RECOMMENDING TO THE MCCOOK CITY COUNCIL APPROVAL OF THE PRELIMINARY PLANNED DEVELOPMENT DISTRICT TO BE KNOWN AS QUILLAN COURTS PLANNED DEVELOPMENT DISTRICT (AS DIAGRAMED IN PROPOSED REPLAT CLARY SUBDIVISION REPLAT NO. 3, CLARY SUBDIVISION TO THE CITY OF MCCOOK, RED WILLOW COUNTY, NEBRASKA).

Commissioner Dueland stated that he serves on the MEDC Board, due to a possible conflict of interest he would be abstaining from the vote on this item.

Upon a motion by Garey-Vickers, seconded by Commissioner Wolford, the Commission voted to approve Resolution No. PC2015-07 recommending to the McCook City Council approval of the Preliminary Planned Development District to be known as Quillan Courts Planned Development District (as diagramed in Proposed Replat Clary Subdivision Replat No. 3, Clary Subdivision to the City of McCook, Red Willow County, Nebraska). The motion passed upon the following roll call vote: YEA: Garey-Vickers, Hilker, Harpst, Lyons, Wolford. NAY: None. ABSTAIN: Dueland. ABSENT: Shipshock, Siegfried, Stevens.

ITEM H PUBLIC HEARING - CONSIDER A MODIFICATION TO ARTICLE 12, CENTRAL BUSINESS DISTRICT (CB), OF THE MCCOOK ZONING ORDINANCE, ADDING FUNERAL HOMES, FUNERAL CHAPELS, AND FUNERAL SERVICES AS PERMITTED PRINCIPAL USES AND STRUCTURES IN THE CB DISTRICT.

Upon a motion by Commissioner Hilker, seconded by Commissioner Harpst, the Commission voted to recess as the Planning Commission and convene as a Hearing Board for the purpose of receiving public comment on the proposed modification to Article 12, Central Business District (CB), of the McCook Zoning Ordinance, adding funeral homes, funeral chapels, and funeral services as permitted principal uses and structures in the CB District. The motion passed upon the following roll call vote: YEA: Dueland, Garey-Vickers, Hilker, Harpst, Lyons, Wolford. NAY: None. ABSENT: Shipshock, Siegfried, Stevens, Vosburg.

The Commission received into evidence Exhibit #1 - City Manager's Report prepared for the November 9, 2015 Planning Commission meeting; Exhibit #2 - Notice of Hearing; Exhibit #3 - Article 12 - Central Business District information from the City of McCook Zoning Ordinance, two pages.

City Manager Schneider reviewed the information presented in the City Manager's Report; in the Spring/Summer of 2015, Tim Daum, owner of Carpenter-Breland Funeral Home, Inc., approached the City regarding possible expansion of his business through the addition of a crematorium at its current site or a site across the alley from their current buildings. When reviewing the request, Staff discovered that the 2013 Zoning Regulations changed the boundary of the CB District to include the Carpenter-Breland property located at 305 East C Street. It was also found that Herrmann-Jones Funeral Chapel was also located in the CB District. After reviewing the CB District permitted principal uses and structures and special exception uses, it was noted that the ordinance fails to include funeral homes, funeral chapels and funeral services as allowable structures within the CB District. In relation to Staff's discussion with Mr. Daum, there is concern that the two funeral homes would be considered non-conforming properties and prohibited from expanding or modifying their existing structures. Staff does not believe it was the intent of the new zoning ordinance to "zone out" the two funeral home businesses. Our guess is that it was unintentionally left out of the permitted principle uses and structures provision. Be that as it may, Staff recommends that funeral homes, funeral chapels and funeral services be included as permitted principal uses and structures in the CB District. We are not including cemeteries as an additional use in the CB District, as Staff does not believe a cemetery should be located in the CB District (although the likelihood of this happening in the future is very slim). If this item is approved by the City Council, Carpenter-Breland would consider moving their crematorium from it's current location on West 17<sup>th</sup> Street to the 305 East C Street property. Staff has discussed the crematorium with Mr. Daum and it is our understanding that crematoriums are closely regulated by the State of Nebraska. Environmental concerns are addressed through these regulations and should not impact the neighbors located around the Carpenter-Breland property. It is our understanding that the location would be on the current mortuary grounds, not across the alley next to residences.

No one else was present to comment.

Upon a motion by Commissioner Dueland, by Commissioner Harpst, the Commission voted to close the public hearing and reconvene as a Planning Commission. The motion passed upon the following roll call vote: YEA: Dueland, Garey-Vickers, Hilker, Harpst, Lyons, Wolford. NAY: None. ABSENT: Shipshock, Siegfried, Stevens.

ITEM I RECOMMEND FOR APPROVAL TO THE CITY COUNCIL, A MODIFICATION OF ARTICLE 12, CENTRAL BUSINESS DISTRICT, OF THE MCCOOK ZONING ORDINANCE, ADDING FUNERAL HOMES, FUNERAL CHAPELS, AND FUNERAL SERVICES AS PERMITTED PRINCIPAL STRUCTURES IN THE CENTRAL BUSINESS DISTRICT (CB).

Upon a motion by Commissioner Garey-Vickers, seconded by Commissioner Hilker, the Commission voted to recommend for approval to the City Council, a modification of Article 12,

Central Business District, of the McCook Zoning Ordinance, adding funeral homes, funeral chapels, and funeral services as permitted principal structures in the Central Business District (CB). The motion passed upon the following roll call vote: YEA: Dueland, Garey-Vickers, Hilker, Harpst, Lyons, Wolford. NAY: None. ABSENT: Shipshock, Siegfried, Stevens.

(3) ADJOURNMENT.

With no further business, Chair Vosburg declared the Planning Commission meeting adjourned at 6:45 P.M.

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Lea Ann Doak  
Recording Secretary

**CITY MANAGER'S REPORT  
NOVEMBER 16, 2015 CITY COUNCIL MEETING**

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**ITEM:**          **4A**  

Approve the minutes of the November 2, 2015 regular City Council meeting and the November 5, 2015 special City Council meeting.

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**BACKGROUND:**

Receive and approve the minutes.

**FISCAL  
IMPACT:**     None.

**RECOMMENDATION:**

Approve the minutes of the November 2, 2015 regular City Council meeting and the November 5, 2015 special City Council meeting.

**APPROVALS:**

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

November 13, 2015

MCCOOK CITY COUNCIL  
November 5, 2015  
12:00 NOON

A MEETING OF THE MAYOR AND COUNCIL OF THE CITY OF MCCOOK, NEBRASKA convened in open, special, and public session at 12:00 o'clock NOON in the City Council Chambers.

Present: Mayor Gonzales, Councilmembers Hepp, Weedin.

Absent: Councilmembers Calvin, McDowell.

City Officials present: City Manager Schneider, Deputy City Clerk Schmidt; Absent: City Attorney Mustion, City Clerk Doak.

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on November 3, 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 and available for public review.

**1. Regular Agenda.**

- A. Approve the application for a Special Designated Liquor License submitted by Bull's Bar & Grill, Liquor License #ID-078079, for a reception to be held at the Red Willow County Fairgrounds Community Building, 1412 West 5<sup>th</sup> Street, on November 21, 2015 from 12:00 P.M. to 1:00 A.M.

Upon a motion by Councilmember Hepp, seconded by Councilmember Weedin, the Council voted to approve the application for a Special Designated Liquor License submitted by Bull's Bar & Grill, Liquor License #ID-078079, for a reception to be held at the Red Willow County Fairgrounds Community Building, 1412 West 5<sup>th</sup> Street, on November 21, 2015 from 12:00 P.M. to 1:00 A.M. YEA: Gonzales, Hepp, Weedin. NAY: None. ABSENT: Calvin, McDowell.

▪ **Adjournment.**

There being no further business to come before the Council, Mayor Gonzales declared the meeting adjourned at 12:02 P.M.

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Michael D. Gonzales, Mayor

ATTEST:

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Lori Schmidt, Deputy City Clerk

MCCOOK CITY COUNCIL  
November 2, 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, Utilities Director Dutcher, 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 29, 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. 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 a special meeting has been scheduled for this coming Thursday at noon for consideration of a Special Designated Liquor License request.

Fire Chief Harpham gave a demonstration of the LUCAS device, which is used to assist with the chest compressions when administering CPR. The City received a grant through the State of Nebraska for the purchase of two of the devices.

**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.

Upon a motion by Councilmember Weedin, seconded by Councilmember McDowell, the Council voted to recess as a City Council and convene a public hearing for the purpose of receiving public comment 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 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 - City Manager's Report prepared for the November 2, 2015 meeting, 2 pages; Exhibit #2 - Notice of Hearing published, 1 page; Exhibit #3 - proposed Resolution No. 2015-22, 2 pages; and Exhibit #4 - Proposed Paving Agreement, 2 pages; Exhibit #5 - area maps, 2 pages.

Information presented by City Manager Schneider from his City Manager's Report; 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.

John Nothnagel addressed the Council, he is giving the land to the City for use of the right-of-way to provide better access to his business and a better turning radius for delivery trucks.

Wayne Michaelis asked about the extension of "S" Street if more develops in the future. Only "R" Street is being considered at this time.

There being no one else present to comment, upon a motion by Councilmember Weedon, 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, Weedin. NAY: None.

- 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.

Upon a motion by Councilmember Calvin, seconded by Councilmember McDowell, the Council voted to 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.

Upon a motion by Councilmember Weedin, 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 regarding a report from Rex Nelson regarding the Citizen's Advisory Committee meetings held July 27, 2015 and October 26, 2015 with the City Attorney to act as hearing officer. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

The City Attorney offered and received into evidence Exhibit #1 - City Manager's Report prepared for the November 2, 2015 City Council meeting; Exhibit #2 - Notice of Hearing published and Exhibit #3 - minutes of the July 27, 2015 Citizen's Advisory Committee meeting.

Troy Bruntz, committee member, and Rex Nelson, McCook Economic Development Corporation Director, were present to review the quarterly reports of the McCook Economic Development Plan.

There being no one else present to comment, upon a motion by Councilmember Calvin, seconded by Councilmember Weedin, 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, Weedin. NAY: None.

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

Upon a motion by Councilmember Calvin, seconded by Councilmember Weedin, the Council voted to receive and file the minutes of the July 27, 2015 Economic Development Plan Citizen's Advisory Review Committee meeting. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

#### **4. Consent Agenda.**

Councilmember Calvin requested that Item B be removed from the Consent Agenda and placed on the Regular Agenda.

- A. Approve the minutes of the October 19, 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 19, 2015 regular City Council meeting. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

- 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.

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

- 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.

Upon a motion by Councilmember Calvin, seconded by Councilmember McDowell, the Council voted to receive and file the minutes of the October 6, 2015 Senior Center Advisory Board meeting and the May 13, 2015 Library Advisory Board meeting. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

- 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.

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

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

Upon a motion by Councilmember Calvin, seconded by Councilmember McDowell, the Council voted to approve drawings and specifications for Downtown Improvements and set date to receive bids as December 14, 2015 at 2:00 P.M. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

- 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.

Upon a motion by Councilmember Calvin, seconded by Councilmember McDowell, the Council voted to 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. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

- 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 story building approximately 40' x 83'.

Upon a motion by Councilmember Calvin, seconded by Councilmember McDowell, the Council voted to 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 story building approximately 40' x 83'. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

- 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.

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

- 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.

Upon a motion by Councilmember Calvin, seconded by Councilmember McDowell, the Council voted to 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. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

## **5. Regular Agenda.**

- 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.

Upon a motion by Councilmember Calvin, seconded by Councilmember Weedin, the Council voted to 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. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

- 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.

City Manager Schneider reviewed the proposed agreement with Bryan and Ami Hauxwell.

Ms. Hauxwell stated that they are now certified with the State of Nebraska as a medium operator.

Upon a motion by Councilmember Weedin, seconded by Councilmember McDowell, the Council voted to approve the 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. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

- B. Council Comments.

Councilmember Calvin requested that Section 113.02, Subsection 3, regarding the parking of trailers be brought before the Council for review.

▪ **Adjournment.**

There being no further business to come before the Council, Mayor Gonzales declared the meeting adjourned at 7:30 P.M.

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Michael D. Gonzales, Mayor

ATTEST:

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Lea Ann Doak, City Clerk

**CITY MANAGERS REPORT  
NOVEMBER 16, 2015 CITY COUNCIL MEETING**

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**ITEM:      — 4B —**

**RECOMMENDATION:**

**AWARD THE BID FOR TWO NEW SPECIAL SERVICES VEHICLES FOR USE BY THE POLICE DEPARTMENT TO WAGNER FORD-MERCURY-TOYOTA IN THE AMOUNT OF \$50,794.**

**BACKGROUND:**

**Bids were received November 9, 2015 by the City of McCook for two new Special Services vehicles to be used by the Police Department.**

**Wagner Ford-Mercury-Toyota submitted bids:  
Two new Ford Utility Police Interceptor all-wheel-drive four door K8A vehicles in the amount of \$50,794.**

**Deveny Chrysler Jeep Dodge Ram submitted bids:  
Two Durango Special Services vehicles AWD in the amount of \$54,294;  
Two Special Services Crew Cab 4 wheel drive vehicles in the amount of \$54,322;  
Two Dodge Charger Police all-wheel-drive vehicles in the amount of \$51,312.**

**The Ford Utility Police Interceptor and Dodge Charger Police vehicle bids were within the budgeted amount for a vehicle for use by the Department. All vehicles for which bids were submitted were evaluated by the Department based on suitability in size, EPA mileage estimates, reliability and price.**

**The Ford Utility Police Interceptor vehicles were determined to be best suited in size to accommodate the needs of the Department, as well as being the lowest responsible bid.**

**FISCAL IMPACT:**

**NONE. The purchase of the vehicles is within budgeted amount in the 2015/2016 budget.**

**RECOMMENDATION:**

**AWARD THE BID FOR TWO NEW SPECIAL SERVICES VEHICLES FOR USE BY THE POLICE DEPARTMENT TO WAGNER FORD-MERCURY-TOYOTA IN THE AMOUNT OF \$50,794.**

**CITY MANAGERS REPORT  
NOVEMBER 16, 2015 CITY COUNCIL MEETING**

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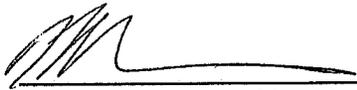
ITEM: \_\_\_\_\_

Page 2

**APPROVALS:**

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

11/16/2015  
Date

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

11-12-15  
Date

**CITY MANAGER'S REPORT  
NOVEMBER 16, 2015 CITY COUNCIL MEETING**

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**ITEM:**          **4C**  

**RECOMMENDATION:**

Receive and file the minutes of the November 9, 2015 Planning Commission 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 November 9, 2015 Planning Commission meeting.

**APPROVALS:**

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

November 13, 2015

**MCCOOK PLANNING COMMISSION  
REGULAR MEETING**

**MINUTES**

**Monday - November 9, 2015  
5:15 P.M. - City Council Chambers**

Present: Vice Chair Dueland; Commissioners Garey-Vickers, Harpst, Hilker, Lyons, Wolford; City Manager Schneider; City Attorney Mustion; City Clerk Doak.

Absent: Chair Vosburg; Commissioners Shipshock, Siegfried, Stevens.

Vice-Chair requested that Commissioner Garey-Vickers conduct the meeting in the absence of Chair Vosburg.

Commissioner Garey-Vickers announced that a copy of the Open Meetings Act was posted by the entrance to the Council Chambers and available for public review.

(1) APPROVE THE MINUTES OF THE OCTOBER 12, 2015 REGULAR MEETING.

Upon a motion by Commissioner Wolford, seconded by Commissioner Dueland, the Commission voted to approve the minutes of the October 12, 2015 meeting. The motion passed upon the following roll call vote: YEA: Dueland, Garey-Vickers, Harpst, Hilker, Lyons, Wolford. NAY: None. ABSENT: Shipshock, Siegfried, Stevens, Vosburg.

(2) PUBLIC HEARINGS:

ITEM A PUBLIC HEARING - REQUEST FOR A SPECIAL EXCEPTION TO ALLOW A STORAGE BUILDING FOR PERSONAL OR COMMERCIAL USE IN AN AGRICULTURAL (AG) DISTRICT LOCATED WITHIN THE TWO MILE EXTRA-TERRITORIAL JURISDICTION OF THE CITY OF MCCOOK; A PART OF THE NW1/4 NW1/4 OF SECTION 25, TOWNSHIP 3 NORTH, RANGE 30 WEST OF THE 6TH P.M., RED WILLOW COUNTY, NEBRASKA; A TRACT OF LAND CONTAINING APPROXIMATELY 5 ACRES MORE OR LESS LOCATED ON THE SOUTH SIDE OF WHAT WOULD BE "J" STREET EXTENDED WEST; PROJECT SPONSOR/DEVELOPER - RON FRIEHE, RYAN PETERS, AND BRIAN ESCH; LAND OWNER - NORRIS INSTITUTE.

Upon a motion by Commissioner Garey-Vickers, seconded by Commissioner Dueland, the Commission voted to recess as the Planning Commission and convene as a Hearing Board for the purpose of receiving public comment on the request for a special exception to allow a storage building for personal or commercial use in an Agricultural (AG) District located within the two mile extra-territorial jurisdiction of the City of McCook; A part of the NW1/4 NW1/4 of Section 25, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska; a tract of land containing approximately 5 acres more or less located on the south side of what would be "J" Street extended west; Project Sponsor/Developer - Ron Friehe, Ryan Peters, and Brian Esch; Land owner - Norris Institute. The motion passed upon the following roll call vote: YEA: Dueland, Garey-Vickers, Hilker, Harpst, Lyons, Wolford. NAY: None. ABSENT: Shipshock, Siegfried, Stevens, Vosburg.

The Commission received into evidence Exhibit #1 - City Manager's Report prepared for the November 9, 2015 Planning Commission meeting; Exhibit #2 - Notice of Hearing; Exhibit #3 -

ownership mailing list receiving advanced Notice of Hearing; Exhibit #4 - Land Use Application, eight pages; Exhibit 5 - Real Estate Contract between the applicants and the Norris Institute.

City Manager Schneider reviewed the information presented in the City Manager's Report; An application for a special exception has been submitted by Ron Friehe, Ryan Peters and Brian Esch to allow for a storage building in the Agricultural (AG) District. The property is located west of Spyglass Street and south of Road 716 ("J" Street extended). It is owned by the Norris Institute. A purchase agreement has been completed and the sale of the land to the co-sponsors is contingent upon the granting of a special exception. On review of the Article 7 special exceptions provision, it is stated that the City Council may permit storage buildings for mobile homes, campers, boats, motor vehicles, motorized equipment and accessories in the AG District. There is no distinction made in this provision between commercial and private purposes. Pursuant to the application, the co-sponsors are making the request to construct a building for agricultural and other consumer item storage. It appears that the co-sponsors are contemplating utilizing the building for purposes permitted pursuant to the ordinance. The City Council has had similar special exception requests in the past and have approved them with regard to storage facilities in the AG District. Reviewing the site, it appears that the location would be appropriate for such a building as it is not adjacent to an improved street and it is located far enough away from other residential properties that it may not be an attractive site for residential builds. Further, it doesn't appear that it is in an area that would be developed agriculturally. It will require some grading in order to put a storage building at the requested site, but my discussions with the co-sponsors indicate a willingness to invest in order to develop the project.

Ron Friehe addressed the application with the Commission. They have a Real Estate Contract with the Norris Institute for the purchase of this parcel contingent to approval of the special exception. The building will be 60' wide and at least 125' long, maybe longer if they have more interested parties than anticipated. The entrances will be on the east side of the building, drainage will be to the north to "J" Street and to the south, with a possible retention pond in the low lying area to the south of the building. It will be a condominium type arrangement with individual ownership.

No one else was present to comment.

Upon a motion by Commissioner Hilker, Vosburg, by Commissioner Dueland, Commission voted to close the public hearing and reconvene as a Planning Commission. The motion passed upon the following roll call vote: YEA: Dueland, Garey-Vickers, Hilker, Harpst, Lyons, Wolford. NAY: None. ABSENT: Shipshock, Siegfried, Stevens, Vosburg.

ITEM B RECOMMEND TO THE CITY COUNCIL APPROVAL OF THE REQUEST FOR A SPECIAL EXCEPTION TO ALLOW A STORAGE BUILDING FOR PERSONAL OR COMMERCIAL USE IN AN AGRICULTURAL (AG) DISTRICT LOCATED WITHIN THE TWO MILE EXTRA-TERRITORIAL JURISDICTION OF THE CITY OF MCCOOK; A PART OF THE NW1/4 NW1/4 OF SECTION 25, TOWNSHIP 3 NORTH, RANGE 30 WEST OF THE 6TH P.M., RED WILLOW COUNTY, NEBRASKA; A TRACT OF LAND CONTAINING APPROXIMATELY 5 ACRES MORE OR LESS LOCATED ON THE SOUTH SIDE OF WHAT WOULD BE "J" STREET EXTENDED WEST; PROJECT SPONSOR/DEVELOPER - RON FRIEHE, RYAN PETERS, AND BRIAN ESCH; LAND OWNER - NORRIS INSTITUTE; THAT THE GRANTING OF THE SPECIAL EXCEPTION WILL NOT ADVERSELY AFFECT THE PUBLIC INTEREST; AND THAT SATISFACTORY PROVISIONS AND ARRANGEMENTS HAVE BEEN MADE BY THE APPLICANT CONCERNING SPECIAL EXCEPTION CONSIDERATIONS A - I.

Commission discussion included future annexation concerns; it may be best to allow only residential to the north of what would be "J" Street extended; Bishop lots to the north are zoned as Agricultural, the best use may be residential in the future; the possibility of making the distinction that the property to the north should be designated as residential.

Upon a motion by Commissioner Garey-Vickers, seconded by Commissioner Lyons, the Commission voted to recommend to the City Council approval of the request for a special exception to allow a storage building for personal or commercial use in an Agricultural (AG) District located within the two mile extra-territorial jurisdiction of the City of McCook; A part of the NW1/4 NW1/4 of Section 25, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska; a tract of land containing approximately 5 acres more or less located on the south side of what would be "J" Street extended west; Project Sponsor/Developer - Ron Friehe, Ryan Peters, and Brian Esch; Land owner - Norris Institute; that the granting of the special exception will not adversely affect the public interest; and that satisfactory provisions and arrangements have been made by the applicant concerning Special Exception Considerations a - i. The motion passed upon the following roll call vote: YEA: Dueland, Garey-Vickers, Hilker, Harpst, Lyons, Wolford. NAY: None. ABSENT: Shipshock, Siegfried, Stevens, Vosburg.

ITEM C PUBLIC HEARING - CONSIDER CLARY SUBDIVISION REPLAT NO.3, LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, AND 10, BLOCK 1, LOTS 1, 2, 3, 4, 5, 6, AND 7, BLOCK 2, AND WEST 9<sup>TH</sup> STREET, A REPLAT OF PART OF LOT 2, BLOCK 1, CLARY SUBDIVISION, AND LOT 2B, A REPLAT OF PART OF LOT 1, BLOCK 1, CLARY SUBDIVISION; EXCEPTING THE EAST 60 FEET OF LOT 2B, WHICH HAS BEEN DEDICATED AS WEST 8 ½ STREET TO THE CITY OF MCCOOK WITH THE RECORDING OF CLARY SUBDIVISION REPLAT NO. 2, ALL IN THE CITY OF MCCOOK, RED WILLOW COUNTY, NEBRASKA.

Upon a motion by Commissioner Hilker, seconded by Commissioner Harpst, the Commission voted to recess as the Planning Commission and convene as a Hearing Board for the purpose of receiving public comment on the proposed Clary Subdivision Replat No.3, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10, Block 1, Lots 1, 2, 3, 4, 5, 6, and 7, Block 2, and West 9<sup>th</sup> Street, a Replat of Part of Lot 2, Block 1, Clary Subdivision, and Lot 2B, a Replat of Part of Lot 1, Block 1, Clary Subdivision; Excepting the East 60 Feet of Lot 2B, Which has been dedicated as West 8 ½ Street to the City of McCook with the Recording of Clary Subdivision Replat No. 2, all in the City of McCook, Red Willow County, Nebraska. The motion passed upon the following roll call vote: YEA: Dueland, Garey-Vickers, Hilker, Harpst, Lyons, Wolford. NAY: None. ABSENT: Shipshock, Siegfried, Stevens, Vosburg.

The Commission received into evidence Exhibit #1 - City Manager's Report prepared for the November 9, 2015 Planning Commission meeting; Exhibit #2 - Notice of Hearing; Exhibit #3 - ownership mailing list receiving advanced Notice of Hearing; Exhibit #4 - proposed Subdivision Agreement and Maps, 21 pages.

City Manager Schneider reviewed the information presented in the City Manager's Report; at the last Planning Commission meeting in October, the Quillan Courts Redevelopment Plan was presented and approval was recommended and made to and by the City Council. As part of the project, it is necessary to properly subdivide the property in order to build and locate the single family and duplex structures. An application has been presented asking for the City to consider Replat No. 3, attached to your packets. This particular issue is different from a major subdivision because the Clary Village is in existence and a replat is necessary in order to meet City zoning and subdivision requirements. Along with the approval of the Replat No. 3, it is necessary to enter into a subdivision agreement in order to set the duties and responsibilities

of the parties to this project. A preliminary subdivision agreement is submitted to the Planning Commission for consideration. There are several items included in the agreement. First, the parties are in agreement that West 9<sup>th</sup> Street will be accepted by the City as a conforming street. Second, the parties will incorporate the Planned Unit Development Agreement into the Subdivision Agreement. Third, all existing sidewalk will be allowed to remain as is. New sidewalks on the east side of both blocks will be required to follow City of McCook Subdivision requirements. The north side of Block 1 shall have paved sidewalk, but due to drainage concerns, it will be located directly behind the street curb. There will not be sidewalk on the west side of Block 1 as detention ponds will not allow for sidewalk development. The lack of sidewalk should not interfere with the residents of Quillan Courts as there are no structures located on the west side of the Block 1. Staff feels it is important that there is a through sidewalk on the east side of Block 2 to provide one continuous sidewalk from West R Street to West Q Street. ADA approved crosswalks will be part of the project. Fourth, as mentioned, detention ponds are required as part of this project. The ponds will be located on the west side of Block 1. These detention ponds were considered when the Clary Village project was being proposed. The ponds should slow drainage coming from the new construction. The drainage will still be directed to the end of developed West 10<sup>th</sup> Street, but there should be no increase in the amount of runoff at this location. Fifth, water and sewer will be part of the project, with it being noted that the water line will run along the east side of Block 2 and the water line will run along the west side of Block 1. One fire hydrant will have to be located at the corner of West Q Street and West 9<sup>th</sup> Street. Sixth, the Developer will be responsible for providing street light as outlined in our regulations.

John Allen, owner of property directly to the west, expressed concerns with the current erosion issues with the water running off of "F" Street onto his property. He suggested that some rubble could be placed there to slow the flow of the water onto his property.

City Manager Schneider stated that the displacement of the water will not be greater. The drainage will be maintained as current, it will not reduce or increase.

No one else was present to comment.

Upon a motion by Commissioner Harpst, by Commissioner Hilker, the Commission voted to close the public hearing and reconvene as a Planning Commission. The motion passed upon the following roll call vote: YEA: Dueland, Garey-Vickers, Hilker, Harpst, Lyons, Wolford. NAY: None. ABSENT: Shipshock, Siegfried, Stevens.

ITEM D RECOMMEND APPROVAL TO THE MCCOOK CITY COUNCIL THE REQUESTED CREATION OF CLARY SUBDIVISION REPLAT NO. 3, LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, AND 10, BLOCK 1, LOTS 1, 2, 3, 4, 5, 6, AND 7, BLOCK 2, AND WEST 9<sup>TH</sup> STREET, A REPLAT OF PART OF LOT 2, BLOCK 1, CLARY SUBDIVISION, AND LOT 2B, A REPLAT OF PART OF LOT 1, BLOCK 1, CLARY SUBDIVISION; EXCEPTING THE EAST 60 FEET OF LOT 2B, WHICH HAS BEEN DEDICATED AS WEST 8½ STREET TO THE CITY OF MCCOOK WITH THE RECORDING OF CLARY SUBDIVISION REPLAT NO. 2, ALL IN THE CITY OF MCCOOK, RED WILLOW COUNTY, NEBRASKA.

Commissioner Dueland stated that he serves on the MEDC Board, due to a possible conflict of interest he would be abstaining from the vote on this item.

Commission discussion included whether or not the detention pond would be defined in the purchase agreement to insure that it would be maintained in the future.

City Manager Schneider stated that an easement for the detention pond would be added to

insure that it would be maintained in the future.

Upon a motion by Commissioner Garey-Vickers, seconded by Commissioner Harpst, the Commission voted to recommend approval to the McCook City Council the requested creation of Clary Subdivision Replat No. 3, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10, Block 1, Lots 1, 2, 3, 4, 5, 6, and 7, Block 2, and West 9<sup>th</sup> Street, a Replat of part of Lot 2, Block 1, Clary Subdivision, and Lot 2B, a Replat of part of Lot 1, Block 1, Clary Subdivision; excepting the East 60 feet of Lot 2B, which has been dedicated as West 8½ Street to the City of McCook with the recording of Clary Subdivision Replat No. 2, all in the City of McCook, Red Willow County, Nebraska. The motion passed upon the following roll call vote: YEA: Garey-Vickers, Hilker, Harpst, Lyons, Wolford. NAY: None. ABSTAIN: Dueland. ABSENT: Shipshock, Siegfried, Stevens, Vosburg.

ITEM E RECOMMEND APPROVAL OF THE PRELIMINARY SUBDIVISION AGREEMENT FOR CLARY SUBDIVISION REPLAT NO. 3 BETWEEN THE CITY OF MCCOOK, THE MCCOOK ECONOMIC DEVELOPMENT CORPORATION AND QUILLAN COURTS, L.L.C.

Commissioner Dueland stated that he serves on the MEDC Board, due to a possible conflict of interest he would be abstaining from the vote on this item.

Upon a motion by Commissioner Garey-Vickers, seconded by Commissioner Wolford, the Commission voted to recommend approval of the Preliminary Subdivision Agreement for Clary Subdivision Replat No. 3 between the City of McCook, the McCook Economic Development Corporation and Quillan Courts, L.L.C. The motion passed upon the following roll call vote: YEA: Garey-Vickers, Hilker, Harpst, Lyons, Wolford. NAY: None. ABSTAIN: Dueland. ABSENT: Shipshock, Siegfried, Stevens.

ITEM F PUBLIC HEARING - CONSIDER THE PRELIMINARY PLANNED DEVELOPMENT DISTRICT TO BE KNOWN AS QUILLAN COURTS PLANNED DEVELOPMENT DISTRICT, SAID DISTRICT TO BE LOCATED BETWEEN WEST 10<sup>TH</sup> STREET AND WEST 8 ½ STREET AND WEST R STREET AND WEST Q STREET (AS DIAGRAMED IN PROPOSED REPLAT CLARY SUBDIVISION REPLAT NO. 3, CLARY SUBDIVISION TO THE CITY OF MCCOOK, RED WILLOW COUNTY, NEBRASKA).

Upon a motion by Commissioner Garey-Vickers, seconded by Commissioner Hilker, the Commission voted to recess as the Planning Commission and convene as a Hearing Board for the purpose of receiving public comment on the proposed Preliminary Planned Development District to be known as Quillan Courts Planned Development District, said District to be located between West 10<sup>th</sup> Street and West 8 ½ Street and West R Street and West Q Street (as diagramed in Proposed Replat Clary Subdivision Replat No. 3, Clary Subdivision to the City of McCook, Red Willow County, Nebraska). The motion passed upon the following roll call vote: YEA: Dueland, Garey-Vickers, Hilker, Harpst, Lyons, Wolford. NAY: None. ABSENT: Shipshock, Siegfried, Stevens, Vosburg.

The Commission received into evidence Exhibit #1 - City Manager's Report prepared for the November 9, 2015 Planning Commission meeting; Exhibit #2 - Notice of Hearing; Exhibit #3 - ownership mailing list receiving advanced Notice of Hearing; Exhibit #4 - proposed Resolution No. PC2015-07; Exhibit #5 - proposed Planned Unit Development Agreement, 2 pages.

City Manager Schneider reviewed the information presented in the City Manager's Report; this agenda item refers to a preliminary zoning issue, not a final zoning issue. The location of this project is in the Clary Subdivision to the City of McCook. The City is running this request

simultaneous to a Major Subdivision request from the developer, Quillan Courts, L.L.C. As such, the designations used for this report will refer to Proposed Clary Subdivision Replat No. 3. Clary Subdivision is in the Residential Medium (RM) District. The developer wishes to construct six residential buildings on Proposed Block 1 and four residential buildings on Proposed Block 2 in Proposed Clary Subdivision Replat No. 3. Diagrams depicting the location of the units are included with this report. The Planned Development District includes improvements such as sanitary sewer, water, sidewalk, and drainage improvements. No streets are being considered as part of this project. The City has been petitioned by the Economic Development Corporation to find that West 9<sup>th</sup> Street meets City standards. After review, the City has found and that West 9<sup>th</sup> Street between West R and West Q Streets meets City standards. The need for the Planned Unit Development District is due to the nature of the proposed residential structures and the proposed lots located on this site. The developer is proposing that the duplex units be placed on individual lots as opposed to one lot for each of the two units. The request would violate lot size and setback requirements. The only practical way to achieve the desired development is to create a Planned Unit Development District. By creating a Planned Unit Development, exceptions can be made to the Residential Medium Density District zoning requirements, assuring enough flexibility to construct the duplexes. A Planned Unit Development District agreement will need to be completed. A rough draft is attached to this report. A complete, final agreement will be brought back to the Planning Commission when there is a finalized Planned Unit Development to be reviewed. The planned unit development would be consistent with the proposed future land use of the Comprehensive Plan.

No one else was present to comment.

Upon a motion by Commissioner Dueland, by Commissioner Harpst, voted to close the public hearing and reconvene as a Planning Commission. The motion passed upon the following roll call vote: YEA: Dueland, Garey-Vickers, Hilker, Harpst, Lyons, Wolford. NAY: None. ABSENT: Shipshock, Siegfried, Stevens.

ITEM G APPROVE RESOLUTION NO. PC2015-07 RECOMMENDING TO THE MCCOOK CITY COUNCIL APPROVAL OF THE PRELIMINARY PLANNED DEVELOPMENT DISTRICT TO BE KNOWN AS QUILLAN COURTS PLANNED DEVELOPMENT DISTRICT (AS DIAGRAMED IN PROPOSED REPLAT CLARY SUBDIVISION REPLAT NO. 3, CLARY SUBDIVISION TO THE CITY OF MCCOOK, RED WILLOW COUNTY, NEBRASKA).

Commissioner Dueland stated that he serves on the MEDC Board, due to a possible conflict of interest he would be abstaining from the vote on this item.

Upon a motion by Garey-Vickers, seconded by Commissioner Wolford, the Commission voted to approve Resolution No. PC2015-07 recommending to the McCook City Council approval of the Preliminary Planned Development District to be known as Quillan Courts Planned Development District (as diagramed in Proposed Replat Clary Subdivision Replat No. 3, Clary Subdivision to the City of McCook, Red Willow County, Nebraska). The motion passed upon the following roll call vote: YEA: Garey-Vickers, Hilker, Harpst, Lyons, Wolford. NAY: None. ABSTAIN: Dueland. ABSENT: Shipshock, Siegfried, Stevens.

ITEM H PUBLIC HEARING - CONSIDER A MODIFICATION TO ARTICLE 12, CENTRAL BUSINESS DISTRICT (CB), OF THE MCCOOK ZONING ORDINANCE, ADDING FUNERAL HOMES, FUNERAL CHAPELS, AND FUNERAL SERVICES AS PERMITTED PRINCIPAL USES AND STRUCTURES IN THE CB DISTRICT.

Upon a motion by Commissioner Hilker, seconded by Commissioner Harpst, the Commission voted to recess as the Planning Commission and convene as a Hearing Board for the purpose of receiving public comment on the proposed modification to Article 12, Central Business District (CB), of the McCook Zoning Ordinance, adding funeral homes, funeral chapels, and funeral services as permitted principal uses and structures in the CB District. The motion passed upon the following roll call vote: YEA: Dueland, Garey-Vickers, Hilker, Harpst, Lyons, Wolford. NAY: None. ABSENT: Shipshock, Siegfried, Stevens, Vosburg.

The Commission received into evidence Exhibit #1 - City Manager's Report prepared for the November 9, 2015 Planning Commission meeting; Exhibit #2 - Notice of Hearing; Exhibit #3 - Article 12 - Central Business District information from the City of McCook Zoning Ordinance, two pages.

City Manager Schneider reviewed the information presented in the City Manager's Report; in the Spring/Summer of 2015, Tim Daum, owner of Carpenter-Breland Funeral Home, Inc., approached the City regarding possible expansion of his business through the addition of a crematorium at its current site or a site across the alley from their current buildings. When reviewing the request, Staff discovered that the 2013 Zoning Regulations changed the boundary of the CB District to include the Carpenter-Breland property located at 305 East C Street. It was also found that Herrmann-Jones Funeral Chapel was also located in the CB District. After reviewing the CB District permitted principal uses and structures and special exception uses, it was noted that the ordinance fails to include funeral homes, funeral chapels and funeral services as allowable structures within the CB District. In relation to Staff's discussion with Mr. Daum, there is concern that the two funeral homes would be considered non-conforming properties and prohibited from expanding or modifying their existing structures. Staff does not believe it was the intent of the new zoning ordinance to "zone out" the two funeral home businesses. Our guess is that it was unintentionally left out of the permitted principle uses and structures provision. Be that as it may, Staff recommends that funeral homes, funeral chapels and funeral services be included as permitted principal uses and structures in the CB District. We are not including cemeteries as an additional use in the CB District, as Staff does not believe a cemetery should be located in the CB District (although the likelihood of this happening in the future is very slim). If this item is approved by the City Council, Carpenter-Breland would consider moving their crematorium from it's current location on West 17<sup>th</sup> Street to the 305 East C Street property. Staff has discussed the crematorium with Mr. Daum and it is our understanding that crematoriums are closely regulated by the State of Nebraska. Environmental concerns are addressed through these regulations and should not impact the neighbors located around the Carpenter-Breland property. It is our understanding that the location would be on the current mortuary grounds, not across the alley next to residences.

No one else was present to comment.

Upon a motion by Commissioner Dueland, by Commissioner Harpst, the Commission voted to close the public hearing and reconvene as a Planning Commission. The motion passed upon the following roll call vote: YEA: Dueland, Garey-Vickers, Hilker, Harpst, Lyons, Wolford. NAY: None. ABSENT: Shipshock, Siegfried, Stevens.

ITEM I RECOMMEND FOR APPROVAL TO THE CITY COUNCIL, A MODIFICATION OF ARTICLE 12, CENTRAL BUSINESS DISTRICT, OF THE MCCOOK ZONING ORDINANCE, ADDING FUNERAL HOMES, FUNERAL CHAPELS, AND FUNERAL SERVICES AS PERMITTED PRINCIPAL STRUCTURES IN THE CENTRAL BUSINESS DISTRICT (CB).

Upon a motion by Commissioner Garey-Vickers, seconded by Commissioner Hilker, the Commission voted to recommend for approval to the City Council, a modification of Article 12,

Central Business District, of the McCook Zoning Ordinance, adding funeral homes, funeral chapels, and funeral services as permitted principal structures in the Central Business District (CB). The motion passed upon the following roll call vote: YEA: Dueland, Garey-Vickers, Hilker, Harpst, Lyons, Welford. NAY: None. ABSENT: Shipshock, Siegfried, Stevens.

(3) ADJOURNMENT.

With no further business, Chair Vosburg declared the Planning Commission meeting adjourned at 6:45 P.M.

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Lea Ann Doak  
Recording Secretary

**CITY MANAGER'S REPORT  
NOVEMBER 16, 2015 CITY COUNCIL MEETING**

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**ITEM:            4D**

Receive and file the claims for the month of October 2015 as published November 12, 2015.

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**BACKGROUND:**

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

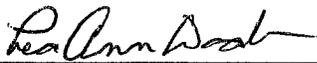
Staff is always available to address any questions that the Council may have regarding a specific claim.

**FISCAL  
IMPACT:**       None.

**RECOMMENDATION:**

Receive and file the claims for the month of October 2015 as published November 12, 2015.

**APPROVALS:**

  
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Lea Ann Doak, City Clerk

November 13, 2015

CITY OF MCCOOK  
CLAIMS FOR OCTOBER, 2015

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

7-D-S 92.00; ADOBE-SC 14.99; AMAZON-SC 844.21; AM AG LAB-SC 44.64; AMERICAN ELEC-S 13.47; ARROW SEED-S 25.04; ATR LIGHTING-SC 184.47; BAIRD HOLM-SC 50.00; BAKER & TAYLOR-S 309.06; BARCO-S 149.21; BARNETT'S-S 87.78; BARRETT'S CUSTOMS-S 468.00; BETTER HOMES & GARDNES-S 141.91; BUTLER AG-SC 2664.74; BIRCH-SC 2910.07; BROWN, M-SC 124.89; BROWN, S-SC 79.35; BW TELCOM-SC 124.56; C&K-S 60.79; CAMBRIDGE TELE-SC 1086.30; CARQUEST-S 1058.40; CASH WA-S 6713.25; CENTURY LINK-SC 890.99; CHIEF SUPPLY-S 138.99; CITY OF MCCOOK-PS 291318.10; CODE CHECK-SC 23.95; CIVICPLUS-SC 3478.69; COAST TO COAST-S 215.80; COMMUNITY BETTERMENT-SC 175.00; CONSOLIDATED MGMT-SC 175.50; CPI-SC 1036.25, 19119.07; CULLIGAN WATER-S 38.80; D&L PEST-S 151.00; D&S-S 504.04; DIAMOND VOGEL-S 28.56; DREAMLAND SKATEPARK-CO 123500.00; EAKES-S 1202.21; EMBASSY SUITES-SC 343.38; EMERGENCY VEHICLE PARTS-S 434.60; EMS-SC 4937.40; ETS CORP-S 366.20; FASTENAL-S 3.14; FICA-PS 14698.13; FIRST CENTRAL BANK-CO 15263.97; FV CO-OP-S 20013.42; FRONT RANGE FIRE APPARATUS-CO 3491.00; GALE GRP-S 437.09; GALLS-S 345.99; GEO-COMM-SC 3343.00; GOOGLE\*SVCS-SC 270.83; GP COMM-SC 357.48; HASLER-SC 1000.00; HASTINGS COLLEGE-S 15.00; HENNING BROS.-SC 59.00; HIGH PLAINS RADIO-SC 50.00; HOBBY LOBBY-S 25.15; FIVE POINTS BANK-SC 1515.69; IDEAL LINEN-S 79.03; IMAGE TREND-SC 2137.50; INDUSTRIAL PROCESS TECH-CO 142451.00; INLAND TRUCK PARTS-S 107.60; ISLAND SPRINKLER-SC 162.98; J BAR J-SC 38293.87; K&C GRAIN-S 9755.90; KELLEY, A-SC 15.00; KIDS REFERENCE-S 164.34; KILDARE-S 48.94; KOHL AUTOMOTIVE-S 605.87; LANDS END-S 40.00; LEAGUE OF NE-SC 2290.00; LIFE-ASSIST-S 71.63; MARIS CONST.-S 257.12; MC AREA CHAMBER OF COMMERCE-SC 12500.00; MC GAZETTE-SC 1106.71; MC HUMANE SOC-S 3603.06; MPPD-SC 1794.69; MC UTILITIES-SC 17905.51; CITY OF MCCOOK SELF HEALTH INSURANCE-BT 120,000.00; MCCOOKNET-SC 406.60; MCPHILLIPS, O-SC 20.00; MEINTS, G-S 7.00; MEDC-SC 15661.05; MEDICARE-PS 4029.82; MICROMARKETING-S 2213.07; MID

AMPAY PHONES-SC 40.00; MIDAMERICA BOOKS-S 391.54; MIDLANDS TOX-SC 145.00; MIGHTY DUCTS-S 325.00; MILLER & ASSOC-CO 2083.75, SC 246.00; MOTION PICTURE LICENSING CORP-S 235.00; MOUSEL LAW-SC 3337.10; MUNICIPAL SUPPLY-S 4964.61; NE COALITION-SC 100.00; NE MEDICAID-SC 285.01; NAT'L FIRE PROECTIONS ASSOC-S 73.40; NE DEPT LABOR/BOILER INSP-SC 215.00; NE DEPT LABOR/UNEMP-SC 7212.00; NE DEPT OF REVENUE-SC 26423.70; NE LAW ENF-SC 120.00; NE CODE OFFICIALS ASSN-SC 100.00; NE TRUCK CENTER-S 184.82; NICK'S DIST-SC 634.44; NORTH PLATTE TELEGRAPH-S 182.00; NORTHERN SAFETY-S 232.76; NPPD-SC 49984.47; S 134.80; OFFICE DEPOT-S 107.96; ONE CALL CONCEPTS-SC 80.65; O'REILLY-S 69.97; ORSCHELN-S 266.81; OSAGE IND-S 117.20; PARDE ELEC-SC 789.57; PARTY AMERICA-S 32.28; PENWORTHY CO-S 289.09; PICK W-S 168.00; PLAINS EQUIP GRP-S 469.69; PLATTE VALLEY COMM-S 310.00; PCAN-SC 50.00; POLICE OFCR ASSOC-SC 128.00; QUILL-S 916.86; RDJ SPECIALTIES-S 216.09; RW ANIMAL CLINIC-SC 99.50; RW CO COURT-SC 17.00; SCHAMEL'S-S 109.99; SCHOLASTIC-S 252.10; SEHNERTS-SC 29.90; SILVER CREEK TECH-SC 2991.74; SIS, MICHAEL-SC 1800.00; SOURCEGAS-SC 1302.48; SPLASH DESIGNZ-S 367.00; STULICH'S ASPHALT SEALING-CO 23910.00; SOLID WASTE ASSOC-SC 212.00; STANDARD PRINTING-S 172.12; SWANSON SIGN-SC 140.00; TACTICAL BOOT STORE-S 289.98; TASTE OF HOME-S 246.84; THOMPSON CO-S 1961.23; TIGERDIRECT-SC 1414.10; TITAN MACH-S 99.30; TJ'S FAMILY FUN CTR-SC 120.00; TRANS LUX CORP-S 1442.54; TRANSUNION RISK-S 1.25; TREE REBATES-BT 847.00; TRI AIR TESTING-SC 164.00; TYLER TECH-SC 18.10; U-SAVE PHARMACY-S 39.57; ULTRAMAX AMMO-S 448.00; UMR-SC 163465.09; USPS-SC 1377.68; USA BLUEBOOK-S 158.19; USI-SC 105254.00; UTILITY REFUNDS-BT 256.95; VERIZON-SC 3083.07; VK ELECTRONICS-S 159.97; VOLZ-S 1021.64; WPCI-SC 178.50; WAGNER FORD-SC 57.22; WALMART-S 1080.61; WEBB-SC 1558.31; WESTERN TIRE-S 509.20; WOODS & AITKEN-SC 440.00; ZOLL MEDICAL-S 359.25.

-s- Lea Ann Doak  
City Clerk

Publish: November 12, 2015

**CITY MANAGER'S REPORT  
NOVEMBER 16, 2015 CITY COUNCIL MEETING**

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**ITEM:** 4E

**RECOMMENDATION:**

**APPROVE THE BID SPECIFICATIONS FOR ONE (1) NEW FOUR WHEEL DRIVE RUBBER-TIRED LOADER FOR THE CITY OF MCCOOK TRANSFER STATION AND SET THE DATE TO RECEIVE BIDS AS DECEMBER 8, 2015 AT 2:00 P.M.**

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**BACKGROUND:**

As approved in the FY 2015/2016 Budget for the Transfer Station, we have allocated \$25,000 for a lease/purchase payment. This will replace the 2011 Caterpillar 930H, which has 9,330 hours and is currently being used to load refuse into the trailers for transport to J Bar J Landfill.

By bidding this at this time, we are hoping to secure a machine prior to the end of the year due to an anticipated price increase that may take affect the first of the year

**FISCAL  
IMPACT:** None.

**RECOMMENDATION:**

**APPROVE THE BID SPECIFICATIONS FOR ONE (1) NEW FOUR WHEEL DRIVE RUBBER-TIRED LOADER FOR THE CITY OF MCCOOK TRANSFER STATION AND SET THE DATE TO RECEIVE BIDS AS DECEMBER 8, 2015 AT 2:00 P.M.**

**APPROVALS:**

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

NOVEMBER 11, 2015

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

NOVEMBER 11, 2010

**CITY OF MCCOOK  
Transfer Station**

**BID SPECIFICATIONS**

**ONE (1) NEW  
4-WHEEL DRIVE  
RUBBER-TIRED LOADER**

**NOVEMBER 16, 2015**

## **NOTICE TO BIDDERS**

The City of McCook is accepting sealed bids for One (1) New 4-wheel Drive, Rubber-Tired Loader. Bids will be accepted by the City Clerk at the McCook City Offices until 2:00 P.M. on Tuesday, December 8, 2015 and then such bids shall be publicly opened and read aloud in the City Council Chambers, McCook Municipal Facility. Specifications and instructions to bidders are on file in the office of the City Clerk.

The Council reserves the right to reject any or all bids and to waive any irregularities.

-s-     Lea Ann Doak  
          City Clerk  
          P.O. Box 1059  
          302 West 5th Street  
          McCook NE 69001-1059

Publish: November 20, 27 and December 4, 2015.

# INSTRUCTIONS TO BIDDERS

## 1. Defined Terms.

Terms used in these Instructions to Bidders have the meanings indicated below which are applicable to both the singular and plural thereof.

- 1.1. Bidder - one who submits a Bid directly to the City as distinct from a sub-bidder, who submits a bid to a Bidder.
- 1.2. Issuing Office - the office from which the Bidding Documents are to be issued and where the bidding procedures are to be administered.
- 1.3. Successful Bidder - the lowest, responsible and responsive Bidder to whom the City (on the basis of the City's evaluation as hereinafter provided) makes an award.
- 1.4. Bidding Documents - includes the Advertisement or Invitation to Bid, Instructions to Bidders, and the Bid Form.

## 2. Qualifications of Bidders.

To demonstrate qualifications to perform the Work, each Bidder must be prepared to submit within five days after Bid opening upon the City's request detailed written evidence such as financial data, previous experience, present commitments and other such data as may be called for.

## 3. Interpretations and Addenda.

- 3.1. All questions about the meaning or intent of the Bidding Documents are to be directed to the Director of Public Works. Interpretations or clarifications in response to such questions will be issued by Addenda mailed or delivered to all parties recorded by the Clerk as having received the Bidding Documents. Questions received less than ten days prior to the date for opening of Bids may not be answered. Only questions answered by formal written Addenda will be binding. Oral and other interpretations or clarifications will be without legal effect.
- 3.2. Addenda may also be issued to modify the Bidding Documents as deemed advisable by the City.

## 4. Bid Form.

- 4.1. The Bid Form is included with the Bidding Documents.
- 4.2. All blanks on the Bid Form must be completed by printing in black ink or by typewriter.
- 4.3. The Bid shall contain an acknowledgment of receipt of all Addenda (the numbers of which must be filled in on the Bid Form).
- 4.4. The address and telephone number of communications regarding the Bid must be shown.

**5. Submission of Bids.**

Bids shall be submitted at the time and place indicated in the Advertisement for Bid and shall be enclosed in an opaque sealed envelope, marked with "*BID ON ONE (1) NEW 4-WHEEL DRIVE, RUBBER-TIRED LOADER*", and name and address of Bidder. If the Bid is sent through the mail or other delivery system the sealed envelope shall be enclosed in a separate envelope with the notation "BID ENCLOSED" on the face of it.

**6. Modification and Withdrawal of Bids.**

Bids may be modified or withdrawn by an appropriate document fully executed (in the manner that a Bid must be executed) and delivered to the place where Bids are to be submitted any time prior to the opening of Bids.

**7. Opening of Bids.**

Bids will be opened and (unless obviously non-responsive) read aloud publicly in the City Council Chambers, McCook Municipal Facility. An abstract of the amounts of the base Bids and major alternates (if any) will be made available to Bidders after the opening of Bids.

**8. Award of Bid.**

- 8.1. Owner reserves the right to reject any or all Bids, including without limitation the rights to reject any or all nonconforming, nonresponsive, unbalanced or conditional Bids and to reject the Bid of any Bidder if City believes that it would not be in its best interest to make an award to that Bidder, whether because the Bid is not responsive or the Bidder is unqualified or of doubtful financial ability or fails to meet any other pertinent standard or criteria established by the City. The City also reserves the right to waive all informalities not involving price, time or changes in the Work and to negotiate contract terms with the Successful Bidder. Discrepancies between the indicated sum of any column of figures and the correct sum thereof will be resolved in favor of the correct sum. Discrepancies between words and figures will be resolved in favor of the words.
- 8.2. In evaluating Bids, the City will consider the qualifications of Bidders, whether or not the Bids comply with the prescribed requirements, and such alternates, unit prices and other data, as may be requested in the Bid Form or prior to the Notice of Award.
- 8.3. The City may conduct such investigations as the City deems necessary to assist in the evaluation of any Bid and to establish the responsibility, qualifications and financial ability of Bidders.
- 8.4. If the bid is to be awarded, it will be awarded to the Bidder whose evaluation by the City indicates that the award will be in the best interests of the City.

**9. Delivery.**

- 9.1. One (1) new 4-wheel Drive, Rubber-Tired Loader, shall be F.O.B., McCook, Nebraska, and shall not include any federal excise or state sales tax.
- 9.2. A tax exemption certificate will be furnished by the City of McCook.

**10. Trade-in Vehicle.**

The City of McCook Transfer Station will be trading in a 930H CAT - Serial #DHC02210.

**11. Lease/Purchase Plan Availability.**

The bidder must submit their latest lease/purchase plan and interest rate for the machine offered.

## GENERAL SPECIFICATIONS

### ONE (1) NEW 4-WHEEL DRIVE, RUBBER-TIRED LOADER

#### GENERAL:

It is the intent of these specifications to describe a 4-wheel Drive, Rubber-Tired Loader in sufficient detail to secure bids on comparable equipment. All parts not specifically mentioned, which are necessary to provide a complete loader, shall be included in the bid and shall conform in strength, quality of material and workmanship to what is usually provided to the trade in general. The loader shall be a new, standard production model of the latest design in current production.

Any 4-wheel drive, rubber-tired loader not conforming to these specifications will be rejected, and it will be the responsibility of the manufacturer to conform with the requirements unless deviations have been cited by the bidder.

Because the maintenance of this equipment without excessive downtime is critical, the bidder shall satisfy the City of McCook that they maintain a store or a branch store, with qualified servicemen and with provisions for storing a representative supply of parts for the machine offered and with provisions for securing parts from the manufacturer within a reasonable length of time.

The successful bidder agrees to provide a similar unit, at no cost to the City, whenever the City experiences greater than four (4) consecutive working days downtime due to bidder's responsibility of repair machine.

The bidder shall supply one (1) parts book, one (1) service and repair manual, and one (1) operator's manual with the unit.

The bidder shall furnish (in writing) his guarantees and the length of the guarantees on all parts and labor for the machine.

The bidder shall list on a separate sheet of paper any variations from, or exceptions to, the conditions and specifications of this bid. This sheet shall be labeled "*EXCEPTION(S) TO BID CONDITIONS AND SPECIFICATIONS*" and shall be attached to the bid form.

The bidder must submit with their bid the latest printed specifications on the units they propose to furnish.

The bidder must submit his latest lease/purchase plan and interest rate for the machine offered.

#### INTENT:

It is the intent of the City not to be restrictive to any one manufacturer. However, the 4-wheel Drive, Rubber-Tired Loader desired must meet the enclosed standards and any loader furnished which does not comply with the specifications will be rejected and returned to the bidder at their expense. All items appearing in the bidder's regular specifications which are in addition to these standards are assumed to be included in the bidder's proposal.

The 4-wheel Drive, Rubber-Tired Loader furnished under these specifications shall be the latest model offered to the general trade, at least equal in every respect to the construction and performance characteristics shown in the manufacturer's specifications and descriptive literature for this type vehicle as manufactured and advertised for delivery in the continental United States and including all equipment normally offered and installed at the factory.

The 4-wheel Drive, Rubber-Tired Loader must meet or exceed the following minimum specifications. Any additions, deletions or variations from the following specifications must be noted. These specifications shall be construed as minimum. Should the manufacturer's latest specifications exceed these, they shall be considered minimum and shall be furnished. It is also required that the bidder furnish descriptive literature and any additional specifications or information necessary to qualify the equipment he proposes to furnish.

Unless otherwise noted, all items specified must be factory-installed, inspected, tested and/or calibrated, as required, except that manufacturer's policies pertaining to dealer installation of minor accessories will be honored.

Other than where specifically noted, it is intended that the manufacturer will build the loader to these specifications and that the selling or servicing dealer will be required only to perform the pre-delivery service and not be required to modify, alter, exchange, assemble, install or paint various components to meet these specifications.

The 4-wheel Drive, Rubber-Tired Loader shall be equipped with all legally required and manufacturer's recommended lights.

The vehicle shall comply with all current provisions of the National Traffic and Motor Vehicle Safety Act.

**MINIMUM SPECIFICATIONS  
ONE (1) NEW 4-WHEEL DRIVE,  
RUBBER-TIRED LOADER**

ENGINE	Engine capable of 148 net horse power. Dual element, radial seal air filters with dust bowl pre-cleaner. Must meet EPA Tier 4 Final emission standards. Air filter visual indicator to check restriction. Radiator fan, oil cooler and air condenser cores shall swing away from radiator core providing an unobstructed full length access to both sides of the radiator for cleaning. Radiator shall have a sight gauge fluid level. Fan to be hydraulic reversing with in-cab control.
ELECTRICAL	24 volt electrical system with a disconnect switch. Minimum 115 amp alternator. Radio ready cab with wiring and internal speakers. Front and rear work lights, directional signals and stop and tail light. Cab mounted revolving beacon light. Backup alarm.
TRANSMISSION	Fully automatic, with four speeds forward and three reverse speeds. Speed and directional change shall be actuated by a single control lever mounted on the steering column with electronically controlled shifting. Transmission to be equipped with auto-shift, full range shifting up or down with electronic step down control. Forward/neutral/reverse control mounted on hydraulic joystick control.
BRAKES	Inboard mounted oil cooled disc brakes, hydraulically actuated. Parking brake shall be mechanical, hand operated from the cab. Park brake to neutralize the transmission.
HYDRAULIC SYSTEM	Pilot operated hand controls with single lever joy stick control for lift and tilt and a single lever 3 <sup>rd</sup> valve for bucket top clamp. Steering and braking systems shall have separate hydraulic pumps which are independent of implement hydraulic system.
LOADER LINKAGE	Automatic bucket positioner and lift kickouts with return to dig. The City of McCook desires manufacturer's own high lift boom to provide a minimum dump clearance of 11 feet at 45° bucket angle discharge and a minimum reach of 9 feet 6 inches from the front of the front tires to the tip of the bucket cutting edge when raised 4 feet off of the ground with standard 20.5 x 25 tires. Heavy duty (Balderson or equivalent) factory built bucket with top clamps and bolt on cutting edge. Bucket capacity 3.25 cubic yards heaped. Bucket to be built from 8mm A-572 steel with a wedge floor, 2 top clamps to have three tines manufactured from 1 inch A-572 steel. Each clamp to operate independently so uneven loads can be handled. Bucket to be designed to work against a wall. Clamps to open with the swing arc behind the bucket cutting edge.
TIRES AND STEERING	Foam filled Michelin 20.5-R25 XHA-L3 tires with fenders. Steering minimum of 40° left or right. Articulation joint must have double tapered roller bearings on both top and bottom joints.

OPERATOR'S  
COMPARTMENT

ROPS cab with heater, air conditioner and pressurizer. Rear window shall be equipped with full coverage defroster. Cab sound level shall be no more than 68 dB(A) with doors and windows closed. Adjustable tilt steering column-console. The front window shall be equipped with a washer and 2 speed intermittent wiper. The rear window to have a wiper/washer. The seat will be a cloth covered, fully adjustable air suspension seat with a 3 inch retractable seat belt. Dual inside mounted rear view mirrors and an outside mounted mirror on each side. AM-FM/CD radio - could be dealer installed. Front sun visor, retractable rear sun screen. Factory installed rearview camera system.

DIMENSIONS &  
SPECIFICATIONS  
DESIRED

Maximum wheel base of 10 feet 8 inches. Static tipping load at full 40° turn 14,000 lbs. minimum. Overall height to top of cab shall not exceed 11 feet 2 inches. Break out force minimum of 20,000 lbs. Operating weight minimum of 28,500 lbs.

OTHER

Machine to be equipped with a crank case guard, power train guard and drive shaft guard. 12 volt accessory plug-in mounted in cab, 120 volt block heater. 1,000 pound additional counter weight.

WARRANTY

5 year or 7,500 hours (whichever comes first) full machine warranty to cover parts, labor, and mileage.

**NOTICE: ANY DEVIATIONS FROM THESE SPECIFICATIONS MUST BE SEPARATELY LISTED. OTHERWISE, IT WILL BE ASSUMED THAT THE BID MEETS THE SPECIFICATIONS IN ALL RESPECTS.**

# BID FORM

**NOTE:** All equipment shall be factory-installed and shall be considered to be under factory warranty.

## TOTAL COST BID (with Trade-In)

(1)	Net cost as per specifications	\$ _____
(2)	Less Trade-in	\$ _____
(3)	Net trade difference (Actual price paid by the City of McCook)	\$ _____
(4)	Less: "Guaranteed Repurchase Price" for 5 years or 7,500 hours, whichever comes first	-\$ _____
(5)	<b><u>TOTAL COST PRICE</u></b> Line 3, less line 4	\$ _____

MAKE \_\_\_\_\_

MODEL \_\_\_\_\_

DELIVERY DATE \_\_\_\_\_

This Bid Submitted by

\_\_\_\_\_  
Company Name

\_\_\_\_\_  
Company Address

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

PARTS & SERVICE LOCATION: \_\_\_\_\_

FIELD SERVICE LOCATION: \_\_\_\_\_

**Contact Person:** Kyle Potthoff, Director of Public Works 308/345-2022 ext. 231

**Trade-in 930H CAT (2011) with 9,330 hours - Serial #DHC02210**

The City of McCook reserves the right to reject any or all bids, to waive any informality in bids, to accept in whole or in part any bid, and to exercise its own judgement as to the best proposal received.

**CITY MANAGER'S REPORT  
NOVEMBER 16, 2015 CITY COUNCIL MEETING**

**ITEM: 5A** Review and discuss Ordinance No. 113.02(3), Location of Trailers: Zoning Requirements.

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**BACKGROUND:**

At the November 2, 2015 meeting, Staff was asked to put Ordinance No. 113.02 on the agenda for discussion. The part of the ordinance to be discussed is the parking limitation for motor homes in front driveways during the period from November 1 to April 1.

**FISCAL IMPACT:**

None.

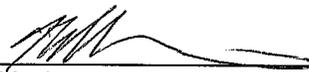
**RECOMMENDATIONS:**

Review and discuss Ordinance No. 113.02(3), Location of Trailers: Zoning Requirements.

**APPROVALS:**

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

November 12, 2015

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

November 12, 2015

Print

McCook, NE Code of Ordinances

**§ 113.02 LOCATION OF TRAILERS; ZONING REQUIREMENTS.**

(A) (1) It shall be unlawful for any person to park any trailer on any street, alley, highway, or other public place, or on any tract of land owned by any person, occupied or unoccupied, within the city, except as provided in this chapter.

(2) Emergency or temporary stopping or parking is permitted on any street, alley, or highway for not longer than one and one-half hours, subject to any other and further prohibitions, regulations or limitations imposed by the traffic and parking regulations or ordinances for that street, alley or highway.

(3) No person shall park or occupy any trailer on the premises of any occupied dwelling, or on any lot which is not a part of the premises of any occupied dwelling, either of which is situated outside an approved trailer camp, except, the parking of only one unoccupied trailer in an accessory private garage building or in a rear yard in any district is permitted, provided, that no living quarters shall be maintained or any business practiced in the trailer while the trailer is so parked or stored. The City Council may by resolution permit limited business practices in a trailer for a period not to exceed six months if the building in which the business was located is damaged by fire, explosion, act of God, or public enemy to the extent that utilization of a trailer is necessary. Notwithstanding the above, a trailer coach or motor home shall be allowed to park on the front driveways of residences from April 1 to November 1 as long as it does not create a safety hazard.

(Prior Code, § 10-702)

(B) (1) No trailer camp or camping area shall be located in any residential zone or any other zone save and except where the zoning ordinance is complied with.

(2) No trailer camp or camping area shall be located within the city unless city water and sewer connections and fire protection facilities are available.

(3) No occupied trailer shall be located within the city within the recognized setback line for the zoning district in which the trailer is located not less than ten feet from any other building or vehicle or the boundary line of the tract on which the trailer is located.

(Prior Code, § 10-706)

Penalty, see § 10.99

***Statutory reference:***

*Authority, see Neb. RS 16-246*

*Similar state law provisions, see Neb. RS 16-205*