

## 051616 agenda

### MCCOOK CITY COUNCIL

#### REGULAR MEETING

Monday - May 16, 2016  
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.
  - **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 - modifying the zoning designation of Lots 7 - 12, Block 8, Brown's Park Addition to the City of McCook, (a/k/a 305 East 12<sup>th</sup> Street), from Business Commercial (BC) to Residential Medium (RM) Density District.  
[051616 pinkal](#)
    - B. Introduce and approve Ordinance No. 2016-2933 providing for the rezone of Block Eight (8), Lots Seven (7) through twelve (12), Brown's Park Addition to the City of McCook, Red Willow County, Nebraska, (a/k/a) from Business Commercial (BC) to Residential Medium Density (RM) District.
    - C. Public Hearing - Report from the McCook Economic Development Corporation regarding the Citizen's Advisory Committee meeting held April 25, 2016.  
[051616 lb840 hearing](#)
    - D. Receive and file the minutes of the January 25, 2016 Economic Development Plan Citizen's Advisory Review Committee meeting.

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*Motion to recess as a City Council and convene as the McCook Community  
Development Agency for consideration of the CDA Agenda.*

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### COMMUNITY DEVELOPMENT AGENCY

- **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.*
1. Approve the minutes of the March 21, 2016 Community Development Agency regular meeting.  
[051616 cda minutes](#)

2. Approve Amendment No. 1 to the Redevelopment Contract between the City of McCook, Nebraska and North Pointe Properties, L.L.C.

[051616 cda north pointe amendment](#)

3. Adjournment.

*Motion to recess as the McCook Community Development Agency  
and reconvene as the McCook City Council.*

#### 4. Proclamations.

- A. Approve the proclamation designating May 15 - 21, 2016 as “Emergency Medical Services Week” and authorize the Mayor to sign.

[051616 fire proc](#)

- B. Approve the proclamation designating the week of May 15 - 21, 2016 as “National Public Works Week” and authorize the Mayor to sign.

[051616 pw proc](#)

#### 5. 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 May 2, 2016 regular City Council meeting.

[051616 minutes](#)

- B. Approve the request from the Hillcrest Nursing Home Foundation to utilize city streets and walking trails for their 2016 21.3 Mile Relay Run on Saturday, June 11, 2016.

[051616 hillcrest](#)

- C. Receive the minutes of the May 9, 2016 Planning Commission meeting.

[051616 bd minutes](#)

- D. Approve the application for a Special Designated Liquor License submitted by Schmick's Market, Inc., Liquor License #IDK-084561, a dance/reception to be held at the McCook Municipal Auditorium, 302 West 5<sup>th</sup> Street, on May 28, 2016 from 4:00 P.M. to 11:59 P.M.

[051616 schmicks](#)

- E. Adopt Resolution No. 2016-10 relieving CPI Qualified Plan Consultants from their duties as administrator of the City of McCook Employee Retirement Plan, entering into an agreement with Benefit Plans, Inc. to serve as the administrator, and entering into a Service Agreement with John Hancock.

[051616 emp pension](#)

- F. Adopt Resolution No. 2016-12 relieving CPI Qualified Plan Consultants from their duties as administrator of the City of McCook Police Employees Retirement Plan, entering into an agreement with Benefit Plans, Inc. to serve as the administrator, and entering into a Service Agreement with John Hancock.

[051616 police pension](#)

- G. Adopt Resolution No. 2016-11 relieving CPI Qualified Plan Consultants from their duties as administrator of the City of McCook Firefighters Retirement Plan, entering into an agreement with Benefit Plans, Inc. to serve as the administrator, and entering into a Service Agreement with John Hancock.

[051616 fire pension](#)

- H. Approve the application for a Special Designated Liquor License submitted by the McCook Area Chamber of Commerce for a Business after hours/Networking affair to be held at American Agricultural Laboratory, 700 West “D” Street, on June 14, 2016 from 4:00 P.M. to 10:00 P.M.; with alternate dates of June 15, 2016, June 20, 2016, and June 21, 2016.

[051616 chamber](#)

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

[051616 row great plains \(2\)](#)

J. Receive and file the claims for the month of April 2016 as published May 16, 2016.  
051616 claims

**6. Regular Agenda.**

A. Approve a request by Chris and Annette Wagner, 1411 East 5<sup>th</sup> Street, to occupy a portion of the sewer easement the city has through the Wagner property providing certain construction standards are met.

051616 wagner

B. Approve and execute a lease and airport use agreement with Boutique Air and provide information on tentative operation hours.

051616 boutique air

C. Introduce and approve on first reading, Ordinance No. 2016-2928, which updates and amends §150 *et seq.* of the McCook Code of Ordinances, Building Codes and Regulations, which includes the adoption of the 2012 International Building, Residential, Plumbing, Mechanical, Fuel and Gas, Property Maintenance, Existing Building and Energy Conservation Codes, with modifications, as well as to update and amend code provisions specific to the building inspector, unsafe buildings, mobile homes, building moving, electricity, and licensing/certification.

051616 bldg codes

D. Introduce and approve on first reading, Ordinance No. 2016-2931 which updates and amends §151.01 of the McCook Code of Ordinances, Zoning, to reflect the Zoning Regulations update and modification.

051616 zoning regs

E. Introduce and approve on first reading, Ordinance No. 2016-2932 which updates and amends §152.01 of the McCook Code of Ordinances, Subdivisions, to reflect the Subdivision Regulations update and modification.

051616 sub regs (2)

F. Introduce and approve on first reading, Ordinance No. 2016-2930 which amends Chapter 91 of the McCook Code of Ordinances to include a prohibition against maintaining an electrical wire in a street, alley, sidewalk or building which would interfere with the McCook Fire Department's ability to perform fire safety services.

051616 fire

G. Council Comments.

▪ **Adjournment.**

**MCCOOK CITY COUNCIL**

**REGULAR MEETING**

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**2. Announcements & Recognitions.**

**3. Public Hearings:**

- A. Public Hearing - modifying the zoning designation of Lots 7 - 12, Block 8, Brown's Park Addition to the City of McCook, (a/k/a 305 East 12<sup>th</sup> Street), from Business Commercial (BC) to Residential Medium (RM) Density District.
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- C. Public Hearing - Report from the McCook Economic Development Corporation regarding the Citizen's Advisory Committee meeting held April 25, 2016.
- D. Receive and file the minutes of the January 25, 2016 Economic Development Plan Citizen's Advisory Review Committee meeting.

*Motion to recess as a City Council and convene as the McCook Community Development Agency for consideration of the CDA Agenda.*

## COMMUNITY DEVELOPMENT AGENCY

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3. Adjournment.

*Motion to recess as the McCook Community Development Agency  
and reconvene as the McCook City Council.*

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- E. Adopt Resolution No. 2016-10 relieving CPI Qualified Plan Consultants from their duties as administrator of the City of McCook Employee Retirement Plan, entering into an agreement with Benefit Plans, Inc. to serve as the administrator, and entering into a Service Agreement with John Hancock.
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- E. Introduce and approve on first reading, Ordinance No. 2016-2932 which updates and amends §152.01 of the McCook Code of Ordinances, Subdivisions, to reflect the Subdivision Regulations update and modification.
- F. Introduce and approve on first reading, Ordinance No. 2016-2930 which amends Chapter 91 of the McCook Code of Ordinances to include a prohibition against maintaining an electrical wire in a street, alley, sidewalk or building which would interfere with the McCook Fire Department's ability to perform fire safety services.
- G. Council Comments.

▪ **Adjournment.**

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- D. Introduce and approve on first reading, Ordinance No. 2016-2931 which updates and amends §151.01 of the McCook Code of Ordinances, Zoning, to reflect the Zoning Regulations update and modification.
- E. Introduce and approve on first reading, Ordinance No. 2016-2932 which updates and amends §152.01 of the McCook Code of Ordinances, Subdivisions, to reflect the Subdivision Regulations update and modification.
- F. Introduce and approve on first reading, Ordinance No. 2016-2930 which amends Chapter 91 of the McCook Code of Ordinances to include a prohibition against maintaining an electrical wire in a street, alley, sidewalk or building which would interfere with the McCook Fire Department's ability to perform fire safety services.
- G. Council Comments.

- **Adjournment.**

**CITY MANAGER'S REPORT  
MAY 16, 2016 CITY COUNCIL MEETING**

ITEM NO. \_\_\_ Public Hearing - modifying the zoning designation of Lots 7-12, Block 8,  
**3A** Brown's Park Addition to the City of McCook, (a/k/a 305 East 12<sup>th</sup> Street), from  
Business Commercial to Residential Medium Density District.

ITEM NO. \_\_\_ Approve the modification of the zoning designation of Lots 7-12, Block 8,  
**3B** Brown's Park Addition to the City of McCook, (a/k/a 305 East 12<sup>th</sup> Street), from  
Business Commercial to Residential Medium Density District.

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**BACKGROUND:**

An application to modify the zoning designation of property located at 305 East 12<sup>th</sup> Street and legally described as Lots 7-12, Block 8, Brown's Park Addition to the City of McCook, has been received. The applicants, Rob and Barbara Pinkal are requesting to change the zoning designation from Business Commercial to Residential Medium Density. The reason for the request is to allow the applicants to proceed with a building permit for a house and garage. The applicants purchased the property in 2012. Historically, this property did have a residence on it. It was demolished in approximately 2010 or 2011. The real estate at issue currently is flanked to the east and west by Business Commercial zones. The property is adjacent to Residential districts to the north.

On review of the area, there is a combination of business and residential structures. A change from Business Commercial to Residential Medium Density District would not negatively impact the layout of the area. Staff recommends approval of the application.

**RECOMMENDATIONS:**

ITEM NO. \_\_\_ Public Hearing - modifying the zoning designation of Lots 7-12, Block 8,  
**3A** Brown's Park Addition to the City of McCook, (a/k/a 305 East 12<sup>th</sup> Street), from  
Business Commercial to Residential Medium Density District.

ITEM NO. \_\_\_ Approve the modification of the zoning designation of Lots 7-12, Block 8,  
**3B** Brown's Park Addition to the City of McCook, (a/k/a 305 East 12<sup>th</sup> Street), from  
Business Commercial to Residential Medium Density District.

**APPROVALS:**

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

May 10, 2016

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

May 10, 2016

**EXHIBIT #1**

**PAGE(S) 1**

**NOTICE OF PUBLIC HEARING  
REZONING**

NOTICE IS HEREBY GIVEN that a public hearing will be held to rezone the following described property from Business Commercial (BC) to Residential Medium Density (RM), to-wit:

Lots Seven (7) - Twelve (12), Block Eight (8), Brown's Park Addition, to the City of McCook, Red Willow County, Nebraska.

A Public Hearing on the above-described Rezoning will be held on the Date, Time, and at the place listed below:

May 16, 2016 - 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: May 6, 2016.  
Post: May 6, 2016.  
Mail: May 6, 2016.

# 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: \_\_\_\_\_

Description of Project: \_\_\_\_\_

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

Project sponsor or developer:

Name: \_\_\_\_\_

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

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

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

E-mail Address: \_\_\_\_\_

Land owner or owners:

Name: Rob & Barbara Pinkal

Address: 612 N 2nd St, Indianola NE 69034

Phone number: 308-737-8257 & 737-1435

Fax number: —

E-Mail Address: brpinkal@gmail.com

**EXHIBIT #3**

**PAGE(S) 4**

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)

Rob Pinkal  
Printed Name:

Rob Pinkal  
Signature:

Barbara Pinkal  
Printed Name:

Barbara Pinkal  
Signature:

4-4-16  
Date:

Address and physical location of the Proposed Land Use Action: 305 E. 12<sup>th</sup> St, McCook  
Brown's Park Addition, McCook Blk 8, Lots 7-12, Section T3 R 29 W Sec 28  
Property Description (Of the parent parcel for subdivisions): \_\_\_\_\_

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

**Required Information:**

See Attached sheets for required information for:

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

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

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

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

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Date**

## REQUIRED ATTACHMENTS:

### For 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:

Requesting zone change from business commercial to residential.  
If granted, we will proceed with a building permit for a house  
and garage (out of flood plan, of course).

\_\_\_\_\_ 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.)

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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:

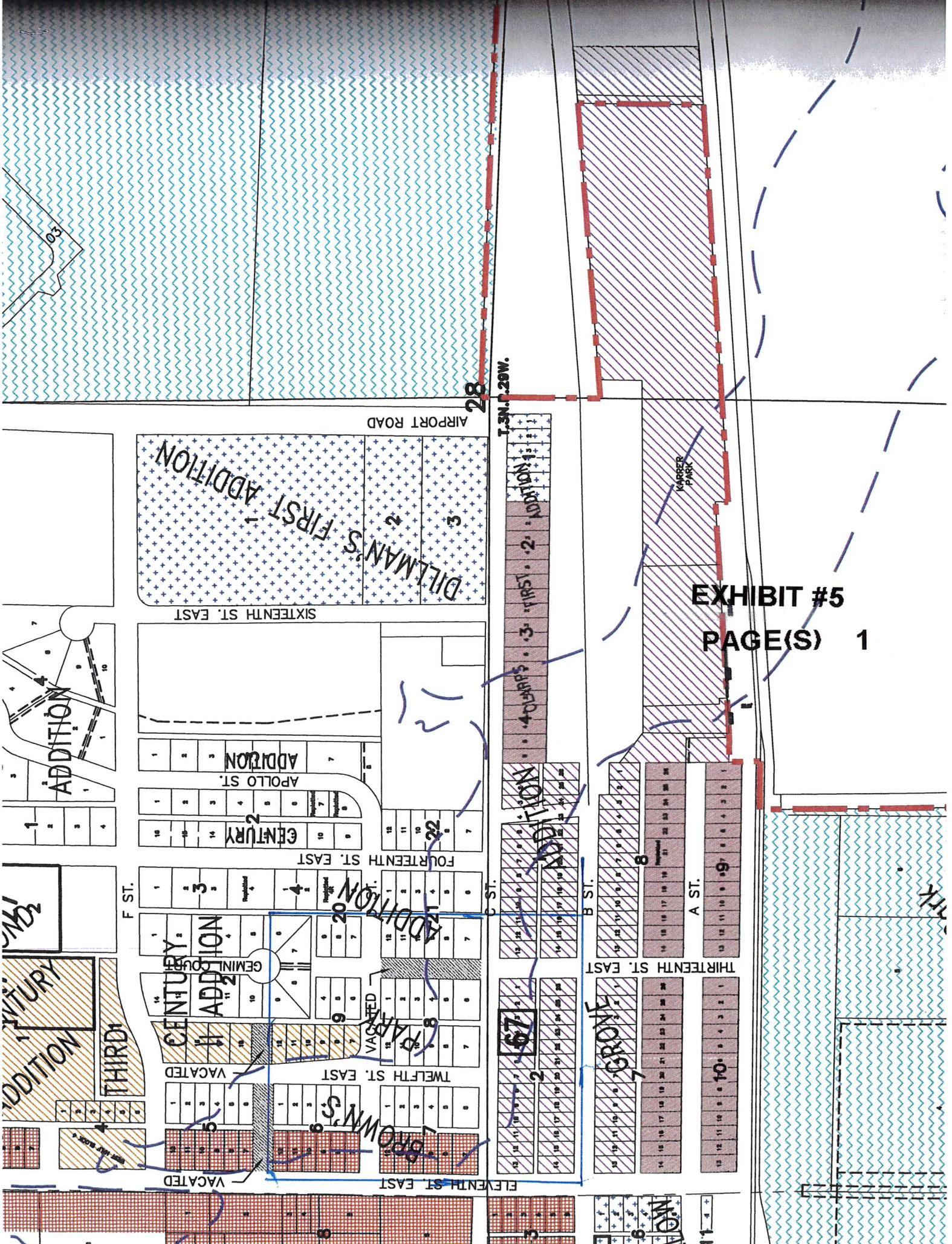
- (A) ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;
- (B) off-street parking and loading areas where required, with particular attention 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: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_





**EXHIBIT #5**  
**PAGE(S) 1**

Notices Mailed to:

SOUTHWEST AREA TRAINING SERVICE  
PO BOX 582  
MCCOOK NE 69001-0000

GERALD D & KRISTI L NOVAK  
405 EAST 12<sup>TH</sup>  
MCCOOK NE 69001

ROBERT D & ANGELA S EBERT  
PO BOX 251  
MCCOOK NE 69001

REX L & LORRAINE C MESSERSMITH  
#1 GEMINI COURT  
MCCOOK NE 69001

JACKIE CROXTON  
3400 S LOWELL BLVD APT 2-203  
DENVER CO 80236-2412

KELLIE SODEN  
307 EAST 3RD STREET  
MCCOOK NE 69001

JOSEPH L & RUTH A EDWARDS  
1400 EAST C  
MCCOOK NE 69001

J B WELL SERVICE INC  
% JAMES BURTON  
P O BOX 904  
MCCOOK NE 69001-0904

BRADFORD D BEVERLIN  
904 EAST F  
MCCOOK NE 69001

SCOTT J & DEBRA K MALLECK  
612 EAST 2ND STREET  
MCCOOK NE 69001

TIMOTHY D WILLIAMS  
1015 NEVADA ST  
CAMBRIDGE NE 69022-3504

ROGER L & CORALEE D KRIZEK  
503 E 1<sup>ST</sup>  
MCCOOK NE 69001

TTBW LLC  
801 WEST 3RD STREET  
MCCOOK NE 69001

CARF REALTY 1998 L.L.C.  
P O BOX 6845  
LINCOLN NE 68506

TIGNER/ROBERT & TERESA  
PO BOX 287  
MCCOOK NE 69001

RICK & DONNA COULTER  
407 EAST 12<sup>TH</sup>  
MCCOOK NE 69001

SHANE A & DEBRA K SMITH  
403 EAST 12<sup>TH</sup>  
MCCOOK NE 69001

LINDA MARIE & LEE A MAIDEN  
#2 GEMINI CT  
MCCOOK NE 69001

PARIS GAY PROVINCE  
109 S 9<sup>TH</sup>  
MCCOOK NE 69001

THE WARREN GROUP LLC  
% GLORIA WARREN  
307 EAST 3RD STREET  
MCCOOK NE 69001

ROB D & BARBARA J PINKAL  
612 NORTH 2<sup>ND</sup>  
INDIANOLA NE 69034

BILL R LOOP  
5005 WOODLAND HILLS  
EAGLE NE 68347

NE COLORADO CELLULAR INC  
MIKE FELICISSIMO, VICE PRES/CFO  
1224 W PLATTE AVENUE  
FT MORGAN CO 80701

LEIGH J REAL  
PO BOX 162  
MCCOOK NE 69001-0162

MITCHEL DEUTER  
13901 GREENFIELD ROAD  
OMAHA NE 68138

HIXSON GENERAL CONTRACTORS  
38657 RAVENSWOOD RD  
MCCOOK NE 69001

RONNIE J & MELISSA A NELSON  
812 NORRIS AVE  
MCCOOK NE 69001

MICHEAL A & D DIANE TOWERY  
913 WEST J STREET  
MCCOOK NE 69001

KAUTZ/KATHY J  
1305 EAST B  
MCCOOK NE 69001

**EXHIBIT #6**

**PAGE(S) 1**

**FINDINGS AND DETERMINATIONS OF MCCOOK CITY COUNCIL**

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

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

Mayor

DATE \_\_\_\_\_

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

City Clerk

SPECIAL EXCEPTION CONSIDERATIONS:

YES

NO

1. The proposed special exception use would satisfactorily provide for:
  - a) ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;
  - b) off street parking and loading areas where required, with particular attention to the items in a) above, and the economic, noise, glare, or odor effects of the special exception on adjoining properties and properties generally in the district;
  - c) refuse and service areas, with particular attention to the items in a) and b) above;
  - d) utilities, with reference to locations, availability and compatibility;
  - e) screening and buffering with reference to type, dimensions and character;
  - f) signs, if any, and proposed exterior lighting with reference to glare, traffic safety and economic effect and comparability and harmony with properties in the district;
  - g) required yard and other open space;
  - h) general compatibility with adjacent properties and other property in the district.
  - i) Compatibility with existing and future land use plan in the McCook Comprehensive Plan.
  
2. The specific rules governing special exceptions have been complied with.

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

CITY COUNCIL FINDINGS AND DECISION:

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

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014.

**MCCOOK PLANNING COMMISSION  
REGULAR MEETING**

**MINUTES**

**Monday - May 9, 2016**

**5:15 P.M. - City Council Chambers**

Present: Chair Vosburg; Vice Chair Dueland; Commissioners Harpst, Hilker, Lyons, City Manager Schneider; City Attorney Mustion; City Clerk Doak.

Absent: Commissioners Garey-Vickers, Shipshock, Stevens, Wolford, Siegfried.

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

1. Approve the minutes of the March 14, 2016 regular meeting.

Upon a motion by Commissioner Dueland, seconded by Commissioner Hilker, the Commission voted to approve the minutes of the March 14, 2016 meeting. The motion passed upon the following roll call vote: YEA: Vosburg, Dueland, Harpst, Hilker, Lyons. NAY: None. ABSENT: Garey-Vickers, Shipshock, Stevens, Wolford, Siegfried.

2. Recommend to the City Council approval of changing the zoning designation of Lots 7 - 12, Block 8, Brown's Park Addition to the City of McCook, (a/k/a 305 East 12<sup>th</sup> Street), from Business Commercial (BC) to Residential Medium (RM) Density District.

City Manager Schneider reviewed the following information presented in his City Manager's Report: "An application to modify the zoning designation of property located at 305 East 12<sup>th</sup> Street and legally described as Lots 7-12, Block 8, Brown's Park Addition to the City of McCook, has been received. The applicants, Rob and Barbara Pinkal are requesting to change the zoning designation from Business Commercial to Residential Medium Density. The reason for the request is to allow the applicants to proceed with a building permit for a house and garage. The applicants purchased the property in 2012. Historically, this property did have a residence on it. It was demolished in approximately 2010 or 2011. The real estate at issue currently is flanked to the east and west by Business Commercial zones. The property is adjacent to Residential districts to the north. On review of the area, there is a combination of business and residential structures. A change from Business Commercial to Residential Medium Density District would not negatively impact the layout of the area. Staff recommends approval of the application.

Applicant Barbara Pinkal was present to address any questions from the Commission.

Upon a motion by Commissioner Harpst, seconded by Commissioner Dueland, the Commission voted to recommend to the City Council approval of changing the zoning designation of Lots 7 - 12, Block 8, Brown's Park Addition to the City of McCook, (a/k/a 305 East 12<sup>th</sup> Street), from Business Commercial (BC) to Residential Medium (RM) Density District. The motion passed upon the following roll call vote: YEA: Vosburg, Dueland, Harpst, Hilker, Lyons. NAY: None. ABSENT: Garey-Vickers, Shipshock, Stevens, Wolford, Siegfried.

**EXHIBIT #8**

**PAGE(S) 2**

3. Select new officers for the term of April 2016 through March 2017 - Chair, Vice-Chair, and Secretary - pursuant to Chapter 35, Section 35.001 of the City of McCook Code of Ordinances.

Upon a motion by Commissioner Dueland, seconded by Commissioner Hilker, the Commission nominated Kurt Vosburg as Chair of the Commission. Vosburg was elected as Chair upon the following roll call vote: YEA: Vosburg, Dueland, Harpst, Hilker, Lyons. NAY: None. ABSENT: Garey-Vickers, Shipshock, Stevens, Wolford, Siegfried.

Upon a motion by Commissioner Dueland, seconded by Commissioner Lyons, the Commission nominated Tammie Hilker as Vice-Chair of the Commission. Hilker was elected as Vice-Chair upon the following roll call vote: YEA: Vosburg, Dueland, Harpst, Hilker, Lyons. NAY: None. ABSENT: Garey-Vickers, Shipshock, Stevens, Wolford, Siegfried.

Upon a motion by Commissioner Dueland, seconded by Commissioner Vosburg, the Commission nominated Chad Lyons as Secretary of the Commission. Lyons was elected as Secretary upon the following roll call vote: YEA: Vosburg, Dueland, Harpst, Hilker, Lyons. NAY: None. ABSENT: Garey-Vickers, Shipshock, Stevens, Wolford, Siegfried.

The annexation process and the redevelopment contract for Quillan Courts were discussed as future commission meeting topics.

- **Adjournment.**

With no further business, Chair Vosburg declared the Planning Commission meeting adjourned at 5:45 P.M.

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Lea Ann Doak  
Recording Secretary

ORDINANCE NO. 2016-2933

AN ORDINANCE OF THE CITY OF MCCOOK, NEBRASKA AMENDING ORDINANCE NO. 2013-2897 BY CHANGING THE ZONING CLASSIFICATION OF BLOCK EIGHT (8), LOTS SEVEN (7) THROUGH TWELVE (12), BROWN'S PARK ADDITION TO THE CITY OF MCCOOK, RED WILLOW COUNTY, NEBRASKA FROM BUSINESS COMMERCIAL (BC) TO RESIDENTIAL MEDIUM DENSITY (RM); PROVIDED FOR THE REPEAL OF ANY OTHER CONFLICTING ORDINANCES; 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. In accordance with Article 27 of Ordinance No. 2013-2897 of the City of McCook, Red Willow County, Nebraska, the zoning classification of the following described property shall be and is hereby changed from Business Commercial (BC) to Residential Medium Density (RM), to wit:

Block Eight (8). Lots Seven (7) through Twelve (12), Brown's Park Addition to the City of McCook, Red Willow County, Nebraska.

SECTION 2. The City Clerk of the City of McCook, Nebraska is hereby directed to change the official zoning map of the City of McCook, Nebraska to show the above-described property to have a zoning classification of Residential Medium Density (RM).

SECTION 3. The provisions of Ordinance 2013-2897 are hereby amended as provided herein.

SECTION 4. This ordinance shall be in full force and take effect from and after its passage, approval and publication as required by law.

PASSED AND APPROVED THIS 16<sup>th</sup> day of May, 2016.

-s- Michael D. Gonzales, Mayor

ATTEST:

-s- Lea Ann Doak, City Clerk

Publish:

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

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- ITEM: 3C** Public Hearing - Report from the McCook Economic Development Corporation regarding the Citizen's Advisory Committee meeting held April 25, 2016.
- ITEM: 3D** Receive and file the minutes of the January 25, 2016 Economic Redevelopment Plan Citizen's Advisory Review Committee meeting.
- 

**BACKGROUND:**

Quarterly Economic Development Plan Citizen's Advisory Review Committee meetings were held on January 25, 2015 and April 25, 2016. Per the City's Plan, a public hearing will be held to discuss the contents of the meetings.

**FISCAL  
IMPACT:** None.

**RECOMMENDATION:**

- ITEM: 3C** Public Hearing - Report from the McCook Economic Development Corporation regarding the Citizen's Advisory Committee meeting held April 25, 2016.
- ITEM: 3D** Receive and file the minutes of the January 25, 2016 Economic Redevelopment Plan Citizen's Advisory Review Committee meeting.

**APPROVALS:**

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

May 11, 2016

## NOTICE OF PUBLIC HEARING

**NOTICE IS HEREBY GIVEN** that the Mayor and City Council of McCook, Nebraska will hold a public hearing on May 16, 2016 at 6:30 p.m. CDST in the City Council Chambers of the McCook Municipal Center concerning the findings and suggestions of the Citizens Advisory Committee regarding the functions and progress of the economic development program for the City of McCook.

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

-s- Lea Ann Doak  
City Clerk

Publish: May 9, 2016.

**McCook Growth Fund (LB840) PROGRAM BALANCES (MEDC format)**  
 10/01/15 - 3/31/2016

	Beginning Cash on Hand	YTD Receipts	YTD Expenditures	Ending Balance	Program Total
<b>Loan &amp; Grant Program</b>	\$ 195,769.06	\$ 35,477.53	\$ 37,291.80	\$ 193,954.79	
Loan Repayments		\$ 17,265.86		\$ 17,265.86	
Legal					
Interest		\$ 168.79		\$ 168.79	
TOTAL					\$ 211,389.44
 <b>Project &amp; Program</b>	 \$ 74,949.62	 \$ 5,301.24	 \$ 3,400.00	 \$ 76,850.86	
Interest		\$ 191.62		\$ 191.62	
Reimbursement		\$ 7,500.00		\$ 7,500.00	
TOTAL					\$ 84,542.48
 <b>Ending Balance</b>					 <b>\$ 295,931.92</b>
 Keystone Bond	 \$ 0.54	 \$ 67,559.52	 \$ 7,385.00	 \$ 60,175.06	
Keystone Bond Reserve	\$ 112,000.00			\$ 112,000.00	
 MEDC Administration		 \$ 60,424.50	 \$ 60,424.50	 \$ -	

**McCook Growth Fund (LB840) AVAILABLE FUNDS**

10/01/15 - 3/31/2016

	<u>Program Balance</u>	<u>Reserved Funds</u>	<u>Project Commitments</u>	<u>Available</u>
<b>Loan &amp; Grant Program</b>	\$ 211,389.44			
Loans				
American Ag Labs			\$ 75,000.00	
<b>Façade Program</b>		\$ 20,994.08		
Farrell's Pharmacy - approved			\$ 5,000.00	
Total Reserved and Committed		\$ 20,994.08	<u>\$ 80,000.00</u>	
Total L & G Available				\$ 110,395.36
<b>Project &amp; Program</b>	\$ 84,542.48			
Business Park Paving Grant Match			\$ 72,000.00	
Total Reserved and Committed		\$ -	<u>\$ 72,000.00</u>	
Total P & P Available				<u>\$ 12,542.48</u>
<b>Total Funds Available</b>				<u><u>\$ 122,937.84</u></u>
<b>Future Commitments</b>				
Clary Village Infrastructure remaining			\$ 146,466.40	

**LB840 PROGRAM BALANCES**  
**3/31/2016**

	(C) BEGINNING CASH ON HAND 10/1/2015	(D) FY 15/16 ANTICIPATED RECEIPTS	(E) FY 15/16 YTD RECEIPTS	(F) FY 15/16 YTD EXPENDITURES	(G) ENDING PROGRAM BALANCES (C + E - F = G)
Motor Vehicle Sales Tax ** (**Not available to MEDC) Interest	\$ 186,480.09	\$ 39,000.00	\$ 19,068.90  \$ 160.52		\$ 205,709.51
Loan & Grant Program Loan Repayment Legal Interest	\$ 195,769.06	\$ 63,828.00 \$ 25,000.00	\$ 35,477.53 \$ 17,265.86  \$ 168.79	\$ 37,291.80	\$ 211,389.44
Project & Program Interest Market Study Reimbursement Keystone Bond Redemption Required Bond Reserve	\$ 74,949.62   \$ 0.54 \$ 112,000.00	\$ 9,537.00   \$ 135,119.00	\$ 5,301.24 \$ 191.62 \$ 7,500.00 \$ 67,559.52	\$ 3,400.00   \$ 7,385.00	\$ 84,542.48   \$ 60,175.06 \$ 112,000.00
MEDC Administration	\$ -	\$ 120,849.00	\$ 60,424.50	\$ 60,424.50	\$ -
<b>BALANCES</b>	<b>\$ 569,199.31</b>	<b>\$ 393,333.00</b>	<b>\$ 213,118.48</b>	<b>\$ 108,501.30</b>	<b><u>\$ 673,816.49</u></b>

**CITY OF MCCOOK**  
**LB840 FUND**  
**CHECK REGISTER**  
**10/01/2015 - 03/31/2016**

<b>PAYEE</b>	<b>DESCRIPTION</b>	<b>ACCT. NO.</b>	<b>DATE</b>	<b>CK NO.</b>	<b>AMOUNT</b>
McCook Economic Development	Our Town Campaign	45 068 54855	10/7/2015	1153	\$ 1,400.00
McCook Economic Development	Bridge Loan	45 068 54845	10/7/2015	1154	\$ 4,190.30
McCook Economic Development	Administration	45 068 54885	10/28/2015	1155	\$ 10,070.75
Voided Check				1156	
McCook Economic Development	Bridge Loan	45 068 54845	11/4/2015	1157	\$ 4,190.30
Sports Shoppe	Façade Improvement	45 068 54845	11/11/2015	1158	\$ 2,150.00
McCook Economic Development	Administration	45 068 54885	11/25/2015	1159	\$ 10,070.75
McCook Economic Development	Bridge Loan	45 068 54845	12/4/2015	1160	\$ 4,190.30
Voided Check				1161	
McCook Economic Development	Administration	45 068 54885	12/30/2015	1162	\$ 10,070.75
McCook Economic Development	Bridge Loan	45 068 54845	1/6/2016	1163	\$ 4,190.30
McCook Economic Development	Administration	45 068 54885	1/27/2016	1164	\$ 10,070.75
McCook Economic Development	Bridge Loan	45 068 54845	2/3/2016	1165	\$ 4,190.30
McCook Economic Development	Nebr Rural Living Website	45 068 54855	2/24/2016	1165	\$ 2,000.00
McCook Economic Development	Administration	45 068 54885	2/24/2016	1167	\$ 10,070.75
McCook Economic Development	Bridge Loan	45 068 54845	3/2/2016	1168	\$ 4,190.30
Sehnert's Bakery	Façade Improvement	45 068 54845	3/2/2016	1169	\$ 5,000.00
Wells Fargo Corporate Trust	Bond Payment	45 103 54850	3/2/2016	1170	\$ 7,385.00
American Agricultural Labs	Façade Improvement	45 068 54845	3/30/2016	1171	\$ 5,000.00
McCook Economic Development	Administration	45 068 54885	3/30/2016	1172	\$ 10,070.75
<b>TOTAL</b>					<b>\$ 108,501.30</b>
<b>TOTAL BY PROGRAM</b>					
LB840 Loan & Grant Programs 45 068 54845					\$ 37,291.80
LB840 Project & Program Funç 45 068 54855					\$ 3,400.00
LB840 MEDC Administration 45 068 54885					\$ 60,424.50
Paying Agent Fees 45 103 54095					\$ -
Bond Payment 45 103 54850					\$ 7,385.00
<b>TOTAL</b>					<b>\$ 108,501.30</b>

CITY OF MCCOOK  
 LB840  
 RECEIPT REGISTER  
 10/01/2015 - 03/31/2016

	Total Receipt	MV Sales Tax	Loan/Grant Prog	Receipt Breakdown			MEDC Adm
				Proj/Prog	Bond Redempt		
10/22/2015 Nebr Dept of Rev	\$ 29,827.34		\$ 7,392.10	\$ 1,104.57	\$ 11,259.92	\$ 10,070.75	
11/20/2015 Nebr Dept of Rev	\$ 27,842.60		\$ 5,665.38	\$ 846.55	\$ 11,259.92	\$ 10,070.75	
12/23/2015 Nebr Dept of Rev	\$ 27,035.31		\$ 4,963.04	\$ 741.60	\$ 11,259.92	\$ 10,070.75	
1/29/2016 Nebr Dept of Rev	\$ 27,469.86		\$ 5,341.10	\$ 798.09	\$ 11,259.92	\$ 10,070.75	
2/19/2016 Nebr Dept of Rev	\$ 30,959.26		\$ 8,376.87	\$ 1,251.72	\$ 11,259.92	\$ 10,070.75	
3/23/2016 Nebr Dept of Rev	\$ 25,628.42		\$ 3,739.04	\$ 558.71	\$ 11,259.92	\$ 10,070.75	
10/22/2015 MV - Nebr Dept of Rev	\$ 4,291.02	\$ 4,291.02					
11/20/2015 MV - Nebr Dept of Rev	\$ 3,530.67	\$ 3,530.67					
12/23/2015 MV - Nebr Dept of Rev	\$ 3,966.58	\$ 3,966.58					
1/29/2016 MV - Nebr Dept of Rev	\$ 2,437.81	\$ 2,437.81					
2/19/2016 MV - Nebr Dept of Rev	\$ 2,959.59	\$ 2,959.59					
3/23/2016 MV - Nebr Dept of Rev	\$ 1,883.23	\$ 1,883.23					
10/31/2015 Interest	\$ 98.44	\$ 30.33	\$ 31.89	\$ 36.22			
11/30/2015 Interest	\$ 105.63	\$ 32.54	\$ 34.24	\$ 38.85			
12/31/2015 Interest	\$ 104.50	\$ 32.20	\$ 33.86	\$ 38.44			
1/31/2016 Interest	\$ 101.06	\$ 31.15	\$ 32.74	\$ 37.17			
2/29/2016 Interest	\$ 111.30	\$ 34.30	\$ 36.06	\$ 40.94			
10/16/2015 Crittersville - Loan Repay	\$ 1,347.65		\$ 1,347.65				
10/16/2015 Maiden - Loan Repay	\$ 166.66		\$ 166.66				
11/19/2015 Crittersville/Maiden	\$ 1,514.31		\$ 1,514.31				
12/16/2015 Crittersville/Maiden	\$ 1,514.31		\$ 1,514.31				
12/30/2015 East Ward Village-Loan Repay	\$ 8,180.00		\$ 8,180.00				
1/18/2016 Crittersville - Loan Repay	\$ 1,347.65		\$ 1,347.65				
1/18/2016 Maiden - Loan Repay	\$ 166.66		\$ 166.66				
2/17/2016 Crittersville - Loan Repay	\$ 1,347.65		\$ 1,347.65				
2/17/2016 Maiden - Loan Repay	\$ 166.66		\$ 166.66				
3/21/2016 Crittersville - Loan Repay	\$ 1,347.65		\$ 1,347.65				
3/21/2016 Maiden - Loan Repay	\$ 166.66		\$ 166.66				
12/30/2015 Reimbursement Mrkt Study	\$ 7,500.00			\$ 7,500.00			
	<u>\$ 213,118.48</u>	\$ 19,229.42	\$ 52,912.18	\$ 12,992.86	\$ 67,559.52	\$ 60,424.50	
						<u>\$ 213,118.48</u>	

McCook Growth Fund (LB840) Economic Development Program

Quarterly Report

March 31, 2016

Approved but not yet completed or paid:

Façade Program, Farrell's Pharmacy	2016	\$5000.00
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The Farrell's Pharmacy building is actually three buildings. The north walls facing the highway are dissimilar construction, the western two are in need of some restoration. Windows will be replaced, new material around the windows will be applied to stop water intrusion, and some stucco finishes and new lettering will be added to match the Hallmark side of the building. Total private investment will exceed \$16,000.00.

Loan & Grant Program, American Ag Lab	May/June	\$75,000.00
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American Agricultural Laboratory is a full service ag lab specializing in the analysis of soil, feed, fertilizer and water. They serve customers in North and Central America, and have received samples from Europe and the former Soviet Union. They have purchased and renovated the former Alco building to expand their business. MEDC received a \$297,000 grant from the Nebraska Department of Economic Development Site and Building Fund for the project. A condition of the grant was that there was community buy-in to the project as well and this loan serves that purpose. The expansion allowed the lab to add four new full-time jobs since the start of the process. Operations in the new location at began the end of January. Total estimated project costs \$1.4 million.

First Quarter 2016

Program Administration and Operations	01/27/2016	\$10,070.75
Program Administration and Operations	02/24/2016	\$10,070.75
Program Administration and Operations	03/30/2016	\$10,070.75
Clary Village Bridge Loan	01/06/2016	\$4190.30
Clary Village Bridge Loan	02/03/2016	\$4190.30
Clary Village Bridge Loan	03/02/2016	\$4190.30

This continues the payments toward the TIF Bond on the infrastructure for the Clary project as detailed in the entry on 4/2/2015 below.

Façade Program, American Ag Lab	03/30/2016	\$5000.00
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As part of their renovation of the former ALCO building, Kevin and Christine Grooms have replaced the doors and windows at the entryway of their new American Agricultural Laboratory facility, painted the block exterior on three sides and added new signage. Owners match: \$80,107.36. Total project cost: \$85,107.36.

Nebraska Rural Living	02/24/2016	\$2,000.00
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Nebraska Rural Living mission is to recruit people back to the South Platte region. This investment goes towards featuring McCook on their website. They have run over 28 articles on McCook and Red Willow County businesses and attractions in their newsletter and on their website.

Keystone Bond Payment	03/02/2016	\$7,385.00
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Interest only payment.

**Fourth Quarter 2015**

Program Administration and Operations	10/28/2015	\$10,070.75
Program Administration and Operations	11/25/2015	\$10,070.75
Program Administration and Operations	12/30/2015	\$10,070.75

Clary Village Bridge Loan	10/05/2015	\$4190.30
Clary Village Bridge Loan	11/05/2015	\$4190.30
Clary Village Bridge Loan	12/04/2015	\$4190.30

This continues the payments toward the TIF Bond on the infrastructure for the Clary project as detailed in the entry on 4/2/2015 below.

Façade Program, The Sports Shoppe	8/1/2015	\$2150.00
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This was an extensive redesign of the front of Bob Elder’s building. Grant funds were matched by \$36,000.00 in private funds. Sixties vintage brick work which was not original to the building had deteriorated and did not present an attractive image. Windows were single pane and were replaced with more attractive units that will not cause condensation.

Façade Program, Sehnert’s Bakery	8/30/2015	\$5000.00
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Update: Project completed. Sehnert’s have been making steady improvements to their building as funds allow. The grant helped make possible changing windows and repairing the structure surrounding them. Historic characteristics including cast iron ornaments were preserved and re-finished. Owner match: \$7000.00, Total project cost: \$12,000.00.

Our Town promotion	9/29/2015	\$1400.00
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The Channel 10/11 television stations so a series called “Our Town” that promotes communities around the state with extensive video profiles of the area that run over a week on their stations, and that continue to be available online. The program is ad supported. The Chamber, Red Willow County Tourism and MEDC partnered together to purchase one of the ad spots, again resulting in a nicely produced video that promotes McCook and Southwest Nebraska.

**Third Quarter 2015**

Façade Program, Gary Parks, 201 W 2 <sup>nd</sup>	8/3/2015	\$5000.00
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This façade renovation grant was matched with \$16,143.00 in private funds and helped cover the replacement of windows and window sills damaged by weather and condensation. It also included removing a light pole to improve parking access.

Clary Village Bridge Loan	7/16/2015	\$4190.30
Clary Village Bridge Loan	8/18/2015	\$4190.30
Clary Village Bridge Loan	9/16/2015	\$4190.30

This continues the payments toward the TIF Bond on the infrastructure for the Clary project as detailed in the entry on 4/2/2015 below.

Keystone Bond Payment	9/16/2015	\$139,260.00
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This is the annual interest and principle payment on the bond for renovation and creation of the Keystone Business Center. Local funds were matched 3:1 by other private and Federal funding sources.

MEDC Operational Support	Monthly	\$9971.00
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This monthly investment is leveraged by private donations to support the ongoing activities of the McCook Economic Development Corporation in serving the business community, and facilitating the creation and expansion of existing businesses. Outcomes include growth in the number of businesses, in the pool of available jobs the in the local tax base. These ultimately support the prosperity and quality of life in McCook and Southwest Nebraska.

**Second Quarter 2015**

North Pointe TIF Bond	4/02/2015	\$208,000.00
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This transaction purchased the Tax Increment Financing Bond which will in turn be used to finance the installation of sanitary sewer at the North Pointe Subdivision. This zero interest loan will be repaid through Ad Valorem taxes on new housing construction on the property.

Clary Village Bridge Loan – TIF Bonds	4/02/2015	\$4190.30
Clary Village Bridge Loan	5/18/2015	\$4190.30
Clary Village Bridge Loan	6/17/2015	\$4190.30

These are the first installments on an LB840 loan that pays off a bank bridge loan in the amount of \$180,000.00 which was used to purchase the TIF Bond for the Clary Village Project. The proceeds will be used to fund site acquisition and infrastructure improvements including city water, sanitary sewer and electrical utilities.

Clary Village Equity Loan -	4/02/2015	\$120,000.00
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This is a gap loan that helped to complete the funding for the Clary Village housing project.

Façade Program, Ambiance Counselling	4/29/2015	\$5000.00
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This façade renovation included \$20,000 in new siding, fascia shingles and framing and windows for the Ambiance Counselling building. Grantee Lindsay McConville was responsible for work on the building at 601 Norris Avenue, formerly Rye Printing. Improving the look and feel of our McCook downtown, resulting in stronger shopper traffic and stimulating new investment in downtown, are expected outcomes.

Clary Village, Legal Expenses, contract review	5/27/2015	\$6500.00
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Review by specialized counsel to protect taxpayer interests in Clary Village. The documentation for this Federal Tax Credit project now totals over 150 pages.

MPCC/NBDC Coordinator position support	5/27/2015	\$3000.00
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The Nebraska Business Development Center position serves North Platte, McCook and the rest of the Mid Plains service area. NBDC representative Charlie McPherson provides assistance with business planning, research and loan packaging and securing financing for new business clients. This is a valuable technical assistance resource for entrepreneurs and an important part of the entire service package offered at the Keystone Business Center. Increased new business creation and job creation are anticipated outcomes.

Façade Program, Jay & Kim Schilling	6/17/2015	\$2447.62
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This façade renovation funded 50% of a new awning for the former McCook Glass building at 323 Norris Avenue. The Shillings' have previously cleaned up and painted the front of the building, creating an improved look on Norris Avenue. This will add to the look of the plaza/walkway to the covered area in the city parking lot to the east when completed.

Clary Village, Legal Expense – contract review	6/24/2015	\$1848.00
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This was a contract review to protect our local interests in the Clary Village project.

Façade Program, Renalle's	6/26/2015	\$3068.03
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The Loshauch's have done a nice job of updating from a tired aluminum awning to a trendy front that respects the original architecture of their building while replacing deteriorating materials in the transom window area above the display windows. This grant was matched with \$3068.03 in private investment.

**First Quarter 2015**

Clary Village, Legal Expenses, relocation issue	3/18/2015	\$2836.56
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Legal review of our standing relative to mobile home leases which were terminated by the previous property owners. Counsel demonstrated effectively that: The termination was legal and within the rights of the landowner and that MEDC and the City of McCook were not responsible have no liability for the action. This activity protects taxpayer interests in the project.

**Fourth Quarter 2014**

Hormel Business Plan Competition	10/10/2014	\$2500.00
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The Hormel Business Plan Competition, re-imagined by the Mid Plains Center for Enterprise and the Nebraska Business Development Center represents a best practice for promoting business creation and job creation through encouraging entrepreneurship. This contribution represents a partnership with other leading funders of the event by local banks and businesses. Over 30 businesses participated. Fourteen finalists completed a business planning course and although only two the received the larger awards, nearly all plan to launch their businesses and will benefit from an improved business plan. Job creation, private investment and increased services to the community and the region will be considerable from this very successful undertaking.

McCook Growth Fund (LB840) Loan Status Report

03/31/16

Current Loans	Loan Amount	Interest Rate	Loan Term (Years)	Date Loan Made	Total Payments Received to Date	Total Future Payments Due	Loan Status
MEDC North Pointe Phase I TIF Bond	\$ 208,000.00	0%	22	4/2/2015	\$ -	\$ 208,000.00	Current
Clary Village Equity (Non-Recourse Loan - to be paid from residual cash flow)	\$ 120,000.00	4%	15	3/16/2015	\$ -	\$ 124,786.85	Current
MEDC Clary Village TIF*	\$ 196,750.00	0%	17	3/16/2015	\$ -	\$ 196,750.00	Current
Critttersville Enterprises, LLC	\$ 75,000.00	3%	5	6/13/2012	\$ 60,644.25	\$ 20,214.75	Current
KDS Professional Building (Façade Improvement Loan)	\$ 10,000.00	0%	5	5/14/2012	\$ 7,499.70	\$ 2,500.30	Current
Purple Moon Cookery	\$ 35,000.00	3%	10	4/27/2012	\$ 37,807.96	\$ -	Paid Off 06/23/15
East Ward Village	\$ 105,000.00	2%	10	8/26/2011	\$ 24,666.58	\$ 95,636.84	Current
<b>Totals</b>	<b>\$ 749,750.00</b>				<b>\$ 130,618.49</b>	<b>\$ 647,888.74</b>	<b>\$ 778,507.23</b>

\*this loan has not been totally disbursed

**ECONOMIC DEVELOPMENT PLAN  
CITIZEN'S ADVISORY REVIEW COMMITTEE  
REGULAR MEETING**

**MINUTES**

Monday – January 25, 2016  
12:00 P.M. - Heritage Senior Center

The Economic Development Plan Citizen's Advisory Review Committee of the City of McCook was called to order by Troy Bruntz and began at 12:22 P.M. at the Heritage Senior Center.

Present: Rex Nelson - MEDC; Committee Members Leon Kuhlen, Linda Taylor, Troy Bruntz, Jerda Garey-Vickers, Danielle Johnson, Bill Burton, Gary Wiemers; City Manager Nate Schneider; Lori Schmidt, Recording Secretary.

Absent: None

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

(1) APPOINTMENT OF NEW CHAIRPERSON.

Garey introduced a motion to appoint Troy Bruntz as new Chairperson for the Economic Development Plan Citizen's Advisory Review Committee; Taylor seconded. Roll Call Vote: Yea Kuhlen, Bruntz, Taylor, Garey-Vickers, Johnson, Burton, and Wiemers. No: None. Absent: None. Motion passed.

(2) REVIEW AND APPROVE MINUTES OF OCTOBER 26, 2015 MEETING.

Kuhlen introduced a motion to approve the October 26, 2015 minutes; Burton seconded. Roll Call Vote: Yea Kuhlen, Bruntz, Taylor, Garey-Vickers, Johnson, Burton, and Wiemers. No: None. Absent: None. Motion passed.

(3) REVIEW LB840 ECONOMIC DEVELOPMENT PROGRAM QUARTERLY REPORTS.

Nelson reviewed reports he provided to the committee members: McCook LB840 Economic Development Program Update on Quarterly Report (January 22, 2016), LB840 Program Balances (MEDC Format) 12/31/2015, and LB840 Available Funds 12/31/2015. This report included all projects that have been funded for 2015 and it provides supplemental information to the check register and LB840 Funds Report 12/31/2015 prepared by City Clerk Lea Ann Doak.

(4) UPDATE OF REVENUES COLLECTED TO DATE.

Discussion included status of current LB840 loan payments, an update on MEDC monthly

**EXHIBIT #4**

**PAGE(S) 2**

administrative activities, tenant occupancy of the Keystone Business Center, houses on the market as a result of new subdivision, and future TIF and facade projects.

(5) OPEN DISCUSSION.

Newest committee members executed an *LB840 Oversight Committee Confidentiality Commitment*.

Garey-Vickers thanked Rex for all he's done as this is his last meeting with the committee.

(5) NEXT MEETING

The next Economic Development Plan Citizen's Advisory Review Committee meeting will be April 25, 2016 at 12:00 noon at the Heritage Senior Center.

(6) ADJOURNMENT

Upon a motion to adjourn by Taylor and seconded by Burton, the meeting adjourned at 12:58 P.M.

  
Lori Schmidt, Recording Secretary

**MCCOOK COMMUNITY DEVELOPMENT AGENCY  
REGULAR MEETING**

**MINUTES**

**Monday - March 21, 2016  
6:30 P.M. - City Council Chambers**

A regular meeting of the Community Development Agency of the City of McCook, Nebraska was held on Monday, March 21, 2016, in the City Council Chambers at the McCook Municipal Center, 505 West "C" Street, McCook, Nebraska, the same being open to the public and preceded by advance publicized notice duly given in strict compliance with the provisions of the Open Meetings Act. Each member of the Agency was also given advance notice of the meeting as acknowledged. Additionally, reasonable efforts were made to provide advance notice of the time, date and place of the meeting to all news media requesting the same.

Mayor Gonzales presided and City Clerk Doak recorded the proceedings. The meeting was called to order at 6:35 P.M. and on roll call the following Agency Members were present: Gonzales, Hepp, Calvin, McDowell, Weedin; the following Agency Members were absent: None. A quorum being present and the meeting duly commenced, the following proceedings were had and done while the meeting was open to the attendance of the public. The Mayor publicly announced that a copy of the Open Meetings Act is posted by the entrance to the Council Chambers and is available for public review.

1. Approve the minutes of the February 15, 2016 Community Development Agency regular meeting.

Upon a motion by Agency Member McDowell, seconded by Agency Member Hepp, the Agency voted to approve the minutes of the February 15, 2016 Community Development Agency regular meeting. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

2. Recommend approval of Resolution No. 2016-07 to the McCook City Council which approves an amendment of a Redevelopment Plan of the City of McCook, Nebraska; approves a Redevelopment Project of the City of McCook, Nebraska; and approves the related actions for the purpose of the development of the 2016 Holiday Inn and Suites Hotel Project Area.

City Manager Schneider reviewed the following information presented in his City Manager's Report:

"At the February 15, 2016 McCook City Council meeting, a Redevelopment Plan of the City of McCook, Nebraska was approved for the purpose of developing a hotel at the Hwy 83 and West "H" Street intersection. At the meeting, Council moved to amend the Plan to reflect that only \$210,000 of Tax Increment Financing be utilized for land acquisition purposes. Staff contacted Michael Bacon, the City's Tax Increment Financing attorney, to provide guidance on how to amend the Plan

in order to reflect this modification in the Redevelopment Plan. Mr. Bacon directed Staff to bring a Resolution modifying the Plan to reflect the reallocation of TIF dollars. The CDA must first recommend the amendment to the City Council. The Resolution serves to modify the TIF eligible site acquisition expenses to \$210,000. It maintains the total TIF amount at \$1,400,000 by reallocating other expenses to related TIF eligible expenses. The expenses have been reworked to show this change in the classification. The new allocation is summarized in the Resolution. This is only a Resolution to approve the changes to the Plan and does not materially affect the Plan.”

Upon a motion by Agency Member Hepp, seconded by Agency Member Gonzales, the Agency voted to recommend approval of Resolution No. 2016-07 to the McCook City Council which approves an amendment of a Redevelopment Plan of the City of McCook, Nebraska; approves a Redevelopment Project of the City of McCook, Nebraska; and approves the related actions for the purpose of the development of the 2016 Holiday Inn and Suites Hotel Project Area. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedon. NAY: None.

3. Approve Resolution No. CDA 2016-02 authorizing and providing for the issuance of a tax increment revenue bond, note, or other obligation and authorizing the administration of said tax increment revenue bond process, said authorizing including the approval of a Redevelopment Contract between the Community Development Agency of the City of McCook, Nebraska and McCook Lodging, L.L.C.

Agency Member Calvin offered a motion to approve Resolution No. CDA 2016-02 authorizing and providing for the issuance of a tax increment revenue bond, note, or other obligation and authorizing the administration of said tax increment revenue bond process, said authorizing including the approval of a Redevelopment Contract between the Community Development Agency of the City of McCook, Nebraska and McCook Lodging, L.L.C. Motion was seconded by Agency Member Hepp.

Perry Strombeck, Horse Creek Inn, addressed the Agency regarding approval of this contract and that it will have a negative impact on property tax and the local lodging industry.

Dr. Deepak Gangahar, Developer for the proposed Holiday Inn, addressed the Agency stating that they come as the developer of the \$8.8 million project and are taking all of the risk, no city funds will be utilized;

Sandy Schwab, Economy Inn, Jennifer Conrad, Cobblestone Hotel, Susan Davis, Chief Motel, Jack Patel, Days Inn, Ron Tompkins, Cedar Inn, Dick Cappel, and Wayne Michaelis addressed the Agency regarding concerns with approval of the Redevelopment Contract. Concerns included over saturation of the market, difficulty in finding laborers, flaws within the Hotel Study, that the utilization of Tax Increment Financing gives them an unfair advantage, and that the Council should protect the local businesses and tax base.

Mayor Gonzales called the question for the approval of Resolution No. CDA 2016-02 authorizing and providing for the issuance of a tax increment revenue bond, note, or other obligation and authorizing the administration of said tax increment revenue bond process, said authorizing

including the approval of a Redevelopment Contract between the Community Development Agency of the City of McCook, Nebraska and McCook Lodging, L.L.C. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, Weedon. NAY: McDowell.

4. Adjournment.

There being no further business to come before the Agency, Mayor Gonzales declared the meeting adjourned at 8:15 P.M.

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Lea Ann Doak  
Recording Secretary

**CITY MANAGER'S REPORT  
MAY 16, 2016 MCCOOK COMMUNITY DEVELOPMENT AGENCY MEETING**

**CDA #2**

ITEM NO. \_\_\_ Approve Amendment No. 1 to the Redevelopment Contract between the City of McCook, Nebraska and North Pointe Properties, L.L.C.

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**BACKGROUND:**

The McCook Community Development Agency and North Pointe Properties, L.L.C. are in need of amending their redevelopment contract executed July 7, 2015. The reason for the amendment is to incorporate the actual completion date of construction on two lots into the contract. When this project was contemplated, it was contemplated to occur in phases in order to account for residential construction that would occur at various times and dates. Due to the the variation in build dates, the redevelopment contract had a built in provision to acknowledge the various start dates in order to take advantage of tax increment financing during the actual year the structure was built. Lots 1 and 3 are ready to be designated in the amended contract for tax increment financing notice purposes. A designation will be filed with Red Willow County prior to June 1, 2016 as is required by State law.

**RECOMMENDATIONS:**

ITEM NO. \_\_\_ Approve Amendment No. 1 to the Redevelopment Contract between the City of McCook, Nebraska and North Pointe Properties, L.L.C.

**APPROVALS:**

  
\_\_\_\_\_

May 12, 2016

Nathan A. Schneider, City Manager

  
\_\_\_\_\_

May 12, 2016

Lea Ann Doak, City Clerk

Exhibit F

AMENDMENT TO REDEVELOPMENT CONTRACT  
Amendment No. 1

This Amendment to Redevelopment Contract (this "Amendment") is made and entered into as of the 16th day of May, 2016, by and between the Community Development Agency of the City of McCook, Nebraska ("Agency"), and North Pointe Properties, L.L.C., a Nebraska limited liability company ("Redeveloper").

RECITALS

WHEREAS, Agency and Redeveloper entered into a Redevelopment Contract, dated as of July 7, 2015 (the "Contract");

WHEREAS, the Contract intended to implement the redevelopment plan entitled "REDEVELOPMENT PLAN NORTH POINTE REDEVELOPMENT AREA, 2013", (the "Redevelopment Plan") to provide for the redevelopment of lots and lands located in a blighted and substandard area of the City of McCook, Nebraska (the "City");

WHEREAS, in order to assist in the financing of the Redevelopment Project described in the Redevelopment Plan, the Contract provides for periodic amendments thereto; and

WHEREAS, pursuant to Section 3.01 of the Contract the parties desire to amend the Contract on the terms set forth herein and this Amendment shall constitute a "Redevelopment Contract Amendment" as defined in the Contract.

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein set forth, Agency and Redeveloper do hereby agree to amend the Contract as follows:

1. Definitions. All capitalized terms used in this Amendment and not otherwise defined herein shall have the meanings ascribed to such terms in the Contract.

2. Amendment – New Phase. This Amendment incorporates a new Phase to the Project entitled Phase No. 1.

(a) Lots. This new Phase shall include all of Lots in the Redevelopment Project Area for which a building permit has been issued by the City during the calendar year prior to the Effective Date described in Section 2 (b) hereof, which lots are described as follows:

CLARY SUBDIVISION REPLAT #1 19-3-29 BLK 1 LOT 1, .63 ACRES  
CLARY SUBDIVISION REPLAT #1 19-3-29 BLK 1 LOT 3, .63 ACRES

(b) Effective Date. The effective date of the Amendment shall be January 1, 2016. [The effective date shall be the January 1<sup>st</sup> of the year following the issuance of a building permit for a residence to be constructed on a Lot described in Section 2 (a) hereof.]

(c) Division Date. The Division Date (the "Division Date") shall mean the effective date for purposes of dividing taxes pursuant to Section 18-2147 of the Nebraska Community Development Law. The Division Date for the applicable Phase shall be January 1, 2016; and a proposed form of the "Notice to Divide Tax for Community Redevelopment Project" applicable to such Phase is attached hereto as Exhibit A and incorporated herein by this reference. [The Division Date shall be the January 1<sup>st</sup> of the year following the issuance of a building permit for a residence to be constructed on a Lot described in Section 2 (a) hereof.] For purposes of the Notice to Divide Tax for Community Redevelopment Project, the calendar year in which the division of real property tax becomes effective shall be the year of the Division Date.

(d) Base Value Year. The base value year for such Phase shall be 2015. [The Base Value Year, shall mean the calendar year prior to the Division Date described in Section 2 (c) hereof.] For purposes of the Notice to Divide Tax for Community Redevelopment Project, the Base value Year shall be the year defined in this Section 2 (d).

3. Requirement to File Notice to Divide Tax for Community Redevelopment Project. The Agency shall execute and file with the Red Willow County Assessor and Treasurer a signed original of Exhibit A, attached hereto, being the Notice to Divide Tax for Community Redevelopment Project, prior to August 1, 2016. [This date shall be the August 1 following the Division Date described in Section 2 (c) hereof.]

4. Miscellaneous Provisions.

(a) Effectiveness. This Amendment shall become effective when and only when counterparts of this Amendment have been duly executed by both Agency and Redeveloper.

(b) Ratification of Contract. Except as amended by this Amendment, the Contract shall remain in full force and effect and is hereby ratified and confirmed in all respects. Each party acknowledges and agrees to all terms of the Contract, as the same are amended by this Amendment, and makes and restates each representation and warranty set forth therein as if made on the date of this Amendment.



**CITY MANAGER'S REPORT**  
**MAY 16, 2016 CITY COUNCIL MEETING**

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ITEM # 4A

**RECOMMENDATION:**

**Approve the proclamation designating May 15 – 21, 2016 as Emergency Medical Services Week and authorize the Mayor to sign.**

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**BACKGROUND:**

Emergency Medical Services, known more commonly as EMS, is a vital public health network of care for victims of sudden and serious illness or injury that depends on the availability and coordination of many different elements. Beginning with an informed public capable of recognizing medical emergencies, a few of the critical components necessary for the system to work include the 9-1-1 emergency number, fire department personnel, prehospital and hospital emergency department personnel.

Whatever the cause of sudden traumatic illness or injury – from natural or manmade disasters – paramedics, emergency medical technicians, first responders, fire fighters, police officers, and other EMS personnel provide immediate lifesaving care and transportation. In an environment where threats from domestic terrorism and weapons of mass destruction are of primary concern, Americans can be reassured knowing that if an event occurs, a heroic league of EMS professionals stands ready 24/7 to respond to the medical needs of our community.

EMS is now also firmly established as an essential public function and a vital component of the medical care continuum. On any given day, EMS practitioners help save lives by responding to medical emergencies, including heart attack, difficulty breathing, a fall or accident, drowning, cardiac arrest, stroke, drug overdose, emergency childbirth or acute illness. EMS may provide both basic and advanced medical care at the scene of an emergency and en route to a hospital. EMS practitioners care for their patients' medical needs and show caring and compassion to their patients in their most difficult moments.

With the development of mobile integrated healthcare and community paramedicine (MIH – CP), EMS is also increasingly a valued participant in achieving the nation's overall healthcare goals of improved patient health and lowered costs.

The American College of Emergency Physicians (ACEP), in partnership with the National Association of Emergency Medical Technicians (NAEMT), announces this year's EMS STRONG theme: "Called to Care." The campaign continues to recognize and inspire EMS personnel, strengthen the profession on a national level, and expand and amplify National EMS Week (May 15-21).

**CITY MANAGER'S REPORT**  
**MAY 16, 2016 CITY COUNCIL MEETING**

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**PAGE 2**

Locally, the McCook City and Volunteer Fire Department takes great pride in the services that we offer. From a rapid response time of less than 3 minutes to a professional staff of professional volunteer and career fire fighters, first responders, emergency medical technicians, and paramedics who provide emergency care to our area that is second to none.

This year, we ask that you recognize the contributions of EMS providers, locally and nationwide, and stress the importance of strong public support for the EMS system.

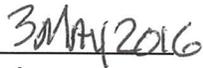
**FISCAL**  
**IMPACT:           None**

**RECOMMENDATION:**

**Approve the proclamation designating May 15 – 21, 2016 as Emergency Medical Services Week and authorize the Mayor to sign.**

**APPROVALS:**

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

  
\_\_\_\_\_  
Date

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

  
\_\_\_\_\_  
Date

*Office of the Mayor  
McCook, Nebraska  
Proclamation*

"EMERGENCY MEDICAL SERVICES WEEK"

- WHEREAS, emergency medical services is a vital public service; and
- WHEREAS, the members of emergency medical services teams are ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and
- WHEREAS, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and
- WHEREAS, emergency medical services has grown to fill a gap by providing important, out of hospital care, including preventative medicine, follow-up care, and access to telemedicine; and
- WHEREAS, emergency medical services system consist of first responders, emergency medical technicians, paramedics, emergency medical dispatchers, firefighters, police officers, educators, administrators, pre-hospital nurses, emergency nurses, emergency physicians, trained members of the public, and other out of hospital medical care providers; and
- WHEREAS, the members of emergency medical services teams, whether career or volunteer, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; and
- WHEREAS, it is appropriate to recognize the value and the accomplishments of emergency medical services providers by designating Emergency Medical Services Week; and

NOW, THEREFORE, I, Michael Gonzales, Mayor of the City of McCook, Nebraska, in recognition of this event do hereby proclaim May 15 - 21, 2016, as

EMERGENCY MEDICAL SERVICES WEEK

with the theme, *EMS: Strong: Called to Care*, I encourage the community to observe this week with appropriate programs, ceremonies and activities.

Dated this 16<sup>th</sup> day of May, 2016.

*In witness whereof I have hereunto set by  
hand and caused this seal to be affixed.*



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

ATTEST:

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

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

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**4B**

Approve the proclamation designating the week of May 15 - 21, 2016 as "National Public Works Week" and authorize the Mayor to sign.

---

**BACKGROUND:**

In 1960, the American Public Works Association started a public information campaign to make the general public more aware of the work Public Works Departments did, to educate the public on the importance of public works to their daily lives: planning, building, managing and operating at the heart of their local communities to improve everyday quality of life, as well as promote the "often-unsung heroes" of our society, the professionals who serve the public every day with quiet dedication.

The 2016 National Public Works Week theme is "Public Works Always There." This theme showcases the pervasiveness of public works. Communities depend on public works, and the men and women of the profession are always there and always ready.

Public Works staff promote and support service excellence through the many services they provide, such as:

- safe and clean parks and ball fields
- snow plowing
- safe and clean drinking water
- effective wastewater management
- stormwater management
- solid waste management services
- work to beautify the City
- traffic services
- capital project programming, design, review, tendering, construction, inspection & asset management of the City's linear and vertical infrastructure

**FISCAL**

**IMPACT:** None.

**RECOMMENDATION:**

Approve the proclamation designating the week of May 15 - 21, 2016 as "National Public Works Week" and authorize the Mayor to sign.

**APPROVALS:**

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

May 11, 2016

\_\_\_\_\_  
Nathan Schneider, City Manager

May 11, 2016

Office of the Mayor  
McCook, Nebraska

# Proclamation

## "NATIONAL PUBLIC WORKS WEEK"

**WHEREAS,** public works services provided in our community are an integral part of our community members' everyday lives and are designed to protect and enhance our human environment; and

**WHEREAS,** public works provide the physical infrastructure we must have for social and economic development, representing the investment of our tax money in our own future; and

**WHEREAS,** public works employees plan for, build and maintain some of our county's most valued assets, such as water, sewers, streets and highways, public transit facilities, public buildings, and solid waste collection; and

**WHEREAS,** the quality and effectiveness of these facilities, as well as their planning, design and construction is vitally dependent upon the efforts and skill of public works officials who keep our communities livable and economically vibrant; and

**WHEREAS,** the efficiency of the qualified and dedicated personnel who staff public works departments is materially influenced by the people's attitude and understanding of the importance of the work they perform,

**NOW, THEREFORE, BE IT RESOLVED,** that the Mayor and Council of the City of McCook, Nebraska hereby proclaim the week of May 15 through 21, 2016 as

### "National Public Works Week"

and call upon all community members and civic organizations to acquaint themselves with the issues involved in providing our public works and to recognize the contributions which public works officials make every day to our health, safety, comfort and quality of life.

Dated this 16<sup>th</sup> day of May, 2016.

*In witness whereof I have hereunto set by  
hand and caused this seal to be affixed.*



\_\_\_\_\_  
Michael Gonzales, Mayor

ATTEST:

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

**CITY MANAGER'S REPORT  
MAY 16, 2016 CITY COUNCIL MEETING**

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**ITEM:**            **5A**    

Approve the minutes of the May 2, 2016 regular City Council meeting.

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**BACKGROUND:**

Receive and approve the minutes.

**FISCAL  
IMPACT:**     None.

**RECOMMENDATION:**

Approve the minutes of the May 2, 2016 regular City Council meeting.

**APPROVALS:**

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

May 12, 2016

MCCOOK CITY COUNCIL  
May 2, 2016  
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, Library Director Crocker, 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 April 28, 2016, 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.**

There were no citizen's comments.

**2. Announcements & Recognitions.**

Fire Chief Harpham presented Public Works Employee Matt Coulter a Life Saving Award for his reaction to an incident when a teenager was trapped under a van, he may have saved his life.

**3. Presentations:**

- A. Receive and file a presentation from USI and MNB Insurance regarding insurance carrier selection.

USI representative Bobbi Fitzgerald and MNB Insurance representative Larry Eisenmenger presented information and a time line for the upcoming insurance carrier selection process.

**4. Proclamations.**

- A. Approve proclamation designating May 15, 2016 as "Police Officers Memorial Day" and the week of May 8 - 15, 2016 as "National Police Week" and authorize the Mayor to sign.

Upon a motion by Councilmember Hepp, seconded by Councilmember McDowell, the Council voted to approve proclamation designating May 15, 2016 as "Police Officers Memorial Day" and

the week of May 8 - 15, 2016 as "National Police Week" and authorize the Mayor to sign. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

- B. Approve the proclamation designating the week of May 1 - 7, 2016 as "Municipal Clerks Week" and authorize the Mayor to sign.

Upon a motion by Mayor Gonzales, seconded by Councilmember Calvin, the Council voted to approve the proclamation designating the week of May 1 - 7, 2016 as "Municipal Clerks Week" and authorize the Mayor to sign. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

## **5. Consent Agenda.**

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

- A. Approve the minutes of the April 18, 2016 regular City Council meeting.

Upon a motion by Councilmember Weedin, seconded by Councilmember Calvin, the Council voted to approve the minutes of the April 18, 2016 regular City Council meeting. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

- B. Approve the agreements between the Nebraska Department of Health and Human Services and the City of McCook for the purpose of providing Home Delivered Meals, Exempt Public Transportation, Local Medical Transportation for appointments and other Local Transportation and authorize the Mayor to sign.

Upon a motion by Councilmember Weedin, seconded by Councilmember Calvin, the Council voted to approve the agreements between the Nebraska Department of Health and Human Services and the City of McCook for the purpose of providing Home Delivered Meals, Exempt Public Transportation, Local Medical Transportation for appointments and other Local Transportation and authorize the Mayor to sign. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

- C. Receive and file minutes of the Library Advisory Board dated March 10, 2016.

Upon a motion by Councilmember Weedin, seconded by Councilmember Calvin, the Council voted to receive and file minutes of the Library Advisory Board dated March 10, 2016. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

- D. Authorize the request for an extension of the McCook Downtown Revitalization Community Development Block Grant No. 12-DTR-105 for an additional three months to be added to the contract terms, extending the date until September 6, 2016 and authorize the Mayor to sign the letter of request.

Upon a motion by Councilmember Weedin, seconded by Councilmember Calvin, the Council voted to authorize the request for an extension of the McCook Downtown Revitalization Community Development Block Grant No. 12-DTR-105 for an additional three months to be added to the contract terms, extending the date until September 6, 2016 and authorize the Mayor to sign the letter of request. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin,

McDowell, Weedin. NAY: None.

- E. Approve the Joint Entity Agreement between the McCook City Library and Pioneer Consortium and authorize the Mayor to sign.

Upon a motion by Councilmember Weedin, seconded by Councilmember Calvin, the Council voted to approve the Joint Entity Agreement between the McCook City Library and Pioneer Consortium and authorize the Mayor to sign. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

- F. Award Contract #1 for the McCook 2016 Street Improvements to McCormick Excavation and Paving in the amount of \$402,258.00 and Contract #2, including both Alternates #1 and #2, to BSB Construction in the amount of \$383,227.60.

Upon a motion by Councilmember Weedin, seconded by Councilmember Calvin, the Council voted to award Contract #1 for the McCook 2016 Street Improvements to McCormick Excavation and Paving in the amount of \$402,258.00 and Contract #2, including both Alternates #1 and #2, to BSB Construction in the amount of \$383,227.60. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

- G. Award the bid for the 2016 Armor Coating Project to Figgins Construction of Red Cloud, Nebraska in the amount of \$3.37 per gallon, that being the lowest best bid.

Upon a motion by Councilmember Weedin, seconded by Councilmember Calvin, the Council voted to award the bid for the 2016 Armor Coating Project to Figgins Construction of Red Cloud, Nebraska in the amount of \$3.37 per gallon, that being the lowest best bid. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

- H. Approve the application for a Special Designated Liquor License submitted by Schmick's Market, Inc., Liquor License #IDK-084561, for a Rodeo Fundraiser Event to be held at the Kiplinger Arena, West 5<sup>th</sup> & "O" Streets (1408 West 5th Street), on May 21, 2016, from 4:00 P.M. to 11:59 P.M.

Upon a motion by Councilmember Weedin, seconded by Councilmember Calvin, 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 Rodeo Fundraiser Event to be held at the Kiplinger Arena, West 5<sup>th</sup> & "O" Streets (1408 West 5th Street), on May 21, 2016, 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.

- I. Approve the request from the City of McCook Fire Department to close West "D" Street from West 7<sup>th</sup> Street to West "C" Street on Monday, May 23, 2016 from 1:00 P.M. to 11:00 P.M. to conduct a mock multiple vehicle collision for EMS/Fire training.

Upon a motion by Councilmember Weedin, seconded by Councilmember Calvin, the Council voted to approve the request from the City of McCook Fire Department to close West "D" Street from West 7<sup>th</sup> Street to West "C" Street on Monday, May 23, 2016 from 1:00 P.M. to 11:00 P.M. to conduct a mock multiple vehicle collision for EMS/Fire training. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

## 6. Regular Agenda.

- 5J. Adopt Resolution No. 2016-09 adopting and approving the execution of an agreement to waive receipt of the non-primary entitlement funds apportioned to the McCook Ben Nelson Regional Airport in Fiscal Year 2016 and transferring these funds to another Nebraska Airport and authorize the Mayor to sign.

Upon a motion by Councilmember Hepp, seconded by Councilmember McDowell, the Council voted to adopt Resolution No. 2016-09 adopting and approving the execution of an agreement to waive receipt of the non-primary entitlement funds apportioned to the McCook Ben Nelson Regional Airport in Fiscal Year 2016 and transferring these funds to another Nebraska Airport and authorize the Mayor to sign. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

- A. Introduce and approve under suspension of the rule, Ordinance No. 2016-2929, which serves to clear up non-material ambiguities existing in Ordinance No. 2013-2897; an Ordinance of the City of McCook, Nebraska, the Official Zoning Ordinance for the City of McCook, Nebraska.

Mayor Gonzales introduced Ordinance No. 2016-2929 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; PROVIDING FOR THE REPEAL OF ANY OTHER CONFLICTING ORDINANCES; AND PROVIDING A TIME AND DATE FROM AND AFTER WHICH THIS ORDINANCE SHALL TAKE EFFECT AND BE ENFORCED.

Ordinance No. 2016-2929 was introduced and read by title only. Mayor Gonzales moved that the statutory rule requiring reading on three different days be suspended. Councilmember McDowell seconded the motion to suspend the rule and upon roll call vote the following Councilmembers voted YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None. The motion to suspend the rule was adopted by three-fourths of the Council and the statutory rule was declared suspended for consideration of said Ordinance.

Councilmember Calvin moved for final passage of the Ordinance, which was seconded by Councilmember Hepp. The Mayor then stated the question: "Shall Ordinance No. 2016-2929 be passed and adopted?" Upon roll call vote the following Councilmembers voted YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None. Motion carried. The passage and adoption of said Ordinance, having been concurred in by a majority of all members of the Council, the Mayor declared the Ordinance lawfully passed and adopted upon publication as required by law.

- B. Introduce and approve under suspension of the rule, Ordinance No. 2016-2927, amending Subsection 54.065 of the City of McCook Code of Ordinances, adding additional parks and the walking trail system.

Mayor Gonzales introduced Ordinance No. 2016-2927 by title. The Clerk read the Ordinance by title:

AN ORDINANCE OF THE CITY OF MCCOOK, NEBRASKA AMENDING THE MUNICIPAL CODE OF THE CITY OF MCCOOK, NEBRASKA; AMENDING SECTION 54.065 - PUBLIC PARKS DEFINITION; ADDING ADDITIONAL PARKS AND THE WALKING TRAIL; TO PROVIDE FOR THE REPEAL OF ANY OTHER CONFLICTING ORDINANCES; AND PROVIDING A TIME AND DATE FROM AND AFTER WHICH THIS ORDINANCE

SHALL TAKE EFFECT AND BE ENFORCED.

Ordinance No. 2016-2927 was introduced and read by title only. Mayor Gonzales moved that the statutory rule requiring reading on three different days be suspended. Councilmember McDowell seconded the motion to suspend the rule and upon roll call vote the following Councilmembers voted YEA: Gonzales, Hepp, Calvin, McDowell, Weedon. NAY: None. The motion to suspend the rule was adopted by three-fourths of the Council and the statutory rule was declared suspended for consideration of said Ordinance.

Councilmember Calvin moved for final passage of the Ordinance, which was seconded by Councilmember Hepp. The Mayor then stated the question: "Shall Ordinance No. 2016-2927 be passed and adopted?" Upon roll call vote the following Councilmembers voted YEA: Gonzales, Hepp, Calvin, McDowell, Weedon. NAY: None. Motion carried. The passage and adoption of said Ordinance, having been concurred in by a majority of all members of the Council, the Mayor declared the Ordinance lawfully passed and adopted upon publication as required by law.

- C. Introduce and approve under suspension of the rule, Ordinance No. 2016-2924, amending Subsection 94.02 of the City of McCook Code of Ordinances, amending notice to remove snow, sleet, mud, ice, or other substance from the sidewalk adjacent to any lot.

Mayor Gonzales introduced Ordinance No. 2016-2924 by title. The Clerk read the Ordinance by title:

AN ORDINANCE OF THE CITY OF MCCOOK, NEBRASKA AMENDING THE MUNICIPAL CODE OF THE CITY OF MCCOOK, NEBRASKA; AMENDING SECTION 94.02 - SIDEWALKS - NOTICE; AMENDING NOTICE TO REMOVE SNOW, SLEET, MUD, ICE, OR OTHER SUBSTANCE FROM THE SIDEWALK ADJACENT TO ANY LOT; TO PROVIDE FOR THE REPEAL OF ANY OTHER CONFLICTING ORDINANCES; AND PROVIDING A TIME AND DATE FROM AND AFTER WHICH THIS ORDINANCE SHALL TAKE EFFECT AND BE ENFORCED.

Ordinance No. 2016-2924 was introduced and read by title only. Mayor Gonzales moved that the statutory rule requiring reading on three different days be suspended. Councilmember McDowell seconded the motion to suspend the rule and upon roll call vote the following Councilmembers voted YEA: Gonzales, Hepp, Calvin, McDowell, Weedon. NAY: None. The motion to suspend the rule was adopted by three-fourths of the Council and the statutory rule was declared suspended for consideration of said Ordinance.

Councilmember Calvin moved for final passage of the Ordinance, which was seconded by Councilmember Weedon. The Mayor then stated the question: "Shall Ordinance No. 2016-2924 be passed and adopted?" Upon roll call vote the following Councilmembers voted YEA: Gonzales, Hepp, Calvin, McDowell, Weedon. NAY: None. Motion carried. The passage and adoption of said Ordinance, having been concurred in by a majority of all members of the Council, the Mayor declared the Ordinance lawfully passed and adopted upon publication as required by law.

- D. Approve Ordinance No. 2015-2926 approving the Final Planned Unit Development District to be known as Quillan Courts Planned Unit Development District (as diagramed in Proposed Replat Clary Subdivision Replat No. 3, Clary Subdivision to the City of McCook, Red Willow County, Nebraska) upon its second reading.

Upon a motion by Councilmember Weedon, seconded by Councilmember Hepp, the Council voted to approve Ordinance No. 2015-2926 approving the Final Planned Unit Development District to be

known as Quillan Courts Planned Unit Development District (as diagramed in Proposed Replat Clary Subdivision Replat No. 3, Clary Subdivision to the City of McCook, Red Willow County, Nebraska) upon its second reading. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

E. Council Comments.

Council comments included discussion of the new Water Department's Vacuum Excavation System and recognition of trio "Major Minor 3" who have been selected to perform the Star Spangled Banner at the Cornhusker State Games Opening Ceremonies.

▪ **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-Treasurer

**CITY MANAGER'S REPORT  
MAY 16, 2016 CITY COUNCIL MEETING**

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**ITEM: 5B**

**RECOMMENDATION:**

**APPROVE THE REQUEST FROM THE HILLCREST NURSING HOME FOUNDATION TO UTILIZE CITY STREETS AND WALKING TRAILS FOR THEIR 2016 21.3 MILE RELAY RUN ON SATURDAY JUNE 11, 2016.**

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**BACKGROUND:**

Maggie Repass, Foundation Director of the Hillcrest Nursing Home Foundation is requesting the use of City Streets and Walking Trails for their 2016 21.3 mile relay run. A description of the route is attached.

**FISCAL  
IMPACT:** None.

**RECOMMENDATION:**

**APPROVE THE REQUEST FROM THE HILLCREST NURSING HOME FOUNDATION TO UTILIZE CITY STREETS AND WALKING TRAILS FOR THEIR 2016 21.3 MILE RELAY RUN ON SATURDAY JUNE 11, 2016.**

**APPROVALS:**

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

May 10, 2016

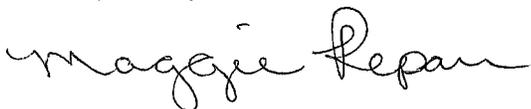
  
\_\_\_\_\_  
Nate Schneider, City Manager

May 10, 2016

McCook City Counsel,

The Hillcrest Nursing Home Foundation will be hosting a 21.3 Mile relay run on June 11<sup>th</sup> 2016. We would like to have the "in Town" portion of the route approved. The race would start at the front doors of Hillcrest Nursing Home at 309 West 7<sup>th</sup> St. and would turn the corner and Run East on "D" Street. At West 3<sup>rd</sup> the route would turn north until "M" street and it would head East Again. We would go down Bolles Canyon Road and use the walking trail until it reaches "H" Street. At "H" street we would go East again until Airport Road and then we would leave city limits going North.

Thank you for your consideration,

A handwritten signature in cursive script that reads "Maggie Repass".

Maggie Repass

Foundation Director

Hillcrest Nursing Home Foundation

308-345-4600

CITY MANAGER'S REPORT  
MAY 16, 2016 CITY COUNCIL MEETING

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ITEM: 5C

RECOMMENDATION:

Receive the minutes of the May 9, 2016 Planning Commission meeting.

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BACKGROUND:

Receive minutes from the various board and commission meetings.

FISCAL

IMPACT: None.

RECOMMENDATION:

Receive the minutes of the May 9, 2016 Planning Commission meeting.

APPROVALS:

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

May 12, 2016

**MCCOOK PLANNING COMMISSION  
REGULAR MEETING**

**MINUTES**

**Monday - May 9, 2016**

**5:15 P.M. - City Council Chambers**

Present: Chair Vosburg; Vice Chair Dueland; Commissioners Harpst, Hilker, Lyons, City Manager Schneider; City Attorney Mustion; City Clerk Doak.

Absent: Commissioners Garey-Vickers, Shipshock, Stevens, Wolford, Siegfried.

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

1. Approve the minutes of the March 14, 2016 regular meeting.

Upon a motion by Commissioner Dueland, seconded by Commissioner Hilker, the Commission voted to approve the minutes of the March 14, 2016 meeting. The motion passed upon the following roll call vote: YEA: Vosburg, Dueland, Harpst, Hilker, Lyons. NAY: None. ABSENT: Garey-Vickers, Shipshock, Stevens, Wolford, Siegfried.

2. Recommend to the City Council approval of changing the zoning designation of Lots 7 - 12, Block 8, Brown's Park Addition to the City of McCook, (a/k/a 305 East 12<sup>th</sup> Street), from Business Commercial (BC) to Residential Medium (RM) Density District.

City Manager Schneider reviewed the following information presented in his City Manager's Report: "An application to modify the zoning designation of property located at 305 East 12<sup>th</sup> Street and legally described as Lots 7-12, Block 8, Brown's Park Addition to the City of McCook, has been received. The applicants, Rob and Barbara Pinkal are requesting to change the zoning designation from Business Commercial to Residential Medium Density. The reason for the request is to allow the applicants to proceed with a building permit for a house and garage. The applicants purchased the property in 2012. Historically, this property did have a residence on it. It was demolished in approximately 2010 or 2011. The real estate at issue currently is flanked to the east and west by Business Commercial zones. The property is adjacent to Residential districts to the north. On review of the area, there is a combination of business and residential structures. A change from Business Commercial to Residential Medium Density District would not negatively impact the layout of the area. Staff recommends approval of the application.

Applicant Barbara Pinkal was present to address any questions from the Commission.

Upon a motion by Commissioner Harpst, seconded by Commissioner Dueland, the Commission voted to recommend to the City Council approval of changing the zoning designation of Lots 7 - 12, Block 8, Brown's Park Addition to the City of McCook, (a/k/a 305 East 12<sup>th</sup> Street), from Business Commercial (BC) to Residential Medium (RM) Density District. The motion passed upon the following roll call vote: YEA: Vosburg, Dueland, Harpst, Hilker, Lyons. NAY: None. ABSENT: Garey-Vickers, Shipshock, Stevens, Wolford, Siegfried.

3. Select new officers for the term of April 2016 through March 2017 - Chair, Vice-Chair, and Secretary - pursuant to Chapter 35, Section 35.001 of the City of McCook Code of Ordinances.

Upon a motion by Commissioner Dueland, seconded by Commissioner Hilker, the Commission nominated Kurt Vosburg as Chair of the Commission. Vosburg was elected as Chair upon the following roll call vote: YEA: Vosburg, Dueland, Harpst, Hilker, Lyons. NAY: None. ABSENT: Garey-Vickers, Shipshock, Stevens, Wolford, Siegfried.

Upon a motion by Commissioner Dueland, seconded by Commissioner Lyons, the Commission nominated Tammie Hilker as Vice-Chair of the Commission. Hilker was elected as Vice-Chair upon the following roll call vote: YEA: Vosburg, Dueland, Harpst, Hilker, Lyons. NAY: None. ABSENT: Garey-Vickers, Shipshock, Stevens, Wolford, Siegfried.

Upon a motion by Commissioner Dueland, seconded by Commissioner Vosburg, the Commission nominated Chad Lyons as Secretary of the Commission. Lyons was elected as Secretary upon the following roll call vote: YEA: Vosburg, Dueland, Harpst, Hilker, Lyons. NAY: None. ABSENT: Garey-Vickers, Shipshock, Stevens, Wolford, Siegfried.

The annexation process and the redevelopment contract for Quillan Courts were discussed as future commission meeting topics.

▪ **Adjournment.**

With no further business, Chair Vosburg declared the Planning Commission meeting adjourned at 5:45 P.M.

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Lea Ann Doak  
Recording Secretary

**CITY MANAGER'S REPORT  
MAY 16, 2016 CITY COUNCIL MEETING**

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**ITEM:            5D**

Approve the application for a Special Designated Liquor License submitted by Schmick's Market, Inc., Liquor License #IDK-084561, a dance/reception to be held at the McCook Municipal Auditorium, 302 West 5<sup>th</sup> Street, on May 28, 2016 from 4:00 P.M. to 11:59 P.M.

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**BACKGROUND:**

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

**FISCAL  
IMPACT:**     None.

**RECOMMENDATION:**

Approve the application for a Special Designated Liquor License submitted by Schmick's Market, Inc., Liquor License #IDK-084561, a dance/reception to be held at the McCook Municipal Auditorium, 302 West 5<sup>th</sup> Street, on May 28, 2016 from 4:00 P.M. to 11:59 P.M.

**APPROVALS:**

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

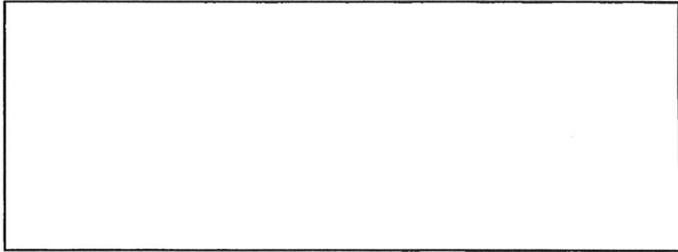
May 11, 2016

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

May 11, 2016

# APPLICATION FOR SPECIAL DESIGNATED LICENSE

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



## Special Designated License (SDL) Application Quick Checklist

### Requirements:

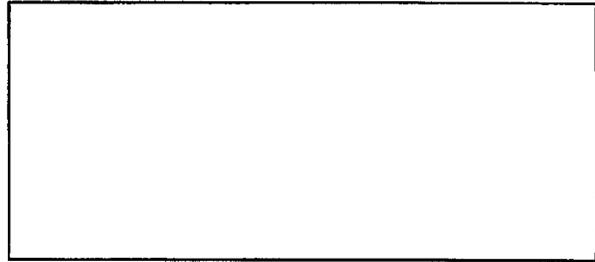
- Application **MUST** in the event is to be held *Lea -* applications **will no** *This one will have to be sent in by fax or email THE NIGHT OF the Council mtg.* city, village or county clerk of where **EFFECTIVE MAY 1, 2015,** **attached to the application.**
- Only 501c Non-profit No SDL will be issue *in* for a Special Designated License. Temporary Operating Permit (TOP).
- Include \$40 fee for ea If you have a Catering <http://www.lcc.nebras> *JG* liquor Control Commission (NLCC). to pay online at
- **Applicant** is responsi deadline. It is not the NLCC office before the 10-day d the application to the NLCC.
- When requesting alter approval for these alter ordinance or resolution. al governing body must include rules on Sunday, attach copy of local
- Application must be received in Nebraska Liquor Control Commission (NLCC) office a **MINIMUM** of ten (10) business days prior to date of event (weekends, holidays & date of event are not included in this count). **NO EXCEPTIONS!**  
\*See the calendar on our website at: <http://www.lcc.nebraska.gov/pdfs/SDL%20Calender%20SEPT%202015%20-JAN%202017.pdf>
- When requesting an outdoor area, you must include a box-type diagram of the area to be licensed.
- Non Caterer applicants are only allowed six (6) SDLs per calendar year, this includes consecutive days used on one application (i.e. July 4 – 9 = 6 days).
- Only twelve (12) SDLs will be issued at any specific location that could otherwise hold a liquor license.

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

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

**APPLICATION FOR SPECIAL DESIGNATED LICENSE**

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



DO YOU NEED POSTERS? YES  NO

**NON PROFIT APPLICANTS**

(Check one that best applies)

Municipal  Political  Fine Arts  Fraternal  Religious  Charitable  Public Service

**LIQUOR LICENSE HOLDERS**

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

IDK-084561

**COMPLETE ALL QUESTIONS**

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

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

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

ADDRESS: 212 Westview Plaza

CITY McCook ZIP 69001

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

BUILDING NAME McCook City Auditorium

ADDRESS: 302 West 5th St. CITY McCook

ZIP 69001 COUNTY and COUNTY # Red Willow #48

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

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

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

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

Date May 28th, 2016	Date	Date	Date	Date	Date
<b>Hours</b> From 4 pm	<b>Hours</b> From	<b>Hours</b> From	<b>Hours</b> From	<b>Hours</b> From	<b>Hours</b> From
To 11:59 pm	To	To	To	To	To

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

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

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

Dance  Reception  Fund Raiser \_\_\_\_\_ Beer Garden \_\_\_\_\_ Sampling/Tasting \_\_\_\_\_  
Other Anderson Wedding

6. Description of area to be licensed

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

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

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

If outdoor area, how will premises be enclosed?

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

\_\_\_ Tent

7. How many attendees do you expect at event? <sup>200</sup> \_\_\_\_\_

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

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

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

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

10. Where will you be purchasing your alcohol?

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

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

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

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

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

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

Print name of Event Supervisor Tyler Schmick

Signature of Event Supervisor 

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

Email address schmicksmarket@gmail.com

Consent of Authorized Representative/Applicant

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

sign here  Owner 05-04-2016  
Authorized Representative/Applicant Title Date

Tyler Schmick  
Print Name

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

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

**CITY MANAGER'S REPORT  
MAY 16, 2016 CITY COUNCIL MEETING**

**ITEM: 5E** Adopt Resolution No. 2016- 10 relieving CPI Qualified Plan Consultants from their duties as administrator of the City of McCook Employee Retirement Plan and entering into an agreement with Benefit Plans, Inc. to serve as the administrator.

**BACKGROUND:**

The City of McCook has utilized CPI Qualified Plan Consultants as the City's pension plan administrator since 2011. In 2015, concerns arose regarding CPI's ability to facilitate our Police and Fire Pensions. After reviewing the matter with Sharleen Riemenschneider (the City's financial advisor) of Edward D. Jones, it was determined that it may be better to put all three pensions in the hands of a different administrator for consistency. Ms. Riemenschneider has contacted various firms to gauge interest in serving as the City of McCook's plan administrator. Based on this research, a decision has been made to partner with Benefit Plans, Inc. Benefit Plans, Inc. focuses on municipal plans, which will be particularly helpful for the State of Nebraska's statutory plans (police and fire). It should also be a benefit to our employee plan as well. The impact of the change will not be felt by the City employees and the change should offer a greater diversity of investment options for our employees. None of the costs associated with a change will be assessed to our employees. The transition costs will be paid by the new administrator. There will be a one month blackout period in which account activity will not be allowed. This period will occur while the transfer is being completed between the two companies. Ms. Riemenschneider has met or will be meeting with City employees to discuss the matter in person prior to the transition taking place.

**FISCAL IMPACT:**

None.

**RECOMMENDATIONS:**

Adopt Resolution No. 2016- 10 relieving CPI Qualified Plan Consultants from their duties as administrator of the City of McCook Employee Retirement Plan and entering into an agreement with Benefit Plans, Inc. to serve as the administrator.

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

May 11, 2016

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

May 11, 2016

## RESOLUTION NO 2016-10

WHEREAS, the City of McCook, Nebraska has established, as permitted by law, a pension savings plan designated and intended for the benefit of its regularly employed or appointed full-time employees other than police and fire pension participants ("City of McCook Employee Retirement Plan"); and

WHEREAS, the City Council has previously established the Employee Retirement Plan Advisory Committee responsible for making recommendations concerning the administration and performance of such Plan; and

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

SECTION 1. That the City Manager be and hereby is authorized to proceed with the transfer of the assets of the City of McCook Employee Retirement Plan, including the execution of other documents required in connection with the transfer, and payment of necessary fees in accordance with the terms and provisions of the Trust Agreement.

SECTION 2. That CPI Qualified Plan Consultants is hereby relieved of their duties as Recordkeeper and Administrator of the City of McCook Employee Retirement Plans.

SECTION 3. That the Service Agreement by and between the City and Benefit Plans, Inc., a Nebraska corporation, be entered into for such Plan; and the City Manager is hereby authorized and directed to execute such service agreement on behalf of the City of McCook.

SECTION 4. That the Service Agreement by and between the City and John Hancock, a Massachusetts corporation, be entered into for such Plan; and the City Manager is hereby authorized and directed to execute such service agreement on behalf of the City of McCook.

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

PASSED AND APPROVED THIS 16<sup>th</sup> day of May, 2016.

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

ATTEST:

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

**CITY MANAGER'S REPORT  
MAY 16, 2016 CITY COUNCIL MEETING**

**ITEM: 5F** Adopt Resolution No. 2016-~~12~~ relieving CPI Qualified Plan Consultants from their duties as administrator of the City of McCook Police Department Retirement Plan and entering into an agreement with Benefit Plans, Inc. to serve as the administrator.

**BACKGROUND:**

The City of McCook has utilized CPI Qualified Plan Consultants as the City's pension plan administrator since 2011. In 2015, concerns arose regarding CPI's ability to facilitate our Police and Fire Pensions. After reviewing the matter with Sharleen Riemenschneider (the City's financial advisor) of Edward D. Jones, it was determined that it may be better to put all three pensions in the hands of a different administrator for consistency. Ms. Riemenschneider has contacted various firms to gauge interest in serving as the City of McCook's plan administrator. Based on this research, a decision has been made to partner with Benefit Plans, Inc. Benefit Plans, Inc. focuses on municipal plans, which will be particularly helpful for the State of Nebraska's statutory plans (police and fire). It should also be a benefit to our employee plan as well. The impact of the change will not be felt by the City employees and the change should offer a greater diversity of investment options for our employees. None of the costs associated with a change will be assessed to our employees. The transition costs will be paid by the new administrator. There will be a one month blackout period in which account activity will not be allowed. This period will occur while the transfer is being completed between the two companies. Ms. Riemenschneider has met or will be meeting with City employees to discuss the matter in person prior to the transition taking place.

**FISCAL IMPACT:**

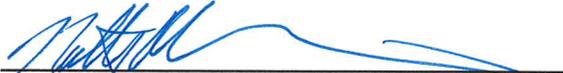
None.

**RECOMMENDATIONS:**

Adopt Resolution No. 2016-~~12~~ relieving CPI Qualified Plan Consultants from their duties as administrator of the City of McCook Police Department Retirement Plan and entering into an agreement with Benefit Plans, Inc. to serve as the administrator.

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

May 11, 2016

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

May 11, 2016

**RESOLUTION NO 2016-12**

WHEREAS, the City of McCook, Nebraska has established, as permitted by law, a pension savings plan designated and intended for the benefit of its regularly employed or appointed full-time police employees ("City of McCook Police Employees Retirement Plan"); and

WHEREAS, the City Council has previously established the Police Employees Retirement Plan Advisory Committee responsible for making recommendations concerning the administration and performance of such Plan; and

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

SECTION 1. That the City Manager be and hereby is authorized to proceed with the transfer of the assets of the City of McCook Police Employees Retirement Plan, including the execution of other documents required in connection with the transfer, and payment of necessary fees in accordance with the terms and provisions of the Trust Agreement.

SECTION 2. That CPI Qualified Plan Consultants is hereby relieved of their duties as Recordkeeper and Administrator of the City of McCook Police Employees Retirement Plan.

SECTION 3. That the Service Agreement by and between the City and Benefit Plans, Inc., a Nebraska corporation, be entered into for such Plan; and the City Manager is hereby authorized and directed to execute such service agreement on behalf of the City of McCook.

SECTION 4. That the Service Agreement by and between the City and John Hancock, a Massachusetts corporation, be entered into for such Plan; and the City Manager is hereby authorized and directed to execute such service agreement on behalf of the City of McCook.

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

PASSED AND APPROVED THIS 16<sup>th</sup> day of May, 2016.

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Michael D. Gonzales, Mayor

ATTEST:

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Lea Ann Doak, City Clerk

WHEREAS, members of the McCook Police Employees Retirement Plan and Retirement Committee met on May 2, 2016 with Sharleen Riemenschneider, Financial Advisor with Edward Jones and concur with the following:

1. That the City Manager be and hereby is authorized to proceed with the transfer of the assets of the City of McCook Police Department Employee Retirement Plan, including the execution of other documents required in connection with the transfer, and payment of necessary fees in accordance with the terms and provisions of the Trust Agreement.
2. That CPI Qualified Plan Consultants is hereby relieved of their duties as Recordkeeper and Administrator of the City of McCook Police Department Retirement Plan.
3. That the Service Agreement by and between the City and Benefit Plans, Inc., a Nebraska corporation, be entered into for such Plan; and the City Manager is hereby authorized and directed to execute such service agreement on behalf of the City of McCook.
4. That the Service Agreement by and between the City and John Hancock., a Massachusetts corporation, be entered into for such Plan; and the City Manager is hereby authorized and directed to execute such service agreement on behalf of the City of McCook.

DATED THIS 11<sup>TH</sup> day of MAY, 2016.

  
Sgt. Kevin Darling  
President  
McCook Police Retirement Committee

**CITY MANAGER'S REPORT  
MAY 16, 2016 CITY COUNCIL MEETING**

**ITEM: 5G** Adopt Resolution No. 2016- 11 relieving CPI Qualified Plan Consultants from their duties as administrator of the City of McCook Fire Department Retirement Plan and entering into an agreement with Benefit Plans, Inc. to serve as the administrator.

**BACKGROUND:**

The City of McCook has utilized CPI Qualified Plan Consultants as the City's pension plan administrator since 2011. In 2015, concerns arose regarding CPI's ability to facilitate our Police and Fire Pensions. After reviewing the matter with Sharleen Riemenschneider (the City's financial advisor) of Edward D. Jones, it was determined that it may be better to put all three pensions in the hands of a different administrator for consistency. Ms. Riemenschneider has contacted various firms to gauge interest in serving as the City of McCook's plan administrator. Based on this research, a decision has been made to partner with Benefit Plans, Inc. Benefit Plans, Inc. focuses on municipal plans, which will be particularly helpful for the State of Nebraska's statutory plans (police and fire). It should also be a benefit to our employee plan as well. The impact of the change will not be felt by the City employees and the change should offer a greater diversity of investment options for our employees. None of the costs associated with a change will be assessed to our employees. The transition costs will be paid by the new administrator. There will be a one month blackout period in which account activity will not be allowed. This period will occur while the transfer is being completed between the two companies. Ms. Riemenschneider has met or will be meeting with City employees to discuss the matter in person prior to the transition taking place.

**FISCAL IMPACT:**

None.

**RECOMMENDATIONS:**

Adopt Resolution No. 2016- 11 relieving CPI Qualified Plan Consultants from their duties as administrator of the City of McCook Fire Department Retirement Plan and entering into an agreement with Benefit Plans, Inc. to serve as the administrator.

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

May 11, 2016

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

May 11, 2016

**RESOLUTION NO 2016-11**

WHEREAS, the City of McCook, Nebraska has established, as permitted by law, a pension savings plan designated and intended for the benefit of its regularly employed or appointed full-time firefighter employees ("City of McCook Firefighters Retirement Plan"); and

WHEREAS, the City Council has previously established the Firefighter Retirement Plan Advisory Committee responsible for making recommendations concerning the administration and performance of such Plan; and

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

SECTION 1. That the City Manager be and hereby is authorized to proceed with the transfer of the assets of the City of McCook Firefighter Retirement Plan, including the execution of other documents required in connection with the transfer, and payment of necessary fees in accordance with the terms and provisions of the Trust Agreement.

SECTION 2. That CPI Qualified Plan Consultants is hereby relieved of their duties as Recordkeeper and Administrator of the City of McCook Firefighter Retirement Plan.

SECTION 3. That the Service Agreement by and between the City and Benefit Plans, Inc., a Nebraska corporation, be entered into for such Plan; and the City Manager is hereby authorized and directed to execute such service agreement on behalf of the City of McCook.

SECTION 4. That the Service Agreement by and between the City and John Hancock, a Massachusetts corporation, be entered into for such Plan; and the City Manager is hereby authorized and directed to execute such service agreement on behalf of the City of McCook.

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

PASSED AND APPROVED THIS 16<sup>th</sup> day of May, 2016.

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

ATTEST:

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

WHEREAS, members of the McCook Firefighters Retirement Plan and Retirement Committee met on April 27, 2016 with Sharleen Riemenschneider, Financial Advisor with Edward Jones and concur with the following:

1. That the City Manager be and hereby is authorized to proceed with the transfer of the assets of the City of McCook Firefighters Retirement Plan, including the execution of other documents required in connection with the transfer, and payment of necessary fees in accordance with the terms and provisions of the Trust Agreement.
2. That CPI Qualified Plan Consultants is hereby relieved of their duties as Recordkeeper and Administrator of the City of McCook Firefighters Retirement Plan.
3. That the Service Agreement by and between the City and Benefit Plans, Inc., a Nebraska corporation, be entered into for such Plan; and the City Manager is hereby authorized and directed to execute such service agreement on behalf of the City of McCook.
4. That the Service Agreement by and between the City and John Hancock., a Massachusetts corporation, be entered into for such Plan; and the City Manager is hereby authorized and directed to execute such service agreement on behalf of the City of McCook.

DATED THIS \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Lt. Steve Renner  
President  
McCook Firefighters Retirement Committee

**CITY MANAGER'S REPORT  
MAY 16, 2016 CITY COUNCIL MEETING**

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**ITEM:            5H**

Approve the application for a Special Designated Liquor License submitted by the McCook Area Chamber of Commerce for a Business after hours/Networking affair to be held at American Agricultural Laboratory, 700 West "D" Street, on June 14, 2016 from 4:00 P.M. to 10:00 P.M.; with alternate dates of June 15, 2016, June 20, 2016, and June 21, 2016.

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**BACKGROUND:**

The Chamber will be holding this event at the American Agricultural Laboratory. They are making application to allow them to serve alcohol at this temporary location. Approval of the City Council is required with all applications.

**FISCAL  
IMPACT:**       None.

**RECOMMENDATION:**

Approve the application for a Special Designated Liquor License submitted by the McCook Area Chamber of Commerce for a Business after hours/Networking affair to be held at American Agricultural Laboratory, 700 West "D" Street, on June 14, 2016 from 4:00 P.M. to 10:00 P.M.; with alternate dates of June 15, 2016, June 20, 2016, and June 21, 2016.

**APPROVALS:**

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

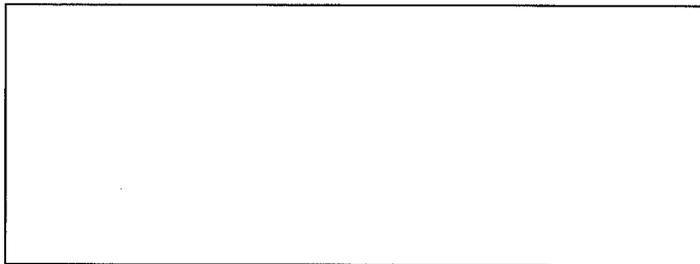
May 12, 2016

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

May 12, 2016

## APPLICATION FOR SPECIAL DESIGNATED LICENSE

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



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

#### Requirements:

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

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

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

**APPLICATION FOR SPECIAL DESIGNATED LICENSE**

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

DO YOU NEED POSTERS? YES \_\_\_ NO X

**NON PROFIT APPLICANTS**

(Check one that best applies)

Municipal \_\_\_ Political \_\_\_ Fine Arts \_\_\_ Fraternal \_\_\_ Religious \_\_\_ Charitable X Public Service

**LIQUOR LICENSE HOLDERS**

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

**COMPLETE ALL QUESTIONS**

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

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

NAME: McCook Area Chamber of Commerce

ADDRESS: 203 West 2nd PO Box 337

CITY McCook ZIP 69001

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

BUILDING NAME American Agricultural Labartory

ADDRESS: 700 West D CITY McCook

ZIP 69001 COUNTY and COUNTY # Red Willow / 48

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

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

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

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

Date 6/14/2016	Date	Date	Date	Date	Date
<b>Hours</b> From 400PM	<b>Hours</b> From	<b>Hours</b> From	<b>Hours</b> From	<b>Hours</b> From	<b>Hours</b> From
To 1000 PM	To	To	To	To	To

a. Alternate date: 6/15/2016, 6/20/2016, 6/21/2016

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

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

Dance \_\_\_ Reception \_\_\_ Fund Raiser \_\_\_ Beer Garden \_\_\_ Sampling/Tasting \_\_\_  
 Other Business after hours/ Networking affair,

6. Description of area to be licensed

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

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

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

If outdoor area, how will premises be enclosed?

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

7. How many attendees do you expect at event? 125

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

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

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

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

10. Where will you be purchasing your alcohol?

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

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

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

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

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

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

Print name of Event Supervisor C. Jamie Mockry

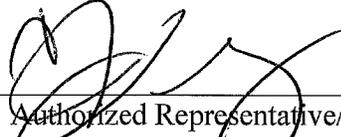
Signature of Event Supervisor 

Event Supervisor phone: Before 3083453200 During 3083406332

Email address director@mccookchamber.org

Consent of Authorized Representative/Applicant

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

sign here   
Authorized Representative/Applicant

**Board President 5/11/2016**

Title Date

**C. Jamie Mockry**  
Print Name

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

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

**This page is required to be completed by Non Profit applicants only.**

**Application for Special Designated License  
Under Nebraska Liquor Control Act  
Affidavit of Non-Profit Status**

I HEREBY DECLARE THAT THE CORPORATION MAKING APPLICATION FOR A SPECIAL DESIGNATED LICENSE UNDER THE NEBRASKA LIQUOR CONTROL ACT IS EITHER A MUNICIPAL CORPORATION, A FINE ARTS MUSEUM INCORPORATED AS A NONPROFIT CORPORATION, A RELIGIOUS NONPROFIT CORPORATION WHICH HAS BEEN EXEMPTED FROM THE PAYMENT OF FEDERAL INCOME TAXES, A POLITICAL ORGANIZATION WHICH HAS BEEN EXEMPTED FROM THE PAYMENT OF FEDERAL INCOME TAXES, OR ANY OTHER NONPROFIT CORPORATION, THE PURPOSE OF WHICH IS FRATERNAL, CHARITABLE, OR PUBLIC SERVICE AND WHICH HAS BEEN EXEMPTED FROM THE PAYMENT OF FEDERAL INCOME TAXES AS PER §53-124.11(1).

AS SIGNATORY I CONSENT TO THE RELEASE OF ANY DOCUMENTS SUPPORTING THIS DECLARATION AND ANY DOCUMENTS SUPPORTING THIS DECLARATION WILL BE PROVIDED TO THE NEBRASKA LIQUOR CONTROL COMMISSION, THE NEBRASKA STATE PATROL OR ANY AGENT OF THE LIQUOR CONTROL COMMISSION IMMEDIATELY UPON DEMAND. I ALSO CONSENT TO THE INVESTIGATION OF THIS CORPORATE ENTITY TO DETERMINE IT'S NONPROFIT STATUS.

I AGREE TO WAIVE ANY RIGHTS OR CAUSES OF ACTION AGAINST THE NEBRASKA LIQUOR CONTROL COMMISSION, THE NEBRASKA STATE PATROL OR ANY PARTY RELEASING INFORMATION TO THE AFOREMENTIONED PARTIES.

McCook Chamber of Commerce

NAME OF CORPORATION

47-0233780

FEDERAL ID NUMBER

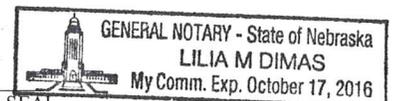
  
SIGNATURE OF TITLE OF CORPORATE OFFICERS

THE ABOVE INDIVIDUAL STATES THAT THE STATEMENT ABOVE IS TRUE AND CORRECT: IF ANY FALSE STATEMENT IS MADE ON THIS APPLICATION, THE APPLICANT SHALL BE DEEMED GUILTY OF PERJURY AND SUBJECT TO PENALTIES PROVIDED BY LAW. (SEC. §53-131.01) NEBRASKA LIQUOR CONTROL ACT

SUBSCRIBED IN MY PRESENCE AND SWORN TO BEFORE ME THIS 11 DAY OF

May 2014

  
NOTARY PUBLIC SIGNATURE & SEAL



**CITY MANAGER'S REPORT  
MAY 16, 2016 CITY COUNCIL MEETING**

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**ITEM:            51**

**RECOMMENDATION:**

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

---

**BACKGROUND:**

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

The request is to install underground fiber optic cable along the west side of West "O" Street, beginning approximately 328 feet West of the West 17<sup>th</sup> and West "O" Street intersection and then running west approximately 135 feet to a point ending approximately 463 feet west of the West 17<sup>th</sup> and West "O" Street intersection.

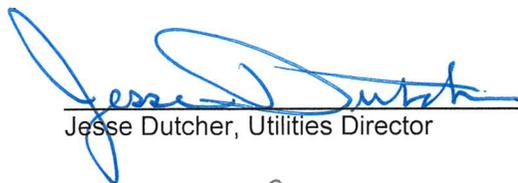
We have attached a drawing that identifies the location and a \$2,500.00 check will be required as a performance guarantee.

**FISCAL  
IMPACT:**       None.

**RECOMMENDATION:**

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

**APPROVALS:**

  
\_\_\_\_\_  
Jesse Dutcher, Utilities Director

May 10, 2016

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

May 10, 2016

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

May 10, 2016



# Application to occupy Right of Way

Applicant: \_\_\_\_\_ Date May 3-2016  
Name Great Plains Comm. Phone 402-537-8608  
Address \_\_\_\_\_ Fax 308-882-9060  
\_\_\_\_\_ Email fwright@gpcorn.com  
Start Date 5-16-16 Finish Date 8-31-16

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

<b>Type:</b> (Circle) Over-cross Under-cross <u>Occupy</u> Miscellaneous	<b>With a</b> (Circle) Water line Sewer Line Gas Line <u>Telephone Line (Underground Aerial)</u>	Tree Trimming/Removal Grading Other Electric Line (Underground Aerial)
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**Location:** beginning 328 feet (East West North South) of (Intersection) West 17<sup>th</sup> & West 0<sup>st</sup>  
and ending (East West North South) 463 feet of (Intersection) West 17<sup>th</sup> & West 0<sup>st</sup>

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

### **Performance Guarantee: (Make Payable to City of McCook)**

Amount: \$ \_\_\_\_\_ Check No. \_\_\_\_\_ Soc. Sec. No. or FID No. \_\_\_\_\_

This guarantee is for the faithful compliance by the Applicant to the terms of the permit. It is understood that should the Applicant fail to perform the work as set forth in the permit, the City of McCook will have the right to keep the performance guarantee as liquidated damages for its necessary supervisory and inspection expenses and to initiate such legal proceedings as are necessary to secure either performance of the work in compliance with the terms of the permit or the restoration of the right of way to its previous condition prior to the activities of the Applicant.

**NOTE:** Please provide a location plan for over-cross or under-cross of location to occupy City of McCook right-of-way. When your project requires engineering plans, please submit four sets of plans, no larger than 18"X24". The engineering plans shall show the general features of the work to be completed and all information such as sizes, distances, dimensions, sleeves, cuts and fills, erosion control measures, etc., when applicable.

  
Applicant's Signature

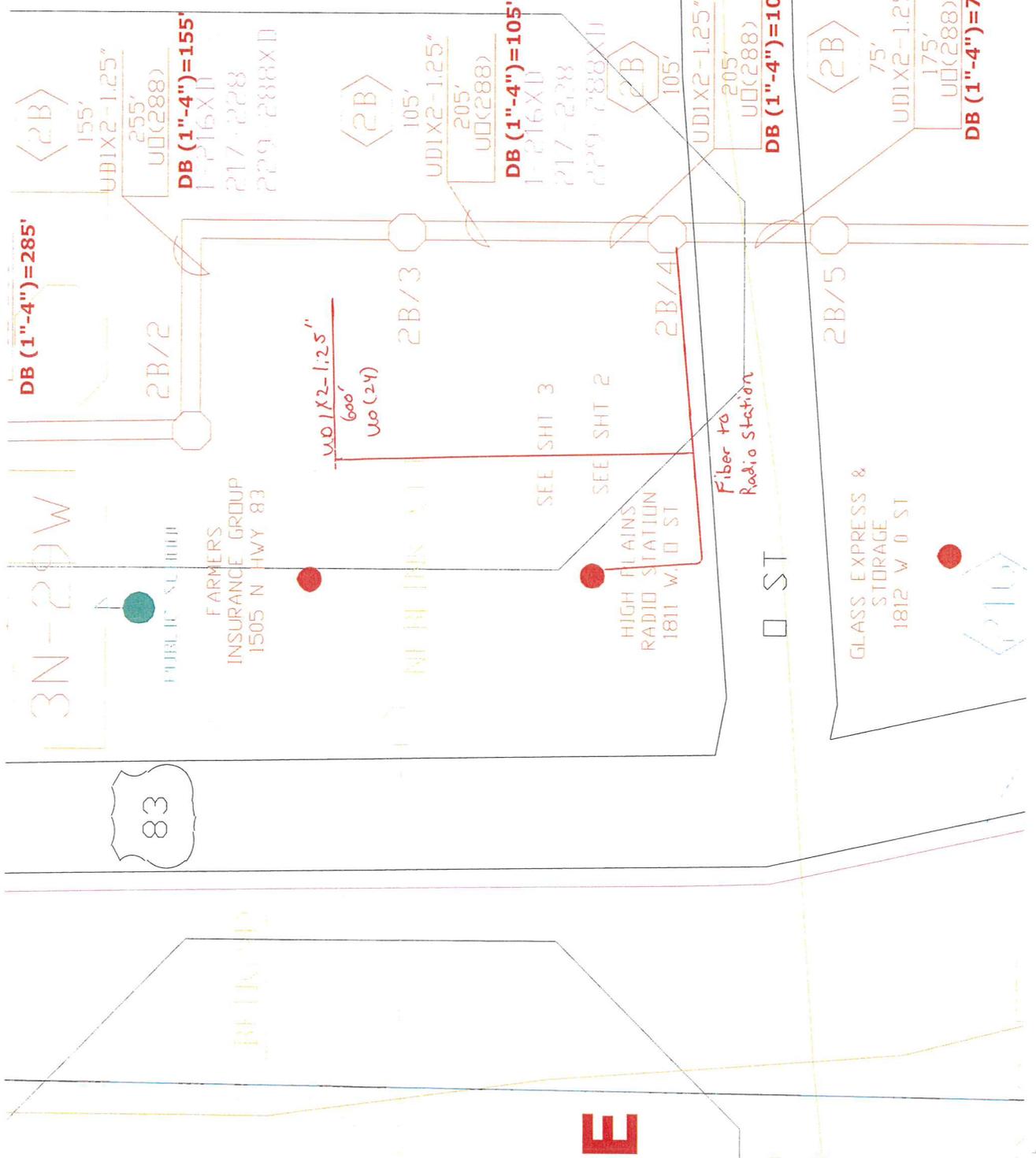
Recommended By  
Comments:

Date

Director of Public Works Approval

Ref 8-310 & 311

# SHT



**CITY MANAGER'S REPORT  
MAY 16, 2016 CITY COUNCIL MEETING**

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**ITEM:            5J**

Receive and file the claims for the month of April 2016 as published May 16, 2016.

---

**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 April 2016 as published May 16, 2016.

**APPROVALS:**

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

May 12, 2016

CITY OF MCCOOK  
CLAIMS FOR APRIL, 2016

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

20/20-SC 1500.00; 7-D-SC 60.75; ACME-SC 90.89; ADOBE-SC 14.99; AM AG LAB-SC 665.82; AMAZON-S 855.45; AMERICAN ELEC-S 616.57; ANDERSON, P-SC 181.89; ARROW CAR WASH-SC 65.23; ARROW INT'L-S 550.00; AS CENTRAL SVC-SC 896.00; ASSEMBLED PRODUCTS-CO 983.03; B&H PAVING-CO 29880.00; BAKER & TAYLOR-S 59.74; BARNETT'S-S 161.87; BIEBER, M-SC 45.00; BETTER HOMES-S 31.14; BIRCH COMM-SC 2995.93; BLACK HILLS-SC 3314.60; BSB CONST-CO 203727.55; BW TELCOM-SC 124.56; C & K-S 402.13; CAMBRIDGE TELE-S 1096.48; CAROLINA SOFTWARE-SC 200.00; CARPENTER BRELAND-CO 315.00; CARQUEST-S 826.80; CASH WA-S 5510.95; CDW-SC 128.65; CENTURY LINK-SC 891.84; CITY OF MCCOOK-PS 296565.79; CITY TRANSFER STATION-S 103.20; CITY WATER-CO 1665.45; SELF HEALTH INS-BT 150801.20; COMMUNITY HOSPITAL-SC 416.93; CORNHUSKER CLEANING-S 131.28; CPI-SC 19954.77; CREATIVE LINES-S 70.00; CROCKER, J-SC 67.75; CULLIGAN WATER-S 145.40; CUNA MUTUAL-SC 1142.93; D & L PEST-SC 199.00; D&S-S 1270.78; DANIEL, T-SC 31.06; DARLING, K-SC 35.00; DEMCO-S 160.51; DIAMOND LAKES BOOKS-S 85.75; DIAMOND VOGEL-S 6.99; EAKES-S 2377.96; EDWARDS MACH SHOP-SC 20.03; EMERGENCY VEHICLE PARTS-S 41.57; EMS-SC 4551.06; ESCHLIMAN-S 51.36; ETS CORP-SC 361.07; EVENTBRITE-SC 25.00; FAIRFIELD INN-SC 411.80; FASTENAL-S 400.02; FICA-PS 14836.61; GALE GRP-S 21.00; GALLS-S 310.18; GARY'S INC- SC 323.00; GERHOLD-S 161.58; GOOGLE\*SVCS-SC 270.83; GOV'T FINANCE OFFICERS-SC 170.00; GRAINGER-S 68.80; GREAT PLAINS COMM-SC 227.53; HAMPTON INN-SC 356.00; HARPAM, M-SC 331.72; HENNING BROS-SC 59.00; HIGH PLAINS RADIO-SC 50.00; HOBBY LOBBY-SC 230.12; HOLIDAY INN-SC 240.58; FIVE POINTS BANK-SC 1515.69; HUFFY'S AIRPORT WINDSOCKS-SC 776.15; IDEAL LINEN-S 283.74; INDUSTRIAL PROCESS-CO 50441.84; INT'L CODE COUNCIL-SC 97.50; INTERSTATE ALL BATTERY-S 683.40; INT'L SOCIETY OF FIRE-SC 125.00; ISLAND SPRINKLER-S 602.49; J BAR J-SC 39895.58; JACK'S UNIFORMS-CO 1914.76; JET.COM-S 66.55; JOHNSON, A-SC 210.78; K-C MOTOR-S 200.65; KENZ & LESLIE-S 1122.32; KEY-BAK=S 13.99; KINNE, L-SC 82.06; KOHL'S AUTO PARTS-S

831.13; LANNIGAN, D-SC 210.78; LEAGUE OF NE-SC 58.75; LIFE-ASSIST-S 932.60; LIFEPROOF-SC 164.98; LIGHT IN THE BOX-S 8.21; LOG ME IN-SC 298.00; MARC-S 263.39; MARIS CONST-CO 26257.00; MATHESON-LINWELD-S 185.18; MC DAILY GAZETTE-SC 1019.72; MC HUMANE SOCIETY-SC 3564.33; MPPD-SC 559.68; MCCOOKNET-SC 448.60; MEDC-SC 14261.05; MEDICARE-PS 4097.32; MICROMARKETING-S 1325.34; MID AMP PAY PHONES-SC 40.00; MIDLANDS TOX-SC 70.00; MW CONNECT-S 270.00; MW LABS-SC 56.42; MW TURF-S 441.87; MILCO ENVIRON-SC 587.75; MILLER & ASSOC-CO 2695.30; MILLER WEEDER-CO 7536.00; MOUSEL LAW-SC 5030.50; MUNICIPAL SUPPLY-SC 10862.69; MUTUAL OF OMAHA-SC 790.14; NAT'L FIRE PROTECTION ASSN-SC 1391.90; NAT'L MGMT SVC-SC 280.00; NE DEPT OF HHS-SC 120.00; NE DEPT OF LABOR-SC 5054.00, S 158.00; NE DEPT OF REVENUE-SC 20081.20; NE ENVIRON PROD-CO 19199.27; NE NOTARY ASSN-S 102.10; NE SAFETY & FIRE EQUIP-S 225.00; NEMSA-SC 75.00; NE EMERGENCY SVC-SC 75.00; NE MUNICIPAL PWR POOL-SC 2671.95; NETWORK FOR GOOD-SC 77.25; NICK'S DIST-S 706.56; NPPD-SC 33481.95; NORTHERN AGRI SVC-S 236.34; NORTHERN SAFETY-S 117.54; NSILAB SOLUTIONS-SC 347.00; NSVFA-SC 700.00; O'DEYS-S 2791.20; OFFICE DEPOT-S 346.10; OFFICE WORLD-S 27.98; ONE CALL CONCEPTS-SC 94.95; ORSCHELN-S 43.96; ORTIZ, D-SC 75.00; PARTY CITY-SC 880.43; PAYTON, D-SC 45.00; PENWORTHY-S 217.80; PETERSON, L-SC 187.50; PHONES ETC-SC 75.00; PLAINS EQUIP GRP-S 17356.54; PLATTE VALLEY COMM-S 310.00; POPULAR SUBSCRIPTION SVC-S 29.95; PRAIRIE WIND PC-S 49.99; QUILL-S 671.04; RDJ SPECIALTIES-S 588.61; RW ANIMAL CLINIC-SC 43.50; RWA & SPRAYING-S 503.89; RINEHART-L, SC 45.00; ROCHESTER MIDLAND CORP-S 287.91; SCARBROUGH, E-SC 45.00; SCHAMEL'S-S 349.67; SCHMICK'S-SC 4.94; SEARS-S 89.99; SEHNERT'S-SC 93.60; SIEGFRIED, B-SC 72.36; SIRCHIE FINGER PRINT LAB-SC 92.30; SKILLPATH SEMINARS-SC 973.00; SLATEN, JAMES-SC 207.50; SNELL SVC-S 2350.06; STEVE'S ELEC-S 2017.42; SUBWAY-SC 36.38; SUPPLYHOUSE.COM-S 37.90; SWANSON SIGN-SC 486.70; SWINTEC-S 32.35; TASTE OF HOME-S 62.96; THOMPSON-S 2945.05; TILLOTSON, S-SC 40.00; TINKER TOM-S 6.95; TJ'S FUN CTR-SC 180.00; TECO-S 11.80; TRI AIR TESTING-SC 164.00; TYLER TECH-SC 19.90; TRASH BAG DEPOT-S 52.37; U-SAVE PHARM-S 157.41; ULTRAMAX AMMO-S 2456.00; UMR-SC 76681.90; US DEPT OF AG-SC 603.00; USPS-SC 1463.89; USA

BLUEBOOK-S 302.78; VAN-DIEST-S 6483.48; VERIZON-SC 2280.69; VISTAPRINT-S 56.71;  
VK ELEC-CO 1365.00; VOLZ-SC 247.22; W DESIGN-SC 45799.88; WPCI-SC 28.50; WAGNER  
CHEVY-S 15.48; WAGNER FORD-SC 452.58; WALMART-S 1281.35; WASTE SYSTEMS-S  
873.36; WESTERN ENGINEERING-CO 1797.60; WESTERN TIRE-S 1255.22; WILLERS, J-SC  
75.00; WISE SAFETY& ENV-S 123.00; ZOLL MED-S 152.43.

-s- Lea Ann Doak  
City Clerk

Publish: May 16, 2016

**CITY MANAGER'S REPORT  
MAY 15, 2016 CITY COUNCIL MEETING**

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**ITEM: 6A**

**RECOMMENDATION:**

APPROVE A REQUEST BY CHRIS AND ANNETTE WAGNER 1411 EAST 5TH STREET TO OCCUPY A PORTION OF THE SEWER EASEMENT THE CITY HAS THROUGH THE WAG. NER PROPERTY PROVIDING CERTAIN CONSTRUCTION STANDARDS ARE MET.

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**BACKGROUND**

Mr. Wagner has approached city staff requesting to construct a garage on a portion of his property that has a sanitary sewer easement running through it. The easement located along the east side of Lot 1, Blk 1, Parkview East Subdivision, McCook is 20 feet in wide with the 8 inch clay sewer main located near the center of the easement.

The sewer originates 200 feet north of the north curb of Centennial, runs south under Centennial through the Wagner lot connecting to the Kelly Creek Trunk Line just south of the walking trail. The line is 9 feet 8 inches deep at the manhole on the south side of Centennial and 5 feet 8 inches deep at the connecting manhole at the Kelly Creek Trunk Line. City crews excavated in the area of the intended construction and found the line to be covered with approximately 8 feet of compacted earth. Waste Water staff conducted a video inspection of the sewer main finding the pipe to be in good condition.

Additionally, staff requested that Miller & Associates calculate the loading on the pipe if the construction is allowed. M&A's recommendations are summarized below.

1. Building is to be constructed with 16 inch wide footing spanning the entire easement to distribute the building load.
2. Amount of new fill dirt shall not exceed 3 feet. If fill is greater than 3 feet at any location over the existing 8 inch clay pipe one of the following steps must be taken
  - a. Line the existing 8 inch clay pipe with a pvc liner
  - b. Excavate and expose the existing 8 inch clay pipe no more than 12 inches on each side of the pipe and then filling with flow able fill to the top of the pipe (or greater). This shall be done the length of the area that exceeds the 3 feet fill limit plus an additional 10 feet.
  - c. Insert a point to point pvc inner liner in the existing pipe that extends 10 feet beyond the area of greater than 3 feet fill.

**FISCAL IMPACT: NONE**

**RECOMMENDATION:**

APPROVE A REQUEST BY CHRIS WAGNER AND ANNETTE 1411 EAST 5TH STREET TO OCCUPY A PORTION FO THE SEWER EASEMENT THE CITY HAS THROUGH THE WAG NER PROPERTY PROVIDING CERTAIN CONSTRUCTION STYANDARDS ARE MET.

**APPROVALS:**

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

Date: 5-11-16

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

Date: 5-11-16



**CITY MANAGER'S REPORT  
MAY 16, 2016 CITY COUNCIL MEETING**

ITEM NO. 6B Approve and execute a lease and airport use agreement with Boutique Air and provide information on tentative operation hours.

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**BACKGROUND:**

On June 1, 2016, Boutique Air is scheduled to begin serving as McCook's Essential Air Service provider. Staff has been in communications with Boutique Air over the course of the past few weeks to finalize a number of different items. A lease and airport agreement is needed. Staff has drafted a lease and use agreement for the two year EAS term. The proposed rental amount is \$500 per month. The lease and use agreement establishes the dimensions of the terminal building which Boutique Air will be allowed to use; sets the start and end date for the lease; enumerates the rights and obligations of the City and Boutique Air; provides liability terms for the parties; and defines the default provisions. The lease and use agreement is being reviewed by Boutique Air and its effectiveness is contingent on Boutique Air's approval.

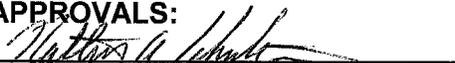
As far as an update on Boutique Air's plans for operation, it is Staff's understanding there will be two morning flights from McCook to Denver and back. The tentative departure time for the first flight is 5:30 a.m. and the tentative departure time for the second flight is 9:30 or 10:00 a.m. Staff is excited about these tentatively proposed times as they allow travelers an opportunity to connect with a wider assortment of flights out of Denver. Our hope is that the earlier times provide individuals with more flexibility when scheduling their trips.

Boutique Air has been in communications with Great Lakes and the two carriers have established a transition plan. Further, Boutique Air is now advertising flights out of McCook on its website. Travelers who are interested in flying Boutique Air can now book flights for post-June 1 flights.

**RECOMMENDATIONS:**

ITEM NO. Approve and execute a lease and airport use agreement with Boutique Air and provide information on tentative operation hours.

**APPROVALS:**

  
Nathan A. Schneider, City Manager

May 11, 2016

  
Kyle Potthoff, Public Works Director

May 11, 2016

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

May 11, 2016

**LEASE  
AND  
AIRPORT USE AGREEMENT**

1. This is an agreement between the City of McCook, a municipal corporation, organized and existing under and by virtue of the laws of Nebraska, hereinafter called the "City", and Boutique Air, hereinafter called the "Airline".

**RECITALS**

WHEREAS:

2. The City owns and operates a public airport designated as McCook Ben Nelson Regional Airport, hereinafter called the "Airport", which is the Regional Airport of the City of McCook, Red Willow County, Nebraska, and is located in Red Willow County, Nebraska, and is administrated by the City Manager, hereinafter referred to as the "Airport Manager".

3. The City, as owner and operator, operates the airport as a proprietary function for the primary public purpose of providing to the public the services of air transportation.

4. Such operation is in the public interest and required by the public convenience and necessity.

5. The Airline is engaged in the scheduled transportation by air to and from McCook, Nebraska, of persons and property.

6. The Airline desires the privilege of using the airport and its facilities upon the terms and conditions hereinafter set forth.

**LEASE**

7. In consideration of the premises, the covenants and agreements herein contained and other valuable consideration, the City hereby leases and demises to the Airline that space in the airport terminal building which is designated and outlined in red in Exhibit "A" attached hereto, including the Airline ticket counter area (356.54 sq. ft.), Manager office (77 sq. ft. - excludes that portion under lease to the Civil Air Patrol), Operations Room (187 sq. ft.), Special Storage Areas (36 sq. ft.) and Airline Cargo Room (625 sq. ft.), consisting of a total of 1,281.4 square feet, to have and to hold the same, without liability or obligation on the part of the City to make any alterations of any kind on or about said premises, for the term of two (2) years from June 1, 2016 to May 31, 2018, or until earlier terminated in accordance with the terms herein.

8. The Airline shall use said premises only for purposes in connection with and incidental to its air transportation business including the handling, ticketing, billing and manifesting of passengers, baggage, and cargo.

9. The City shall furnish adequate heating, air conditioning, custodial and janitorial service for the space hereby leased exclusively to the Airline and to keep the public space in the terminal building properly heated, air conditioned and maintained in a safe, clean and sanitary condition at all times.

10. In case the terminal building or the demised premises shall, without any fault or neglect on the part of the Airline, its servants or employees, be destroyed or so injured by the elements or otherwise as to be untenable and unfit for occupancy, then the liability of the Airline for rent of the premises thereafter, and all right to the possession thereof, shall cease at once.

10.1 The City shall maintain the terminal building, including the leased premises, in good repair and in tenantable condition during the term of this agreement, except as they may become untenable or in need of repair through acts, fault or neglect of the Airline.

### **RIGHTS AND PRIVILEGES**

11. Also, in consideration of the covenants and agreements herein contained and other valuable consideration, the City authorizes the Airline to exercise the rights, powers and privileges hereinafter set forth during the term of said lease.

12. The Airline is authorized to carry on and operate at the Airport its business of scheduled and charter transportation by air for hire of persons and property, which authorization includes the following:

12.1 It is authorized to transport, load and unload persons and property to, from and at the airport at convenient gate positions adjacent to the terminal building.

12.2 It may install, maintain and operate such radio, communications, meteorological and aerial navigation equipment and facilities as may be necessary or convenient in the opinion of the Airline for its operation; provided that such equipment and facilities be located within space leased to the Airline and at points previously approved by the City.

12.3 It is authorized to repair, maintain, condition, service, park and store aircraft or other aeronautical equipment in any space which may be allocated to the Airline.

12.4 It may conduct other activities which are reasonably necessary to the proper conduct and operation by the Airline of the principal business authorized by this agreement; it is specifically understood that this provision does not authorize the conduct of a separate business of any kind, type or description.

12.5 It is authorized to use, in common with others, existing and future aeronautical facilities at the airport. These shall include, but not be restricted to, the landing area, its extension and additions, roadways, runways, aprons, taxiways, public air navigation facilities, such as radio aids, beacons, control towers, signals, floodlights, landing lights, and all other conveniences now or hereafter provided for flying, landing and taking off of aircraft, provided the Airline shall not maintain or operate any surface vehicles in these areas except with the consent of and as specifically authorized by the Airport Manager. In this connection the Airline shall maintain adequate insurance on surface vehicles permitted to operate on the ramps and runways to protect the City against liability, and shall not operate any vehicles under any circumstances on the runways unless equipped with an operating rotating beacon.

12.6 It may use a public address system in the terminal building for the calling of flights and any other purpose connected with its business.

12.7 It has the right to maintain baggage carts on the walkway south of the terminal building, provided they shall not obstruct normal use of the walkway, and has the right to maintain equipment such as auxiliary power unit, ladders, and other equipment necessary or convenient to the servicing of its aircraft, and in such space adjacent to the terminal area as may be designated by the Airport Manager.

12.8 In the case of mechanical problems occurring in connection with its aircraft, necessitating repairs or other mechanical work, it may park such aircraft on the airport ramp at such place as may be designated by the Airport Manager during such reasonable time as may be required to perform such mechanical work and effect such repairs by its own employees or its Agents, and may enter upon the ramp with such reasonable equipment as may be necessary to accomplish such repairs and mechanical work.

12.9 It has full and unrestricted right of access to and egress from the space leased by it. The privileges shall extend to employees, business visitors, guests and invites and invitees of the Airline.

### **NON-DISCRIMINATION/AFFIRMATIVE ACTION**

13.1 The Airline for itself, its successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this lease for a purpose for which a Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the Airline, shall maintain and operate such facilities and services in compliance with all requirements imposed relating to Nondiscrimination in Federally Assisted Programs of the Department of Transportation, and as said Regulations may be amended.

13.2 The Airline, for itself, its successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree that: (1) no person on the grounds of race, color, or national origin shall be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities; (2) that in the construction of any improvements on, over, or under such land and the furnishing of services thereon, no person on the grounds of race, color, or national origin shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination; (3) that the Airline shall use the premises in compliance with all requirements imposed by the regulations on Nondiscrimination in Federally Assisted Programs of the Department of Transportation, and as said Regulations may be amended.

13.3 The Airline assures that it will undertake an affirmative action program as required by 14 CFR Part 152, Subpart E, to insure that no person shall on the grounds of race, creed, color, national origin, or sex be excluded from participating in any employment activities covered in 14 CFR Part 152, Subpart E. The Airline assures that no person shall be excluded on these grounds from participating in or receiving the services or benefits of any program or activity covered by this subpart. The Airline assures that it will require that its covered suborganizations provide assurances to the Airline that they similarly will undertake affirmative action programs and that they will require assurances from their suborganizations, as required by 15 CFR Part 152, Subpart E, to the same effect.

13.4 The Airline shall furnish service on a fair, equal and not unjustly discriminatory basis to all users thereof, and to charge fair, reasonable and not unjustly discriminatory prices for each unit of service; provided, that Airline may make reasonable and non-discriminatory discounts, rebates, or other similar types of price reductions to volume purchasers.

### **MISCELLANEOUS PROVISIONS**

14. Parking Space. Parking space shall be provided by the City for vehicles used by the Airline and its employees.

15. Airport Accepted. The Airline represents that it has inspected the airport and accepts it as being in good order and in satisfactory condition, and is adequate for the purposes of the Airline, and it accepts the condition thereof and fully assumes all risks incident to the use thereof. The City shall not be liable to the Airline for any damages or injuries to the property of the Airline, its agents, employees, passengers, guests or business visitors which may result from hidden, latent or other dangerous conditions on the airport.

16. Exemption from Liability. The Airline shall indemnify, defend and save harmless the City, its authorized agents, officers, representatives and employees from and against any and all penalties, liability, or annoyance or loss resulting from claims or court action in any manner caused by Airline's activities on the airport property.

The Airline specifically agrees that the City shall not be liable for any loss sustained by the Airline, its agents, guests, business visitors or employees as a result of the conduct by the Airline of any operation at the airport, unless such loss is sustained as the result of the negligence of the City, its Agents, and employees, provided, however, notwithstanding anything in this lease to the contrary, the City does not waive any immunity from liability it now has under the law and it expressly reserves the right to assert such defenses as it may have, including immunity, in any claim or court action, and this lease shall be construed accordingly.

17. Rules and Regulations. The Airline agrees to conduct all flight and ground operations on, at or near the airport in accordance with proper rules and regulations of all entities having jurisdiction of such operation, including, but not limited to, the U.S. Department of Transportation, the Federal Aviation Administration, appropriate political subdivisions and the Airport Manager, and faithfully to observe all general rules and regulations established by the City or its Airport Manager affecting the use of the airport.

18. Inspection by the City. The City, by its duly authorized agents, may enter upon the terminal building space leased to the Airline at any reasonable time for any purpose necessary, incidental to or connected with the performance of its obligations hereunder, or in the exercise of its functions, or for the purpose of inspection.

19. Maintenance of Airport. The City agrees that it will maintain the landing area, taxi strips, parking area, lighting facilities and, to the extent they are controlled by it, the air navigation facilities at the airport in a safe and useable condition and in good repair. The City will provide snow removal for the air operations area in accord with established procedures and in consideration of the conditions presented by the storm.

20. Hazards. The City reserves the right to take any action it considers necessary to protect the aerial approaches of the airport against obstruction, together with the right to prevent the Airline from erecting or permitting to be erected any building or other structure on the airport which in the opinion of the City would limit the usefulness of the airport or constitute a hazard to air navigation.

21. War or National Emergency. During the time of war or national emergency the City shall have the right to enter into an agreement with the United States Government for military or naval use of part or all of the landing area, the publicly owned air navigation facilities, and other areas or facilities of the airport, and if any such agreement is executed, the provisions of this instrument, insofar as they are inconsistent with the provisions of the agreement with the Government, shall be terminated.

22. Agreements with United States. This agreement shall be subordinate to the provisions of any existing or future agreement between the City and the United States relative to the operation and maintenance of the airport, the execution of which has been or may be required as a condition precedent to the expenditure of federal funds for the development of the Airport.

23. Non-Exclusivity. Nothing herein contained shall be construed to grant or authorize the granting of an exclusive right prohibited by Section 308 of the Federal Aviation Act of 1958, as amended. The rights and privileges granted hereunder are non-exclusive and the City has the right to grant to others the privilege and right of conducting any or all of the aeronautical activities listed herein. However, the City covenants not to enter into any similar agreement with respect to the airport which contains more favorable terms than are contained in this agreement or to grant to potential competitors of the Airline privileges not herein authorized, unless the same are concurrently extended to the Airline.

24. Cancellation by City. The City may cancel this agreement without forfeiture, waiver or release of the City's right to any sum of money due it or to become due it under the provisions of this agreement, by giving the Airline sixty (60) days advance notice to be served as hereinafter provided, upon or after the happening of any of the following events:

- a. The filing of the Airline of a voluntary petition in bankruptcy.
- b. The institution of proceedings in bankruptcy against the Airline and the adjudication of the Airline as bankrupt.
- c. The taking by a court of jurisdiction of the Airline and its assets pursuant to proceedings brought under the provisions of any federal reorganization act.
- d. The appointment of a receiver of the Airline's assets.
- e. The divestiture of the Airline's estate herein by other operation of law.
- f. The voluntary abandonment by the Airline of its conduct of air transportation at the airport for a period of thirty (30) days.
- g. The default by the Airline in the performance or non-performance of any covenant or agreement herein required to be performed by or required not to be performed by the Airline and the failure of the Airline to remedy such default for a period of thirty (30) days after receipt from the City of written notice to remedy the same, provided no notice of cancellation, as above provided, shall be of any force or effect if the Airline shall have remedied the default before receiving the City's notice of cancellation.
- h. The assumption by the United States Government or any authorized agency thereof of the operation, control or use of the airport and facilities, or any substantial part or parts thereof, in such a manner as substantially restricts the Airline, for a period of at least ninety (90) days, from operating an air transportation system.
- i. Any assignment made by the Airline for the benefit of its creditors.

25. Cancellation by Airline. The Airline may cancel this agreement and terminate all or any of its obligations hereunder at any time when it is not in default in the payment of any rentals, fees or charges to the City hereunder, by giving the City sixty (60) days advance written notice, to be served as hereinafter provided, upon or after the happening of any of the following events:

- a. The failure or refusal of the Federal Aviation Administration at any time during the term of this agreement to permit the Airline to operate into or from the airport with any type of aircraft licensed to operate into or from the airport or from other airports of like size and character; provided such failure or refusal is not due to any fault of the Airline.
- b. The issuance by any court of competent jurisdiction of an injunction in any way preventing or restraining the use of the airport or any part thereof so as substantially to affect the Airline's use of the airport in its conduct of an air transportation system at the airport, and the remaining in force of such injunction for a period of at least ninety (90) days.
- c. The inability of the Airline to use the airport, for a period of in excess of ninety (90) days, because of the issuance of any order, rule or regulation by the Federal Aviation Administration of the Civil Aeronautics Board or other competent governmental authority, preventing the Airline from operating into and from the airport, provided such inability or such order, rule or regulation, is not due to any fault of the Airline.
- d. The default by the City in the performance of any covenant or agreement herein required to be performed by the City and the failure of the City to remedy such default for a period of sixty (60) days after receipt from the Airline of written notice to remedy the same, provided no notice of cancellation, as above provided, shall be of any force or effect if the City shall have remedied the default before receiving the Airline's notice of cancellation.
- e. The assumption by the United States Government or any authorized agency thereof of the operation, control or use of the airport and facilities, or any substantial part or parts thereof, in such manner as substantially to restrict the airline for a period of at least ninety (90) days, from operating any air transport system.
- f. The termination of this U.S. Department of Transportation's subsidized Essential Air Service Program as it applies to Airline's service at McCook, Nebraska or the designation of a carrier other than Airline for such subsidized service at McCook, Nebraska.

26. Waiver of Default. No waiver of default by either party of any of the terms, covenants or conditions hereof shall be construed as a Waiver of any subsequent default by the other party.

27. Agreement Non-Assignable. The Airline shall not transfer or assign this agreement or any privilege granted it, either voluntarily or involuntarily, without the prior written permission of the City, which consent shall not be unreasonably withheld.

28. Construction. This instrument defines fully the scope of the rights and privileges extended to the Airline. It expresses the full agreement of the parties and it should not be construed as conferring by intendment any rights or privileges on the Airline which are not specifically enumerated herein.

29. Notices. Any notice desired or required to be served by either party upon the other may be served by depositing such notice in registered United States mail in a sealed envelope, postage prepaid, or via facsimile, addressed as follows:

to the Airline:

Boutique Air  
Shawn Simpson, CEO  
548 Market Street  
San Francisco, CA 94104  
(FAX)

to the City:

City of McCook  
P.O. Box 1059  
McCook, NE 69001-1059  
FAX (308) 345-1461

and service shall be deemed complete upon the accomplishment of such mailing or upon receipt of a confirmation copy of facsimile.

### RENTALS AND CHARGES

30. Rent. The Airline agrees to pay to the City, and the City agrees to accept from the Airline, as rent for the terminal building space leased to the Airline by Paragraph Seven (7) hereof and the services required by Paragraph Nine (9), the sum of \$500.00 per month for the ticket counter area (356.4 sq. ft.), Manager's Office (77 sq. ft.), Operations Room (187 sq. ft.), Special Storage areas (36 sq. ft.), for the cargo room (625 sq. ft.). Said amount shall be paid monthly at the office of the City Clerk.



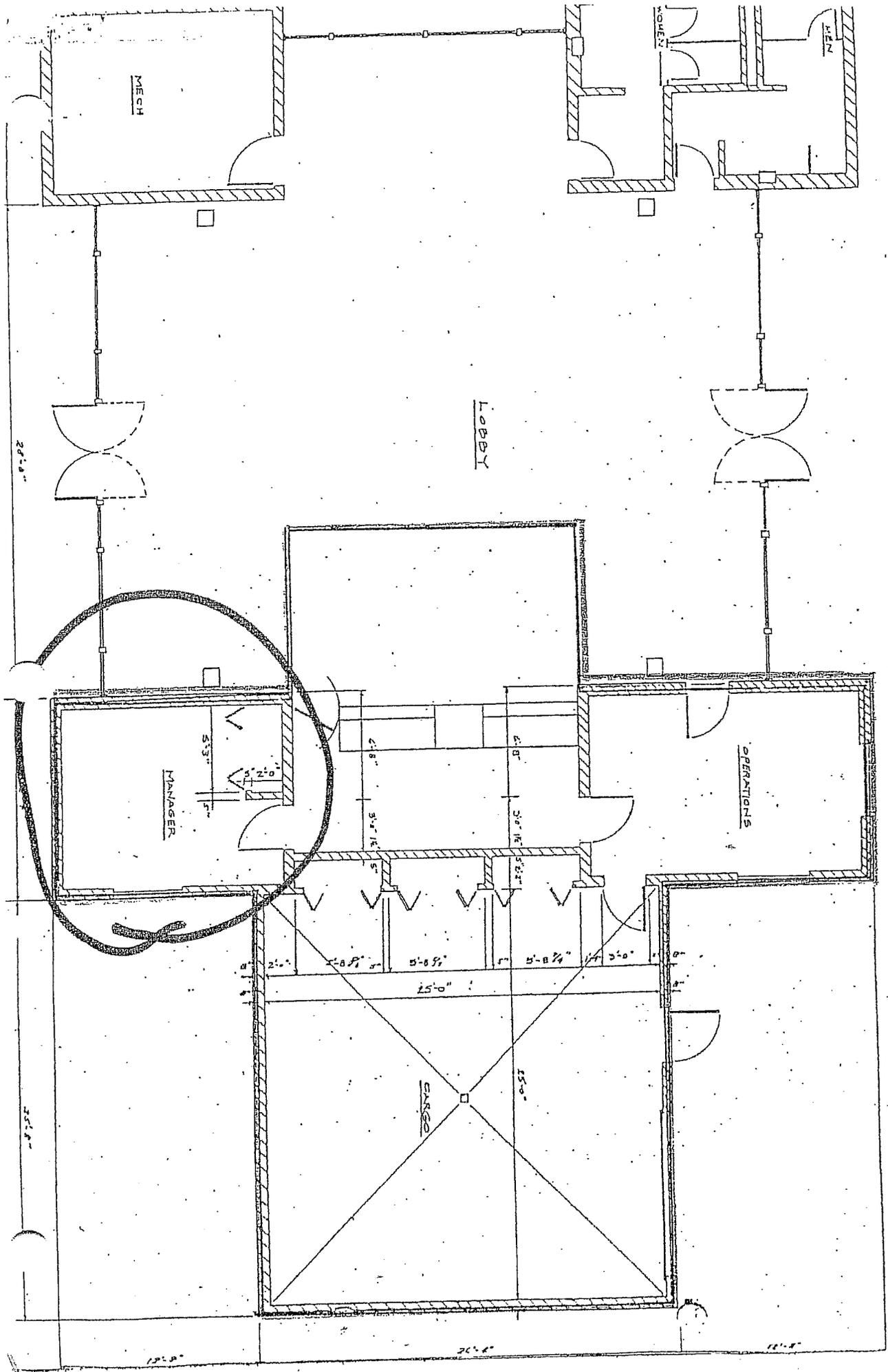


EXHIBIT A

**CITY MANAGER'S REPORT  
MAY 16, 2016 CITY COUNCIL MEETING**

ITEM NO. \_\_\_ Approve on first reading, Ordinance No. 2016-2928, which updates and amends §150 *et seq.* of the McCook Code of Ordinances, Building Codes and Regulations, which includes the adoption of the 2012 International Building, Residential, Plumbing, Mechanical, Fuel and Gas, Property Maintenance, Existing Building and Energy Conservation Codes, with modifications, as well as to update and amendment code provisions specific to the building inspector, unsafe buildings, mobile homes, building moving, electricity, and licensing/certification.

**6C**

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**BACKGROUND:**

This ordinance is being proposed in order to update Chapter 150 of the City's Code of Ordinances. Currently, the City of McCook operates under the 2003 International Building Code, as well as the other related 2003 Codes listed above in this Item. A committee was established to review the Code with the hope of modernizing our Code to the 2012 version, while eliminating those portions of the 2012 Code that were unnecessary or contradictory to the needs of the citizens of McCook. The process took time and there was a break in the review process to allow for our new building inspector to provide an independent review. Staff and committee members have finalized our review, with our building inspector's recommendations. Staff is now ready to proceed with the update to the 2012 Codes. In doing this, it is hoped that our Code will mirror today's generally accepted building practices and technology. Another benefit of this update is the possibility the City's ISO rating could improve. Insurance companies review these ratings to determine risk levels. A healthy ISO rating could assist in lowering insurance rates.

Not only have the Building Codes been reviewed, but the subsections included within the Code Book were subjected to review. The City has moved some language from one subsection to another or created appropriate subsections when necessary in order to make the Code of Ordinances easier to use. For example, under our current ordinance found at §150.025, the office of building inspector is created. Puzzlingly, further in this section, the process for issuing stop work orders is found. There is nothing in the heading of §150.025 which indicates the City's stop work order provisions would be found in this "Creation of Office" section. To address the issue, Staff has moved stop work order issues to a more appropriate subsection (§150.202 in the proposed Code of Ordinances). There are other areas of the Code where Staff has tried to appropriately label or adjust existing rules to fit into the correct categories.

Another item addressed was the removal of irrelevant or unnecessary rules. For example, Staff and the Committee eliminated the straw-bale structure section found at §150.125 *et seq.* It was determined that since the enactment of the straw-bale rule, few to no buildings had been constructed using the straw-bale technique. Further, the International Building Code addresses these types of structures. If there was ever an interest in straw-bale construction, the Building Code can be utilized for guidance. Our current ordinance is redundant.

Staff has reviewed our Mobile Home regulations and determined that it was necessary to add Mobile Homes Parks in the heading of the subsection. Staff cleaned up the language and is making the recommendation that the City add a provision requiring mobile homes built prior to June 15, 1976 to carry a label certifying compliance with the Standard for Mobile Homes, NFPA 501, before said structure is allowed to be utilized for residential purposes. Additional language found in this subsection has been removed because it restates powers previously granted in our Code of Ordinances.

The Electricity subsection of the Code has been amended to make it clear that the State of Nebraska is the ultimate source for permitting. Staff has cleaned up this language to clarify that the City will not serve as a permitting agency.

An item that has always troubled Staff is our bonding requirement. Staff and committee members have determined that the best way to ensure citizens are protected from poorly performed work is to require all persons engaged in construction to apply for a license and provide the City with a certificate of insurance in the amount of \$300,000, minimum, prior to working in McCook. On a yearly basis, construction personnel will have to renew their licenses. Staff will keep these records. Staff will also monitor certificates of insurance to assure the protection of citizens employing the services of construction personnel. The office of the Building Inspector will monitor the records to make sure the license and insurance requirements are being satisfied. If either policy is breached, the right to work in McCook will be revoked until the violating act is addressed. The City will provide notices to licensees to make sure they are aware of any impending lapses. It is the City's hope that this process will serve to protect both the construction personnel and citizens.

Staff has attempted to simplify the penalties associated with these items by referencing one penalty at the end of the section for all violations. Currently, we have some subsections that have their own penalties, independent of the catch-all provision. Staff has attempted to eliminate these stand alone penalties in order to simplify the possible penalties if there is a violation.

Building Inspector, Barry Mooney, will be present (along with other Staff) at the meeting to discuss individual questions.

## **RECOMMENDATIONS:**

ITEM NO. \_\_\_ Approve on first reading, Ordinance No. 2016-2928, which updates and amends §150 *et seq.* of the McCook Code of Ordinances, Building Codes and Regulations, which includes the adoption of the 2012 International Building, Residential, Plumbing, Mechanical, Fuel and Gas, Property Maintenance, Existing Building and Energy Conservation Codes, with modifications, as well as to update and amendment code provisions specific to the building inspector, unsafe buildings, mobile homes, building moving, electricity, and licensing/certification.

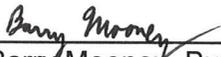
**APPROVALS:**

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

May 11, 2016

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

May 11, 2016

  
\_\_\_\_\_  
Barry Mooney, Building Inspector

May 11, 2016

**ORDINANCE NO. 2016-2928**

AN ORDINANCE OF THE CITY OF MCCOOK, NEBRASKA REPEALING CHAPTER 150: BUILDING CODES AND REGULATIONS OF THE MUNICIPAL CODE OF THE CITY OF MCCOOK, NEBRASKA IN ITS ENTIRETY; REPLACING WITH UPDATED CHAPTER 150: BUILDING CODES AND REGULATIONS OF THE MUNICIPAL CODE OF THE CITY OF MCCOOK, NEBRASKA; INCLUDING THE ADOPTION BY REFERENCE THE INTERNATIONAL BUILDING CODE, INTERNATIONAL RESIDENTIAL CODE, INTERNATIONAL PLUMBING CODE, INTERNATIONAL MECHANICAL CODE, INTERNATIONAL FUEL GAS CODE, INTERNATIONAL PROPERTY MAINTENANCE CODE, INTERNATIONAL EXISTING BUILDING CODE, INTERNATIONAL ENERGY CONSERVATION CODE AND ADOPTING THE AMENDMENTS TO EACH; INCLUDING THE ADOPTION OF UPDATED SECTIONS PERTAINING TO THE BUILDING INSPECTOR, UNSAFE BUILDINGS, MOBILE HOMES, BUILDING MOVING, ELECTRICITY, AND PENALTY; AND ADDING SECTIONS REGARDING CONTRACTOR'S LICENSING; TO PROVIDE FOR THE REPEAL OF ANY OTHER CONFLICTING ORDINANCES; 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 CITY COUNCIL OF THE CITY OF MCCOOK, NEBRASKA:

SECTION 1. That Chapter 150, BUILDING CODES AND REGULATIONS, of the City of McCook, Nebraska, Code of Ordinances is hereby amended to read as follows:

***“Building Codes***

**§ 150.010 INTERNATIONAL BUILDING CODE, INTERNATIONAL RESIDENTIAL CODE, INTERNATIONAL PLUMBING CODE, INTERNATIONAL MECHANICAL CODE, INTERNATIONAL FUEL GAS CODE, INTERNATIONAL PROPERTY MAINTENANCE CODE, INTERNATIONAL EXISTING BUILDING CODE, INTERNATIONAL ENERGY CONSERVATION CODE ADOPTED BY REFERENCE.**

(A) Except as hereinafter provided by specific amendment, the following publications are hereby adopted, incorporated, and made a part of this municipal code the same as though spread at large herein:

(1) *International Building Code, 2012 Edition*, as published by the International Code Council, Inc., hereinafter referred to as the International Building Code;

(2) *International Residential Code, 2012 Edition*, as published by the International Code Council, Inc., hereinafter referred to as the International Residential Code; and

(3) *International Plumbing Code, 2012 Edition*, as published by the International Code Council, Inc., hereinafter referred to as the International Plumbing Code.

(4) *International Mechanical Code, 2012 Edition*, as published by the International Code Council, Inc., hereinafter referred to as the International Mechanical Code.

(5) *International Fuel Gas Code, 2012 Edition*, as published by the International Code Council, Inc., hereinafter referred to as the International Fuel Gas Code.

(6) *International Property Maintenance Code, 2012 Edition*, as published by the International Code Council, Inc., hereinafter referred to as the International Property Maintenance Code.

(7) *International Existing Building Code, 2012 Edition*, as published by the International Code Council, Inc., hereinafter referred to as the International Existing Building Code.

(8) *International Energy Conservation Code, 2012 Edition*, as published by the International Code Council, Inc., hereinafter referred to as the International Energy Conservation Code.

(B) The regulations contained in the International Building Code, the International Residential Code, the International Plumbing Code, the International Mechanical Code, the International Fuel Gas Code, the International Property Maintenance Code, the International Existing Building Code and the International Energy Conservation Code shall be enforced within the corporate limits of the city and within the unincorporated area two miles beyond and adjacent to the city's corporate boundaries. One printed copy of the publications described above shall be filed in the office of the City Clerk.  
(Ord. 2005-2733, passed 7-18-2005)

#### **§ 150.020 AMENDMENTS TO INTERNATIONAL BUILDING CODE.**

The International Building Code, 2012 Edition, hereinafter referred to as the "Code", adopted by the provisions of this chapter, is hereby amended, altered, changed, and modified as follows:

Section 101.1, Title of the Code is hereby amended by designating the name of the jurisdiction to be the "City of McCook, Nebraska, a municipal corporation,"

Section 101.2, Scope of the Code is hereby amended by adding a new paragraph thereto reading as follows:

Where, in any specific case, different sections of the Municipal Code of the City of McCook, Nebraska, including the Zoning Ordinance of the City of McCook, Nebraska, specify different materials, methods of construction or other requirements, the most restrictive, as determined by the Building Official shall govern.

Section 103.2, Appointment of the Code is hereby amended to read as follows:

Any reference in this Code to "Building Official" shall mean the City Manager. The Building Inspector and other assistants, clerks, and employees appointed by the Building Official to administer this Code shall have such powers as designated by the Building Official.

Section 103.3 of the Code is hereby deleted.

Section 105.2, Work exempt from permit of the Code is hereby amended to read as follows:

105.2 Work exempt from permit. Exemptions from permit requirements of this Code shall not be deemed to grant authorization for any work to be done in any manner in violation

of the provisions of this Code or any other laws or ordinances of this jurisdiction. Any individual performing any specific work that has a total value of three hundred (\$300.00) dollars or less shall not be required to obtain a permit.

Building:

1. One-story detached accessory structures, used tool and storage sheds, playhouses, and similar uses, provided the floor area does not exceed 200 square feet.
2. Fences not over 6 feet high.
3. Oil derricks.
4. Retaining walls which are not over 4 feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impound Class I, II or IIIA liquids.
5. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2 to 1.
6. Sidewalks and driveways.
7. Painting, paneling, papering, tiling, carpeting, replacement of floor covering, cabinets, counter tops, similar finish work, nonstructural concrete work, siding repair, and glass replacement.
8. Temporary motion picture, television and theater stage sets and scenery.
9. Prefabricated swimming pools that are less than 24 inches deep.
10. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
11. Swings and other playground equipment.
12. Window awnings supported by an exterior wall which do not project more than 54 inches from the exterior wall and do not require additional support.
13. Replacement windows when the same size or smaller and involving no structural changes.
14. Roof repair and replacement if less than 25% of roof.
15. Decks not exceeding 200 square feet in area, that are not more than 30 inches above grade at any point, are not attached to a dwelling and do not serve the exit door required by Section R311.4.
16. Nonfixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches in height.

Electrical:

State of Nebraska, State Electrical Inspector regulates all electrical work.

Gas:

1. Portable heating, cooking or clothes drying appliances.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
3. Portable fuel cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

Mechanical:

1. Portable heating appliance.
2. Portable ventilation appliances.
3. Portable cooling unit.
4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
6. Portable evaporative cooler.
7. Self-containing refrigeration systems containing 10 pounds or less of refrigerant or that are actuated by motors of 1 horsepower or less.
8. Portable fuel cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

Plumbing:

1. The stopping of leaks in drains, water, soil, waste or vent pipe; provided, however, that if any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.
2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

Section 105.2.1, Emergency Repairs is hereby amended to read as follows:

Section 105.2.1 Emergency Repairs. Where equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the Building Inspector.

Section 105.2.2, Repairs is hereby amended to read as follows:

Section 105.2.2 Repairs. Application or notice to the Building Inspector is not required for ordinary repairs to structures, replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any

required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replace or relocation of any water supply, sewer, drainage, drain leader, gas, solid, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

Section 105.2.3, Public service agencies is hereby amended to read as follows:

Section 105.2.3 Public service agencies. A permit shall not be required for the installation, alteration or repair of generation, transmission, distribution, metering or other related equipment that is under the ownership and control of public service agencies by established right.

Section 105.3, Application for permit of the Code is hereby amended to read as follows:

105.3 Application for permit. To obtain a permit, the applicant shall first file an application therefore in writing on a form furnished by the Building and Zoning Department for that purpose. Such application shall:

1. Identify and describe the work to be covered by the permit for which application is made.
2. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.
3. Indicate the use and occupancy for which the proposed work is intended.
4. Be accompanied by construction documents and other information as required in Section 107 and pay the fees set by ordinance of the City Council and set out in Chapter 38, Fee Schedule. Where work for which a permit is required is started prior to obtaining said permit, the Building Official/Agent may at his/her discretion issue a stop work order until said permit is obtained and shall levy a penalty in addition to the regular permit fee in the amount of one hundred (\$100.00) dollars.
5. State the valuation of the proposed work.
6. Be signed by the applicant, or the applicant's authorized agent.
7. Give such other data and information as required by the Building Official/Agent.
8. For new construction or for existing structures where exterior dimensions are changed, provide a Certificate of Lot Survey, signed by a Registered Land Surveyor licensed in the State of Nebraska, certifying that the lot has been accurately surveyed and that each lot corner has been well and accurately staked and marked, providing the front, side and rear yard dimensions requested are less than 125% of minimum yard requirements.

Additional requirements for commercial applications:

1. Submit a drainage plan based upon a ten year storm event prepared by a Nebraska Registered Professional Engineer for any proposed use which has a new roof area in excess of 10,000 square feet or a combination of new roof and new paved parking in excess of 20,000 square feet. The report shall include an evaluation of the ability of the proposed water courses, drainage tiles, storm sewers, culverts and other

improvements pertaining to drainage or flood control to handle the runoff generated by the development of the land within and above the tract for which the permit is required and the impact of such drainage on downstream drainage systems. The drainage report must be approved prior to the issuance of a building permit.

2. Provide the estimated daily and peak hourly flow as well as the estimated BOD of the waste as prepared by a Nebraska Registered Professional Engineer for any proposed use which has an estimated five-day BOD greater than 250 parts per million by weight or a temperature higher than 150°F (65°C).
3. Submit a water distribution report for any proposed use which will require a new or upsized meter and/or service of two inches (2") or larger and shall provide estimated annual, peak day, and peak hour use. The water distribution report must be approved prior to issuance of the building permit.
4. Provide an erosion control plan for both during and after construction as prepared by a Nebraska Registered Professional Engineer for any development or expansion which involves grading (fill or excavation) of any area greater than 20,000 square feet.

Section 105.5, Expiration is hereby amended to read as follows:

105.5 Expiration. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced; provided, however, that no permit shall be valid after two (2) years from the date of issue.

Section 108.3, Temporary power of the Code is hereby deleted. The State of Nebraska, State Electrical Inspector regulates all electrical work.

Section 1612.3, Establishment of flood hazard areas is hereby amended to read as follows:

Section 1612.3 Establishment of flood hazard areas. To establish flood hazard areas, the applicable governing authority shall adopt a flood hazard map and supporting data. The flood hazard map shall include, at a minimum, areas of special flood hazard as identified by the Federal Emergency Management Agency in an engineering report entitled "The Flood Insurance Study for the City of McCook," dated January 1, 1975, as amended or revised with the accompanying Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM) and related supporting data along with any revisions thereto. The adopted flood hazard map and supporting data are hereby adopted by reference and declared to be part of this section.

Section 3412.2, Applicability is hereby amended to read as follows:

Section 3412.2 Applicability. Structures existing prior to June 11, 1951 in which there is work involving additions, alterations or changes of occupancy shall be made to comply with the requirements of this section or the provisions of Sections 3403 through 3409.  
(Ord. 2005-2733, passed 7-18-2005)

## **§ 150.030 AMENDMENTS TO INTERNATIONAL RESIDENTIAL CODE.**

The International Residential Code, 2012 Edition, hereinafter referred to as the "Code", and adopted by the provision of this chapter, is hereby amended, altered, changed, and modified as follows:

Section R101.1, Title of the Code is hereby amended by designating the name of the jurisdiction to be the "City of McCook, Nebraska, a municipal corporation."

Section R101.2, Scope of the Code is hereby amended by adding a new paragraph thereto reading as follows:

Where, in any specific case, different sections of the Municipal Code of the City of McCook, Nebraska, including the Zoning Ordinance of the City of McCook, Nebraska, specify different materials, methods of construction or other requirements, the most restrictive, as determined by the Building Official, shall govern.

Section R103.2, Appointment of the Code is hereby amended to read as follows:

Any reference in this Code to "Building Official" shall mean the City Manager. The Building Inspector and other assistants, clerks, and employees appointed by the Building Official to administer this Code shall have such powers as designated by the Building Official.

Section R103.3 of the Code is hereby deleted.

Section R105.2, Work exempt from permit of the Code is hereby amended to read as follows:

R105.2 Work exempt from permit. Permits shall not be required for the following. Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Any individual performing any specific work that has a total value of three hundred (\$300.00) dollars or less shall not be required to obtain a permit.

Building:

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 200 square feet.
2. Fences not over 6 feet high.
3. Retaining walls which are not over 4 feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.
4. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2 to 1.
5. Sidewalks and driveways.
6. Painting, paneling, papering, tiling, carpeting, replacement of floor covering, cabinets, counter tops, similar finish work, nonstructural concrete work, siding repair, and glass replacement.
7. Prefabricated swimming pools which are less than 24 inches deep.

8. Swings and other playground equipment.
9. Window awnings supported by an exterior wall which do not project more than 54 inches from the exterior wall and do not require additional support.
10. Replacement windows when the same size or smaller and involving no structural changes.
11. Roof repair and replacement if less than 25% of roof.
12. Decks not exceeding 200 square feet in area, that are not more than 30 inches above grade at any point, are not attached to a dwelling and do not serve the exit door required by Section 311.4.

Electrical:

State of Nebraska, State Electrical Inspector regulates all electrical work.

Gas:

1. Portable heating, cooking or clothes drying appliances.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
3. Portable fuel cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

Mechanical:

1. Portable heating appliance.
2. Portable ventilation appliances.
3. Portable cooling unit.
4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
6. Portable evaporative cooler.
7. Self-containing refrigeration systems containing 10 pounds or less of refrigerant or that are actuated by motors of 1 horsepower or less.
8. Portable fuel cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

Plumbing:

1. The stopping of leaks in drains, water, soil, waste or vent pipe; provided, however, that if any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new

material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.

2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

Section R105.2.1, Emergency Repairs is hereby amended to read as follows:

Section R105.2.1 Emergency Repairs. Where equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the Building Inspector.

Section R105.2.2, Repairs is hereby amended to read as follows:

Section R105.2.2 Repairs. Application or notice to the Building Inspector is not required for ordinary repairs to structures, replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replace or relocation of any water supply, sewer, drainage, drain leader, gas, solid, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

Section R105.2.3, Public service agencies is hereby amended to read as follows:

Section R105.2.3 Public service agencies. A permit shall not be required for the installation, alteration or repair of generation, transmission, distribution, metering or other related equipment that is under the ownership and control of public service agencies by established right.

Section R105.3, Application for permit of the Code is hereby amended to read as follows:

R105.3 Application for permit. To obtain a permit, the applicant shall first file an application therefore in writing on a form furnished by the Building and Zoning Department for that purpose. Such application shall:

1. Identify and describe the work to be covered by the permit for which application is made.
2. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.
3. Indicate the use and occupancy for which the proposed work is intended.
4. Be accompanied by construction documents and other information as required in Section 106.1 and pay the fees set by ordinance of the City Council and set out in Chapter 38, Fee Schedule. Where work for which a permit is required is started prior to obtaining said permit, the Building Official/Agent may at his/her discretion issue a stop work order until said permit is obtained and shall levy a penalty in addition to the regular permit fee in the amount of one hundred (\$100.00) dollars.

5. State the valuation of the proposed work.
6. Be signed by the applicant, or the applicant's authorized agent.
7. Give such other data and information as required by the Building Official/Agent.
8. For new construction or for existing structures where exterior dimensions are changed, provide a Certificate of Lot Survey, signed by a Registered Land Surveyor licensed in the State of Nebraska, certifying that the lot has been accurately surveyed and that each lot corner has been well and accurately staked and marked, providing the front, side and rear yard dimensions requested are less than 125% of minimum yard requirements.

Additional requirements for applications may include:

1. Submit a drainage plan based upon a ten year storm event prepared by a Nebraska Registered Professional Engineer for any proposed use which has a new roof area in excess of 10,000 square feet or a combination of new roof and new paved parking in excess of 20,000 square feet. The report shall include an evaluation of the ability of the proposed water courses, drainage tiles, storm sewers, culverts and other improvements pertaining to drainage or flood control to handle the runoff generated by the development of the land within and above the tract for which the permit is required and the impact of such drainage on downstream drainage systems. The drainage report must be approved prior to the issuance of a building permit.
2. Provide the estimated daily and peak hourly flow as well as the estimated BOD of the waste as prepared by a Nebraska Registered Professional Engineer for any proposed use which has an estimated five-day BOD greater than 250 parts per million by weight or a temperature higher than 150°F (65°C).
3. Submit a water distribution report for any proposed use which will require a new or upsized meter and/or service of two inches (2") or larger and shall provide estimated annual, peak day, and peak hour use. The water distribution report must be approved prior to issuance of the building permit.
4. Provide an erosion control plan for both during and after construction as prepared by a Nebraska Registered Professional Engineer for any development or expansion which involves grading (fill or excavation) of any area greater than 20,000 square feet.

Section R105.5, Expiration of the Code is hereby amended to read as follows:

R105.5 Expiration. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced; provided, however, that no permit shall be valid after two (2) years from the date of issue.

Section R107.3, Temporary power of the Code is hereby deleted. The State of Nebraska, State Electrical Inspector regulates all electrical work.

Table R301.2(1), Design criteria inserted in table.

TABLE R301.2(1)											
CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA											
GROUND SNOW LOAD	WIND DESIGN		SEISMIC DESIGN CATEGORY	SUBJECT TO DAMAGE FROM			WINTER DESIGN TEMP	ICE BARRIER UNDERLAYMENT REQUIRED	FLOOD HAZARD	AIR FREEZING INDEX	MEAN ANNUAL TEMP
	Speed (mph)	Topographic effects		Weathering	Frost line depth	Termite					
25	90	No	A	Severe	36"	Moderate	-4	Yes	**	1062	52.3

**\*\*refer to the Red Willow County Flood Plain Administrator**

Section R313, Automatic Fire Sprinkler Systems of the Code is hereby omitted in its entirety for townhouses and one- and two-family dwellings.

Section R403, Footings shall have a minimum depth of thirty-six (36) inches for frost protection.

Section R403.1.4.1, Frost protection of the Code is hereby amended as follows:

Section R403.1.4.1, Frost protection. Carports to follow manufactures instructions.

Section R502.11.4, Truss design drawings of the Code is hereby amended as follows:

Section R502.11.4, Truss design drawings is hereby deleted in its entirety due to being engineered designed.

(Ord. 2005-2733, passed 7-18-2005)

**§ 150.040 AMENDMENTS TO INTERNATIONAL PLUMBING CODE.**

The International Plumbing Code, 2012 Edition, hereinafter referred to as the "Code", and adopted by the provision of this chapter, is hereby amended, altered, changed, and modified as follows:

Section 101.1, Title of the Code is hereby amended by designating the name of the jurisdiction to be the "City of McCook, Nebraska, a municipal corporation."

Section 103.2, Appointment of the Code is hereby amended to read as follows:

Any reference in this Code to "Code Official" shall mean the Building Official. The Building Inspector and other assistants, clerks, and employees appointed by the Building Official to administer this Code shall have such powers as designated by the Building Official.

Section 103.3 of the Code is hereby deleted.

Section 106.6.2, Fee schedule of the Code is hereby amended to read as follows:

Any person desiring a plumbing permit shall at the time of filing an application therefore pay to the City of McCook a fee set by ordinance of the City Council and set forth in Chapter 38, Fee Schedule.

Section 608.15.4.2, of the code is hereby deleted.

Section 608.16.5, Connections to lawn irrigation systems is hereby amended to read as follows:

608.16.5 Connections to lawn irrigation systems. The potable water supply to lawn irrigation systems shall be protected against backflow by a check valve, an atmospheric-type vacuum breaker, a pressure-type vacuum breaker assembly, or a reduced pressure principle backflow prevention assembly. Valves shall not be installed downstream from an atmospheric vacuum breaker. Where chemicals are introduced into the system, the potable water supply shall be protected against backflow by a reduced pressure principle backflow prevention assembly.

(Ord. 2005-2734, passed 7-18-2005; Ord. 2009-2831, passed 9-21-2009)

Section 903.1, Roof extension is hereby amended to read as follows:

903.1 Roof extension. Open vent pipes that extend through a roof shall be terminated not less than 12 inches above the roof, except that where a roof is to be used for any purpose other than weather protection, the vent extensions shall terminate not less than 7 feet above the roof.

#### **§ 150.045 LEAKING PIPES DEEMED NUISANCE.**

Leaking water, sewer, or gas pipes or fixtures, whether on public or private property, shall be deemed a nuisance and shall forthwith be repaired upon notice from the Building Official/Agent.

(Ord. 2005-2734, passed 7-18-2005)

#### **§ 150.050 AMENDMENTS TO INTERNATIONAL MECHANICAL CODE.**

The International Mechanical Code, 2012 Edition, hereinafter referred to as the "Code", and adopted by the provision of this chapter, is hereby amended, altered, changed, and modified as follows:

Section 101.1, Title of the Code is hereby amended by designating the name of the jurisdiction to be the "City of McCook, Nebraska, a municipal corporation."

Section 103.2, Appointment of the Code is hereby amended to read as follows:

Any reference in this Code to "Code Official" shall mean the Building Official. The Building Inspector and other assistants, clerks, and employees appointed by the Building Official to administer this Code shall have such powers as designated by the Building Official.

Section 103.3 of the Code is hereby deleted.

Section 106.5.2, Fee Schedule of the Code is hereby amended to read as follows:

Any person desiring a mechanical permit shall at the time of filing an application therefore pay to the City of McCook a fee set by ordinance of the City Council and set forth herein in Chapter 38, Fee Schedule.

(Ord. 2005-2735, passed 8-1-2005)

**§ 150.055 MECHANICAL PERMIT REQUIRED.**

Mechanical work shall not be commenced until a permit has been issued by the Building Official/Agent. Permits are not required for any portable heating or cooling or ventilation equipment nor for any replacement of any mechanical fixture with a new fixture of the same type and capacity being replaced.

(Ord. 2005-2735, passed 8-1-2005)

**§ 150.056 AIR CONDITIONING OR REFRIGERATION EFFLUENT DISCHARGE.**

(A) The effluent from any air conditioning or refrigeration equipment installed in any building shall be discharged under all applicable rules and regulations of the Nebraska Department of Environmental quality.

(B) The provisions of this section apply to existing installations of all air conditioning and refrigeration equipment to be installed.

(Neb. RS 18-2307, 18-2312) (Prior Code, § 9-204)

**§ 150.060 AMENDMENTS TO INTERNATIONAL FUEL GAS CODE.**

The International Fuel Gas Code, 2012 Edition, hereinafter referred to as the "Code", and adopted by the provision of this chapter, is hereby amended, altered, changed, and modified as follows:

Section 101.1, Title of the Code is hereby amended by designating the name of the jurisdiction to be the "City of McCook, Nebraska, a municipal corporation."

Section 101.2, Scope of the Code is hereby amended by adding a new paragraph thereto reading as follows:

Where, in any specific case, different sections of the Municipal Code of the City of McCook, Nebraska, including the Zoning Ordinance of the City of McCook, Nebraska, specify different materials, methods of construction or other requirements, the most restrictive, as determined by the Building Official, shall govern.

Section 103.2, Appointment of the Code is hereby amended to read as follows:

Any reference in this Code to "Code Official" shall mean the Building Official. The Building Inspector and other assistants, clerks, and employees appointed by the Building Official to administer this Code shall have such powers as designated by the Building Official.

Section 103.3 of the Code is hereby deleted.

Section 106.6.2, Fee Schedule of the Code is hereby amended to read as follows:

Any person desiring a mechanical permit shall at the time of filing an application therefore pay to the City of McCook a fee set by ordinance of the City Council and set forth herein in Chapter 38, Fee Schedule.

**§ 150.070 AMENDMENTS TO INTERNATIONAL PROPERTY MAINTENANCE CODE.**

The International Property Maintenance Code, 2012 Edition, hereinafter referred to as the

"Code", and adopted by the provision of this chapter, is hereby amended, altered, changed, and modified as follows:

Section 101.1, Title of the Code is hereby amended by designating the name of the jurisdiction to be the "City of McCook, Nebraska, a municipal corporation."

Section 101.2, Scope of the Code is hereby amended by adding a new paragraph thereto reading as follows:

Where, in any specific case, different sections of the Municipal Code of the City of McCook, Nebraska, including the Zoning Ordinance of the City of McCook, Nebraska, specify different materials, methods of construction or other requirements, the most restrictive, as determined by the Building Official, shall govern.

Section 103.2, Appointment of the Code is hereby amended to read as follows:

Any reference in this Code to "Code Official" shall mean the Building Official. The Building Inspector and other assistants, clerks, and employees appointed by the Building Official to administer this Code shall have such powers as designated by the Building Official.

Section 103.3, Deputies of the Code is hereby deleted.

Section 103.5, Fee Schedule of the Code is hereby amended to read as follows:

Any person desiring a mechanical permit shall at the time of filing an application therefore pay to the City of McCook a fee set by ordinance of the City Council and set forth herein in Chapter 38, Fee Schedule.

Section 302.4, Weeds is hereby amended to read as follows:

Section 302.4, Weeds. All premises and exterior property shall be maintained free from weeds or plant growth as set forth in Chapter 95, §95.35 Control of Weeds, Litter, Stagnant Water.

(Ord. 2005-2736, passed 7-18-2005)

## **§ 150.080 AMENDMENTS TO INTERNATIONAL EXISTING BUILDING CODE.**

The International Existing Building Code, 2012 Edition, hereinafter referred to as the "Code", and adopted by the provision of this chapter, is hereby amended, altered, changed, and modified as follows:

Section 101.1, Title of the Code is hereby amended by designating the name of the jurisdiction to be the "City of McCook, Nebraska, a municipal corporation."

Section 101.2, Scope of the Code is hereby amended by adding a new paragraph thereto reading as follows:

Where, in any specific case, different sections of the Municipal Code of the City of McCook, Nebraska, including the Zoning Ordinance of the City of McCook, Nebraska, specify different materials, methods of construction or other requirements, the most restrictive, as determined by the Building Official, shall govern.

Section 103.2, Appointment of the Code is hereby amended to read as follows:

Any reference in this Code to "Code Official" shall mean the Building Official. The Building Inspector and other assistants, clerks, and employees appointed by the Building Official to administer this Code shall have such powers as designated by the Building Official.

Section 103.3 of the Code is hereby deleted.

Section 105.2, Work exempt from permit of the Code is hereby amended to read as follows:

105.2 Work exempt from permit. Permits shall not be required for the following. Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Any individual performing any specific work that has a total value of three hundred (\$300.00) dollars or less shall not be required to obtain a permit.

Building:

1. Sidewalks and driveways.
2. Painting, paneling, papering, tiling, carpeting, replacement of floor covering, cabinets, counter tops, similar finish work, nonstructural concrete work, siding repair, and glass replacement.
3. Temporary motion picture, television and theater stage sets and scenery.
4. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
5. Window awnings supported by an exterior wall which do not project more than 54 inches from the exterior wall and do not require additional support.
6. Replacement windows when the same size or smaller and involving no structural changes.
7. Roof repair and replacement if less than 25% of roof.
8. Decks not exceeding 200 square feet in area, that are not more than 30 inches above grade at any point, are not attached to a dwelling and do not serve the exit door required by Section R311.4.
9. Nonfixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches in height.

Electrical:

State of Nebraska, State Electrical Inspector regulates all electrical work.

Gas:

1. Portable heating, cooking or clothes drying appliances.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

Mechanical:

1. Portable heating appliance.
2. Portable ventilation appliances.
3. Portable cooling unit.
4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
6. Portable evaporative cooler.
7. Self-containing refrigeration systems containing 10 pounds or less of refrigerant or that are actuated by motors of 1 horsepower or less.

Plumbing:

1. The stopping of leaks in drains, water, soil, waste or vent pipe; provided, however, that if any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.
2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

Section 105.2.1, Emergency Repairs is hereby amended to read as follows:

Section 105.2.1 Emergency Repairs. Where equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the Building Inspector.

Section 105.2.2, Repairs is hereby amended to read as follows:

Section 105.2.2, Repairs. Application or notice to the Building Inspector is not required for ordinary repairs to structures, replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replace or relocation of any water supply, sewer, drainage, drain leader, gas, solid, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

Section 105.2.3, Public service agencies is hereby amended to read as follows:

Section 105.2.3, Public service agencies. A permit shall not be required for the installation, alteration or repair of generation, transmission, distribution, metering or other related equipment that is under the ownership and control of public service agencies by

established right.

Section 105.3, Application for permit of the Code is hereby amended to read as follows:

105.3 Application for permit. To obtain a permit, the applicant shall first file an application therefore in writing on a form furnished by the Building and Zoning Department for that purpose. Such application shall:

1. Identify and describe the work to be covered by the permit for which application is made.
2. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.
3. Indicate the use and occupancy for which the proposed work is intended.
4. Be accompanied by construction documents and other information as required in Section 107 and pay the fees set by ordinance of the City Council and set out in Chapter 38, Fee Schedule. Where work for which a permit is required is started prior to obtaining said permit, the Building Official/Agent may at his/her discretion issue a stop work order until said permit is obtained and shall levy a penalty in addition to the regular permit fee in the amount of one hundred (\$100.00) dollars.
5. State the valuation of the proposed work.
6. Be signed by the applicant, or the applicant's authorized agent.
7. Give such other data and information as required by the Building Official/Agent.
8. For new construction or for existing structures where exterior dimensions are changed, provide a Certificate of Lot Survey, signed by a Registered Land Surveyor licensed in the State of Nebraska, certifying that the lot has been accurately surveyed and that each lot corner has been well and accurately staked and marked, providing the front, side and rear yard dimensions requested are less than 125% of minimum yard requirements.

Additional requirements for commercial applications:

1. Submit a drainage plan based upon a ten year storm event prepared by a Nebraska Registered Professional Engineer for any proposed use which has a new roof area in excess of 10,000 square feet or a combination of new roof and new paved parking in excess of 20,000 square feet. The report shall include an evaluation of the ability of the proposed water courses, drainage tiles, storm sewers, culverts and other improvements pertaining to drainage or flood control to handle the runoff generated by the development of the land within and above the tract for which the permit is required and the impact of such drainage on downstream drainage systems. The drainage report must be approved prior to the issuance of a building permit.
2. Provide the estimated daily and peak hourly flow as well as the estimated BOD of the waste as prepared by a Nebraska Registered Professional Engineer for any proposed use which has an estimated five-day BOD greater than 250 parts per million by weight or a temperature higher than 150°F (65°C).
3. Submit a water distribution report for any proposed use which will require a new or

upsized meter and/or service of two inches (2") or larger and shall provide estimated annual, peak day, and peak hour use. The water distribution report must be approved prior to issuance of the building permit.

4. Provide an erosion control plan for both during and after construction as prepared by a Nebraska Registered Professional Engineer for any development or expansion which involves grading (fill or excavation) of any area greater than 20,000 square feet.

Section 105.5, Expiration is hereby amended to read as follows:

105.5 Expiration. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced; provided, however, that no permit shall be valid after two (2) years from the date of issue.

Section 107.3, Temporary power of the Code is hereby deleted. The State of Nebraska, State Electrical Inspector regulates all electrical work.

Section 1401.2, Applicability is hereby amended to read as follows:

Section 1401.2, Applicability. Structures existing prior to June 11, 1951 in which there is work involving additions, alterations or changes of occupancy shall be made to comply with the requirements of this section or the provisions of Chapters 5 through 13.

(Ord. 2005-2733, passed 7-18-2005)

## **§ 150.090 AMENDMENTS TO INTERNATIONAL ENERGY CONSERVATION CODE.**

The International Energy Conservation Code, 2012 Edition, hereinafter referred to as the "Code", and adopted by the provision of this chapter, is hereby amended, altered, changed, and modified as follows:

Section C101.1, Title of the Code is hereby amended by designating the name of the jurisdiction to be the "City of McCook, Nebraska, a municipal corporation."

Section C101.2, Scope of the Code is hereby amended by adding new paragraphs thereto reading as follows:

Any reference in this Code to "Code Official" shall mean the Building Official. The Building Inspector and other assistants, clerks, and employees appointed by the Building Official to administer this Code shall have such powers as designated by the Building Official.

The Code is hereby amended by adding a new section, to be numbered and titled Section C101.2.4, Exempt buildings, which reads as follows:

C101.2.4 Exempt buildings. The following shall be exempt from this Code:

- (1) Any building (a) listed on the National Register of Historic Places, (b) determined to be eligible for the National Register of Historic Places by the State Historic Preservation Officer, or (c) designated as an individual landmark or heritage preservation site by a municipality or located within a designated landmark or heritage preservation district.

(Ord. 2005-2733, passed 7-18-2005)

## **BUILDING INSPECTOR**

### **§ 150.200 CREATION OF OFFICE.**

The Building Inspector, as appointed by and under the direction of the City Manager, is hereby authorized and directed to enforce all the provisions of the municipal code pertaining to building construction and repair under the direction of the City Manager. For this purpose, he or she shall have policing powers. Under the direction of the City Manager and upon presentation of proper credentials, the Building Inspector, or his or her duly authorized representative, may enter at all reasonable times any building, structure, or premise to perform any duty imposed upon the City Manager by any Building Code, Residential Code, Plumbing Code, Mechanical Code, Fuel Gas Code, Property Maintenance Code, Existing Building Code, Energy Conservation Code, or Housing Code duly adopted by reference in the municipal code, or any provision of the municipal code.

The Building Inspector, acting in good faith and without malice in the discharge of his or her duties, shall not thereby render himself or herself personally liable and is hereby relieved from all personal liability for any damage that may accrue to persons or property as the result of any act or omission in the discharge of his or her duties. Any suit brought against the Building Inspector, because of an alleged act or omission performed by him or her in the enforcement of any provision of the municipal codes relating to buildings or building construction shall be defended by the legal department of the municipality until final termination of the proceedings. The Building Inspector may request, and shall receive so far as may be necessary in the discharge of his or her duties, the assistance and cooperation of other officials of the municipality. The Building Inspector shall have additional duties, carry out tasks, and make reports as the City Manager may prescribe from time to time.  
(Ord. 2005-2739, passed 7-18-2005)

### **§ 150.202 POWER AND AUTHORITY; STOP WORK ORDERS.**

Under the direction of the City Manager, the Building Inspector shall be the municipal official who shall have the duty of enforcing all building and housing regulations as herein prescribed. He or she shall inspect all buildings repaired, altered, built, or moved in the municipality as often as necessary to ensure compliance with all municipal ordinances.

Whenever any building or construction work is being done contrary to the provisions of the codes or in a dangerous or unsafe manner, the Building Inspector at his discretion, may order the work stopped by notice in writing served on any persons engaged in doing or causing the work to be done. The notice shall state the conditions under which work is authorized to resume. Any person shall immediately stop, or cause to be stopped, the work until authorization is received from the Building Inspector to continue the work. If the stop order is an oral one, it shall be followed by a written stop order within one (1) business day. The written order may be served by any municipal police officer.

When any structure is in a dangerous condition or the building is being used contrary to the provisions of the laws of the municipality, the Building Inspector, under the direction of the City Manager, may order the use discontinued or the structure, or portion thereof in violation, vacated as set forth in Chapter 150, Unsafe Buildings, § 150.300 et al.  
(Ord. 2005-2739, passed 7-18-2005)

**§ 150.204 RIGHT OF ENTRY.**

It shall be unlawful for any person to refuse to allow the Building Inspector entry into any building or structure where the work of construction, alteration, repair, or relocation is taking place for the purpose of making official inspections at any reasonable hour.

(Prior Code, § 9-102) Penalty, see § 150.999.

**Statutory reference:**

*Authority, see Neb. RS 16-234*

**§ 150.206 PERMIT; CERTIFICATE OF OCCUPANCY.**

No building construction, alteration, repair, or demolition requiring a permit pursuant to this chapter shall be commenced until the permit holder, or his or her agent, shall have posted a permit card in a conspicuous place on the front of the premises where the work is being performed. The permit card shall be maintained in the place by the permit holder until a certificate of occupancy has been signed by the Building Inspector and no building shall be occupied in any part thereof until the certificate of occupancy has been issued by the Building Inspector.

(Prior Code, § 9-103)

**Statutory reference:**

*Authority, see Neb. RS 16-234*

**§150.208 DUPLICATE BUILDING PERMITS TO COUNTY ASSESSOR.**

Whenever a building permit is issued for the erection, alteration, or repair of any building within the municipality's jurisdiction, and the improvement is \$2,500 or more, a duplicate of the permit shall be issued to the County Assessor.

(Neb. RS 18-1743) (Prior Code, § 9-203)

**§ 150.210 TIME OF INSPECTION.**

Under the direction of the City Manager, the Building Inspector, upon notification from the permit holder or his or her agent, shall make those inspections required in the International Building Code, International Residential Code, International Plumbing Code, International Mechanical Code, International Fuel Gas Code, International Property Maintenance Code, International Existing Building Code, and the International Energy Conservation Code, and shall either approve that portion of the construction as completed, or shall notify the permit holder, or his or her agent, that the work fails to comply with the requirements of the municipal code. (Ord. 2005-2739, passed 7-18-2005)

**§ 150.212 BARRICADES AND LIGHTS.**

It shall be the duty of the owner, tenant, or lessee causing the construction, demolition, or moving of any building or improvement within the municipality to have during the work all excavations, open basements, building materials, and debris protected by suitable guards or barricades by day, and by warning lights at night. The failure, neglect, or refusal of persons to erect the guards shall constitute a violation of this section and the Municipal Police or the Building Inspector shall stop all work until guards are erected and maintained as required.

(Prior Code, § 9-106) Penalty, see § 150.999

**Statutory reference:**

*Authority, see Neb. RS 16-246*

*Similar to state law provisions, see Neb. RS 16-232*

**§ 150.220 MEANS OF APPEAL.**

The Building and Housing Code Advisory and Appeals Board shall hear and decide appeals of orders, decisions or determinations made by the Building Official/Agent relative to the application and interpretation of the codes or the suitability of alternate materials and methods of installation. The Building and Housing Code Advisory and Appeals Board shall have no authority to waive requirements of the codes.

Any person who is aggrieved by any decision of the Building Official/Agent relating to suitability of alternate materials, methods of construction, or interpretations of any provisions of this code may appeal such decision to the Building and Housing Code Advisory and Appeals Board by filing an appeal on forms furnished by the Building Official/Agent within thirty days from the date of such decision. Review of an application for appeal shall be based on a claim that the true intent of the codes or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not apply, or the requirements of this code are adequately satisfied by other means. The filing of a completed appeals form, along with the payment of the prescribed fee, shall be sufficient for the purpose of commencing an appeal proceeding hereunder.

**UNSAFE BUILDINGS**

**§ 150.300 DEFINITION.**

(A) For the purpose of this subchapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

**UNSAFE BUILDING.** Any building, mobile home, shed, fence, or other human-made structure:

(a) Which is dangerous to the public health because of its condition, and which may cause or aid in the spread of disease or injury to the health of the occupants of it or neighboring structures;

(b) Which because of faulty construction, age, lack of proper repair, or any other cause is especially liable to fire and constitutes or creates a fire hazard;

(c) Which by reason of faulty construction or any other cause is liable to cause injury or damage by the collapse or fall of all or any part of the structure; or

(d) Which is fifty (50%) percent damaged, decayed, or deteriorated from its original condition.

(B) Any unsafe building in the municipality is hereby declared to be a nuisance. (Neb. RS 16-234) (Prior Code, § 9-801) (Ord. 2009-2822, passed 3-16-2009)

**Statutory reference:**

Authority, see Neb. RS 16-234

**§ 150.302 PROHIBITION AGAINST UNSAFE BUILDINGS.**

It shall be unlawful to maintain or permit the existence of any unsafe building in the municipality and it shall be unlawful for the owner, occupant, or person in custody of any dangerous building to permit the same to remain in an unsafe condition or to occupy the building or permit it to be occupied while it is in an unsafe condition.

(Prior Code, § 9-802) Penalty, see § 150.999

**Statutory reference:**

*Authority, see Neb. RS 16-234*

**§ 150.304 DETERMINATION AND NOTICE.**

(A) Whenever the Building Inspector, the Fire Official, the Health Official, or the governing body shall be of the opinion that any building, mobile home, or structure in the municipality is an unsafe building, he or she shall file a written statement to this effect with the City Clerk. The Clerk shall thereupon cause the property to be posted accordingly, and shall file a copy of the determination in the office of the County Register of Deeds, and shall serve written notice upon the owner thereof, and upon the occupant thereof, if any, by certified mail or by personal service. The notice shall state that the building has been declared to be in an unsafe condition, and that the condition(s) must be remedied within 60 days from the date of receipt.

(B) Consideration shall include, but not be limited to, the following standards in determining whether an unsafe building or public nuisance shall be repaired, altered, rehabilitated, demolished or removed per the inspection and recommendation of the Building Inspector:

(1) If the building, mobile home, or other structure or any part thereof can reasonably be repaired, altered, or rehabilitated so that it will no longer exist in violation of the city code or Building Code, as amended and adopted, it shall be ordered repaired, altered, or rehabilitated.

(2) If the building, mobile home, or the structure or any part thereof is in such condition that it cannot reasonably be repaired so that it will no longer exist in violation of the city code or Building Code, as amended and adopted, it shall be ordered demolished or removed.

(3) In any case where a building, mobile home, or other structure or any part thereof is 50% damaged, decayed or deteriorated from its original value or structure, it shall be demolished and removed.

(4) In any case where a building, mobile home, or other structure or any part thereof is a fire hazard existing in violation of the city code or Building Code as amended or adopted, or the state statutes, including but not limited to the Life Safety Code, it shall be demolished or removed.

(C) The sixty (60) day notice may be in the following terms:

To \_\_\_\_\_ (owner-occupant of premises) of the premise known and described as \_\_\_\_\_.

You are hereby notified that \_\_\_\_\_ (describe building) on the premises above mentioned has been determined to be an unsafe building and a nuisance after inspection by \_\_\_\_\_. The causes for this decision are \_\_\_\_\_ (here insert the facts as to the dangerous condition).

You must remedy this condition or demolish the building within sixty (60) days from the date of receipt of this notice or the municipality will proceed to do so. Appeal of this determination may be made to the Building Advisory and Appeals Board, by filing with the City Clerk within ten (10) days from the date of receipt of this notice a request for a hearing.

(D) If the person receiving the notice has not complied therewith within sixty (60) days from the date of receipt of the notice or taken an appeal from the determination of the officer or employee finding that a dangerous building exists within ten (10) days from the time when this notice is served upon the person by personal service or certified mail, the Building Inspector may, after the sixty (60) day time period has expired, upon orders of the governing body, proceed to remedy the condition or demolish the unsafe building.

(Prior Code, § 9-803) (Ord. 97-2382, passed 7-7-1997; Ord. 2009-2823, passed 4-6-2009)

### **§ 150.306 HEARING; APPEAL OF DECISION.**

(A) Upon receiving the notice to repair or demolish the building, the owner of the building, within ten (10) days of the receipt of the notice, may in writing to the City Clerk request a hearing before the Building and Housing Code Advisory and Appeals Board, to present reasons why the building should not be repaired or demolished. The Building and Housing Code Advisory and Appeals Board shall grant the hearing within ten (10) days from the date of receiving the request. A written notice of the Building and Housing Code Advisory and Appeals Board's decision following the hearing shall be sent to the property owner by certified mail. If the Building and Housing Code Advisory and Appeals Board rejects the appeal, the owner shall have sixty (60) days from the sending of the decision to remedy the condition or demolish the building. If, after the sixty (60) day period, the owner has not remedied the condition or demolished the building, the Building Inspector shall proceed to cause the work to be done.

(B) The property owner may appeal the decision of the Building and Housing Code Advisory and Appeals Board to the governing body if done in writing within seven (7) days of the receipt of the decision of the Building and Housing Code Advisory and Appeals Board by filing the same with the City Clerk. A hearing shall be held before the governing body within ten (10) days of the receipt of the notice of appeal by the property owner. Written notice of the governing body's decision following the hearing shall be sent to the property owner by certified mail.

(C) If the governing body rejects the appeal of the property owner, the owner shall have sixty (60) days from the sending of the decision to remedy the condition or demolish the building. If, after the sixty (60) day period, the owner has not remedied the condition or demolished the building, the Building Inspector shall proceed to cause the work to be done.

(D) The property owner may appeal the decision to the appropriate court for adjudication during which proceedings the decision of the governing body shall be stayed.

(Prior Code, § 9-804) (Ord. 97-2382, passed 7-7-1997)

### **§ 150.308 SPECIAL ASSESSMENTS.**

(A) In case the owner of any building or structure shall fail, neglect, or refuse to comply with notice by or on behalf of the municipality to repair, rehabilitate, or demolish and remove a building or structure which is unsafe and a public nuisance, the municipality may proceed with the work specified in the notice to the property owner. A statement of the cost of the work shall be transmitted to the governing body.

(B) The governing body may:

(1) Levy the cost as a special assessment against the lot or real estate upon which the building or structure is located. The special assessment shall be a lien on the real estate and shall be collected in the manner provided for special assessments; or

(2) Collect the cost from the owner of the building or structure and enforce the collection by a civil action in any court of competent jurisdiction.  
(Prior Code, § 9-805) (Ord. 97-2382, passed 7-7-1997)

## **MOBILE HOME PARKS AND MOBILE HOMES**

### **§ 150.335 MOBILE HOME PARK REGULATIONS ADOPTED; PURPOSE.**

For the purpose of setting minimum standards to promote the public health, safety, morals, convenience, order, prosperity, and general welfare of the community, to secure safety from fire, panic, and other dangers, to prevent the overcrowding of land, to avoid undue concentration of population, and to facilitate the adequate provisions of transportation, water, sewerage, parks, and other public requirements, the Mobile Home Park Regulations for the city, as published in pamphlet form, have been adopted by Ordinance 1226, June 5, 1972. Three copies of the adopted Mobile Home Park Regulations shall be kept on file with the City Clerk and available for inspection by any member of the public during office hours.  
(Prior Code, § 10-601)

### **§ 150.337 MOBILE HOME REQUIREMENTS.**

(A) All mobile homes shall be adequately skirted, tied down, connected to utilities, landscaped to promote drainage and have sidewalks and otherwise meet all applicable codes and regulations of the city prior to issuance of a permit of occupancy by the owner or others.

(B) Set-down permits fee as set out in Chapter 38, Fee Schedule.

(C) Permit for set-down must be obtained and paid for before the issuance of other permits.

(D) No mobile home shall have any building attachments, provided that a mobile home may have an enclosed entryway attached, such entryway to consist of not more than fifty (50) square feet and shall be located only at the main entry door to the mobile home. The entryway shall not be used for any other purpose other than as an entryway between the outdoors and the main door of the mobile home.

(E) Provided further that a mobile home may also have a patio or carport cover attached to be entirely open on all sides except for the side attached to the mobile home, and to be constructed of non-combustible materials with a steel or metal frame. The area may never be enclosed and any enclosure must be removed immediately upon request by the Building Inspector.

(F) Provided further that all attachments must be approved by the city, meet all zoning and setback regulations, and have had a valid building permit issued for their construction and erection before they will be allowed to be installed and constructed.

(G) For mobile homes built prior to June 15, 1976, a *label* certifying compliance to the Standard for Mobile Homes, NFPA 501, in effect at the time of manufacture is required.  
(Prior Code, § 9-902) Penalty, see § 150.99

**Statutory reference:**

*Authority, see Neb. RS 19-922, 71-4610, 71-4611*

**§ 150.338 CONFLICT OF REGULATIONS; PREVAILING TERMS.**

In any case where a provision of this subchapter is found to be in conflict with a provision of any zoning, building, fire, safety, or health ordinance or code of the city existing on the effective date of this subchapter, the provision which, in the judgment of the Health Officer, establishes the higher standard for the promotion and protection of the health and safety of the people, shall prevail. In any case where a provision of this subchapter is found to be in conflict with a provision of any other ordinance or code of the city existing on the effective date of this subchapter, this subchapter shall be deemed to prevail, and other ordinances or codes are hereby declared to be repealed to the extent that they may be found in conflict with this subchapter.

(Prior Code, § 9-907)

**Statutory reference:**

*Authority, see Neb. RS 19-922, 71-4610, 71-4611*

**BUILDING MOVING**

**§ 150.355 APPLICATION FOR PERMIT.**

It shall be unlawful for any person, firm, or corporation to move any building or structure within the municipality without written permit to do so. Application may be made to the Building Inspector, and shall include the present and future location of the building to be moved, the proposed route, the equipment to be used, a general statement of the type of repairs, remodeling, construction, or other work that the applicant intends to do on the building, and other information as the Building Inspector may require. The application shall be accompanied by a certificate issued by the County Treasurer to the effect that all the provisions regulating the moving of buildings have been complied with on the part of the owner of the real estate upon which the building is presently located. The applicant shall also furnish the Building Inspector with the certificate of an insect exterminator stating that he or she inspected the building and found it free of termites or that any found had been effectively exterminated. In addition, applicant shall furnish satisfactory evidence to the Building Inspector that all plumbing, mechanical and electrical wiring in the building conform to the Plumbing, Mechanical and Electrical Codes of the city.

(Prior Code, § 9-701) Penalty, see § 150.999

**Statutory reference:**

*Authority, see Neb. RS 16-209, 16-210, 60-6,299*

**§ 150.357 APPLICATION REVIEW.**

All applications for permits to move buildings into or within the city or its two-mile jurisdiction made pursuant to this subchapter shall be submitted to the City Council for review before issuance. The person making application for a permit shall, at least two (2) weeks in advance of the hearing before the City Council thereon, post a written notice of the pendency of his or her application and the date of the hearing thereon, which notice shall be posted in a

conspicuous place on the property to which he or she proposes to move the building or structure. The notice shall state the address or location of the building sought to be moved. The City Council shall make its determination as to whether or not a permit should be granted using as criteria for judgment the items set forth in this subchapter.

(Prior Code, § 9-702)

**Statutory reference:**

*Authority, see Neb. RS 16-209, 16-210, 60-6,299*

**§ 150.359 PREREQUISITES FOR PERMIT ISSUANCE; COST ESTIMATE DEPOSIT.**

(A) It shall be unlawful for any one to proceed with moving along the streets or alleys or elsewhere in the city, any building or structure of such height or dimension as to come in contact with any telephone, or electric light wires, or poles or fixtures, or either, without first presenting to the City Clerk a written statement duly signed by the Public Works Director, the City Engineer, and the person or the local manager of the company whose wires or poles or fixtures, or any of them, may be affected or disturbed as aforesaid, setting forth the estimated expense incident to the necessary changing, cutting, removing, raising, lowering, or handling of the wires or poles or fixtures in the instance of each person or company so affected, also specifying the streets and alleys to be used, and, at the same time, depositing with the City Clerk the amount of the aforesaid estimate, and receiving a written license and permit, and paying the City Clerk the sum set by ordinance of the City Council and set out in Chapter 38, Fee Schedule.

(B) Provided, that the aforesaid estimated compensation to the person or company whose wires or poles or fixtures may be affected by the moving of the building or structure shall in nowise preclude recovery from the owner of the building or structure so moved, of any and all damages that may be caused in excess of the amount estimated and deposited as aforesaid, and which shall be paid over to the person or company that may be entitled thereto on the completion of the removal, and it is hereby made unlawful for anyone, except some employee or representative of the person or company whose wires or poles or fixtures, or any of them, may be disturbed or affected by the moving of the building or structure, to attempt to, or change, cut, remove, raise or lower or handle in any way any of the wires or poles or fixtures.

(Prior Code, § 9-703) Penalty, see § 150.99

**Statutory reference:**

*Authority, see Neb. RS 16-209, 16-210, 60-6,299*

**§ 150.361 CERTIFICATE OR POLICY OF INSURANCE FOR BUILDING MOVING COMPANY.**

(A) Any person engaged in the business of moving houses or other buildings shall provide a Certificate or Policy of Insurance in the amount of three hundred thousand (\$300,000) dollars, conditioned for the payment of any damages sustained by the city resulting from the moving of any building over and across any street, alley, crossing, or culvert within the city.

(B) Any license required by this section may be sued upon for the recovery of any and all damages sustained by any individual or corporation, and also any damages sustained by the city to any street, alley, culvert, or crossing caused by the moving of any building over the crossings or culverts, either under the supervision of the principal or his or her agents or employees.

(Prior Code, § 9-704)

**Statutory reference:**

*Authority, see Neb. RS 16-209, 16-210, 60-6,299*

## **ELECTRICITY**

### **§150.380 OVERVIEW.**

Nebraska Statutes governing electrical licensing and inspection are known as the Nebraska State Electrical Act, Sections 81-2101 through 81-2143. No alteration or change shall be made in the electrical wiring or apparatus located within a building for use in connection with the production of electric light, heat, or power, nor shall any electric wiring or apparatus be installed in any building without first securing from the State Electrical Inspector a permit therefore, nor shall any change be made in any wiring or apparatus after inspection, without notifying the State Electrical Inspector and securing a permit therefore.

The Nebraska State Electrical Board rules consist of 19 promulgated rules adopted by the Board to enable it to carry out its mission of public safety through electrical licensing and inspection.

### **§150.382 ELECTRICAL CODE.**

(A) The minimum electrical wiring standard shall be the 2014 National Electrical Code, National Fire Protection Association Publication Number 70-2014, as adopted in whole or amended in part by the State Electrical Board which is incorporated herein by reference and filed with the Secretary of State. The effective date of this rule is April 10, 2014.

(B) The provisions of the Code adopted by this section shall apply and be enforced in the unincorporated area two miles beyond and adjacent to the corporate boundaries of this city with the same force and effect as if the outlying area were within the corporate boundaries of this city, provided no provision shall be extended or applied so as to prohibit, prevent or interfere with the conduct of existing farming, livestock operations, businesses, or industry.

(C) The State Electrical Inspector shall be the administrative authority who shall administer and enforce the Code and shall take such actions as may be reasonable and necessary to secure compliance with it. He or she shall appoint such Electrical Inspectors, assistants, clerks, and other employees as may be required to administer the Code and fix their compensation.

(Prior Code, § 9-402) (Ord. 1781, passed 9-16-1985)

*Statutory reference:*

*Authority, see Neb. RS 19-922, 81-2104, 81-2124, 81-2125*

## **CONTRACTOR'S LICENSE**

### **§ 150.400 LICENSE REQUIRED.**

No person or corporation shall engage in the practice of general contractor, roofing contractor, plumbing contractor, mechanical contractor, sign contractor, demolition contractor or structure moving contractor in the city without first having obtained a license to engage in any such practice and without giving the proof of surety as hereinafter provided for in this chapter.

**§ 150.402 PERSONS EXEMPT FROM LICENSE REQUIREMENT.**

Any bona fide owner of a residential or commercial structure, including the usual accessory structures, shall be exempt from the contractor's licensing requirements and may be granted a building permit to improve said structure provided he or she personally purchases and installs all materials used, and further provided, all work shall be inspected and approved by the City.

**§ 150.404 APPLICATION, CONTENT, FEES.**

Any person or persons desiring to engage in the practice of general contractor, roofing contractor, plumbing contractor, mechanical contractor, sign contractor, demolition contractor or structure moving contractor shall first make application to the City Building Inspector for the license(s) to engage in such practice(s). Such application for a contractor's license shall contain the following information: (1) the name and address of the applicant, (2) the business location of the applicant, (3) the telephone number of the place of business, and (4) proof of a certificate or policy of insurance; and if a partnership, shall include the names, correct mailing addresses, and telephone numbers of all partners together with such other information as may be required. Upon the filing of such application, the City Building Inspector shall provide such application to the Building and Housing Code Advisory and Appeals Board to make such investigation as they may deem necessary as to the qualifications of the individual(s) and any employees, and if the applicant and employees are found to be qualified to engage in such practice and possessed of sufficient skill, experience, and training to engage in such practice in compliance with the applicable model codes of the City, after which shall approve or disapprove the application. If approved, the City Building Inspector shall authorize the issuance of a license to the individual(s). Such application shall be accompanied by a registration fee of seventy-five (\$75.00) dollars for a new applicant or twenty-five (\$25.00) dollars for a renewal application. Registration shall run concurrently with licenses, expiring on the last day of December during the year following the date of issuance and shall not be assignable.

**§ 150.406 CERTIFICATE OR POLICY OF INSURANCE.**

Every person or company applying for a license shall present to the City Building Inspector, to be filed, a Certificate or Policy of Insurance in the amount of three hundred thousand (\$300,000.00) dollars, minimum, public liability insurance for each license held. Further that the issuing insurance company agrees to provide thirty (30) day written notice in the event of expiration or of proposed cancellation of the insurance policy. Surety shall be conditioned that the principal, and all employees, will comply with all the ordinances of the City relating to model codes and to hold the City harmless on account of any damages arising from faulty performance or neglect of duty by the holder of such license.

**§ 150.408 REVOCATION OF LICENSE.**

Any license issued under the provisions of this chapter may be revoked by the City Building Inspector upon proof that the licensee(s) has failed, neglected, or refused to comply with any of the provisions of this chapter or with other ordinances of the city relating to or regulating the particular type of work for which such license was granted: Provided, that no such license shall be revoked without the giving of a written notice of the intention to revoke such license and without giving such licensee a full opportunity to be heard before the Building and Housing Code Advisory and Appeals Board as to any complaint made against him or her. Upon the revocation of any license granted under the provisions of this chapter, no refund shall be made of any part of the license fee previously paid by the licensee.

**§ 150.410 UNLAWFUL USE OF LICENSE.**

No license issued hereunder shall be assignable or transferable, and it shall be unlawful for any licensee to permit his, her or its license to be used or allow permits to be taken out in the name of such licensee by any other person, firm, or corporation. Any licensed contractor that hires a sub-contractor(s) shall provide the City Building Inspector a copy of the sub-contractor(s) Certificate or Policy of Insurance.

**§150.412 RECORDS RETENTION.**

The Building & Zoning department, shall keep a complete record of all licenses issued, the names of all helpers and apprentices, and certificate or policy of insurance registered under the provisions of this chapter and shall cause suitable records of all official actions taken hereunder to be kept and preserved.

**PENALTY**

**§ 150.999 GENERALLY**

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(B) Any person who violates any of the prohibitions or provisions of any section of this chapter shall be deemed guilty of a misdemeanor. Unless otherwise specified in the particular section for which the person stands convicted of violating, the penalty for the violation shall be in any amount not to exceed \$1,000 and/or imprisonment for any length of time not to exceed three months, in the discretion of the court, provided whenever any section of this chapter shall declare a nuisance, a violation of that section shall be penalized by a fine of not more than \$1,000, in which case a new violation shall be deemed to have been committed every 24 hours of the failure to comply.  
(Prior Code, § 9-1201)

(C) (1) Whenever a nuisance exists as defined in this chapter, the municipality may proceed by a suit in equity to enjoin and abate the same, in the manner provided by law.

(2) Whenever, in any action, it is established that a nuisance exists, the court may, together with the fine or penalty imposed, enter an order of abatement as a part of the judgment in the case.

(Prior Code, § 9-1202) (Ord. 2003-2650, passed 1-20-2003)

*Statutory reference:*

*Authority, see Neb. RS 18-1914, 18-1918, 29-835, 48-434, 48-442, 48-2114, 60-6,299, 71-4608, 71-4631, 71-4632"*

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

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

PASSED AND APPROVED \_\_\_\_\_ day of \_\_\_\_\_, 2016.

-s- Michael D. Gonzales, Mayor

ATTEST:

-s- Lea Ann Doak, City Clerk

Publish:

**CITY MANAGER'S REPORT  
MAY 16, 2016 CITY COUNCIL MEETING**

ITEM NO. \_\_\_ Approve on first reading, Ordinance No. 2016-2931 which updates and amends  
**6D** §151.01 of the McCook Code of Ordinances, Zoning, to reflect the Zoning  
Regulations update and modification.

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**BACKGROUND:**

This ordinance is being proposed in order to update Chapter 151 of the City's Code of Ordinances. In November of 2013, the City updated its Zoning Regulations by Ordinance. While reviewing our Building Code Regulations for an update, it was discovered that the City needed to update §151.01 of the Code of Ordinances to officially codify the amendments contained in the 2013 Zoning Regulation Ordinance. This is a housekeeping measure and serves only to update our 2013 actions in the current Code.

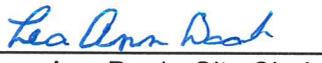
**RECOMMENDATIONS:**

ITEM NO. \_\_\_ Approve on first reading, Ordinance No. 2016-2931 which updates and amends  
§151.01 of the McCook Code of Ordinances, Zoning, to reflect the Zoning  
Regulations update and modification.

**APPROVALS:**

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

May 11, 2016

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

May 11, 2016

**ORDINANCE NO. 2016-2931**

AN ORDINANCE OF THE CITY OF MCCOOK, NEBRASKA AMENDING THE CITY OF MCCOOK, NEBRASKA CODE OF ORDINANCES SECTION 151.01 - ZONING REGULATIONS ADOPTED BY REFERENCE; TO PROVIDE FOR THE REPEAL OF ANY OTHER CONFLICTING ORDINANCES; 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 CITY COUNCIL OF THE CITY OF MCCOOK, NEBRASKA:

SECTION 1. That Section 151.01 - ZONING REGULATIONS ADOPTED BY REFERENCE, of the City of McCook, Nebraska, Code of Ordinances is hereby amended to read as follows:

**“§ 151.01 ZONING REGULATIONS ADOPTED BY REFERENCE.**

For the purpose of setting minimum standards to promote the public health, safety, morals, convenience, order, prosperity, and general welfare of the community, and to lessen congestion in the streets, to secure safety from fire, panic, and other dangers, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, and to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements, the Zoning Regulations for the city, as published in pamphlet form, have been adopted by Ordinance No. 2013-2897, November 18, 2013. Three copies of the adopted Zoning Regulations shall be kept on file with the City Clerk and available for inspection by any member of the public during office hours.  
(Prior Code, § 11-101)”

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

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

PASSED AND APPROVED \_\_\_\_\_ day of \_\_\_\_\_, 2016.

-s- Michael D. Gonzales, Mayor

ATTEST:

-s- Lea Ann Doak, City Clerk

Publish:

**CITY MANAGER'S REPORT  
MAY 16, 2016 CITY COUNCIL MEETING**

ITEM NO. \_\_\_ Approve on first reading, Ordinance No. 2016-2932 which updates and amends §152.01 of the McCook Code of Ordinances, Subdivisions, to reflect the Subdivision Regulations update and modification.

**6E**

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**BACKGROUND:**

This ordinance is being proposed in order to update Chapter 152 of the City's Code of Ordinances. In January of 2014, the City updated its Subdivision Regulations by Ordinance. While reviewing our Building Code Regulations for an update, it was discovered that the City needed to update §152.01 of the Code of Ordinances to officially codify the amendments contained in the 2014 Subdivision Regulation Ordinance. This is a housekeeping measure and serves only to update our 2014 actions in the current Code.

**RECOMMENDATIONS:**

ITEM NO. \_\_\_ Approve on first reading, Ordinance No. 2016-2932 which updates and amends §152.01 of the McCook Code of Ordinances, Subdivisions, to reflect the Subdivision Regulations update and modification.

**APPROVALS:**

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

May 11, 2016

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

May 11, 2016

**ORDINANCE NO. 2016-2932**

AN ORDINANCE OF THE CITY OF MCCOOK, NEBRASKA AMENDING THE CITY OF MCCOOK, NEBRASKA CODE OF ORDINANCES SECTION 152.01 - SUBDIVISION REGULATIONS ADOPTED BY REFERENCE; TO PROVIDE FOR THE REPEAL OF ANY OTHER CONFLICTING ORDINANCES; 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 CITY COUNCIL OF THE CITY OF MCCOOK, NEBRASKA:

SECTION 1. That Section 152.01 - SUBDIVISION REGULATIONS ADOPTED BY REFERENCE, of the City of McCook, Nebraska, Code of Ordinances is hereby amended to read as follows:

**“§ 152.01 SUBDIVISION REGULATIONS ADOPTED BY REFERENCE.**

To provide for harmonious development of the municipality and its environs; for the integration of new subdivision streets with other existing or planned streets or with other features of the Comprehensive Plan; for adequate open spaces for traffic, recreation, light and air; for the distribution of population and traffic in a manner which will tend to create conditions favorable to health, safety, convenience, or prosperity; to insure conformance of subdivision plans with the capital improvement program of the municipality; and, to secure equitable handling of all subdivision plats by providing uniform procedures and standards for observance by subdividers and the Planning Commission and governing body, the Subdivision Regulations for the city, as published in pamphlet form, have been adopted by Ordinance No. 2014-2900, January 20, 2014. Three copies of the adopted Subdivision Regulations shall be kept on file with the City Clerk and available for inspection by any member of the public during office hours.  
(Prior Code, § 11-201)”

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

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

PASSED AND APPROVED \_\_\_\_\_ day of \_\_\_\_\_, 2016.

-s- Michael D. Gonzales, Mayor

ATTEST:

-s- Lea Ann Doak, City Clerk

Publish:



**CITY MANAGER'S REPORT  
MAY 16, 2016 CITY COUNCIL MEETING**

ITEM NO. \_\_\_ Approve on first reading, Ordinance No. 2016-2930 which amends Chapter 91 of the McCook Code of Ordinances to include a prohibition against maintaining an electrical wire in a street, alley, sidewalk or building which would interfere with the McCook Fire Department's ability to perform fire safety services.

**6F**

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**BACKGROUND:**

This ordinance is being proposed in order to make our Municipal Code Book easier to use. As part of the building code review process, Staff discovered that §150.152 of the Building Codes and Regulations contained a provision that prohibited the installation, operation or maintenance of an electrical wire over any street, alley, sidewalk or building within McCook which serves to seriously interfere with the work of the Fire Department. The rule is found in the Electrical section of the Building Code. Staff determined that this provision would be more appropriately codified in Chapter 91 of our Code as Chapter 91 contains the City's fire prevention rules. Similar rules which prohibit fire obstructions are found in Chapter 91. Individuals reviewing the Code's Index should have an easier time locating this provision due to its similarity with other fire safety rules in Chapter 91.

**RECOMMENDATIONS:**

ITEM NO. \_\_\_ Approve on first reading, Ordinance No. 2016-2930 which amends Chapter 91 of the McCook Code of Ordinances to include a prohibition against maintaining an electrical wire in a street, alley, sidewalk or building which would interfere with the McCook Fire Department's ability to perform fire safety services.

**APPROVALS:**

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

May 11, 2016

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

May 11, 2016

**ORDINANCE NO. 2016-2930**

AN ORDINANCE OF THE CITY OF MCCOOK, NEBRASKA AMENDING CHAPTER 91: FIRE PREVENTION; FIREWORKS; POISONOUS OR FLAMMABLE GAS; EXPLOSIVES; ADDING SECTION 91.22 - INTERFERENCE WITH FIRE DEPARTMENT BY ELECTRICAL WIRES PROHIBITED; TO PROVIDE FOR THE REPEAL OF ANY OTHER CONFLICTING ORDINANCES; 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 CITY COUNCIL OF THE CITY OF MCCOOK, NEBRASKA:

SECTION 1. That Section 91.22 - INTERFERENCE WITH FIRE DEPARTMENT BY ELECTRICAL WIRES PROHIBITED, of the City of McCook, Nebraska, Code of Ordinances is hereby added to read as follows:

**“§ 91.22 INTERFERENCE WITH THE FIRE DEPARTMENT BY ELECTRICAL WIRES PROHIBITED.**

(A) No wire shall be installed, operated, or maintained over any street, alley, sidewalk, or building in the city which shall be liable to seriously interfere with the work of the Fire Department in the use of ladders or other apparatus, or which shall obstruct or render hazardous the use of fire escapes, and on complaint of the Chief of the Fire Department such obstructing, interfering, or hazardous wire shall be removed or properly rearranged.  
(Prior Code, § 9-411)”

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

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

PASSED AND APPROVED \_\_\_\_\_ day of \_\_\_\_\_, 2016.

-s- Michael D. Gonzales, Mayor

ATTEST:

-s- Lea Ann Doak, City Clerk

Publish: