

MCCOOK CITY COUNCIL

REGULAR MEETING

Monday, March 2, 2020
5:30 PM - City Council Chambers

Call to Order and Roll Call.

Open Meetings Act Announcement.

Rationale:

**A copy of the Open Meetings Act is posted by the entrance to the Council Chambers and is available for public review.*

Invocation - McCook Ministerial Association - the McCook Evangelical Free Church.

Rationale:

The McCook Ministerial Association -
Pledge of Allegiance.

Items.

1. Citizen's Comments.

Rationale:

2. **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.*

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

4. Announcements & Recognitions.

5. Consent Agenda.

Rationale:

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

A. Approve the minutes of the February 17, 2020 regular City Council meeting and the February 20, 2020 special City Council meeting.

B. Approve the application for a Special Designated Liquor License submitted by Citta' Deli, LLC, Liquor License #C-121305, for their 5th Annual St. Patrick's Day

Party to be held at the Citta' Delia parking lot, 110 West 1st Street, on March 14, 2020 from 10:00 A.M. to 7:00 P.M.

- C. Approve the application for a Special Designated Liquor License submitted by Loop Brewing Company, Liquor License #LK-093351, for a wedding reception to be held at the Red Willow County Fair Grounds Community Building, 1412 West 5th Street, on April 4, 2020 from 5:00 P.M. to 1:00 A.M.
- D. Approve the application for a Special Designated Liquor License submitted by Kahshoe Enterprises, LLC, License #C-097936, for a wedding reception to be held at the Red Willow County Fair Grounds 4-H Building, 1412 West 5th Street, on April 4, 2020 from 4:00 P.M. to 12:00 P.M.
- E. Authorize Great Plains Communications to occupy city right of way for the installation of fiber optic cable across Auditorium Drive to serve Hauxwell Motors and authorize the Mayor to sign the Application to Occupy Right of Way.
- F. Authorize Great Plains Communications to occupy city right of way to install fiber optic cable in the alleys between West 2nd and West 1st, West 1st and Norris Avenue, and East 1st and Norris Avenue, from "A" Street to "C" Street and the alley between Norris Avenue and West 1st from "C" Street to "E" Street and authorize the Mayor to sign the Application to Occupy Right of Way.
- G. Authorize Great Plains Communications to occupy city right of way for the installation of underground and overhead fiber optic cable beginning at the intersection of West 3rd Street and West "A" street; then moving along the north side of West "A" Street to West 4th Street; then turning north along the east side of West 4th Street to the alley between West "B" street and West "C" street; then turning east down the alley between West 3rd Street and West 4th Street; then turning north up the alley between West "B" Street and West "C" Street where the cable will be placed overhead to West "C" Street and authorize the Mayor to sign the Application to Occupy Right of Way.
- H. Authorize Great Plains Communications to occupy city right of way to install fiber optic cable from the alley of West "C" and West 9th Street to the Stagemeyer Complex and the YMCA.

7. Regular Agenda.

- A. Consider on its second reading Ordinance No. 2020-2998 adopting the official Extraterritorial Jurisdiction Zoning Map for the City of McCook, with the condition that Red Willow County adopt a zoning map to harmonize Red Willow County's zoning jurisdiction with the City of McCook's Extraterritorial Jurisdiction.

1. Chairperson asks Clerk to read Ordinance by title.
Rationale: The Chairpersons asks the Clerk to read Ordinance No. 2020-2998 by title.
 2. Consider approval of Ordinance No. 2020-2998 upon its second reading.
- B. Consider Ordinance No. 2020-3000 on its second reading, adding Section 130.33 to the City of McCook Code of Ordinances and amending Section 130.99 of the City of McCook Code of Ordinances, Chapter 130: General Offenses.
1. Chairperson asks Clerk to read Ordinance by title.
Rationale: The Chairpersons asks the Clerk to read Ordinance No. 2020-3000 by title.
 2. Consider approval of Ordinance No. 2020-3000 upon its second reading.
- C. Consider on its second reading Ordinance No. 2020-2999 repealing Section 90.24; amending Sections 90.08, 90.20, 90.22, 90.23, 90.30, and 90.99; and adding 90.33, 90.34, 90.35, 90.36, and 90.37, to the City of McCook Code of Ordinances and amending Section 130.99 of the City of McCook Code of Ordinances, Chapter 90: Animals.
1. Chairperson asks Clerk to read Ordinance by title.
Rationale: The Chairpersons asks the Clerk to read Ordinance No. 2020-2999 by title.
 2. Consider approval of Ordinance No. 2020-2999 upon its second reading.
- D. Introduce and approve on its first reading Ordinance No. 2020-3001 amending Chapter 38: Fee Schedule - Appendix H: Animal Impoundment and Boarding Fees of the City of McCook Code of Ordinances.
1. Chairperson asks Clerk to read Ordinance by title.
Rationale: The Chairpersons asks the Clerk to read Ordinance No. 2020-3001 by title.
 2. Consider approval of Ordinance No. 2020-3001 upon its first reading.
- E. Introduce and approve on its first reading Ordinance No. 2020-3002 amending 90.03 and 95.35, and repealing 95.05 to the City of McCook Code of Ordinances, Chapter 95: Nuisance; Health and Sanitation.
1. Chairperson asks Clerk to read Ordinance by title.
Rationale: The Chairpersons asks the Clerk to read Ordinance No. 2020-3002 by title.
 2. Consider approval of Ordinance No. 2020-3002 upon its first reading.
- F. Introduce and approve on its first reading Ordinance No. 2020-3003 amending Section 130.32: Abandoned Automobiles, to the City of McCook Code of

Ordinances.

1. Chairperson asks Clerk to read Ordinance by title.

Rationale: The Chairpersons asks the Clerk to read Ordinance No. 2020-3003 by title.

2. Consider approval of Ordinance No. 2020-3003 upon its first reading.

G. Introduce and approve on its first reading Ordinance No. 2020-3004 amending Section 33.03: Proposed Budget Statement; Hearing; Adoption; Certification of Tax Amount, of the City of McCook Code of Ordinances.

1. Chairperson asks Clerk to read Ordinance by title.

Rationale: The Chairpersons asks the Clerk to read Ordinance No. 2020-3004 by title.

2. Consider approval of Ordinance No. 2020-3004 upon its first reading.

H. Council Comments.

Adjournment.

**CITY MANAGER'S REPORT
MARCH 2, 2020 CITY COUNCIL MEETING**

ITEM: 3.A.

Approve the minutes of the February 17, 2020 regular City Council meeting and the February 20, 2020 special City Council meeting.

BACKGROUND:

Receive and approve the minutes.

**FISCAL
IMPACT:** None.

APPROVALS:



Lea Ann Doak, City Clerk

February 27, 2020

McCook City Council
February 17, 2020
5:30 P.M. Central

A MEETING OF THE MAYOR AND COUNCIL OF THE CITY OF MCCOOK, NEBRASKA convened in open, regular, and public session at 5:30 o'clock P.M. in the City Council Chambers.

Present: Mayor Gonzales, Councilmembers Hepp, Calvin, Weedon, Muehlenkamp.

Absent: None.

City Officials present: City Manager Schneider, City Attorney Mustion, City Clerk Doak, Police Chief Brown, Library Director Crocker, Utilities Director Dutcher, Water Superintendent Fawver, Fire Chief Harpham, Building Official Mooney, Public Works Director Potthoff, and Senior Services Director Siegfried.

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on February 13, 2020, 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 Acknowledgement 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. Father Andrew Litt, St. Patrick's Catholic Church, provided the invocation. 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.

Dawson Brunswick, McCook Chamber of Commerce Executive Director, thanked Mayor Gonzales for attending the Ribbon Cutting today for the Hub. The support from the City is greatly appreciated.

2. Announcements & Recognitions.

City Manager Schneider stated that a Special Meeting is set for Thursday, February 20, 2020, at noon, for consideration of a Special Designated Liquor license request.

3. Public Hearings.

- 3.A. Public Hearing - Regarding the modification of the City of McCook's two mile Extra Territorial Jurisdiction (ETJ) to coordinate the City's extra territorial boundary with existing section, half section, and quarter section lines.

Motion to recess as a City Council and convene a public hearing for the purpose of receiving public comment with respect to the proposed modification of the City of McCook's two mile Extra Territorial Jurisdiction (ETJ) to coordinate the City's extra territorial boundary with existing section, half section, and quarter section lines, with the City Attorney to act as hearing officer. This motion, made by Calvin and seconded by Hepp, passed.

Gonzales: YEA, Hepp: YEA, Calvin: YEA, Weedin: YEA, Muehlenkamp: YEA.
YEA: 5, NAY: 0

The City Attorney received into evidence Exhibit #1 - City Manager's Report prepared for the February 17, 2020 City Council meeting (2 pages), Exhibit #2 - Notice of Hearing published (1 page); Exhibit #3 - proposed Ordinance No. 2020-2998 (2 pages); Exhibit #4 - ETJ Zoning Map indicating the existing ETJ Boundary and the Proposed ETJ Boundary (1 page); Exhibit #5 - Extraterritorial Jurisdiction Boundary Description (1 page); and Exhibit #6 - minutes of the February 10, 2020 Planning Commission meeting (2 pages).

City Manager Schneider reviewed the following contained in Exhibit #1: "Over the past year, Red Willow County and City of McCook officials have discussed the possibility of jointly modifying each entities jurisdictional maps in order to provide clarity with regard to zoning authority in McCook's ETJ. Pursuant to Article 2 of McCook's Zoning Ordinance, the City of McCook has zoning jurisdiction over the corporate limits of the City of McCook and within the territory beyond the corporate limits for a distance of two miles or less in all directions. Article 2 of McCook's Zoning Ordinance establishes the official zoning map of the City of McCook. The City of McCook utilizes the zoning map to determine which properties are within its control for zoning purposes. Our current ETJ is established utilizing a radius method for boundary determination. This method has proved to be problematic as the boundary arcs bisect individual parcels, which means part of a parcel is within McCook's ETJ and part of the parcel is outside of McCook's ETJ. According to Nebraska law and McCook's Zoning Ordinance, any land outside of McCook's ETJ is to be governed by Red Willow County's zoning regulations. Parcel owners with lots that are bisected by the City's ETJ are left trying to determine which jurisdiction is the controlling authority. This is also true for City and County officials."

"Staff is proposing a modification of our zoning map in order to remedy the jurisdictional confusion. The proposal has been examined by both officials from the City of McCook and Red Willow County. Both entities are in support of the requested change. The proposal would eliminate the radius based ETJ boundary, and instead incorporate an ETJ boundary system that would follow section, half section, and quarter section lines. By practical application, the new boundary would follow established county roads. The bisection of individual properties would cease. The effect of the modification would be to assure that all of the properties bordering McCook's ETJ would either be "inside" or "outside" the City's zoning district. This would alleviate the guess work involved in trying to determine whether the City's zoning laws govern a parcel."

"Staff has taken this matter to the Planning Commission on three separate occasions for review. One of the Planning Commission meetings was a joint session with the Red Willow County Planning Commission. At the February 10, 2020 City of McCook Planning Commission meeting, the McCook Planning Commission unanimously recommended approval of the zoning map modification

to the McCook City Council. During the McCook Planning Commission's discussion of the proposal, the general consensus of the Commission was that the zoning map Ordinance should contain a condition that the modification will only take place if Red Willow County harmonizes its zoning map to assure the intended zoning results are achieved. To this end, Staff recommends including this condition in the motion to approve Ordinance No. 2020-2998. “

“One item that needs to be addressed is whether or not the City of McCook will continue to provide building code services to the Calabria Subdivision. Per the subdivision agreement executed between Calabria's developer and the City of McCook, the City has provided building code services to the residents of Calabria since its inception. Red Willow County and the City of McCook believe continued building code services provided by the City of McCook is in the best interest of the Calabria Subdivision's residents. It also keeps the City of McCook in compliance with the Calabria Subdivision agreement. To this end, an inter-local agreement will be proposed to the Council for consideration at a later date.”

Building Inspection Mooney was present to address questions from the Council.

With no one else present, motion to adjourn the public hearing and to reconvene as a City Council. This motion, made by Calvin and seconded by Hepp, passed.

Gonzales: YEA, Hepp: YEA, Calvin: YEA, Weedin: YEA, Muehlenkamp: YEA.

YEA: 5, NAY: 0

3.B. Approve Ordinance No. 2020-2998 adopting the official Extraterritorial Jurisdiction Zoning Map for the City of McCook, with the condition that Red Willow County adopt a zoning map to harmonize Red Willow County's zoning jurisdiction with the City of McCook's Extraterritorial Jurisdiction.

Mayor Gonzales asked the Clerk to read Ordinance No. 2020-2998 by title.

AN ORDINANCE OF THE CITY OF MCCOOK, NEBRASKA ADOPTING THE OFFICIAL EXTRATERRITORIAL JURISDICTION (ETJ) ZONING MAP FOR THE CITY OF MCCOOK, NEBRASKA; TO PROVIDE FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

Ordinance No. 2020-2998 has been introduced, read by title, and I move to approve upon its first reading. This motion, made by Weedin and seconded by Muehlenkamp, passed.

Gonzales: YEA, Hepp: YEA, Calvin: YEA, Weedin: YEA, Muehlenkamp: YEA.

YEA: 5, NAY: 0

3.C. Public Hearing - application of Early Morning Cackle, LLC; dba "Bottle Shop", for Class "D" License #122054 - (Beer, Wine, Distilled Spirits, Off Sale Only) under the Nebraska Liquor Control Commission, to be located at 309 East "B" Street, McCook, Nebraska.

Motion to recess as a City Council and convene a public hearing for the purpose of receiving public comment with respect to the application of Early Morning Cackle, LLC; dba "Bottle Shop", for Class

"D" License #122054 - (Beer, Wine, Distilled Spirits, Off Sale Only) under the Nebraska Liquor Control Commission, to be located at 309 East "B" Street, McCook, Nebraska, with the City Attorney to act as hearing officer. This motion, made by Calvin and seconded by Hepp, passed. Gonzales: YEA, Hepp: YEA, Calvin: YEA, Weedon: YEA, Muehlenkamp: YEA.
YEA: 5, NAY: 0

The City Attorney received into evidence Exhibit #1 - City Manager's Report prepared for the February 17, 2020 City Council meeting (1 page), Exhibit #2 - Notice of Hearing published (1 page); Exhibit #3 - application and all attachments (26 pages); and Exhibit #4 - Liquor Application Police Department Report (4 pages).

With no one present to comment, motion to adjourn the public hearing and to reconvene as a City Council. This motion, made by Calvin and seconded by Weedon, passed.
Gonzales: YEA, Hepp: YEA, Calvin: YEA, Weedon: YEA, Muehlenkamp: YEA.
YEA: 5, NAY: 0

3.D. Recommend approval to the Nebraska Liquor Control Commission the application of Early Morning Cackle, LLC; dba "Bottle Shop", for Class "D" License #122054 - (Beer, Wine, Distilled Spirits, Off Sale Only) under the Nebraska Liquor Control Commission, to be located at 309 East "B" Street, McCook, Nebraska.

Motion to recommend approval to the Nebraska Liquor Control Commission the application of Early Morning Cackle, LLC; dba "Bottle Shop", for Class "D" License #122054 - (Beer, Wine, Distilled Spirits, Off Sale Only) under the Nebraska Liquor Control Commission, to be located at 309 East "B" Street, McCook, Nebraska. This motion, made by Calvin and seconded by Muehlenkamp, passed.
Gonzales: YEA, Hepp: YEA, Calvin: YEA, Weedon: YEA, Muehlenkamp: YEA.
YEA: 5, NAY: 0

3.E. Public Hearing - application of Early Morning Cackle, LLC; dba "Spirit Shop", for Class "D" License #122055 - (Beer, Wine, Distilled Spirits, Off Sale Only) under the Nebraska Liquor Control Commission, to be located at 505 West "B" Street, McCook, Nebraska.

Motion to recess as a City Council and convene a public hearing for the purpose of receiving public comment with respect to the application of Early Morning Cackle, LLC; dba "Spirit Shop", for Class "D" License #122055 - (Beer, Wine, Distilled Spirits, Off Sale Only) under the Nebraska Liquor Control Commission, to be located at 505 West "B" Street, McCook, Nebraska, with the City Attorney to act as hearing officer. This motion, made by Calvin and seconded by Weedon, passed.
Gonzales: YEA, Hepp: YEA, Calvin: YEA, Weedon: YEA, Muehlenkamp: YEA.
YEA: 5, NAY: 0

The City Attorney received into evidence Exhibit #1 - City Manager's Report prepared for the February 17, 2020 City Council meeting (1 page), Exhibit #2 - Notice of Hearing published (1 page); Exhibit #3 - application and all attachments (27 pages); and Exhibit #4 - Liquor Application Police Department Report (4 pages).

With no one present to comment, motion to adjourn the public hearing and to reconvene as a City Council. This motion, made by Calvin and seconded by Hepp, passed.

Gonzales: YEA, Hepp: YEA, Calvin: YEA, Weedon: YEA, Muehlenkamp: YEA.

YEA: 5, NAY: 0

- 3.F. Recommend approval to the Nebraska Liquor Control Commission the application of Early Morning Cackle, LLC; dba "Spirit Shop", for Class "D" License #122055 - (Beer, Wine, Distilled Spirits, Off Sale Only) under the Nebraska Liquor Control Commission, to be located at 505 West "B" Street, McCook, Nebraska.

Motion to recommend approval to the Nebraska Liquor Control Commission the application of Early Morning Cackle, LLC; dba "Spirit Shop", for Class "D" License #122055 - (Beer, Wine, Distilled Spirits, Off Sale Only) under the Nebraska Liquor Control Commission, to be located at 505 West "B" Street, McCook, Nebraska. This motion, made by Calvin and seconded by Muehlenkamp, passed.

Gonzales: YEA, Hepp: YEA, Calvin: YEA, Weedon: YEA, Muehlenkamp: YEA.

YEA: 5, NAY: 0

- 3.G. Public Hearing - application of Suhr Enterprises, LLC; dba "Gary's Super Foods IV", for Class "C" License #122060 - (Beer, Wine, Distilled Spirits, On and Off Sale) under the Nebraska Liquor Control Commission, to be located at 212 Westview Plaza, McCook, Nebraska.

Motion to recess as a City Council and convene a public hearing for the purpose of receiving public comment with respect to the application of Suhr Enterprises, LLC; dba "Gary's Super Foods IV", for Class "C" License #122060 - (Beer, Wine, Distilled Spirits, On and Off Sale) under the Nebraska Liquor Control Commission, to be located at 212 Westview Plaza, McCook, Nebraska, with the City Attorney to act as hearing officer. This motion, made by Calvin and seconded by Hepp, passed.

Gonzales: YEA, Hepp: YEA, Calvin: YEA, Weedon: YEA, Muehlenkamp: YEA.

YEA: 5, NAY: 0

The City Attorney received into evidence Exhibit #1 - City Manager's Report prepared for the February 17, 2020 City Council meeting (1 page), Exhibit #2 - Notice of Hearing published (1 page); Exhibit #3 - application and all attachments (37 pages); and Exhibit #4 - Liquor Application Police Department Report (6 page).

With no one present to comment, motion to adjourn the public hearing and to reconvene as a City Council. This motion, made by Calvin and seconded by Hepp, passed.

Gonzales: YEA, Hepp: YEA, Calvin: YEA, Weedon: YEA, Muehlenkamp: YEA.

YEA: 5, NAY: 0

- 3.H. Recommend approval to the Nebraska Liquor Control Commission the application of Suhr Enterprises, LLC; dba "Gary's Super Foods IV", for Class "C" License #122060 - (Beer, Wine, Distilled Spirits, On and Off Sale) under the Nebraska Liquor Control Commission, to be located at 212 Westview Plaza, McCook, Nebraska.

Motion to recommend approval to the Nebraska Liquor Control Commission the application of Suhr Enterprises, LLC; dba "Gary's Super Foods IV", for Class "C" License #122060 - (Beer, Wine, Distilled Spirits, On and Off Sale) under the Nebraska Liquor Control Commission, to be located at 212 Westview Plaza, McCook, Nebraska. This motion, made by Calvin and seconded by Muehlenkamp, passed.

Gonzales: YEA, Hepp: YEA, Calvin: YEA, Weedon: YEA, Muehlenkamp: YEA.

YEA: 5, NAY: 0

4. Consent Agenda.

Motion to approve the consent agenda. This motion, made by Weedon and seconded by Calvin, passed.

Gonzales: YEA, Hepp: YEA, Calvin: YEA, Weedon: YEA, Muehlenkamp: YEA.

YEA: 5, NAY: 0

- 4.A. Approve the minutes of the February 3, 2020 regular City Council meeting.
- 4.B. Receive and file information regarding a Sole Source Purchase of outdoor warning siren, updated two-way radio communications, and install activation point hardware and software.
- 4.C. Approve a McCook Police Department Off-Premises Dog Care Agreement between Officer William Watts and the City of McCook.
- 4.D. Approve specifications for the 2020 Armor Coating Project and set the time and date to receive bids as 2:00 P.M., March 10, 2020.
- 4.E. Award the bid for two (2) new 2020 3/4 ton 4-wheel drive pickup trucks to Deveny Motors in the amount of \$53,956.00, it being the lowest, most responsible bid.
- 4.F. Award the bid for concessions at the Jaycees Ball Complex to Michelle Seeker and family in the amount of \$750.00 per year, for the Calendar Years 2020-2022.
- 4.G. Award the bid for the Library HVAC Replacement Project to McCook Mechanical Services, LLC in the amount of \$120,400 and authorize the Mayor to execute associated documents.
- 4.H. Receive and file the minutes of the February 10, 2020 Planning Commission meeting.
- 4.I. Approve an application from Great Plains Communications to occupy city right-of-way for the purpose of installing underground fiber optic cable providing service to areas of the golf course.
- 4.J. Approve an application from Great Plains Communications to occupy city right-of-way for the purpose of installing underground fiber optic cable providing service to homes in the North Pointe Development.

- 4.K. Receive and file claim for damages from Roger Dame and instruct that it be submitted to the City's insurance carrier for review and appropriate action.
- 4.L. Receive and file the claims for the month of January 2020 as published February 10, 2020.
- 4.M. Receive and file the Financial Report for the period ending January 31, 2020.
- 4.N. Approve the purchase of one (1) new 2020 Ram 2500 Tradesman 4 x4 pickup for the Sewer Department in the amount of \$26,978.

5. Regular Agenda.

- 5.A. Introduce and approve on its first reading Ordinance No. 2020-3000 adding Section 130.33 to the City of McCook Code of Ordinances and amending Section 130.99 of the City of McCook Code of Ordinances, Chapter 130: General Offenses.

Mayor Gonzales asked the Clerk to read Ordinance No. 2020-3000 by title.

AN ORDINANCE PROVIDING FOR THE AMENDMENT OF CHAPTER 130: GENERAL OFFENSES, OF THE CITY OF MCCOOK CODE OF ORDINANCES; ADDING SECTION 130.33 - OBSTRUCTING/HARASSING A PEACE OFFICER; AMENDING SECTION 130.99 - PENALTY; TO PROVIDE THAT OBSTRUCTION OF A POLICE ANIMAL IS AN OFFENSE; TO PROVIDE THAT HARASSMENT OF A POLICE ANIMAL IS AN OFFENSE; TO CLARIFY THE DEFINITION OF "POLICE ANIMAL"; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

Ordinance No. 2020-3000 has been introduced, read by title, and I move to approve upon its first reading. This motion, made by Calvin and seconded by Weedin, passed.

Gonzales: YEA, Hepp: YEA, Calvin: YEA, Weedin: YEA, Muehlenkamp: YEA.
YEA: 5, NAY: 0

- 5.B. Introduce and approve on its first reading Ordinance No. 2020-2999 repealing Section 90.24; amending Sections 90.08, 90.20, 90.22, 90.23, 90.30, and 90.99; and adding 90.33, 90.34, 90.35, 90.36, and 90.37, to the City of McCook Code of Ordinances and amending Section 130.99 of the City of McCook Code of Ordinances, Chapter 90: Animals.

Mayor Gonzales asked the Clerk to read Ordinance No. 2020-2999 by title.

AN ORDINANCE ADDING SECTIONS 90.33, 90.34, 90.35, 90.36, 90.37 AMENDING SECTIONS 90.08, 90.20, 90.22, 90.23, 90.30, 90.99 AND REPEALING SECTION 90.24 IN ITS ENTIRETY; AS THEY PERTAIN TO CHAPTER 90 - ANIMALS, OF THE CITY OF MCCOOK CODE OF ORDINANCES; PROVIDING FOR THE REPEAL OF ANY AND ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING A TIME AND DATE FROM AND AFTER WHICH THIS ORDINANCE SHALL TAKE EFFECT AND BE ENFORCED.

Ordinance No. 2020-2999 has been introduced, read by title, and I move to approve upon its first reading. This motion, made by Calvin and seconded by Weedin, passed.
Gonzales: YEA, Hepp: YEA, Calvin: YEA, Weedin: YEA, Muehlenkamp: YEA.
YEA: 5, NAY: 0

5.C. Consider Ordinance No. 2020-2996 repealing in part and amending in part the City of McCook Code of Ordinances, Chapter 150: Building Codes and Regulations on its third and final reading.

Mayor Gonzales asked the Clerk to read Ordinance No. 2020-2996 by title.

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, STRUCTURE 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.

Ordinance No. 2020-2996 has been read by title and I move to approve upon its third and final reading. This motion, made by Calvin and seconded by Weedin, passed.
Gonzales: YEA, Hepp: YEA, Calvin: YEA, Weedin: YEA, Muehlenkamp: YEA.
YEA: 5, NAY: 0

Mayor Gonzales stated for the record that Ordinance No. 2020-2996 is declared lawfully passed and adopted upon publication as required by law.

5.D. Consider Ordinance No. 2020-2997 approving a Planned Development - Overlay District for the Replat of New Platted Lot 2, Block 1, Fifth Park View Subdivision to the City of McCook, Red Willow County, Nebraska on its third and final reading.

Mayor Gonzales asked the Clerk to read Ordinance No. 2020-2997 by title.

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 2016-2929 BY APPROVING A PLANNED DEVELOPMENT - OVERLAY DISTRICT FOR THE REPLAT OF NEW PLATTED LOT 2, BLOCK 1, FIFTH PARK VIEW SUBDIVISION TO THE CITY OF MCCOOK, RED

WILLOW COUNTY, NEBRASKA; REPEALING CONFLICTING ORDINANCES OR PARTS OF ORDINANCES; AND PROVIDING FOR A TIME AND DATE FROM AND AFTER WHICH THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE.

Ordinance No. 2020-2997 has been read by title and I move to approve upon its third and final reading. This motion, made by Calvin and seconded by Hepp, passed.

Gonzales: YEA, Hepp: YEA, Calvin: YEA, Weedon: YEA, Muehlenkamp: YEA.

YEA: 5, NAY: 0

Mayor Gonzales stated for the record that Ordinance No. 2020-2997 is declared lawfully passed and adopted upon publication as required by law.

5.E. Council Comments.

Councilmember Weedon announced that as a member of ACE, the City received \$19,800 as their distribution of funds at the direction of the ACE Board. Over the years, ACE has returned more than \$143,000 to McCook for community betterment use.

Councilmember Hepp recognized the Hillcrest Foundation's "Night on the Hill" event held this past weekend. It was well received and reached across all age groups.

Mayor Gonzales noted that a fund raiser is planned for Tuesday, February 18, for the Dog Park.

5.F. An Executive Session may be held upon a majority vote of the Council for the protection of public interest for a strategy session with respect to litigation which is imminent as evidenced by threat of litigation by the City of McCook to Todd and Marie Baker for property located at 406 E 1st Street.

Motion to go into executive session for the protection of public interest for a strategy session with respect to litigation which is imminent as evidenced by threat of litigation by the City of McCook to Todd and Marie Baker for property located at 406 E 1st Street at 6:18 P.M. This motion, made by Hepp and seconded by Muehlenkamp, passed.

Gonzales: YEA, Hepp: YEA, Calvin: YEA, Weedon: YEA, Muehlenkamp: YEA.

YEA: 5, NAY: 0

Mayor Gonzales stated for the record that at this time, pursuant to the Nebraska Open Meetings Act, a closed session will be held for the purpose of the protection of public interest for a strategy session with respect to litigation which is imminent as evidenced by threat of litigation by the City of McCook to Todd and Marie Baker for property located at 406 E 1st Street. The Council will reconvene in public session following this closed session.

Motion to come out of executive session at 6:35 P.M. This motion, made by Gonzales and seconded by Hepp, passed.

Gonzales: YEA, Hepp: YEA, Calvin: YEA, Weedon: YEA, Muehlenkamp: YEA.

YEA: 5, NAY: 0

Adjournment

There being no further business to come before the Council, Mayor Gonzales declared the meeting adjourned at 6:36 P.M.

Michael D. Gonzales, Mayor

ATTEST:

Lea Ann Doak, City Clerk-Treasurer

McCook City Council
February 20, 2020
Special Meeting
12:00 PM Central

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

Present: Mayor Gonzales, Councilmembers Hepp, Calvin, Muehlenkamp.

Absent: Councilmember Weedon; City Manager Schneider.

City Officials present: City Attorney Mustion and City Clerk Doak.

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on February 19, 2020, 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 Acknowledgement 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.

1. Approve the application for a Special Designated Liquor License submitted by Loop Brewing Company, Liquor License #LK-093351, for Ducks Unlimited to be held at the Red Willow County Fair Grounds Community Building, 1412 West 5th Street, on March 14, 2020 from 5:00 P.M. to 12:00 A.M.

Motion to approve the application for a Special Designated Liquor License submitted by Loop Brewing Company, Liquor License #LK-093351, for Ducks Unlimited to be held at the Red Willow County Fair Grounds Community Building, 1412 West 5th Street, on March 14, 2020 from 5:00 P.M. to 12:00 A.M. This motion, made by Calvin and seconded by Hepp, passed.
Gonzales: YEA, Hepp: YEA, Calvin: YEA, Weedon: ABSENT, Muehlenkamp: YEA
YEA: 4, NAY: 0, ABSENT: 1

Adjournment.

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

Michael D. Gonzales, Mayor

ATTEST:

Lea Ann Doak, City Clerk-Treasurer

CITY MANAGER'S REPORT
MARCH 2, 2020 CITY COUNCIL MEETING

ITEM: 3.B.

Approve the application for a Special Designated Liquor License submitted by Citta´ Deli, LLC, Liquor License #C-121305, for their 5th Annual St. Patrick's Day Party to be held at the Citta´ Delia parking lot, 110 West 1st Street, on March 14, 2020 from 10:00 A.M. to 7:00 P.M.

BACKGROUND:

Citta´ Deli will be hosting this event. They are making application to allow them to serve alcohol at this temporary location. Approval of the City Council is required with all applications.

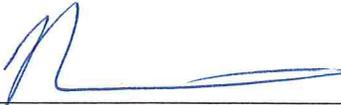
FISCAL
IMPACT: None.

APPROVALS:



Lea Ann Doak, City Clerk

February 27, 2020



Nathan A. Schneider, City Manager

February 27, 2020

**Special Designated License
Local Recommendation (Form 200)**

Applications must be entered on the portal after local approval – no exceptions
Late applications are non-refundable and will be rejected

Citta' Deli, LLC

Retail Liquor License Name or *Non-Profit Organization (*Must include Form #201 as Page 2)

110 West 1st Street, McCook, NE 69001

Retail Liquor License Address or Non-Profit Business Address

121305

Retail License Number or Non-Profit Federal ID #

Consecutive Dates only 3-14-20
Event Date(s): _____

Event Start Time(s): 10am _____

Event End Time(s): 7pm _____

Alternate Date: N/A _____

Alternate Location Building & Address: _____

Event Building Name: Citta' Deli Parking Lot _____

Event Street Address/City: 110 West 1st Street, McCook _____

Indoor area to be licensed in length & width: _____ X _____

Outdoor area to be licensed in length & width: 90' X 100' (Diagram Form #109 must be attached)

Type of Event: 5th Annual St. Patrick's Day Party **Estimate # of attendees:** 150

Type of alcohol to be served: Beer Wine Distilled Spirits
(If not marked, you will not be able to serve this type of alcohol)

Event Contact Name: William Lesko **Event Contact Phone Number:** 308-340-6530

Event Contact Email: blesko@centurylink.net

***Signature Authorized Representative:**  **Printed Name** WILLIAM P. LESKO II

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.

***Retail licensee – Must be signed by a member listed on permanent license**

***Non-Profit Organization – Must be signed by a Corporate Officer**

Local Governing Body completes below:

The local governing body for the City/Village of _____ **OR** County of _____ approves
the issuance of a Special Designated License as requested above. (Only one should be written above)

Local Governing Body Authorized Signature

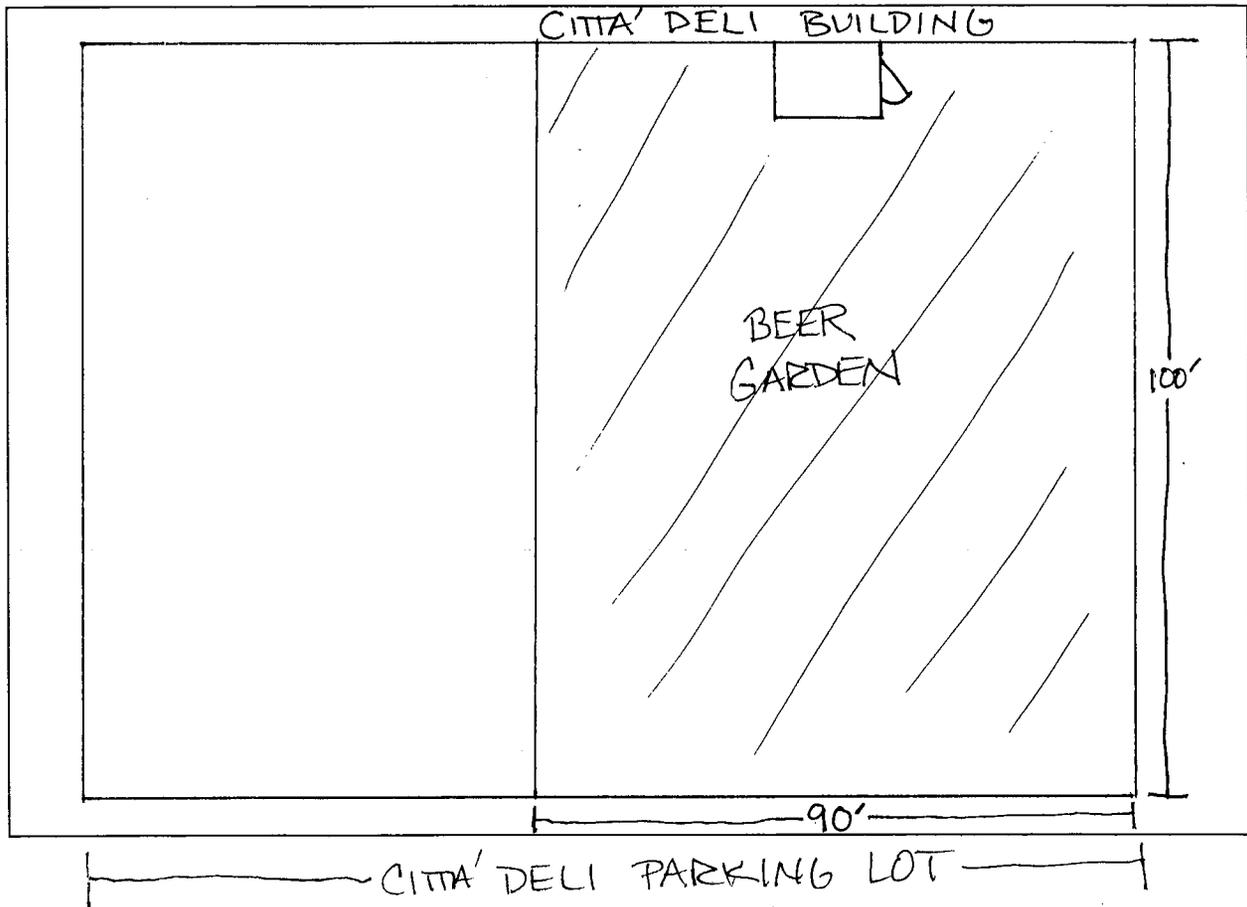
Date

OUTDOOR AREA DIAGRAM

HOW AREA WILL BE PATROLLED See Attached Security Page

- IF APPLICABLE, OUTDOOR AREA MUST BE CONNECTED TO INDOOR AREA IF INDOOR AREA IS TO LICENSED
- MEASUREMENT OF OUTER WALLS OF AREA TO BE LICENSED MUST INCLUDED LENGTH & WIDTH IN FEET
- DOUBLE FENCING IS REQUIRED FOR ALL NON-PROFIT ORGANIZATIONS UNLESS FORM #140 IS FILED WITH THIS FORM AND IS APPROVED BY THE COMMISSION
- RETAILER LIQUOR LICENSE HOLDERS ARE NOT REQUIRED TO DOUBLE FENCE, ALTHOUGH MEASURES NEED TO BE TAKEN TO SECURE THE AREA

DIAGRAM OF PROPOSED AREA:



Citta' Deli 5th Annual St. Patrick's Day/Anniversary Party (3-14-20)

Event Details

Event to take place during the day in Citta' Deli Parking Lot.

Beer Garden in Citta' Deli Parking lot with additional beer, wine and spirits sold inside.

IDs checked and arm bands administered only at cash register inside.

4 Dedicated Citta' Deli Employees outside with additional security provided by 3 hired security guards.

**CITY MANAGER'S REPORT
MARCH 2, 2020 CITY COUNCIL MEETING**

ITEM: 3.C.

Approve the application for a Special Designated Liquor License submitted by Loop Brewing Company, Liquor License #LK-093351, for a wedding reception to be held at the Red Willow County Fair Grounds Community Building, 1412 West 5th Street, on April 4, 2020 from 5:00 P.M. to 1:00 A.M.

BACKGROUND:

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

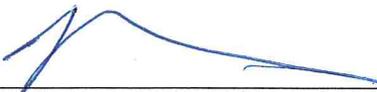
**FISCAL
IMPACT:** None.

APPROVALS:



Lea Ann Doak, City Clerk

February 27, 2020



Nathan A. Schneider, City Manager

February 27, 2020

**Special Designated License
Local Recommendation (Form 200)**

Applications must be entered on the portal after local approval – no exceptions
Late applications are non-refundable and will be rejected

Loop Brewing Company LLC
Retail Liquor License Name or *Non-Profit Organization (*Must include Form #201 as Page 2)

404 West A Street McCook Ne, 68001
Retail Liquor License Address or Non-Profit Business Address

LK-93351
Retail License Number or Non-Profit Federal ID #

Consecutive Dates only
Event Date(s): April 4th 2020

Event Start Time(s): 5pm

Event End Time(s): 1 A.M.

Alternate Date: X

Alternate Location Building & Address: X

Event Building Name: Red Willow County Fairgrounds

Event Street Address/City: 1412 W 5th Street McCook Community Bldg
McCook Ne 68001

Indoor area to be licensed in length & width: 60 X 100

Outdoor area to be licensed in length & width: X X (Diagram Form #109 must be attached)

Type of Event: Wedding Estimate # of attendees: 200

Type of alcohol to be served: Beer X Wine X Distilled Spirits X
(If not marked, you will not be able to serve this type of alcohol)

Event Contact Name: Ashley Sigfried Event Contact Phone Number: 308-340-2400

Event Contact Email: coppermillrestaurantllc@yahoo.com

*Signature Authorized Representative: [Signature] Printed Name Ashley Sigfried

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.

*Retail licensee – Must be signed by a member listed on permanent license
*Non-Profit Organization – Must be signed by a Corporate Officer

Local Governing Body completes below:

The local governing body for the City/Village of _____ OR County of _____ approves
the issuance of a Special Designated License as requested above. (Only one should be written above)

Local Governing Body Authorized Signature Date

**CITY MANAGER'S REPORT
MARCH 2, 2020 CITY COUNCIL MEETING**

ITEM: 3.D.

Approve the application for a Special Designated Liquor License submitted by Kahshoe Enterprises, LLC, License #C-097936, for a wedding reception to be held at the Red Willow County Fair Grounds 4-H Building, 1412 West 5th Street, on April 4, 2020 from 4:00 P.M. to 12:00 P.M.

BACKGROUND:

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

**FISCAL
IMPACT:** None.

APPROVALS:



Lea Ann Doak, City Clerk

February 27, 2020



Nathan A. Schneider, City Manager

February 27, 2020

**Special Designated License
Local Recommendation (Form 200)**

Applications must be entered on the portal after local approval – no exceptions
Late applications are non-refundable and will be rejected

Kahshoe Enterprises, LLC

Retail Liquor License Name or *Non-Profit Organization (*Must include Form #201 as Page 2)

PO Box 340 602 Paxton Street Cambridge, NE 69022

Retail Liquor License Address or Non-Profit Business Address

C-097936 Special Exemption # 53-123-03

Retail License Number or Non-Profit Federal ID #

Consecutive Dates only **04/04/20**
Event Date(s):

Event Start Time(s): **4 PM**

Event End Time(s): **12 PM**

Alternate Date: **N/A**

Alternate Location Building & Address:

Event Building Name: **4-H Building**

Event Street Address/City: **1412 West 5th McCook, NE 69001**

Indoor area to be licensed in length & width: **100** X **60**

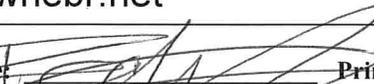
Outdoor area to be licensed in length & width: ____ X ____ (Diagram Form #109 must be attached)

Type of Event: **Wedding Reception** Estimate # of attendees: **200**

Type of alcohol to be served: Beer Wine Distilled Spirits
(If not marked, you will not be able to serve this type of alcohol)

Event Contact Name: **Randy L. Heitmann** Event Contact Phone Number: **3083405445**

Event Contact Email: **byron@swnebr.net**

*Signature Authorized Representative  Printed Name **Randy L. Heitmann**

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.

*Retail licensee – Must be signed by a member listed on permanent license

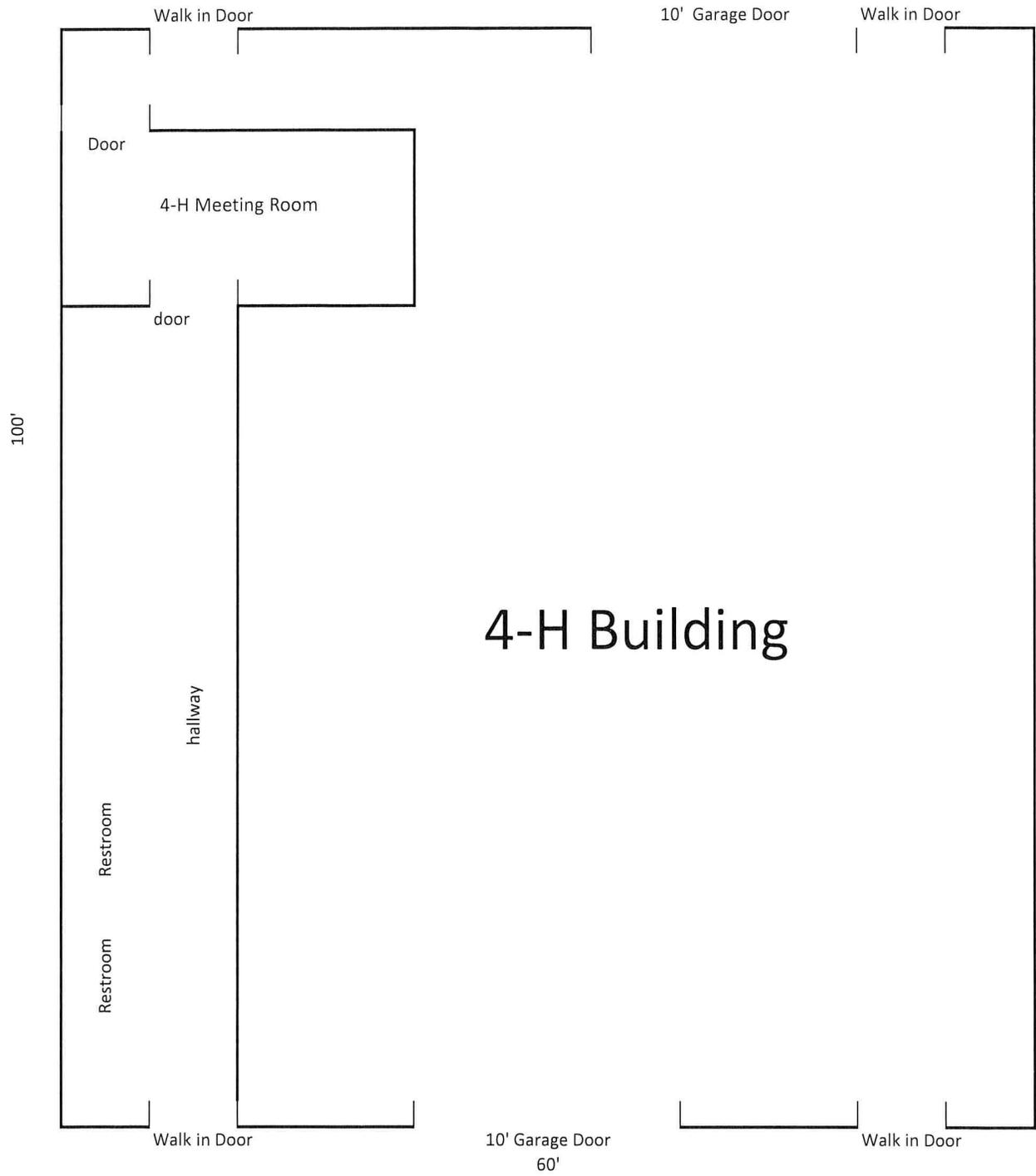
*Non-Profit Organization – Must be signed by a Corporate Officer

Local Governing Body completes below:

The local governing body for the City/Village of _____ **OR** County of _____ approves
the issuance of a Special Designated License as requested above. (Only one should be written above)

Local Governing Body Authorized Signature

Date



4-H Building

1412 West 5th
MCCOOK, NE
69001

CITY MANAGER'S REPORT
MARCH 2, 2020 CITY COUNCIL MEETING

ITEM: 3.E.

RECOMMENDATION:

AUTHORIZE GREAT PLAINS COMMUNICATIONS TO OCCUPY CITY RIGHT OF WAY FOR THE INSTALLATION OF FIBER OPTIC CABLE ACROSS AUDITORIUM DRIVE 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 an underground fiber optic cable to serve Hauxwell Motors.

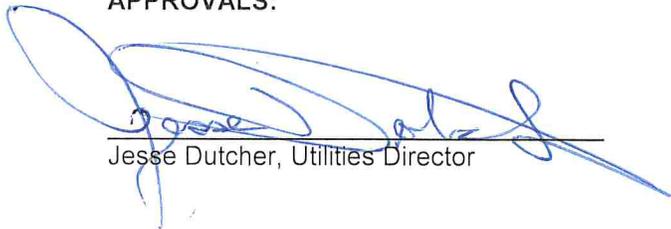
The proposed fiber optic line will run across Auditorium Drive beginning just east of the driveway into the Nebraska Department of Transportation's driveway and run in a southeasterly direction to the south side of Auditorium Drive.

This permit is only for City owned ROW. Great Plains will also be responsible for obtaining permits or permissions from all other property owners that will be utilized for this project.

Great Plains Communications has attached an aerial map to identify the location. A \$2,500.00 performance guarantee has also been requested.

FISCAL
IMPACT: None.

APPROVALS:



Jesse Dutcher, Utilities Director

February 26, 2020



Kyle Potthoff, Public Works Director

February 26, 2020



Nate Schneider, City Manager

February 26, 2020



P.O. BOX 1059 • 505 WEST C • McCook, NE 69001-1059 • PHONE (308) 345-2022 • FAX (308) 345-1461

APPLICATION TO OCCUPY RIGHT-OF-WAY

APPLICANT NAME: Great Plains Communications DATE: 2-21-2020
ADDRESS: 1009 West B St. McCook PHONE: 402-278-2325
FAX: 308-364-9060 START DATE: March 2020 FINISH DATE: August 2020

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

Type: (circle) Over-Cross <input checked="" type="radio"/> Under-Cross <input checked="" type="radio"/> Occupy Miscellaneous	With a: (circle) Water Line Sewer Line Gas Line <input checked="" type="radio"/> Telephone Line <input checked="" type="radio"/> (Underground Aerial) <div style="margin-left: 100px;"><u>Fiber</u></div>	Tree Trimming/Removal Grading Other Electric Line (Underground Aerial)
---	---	--

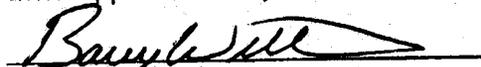
Location: Beginning _____ feet (East West North South) of Intersection _____
and ending (East West North South) _____ feet of Intersection
Map attached

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. _____ 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.

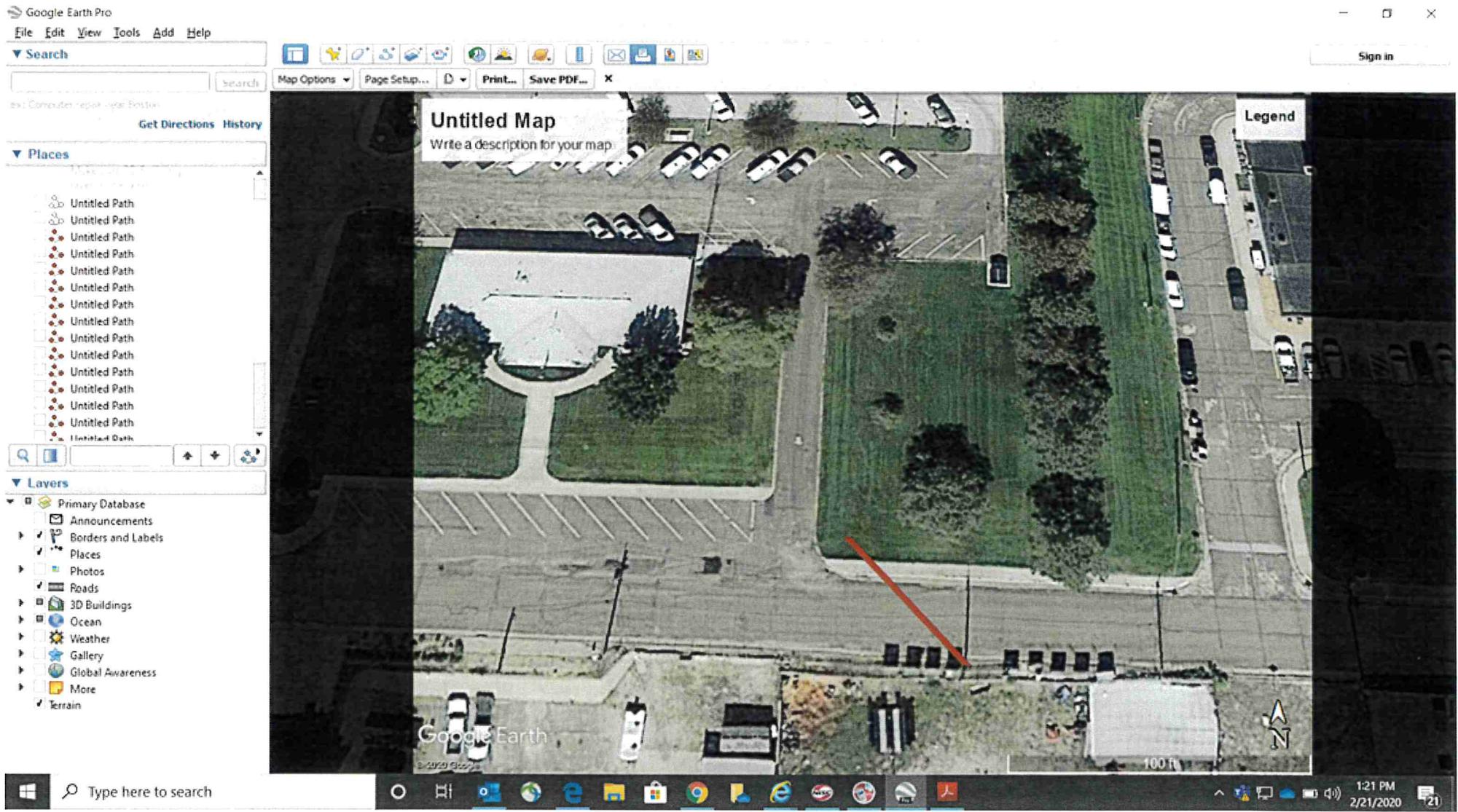
NOTE: Please provide a location plan for over-cross or under-cross of location to occupy City of McCook right-of-way. When your project requires engineering plans, please submit four sets of plans, no larger than 18"x24". The engineering plans shall show the general features of the work to be completed and all information such as sizes, distances, dimensions, sleeves, cuts and fills, erosion control measures, etc., when applicable. City of McCook Municipal Code §94.34.


Applicant's Signature

Recommended By _____

Date _____

Director of Public Works Approval _____



Barry Williams

**CITY MANAGER'S REPORT
MARCH 2, 2020 CITY COUNCIL MEETING**

ITEM: 3.F.

RECOMMENDATION:

AUTHORIZE GREAT PLAINS COMMUNICATIONS TO OCCUPY CITY RIGHT OF WAY TO INSTALL FIBER OPTIC CABLE IN THE ALLEYS BETWEEN WEST 2ND AND WEST 1ST WEST 1ST AND NORRIS, EAST 1ST AND NORRIS FROM "A" STREET TO "C" STREET AND THE ALLEY BETWEEN NORRIS AND WEST 1ST FROM "C" STREET TO "E" STREET

BACKGROUND:

Great Plains Communications (GPC) of Blair, NE is seeking permission to occupy City utility right-of-way to extend fiber optic cable that will provide service to commercial and residential customers in this area of McCook. The fiber optic cable will be buried in the alleys between West 1st and East 1st (3 blocks) and run north and south from "A" street to "C". The line that will be in the alley between Norris and West 1st will extend an additional two blocks north to "E" Street connecting to existing fiber.

The new fiber optic cable will share currently occupied space with existing natural gas and City sewer lines. Conflicts with the existing utilities will be avoided by installing the fiber optic cable at a depth of 18 to 24 inches.

The new installation will provide much improved highspeed internet service to the heart of the downtown businesses.

FISCAL IMPACT:(None) GPC will provide the required \$2,500 performance deposit prior to construction

APPROVALS:



Jesse Dutcher Utilities Dir.

February 27,2020



Kyle Potthoff, Public Works Dir.

February 27,2020



Nate Schneider, City Manager

February 27,2020



P.O. BOX 1059 • 505 WEST C • McCook, NE 69001-1059 • PHONE (308) 345-2022 • FAX (308) 345-1461

APPLICATION TO OCCUPY RIGHT-OF-WAY

APPLICANT NAME: Great Plains DATE: 2-21-2020
ADDRESS: 1009 West B St. McCook PHONE: 402-278-2325
FAX: 308-364-9060 START DATE: March 2020 FINISH DATE: August 2020

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

Types (circle)

Over-Cross
 Under-Cross
 Occupy
 Miscellaneous

With a: (circle)

Water Line
 Sewer Line
 Gas Line
 Telephone Line
 (Underground) Aerial

Fiber

Tree Trimming/Removal
 Grading
 Other
 Electric Line
 (Underground Aerial)

Location: Beginning _____ feet (East West North South) of Intersection _____
and ending (East West North South) _____ feet of Intersection
Map Attached

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. _____ 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. City of McCook Municipal Code §94.34.

Bauer [Signature]
Applicant's Signature

Recommended By _____

Date _____

Director of Public Works Approval _____

Legend ed Map

Write a description for your map.



Google Earth

© 2020 Google

500 ft



CITY MANAGER'S REPORT
MARCH 2, 2020 CITY COUNCIL MEETING

ITEM: 3.G.

RECOMMENDATION:

AUTHORIZE GREAT PLAINS COMMUNICATIONS TO OCCUPY CITY RIGHT OF WAY FOR THE INSTALLATION OF UNDERGROUND AND OVERHEAD FIBER OPTIC CABLE BEGINNING AT THE INTERSECTION OF WEST 3RD STREET AND WEST "A" STREET; THEN MOVING ALONG THE NORTH SIDE OF WEST "A" STREET TO WEST 4TH STREET; THEN TURNING NORTH ALONG THE EAST SIDE OF WEST 4TH STREET TO THE ALLEY BETWEEN WEST "B" STREET AND WEST "C" STREET; THEN TURNING EAST DOWN THE ALLEY BETWEEN WEST 3RD STREET AND WEST 4TH STREET; THEN TURNING NORTH UP THE ALLEY BETWEEN WEST "B" STREET AND WEST "C" STREET WHERE THE CABLE WILL BE PLACED OVERHEAD TO WEST "C" STREET AND AUTHORIZE THE MAYOR TO SIGN THE APPLICATION TO OCCUPY RIGHT OF WAY.

BACKGROUND:

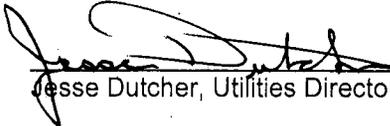
Great Plains Communicatios is asking permission to occupy City of McCook Right of Way to install an underground fiber optic cable.

This fiber optic cable will allow for access to fiber optic cable to businesses and residences in the area. This permit is only for City owned ROW. Great Plains will also be responsibilities for obtaining permits or permissions from all other property owners that will be utilized for this project.

Great Plains Communications has attached an aerial map to identify the location. A \$2,500.00 performance guarantee has also been requested.

FISCAL
IMPACT: None.

APPROVALS:

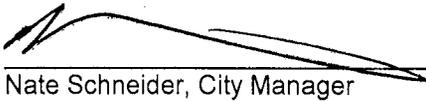


Jesse Dutcher, Utilities Director

February 26, 2020

Kyle Potthoff, Public Works Director

February 26, 2020



Nate Schneider, City Manager

February 26, 2020



P.O. BOX 1059 • 505 WEST C • McCook, NE 69001-1059 • PHONE (308) 345-2022 • FAX (308) 345-1461

APPLICATION TO OCCUPY RIGHT-OF-WAY

APPLICANT NAME: Great Plains Communications DATE: 2-25-2020
ADDRESS: 1009 West B McCook, NE PHONE: 402-278-2325
FAX: 308-364-9060 START DATE: March 2020 FINISH DATE: August 2020

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

Type: (circle) <input checked="" type="radio"/> Over-Cross <input type="radio"/> Under-Cross <input type="radio"/> Occupy <input type="radio"/> Miscellaneous	With a: (circle) <input type="radio"/> Water Line <input type="radio"/> Sewer Line <input type="radio"/> Gas Line <input checked="" type="radio"/> Telephone Line (Underground (Aerial))	<input type="checkbox"/> Tree Trimming/Removal <input type="checkbox"/> Grading <input type="checkbox"/> Other <input type="checkbox"/> Electric Line (Underground Aerial)
--	--	--

Location: Beginning 175 feet (East West North South) of Intersection West C alley between
and ending East West North South 375 feet of Intersection 3rd & 4th
West 4th & West St.

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. _____ 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. City of McCook Municipal Code §94.34.


Applicant's Signature

Recommended By _____

Date _____

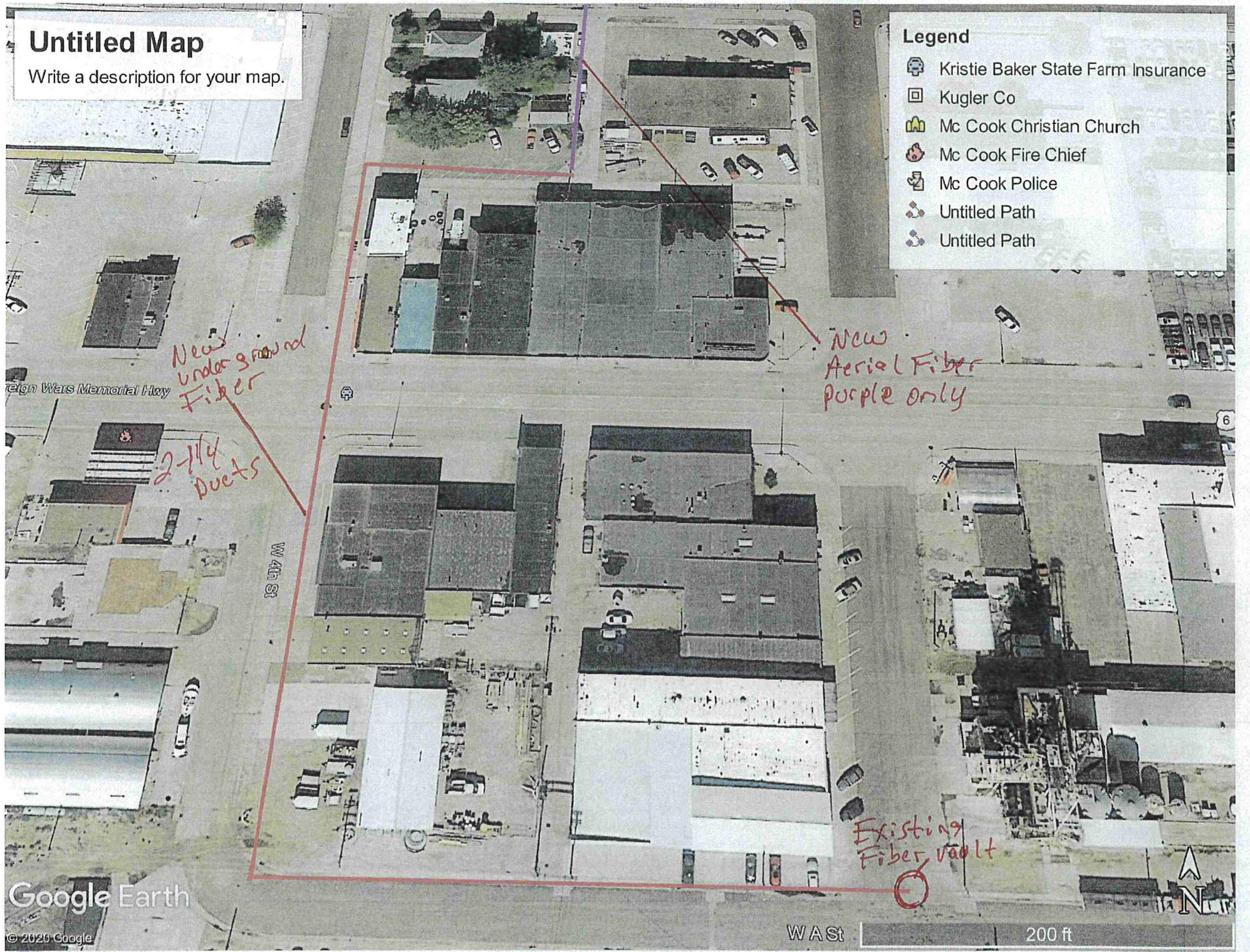
Director of Public Works Approval _____

Untitled Map

Write a description for your map.

Legend

-  Kristie Baker State Farm Insurance
-  Kugler Co
-  Mc Cook Christian Church
-  Mc Cook Fire Chief
-  Mc Cook Police
-  Untitled Path
-  Untitled Path



New Under ground Fiber

2-1/4 Duets

New Aerial Fiber purple only

Existing Fiber vault

W 4th St

Google Earth

© 2020 Google

W 4th St

200 ft



**CITY MANAGER'S REPORT
MARCH 2, 2020 CITY COUNCIL MEETING**

ITEM: 3.H.

RECOMMENDATION:

AUTHORIZE GREAT PLAINS COMMUNICATIONS TO OCCUPY CITY RIGHT OF WAY TO INSTALL FIBER OPTIC CABLE FROM THE ALLEY OF WEST "C" and WEST 9TH STREET TO THE STAGEMEYER COMPLEX AND THE YMCA.

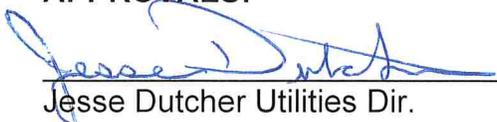
BACKGROUND:

Great Plains Communications (GPC) of Blair, NE is seeking permission to occupy City right-of-way to extend a fiber optic cable that will provide service to the Stagemeyer complex at 801 West "C" and the YMCA.

The route will originate on the south side of West "C" Street at the alley between West 9th and West 10th. Crossing to the north side of West "C" then east to the West "C" and 9th Street intersection where it turns north along the west side of West 9th Street terminating at the YMCA.

FISCAL IMPACT:(None) GPC will provide the required \$2,500 performance deposit prior to construction

APPROVALS:

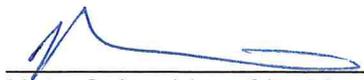


Jesse Dutcher Utilities Dir.

February 27,2020

Kyle Potthoff, Public Works Dir.

February 27,2020



Nate Schneider, City Manager

February 27,2020



P.O. BOX 1059 • 505 WEST C • McCook, NE 69001-1059 • PHONE (308) 345-2022 • FAX (308) 345-1461

APPLICATION TO OCCUPY RIGHT-OF-WAY

APPLICANT NAME: Great Plains Communications DATE: 2-21-2020
ADDRESS: 1009 West B St. McCook PHONE: 402-278-2325
FAX: 308-364-9060 START DATE: March 2020 FINISH DATE: August 2020

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

Type: (circle)

Over-Cross
Under-Cross
Occupy
Miscellaneous

With a: (circle)

Water Line
Sewer Line
Gas Line
Telephone Line
(Underground) (Aerial)

Fiber

Tree Trimming/Removal
Grading
Other
Electric Line
(Underground Aerial)

Location: Beginning _____ feet (East West North South) of Intersection _____
and ending (East West North South) _____ feet of Intersection
map attached

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. _____ 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.

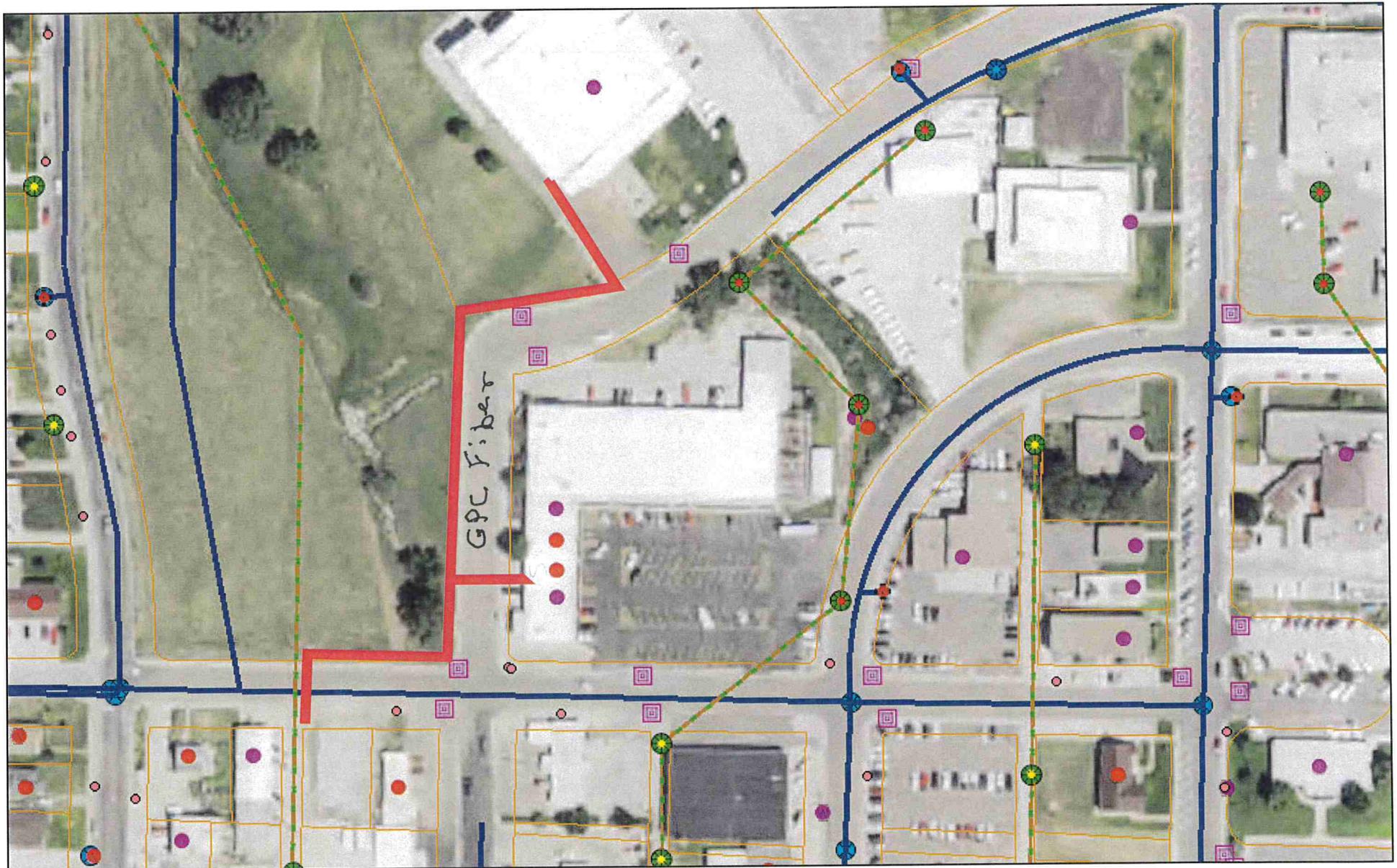
NOTE: Please provide a location plan for over-cross or under-cross of location to occupy City of McCook right-of-way. When your project requires engineering plans, please submit four sets of plans, no larger than 18"x24". The engineering plans shall show the general features of the work to be completed and all information such as sizes, distances, dimensions, sleeves, cuts and fills, erosion control measures, etc., when applicable. City of McCook Municipal Code §94.34.

Bauwitt
Applicant's Signature

Recommended By _____

Date _____

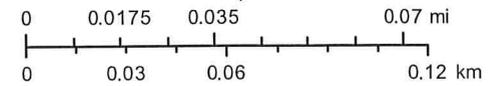
Director of Public Works Approval _____



February 27, 2020
16:28 PM

DISCLAIMER: This map is not intended for conveyances, nor is it a legal survey. The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments.

1:2,257



- | | | | |
|----------------------|---------------|-------------------|----------------|
| Sewer Manholes | Repairs | Meter Pits | PULSE |
| Sewer Manholes (CAD) | Curb Stop | TR | Water Manholes |
| Sanitary Main | Fire Hydrants | RR | Water Main |

**CITY MANAGER'S REPORT
MARCH 2, 2020 CITY COUNCIL MEETING**

ITEM: **4.A.**

Approve Ordinance No. 2020-2998 on its second reading, adopting the official Extraterritorial Jurisdiction Zoning Map for the City of McCook, with the condition that Red Willow County adopt a zoning map to harmonize Red Willow County's zoning jurisdiction with the City of McCook's Extraterritorial Jurisdiction

BACKGROUND:

The City Manager's Report prepared for the February 17 meeting is attached for your reference.

**FISCAL
IMPACT:** None.

APPROVALS:



Lea Ann Doak, City Clerk-Treasurer

February 27, 2020

ORDINANCE NO. 2020-2998

AN ORDINANCE OF THE CITY OF MCCOOK, NEBRASKA ADOPTING THE OFFICIAL EXTRATERRITORIAL JURISDICTION (ETJ) ZONING MAP FOR THE CITY OF MCCOOK, NEBRASKA; TO PROVIDE FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of McCook, Nebraska:

Section 1. That attached hereto as Exhibit A and incorporated herein by this reference is a map showing the proposed official Extraterritorial Jurisdiction (ETJ) Zoning Map for the City of McCook, Nebraska, and which map upon adoption of this Ordinance shall represent the extraterritorial jurisdiction of the City of McCook. This document shall replace the previous extraterritorial jurisdiction map approved by the City of McCook.

Section 2. That the Planning Commission of the City of McCook on February 10, 2020, after notice and public hearing, recommended approval of the extraterritorial jurisdiction as represented by the map in Exhibit A.

Section 3. That the City Council after notice and public hearing find and determine that the actions described above and depicted in Exhibit A are in the best interests of the City.

Section 4. That the revised boundaries of the extraterritorial jurisdiction of the City as depicted in Exhibit A are hereby approved and shall be incorporated into the Official Zoning Map of the City of McCook.

Section 5. That this ordinance is conditioned upon Red Willow County adopting a zoning map that harmonizes Red Willow County's Zoning Map with the City of McCook's Zoning Map.

Section 6. Any and all ordinances or parts of ordinances in conflict herewith shall be and are hereby repealed.

Section 7. This ordinance shall take effect March 31, 2020 and be in full force from and after its passage, approval, and publication in pamphlet form as required by law.

PASSED AND APPROVED this ____ day of _____, 2020.

Michael D. Gonzales, Mayor

ATTEST:

**CITY MANAGER'S REPORT
FEBRUARY 17, 2020 MCCOOK CITY COUNCIL MEETING**

3.A.

ITEM NO. ___ Public Hearing - Regarding the modification of the City of McCook's two mile Extra Territorial Jurisdiction (ETJ) to coordinate the City's extra territorial boundary with existing section, half section, and quarter section lines.

ITEM NO. ~~3.B.~~ Approve Ordinance No. 2020- ~~2998~~ adopting the official Extraterritorial Jurisdiction Zoning Map for the City of McCook, with the condition that Red Willow County adopt a zoning map to harmonize Red Willow County's zoning jurisdiction with the City of McCook's Extraterritorial Jurisdiction.

BACKGROUND:

Over the past year, Red Willow County and City of McCook officials have discussed the possibility of jointly modifying each entities jurisdictional maps in order to provide clarity with regard to zoning authority in McCook's ETJ. Pursuant to Article 2 of McCook's Zoning Ordinance, the City of McCook has zoning jurisdiction over the corporate limits of the City of McCook and within the territory beyond the corporate limits for a distance of two miles or less in all directions. Article 2 of McCook's Zoning Ordinance establishes the official zoning map of the City of McCook. The City of McCook utilizes the zoning map to determine which properties are within its control for zoning purposes. Our current ETJ is established utilizing a radius method for boundary determination. This method has proved to be problematic as the boundary arcs bisect individual parcels, which means part of a parcel is within McCook's ETJ and part of the parcel is outside of McCook's ETJ. According to Nebraska law and McCook's Zoning Ordinance, any land outside of McCook's ETJ is to be governed by Red Willow County's zoning regulations. Parcel owners with lots that are bisected by the City's ETJ are left trying to determine which jurisdiction is the controlling authority. This is also true for City and County officials.

Staff is proposing a modification of our zoning map in order to remedy the jurisdictional confusion. The proposal has been examined by both officials from the City of McCook and Red Willow County. Both entities are in support of the requested change. The proposal would eliminate the radius based ETJ boundary, and instead incorporate an ETJ boundary system that would follow section, half section, and quarter section lines. By practical application, the new boundary would follow established county roads. The bisection of individual properties would cease. The effect of the modification would be to assure that all of the properties bordering McCook's ETJ would either be "inside" or "outside" the City's zoning district. This would alleviate the guess work involved in trying to determine whether the City's zoning laws govern a parcel.

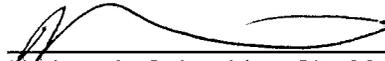
Staff has taken this matter to the Planning Commission on three separate occasions for review. One of the Planning Commission meetings was a joint session with the Red Willow County Planning Commission. At the February 10, 2020 City of McCook Planning Commission meeting, the McCook Planning Commission unanimously recommended approval of the zoning map modification to the McCook City Council. During the McCook Planning Commission's discussion of the proposal, the general consensus of the Commission was that the zoning map Ordinance should contain a condition that the modification will only take place if Red Willow County harmonizes its zoning map to assure the intended zoning results are achieved. To this end, Staff recommends including this condition in the motion to approve Ordinance No. 2020- ~~2998~~.

EXHIBIT #1

PAGE(S) - 2

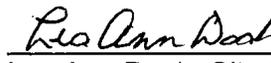
One item that needs to be addressed is whether or not the City of McCook will continue to provide building code services to the Calabria Subdivision. Per the subdivision agreement executed between Calabria's developer and the City of McCook, the City has provided building code services to the residents of Calabria since its inception. Red Willow County and the City of McCook believe continued building code services provided by the City of McCook is in the best interest of the Calabria Subdivision's residents. It also keeps the City of McCook in compliance with the Calabria Subdivision agreement. To this end, an inter-local agreement will be proposed to the Council for consideration at a later date.

APPROVALS:



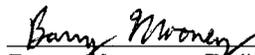
Nathan A. Schneider, City Manager

February 12, 2020



Lea Ann Doak, City Clerk

February 12, 2020



Barry Mooney, Building Inspector

February 12, 2020

CITY MANAGER'S REPORT
MARCH 2, 2020 CITY COUNCIL MEETING

ITEM: **4.B.**

Approve Ordinance No. 2020-3000 on its second reading, adding Section 130.33 to the City of McCook Code of Ordinances and amending Section 130.99 of the City of McCook Code of Ordinances, Chapter 130: General Offenses.

BACKGROUND:

The City Manager's Report prepared for the February 17 meeting is attached for your reference.

**FISCAL
IMPACT:** None.

APPROVALS:



Lea Ann Doak, City Clerk-Treasurer

February 27, 2020

ORDINANCE NO. 2020-3000

AN ORDINANCE PROVIDING FOR THE AMENDMENT OF CHAPTER 130: GENERAL OFFENSES, OF THE CITY OF MCCOOK CODE OF ORDINANCES; ADDING SECTION 130.33 - OBSTRUCTING/HARASSING A PEACE OFFICER; AMENDING SECTION 130.99 - PENALTY; TO PROVIDE THAT OBSTRUCTION OF A POLICE ANIMAL IS AN OFFENSE; TO PROVIDE THAT HARASSMENT OF A POLICE ANIMAL IS AN OFFENSE; TO CLARIFY THE DEFINITION OF "POLICE ANIMAL"; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

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

SECTION 1. That Chapter 130: General Offenses, of the City of McCook Code of Ordinances, Section 130.33 - Obstructing/Harassing A Peace Officer, shall be added to read as follows:

§ 130.33 OBSTRUCTING/HARASSING A PEACE OFFICER.

(A) A person commits the offense of obstructing a peace officer when, by using or threatening to use violence, force, physical interference, or obstacle, he or she intentionally obstructs, impairs, or hinders:

(1) The enforcement of the penal law or the preservation of the peace by a peace officer or judge acting under color of his or her official authority; or

(2) A police animal assisting a peace officer acting pursuant to the peace officer's official authority.

(B) A person commits harassment of a police animal if he or she knowingly and intentionally teases or harasses a police animal in order to distract, agitate, or harm the police animal for the purpose of preventing such animal from performing its legitimate official duties. (Neb. RS 28-1009).

(C) For purposes of this section, POLICE ANIMAL means a horse or dog owned or controlled by the state or any county, city, or village for the purpose of assisting a peace officer acting pursuant to his or her official authority. (Neb, RS 28-906).

SECTION 2. That Chapter 130: General Offenses, of the City of McCook Code of Ordinances, Section 130.99 - Penalty, shall be amended to read as follows:

§ 130.99 PENALTY.

(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 violating § 130.01 shall, upon conviction therefore, be punished as follows:

(1) If the conviction is for a first offense, the person shall be punished by a fine of not less than \$100;

(2) If the conviction is for a second offense, the person shall be punished by a fine of not less than \$100 and shall be confined jail for not less than six days nor more than 30 days; and

(3) If the conviction is for a third offense, or subsequent offense thereafter, the person shall be punished by a fine of not less than \$100 and confinement, with or without hard labor, in the city jail for not less than six days nor more than three months.

(Prior Code, § 6-409)

(C) Any person who violates any of the prohibitions or provisions of §§ 130.30 through 130.32 shall be deemed guilty of a misdemeanor. Unless otherwise specified in this particular section, the penalty for the violation shall be in any amount not less than \$25 and 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 §§ 130.30 through 130.32 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, § 6-412)

(D) Any person who violates § 130.33 shall, upon conviction therefore, be guilty of a misdemeanor and be punished as follows:

(1) If the conviction is for a first offense, the person shall be punished by a fine of not less than \$750 and not to exceed \$1,000.00.

(2) If the conviction is for a second offense or for any offense thereafter, the person shall be punished by a fine of not less than \$1,500.00.

(E) 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. 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, § 6-413)

Statutory reference:

Authority, see Neb. RS 16-227, 16-228, 18-1720, 18-1722

Similar state law provisions, see Neb. RS 28-519

SECTION 3. Any other ordinance or code section passed and approved prior to passage, approval, and publication or posting of this ordinance and in conflict with its provisions is repealed.

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

PASSED AND APPROVED this _____ day of _____, 2020.

Mayor

ATTEST:

Lea Ann Doak, City Clerk-Treasurer

**CITY MANAGER'S REPORT
FEBRUARY 17, 2020 MCCOOK CITY COUNCIL MEETING**

5.A.

ITEM NO. ___ Approve Ordinance No. 2020- 3000 on first reading adding 130.33 to the City of McCook Code of Ordinances and amending 130.99 of the City of McCook Code of Ordinances, Chapter 130: General Offenses.

BACKGROUND:

At the recommendation of the City Attorney, Staff is proposing the addition of a new ordinance, 130.33, which makes it a general offense under the City of McCook Code of Ordinances to: 1) obstruct a peace officer from enforcing the law or hindering a police animal assisting a peace officer in his or her official duties, or 2) harass a police animal for the purpose of preventing such animal from performing its official duties.

Further, an amendment to the penalty provision attached to 130.33 is recommended. The proposed amendment to 130.99 provides that any person who violates 130.33 shall be punished by a fine of not less than \$750 and not to exceed \$1,000 for the first offense, and by a fine of not less than \$1,500 for a second offense or for any subsequent offense thereafter.

APPROVALS:



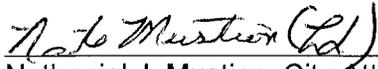
Nathan A. Schneider, City Manager

February 12, 2020



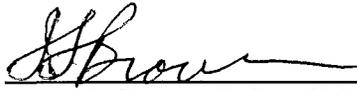
Lea Ann Doak, City Clerk

February 12, 2020



Nathaniel J. Mustion, City Attorney

February 12, 2020



Isaac S. Brown, Police Chief

February 12, 2020

**CITY MANAGER'S REPORT
MARCH 2, 2020 CITY COUNCIL MEETING**

ITEM: 4.C.

Consider on its second reading Ordinance No. 2020-2999 repealing Section 90.24; amending Sections 90.08, 90.20, 90.22, 90.23, 90.30, and 90.99; and adding 90.33, 90.34, 90.35, 90.36, and 90.37, to the City of McCook Code of Ordinances and amending Section 130.99 of the City of McCook Code of Ordinances, Chapter 90: Animals.

BACKGROUND:

The City Manager's Report prepared for the February 17 meeting is attached for your reference.

**FISCAL
IMPACT:** None.

APPROVALS:



Lea Ann Doak, City Clerk-Treasurer

February 27, 2020

ORDINANCE NO. 2020-2999

AN ORDINANCE ADDING SECTIONS 90.33, 90.34, 90.35, 90.36, 90.37 AMENDING SECTIONS 90.08, 90.20, 90.22, 90.23, 90.30, 90.99 AND REPEALING SECTION 90.24 IN ITS ENTIRETY; AS THEY PERTAIN TO CHAPTER 90 - ANIMALS, OF THE CITY OF MCCOOK CODE OF ORDINANCES; PROVIDING FOR THE REPEAL OF ANY AND ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING A TIME AND DATE FROM AND AFTER WHICH THIS ORDINANCE SHALL TAKE EFFECT AND BE ENFORCED.

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

SECTION 1 That Chapter 90 - Animals of the City of McCook Code of Ordinances, Section 90.08 - Off-Leash Dog Areas in City, shall be amended to read as follows:

§ 90.08 OFF-LEASH DOG AREAS IN CITY.

Notwithstanding anything in this section to the contrary, dogs that have been vaccinated and display proper immunization tags and that have not been determined to be dangerous and/or potentially dangerous by a court of law and which are healthy and not in heat may be exercised off-leash within the areas designated in paragraph 2 below if under the care, custody or control of a responsible person for the off-leash dog.

1. **Responsible Person.** A person having possession, charge, custody or control of the off-leash dog must remain present with the off-leash dog at all times, must carry a leash, must leash the dog at the first sign of aggression, must clean up dog feces created by the dog, and bears full responsibility for filling any holes and repairing any damage created by the dog. The person responsible for the off-leash dog must comply with rules and regulations regarding the park, and must remove the dog when the off-leash dog park is closed.

2. **Off-Leash Dog Areas.** Dogs may be exercised off-leash in the following areas:

a. **Barnett Park,** within the fenced area designated as an off-leash dog park subject to the rules and regulations of the operator of the park.

SECTION 2. That Chapter 90 - Animals of the City of McCook Code of Ordinances, Section 90.20 - Definitions, shall be amended to read as follows:

§90.20 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DOG. All dogs, male and female, of all ages.

HYBRID ANIMAL. Any animal that results from cross breeding between an

exotic animal and a domestic animal.

OWNER, POSSESSOR. Any person who shall harbor or permit any dog, cat, and/or hybrid animal to be for ten days or more in or about his or her house, store, or enclosure, or remain to be fed, shall be deemed the owner and possessor of such dog, cat, and/or hybrid animal and shall be deemed to be liable for all penalties herein prescribed.

(Prior Code, § 6-101) (Ord. 2009-2826, passed 8-17-2009)

Statutory reference:

Similar state law provisions, see Neb. RS 54-606, 77-4401

SECTION 3. That Chapter 90 - Animals of the City of McCook Code of Ordinances, Section 90.22 - Number of Dogs and Hybrid Dogs Per Residence, shall be amended to read as follows:

§ 90.22 NUMBER OF DOGS AND HYBRID ANIMALS PER RESIDENCE.

No owner shall be allowed to own or harbor more than three dogs and/or hybrid animals in their household within the limits of the city. This section does not include dogs, and/or hybrid animals that are younger than 12 weeks of age.

SECTION 4. That Chapter 90 - Animals of the City of McCook Code of Ordinances, Section 90.23 - Running At Large Prohibited, shall be amended to read as follows:

§ 90.23 RUNNING AT LARGE PROHIBITED.

Except as provided for in § 90.08, it shall be unlawful for the owner of any dog and/or hybrid animal to allow such dog and/or hybrid animal to run at large at any time within the corporate limits of the city. It shall be the duty of the police department or other officer designated by the City Manager to cause any dog and/or hybrid animal found to be running at large within the municipality to be taken up and impounded. "Running at large" shall mean any dog and/or hybrid animal found off the premises of the owner, and not under control of the owner or a responsible person, either by leash, cord, chain, wire, rope, cage or other suitable means of physical restraint.

SECTION 5. That Chapter 90 - Animals of the City of McCook Code of Ordinances, Section 90.24 - Dangerous/Vicious Dogs and Hybrid Animals, is hereby repealed in its entirety.

SECTION 6. That Chapter 90 - Animals of the City of McCook Code of Ordinances, Section 90.30 - Impounding, shall be amended to read as follows:

§ 90.30 IMPOUNDING.

It shall be the duty of the police department or other officer designated by the City Manager to capture, secure, and remove in a humane manner to an animal shelter any dog, cat, and/or hybrid animal violating any of the provisions of this subchapter. The dog, cat, and/or hybrid animal so impounded shall be treated in a humane manner and shall be provided with a sufficient supply of food and fresh water each day. Each impounded dog, cat, and/or hybrid animal shall be kept and maintained at the animal shelter for a period of 120 hours. Any dog, cat, and/or hybrid animal may be reclaimed by its owner during the period

of impoundment by payment of daily board fee and general impoundment fee set out in the Chapter 38 Fee Schedule in the McCook Code of Ordinances. The owner of an impounded dog, cat, and/or hybrid animal shall then be required to comply with the rabies vaccination requirements within 120 hours after release. If the dog, cat, and/or hybrid animal is not claimed at the end of the required waiting period the police department or other officer designated by the City Manager may direct the appropriate facility to dispose of the dog, cat, and/or hybrid animal in accordance with the applicable rules and regulations pertaining to the same; provided, that if, in the judgment of the police department or other officer designated by the City Manager, a suitable home can be found for any such dog, cat, and/or hybrid animal within the city, the dog, cat, and/or hybrid animal shall be turned over to that person and the new owner shall then be required to pay all fees and meet all vaccination requirements provided in this subchapter. The city shall acquire legal title to any dog, cat, and/or hybrid animal impounded in the animal shelter for a period longer than the required waiting period.

(Neb. RS 16-236) (Prior Code, § 6-111) (Ord. 2009-2826, passed 8-17-2009)

SECTION 7. That Chapter 90 - Animals of the City of McCook Code of Ordinances, Section 90.33 - Dangerous Dogs and/or Hybrid Animals; Terms, Defined; shall be added to read as follows:

§ 90.33 DANGEROUS DOGS AND/OR HYBRID ANIMALS; TERMS, DEFINED.

(1) (a) Dangerous dog and/or hybrid animal means a dog and/or hybrid animal that, according to the records of the police department:

(i) Has killed a human being;

(ii) has inflicted injury on a human being resulting in a puncture wound and/or an injury that requires medical treatment;

(iii) has killed a domestic animal without provocation; or

(iv) has been previously determined to be a potentially dangerous dog by a court order, the owner has received notice of such determination, and the dog and/or hybrid animal inflicts an injury on a human being that does not require medical treatment, injures a domestic animal, or threatens the safety of humans or domestic animals.

(b) (i) A dog and/or hybrid animal shall not be defined as a dangerous dog and/or hybrid animal under subdivision (1)(a)(ii) of this section, if the individual was tormenting, abusing, or assaulting the dog and/or hybrid animal at the time of the injury or has, in the past, tormented, abused, or assaulted the dog and/or hybrid animal.

(ii) A dog and/or hybrid animal shall not be defined as a dangerous dog and/or hybrid animal under subdivision (1)(a)(iv) of this section, if the injury, damage, or threat was sustained by an individual who, at the time, was committing a willful trespass as defined by Nebraska statute, was committing any other tort upon the property of the owner of the dog and/or hybrid animal, was tormenting, abusing, or assaulting the dog and/or hybrid animal, or has, in

the past, been observed or reported to have tormented, abused, or assaulted the dog and/or hybrid animal, or was committing or attempting to commit a crime.

(iii) A dog and/or hybrid animal shall not be defined as a dangerous dog and/or hybrid animal under subdivision (1)(a) of this section if the dog and/or hybrid animal is a police animal as defined by Nebraska statute;

(2) Domestic animal means a cat, a dog, or livestock. Livestock includes buffalo, deer, antelope, fowl, and any other animal in any zoo, wildlife park, refuge, wildlife area, or nature center intended to be on exhibit;

(3) Medical treatment means treatment administered by a physician or other licensed health care professional that results in sutures or surgery or treatment for one or more broken bones;

(4) Owner means any person, firm, corporation, organization, political subdivision, or department possessing, harboring, keeping, or having control or custody of a dog and/or hybrid animal; and

(5) Potentially dangerous dog and/or hybrid animal means

(a) any dog and/or hybrid animal that when unprovoked

(i) inflicts an injury on a human being that is not a puncture wound and does not require medical treatment,

(ii) injures a domestic animal, or

(iii) chases or approaches a person upon streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack or

(b) any specific dog and/or hybrid animal with a known propensity, tendency, or disposition to attack when unprovoked, to cause injury, or to threaten the safety of humans or domestic animals.

(Neb. Rev. Stat. § 54-617) (Prior Code, § 90.24) Penalty, see § 90.99

SECTION 8. That Chapter 90 - Animals of the City of McCook Code of Ordinances, Section 90.34 - Dangerous Dogs and/or Hybrid Animals; Actions Required; Costs; Limitations on Transport; Permanent Relocation; Procedure, shall be added to read as follows:

§ 90.34 DANGEROUS DOGS AND/OR HYBRID ANIMALS; ACTIONS REQUIRED; COSTS; LIMITATIONS ON TRANSPORT; PERMANENT RELOCATION; PROCEDURE.

(1) A dangerous dog and/or hybrid animal that has been declared as such shall be spayed or neutered and implanted with a microchip identification number by a licensed veterinarian within thirty days after such declaration. The cost of both procedures is the responsibility of the owner of the dangerous dog and/or hybrid animal. Written proof of both procedures and the microchip identification number shall be provided to the police department after the procedures are completed.

(2) No owner of a dangerous dog and/or hybrid animal shall permit the dog and/or hybrid animal to go beyond the property of the owner unless the dog and/or hybrid animal is restrained securely by a chain or leash.

(3) Except for a reasonable veterinary purpose, no owner of a dangerous dog and/or hybrid animal shall transport such dog and/or hybrid animal or permit such dog and/or hybrid animal to be transported to another county, city, or village in this state.

(Neb. Rev. Stat. § 54-618)

SECTION 9. That Chapter 90 - Animals of the City of McCook Code of Ordinances, Section 90.35 - Dangerous Dogs and/or Hybrid Animals; Confinement Required; Warning Signs, shall be added to read as follows:

§ 90.35 DANGEROUS DOGS AND/OR HYBRID ANIMALS; CONFINEMENT REQUIRED; WARNING SIGNS.

(1) No person, firm, partnership, limited liability company, or corporation shall own, keep, or harbor or allow to be in or on any premises occupied by him, her, or it or under his, her, or its charge or control any dangerous dog and/or hybrid animal without such dog and/or hybrid animal being confined so as to protect the public from injury.

(2) While unattended on the owner's property, a dangerous dog and/or hybrid animal shall be securely confined, in a humane manner, indoors or in a securely enclosed and locked pen or structure suitably designed to prevent the entry of young children and to prevent the dog and/or hybrid animal from escaping. The pen or structure shall have secure sides and a secure top. If the pen or structure has no bottom secured to the sides, the sides shall be embedded into the ground at a depth of at least one foot. The pen or structure shall also protect the dog and/or hybrid animal from the elements. The pen or structure shall be at least ten feet from any property line of the owner. The owner of a dangerous dog and/or hybrid animal shall post warning signs on the property where the dog and/or hybrid animal is kept that are clearly visible from all areas of public access and that inform persons that a dangerous dog and/or hybrid animal is on the property. Each warning sign shall be no less than ten inches by twelve inches and shall contain the words warning and dangerous animal in high-contrast lettering at least three inches high on a black background.

(3) It is hereby required that the owner of a dangerous dog and/or hybrid animal or potentially dangerous dog and/or hybrid animal obtain liability insurance for each and every dog and/or hybrid animal they own that has been declared to be a dangerous dog and/or hybrid animal or potentially dangerous dog and/or hybrid animal with the minimum policy amount being \$150,000 per dog and/or hybrid animal.

(Neb. Rev. Stat. § 54-619)

SECTION 10. That Chapter 90 - Animals of the City of McCook Code of Ordinances, Section 90.36 - Dangerous Dogs and/or Hybrid Animals; Confiscation; When; Costs, shall be added to read as follows:

§ 90.36 DANGEROUS DOGS AND/OR HYBRID ANIMALS; CONFISCATION; WHEN; COSTS.

Any dangerous dog and/or hybrid animal may be immediately confiscated by the police department if the owner is in violation of sections 90.33 to 90.37. The

owner shall be responsible for the reasonable costs incurred by the police department and the animal shelter for the care of a dangerous dog and/or hybrid animal confiscated by the police department or for the destruction of any dangerous dog and/or hybrid animal if the action by the police department is pursuant to law and if the owner violated sections 90.33 to 90.37.
(Neb. Rev. Stat. § 54-620)

SECTION 11. That Chapter 90 - Animals of the City of McCook Code of Ordinances, Section 90.37 - Dangerous Dogs and/or Hybrid Animals; Disposal by Court Order, shall be added to read as follows:

§ 90.37 DANGEROUS DOGS AND/OR HYBRID ANIMALS; DISPOSAL BY COURT ORDER.

In addition to any other penalty, a court may order the police department to dispose of a dangerous dog and/or hybrid animal in an expeditious and humane manner.
(Neb. Rev. Stat. § 54-621)

SECTION 12. That Chapter 90 - Animals of the City of McCook Code of Ordinances, Section 90.99 - Penalty, shall be amended to read as follows:

§ 90.99 PENALTY.

(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 § 90.23 and the dog and/or hybrid animal has been determined to be dangerous shall be deemed to be guilty of a misdemeanor. The penalty for such violation shall be in the amount of \$750. A person who violates § 90.23 and the dog and/or hybrid animal has been determined to be a potentially dangerous dog and/or hybrid animal, shall be deemed guilty of a misdemeanor. The penalty for such violation shall be in the amount of \$500.

(C) Any person who violates § 90.23 and the dog and/or hybrid animal has not been determined to be dangerous or potentially dangerous shall be deemed to be guilty of misdemeanor. The penalty for such violation shall be in an amount of \$50 for the first, second, and third offenses; and \$100 for a fourth and all subsequent offenses.

(D) Any person who violates § 90.33(1) shall be deemed guilty of a misdemeanor. The penalty for such violation shall be in an amount not less than \$750 nor more than \$1,250; provided that where licenses are due the city, the court shall order such license secured and sums paid in addition to the fine fixed by the court. Any person who violates § 90.33(5) shall be deemed guilty of a misdemeanor. The penalty for such violation shall be in an amount not less than \$500 nor more than \$750;

(E) Any person who violates § 90.31 shall be guilty of a misdemeanor. The penalty for such violation shall be \$20 for the first offense and \$50 for each subsequent offense.

SECTION 13. Any and all other ordinances or parts of ordinances in conflict herewith shall be and are hereby repealed.

SECTION 14. This ordinance shall take effect and be in full force from and after its passage, approval, and publication as required by law in its entirety or in pamphlet form.

PASSED AND APPROVED this ____ day of _____, 2020.

Michael D. Gonzales, Mayor

ATTEST:

Lea Ann Doak, City Clerk

**CITY MANAGER'S REPORT
FEBRUARY 17, 2020 MCCOOK CITY COUNCIL MEETING
5.B.**

ITEM NO. ___ Approve Ordinance No. 2020- 2999 on first reading repealing 90.24; amending 90.08, 90.20, 90.22, 90.23, 90.30, and 90.99; and adding 90.33, 90.34, 90.35, 90.36, and 90.37, to the City of McCook Code of Ordinances, Chapter 90: Animals.

BACKGROUND:

Eleven years ago, the City of McCook amended its Code of Ordinances, updating numerous provisions found in Chapter 90: Animals. In particular, the City Council approved changes to code sections that dealt with animals running at large, dangerous and potentially dangerous animals, and the impounding of animals, just to name a few. After passage of the modifications, our City Attorney's office found the application of some of these ordinances to be difficult. A prime example of this could be found with the addition of cat at large. Also, while the 2009 ordinances were based on State law, it has been determined that some of the language added to the animal ordinance needed to be cleaned up to assure clarity. Our intent is to make sure the animal ordinances hold up to potential judicial challenges.

Over the past few months, Staff and the City Attorney reviewed Chapter 90 of the City's Code of Ordinances. We also reviewed the language contained within the State of Nebraska's animal statutes. Based on our review, it is our belief a number of the ordinances need to be repealed or amended. Additionally, Staff and the City Attorney believe there are provisions within the State of Nebraska's animal statute that need to be added to the City's Code of Ordinances to make sure our provisions are as airtight as possible. The proposed ordinances will serve to synchronize McCook's ordinances with Nebraska's Revised Statutes.

A quick run down of the proposed amendments and/or additions include:

- **90.08** - Allows for an off-leash dog area at Barnett Park;
- **90.20** - Removes cat from the definitions found within the Chapter;
- **90.22** - Replaces hybrid dog with hybrid animal (this occurs in subsequent language as well);
- **90.23** - Harmonizes the running at large ordinance with the off-leash dog area at Barnett Park;
- **90.30** - Removes the requirement that notice of impounding be posted on a bulletin board (this language does not comport with current practice);
- **90.33** - This proposed ordinance would replace current ordinance 90.24 (which is slated to be repealed) and parallels Nebraska State Statute 54-617 (dangerous/potentially dangerous dog and/or hybrid animal);
- **90.34** - This is a new ordinance that parallels Nebraska State Statute 54-618 detailing the actions required of a dangerous dog and/or hybrid animal's owner, limits the ability of the animal to go beyond its property absent a leash, and restricts transportation of the animal;
- **90.35** - This is a new ordinance that parallels Nebraska State Statute 54-619 requiring confinement of a dangerous dog and/or hybrid animal so as to protect the public, details confinement and warning sign requirements for the animal, and establishes an insurance procurement policy (the insurance provision includes potentially dangerous dogs/hybrid animals);
- **90.36** - This is a new ordinance that parallels Nebraska State Statute 54-620 granting the police department the immediate right to confiscate a dangerous dog and/or hybrid animal and places

an obligation on the owner to pay the costs of the animal shelter and police department associated with caring for the animal;

• **90.37** - This is a new ordinance that parallels Nebraska State Statute 54-621 and specifies that a court may order the police department to dispose of a dangerous dog and/or hybrid animal.

As part of this review, Staff also looked at the penalty provisions included in Chapter 90. Staff recommends increasing some of the penalty amounts found in McCook Municipal Code 90.99. In particular, the proposed ordinance contains an increase in the penalty for dogs and hybrid animals found running at large that have been determined to be dangerous. The proposed penalty for dangerous dogs/hybrid animals running at large would increase from \$500 to \$750. The proposed penalty for potentially dangerous dogs/hybrid animals running at large would increase from \$250 to \$500. The proposed ordinance also calls for an increase in the penalty for owners who have dogs that are determined to be dangerous or potentially dangerous. For dangerous dogs, the penalty range will increase from \$500 to \$1,000 to \$750 to \$1,250. For potentially dangerous dogs, the penalty range will increase from \$250 to \$500 to \$500 to \$750.

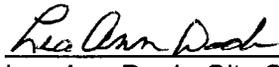
A copy of the proposed ordinance and the current code provisions at issue are included with this report.

APPROVALS:



Nathan A. Schneider, City Manager

February 12, 2020

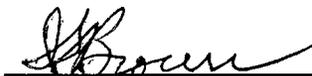


Lea Ann Doak, City Clerk

February 12, 2020

Nathaniel J. Mustion, City Attorney

February 12, 2020



Isaac S. Brown, Police Chief

February 12, 2020

CITY MANAGER'S REPORT
MARCH 2, 2020 CITY COUNCIL MEETING

ITEM: 4.D.

Introduce and approve upon its first reading Ordinance No. 2020-3001 amending Chapter 38: Fee Schedule - Appendix H: Animal Impoundment and Boarding Fees of the City of McCook Code of Ordinances.

BACKGROUND:

The Council is considering Ordinance No. 2020-2999 on its second reading at the March 2 meeting. Section 6 of the proposed ordinance amends §90.30 - Impounding, and references the fees established in Chapter 38. A copy of the current fee schedule is attached for your reference. The daily boarding fee needs to be amended to reflect the amount currently charged by the McCook Humane Society.

**FISCAL
IMPACT:** None.

APPROVALS:



Lea Ann Doak, City Clerk-Treasurer

February 27, 2020

ORDINANCE NO. 2020-3001

AN ORDINANCE PROVIDING FOR THE AMENDMENT OF CHAPTER 38: FEE SCHEDULE - APPENDIX H: ANIMAL IMPOUNDMENT AND BOARDING FEES, OF THE CITY OF MCCOOK CODE OF ORDINANCES; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR A TIME AND DATE FROM AND AFTER WHICH THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE.

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

SECTION 1. That Chapter 38: Fee Schedule - Appendix H: Animal Impoundment and Boarding Fees, of the City of McCook Code of Ordinances, shall be and is hereby amended to read as follows:

APPENDIX H: ANIMAL IMPOUNDMENT AND BOARDING FEES

Pursuant to §90.30 of this code, the following fees have been set for any dog, cat, and/or hybrid animal impounded within the City Animal Shelter.

- (1) Shelter impoundment fee: \$15.00
- (2) Daily board fee (Per day): \$15.00

(Ord. 1768, passed 2-4-1985)

SECTION 2. Any and all other ordinances or parts of ordinances in conflict herewith shall be and are hereby repealed and abrogated.

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

PASSED AND APPROVED THIS _____ day of _____, 2020.

Michael D. Gonzales, Mayor

ATTEST:

Lea Ann Doak, City Clerk

Publish:

APPENDIX H: ANIMAL IMPOUNDMENT AND BOARDING FEES

90-30

Pursuant to ~~§ 90.28~~ of this code, the following fees have been set for dogs impounded within the City Animal Shelter.

- (1) Shelter impoundment fee: \$15
- (2) Daily board fee (per day): \$3
(Ord. 1768, passed 2-4-1985)

**CITY MANAGER'S REPORT
MARCH 2, 2020 MCCOOK CITY COUNCIL MEETING**

4.E.
ITEM NO. Approve Ordinance No. 2020-3002 on first reading amending 90.03 and 95.35, and repealing 95.05 to the City of McCook Code of Ordinances, Chapter 95: Nuisance; Health and Sanitation.

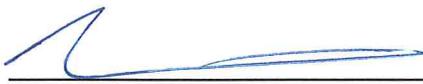
BACKGROUND:

Every year, the League of Nebraska Municipalities Codification Service reviews legislation passed during the year and prepares model ordinances based on the legislation. Staff and the city attorney have reviewed the recently proposed model ordinances. Based on our review, there are some ordinance changes staff recommends. We will present each recommendation separately, with its own individual staff report.

With respect to Chapter 95: Nuisance; Health and Sanitation, staff recommends an amendment to Section 95.03: Abatement Procedure. In particular, the amendment will provide more clarity regarding the notice requirements provided to the stakeholders, assuring that the City of McCook complies with state law. Additionally, the proposed ordinance spells out an appeals procedure whereby definite timelines are established. In addition to the amendment to Section 95.03, staff recommends repealing Section 95.05: Intervention of Adjoining Land Owner. During the review of the City's current ordinance, it was determined that it is not in the best interest of the nuisance case to allow an adjacent property owner to intervene.

Additionally, staff is recommending the amendment of Section 95.35: Control of Weeds, Litter, Stagnant Water. The proposed amendment establishes an appeals process whereby a hearing on an appeal will be held within 14 days after the filing of the appeal. The ordinance also sets the time in which the governing body may render an order pursuant to the appeal.

APPROVALS:



Nathan A. Schneider, City Manager

February 27, 2020



Lea Ann Doak, City Clerk

February 27, 2020

Nathaniel J. Mustion, City Attorney

February 27, 2020

Isaac S. Brown, Police Chief

February 27, 2020

ORDINANCE NO. 2020-3002

AN ORDINANCE PROVIDING FOR THE AMENDMENT OF CHAPTER 95: NUISANCE; HEALTH AND SANITATION, OF THE CITY OF MCCOOK CODE OF ORDINANCES; RELATING TO ABATEMENT OF NUISANCES; CLARIFYING LANGUAGE RELATING TO COSTS OF ABATEMENTS BEING COLLECTED AS A SPECIAL ASSESSMENT; AND RELATING TO WEEDS, LITTER AND STAGNANT WATER; CLARIFYING EXTRATERRITORIAL JURISDICTION TO ENFORCE REGULATIONS; DELETING SECTION 95.05 - INTERVENTION OF ADJOINING LAND OWNER; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

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

SECTION 1. That Chapter 95: Nuisance; Health and Sanitation, of the City of McCook Code of Ordinances, Section 95.03 - Abatement Procedure, shall be amended to read as follows:

§ 95.03 ABATEMENT PROCEDURE.

(A) It shall be the duty of every owner, occupant, lessee, or mortgagee of real estate in the municipality to keep such real estate free of public nuisances. The Board of Health shall inspect the property as shall come to its attention as being in violation of these requirements. Should the owner of any property prohibit the Board of Health from entering upon the property to make inspection, the Board shall apply to the County or District Court for an order authorizing inspection of the property.

(B) Upon determination by the Board of Health or designated official that the owner or occupant of any such real estate has failed to keep the real estate free of nuisances, notice to abate and remove such nuisance and notice of the right to a hearing before the governing body and the manner in which it may be requested shall be given to each owner or owner's duly authorized agent and to the occupant, if any, by personal service or by certified mail. If notice by personal service or certified mail is unsuccessful, notice shall be given by publication in a newspaper of general circulation in the municipality or by conspicuously posting the notice on the real estate upon which the nuisance is to be abated and removed. The notice shall describe the condition as found by the Board of Health or designated official and state that the condition has been declared a nuisance and must be remedied at once.

(C) If within five days after receipt of such notice or publication or posting, whichever is applicable, the owner or occupant of the real estate does not request a hearing with the municipality or fails to comply with the order to abate and remove the nuisance, the municipality may have such work done.

(D) If within five days after receipt of such notice or publication or posting,

whichever is applicable, the owner or occupant requests in writing a hearing with the governing body, the governing body shall fix a time and place at which a hearing will be held. Notice of the hearing shall be given by personal service or certified mail and require the owner or occupant to appear before the governing body to show cause why such condition should not be found to be a nuisance and remedied. The notice shall be given not less than 7 nor more than 14 days before the time of the hearing. Upon the date fixed for the hearing and pursuant to the notice, the governing body shall hear all objections made by the owner or occupant and shall hear evidence submitted by the Board of Health or designated official. If after consideration of all the evidence, the governing body finds that the condition is a nuisance, it shall, by resolution, order and direct the owner or occupant to remedy the nuisance at once. If the owner or occupant refuses or neglects to promptly comply with the order to abate and remove the nuisance, the governing body may have such work done.

(E) The costs and expenses of any such work shall be paid by the owner. If unpaid for two months after such work is done, the municipality may either:

(1) Levy and assess the costs and expenses of the work upon the real estate so benefitted as a special assessment in the same manner as other special assessments for improvements are levied and assessed; or

(2) Recover in a civil action the costs and expenses of the work upon the real estate and the adjoining streets and alleys.

SECTION 2. That Chapter 95: Nuisance; Health and Sanitation, of the City of McCook Code of Ordinances, Section 95.05 - Intervention of Adjoining Land Owner, shall be deleted in its entirety.

SECTION 3. That Chapter 95: Nuisance; Health and Sanitation, of the City of McCook Code of Ordinances, Section 95.35 - Weeds; Litter; Stagnant Water shall be amended to read as follows:

§ 95.35 WEEDS; LITTER; STAGNANT WATER.

(A) Lots or pieces of ground within the municipality or within its extraterritorial zoning jurisdiction shall be drained or filled so as to prevent stagnant water or any other nuisance accumulating thereon.

(B) The owner or occupant of any lot or piece of ground within the municipality or within its extraterritorial zoning jurisdiction shall keep the lot or piece of ground and the adjoining streets and alleys free of any growth of 12 inches or more in height of weeds, grasses, or worthless vegetation.

(C) The throwing, depositing, or accumulation of litter on any lot or piece of ground within the municipality or within its extraterritorial zoning jurisdiction is prohibited.

(D) It is hereby declared to be a nuisance to permit or maintain any

growth of 12 inches or more in height of weeds, grasses, or worthless vegetation on any lot or piece of ground within the municipality or within its extraterritorial zoning jurisdiction or on the adjoining streets or alleys or to litter or cause litter to be deposited or remain thereon except in proper receptacles.

(E) Any owner or occupant of a lot or piece of ground shall, upon conviction of violating this section, be guilty of an offense.

(F) (I) Notice to abate and remove such nuisance shall be given to each owner or owner's duly authorized agent and to the occupant, if any. Notice shall be given by first-class mail or by personal service. If notice is given by first-class mail, such mail shall be conspicuously marked as to its importance. Within five days after receipt of such notice, the owner or occupant of the lot or piece of ground may request a hearing with the municipality to appeal the decision to abate or remove a nuisance by filing a written appeal with the office of the Clerk. A hearing on the appeal shall be held within 14 days after the filing of the appeal and shall be conducted by the City Manager. The City Manager shall render a decision on the appeal within five business days after the conclusion of the hearing. If the appeal fails, the municipality may have such work done. Within five days after receipt of such notice, if the owner or occupant of the lot or piece of ground does not request a hearing with the municipality or fails to comply with the order to abate and remove the nuisance, the municipality may have such work done.

(2) The costs and expenses of any such work shall be paid by the owner. If unpaid for two months after such work is done, the municipality may either:

(a) Levy and assess the costs and expenses of the work upon the lot or piece of ground so benefitted as a special assessment in the same manner as other special assessments for improvements are levied and assessed; or

(b) Recover in a civil action the costs and expenses of the work upon the lot or piece of ground and the adjoining streets and alleys.

(G) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

LITTER. Includes but is not limited to:

(a) Trash, rubbish, refuse, garbage, paper, rags, and ashes;

(b) Wood, plaster, cement, brick, or stone building rubble;

(c) Grass, leaves, and worthless vegetation except when used as ground mulch or in a compost pile;

(d) Offal and dead animals; and

(e) Any machine or machines, vehicle or vehicles, or parts of a machine or vehicle which have lost their identity, character, utility, or serviceability as such through deterioration, dismantling, or the ravages of time, are inoperative or unable to perform their intended functions, or are cast off, discarded, or thrown away or left as waste, wreckage, or junk.

WEEDS. Includes, but are not limited to: bindweed (*Convolvulus arvensis*), puncture vine (*Tribulus terrestris*), leafy spurge (*Euphorbia esula*), Canada thistle (*Cirsium arvense*), perennial peppergrass (*Lepidium draba*), Russian knapweed (*Centaurea picris*), Johnson grass (*Sorghum halepense*), nodding or musk thistle, quack grass (*Agropyron repens*), perennial sow thistle (*Sonchus arvensis*), horse nettle (*Solanum carolinense*), bull thistle (*Cirsium lanceolatum*), buckthorn (*Rhamnus sp.*) (toun), hemp plant (*Cannabis sativa*), and ragweed (*Ambrosiaceae*).

Weeds, grasses, and worthless vegetation does not include vegetation applied or grown on a lot or piece of ground outside the corporate limits of the municipality but inside the municipality's extraterritorial zoning jurisdiction expressly for the purpose of weed or erosion control.
(Neb. RS 16-230, 17-563)

SECTION 4. Any other ordinance or code section passed and approved prior to passage, approval, and publication or posting of this ordinance and in conflict with its provisions is repealed.

SECTION 5. This ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

PASSED AND APPROVED THIS _____ day of _____, 2020.

Michael D. Gonzales, Mayor

ATTEST:

Lea Ann Doak, City Clerk

Publish:

**CITY MANAGER'S REPORT
MARCH 2, 2020 MCCOOK CITY COUNCIL MEETING**

ITEM NO. 4.F Approve Ordinance No. 2020- 3003 on first reading amending 130.32 to the City of McCook Code of Ordinances; Chapter 130: General Offenses.

BACKGROUND:

Every year, the League of Nebraska Municipalities Codification Service reviews legislation passed during the year and prepares model ordinances based on the legislation. Staff and the city attorney have reviewed the recently proposed model ordinances. Based on our review, there are some ordinance changes staff recommends. We will present each recommendation separately, with its own individual staff report.

Staff recommends amending Section 130.32: Abandoned Automobiles. This section regulates the process for removing abandoned vehicles. On review, staff found that Nebraska law has significantly changed regarding abandoned vehicles. Some of the changes include:

- A change in the definition of abandoned vehicles to include vehicles left for more than 30 days in the custody of the City's police department after the department sends a letter to the last-registered owner;
- Provisions for the removal of vehicles from private property;
- A definition for mobile homes; and
- Provisions regarding how to give notice of vehicles in law enforcement custody for investigatory purposes that are no longer needed, and if nobody claims the vehicle, how to dispose of the vehicles.

APPROVALS:



Nathan A. Schneider, City Manager

February 27, 2020



Lea Ann Doak, City Clerk

February 27, 2020

Nathaniel J. Mustion, City Attorney

February 27, 2020

ORDINANCE NO. 2020-3003

AN ORDINANCE PROVIDING FOR THE AMENDMENT OF CHAPTER 130: GENERAL OFFENSES - OFFENSES AGAINST THE PEACE, OF THE CITY OF MCCOOK CODE OF ORDINANCES; AMENDING SECTION 130.32 - ABANDONED AUTOMOBILES; ADDING NEW PROVISIONS RELATED TO REMOVING ABANDONED VEHICLES FROM PRIVATE PROPERTY; REVISING PROVISIONS RELATING TO REMOVING ABANDONED VEHICLES FROM PUBLIC PROPERTY; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

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

SECTION 1. That Chapter 130: General Offenses, of the City of McCook Code of Ordinances, Section 130.32 - Abandoned Automobiles, shall be and is hereby amended to read as follows:

§ 130.32 ABANDONED VEHICLES.

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

ABANDONED VEHICLE.

(a) A motor vehicle is an **ABANDONED VEHICLE**:

(i) If left unattended, with no license plates or valid In Transit stickers issued pursuant to the Motor Vehicle Registration Act affixed thereto, for more than six hours on any public property;

(ii) If left unattended for more than 24 hours on any public property, except a portion thereof on which parking is legally permitted;

(iii) If left unattended for more than 48 hours, after the parking of such vehicle has become illegal, if left on a portion of any public property on which parking is legally permitted;

(iv) If left unattended for more than seven days on private property if left initially without permission of the owner, or after permission of the owner is terminated;

(v) If left for more than 30 days in the custody of a city law enforcement agency after the agency has sent a letter to the last-registered owner under division (D) of this section; or

(vi) If removed from private property by the municipality pursuant to a city ordinance or this code.

(b) An all-terrain vehicle or minibike is an **ABANDONED VEHICLE**:

(i) If left unattended for more than 24 hours on any public property, except a portion thereof on which parking is legally permitted;

(ii) If left unattended for more than 48 hours, after the parking of such vehicle has become illegal, if left on a portion of any public property on which parking is legally permitted;

(iii) If left unattended for more than seven days on private property if left initially without permission of the owner, or after permission of the owner is terminated;

(iv) If left for more than 30 days in the custody of a municipality law enforcement agency after the agency has sent a letter to the last-registered owner under division (D) of this section; or

(v) If removed from private property by the municipality pursuant to a city ordinance or this code.

(c) A **MOBILE HOME** is an abandoned vehicle if left in place on private property for more than 30 days after a local governmental unit, pursuant to an ordinance or resolution, has sent a certified letter to each of the last-registered owners and posted a notice on the mobile home, stating that the mobile home is subject to sale or auction or vesting of title as set forth in Neb. RS 60-1903.

(d) No motor vehicle subject to forfeiture under Neb. RS 28-431 shall be an **ABANDONED VEHICLE** under this division (A).

MOBILE HOME. A movable or portable dwelling constructed to be towed on its own chassis, connected to utilities, and designed with or without a permanent foundation for year-round living. It may consist of one or more units that can be telescoped when towed and expanded later for additional capacity, or of two or more units, separately towable but designed to be joined into one integral unit, and shall include a manufactured home as defined in Neb. RS 71-4603. **MOBILE HOME** does not include a mobile home or manufactured home for which an affidavit of affixture has been recorded pursuant to Neb. RS 60-169.

PRIVATE PROPERTY. Any privately owned property which is not included within the definition of public property.

PUBLIC PROPERTY. Any public right-of-way, street, highway, alley, or park or other state, county, or city-owned property. (Neb. RS 60-1901)

(B) If an abandoned vehicle, at the time of abandonment, has no license plates of the current year or valid In Transit stickers issued pursuant to Neb. RS 60-376 affixed and is of a wholesale value, taking into consideration the condition of the vehicle, of \$250 or less, title shall immediately vest in the municipality. Any certificate of title issued under this division to the municipality shall be issued at no cost to the municipality. (Neb. RS 60-1902)

(C) (1) Except for vehicles governed by division (B) of this section, the municipality shall make an inquiry concerning the last-registered owner of such vehicle as follows:

(a) Abandoned vehicle with license plates affixed, to the

jurisdiction which issued such license plates; or

(b) Abandoned vehicle with no license plates affixed, to the Department of Motor Vehicles.

(2) The municipality shall notify the last-registered owner, if any, that the vehicle in question has been determined to be an abandoned vehicle and that, if unclaimed, either:

(a) It will be sold or will be offered at public auction after five days from the date such notice was mailed; or

(b) Title will vest in the municipality 30 days after the date such notice was mailed.

(3) If the agency described in division (C)(1)(a) or (b) of this section also notifies the municipality that a lien or mortgage exists, such notice shall also be sent to the lienholder or mortgagee. Any person claiming such vehicle shall be required to pay the cost of removal and storage of such vehicle.

(4) Title to an abandoned vehicle, if unclaimed, shall vest in the municipality:

(a) Five days after the date the notice is mailed if the vehicle will be sold or offered at public auction under division (C)(2)(a) of this section;

(b) Thirty days after the date the notice is mailed if the municipality will retain the vehicle; or

(c) If the last-registered owner cannot be ascertained, when notice of such fact is received.

(5) After title to the abandoned vehicle vests pursuant to division (C)(4) of this section, the municipality may retain for use, sell, or auction the abandoned vehicle. If the municipality has determined that the vehicle should be retained for use, the municipality shall, at the same time that the notice, if any, is mailed, publish in a newspaper of general circulation in the jurisdiction an announcement that the municipality intends to retain the abandoned vehicle for its use and that title will vest in the municipality 30 days after the publication. (Neb. RS 60-1903)

(D) (1) If a municipality law enforcement agency has custody of a motor vehicle for investigatory purposes and has no further need to keep it in custody, it shall send a certified letter to each of the last-registered owners stating that the vehicle is in the custody of the law enforcement agency, that the vehicle is no longer needed for law enforcement purposes, and that after 30 days the agency will dispose of the vehicle.

(2) This division shall not apply to motor vehicles subject to forfeiture under Neb. RS 28-431.

(3) No storage fees shall be assessed against the registered owner of a motor vehicle held in custody for investigatory purposes under this

division (D) unless the registered owner or the person in possession of the vehicle when it is taken into custody is charged with a felony or misdemeanor related to the offense for which the law enforcement agency took the vehicle into custody. If a registered owner or the person in possession of the vehicle when it is taken into custody is charged with a felony or misdemeanor but is not convicted, the registered owner shall be entitled to a refund of the storage fees. (Neb. RS 60-1903.01)

(E) (1) A law enforcement agency is authorized to remove an abandoned or trespassing vehicle from private property upon the request of the private property owner on whose property the vehicle is located and upon information indicating that the vehicle is an abandoned or trespassing vehicle. After removal, the law enforcement agency with custody of the vehicle shall follow the procedures in Neb. RS 60-1902 and 60-1903.

(2) A law enforcement agency is authorized to contact a private towing service in order to remove an abandoned or trespassing vehicle from private property upon the request of the private property owner on whose property the vehicle is located and upon information indicating that the vehicle is an abandoned or trespassing vehicle. A vehicle towed away under this subsection is subject to Neb. RS 52-601.01 - 52-605 and 60-2410 by the private towing service which towed the vehicle.

(3) A private property owner is authorized to remove or cause the removal of an abandoned or trespassing vehicle from such property and may contact a private towing service for such removal. A private towing service that tows the vehicle shall notify, within 24 hours, the designated law enforcement agency in the jurisdiction from which the vehicle is removed and provide the registration plate number, the vehicle identification number, if available, the make, model, and color of the vehicle, and the name of the private towing service and the location, if applicable, where the private towing service is storing the vehicle. A vehicle towed away under this subsection is subject to Neb. RS 52-601.01 - 52-605 and 60-2410 by the private towing service that towed the vehicle.

(4) For purposes of this section, a trespassing vehicle is a vehicle that is parked without permission on private property that is not typically made available for public parking. (Neb. RS 1903.02)

(F) If a state agency caused an abandoned vehicle described in division (A)(a)(5) or (A)(b)(4) of this section to be removed from public property in this municipality, the state agency shall be entitled to custody of the vehicle. If a state agency caused an abandoned vehicle described in division (A)(a)(1), (2), (3), or (4) or (A)(b)(1), (2), or (3) of this section to be removed from public property in this municipality, the state agency shall deliver the vehicle to the municipality which shall have custody. (Neb. RS 60-1904)

(G) Any proceeds from the sale of an abandoned vehicle in the municipality's custody less any expenses incurred by the city shall be held by the city without interest, for the benefit of the owner or lienholders of such vehicle for a period of two years. If not claimed within such two-year period, the proceeds shall be paid into the general fund of the municipality. (Neb. RS 60-1905)

(H) Neither the owner, owner's agent, owner's employee, lessee, nor occupant of the premises from which any abandoned vehicle is removed, nor the municipality, shall be liable for any loss or damage to such vehicle which occurs during its removal or while in the possession of the municipality or its contractual agent, while in the possession of a private towing service, or as a result of any subsequent disposition. (Neb. RS 60-1906)

(I) No person shall cause any vehicle to be an abandoned vehicle as described in division (A)(a)(1), (2), (3), or (4) or (A)(b)(1), (2), or (3) of this section. (Neb. RS 60-1907)

(J) No person other than one authorized by the municipality or appropriate state agency shall destroy, deface, or remove any part of a vehicle which is left unattended on a highway or other public place without license plates affixed or which is abandoned. Anyone violating this division shall be guilty of an offense. (Neb. RS 60-1908)

(K) The last-registered owner of an abandoned vehicle shall be liable to the municipality for the costs of removal and storage of such vehicle. (Neb. RS 60-1909)

(L) Any person violating the provisions of this section shall be guilty of an offense, subject to penalty provided in Section 130.99.

SECTION 2. Any other ordinance or code section passed and approved prior to passage, approval, and publication or posting of this ordinance and in conflict with its provisions is repealed.

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

PASSED AND APPROVED THIS ____ day of _____, 2020.

Michael D. Gonzales, Mayor

ATTEST:

Lea Ann Doak, City Clerk

Publish:

**CITY MANAGER'S REPORT
MARCH 2, 2020 MCCOOK CITY COUNCIL MEETING**

ITEM NO. 4.G Approve Ordinance No. 2020-3004 on first reading amending 33.03 to the City of McCook Code of Ordinances; Chapter 33: Budget Regulations.

BACKGROUND:

Every year, the League of Nebraska Municipalities Codification Service reviews legislation passed during the year and prepares model ordinances based on the legislation. Staff and the city attorney have reviewed the recently proposed model ordinances. Based on our review, there are some ordinance changes staff recommends. We will present each recommendation separately, with its own individual staff report.

Staff recommends amending Section 33.03: Proposed Budget Statement; Hearing; Adoption; Certification of Tax Amount. This section contains the process for providing printed notice of the annual budget hearing. Nebraska law requires notice of the public hearing to be published four days prior to the date set for the hearing in a newspaper of general circulation within McCook's jurisdiction. Originally, the State of Nebraska required publication to occur five days prior to the date set for the hearing. The City of McCook needs to amend its ordinance to reflect the notice requirement change.

APPROVALS:



Nathan A. Schneider, City Manager

February 27, 2020



Lea Ann Doak, City Clerk

February 27, 2020

Nathaniel J. Mustion, City Attorney

February 27, 2020

ORDINANCE NO. 2020-3004

AN ORDINANCE PROVIDING FOR THE AMENDMENT OF CHAPTER 30: BUDGET REGULATIONS, OF THE CITY OF MCCOOK CODE OF ORDINANCES; SECTION 33.03 - PROPOSED BUDGET STATEMENT; HEARING; ADOPTION; CERTIFICATION OF TAX AMOUNT; RELATING TO BUDGET HEARING NOTICE; CHANGING BUDGET HEARING NOTICE PROVISIONS FROM FIVE TO FOUR CALENDAR DAYS; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

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

SECTION 1. That Chapter 30: Budget Regulations, of the City of McCook Code of Ordinances, Section 33.03 - Proposed Budget Statement; Hearing; Adoption; Certification of Tax Amount, shall be amended to read as follows:

§ 33.03 PROPOSED BUDGET STATEMENT; BEARING; ADOPTION; CERTIFICATION OF TAX AMOUNT.

(A) The governing body shall each year or biennial period conduct a public hearing on its proposed budget statement. Notice of the place and time of the hearing, together with a summary of the proposed budget statement, shall be published four calendar days prior to the date set for hearing in a newspaper of general circulation within the municipality's jurisdiction. For purposes of such notice, the four calendar days shall include the day of publication but not the day of hearing. When the total operating budget, not including reserves, does not exceed \$10,000 per year or \$20,000 per biennial period, the proposed budget summary may be posted at the governing body's principal headquarters.

(B) After the hearing, the proposed budget statement shall be adopted, or amended and adopted as amended, and a written record shall be kept of the hearing. The amount to be received from personal and real property taxation shall be certified to the levying board after the proposed budget statement is adopted or is amended and adopted as amended. The certification of the amount to be received from personal and real property taxation shall specify separately the amount to be applied to the payment of principal or interest on bonds issued by the governing body and the amount to be received for all other purposes.

(C) If the adopted budget statement reflects a change from that shown in the published proposed budget statement, a summary of the changes shall be published within 20 calendar days after its adoption in the manner provided in this section, but without provision for hearing, setting forth the items changed and the reasons for the changes.

(D) Upon approval by governing body, the budget shall be filed with the Auditor of Public Accounts. The Auditor may review the budget for errors in

mathematics, improper accounting, and noncompliance with the Nebraska Budget Act or Neb. RS 13-518 to 13-522. If the Auditor detects such errors, he or she shall immediately notify the Governing body of such errors. The governing body shall correct any such error as provided in § 35.34. Warrants for the payment of expenditures provided in the budget adopted under this section shall be valid notwithstanding any errors or noncompliance for which the Auditor has notified the governing body.

(Neb. RS 13-506)

(E) When a levy increase has been authorized by vote of the electors, the adopted budget statement shall indicate the amount of the levy increase.

(Neb. RS 13-507)

SECTION 2. Any other ordinance or code section passed and approved prior to passage, approval, and publication or posting of this ordinance and in conflict with its provisions is repealed.

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

PASSED AND APPROVED THIS ____ day of _____, 2020.

Michael D. Gonzales, Mayor

ATTEST:

Lea Ann Doak, City Clerk

Publish: