

**AGENDA**  
**MCCOOK CITY COUNCIL**  
**REGULAR MEETING**  
**Monday - December 7, 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 - Clark Bates, McCook Christian 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. 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 16, 2015 regular City Council meeting.  
120715 minutes
  - B. Approve the bid specifications for Ballpark Concessions at the Jaycee Ball Complex and Felling Field and set the date to receive bids as December 29, 2015 at 2:00 P.M.  
120715 concessions
  - C. Award the bid for two (2) new 2016 3/4 ton 4-wheel drive pickup trucks to Wagner Ford in the amount of \$51,940.00, it being the lowest most responsible bid.  
120715 pickup
  - D. Approve the request from Ronda Graff to utilize Barnett Park for their 2015 Reindeer Run on Saturday, December 19, 2015 beginning at 10:00 A.M.  
120715 run
- 4. Regular Agenda.**
- A. Recommend to the Department of Transportation to accept the proposal from Boutique Air to operate 12 nonstop round trips per week from McCook Ben Nelson Regional Airport to Denver International Airport as voted upon by the Airport Advisory Commission.  
120715 airline
  - B. Approve 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) upon its second reading.

[120715 funeral homes](#)

C. Council Comments.

- **Adjournment.**

**CITY MANAGER'S REPORT  
DECEMBER 7, 2015 CITY COUNCIL MEETING**

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**ITEM:**          3A  

Approve the minutes of the November 16, 2015 regular City Council meeting.

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**BACKGROUND:**

Receive and approve the minutes.

**FISCAL  
IMPACT:**    None.

**RECOMMENDATION:**

Approve the minutes of the November 16, 2015 regular City Council meeting.

**APPROVALS:**

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

December 3, 2015

MCCOOK CITY COUNCIL  
November 16, 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, Weedon.

Absent: None.

City Officials present: City Manager Schneider, City Attorney Mustion, City Clerk Doak, Police Chief Brown (arrived at 7:01 P.M.), Utilities Director Dutcher, Fire Chief Harpham, and Public Works Director Potthoff.

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on November 12, 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.**

There were no announcements or 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 Friche, Ryan Peters, and Brian Esch; Land owner - Norris Institute.

Upon a motion by Councilmember Calvin, seconded by Councilmember Gonzales, the Council voted to recess as a City Council and convene a public hearing 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 with the City Attorney to act as hearing officer. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedon. NAY: None.

The City Attorney offered and received into evidence Exhibit #1 - the City Manager's Report prepared for the November 16, 2015 City Council meeting (2 pages); Exhibit #2 - Notice of Hearing published (1 page); Exhibit #3 - Ownership List for mailing (1 page); Exhibit #4 - Land Use Action Request Form filed by the applicants (8 pages); Exhibit #5 - Real Estate Contract (4 pages); and Exhibit #6 - Planning Commission minutes dated November 9, 2015.

The following was 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. At the Planning Commission 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."

Ron Friehe, applicant, addressed the request with the Council. The applicants have a Real Estate Contract with the Norris Institute for the purchase of the parcel contingent upon approval of the special exception. The size of the building will depend upon the number of interested landowners in the Highland Subdivision. It will be a condominium type arrangement with individual ownership. The current estimation is a building being 50' to 60' wide and 100' to 150' long. The building will be constructed on a flat pad in the western ½ of the parcel. Most of the drainage will be to the south.

There being no one else present to comment, upon a motion by Councilmember Calvin, seconded by Councilmember Weedon, 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. 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.

Councilmember Hepp introduced a motion to approve the Special Exception request from Ron Friehe, Ryan Peters, and Brian Esch 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; Land owner - Norris Institute; that the Council is empowered to grant this special exception; 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 the following issues:

- 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 reference to the items in (a) and (b) above;
- d) utilities, with reference to locations, availability and compatibility;
- e) screening and buffering with reference to type, dimensions and character;
- f) signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district;
- g) required yards and other open space;
- h) general compatibility with adjacent properties and other property in the district.
- i) compatibility with the existing and future land use plans in the McCook Comprehensive Plan.

The motion was seconded by Councilmember McDowell, and passed by the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

- 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 Councilmember Calvin, seconded by Councilmember Weedon, the Council voted to recess as a City Council and convene a public hearing 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 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 16, 2015 City Council meeting (2 pages); Exhibit #2 - Notice of Public Hearing (1 page); Exhibit #3 - Property Owners Notified of Public Hearing (2 pages); Exhibit #4 - proposed Subdivision Agreement for Quillan Courts, L.L.C. Subdivision Replat No. 3 (21 pages); and Exhibit #5 - minutes of the November 9, 2015 Planning Commission meeting.

The following information was presented in the City Manager's Report: "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 a sidewalk on the west side of Block 1 as detention ponds will not allow for sidewalk development. The lack of a 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."

Councilmember Calvin inquired if the area to the west is adequate for fire fighters should the need arise – there is a total of four proposed fire hydrants in the subdivision and fire fighters would be able to attack a fire from the west.

There being no one else present to comment, upon a motion by Councilmember Calvin, 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.

- 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.

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

- 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.

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

- 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 Councilmember Calvin, seconded by Councilmember Weedin, the Council voted to recess as a City Council and convene a public hearing for the purpose of receiving public comment on 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) with the City Attorney to act as hearing officer. The motion passed upon the following roll call vote: YEA: Gonzales,

Hepp, Calvin, McDowell, Weedon. NAY: None.

The City Attorney offered and received into evidence Exhibit #1 - the City Manager's Report prepared for the November 16, 2015 City Council meeting (2 pages); Exhibit #2 - Notice of Hearing published (1 page); Exhibit #3 - Property Owners Notified of hearing (2 pages); Exhibit #4 - McCook Planning Commission Resolution PC2015-07 (1 page); Exhibit #5 - Preliminary Planned Unit Development Agreement for Quillan Courts Project (2 pages); and Exhibit #6 - minutes of the November 8, 2015 Planning Commission meeting (8 pages).

Information presented in the City Manager's Report included: "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."

City Manager Schneider informed the Council that the preliminary Planned Unit Development Agreement addresses five zoning issues: the narrower lot sizes; side yard setback requirements; backyard setback requirements; maximum lot coverage requirements; and the request for a 10 foot utility easement.

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

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).

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

It was the consensus of the Council to have the 10 foot utility easement indicated on the replat.

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 Councilmember Weedin, seconded by Councilmember Calvin, the Council voted to recess as a City Council and convene a public hearing for the purpose of receiving public comment on a 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 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 16, 2015 City Council meeting (2 pages); Exhibit #2 - Notice of Hearing published (1 page); Exhibit #3 - proposed Ordinance No. 2015-2925 (3 pages); Exhibit #4 - Current Article 12 of McCook Zoning Ordinance No. 2013-2897 (4 pages); Exhibit #5 - Planning Commission minutes of the November 9, 2015 meeting (8 pages); Exhibit #6 - Official Zoning Map (1 page).

Information presented in the City Manager's Report included: "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 West "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 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 West "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.

There being no one else present to comment, upon a motion by Councilmember Weedin, 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.

- 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).

Mayor Gonzales introduced Ordinance No. 2015-2925 by title. The Clerk read the Ordinance by title:

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.

Ordinance No. 2015-2925 was introduced and read by title only. Motion was made by Councilmember Weedin, seconded by Councilmember McDowell, to approve Ordinance No. 2015-2925 on its first reading. Upon roll call vote the following Councilmembers voted YEA: Gonzales, Calvin, Hepp, McDowell, Weedin. NAY: None. Motion carried. Whereupon the Mayor declared said Ordinance No. 2015-2925 approved on its first reading.

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

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

Upon a motion by Mayor Gonzales, seconded by Councilmember McDowell, the Council voted to approve the minutes of the November 2, 2015 regular City Council meeting and the November 5, 2015 special City Council meeting. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

- 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.

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

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

Upon a motion by Mayor Gonzales, seconded by Councilmember McDowell, the Council voted to

receive and file the claims for the month of October 2015 as published November 12, 2015. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedon. NAY: None.

- 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.

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

**5. Regular Agenda.**

- 4C. Receive and file the minutes of the November 9, 2015 Planning Commission meeting.

Upon a motion by Councilmember McDowell, seconded by Councilmember Calvin, the Council voted to receive and file the minutes of the November 9, 2015 Planning Commission meeting. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedon. NAY: None.

Councilmember McDowell noted that the street name in John Allen's testimony should be "R" Street not "F" Street.

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

Discussion was held regarding Section No. 113-02(3), Location of Trailers: Zoning Requirements of the City of McCook's Code of Ordinances.

Discussion included regarded less restrictions on owners of oversized recreational vehicles; should recreational vehicles be allowed on front driveways year round, current ordinance prohibits parking of such vehicles on front driveways, except April 1 to November 1; why those months were established; if it is not that big of an issue during those months, why is an issue between November 2 and March 31; the need for less government intrusion; and forcing citizens to use private business for storage of their recreational vehicles.

Police Chief Brown informed the Council that he believed the seasonality of the ordinance was intended to line up with when the recreational vehicles are being used, it allows them to park in their front driveways when getting them ready for use without violating the law; aesthetics and snow removal are also a concern; from a practical standpoint the Police Department's interpretation has been that driveways installed for motor homes are okay as long as they are even with the front of the house; and that they are managed on a case by case basis.

- B. Council Comments.

There were no Council Comments.

- **Adjournment.**

There being no further business to come before the Council, Mayor Gonzales declared the meeting adjourned at 7:35 P.M.

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Michael D. Gonzales, Mayor

ATTEST:

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Lea Ann Doak, City Clerk

**CITY MANAGER'S REPORT  
DECEMBER 7, 2015 CITY COUNCIL MEETING**

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**ITEM:**        3B

**RECOMMENDATION:**

**APPROVE THE BID SPECIFICATIONS FOR BALLPARK CONCESSIONS AT THE JAYCEES BALL COMPLEX AND FELLING FIELD AND SET THE DATE TO RECEIVE BIDS AS DECEMBER 29, 2015 AT 2:00 P.M.**

---

**BACKGROUND:**

The concessions at both the Jaycees Ball Complex and Felling Field will terminate on December 31, 2015. In the past, the contract for the concessions has been for three years and we would like to continue with this time frame. City Staff has met with McCook Community College and they have agreed to provide concessions for their events at the Jaycee Complex between November 1<sup>st</sup> and April 30<sup>th</sup> of each year. With this change, the concessionaire responsibility will be shortened to 6 months instead of all year. This should make it a more manageable time frame for those that are interested in bidding out the concessions at the Jaycee Complex. Felling Field will remain the same as it has in past years with the concessionaire responsible for all scheduled events. Felling Field events typically begin with some traveling team games in April and concludes in mid to late July.

**FISCAL  
IMPACT:**        None.

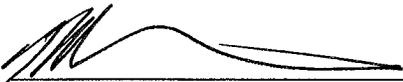
**RECOMMENDATION:**

**APPROVE THE BID SPECIFICATIONS FOR BALLPARK CONCESSIONS AT THE JAYCEES BALL COMPLEX AND FELLING FIELD AND SET THE DATE TO RECEIVE BIDS AS DECEMBER 29, 2015 AT 2:00 P.M.**

**APPROVALS:**

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

November 30, 2015

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

November 30, 2015

CITY OF McCOOK  
BID SPECIFICATIONS  
FOR  
BALLPARK CONCESSIONS

DECEMBER 7, 2015

## NOTICE TO BIDDERS

The City of McCook is accepting sealed bids for exclusive concession rights at the McCook Jaycee Complex and Felling Field for a three (3) year contract.

The official bid form and additional information may be obtained at the Office of the City Clerk.

Bids will be received until 2:00 P.M., Tuesday, December 29, 2015 at the Office of the City Clerk, McCook Municipal Facility, 505 West "C" Street, McCook, NE 69001. The bids will be opened publicly in the City Council Chambers and read aloud shortly thereafter.

Lea Ann Doak  
City Clerk  
PO Box 1059  
McCook NE 69001-1059

Publish: December 9, 16, and 23, 2015

## Lea Ann Doak

---

**From:** Lea Ann Doak  
**Sent:** Wednesday, December 02, 2015 10:03 AM  
**To:** 'Brenda Gillen'; 'Gazette Receivables (receivables@mccooknet.com)'; 'Lori Schmidt - City of McCook'; 'mdglegals@mccooknet.com'; 'Nancy Pick'  
**Subject:** Bid Concessions

### NOTICE TO BIDDERS

The City of McCook is accepting sealed bids for exclusive concession rights at the McCook Jaycee Complex and Felling Field for a three (3) year contract.

The official bid form and additional information may be obtained at the Office of the City Clerk.

Bids will be received until 2:00 P.M., Tuesday, December 29, 2015 at the Office of the City Clerk, McCook Municipal Facility, 505 West "C" Street, McCook, NE 69001. The bids will be opened publicly in the City Council Chambers and read aloud shortly thereafter.

Lea Ann Doak  
City Clerk  
PO Box 1059  
McCook NE 69001-1059

Publish: December 9, 16, and 23, 2015

## INSTRUCTIONS TO BIDDERS

1. The successful bidder will provide concessions for all events scheduled at the Jaycee Complex from May 1<sup>st</sup> to October 31<sup>st</sup> each year and/or Felling Field for all scheduled events throughout each calendar year. McCook Community College will provide concessions at their events from November 1<sup>st</sup> to April 30<sup>th</sup> of each year.
2. The City will provide the concession buildings in good serviceable condition and will maintain the buildings in such condition throughout the course of the ball season. The City will provided an ice machine that will be located at the Jaycee Complex that can be used for both facilities. All other equipment shall be provided by the successful bidder.
3. The Bidder will keep the concession stand clean and sanitary during the course of the season and at the end of the season shall clean the facilities and call for inspection by the City.
4. Bid amounts and the deposit of \$500.00 (deposit will be returned if contract is followed) for the right to conduct concession operations at the McCook Jaycee Complex and/or at Felling Field are due in advance of conducting concession operations at either location.
5. Bidders will be expected to provide a relatively complete line of concessions including but not limited to soft drinks, sandwiches, popcorn, and candy.
6. The City reserves the right to review and prohibit the sale of certain products at the concession facility which may cause a problem in the operation of the ballpark facilities. SALE OF ALL GUM IS SPECIFICALLY PROHIBITED.
7. Bidders will have the exclusive right and will be expected to provide concession service for all scheduled games, scheduled and non-scheduled tournaments, and all other events and activities taking place at the Jaycee Complex and/or Felling Field. The concession stand will be open and adequately staffed during all times that scheduled activity is being conducted at either location.
8. The Bidder shall police the area in and around the concession stand, bleacher areas and walkways, depositing all litter, **including sunflower seeds**, in appropriate trash receptacles and maintaining the area in a neat and orderly condition, by noon each day.
9. The City reserves the right to accept the bid for only one Ballpark.
10. Concessionaire shall be responsible for keeping the restrooms clean and well stocked throughout the duration of all events on weekdays, weekends and holidays.. Cleaning supplies will be furnished by the City.
11. The bids shall be submitted for a three (3) year term. The successful bidder and the City will execute a Letter of Agreement upon award of the bid. Either the City or the bidder shall have the right to terminate the concession contract for the upcoming year for failure to comply with the terms of the Agreement or with the conditions of the bid set out in paragraphs 1 - 10 above. Written notice of the decisions to terminate shall be mailed to the other party by January 1st.

**BID FORM FOR BALLPARK CONCESSIONS**  
**City of McCook, Nebraska**  
**Three (3) Year Term**

MCCOOK JAYCEE COMPLEX

	2016	2017	2018
Bid for Concessions \$	_____		

Operated by: \_\_\_\_\_  
\_\_\_\_\_

FELLING FIELD

	2016	2017	2018
Bid for Concessions \$	_____		

Operated by: \_\_\_\_\_  
\_\_\_\_\_

The City of McCook reserves the right to reject any or all bids and to waive any irregularities and to exercise its own judgement as to the best bids received.

**CITY MANAGER'S REPORT  
DECEMBER 7, 2015 CITY COUNCIL MEETING**

---

**ITEM:** 3C

**RECOMMENDATION:**

**AWARD THE BID FOR TWO (2) NEW 2016 3/4 TON 4-WHEEL DRIVE PICKUP TRUCKS TO WAGNER FORD IN THE AMOUNT OF \$51,940.00 IT BEING THE LOWEST MOST RESPONSIBLE BID.**

---

**BACKGROUND:**

On Wednesday November 9, 2015 bids were opened for two new 2015 or 2016 3/4 ton 4-wheel drive pickup trucks for the Parks and Street departments. We received a total of four bids which are listed below:

Janssen & Sons Ford	\$51,264.00 (\$25,632.00 each)
Deveny	\$51,838.00 (\$25,918.00 each)
Wagner Ford	\$51,940.00 (\$25,970.00 each)
Wagner Chevrolet	\$54,948.00 (\$27,474.00 each)

The Janssen & Sons Ford bid does not include the sliding glass windows that were requested in the bid specifications. This item is important to us as we run control cables from equipment, such as mosquito sprayers, through the sliding rear window into the cab.

The general specifications states that the bidder must submit with their bid the latest printed specifications on the units that they propose to furnish. The second lowest bid did not include this information.

After reviewing the four bids that were submitted, it is staffs recommendation to award the bid for 2 new 2016 3/4 TON 4-WHEEL DRIVE PICKUP TRUCKS to Wagner Ford in the amount of \$51,940.00 or \$25,970.00 each.

Estimated delivery of these pickups is 8 weeks from the award of bid.

An alternate for a third pickup for the cemetery department was included in the bid specifications. Once staff reviewed the bids, it was determined that there was not enough funding for this pickup. Staff will look to purchase a used pickup for the cemetery department.

**FISCAL  
IMPACT:** None.

**RECOMMENDATION:**

**AWARD THE BID FOR TWO (2) NEW 2016 3/4 TON 4-WHEEL DRIVE PICKUP TRUCKS TO WAGNER FORD IN THE AMOUNT OF \$51,940.00 IT BEING THE LOWEST MOST RESPONSIBLE BID.**

**APPROVALS:**

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

NOVEMBER 30, 2015

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

NOVEMBER 30, 2015

**NEW 3/4 TON  
4-WHEEL DRIVE PICKUP TRUCKS**

**NOVEMBER 7, 2015  
2:30 P.M.**

<p><b>BIDDER:</b> Jansson Ford Holdrege NE</p> <p><u>3/4 TON 4-WHEEL DRIVE PICKUP TRUCK</u> 2016 F250 XL</p> <p><b>BASE BID</b> Per Unit \$ 25,632 Total Bid Two (2) New 3/4 Ton \$ _____</p> <p><b>ALTERNATE A</b> Per Unit \$ 25,632 Total Bid Three (3) New 3/4 Ton \$ _____</p> <p>Delivery Date 90-120 days</p>	<p><b>BIDDER:</b> Deveny Motors</p> <p><u>3/4 TON 4-WHEEL DRIVE PICKUP TRUCK</u> 2016 2500 Tradesman 4x4</p> <p><b>BASE BID</b> Per Unit \$ 25,918 Total Bid Two (2) New 3/4 Ton \$ _____</p> <p><b>ALTERNATE A</b> Per Unit \$ 25,918 Total Bid Three (3) New 3/4 Ton \$ _____</p> <p>Delivery Date Jan 5, 2016 approx</p>	<p><b>BIDDER:</b> Wagner Ford</p> <p><u>3/4 TON 4-WHEEL DRIVE PICKUP TRUCK</u> 2016 F250 Super Duty</p> <p><b>BASE BID</b> Per Unit \$ 25,970 Total Bid Two (2) New 3/4 Ton \$ _____</p> <p><b>ALTERNATE A</b> Per Unit \$ 25,970 Total Bid Three (3) New 3/4 Ton \$ _____</p> <p>Delivery Date _____</p>
<p><b>BIDDER:</b> Wagner Chevrolet</p>	<p><b>BIDDER:</b></p>	<p><b>BIDDER:</b></p>
<p><u>3/4 TON 4-WHEEL DRIVE PICKUP TRUCK</u> Chevy Silverado 2500 HD</p> <p><b>BASE BID</b> Per Unit \$ 27,474 Total Bid Two (2) New 3/4 Ton \$ _____</p> <p><b>ALTERNATE A</b> Per Unit \$ 27,474 Total Bid Three (3) New 3/4 Ton \$ _____</p> <p>Delivery Date _____</p>	<p><u>3/4 TON 4-WHEEL DRIVE PICKUP TRUCK</u></p> <p><b>BASE BID</b> Per Unit \$ _____ Total Bid Two (2) New 3/4 Ton \$ _____</p> <p><b>ALTERNATE A</b> Per Unit \$ _____ Total Bid Three (3) New 3/4 Ton \$ _____</p> <p>Delivery Date _____</p>	<p><u>3/4 TON 4-WHEEL DRIVE PICKUP TRUCK</u></p> <p><b>BASE BID</b> Per Unit \$ _____ Total Bid Two (2) New 3/4 Ton \$ _____</p> <p><b>ALTERNATE A</b> Per Unit \$ _____ Total Bid Three (3) New 3/4 Ton \$ _____</p> <p>Delivery Date _____</p>

Kyle Potthoff, Public Works Director

*Lea Ann Doak*  
Lea Ann Doak, City Clerk

**CITY MANAGER'S REPORT  
DECEMBER 7, 2015 CITY COUNCIL MEETING**

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**ITEM:**           3D   

**RECOMMENDATION:**

**APPROVE THE REQUEST FROM RONDA GRAFF TO UTILIZE BARNETT PARK FOR THEIR 2015 REINDEER RUN ON SATURDAY DECEMBER 19 BEGINNING AT 10:00 A.M.**

---

**BACKGROUND:**

Ronda Graff is requesting the use of Barnett Park for the 2015 Reindeer Run. The route for the Reindeer Run is attached. The Ed Thomas YMCA will be co-sponsoring this event which is being held as a fund-raiser for Tyler Rambali as Miss Chadron to benefit the Children's Miracle Network.

**FISCAL**

**IMPACT:**    None.

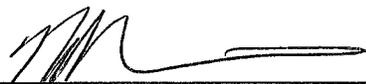
**RECOMMENDATION:**

**APPROVE THE REQUEST FROM RONDA GRAFF TO UTILIZE BARNETT PARK FOR THEIR 2015 REINDEER RUN ON SATURDAY DECEMBER 19 BEGINNING AT 10:00 A.M.**

**APPROVALS:**

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

December 3, 2015

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

December 3, 2015

## Kyle Potthoff

---

**From:** Ronda Graff  
**Sent:** Wednesday, November 18, 2015 12:35 PM  
**To:** potthoff@cityofmccook.com  
**Subject:** run down at Barnett Park  
**Attachments:** Reindeer Run Route.pdf

Next race....

I'm working with Tyler and Travi Rambali on a fundraiser for her as Miss Chadron and we want to do an adventure run through Barnett Park on Saturday, Dec. 19.

I've attached the course...which is from Coach Sughroue and what was used for XC jv meets, the last time in 2006. We would do registrations at the west shelter house by the soccer fields.

Just wondering if the restrooms are already closed up?  
And can you please put us on the next city council agenda?

What: 2015 Reindeer Run

When: Saturday, Dec. 19, 10 a.m.

Where: Barnett Park, two loops within the park (see attached map)

Why: Fundraiser for Tyler Rambali as Miss Chadron to benefit Children's Miracle Network

Contact: Tyler Rambali, 910-987-2074 or Ronda Graff, 308-340-3412

Thx and let me know what else you need.

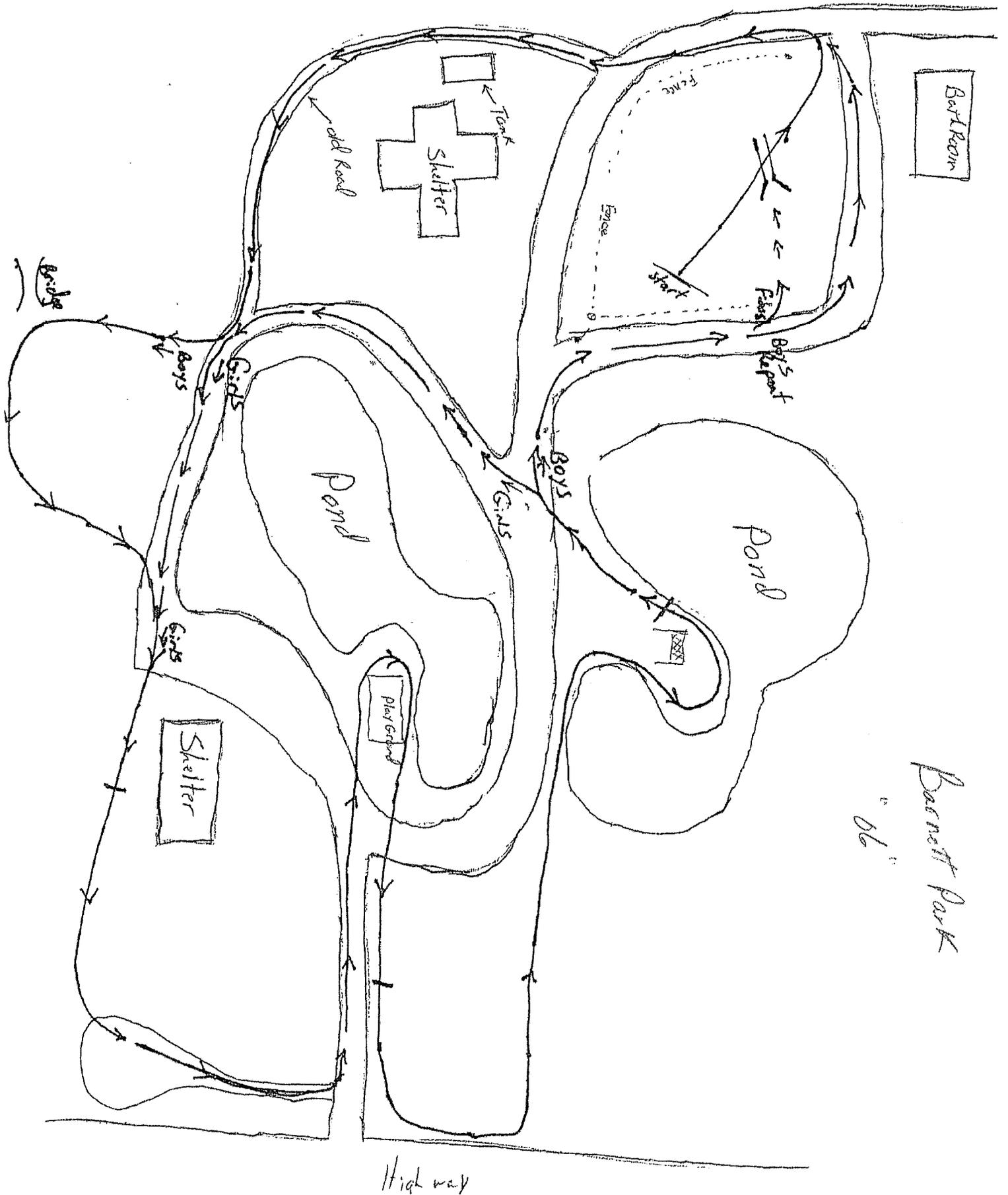
Ronda

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No virus found in this message.

Checked by AVG - [www.avg.com](http://www.avg.com)

Version: 2015.0.6176 / Virus Database: 4460/11014 - Release Date: 11/17/15



Ball Room

Fence

Fence

Boys

Boys' Report

Boys

Boys

Girls

Pond

Pond

Playground

Shelter

Girls

Boys

Girls

Bridge

Highway

Barnett Park

66

**CITY MANAGER'S REPORT  
DECEMBER 7, 2015 CITY COUNCIL MEETING**

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**ITEM:            4A**

**RECOMMENDATION:**

**RECOMMEND TO THE DEPARTMENT OF TRANSPORTATION TO ACCEPT THE PROPOSAL FROM BOUTIQUE AIR TO OPERATE 12 NONSTOP ROUND TRIPS PER WEEK FROM McCOOK BEN NELSON REGIONAL AIRPORT TO DENVER INTERNATIONAL AIRPORT AS VOTED UPON BY THE AIRPORT ADVISORY COMMISSION.**

---

**BACKGROUND:**

On November 30, 2015 the Airport Advisory Commission met and discussed the proposals from Boutique Air, Great Lakes Aviation, Ltd. and Aerodynamics, Inc.(ADI) to provide air service from McCook Ben Nelson Regional Airport. On a unanimous 4-0 vote, the Airport Advisory Commission voted to recommend to the McCook City Council the proposal submitted by Boutique Air.

The Boutique Air proposal would include 12 nonstop weekly round trips to Denver International Airport. These flights would consist of 2 daily flights, Monday thru Friday and 1 daily flight each on Saturday and Sunday. Boutique plans to use single engine Pilatus PC-12 aircraft that have an 8 passenger Executive Configuration or a 9 Passenger Commuter Configuration. These aircraft have a pressurized cabin, power outlets and an enclosed lavatory. All flights will be flown by Captains with over 1,200 hours of flight experience and an instrument rating. While they are certified to fly single pilot they have opted to fly with a two member crew. The subsidy being requested by Boutique Air is \$2,373,939.00. Boutique Air also proposes to spend at least \$20,000.00 annually in advertising and marketing. They plan to utilize local media including radio, print, billboard, TV and internet advertising. Their proposed fares are estimated to range from as low as \$49.00 as an introductory rate and remain below \$100 for the foreseeable future.

Great Lakes' proposal would continue to offer 12 weekly nonstop round trips between McCook and Denver utilizing a 19-seat Beechcraft 1900D aircraft, at a requested annual subsidy rate of \$2,059,677.00 or a 9 seat configuration of the Beechcraft 1900D with annual subsidy of \$2,242,407.00. Great Lakes did not have any mention of advertising or marketing in their proposal.

Aerodynamics, Inc. (ADI) proposal would include 12 nonstop round trips to Denver International Airport. These flights would consist of 2 daily flights, Monday thru Friday and 1 daily flight each on Saturday and Sunday. ADI proposes to use Embraer 145 regional jets that are pressurized and accommodate 50 passengers. ADI's proposal would require the airport to become at least a category 2 airport if not a category 1 airport from a category 3 airport due to the number of seats available on the aircraft. This reclassification would require additional annual training for fire department personnel, would require the fire department to respond 15 minutes prior to each flight as well as remain on sight for 15 minutes after departure as well as more stringent response times for the fire department to any incident that may occur. The reclassification of the airport would also require an upgrade to the ARFF(Aircraft Rescue and Firefighting) truck. In addition, an environmental study would have to be performed that is estimated to cost around

\$40,000.00. ADI proposed to spend a minimum of \$12,000.00 annually on advertising and promotional activities in the McCook area. It has been determined that, at this time, the City was not in a financial position to commit to these requirements. ADI is proposing a \$59.00 introductory rate during the first 30 days of service and thereafter an average fare of \$99.00 is projected.

The Airport Commission Members, as well as City Staff, feel that the Boutique Air proposal gives the airport the best opportunity to provide reliable service at a fair price without a financial impact. The goal will be to increase enplanements.

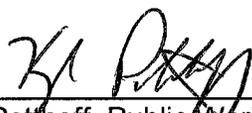
**FISCAL**

**IMPACT:** None.

**RECOMMENDATION:**

**RECOMMEND TO THE DEPARTMENT OF TRANSPORTATION TO ACCEPT THE PROPOSAL FROM BOUTIQUE AIR TO OPERATE 12 NONSTOP ROUND TRIPS PER WEEK FROM McCOOK BEN NELSON REGIONAL AIRPORT TO DENVER INTERNATIONAL AIRPORT AS VOTED UPON BY THE AIRPORT ADVISORY COMMISSION.**

**APPROVALS:**

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

December 1, 2015

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

December 1, 2015

**CITY MANAGER'S REPORT  
DECEMBER 7, 2015 CITY COUNCIL MEETING**

---

**ITEM:**         **4B**

Approve 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) upon its second reading.

---

**BACKGROUND:**

Please refer to the attached City Manager's Report prepared for the November 16, 2015 City Council meeting.

**FISCAL**

**IMPACT:**       None.

**RECOMMENDATION:**

Approve 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) upon its second reading.

**APPROVALS:**

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

December 3, 2015

**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).

---

**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:**

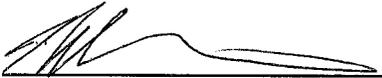
**ITEM: 3H** Public Hearing - Consider a modification to Article 12, Central Business District (CB), of the McCook Zoning Ordinance, adding funeral homes, funeral chapels, and funeral services as permitted principal uses and structures in the CB District.

**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

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: