

# MCCOOK CITY COUNCIL

## REGULAR MEETING

**Monday, July 6, 2020  
5:30 PM - City Council Chambers**

Call to Order and Roll Call.

Open Meetings Act Announcement.

Pledge of Allegiance.

Items.

1. Citizen's Comments.
2. Announcements & Recognitions.
3. Consent Agenda.
  - A. Approve the minutes of the June 15, 2020 regular City Council meeting and the June 17, 2020 special City Council meeting.
  - B. Approve the application for a Special Designated Liquor License submitted by Loop Brewing Company LLC, Liquor License #LK-093351, for a wedding reception to be held at the McCook Municipal Auditorium, 302 West 5th Street, on August 8, 2020 from 4:00 P.M. to 12:00 A.M.; and shall be subject to comply with any Directed Health Measures in effect at the time of the event.
  - C. Approve the application for a Special Designated Liquor License submitted by Citta' Deli, LLC, Liquor License #C-121305, for the Pro/Am Golf Banquet to be held at the Citta' Deli parking lot, 110 West 1st Street, on August 22, 2020 from 2:00 P.M. to 11:59 P.M.; and shall be subject to comply with any Directed Health Measures in effect at the time of the event.
  - D. Approve the application for a Special Designated Liquor License submitted by Citta' Deli, LLC, Liquor License #C-121305, for the Heritage Days Beer Garden event to be held at the Citta' Deli parking lot, 110 West 1st Street, on September 26, 2020 from 2:00 P.M. to 11:59 P.M.; and shall be subject to comply with any Directed Health Measures in effect at the time of the event.
  - E. Offer a contract to Midlands Contracting, Inc. with a bid of \$209,250.00 as the lowest responsible bidder for West Golf Course Lift Station Renovation and authorize the Mayor to execute the necessary paperwork to award the contract.
  - F. Ratify actions taken with respect to the Nebraska Service Provider Addendum.
  - G. Appoint Mike Gonzales, Jerry Calvin, Isaac Brown, Mike Swain (former North Platte Police Chief), and Nate Schneider to the McCook Police Chief Selection Committee.

H. Approve a Grant of License between the City of McCook and David and Carrie Junker, residing at 1103 Country Club Drive, to occupy city right of way adjacent to 1103 Country Club Drive, which would allow for a portion of a carport to be located on city right of way.

I. Ratify the Mayor's appointments to the Airport Advisory Commission - reappoint Dick Trail and Jeff Williams - terms expire November 2022; the Economic Development Plan Citizen's Advisory Review committee - reappoint Leon Kuhlen and Danielle Johnson - terms expire July 2022 and Jordan Johnson - term expires July 2023; the Economic Development Plan Loan Committee - reappoint Kent Craw and Doug Skiles - terms expired March 2022; the Library Advisory Board - reappoint Staci Blomstedt - term expires June 2023 and Sharon Bohling - term expires June 2024; the Parks Advisory Board - reappoint Mark Friehe - term expires May 2023; the Planning Commission - reappoint Camy Bradley and Tammie Hilker - terms expire September 2022; the Senior Citizens Advisory Board - reappoint Robert Patenburg and Sharon Parde - terms expire September 2022; and the Tree Advisory Board - reappoint Leigh Farrell - term expires April 2025.

4. Regular Agenda.

A. Receive and file a discussion regarding COVID-19 updates.

B. Receive and file a discussion regarding the consumption of alcoholic beverages on City of McCook property subject to a license agreement.

C. Receive and file a discussion regarding the creation of a no-parking designation on the north side of the 1500 block of West "H" Street, specifically the area of the north 1500 block of West "H" Street west of the existing alley.

D. Council Comments.

Adjournment.

**CITY MANAGER'S REPORT  
JULY 6, 2020 CITY COUNCIL MEETING**

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**ITEM:**        3.A.

Approve the minutes of the June 15, 2020 regular City Council meeting and the June 17, 2020 special City Council meeting.

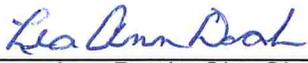
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**BACKGROUND:**

Receive and approve the minutes.

**FISCAL  
IMPACT:**     None.

**APPROVALS:**

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

June 30, 2020

McCook City Council  
June 15, 2020  
5:30 PM 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, Utilities Director Dutcher, Fire Chief Harpham, and Senior Services Director Siegfried.

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on June 11, 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. 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.**

Dale Dueland encouraged the Council to consider live streaming or recording all public meetings and suggested that exploring all options were key for building community support for large infrastructure projects, such a pool upgrades.

**2. Announcements & Recognitions.**

Utilities Director Dutcher informed the Council that due to the previous day's windy and hot conditions at 4:00 A.M. this morning water usage was about 4,000 gallons per minute. Because water levels were rapidly falling at the city water towers he made the decision to issue a water restriction asking citizen's to not water between 10:00 A.M. and 6:00 P.M.

City Manager Schneider updated the Council regarding the Library HVAC project. The Library shall have some cooling the middle part of this week, with the project scheduled to be completed by June 29.

### 3. Consent Agenda.

Motion to approve the consent agenda. 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.A. Approve the minutes of the June 1, 2020 regular City Council meeting.
- 3.B. Receive and file the claims for the month of May 2020 as published June 5, 2020.
- 3.C. Ratify the Mayor's appointments to the City/County Airport Zoning Board - appoint Aaron Peterson to replace Richard Stull - term expires September 2023; the Board of Health - reappoint Nate Schneider, Ike Brown, Mike Gonzales, Mary Beth Eisenmenger and Dr. Jason Blomstedt - terms expire June 2021; and the Board of Zoning Adjustment - reappoint Tammie Hilker and Rick Haney - terms expire September 2020; and reappoint Greg Larson, Ryan Moore, Jerry Reitz, Dennis Chipman (Alternate) - terms expire September 2023.
- 3.D. Receive and file the Financial Report for the period ending May 31, 2020.
- 3.E. Approve the application for a Special Designated Liquor License submitted by JBN, Inc., dba Hi Times Liquor Mart 1, Liquor License #DK-100025, for a wedding reception to be held at the McCook Municipal Auditorium, 302 West 5th Street, on July 18, 2020 from 12:00 P.M. to 1:00 A.M.; and shall be subject to comply with any Directed Health Measures in effect at the time of the event.
- 3.F. Approve the application for a Special Designated Liquor License submitted by JBN, Inc., dba Hi Times Liquor Mart 1, Liquor License #DK-100025, for a wedding reception to be held at the McCook Municipal Auditorium, 302 West 5th Street, on July 25, 2020 from 12:00 P.M. to 1:00 A.M.; and shall be subject to comply with any Directed Health Measures in effect at the time of the event.
- 3.G. Approve the application for a Special Designated Liquor License submitted by JBN, Inc., dba Hi Times Liquor Mart 1, Liquor License #DK-100025, for a wedding reception to be held at the McCook Municipal Auditorium, 302 West 5th Street, on August 1, 2020 from 12:00 P.M. to 1:00 A.M.; and shall be subject to comply with any Directed Health Measures in effect at the time of the event.
- 3.H. Approve the application for a Special Designated Liquor License submitted by JBN, Inc., dba Hi Times Liquor Mart 1, Liquor License #DK-100025, for a wedding reception to be held at the McCook Municipal Auditorium, 302 West 5th Street, on August 8, 2020 from 12:00 P.M. to 1:00 A.M.; and shall be subject to comply with any Directed Health Measures in effect at the time of the event.
- 3.I. Approve the application for a Special Designated Liquor License submitted by JBN, Inc., dba

Hi Times Liquor Mart 1, Liquor License #DK-100025, for a wedding reception to be held at the Red Willow County Community Building, 1412 West 5th Street, on August 29, 2020 from 12:00 P.M. to 1:00 A.M.; and shall be subject to comply with any Directed Health Measures in effect at the time of the event.

- 3.J. Approve the application for a Special Designated Liquor License submitted by Citta' Deli, LLC, Liquor License #C-121305, for Farrell's Sip 'n Shop event to be held at 116 West "B" Street, on July 10, 2020 from 2:00 P.M. to 9:00 P.M.; and shall be subject to comply with any Directed Health Measures in effect at the time of the event.
- 3.K. Approve the request from Garrett Wagner to close the following streets for the 4th Annual Cruisin' the Bricks Cruise Night and Car Show: On Friday July 10, 2020 from 6:00 P.M. to 8:30 P.M. - West "C" Street from Norris avenue to West 1st Street (including the alley); East "C" Street from Norris Avenue to East 1st Street (including the alley); including shutting off or covering the traffic signal at the intersection of Norris Avenue and "C" Street; West 2nd Street from "B" Street to West "C" Street (including the intersection at West 2nd and "C" Street); West "C" Street from West 1st Street to West 3rd Street (including the intersection of West 2nd Street and West "C" Street and on Saturday July 11, 2020 from 6:00 A.M. to 2:30 P.M.; West 2nd Street from "B" Street to West "C" Street (including the intersection at West 2nd and "C" Street); West "C" Street from West 1st Street to West 3rd Street including the alleys and the intersection of West 2nd Street and West "C" street.
- 3.L. Approve and authorize the Mayor to sign the FY 2021 contract with the West Central Nebraska Area Agency on Aging (WCNAAA) for the purpose of defining and specifying the separate and mutual responsibilities of each in the management, operation, support, monitoring, and evaluation of the McCook Heritage Senior Center.
- 3.M. Approve an application from Great Plains Communications to occupy city right of way on West 4th Street between West "B" Street and West "C" Street, for the purpose of installing underground fiber optic cable providing service to Farm Bureau and the Spirit Shop.
- 3.N. Approve and application from Great Plains Communications to occupy city right of way in the alley south of West "B" Street between West 7th and West 8th Streets to install underground fiber optic cable providing service to Taco John's Restaurant.
- 4. Regular Agenda.**
  - 4.A. Receive and file a discussion regarding COVID-19 updates.

City Manager Schneider updated the Council regarding COVID-19 and reviewed the DHM Phase III reopening guidelines that take effect on June 22. Staff will continue to monitor before making any decisions regarding the opening up of the Senior Center. A special meeting has been set for June 17, 2020 at 10:00 A.M. for consideration of approving city facility use contracts addressing COVID-19 issues similar to those for use of recreational facilities. Also to be considered will be the

approval of an agreement with the Department of Health and Human Services for providing meals and public transportation through the Senior Center.

4.B. Receive and file a discussion regarding the time line for the 2020-2021 budget schedule.

Discussion was held regarding the budget schedule; decreased revenues due to the shut down in mid-March from the COVID-19 pandemic; with the predicted reduced revenues, department heads will keep request at a minimum; several projects this year have been put on hold; consideration of the budget ordinance on two readings, instead of three; the first reading on August 17 and the hearings along with the second and final reading on September 8.

4.C. Introduce Ordinance No. 2020-3009 and approve under suspension of the rule, amending Chapter 90 - Animals of the city of McCook Code of Ordinances, Section 90.33 - Dangerous Dogs and/or Hybrid Animals; Terms, Defined.

Mayor Gonzales asked the Clerk to read Ordinance No. 2020-3009 by title.

AN ORDINANCE AMENDING SECTION 90.33, AS IT PERTAINS 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. 2020-3009 has been introduced, read by title, and I move that the statutory rule requiring reading on three different days be suspended. This motion, made by Calvin and seconded by Hepp, passed.

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

Motion for final passage of Ordinance No. 2020-3009. This motion, made by Hepp and seconded by Calvin, passed.

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

Mayor Gonzales stated for the record that Ordinance No. 2020-3009 is declared lawfully passed and adopted upon publication as required by law.

4.D. Council Comments.

Councilmember Muehlenkamp thanked staff for the brush clean-up after the recent storms and thanked Dale Dueland for his comments about the pool, adding that the pool committee need to get a plan going to move forward.

Mayor Gonzales also thanked the city crews for clean-up after the recent storms and that it was nice that the Council could meet in person again.

**Adjournment.**

There being no further business to come before the Council, Mayor Gonzales declared the meeting adjourned at 6:34 P.M.

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Michael D. Gonzales, Mayor

ATTEST:

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Lea Ann Doak, City Clerk-Treasurer

McCook City Council  
June 17, 2020  
10:00 AM Central  
Special Meeting

A MEETING OF THE MAYOR AND COUNCIL OF THE CITY OF MCCOOK, NEBRASKA convened in open, special, and public session at 10:00 o'clock A.M. in the City Council Chambers.

Present: Mayor Gonzales, Councilmembers Weedin, Muehlenkamp.

Absent: Councilmembers Hepp, Calvin.

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

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on June 16, 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 and called the meeting to order.

**1. Regular Agenda.**

- 1.A. Approve the agreements between the Nebraska Department of Health and Human Services and the City of McCook for the purpose of providing home delivered meals, congregate meals, exempt public transportation, local medical transportation for appointments and other local transportation needs.

Motion to approve the agreements between the Nebraska Department of Health and Human Services and the City of McCook for the purpose of providing home delivered meals, congregate meals, exempt public transportation, local medical transportation for appointments and other local transportation needs. This motion, made by Weedin and seconded by Muehlenkamp, passed.

Gonzales: YEA, Hepp: ABSENT, Calvin: ABSENT, Weedin: YEA, Muehlenkamp: YEA.  
YEA: 3, NAY: 0, ABSENT: 2

- 1.B. Adopt Resolution No. 2020-13 which establishes that there is a risk of exposure to COVID-19 through the use of McCook's Municipal Auditorium; requiring that any individual, organization or group using the Municipal Auditorium to execute and enter into

the COVID- 19: Addendum to Municipal Auditorium Rental Contract; and mandating all Municipal Auditorium users comply with all federal, state, and local laws, including all directed health measures and guidelines, and all additional security policies or procedures established by the City of McCook relating to COVID-19.

Motion to adopt Resolution No. 2020-13 which establishes that there is a risk of exposure to COVID-19 through the use of McCook's Municipal Auditorium; requiring that any individual, organization or group using the Municipal Auditorium to execute and enter into the COVID- 19: Addendum to Municipal Auditorium Rental Contract; and mandating all Municipal Auditorium users comply with all federal, state, and local laws, including all directed health measures and guidelines, and all additional security policies or procedures established by the City of McCook relating to COVID-19. This motion, made by Muehlenkamp and seconded by Weedin, passed. Gonzales: YEA, Hepp: ABSENT, Calvin: ABSENT, Weedin: YEA, Muehlenkamp: YEA. YEA: 3, NAY: 0, ABSENT: 2

1.C. Adopt Resolution No. 2020-14 which establishes that there is a risk of exposure to COVID-19 through the use of McCook Heritage Senior Center; requiring that any individual, organization or group using the Heritage Senior Center to execute and enter into the COVID-19: Addendum to Heritage Senior Center Rental Contract; and mandating all McCook Heritage Senior Center users comply with all federal, state, and local laws, including all directed health measures and guidelines, and all additional security policies or procedures established by the City of McCook relating to COVID-19.

Motion to adopt Resolution No. 2020-14 which establishes that there is a risk of exposure to COVID-19 through the use of McCook Heritage Senior Center; requiring that any individual, organization or group using the Heritage Senior Center to execute and enter into the COVID- 19: Addendum to Heritage Senior Center Rental Contract; and mandating all McCook Heritage Senior Center users comply with all federal, state, and local laws, including all directed health measures and guidelines, and all additional security policies or procedures established by the City of McCook relating to COVID-19. This motion, made by Weedin and seconded by Muehlenkamp, passed. Gonzales: YEA, Hepp: ABSENT, Calvin: ABSENT, Weedin: YEA, Muehlenkamp: YEA. YEA: 3, NAY: 0, ABSENT: 2

**Adjournment.**

There being no further business to come before the Council, Mayor Gonzales declared the meeting adjourned at 10:20 A.M.

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Michael D. Gonzales, Mayor

ATTEST:

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Lea Ann Doak, City Clerk-Treasurer

**CITY MANAGER'S REPORT  
JULY 6, 2020 CITY COUNCIL MEETING**

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**ITEM:**        3.B.

Approve the application for a Special Designated Liquor License submitted by Loop Brewing Company LLC, Liquor License #LK-093351, for a wedding reception to be held at the McCook Municipal Auditorium, 302 West 5<sup>th</sup> Street, on August 8, 2020 from 4:00 P.M. to 12:00 A.M.; and shall be subject to comply with any Directed Health Measures in effect at the time of the event.

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**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. Approval of this request is also approving consumption of alcohol in the auditorium.

**FISCAL  
IMPACT:**     None.

**APPROVALS:**

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

June 30, 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, 69001

Retail Liquor License Address or Non-Profit Business Address

LK- ~~715880~~ 93351

Retail License Number or Non-Profit Federal ID #

Consecutive Dates only

Event Date(s): 8-8-2020

Event Start Time(s): 4pm

Event End Time(s): 12am

Alternate Date: \_\_\_\_\_

Alternate Location Building & Address: \_\_\_\_\_

Event Building Name: McCook City Auditorium

Event Street Address/City: 302 West 5th McCook Ne, 69001

Indoor area to be licensed in length & width: 100 x 75

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

Type of Event: Wedding Reception 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: Adam Sigfried Event Contact Phone Number: 308-340-2400

Event Contact Email: Coppermillrestaurantllc@yahoo.com

\*Signature Authorized Representative: [Signature] Printed Name Adam 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  
JULY 6, 2020 CITY COUNCIL MEETING**

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**ITEM:**        3.C.

Approve the application for a Special Designated Liquor License submitted by Citta´ Deli, LLC, Liquor License #C-121305, for the Pro/Am Golf Banquet to be held at the Citta´ Deli parking lot, 110 West 1<sup>st</sup> Street, on August 22, 2020 from 2:00 P.M. to 11:59 P.M.; and shall be subject to comply with any Directed Health Measures in effect at the time of the event.

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**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

June 30, 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 Event Date(s): 8-22-20

Event Start Time(s): 2pm

Event End Time(s): 11:59pm

Alternate Date: N/A

Alternate Location Building & Address:

Event Building Name: Citta' Deli' Parking Lot

Event Street Address/City: 110 West 1st Street, McCook, NE 69001

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: Pro/Am Golf Banquet Estimate # of attendees: 125

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: billlesko1@gmail.com

\*Signature Authorized Representative  Printed Name William P Lesko

*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

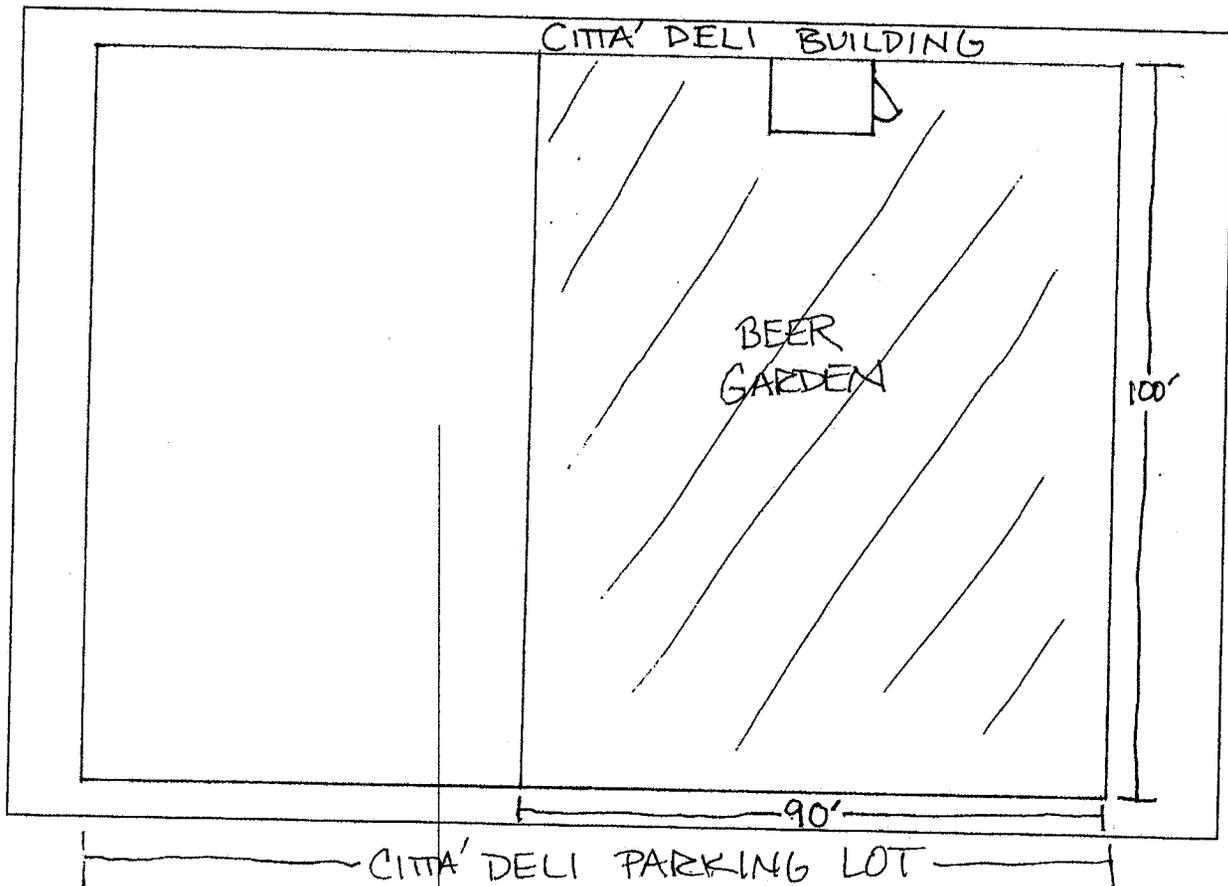
Date

# 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 Golf Pro/Am Banquet (8-22-20)**

### **Event Details**

Banquet to take place during the evening post tournament 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 staff who will be inside and outside.

**CITY MANAGER'S REPORT  
JULY 6, 2020 CITY COUNCIL MEETING**

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**ITEM:**        3.D.

Approve the application for a Special Designated Liquor License submitted by Citta´ Deli, LLC, Liquor License #C-121305, for the Heritage Days Beer Garden event to be held at the Citta´ Deli. parking lot, 110 West 1<sup>st</sup> Street, on September 26, 2020 from 2:00 P.M. to 11:59 P.M.; and shall be subject to comply with any Directed Health Measures in effect at the time of the event.

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**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

June 30, 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 9-26-20  
Event Date(s):

Event Start Time(s): 2pm

Event End Time(s): 11:59pm

Alternate Date: N/A

Alternate Location Building & Address:

Event Building Name: Citta' Deli' Parking Lot

Event Street Address/City: 110 West 1st Street, McCook, NE 69001

Indoor area to be licensed in length & width: \_\_\_ X \_\_\_

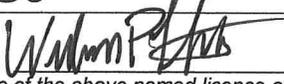
Outdoor area to be licensed in length & width: 150 X 100 (Diagram Form #109 must be attached)

Type of Event: \_\_\_\_\_ Estimate # of attendees: 125

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: billlesko1@gmail.com

\*Signature Authorized Representative:  Printed Name William P Lesko

*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

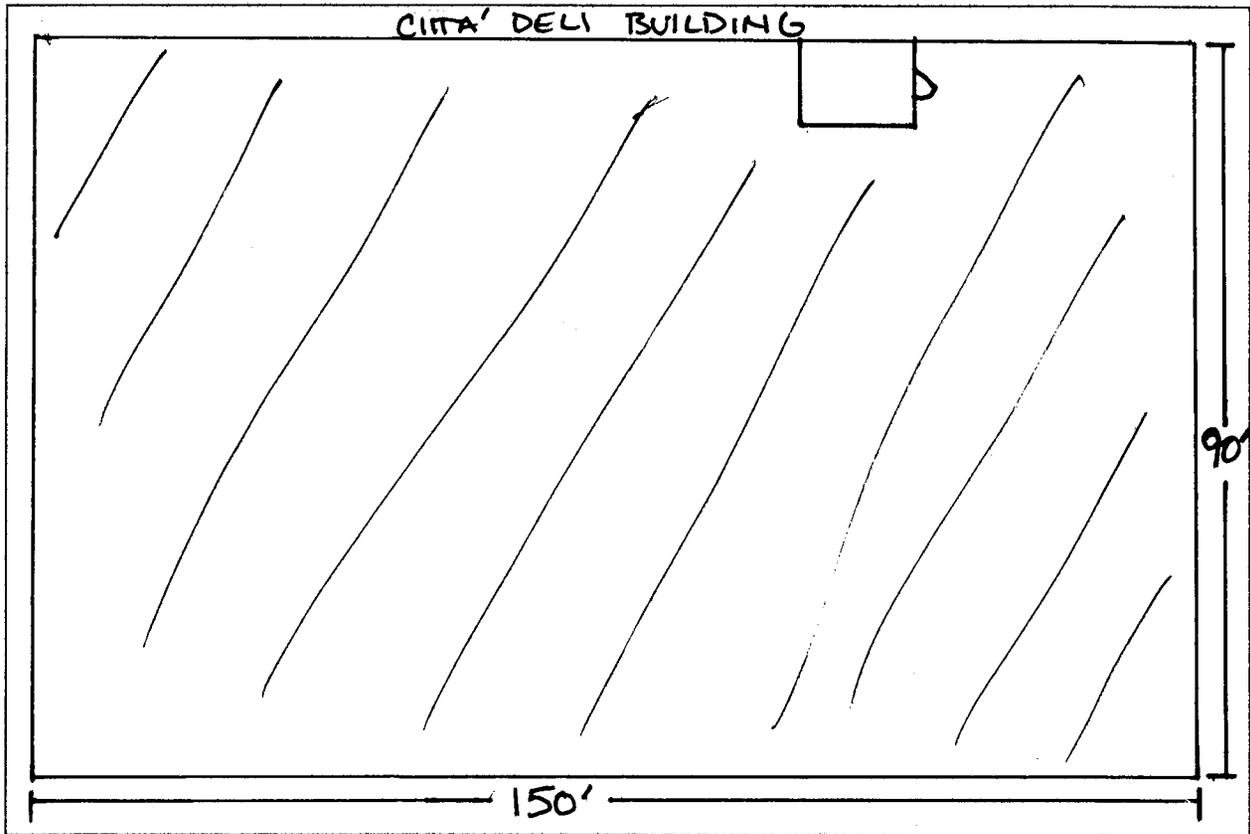
Date

# 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:



## **Heritage Days Beer Garden (9-26-20)**

### **Event Details**

Beer Garden to take place during the evening Heritage Day Activities 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.

Security will consist of 12 Citta' Deli employees both inside and outside with Jade and Bill Lesko present during operation.

CITY MANAGER'S REPORT  
JULY 6, 2020 CITY COUNCIL MEETING

**ITEM: 3.E.**

**RECOMMENDATION:**

OFFER A CONTRACT TO MIDLANDS CONTRACTING, INC. WITH A BID OF \$209,250.00 AS THE LOWEST RESPONSIBLE BIDDER FOR WEST GOLF COURSE LIFT STATION RENOVATION AND AUTHORIZE THE MAYOR TO EXECUTE THE NECESSARY PAPERWORK TO AWARD THE CONTRACT.

**BACKGROUND:**

Bids were received and opened on June 24, 2020 in the City Council Chambers. There were five bidders who offered bids for the project. The results of the bids are detailed on the Engineer's recommendation letter provided in ATTACHMENT 1. A list of the contractors that advertisements were provided and the bid tabulation are also provided with ATTACHMENT 1.

The proposed project is for renovation of the existing West Golf Course Lift Station. This lift station was installed in 1973. The rehabilitation will utilize the existing "wet well" with the installation of a package submersible pump system, which will raise the electrical and other components above ground reducing the potential of flood damage to the equipment and also eliminates the confined space entry needed when doing maintenance or making repairs with the current below ground dry well. Maintenance and repairs with the new submersible pump system is done by lifting the pumps out of the wet well using a wench and completing the work above ground without entering the wet well. This is safer and allows for the old dry well installation to be completely decommissioned.

The project includes the replacement of approximately 100 lineal feet of 4-inch diameter force main from the lift station and to the east. Also included as a bid item was for the contractor to provide a spare pump and motor for the system. The bid price for this item was \$14,000, which can be removed by change order if budget requires.

The project has substantial completion date of December 4, 2020 and completed and ready for final payment on or before December 18, 2020.

**FISCAL IMPACT:**

This project is being funded through the City's capital improvements budget.

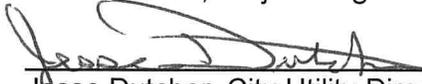
**RECOMMENDATION:**

OFFER A CONTRACT TO MIDLANDS CONTRACTING, INC. WITH A BID OF \$209,250.00 AS THE LOWEST RESPONSIBLE BIDDER FOR WEST GOLF COURSE LIFT STATION RENOVATION AND AUTHORIZE THE MAYOR TO EXECUTE THE NECESSARY PAPERWORK TO AWARD THE CONTRACT.

**APPROVALS:**

  
\_\_\_\_\_  
David K. Blau, Project Engineer

Date: 6/30/2020

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

Date: 6-30-2020

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

Date: 6/30/2020

June 30, 2020  
Kearney, Nebraska



109 East 2nd McCook, NE 69001-3719  
Tel: 308-345-3710  
Fax: 308-345-7370  
www.miller-engineers.com

City of McCook  
P.O. Box 1059  
505 West "C" Street  
McCook, NE 69001

Re: West Golf Course Lift Station Renovation  
Project No. 200-D1-027

Dear Council Members:

On June 24, 2020 at 2:00 PM, five (5) bids were received, publicly opened, and read aloud at the City Council Chambers. Attached is a bid tabulation sheet. The bids are summarized below:

<b>BIDDERS</b>		<b>TOTAL BID</b>
Midlands Contracting, Inc.	Kearney, NE	\$209,250.00
BSB Construction, Inc.	Cozad, NE	\$227,360.00
Industrial Process Technology	Mitchell, SD	\$245,600.00
Van Kirk Bros. Contracting	Sutton, NE	\$249,999.00
Myers Construction, Inc.	Broken Bow, NE	\$359,332.33

All proposals have been reviewed and no errors were noted. The Contractor's completion date for this contract is December 18, 2020.

The Engineer's Opinion of Probable Construction Cost was \$167,075.00. The low bid from Midlands Contracting, Inc. is 25% above the Engineer's Opinion of Probable Construction Cost. Advertisements for Bids were transmitted to the attached list of Contractors and suppliers in the area. Plan houses were also sent full sets of documents for their publication/advertising. If your budget allows, it is recommended the bids be accepted and the contract awarded to Midlands Contracting Inc. in the amount of \$209,250 and authorization given to your authorized representative to execute agreements.

Respectfully submitted,  
MILLER & ASSOCIATES  
CONSULTING ENGINEERS, P.C.



David K. Blau, P.E.

DKB/jh

Enclosures

Date Opened: June 24, 2020 at 2:00 PM (Local Time)				1 Midlands Contracting, Inc. Kearney, NE		2 BSB Construction, Inc. Curtis, NE		3 Industrial Process Technology, Inc Mitchell, SD		4 Van Kirk Bros. Contracting Sutton, NE		5 Myers Construction, Inc. Broken Bow, NE	
Project Name: West Golf Course Lift Station Renovation				Total Bid \$209,250.00		Total Bid \$227,360.00		Total Bid \$245,600.00		Total Bid \$249,999.00		Total Bid \$359,332.33	
Project Location: McCook, NE				1		1		1		1		1	
Project Number: 200-D1-027				5% Bid Bond		5% Bid Bond		5% Bid Bond		5% Bid Bond		5% Bid Bond	
Addendums Issued/Acknowledged:				5% Bid Bond		5% Bid Bond		5% Bid Bond		5% Bid Bond		5% Bid Bond	
Bid Guarantee (type and amount)				5% Bid Bond		5% Bid Bond		5% Bid Bond		5% Bid Bond		5% Bid Bond	
No.	Description	Qty.	Unit	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
1	Mobilization	1	L.S.		\$8,500.00		\$9,800.00		\$13,500.00		\$8,749.00		\$30,000.00
2	Furnish & Install New Package Fiberglass Above Grade Valve Vault with pumps, motors, guide rails system, concrete work, site work, fill, surface restoration, erosion control etc. for fully operational Lift Station per the Drawings and Specifications, complete in place	1	L.S.		\$148,000.00		\$160,000.00		\$166,500.00		\$188,000.00		\$271,622.85
3	Furnish & Install 4" Force Main Connection, complete in place	1	Each	\$4,400.00	\$4,400.00	\$625.00	\$625.00	\$1,200.00	\$1,200.00	\$600.00	\$600.00	\$810.00	\$810.00
4	Electrical & Control Modifications, complete in place	1	L.S.		\$6,500.00		\$10,200.00		\$5,000.00		\$7,200.00		\$11,706.00
5	Bypass Pumping & Temporary Piping for Construction	1	L.S.		\$6,100.00		\$10,750.00		\$11,600.00		\$13,000.00		\$7,000.00
6	Spare Pump & Motor	1	Each	\$14,000.00	\$14,000.00	\$16,550.00	\$16,550.00	\$17,900.00	\$17,900.00	\$15,800.00	\$15,800.00	\$15,183.30	\$15,183.30
7	Demolition, Removal of Piping/Equipment & Abandonment of Existing Lift Station per the Drawings & Specifications, complete in place	1	L.S.		\$12,000.00		\$9,250.00		\$15,400.00		\$7,150.00		\$9,500.00
8	Construction Staking	1	L.S.		\$500.00		\$550.00		\$500.00		\$650.00		\$1,500.00
9	Materials Testing	1	L.S.		\$450.00		\$450.00		\$600.00		\$250.00		\$1,500.00
10	Furnish & Install 4" C900 DR18 Force Main, complete in place	100	L.F.	\$20.00	\$2,000.00	\$44.60	\$4,460.00	\$62.00	\$6,200.00	\$26.00	\$2,600.00	\$50.00	\$5,000.00
11	Furnish & Install Force Main Cleanout, complete in place	1	Each	\$3,800.00	\$3,800.00	\$2,875.00	\$2,875.00	\$4,200.00	\$4,200.00	\$2,500.00	\$2,500.00	\$4,010.18	\$4,010.18
12	Remove & Reuse Fencing	1	L.S.		\$3,000.00		\$1,850.00		\$3,000.00		\$3,500.00		\$1,500.00
<b>TOTAL BID</b>					<b>\$209,250.00</b>		<b>\$227,360.00</b>		<b>\$245,600.00</b>		<b>\$249,999.00</b>		<b>\$359,332.33</b>

<b>ADVERTISEMENTS FOR BIDS</b>	
<b>Project No.</b>	200-D1-027-20
<b>Project Name:</b>	WEST GOLF COURSE LIFT STATION RENOVATION, McCOOK
<b>Date Mailed:</b>	6-2-2020

**Builders Bureaus**

Lincoln Builders Bureau  
5910 South 58th Street, Suite C  
Lincoln, NE 68516

Omaha Builders Exchange  
4255 South 94th Street  
Omaha, NE 68127

**Contractors**

APAC-Kansas, Inc.  
820 Canterbury  
P.O. Box 190  
Hays, KS 67601

BSB Construction, Inc.  
209 East 2nd Street  
Curtis, NE 69025

Industrial Process Technology, Inc.  
718 South Montana  
P.O. Box 758  
Mitchell, SD 57301-0758

Interstate Irrigation, Inc.  
P.O. Box 147  
5643 East Highway 34  
Yuma, CO 80759

Judds Bros. Construction Co.  
P.O. Box 29229  
Lincoln, NE 68529

K2 Construction  
7701 Cornhusker Highway  
Lincoln, NE 68507

Kerns Excavating Co.  
2607 Smith Avenue  
Plattsmouth, NE 68048-2688

K.L. Wood & Co.  
1501 E. Kansas St.  
Alliance, NE 69301-4252

Midlands Contracting, Inc.  
P.O. Box 1065  
Kearney, NE 68848

Myers Construction, Inc.  
79849 Hwy. 2  
Broken Bow, NE 68822

Philip Carkoski Construction & Trenching,  
Inc.  
79628 Highway 58  
Loup City, NE 68853

TCL Civil Constructors  
P.O. Box 22485  
Denver, CO 80222

Thomas Construction, LLC  
1657 South Cotner Blvd.  
Lincoln, NE 68506

Tom's Backhoe Service Inc.  
323 Woodland Hills Ln SW  
Brainerd, MN 56401

Van Kirk Sand & Gravel, Inc.  
P.O. Box 585  
1200 West Ash  
Sutton, NE 68979

Walt Myers Construction  
80245 Rd 433  
Merna, NE 68856

Walters-Morgan Construction, Inc.  
2616 Tuttle Creek Blvd.  
Manhattan, KS 66502-4479

**CITY MANAGER'S REPORT**  
**JULY 6 2020 MCCOOK CITY COUNCIL MEETING**

---

ITEM **3.F.** Ratify actions taken with respect to the Nebraska Service Provider Addendum.

---

**BACKGROUND:**

The Nebraska Legislature has directed the Division of Medicaid and Long-Term Care (MLTC) to provide a 2% increase to provider rates for SFY 2021. Rate increases are effective July 1, 2020. For the City of McCook, this increase impacts our home delivered meals maximum rate allowed, changing the maximum rate to \$6.01.

A signed Addendum had to be executed and returned to the Nebraska Department of Health and Human Services prior to July 1, 2020. City Staff didn't receive the Addendum until this past week. Mayor Gonzales signed the Addendum and Staff forwarded the Addendum to the appropriate officials. The City Council needs to ratify the actions taken in order to validate the execution of the Addendum prior to Council action.

**APPROVALS:**

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

June 28, 2020

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

June 28, 2020

  
\_\_\_\_\_  
Beth Siegfried, Senior Services Director

June 28, 2020

Medicaid & Long-Term Care Use Only	
Medicaid ID #	
N-Focus ID #	

**Provider Identification**

Provider Name	Date of Birth	Social Security Number	FTIN
Heritage Senior Center			47-6006273

**General Provider Requirements**

By signing this addendum, the service provider agrees to the following:

1. Keep current any state or local license/certification required for service provision.
2. Not provide services if s/he is the legally responsible relative (i.e., spouse of client or parent of minor child who is a client).
3. Not engage in or have an ongoing history of criminal activity that may be harmful or may endanger individuals for whom s/he provides services. This may include a substantiated listing as a perpetrator on the child and/or adult central registries of abuse and neglect, and/or the sex offender registries and the U.S. Department of Health & Human Services Office of Inspector General's List of Excluded Individuals/Entities.
4. Allow Central Registry checks on himself/herself, family member if appropriate, or if an agency, agree to allow the Department staff to review agency policies regarding hiring and reporting to ensure that appropriate procedures regarding abuse, neglect, and law violations are in place.
5. Have the knowledge, experience, and/or skills necessary to perform the task(s).
6. Assure that the rate negotiated or charged does not exceed the amount charged to private payers.
7. Submit billing documents after service is provided, within 90 days for AD Waiver Services, and 6 months of service date for all other programs.
8. Bill only for services which are authorized and actually provided.
9. Respect every client's right to confidentiality and safeguard confidential information.
10. I am not currently employed with the State of Nebraska, and I understand that as a provider of this service I am ineligible for state employment, due to potential overtime liability.
11. I will not accept employment with the State of Nebraska unless I have first ended this provider agreement.

**Service Provision**

Service Code	Service	Maximum Rate	Frequency
9040	Home Delivered Meals	\$ 6.01	OC

The party requesting a change in the above terms must notify the other party at least thirty (30) days before the date the proposed change is to be implemented, except for rate changes due to minimum wage changes, rates regulated by governmental agencies, or other changes required by law.

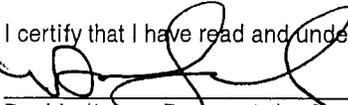
Attach documentation of basic or specialized status of Medicaid Personal Assistance Service Provider.

Comments

<b>Effective July 1, 2020</b>
-------------------------------

**Signatures and Dates**

I certify that I have read and understand the standards as stated and referenced above and agree to comply with all the terms of this Addendum.

  
Provider/Agency Representative Signature June 24, 2020  
Date

Signature of Authorized Representative - Nebraska Department of Health and Human Services Date

**CITY MANAGER'S REPORT**  
**JULY 6, 2020 MCCOOK CITY COUNCIL MEETING**

---

ITEM **3.G.** Appoint Mike Gonzales, Jerry Calvin, Isaac Brown, Mike Swain (former North Platte Police Chief), and Nate Schneider to the McCook Police Chief Selection Committee.

---

**BACKGROUND:**

On June 19, 2020, the time for submitting an application for the McCook Police Chief position closed. Testing will occur on July 11, 2020. Following the completion of testing, a list of all the eligible candidates will be created. A Police Chief Selection Committee needs to be established to interview the eligible candidates and assist with the selection process. Staff recommends a Committee of five individuals in order to assure there are no ties.

With respect to Committee members, Staff recommends the following individuals to sit on the Committee: Mike Gonzales, Jerry Calvin, Isaac Brown, Mike Swain (former North Platte Police Chief), and Nate Schneider.

**RECOMMENDATIONS:**

ITEM \_\_\_\_ Appoint Mike Gonzales, Jerry Calvin, Isaac Brown, Mike Swain (former North Platte Police Chief), and Nate Schneider to the McCook Police Chief Selection Committee.

**APPROVALS:**



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

June 28, 2020



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

June 28, 2020

**CITY MANAGER'S REPORT  
JULY 6, 2020 MCCOOK CITY COUNCIL MEETING**

**ITEM NO. 3.H.** Approve a grant of license between the City of McCook and David and Carrie Junker, residing at 1103 Country Club Drive, to occupy city right of way adjacent to 1103 Country Club Drive, which would allow for a portion of a carport to be located on city right of way.

---

**BACKGROUND:**

A variance application was submitted by David and Carrie Junker to the McCook Board of Zoning Adjustment requesting the front yard setback for the property located at 1103 Country Club Drive to be reduced from 20 feet to 0 feet. The reason for the application was to waive the standard front yard setback requirements for properties located in the RM District in order to build a carport 24 feet off of the property's garage, which would place the carport 13 feet past the closest property pin. The Board of Zoning Adjustment unanimously approved the application with respect to the front yard setback variance, finding the property unique due to a number of factors. The City Manager's Report from the June 22, 2020 Board of Zoning Adjustment meeting is included with this report to provide context.

The granting of the variance does not resolve David and Carrie Junker's request in full. As mentioned, a 24 foot carport would extend into the City's right of way by 13 feet. The standard rule is that the City doesn't allow property owners to extend improvements into the City's right of way. The reason for the rule is that there are times the right of way may be used for public/private infrastructure purposes (ie. street expansion, water and sewer lines, natural gas lines, etc.) and the City doesn't want to inhibit the ability to improve necessary infrastructure due to a private property owner's personal property. That said, there have been times when the City Council has approved a grant of license with property owners allowing the private owner to occupy City right of way when the grant was appropriate and would have limited to no impact on the City's right of way. When making this consideration, the City Council must determine there are no safety concerns as a result of the private property owner's use of the right of way. Further, the Council must determine there are no concerns with impeding the service provided by entities (public or private) that are currently occupying the City's right of way. Additionally, as a condition of the grant of license, the property owners would have to agree that if the City determined the property owner's use must be discontinued, whether temporarily or permanently, the property owner would voluntarily remove their physical property that extends beyond the property line at their own cost.

Staff has reviewed the lot at 1103 Country Club Drive. There are sewer and gas lines that extend throughout the right of way, adjacent to the property owner's lot. However, neither the sewer line nor the gas line would be impacted by the building of a carport. Both lines are located far enough away from the end of the proposed carport to alleviate a conflict between the carport and utilities. Staff has also reviewed the property to determine whether a carport would create a safety concern. Based on the location of the street relative to the property, Staff has no safety concerns that would prohibit a grant of license. As such, Staff is comfortable recommending the approval of a grant of license for the property located at 1103 Country Club Drive.

At the time of this report, the property owners were in the process of completing a site survey and locates in order for Staff to draft a license. If the request is approved by Council, a formal grant of license will be entered into by the City of McCook and David and Carrie Junker based on the findings of the survey and locates.

**FISCAL IMPACT:**

None.

**RECOMMENDATION:**

ITEM NO. \_\_ Approve a grant of license between the City of McCook and David and Carrie Junker, residing at 1103 Country Club Drive, to occupy city right of way adjacent to 1103 Country Club Drive, which would allow for a portion of a carport to be located on city right of way.

**APPROVALS:**



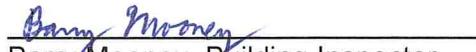
Nathan A. Schneider, City Manager

June 28, 2020



Lea Ann Doak, City Clerk

June 28, 2020



Barry Mooney, Building Inspector

June 28, 2020

After Recording Return to:

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

**GRANT OF LICENSE**

This Agreement is made and entered into this 6<sup>th</sup> day of July, 2020, by and between the City of McCook, Nebraska, hereinafter referred to as the Licensor, and David A. And Carrie L. Junker, husband and wife, hereinafter referred to as the Licensee.

Licensor hereby grants to Licensee the revocable right, privilege, and permission to use the following described real property for construction of a carport encroaching on the City's right of way described as:

A tract of land located within the right-of-way of County Club Drive, more particularly described as follows:

Beginning at the NW corner of Lot 18, Block 1, County Club Addition to the City of McCook, Red Willow County, Nebraska;  
Thence southwesterly a distance of 2.0 feet to a point;  
These southeasterly parallel to the West line of said Lot 18, a distance of 40.0 feet to a point;  
These northeasterly to the West line of said Lot 18, a distance of 2.0 feet to a point;  
These northwesterly along the West line of said Lot 18, a distance of 40.00 feet to the point of beginning.

Said tract containing 40.0 square feet more or less.

This License is granted and restricted to the above described improvements situated on the subject real property and is further restricted to repairing said structures only and does not extend to any material improvement or modification of the structure or replacement thereof.

The term of the License shall be the life of the existing structure with the restrictions set forth herein.

CITY OF MCCOOK, NEBRASKA

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

ATTEST:

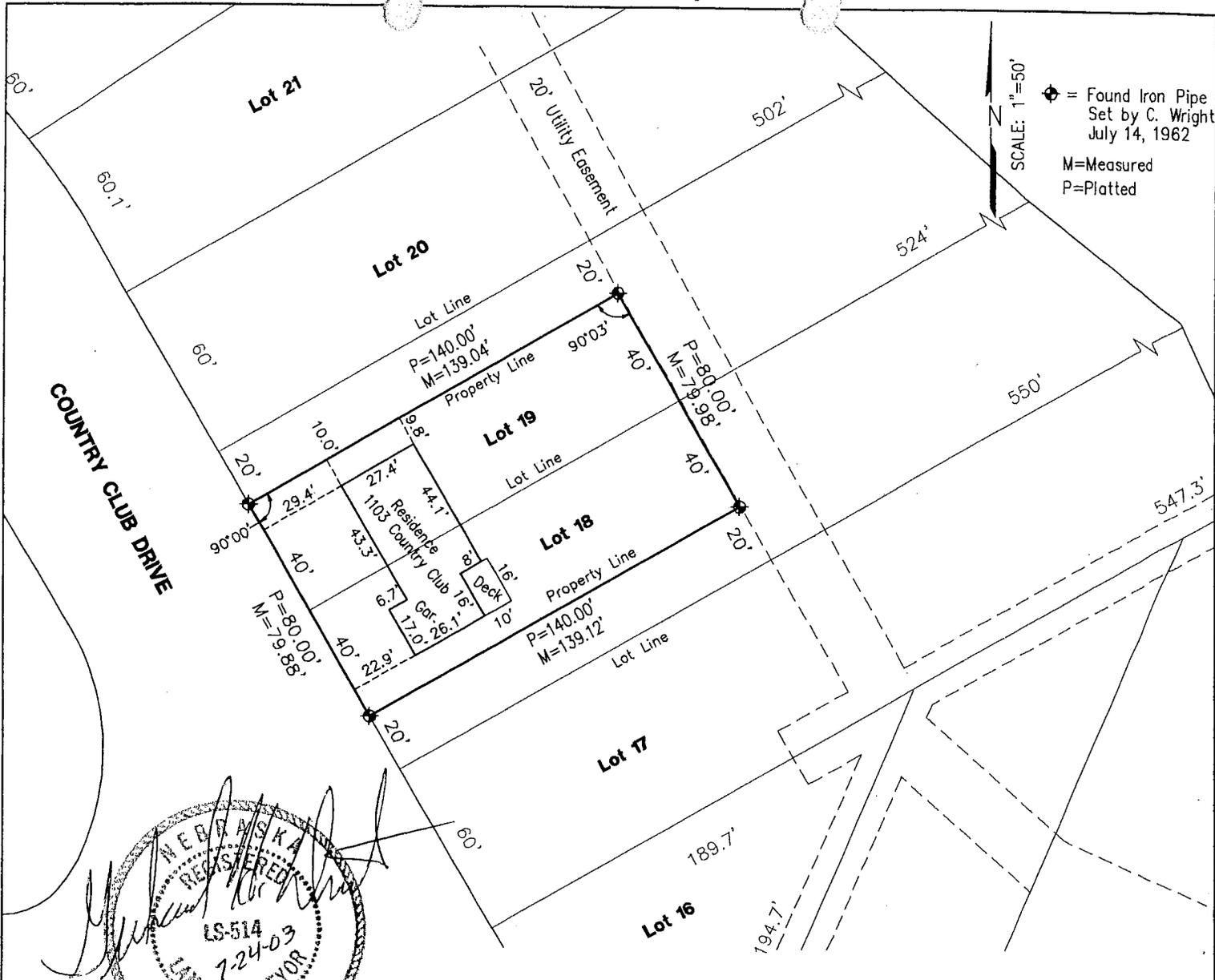
\_\_\_\_\_  
Lea Ann Doak, City Clerk

**Acknowledgement**

State of Nebraska        )  
                                  ) s.s.  
County of Red Willow    )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2020 by Michael D. Gonzales, Mayor of the City of McCook and Lea Ann Doak, Clerk of the City of McCook, Nebraska.

\_\_\_\_\_  
Notary Public



**PLAT OF SURVEY**

&

**IMPROVEMENT LOCATION REPORT**

**N 40' of the W 140' of Lot 18 & S 40' of the W 140' of Lot 19  
Block 1, Country Club Addition to the City of McCook, NE**

I hereby state that the above Plat of Survey and Improvement Location Report is a true and correct delineation, to the best of my knowledge, of a field survey conducted under my supervision of the north 40 feet of the west 140 feet of Lot 18 and the south 40 feet of the west 140 feet of Lot 19, Block 1, Country Club Addition to the City of McCook, Nebraska.

Gerhard H. Dicenta  
Registered Land Surveyor, LS-514

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

**Book:** McCook Loan #18

**Date:** July, 2003

N40'-W140' L18, S40'-W140' L19

Country Club Add., City of McCook

MILLER & ASSOCIATES  
CONSULTING ENGINEERS, P.C.  
109 E. 2<sup>nd</sup> STREET  
McCOOK, NE 69001  
PHONE: 308-345-3710

INVOICE NO. MC 20 - 0071

June 25, 2020

M&A Project No. 200-LS-538-20

David Junker  
1103 Country Club Dr  
McCook, NE 69001

Surveying Services

*Professional Services Rendered as Follows:*

---

Retainer	\$ 250.00
----------	-----------

*This invoice is for your records only.  
Retainer was paid with Check No. 365 dated June 24, 2020.*

Existing  
House

Existing  
Attached  
Garage

(A)

Blue existing driveway → 19 feet wide  
yellow addition to driveway 5 feet wide

(A) distance from house to property line approximately 12.5 feet

(B) distance from carport to property line approximately 9.5 feet

(C) distance from front of carport to curb approximately 17 feet.

proposed  
open sided  
carport

(B)

(C)

Curb

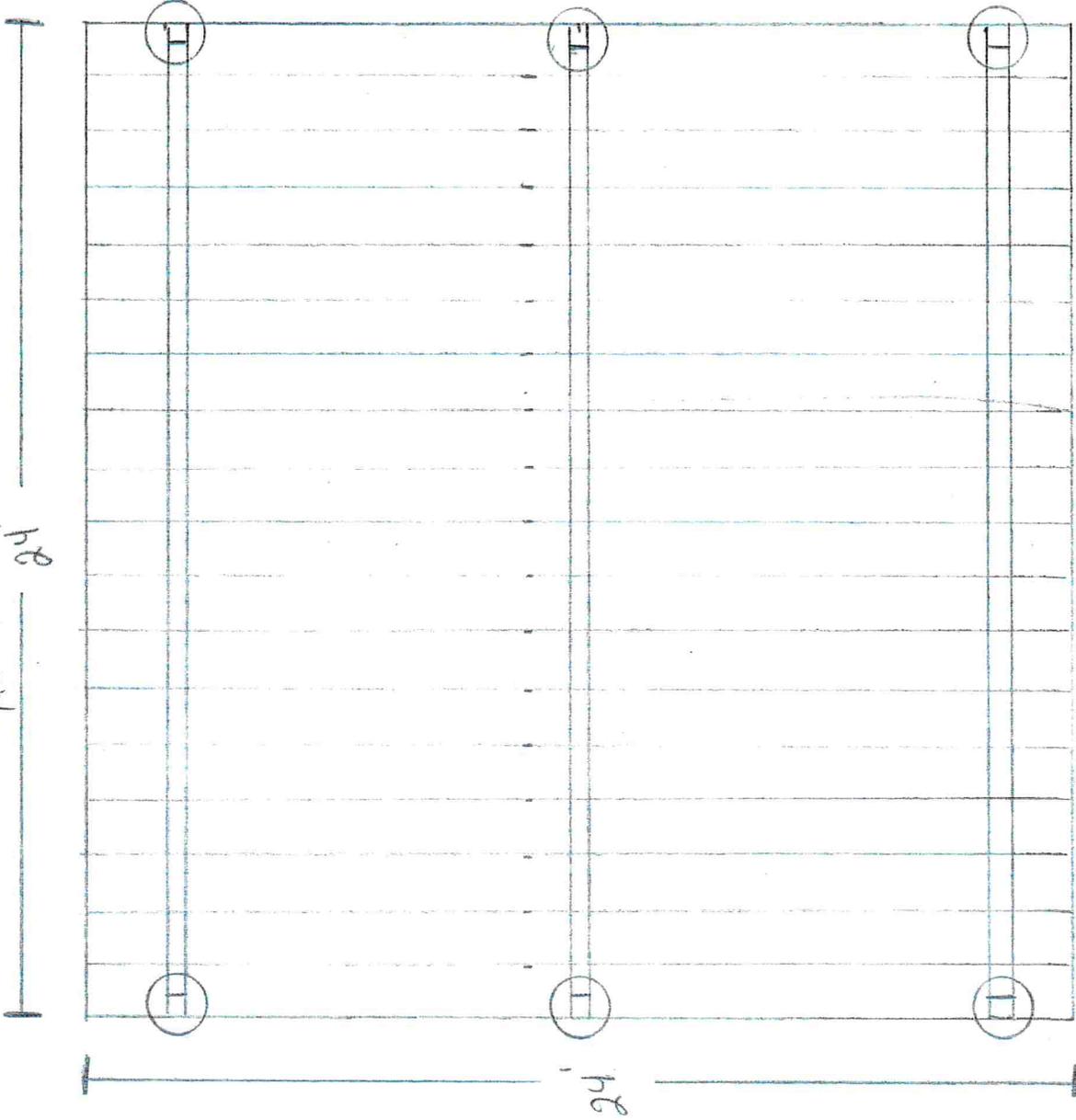
Street

South  
Slope

Existing House  
East

West  
Street

North



**CITY MANAGER'S REPORT**  
**JUNE 22, 2020 BOARD OF ZONING ADJUSTMENT MEETING**

---

- Item A Public Hearing - request for a variance of the front yard setback requirements in a Residential Medium Density (RM) District (1103 Country Club Drive, McCook, NE), from 20'0" to 0'0"; applicant: David and Carrie Junker.
- Item B Consider request for a variance of the front yard setback requirements from 20'0" to 0'0" in a Residential Medium Density (RM) District; applicant: David and Carrie Junker - 1103 Country Club Drive, McCook, NE; and that the applicants have satisfactorily demonstrated that the variance criteria have been met.

---

**BACKGROUND:**

A variance application has been submitted by David and Carrie Junker. The applicants request a variance of the front yard setback requirement from 20 feet to 0 feet. David and Carrie Junker would like to build a carport 24 feet off of their garage, which would be 13 feet past the closest property pin. The Board of Zoning Adjustment doesn't have the power to issue an encroachment permit to allow a carport to extend past the property line, but it does have original jurisdiction over front yard setback variance requests. The reason for the 0 foot variance request is explained below.

The lot has a number of odd characteristics which makes the property a viable candidate for a variance. The house sits extremely close to the front property line. If you compare Mr. and Mrs. Junker's house to their neighbors' houses, the pronounced frontal location of their residence is extremely noticeable. As for the layout of the house on its lot, while the lot itself is normal in length, there is a sharp elevation change that would have made it difficult to build a house further to the east at the time of construction. This elevation change more than likely forced the house to be built closer to the property line. Another abnormality is that the house doesn't run parallel to the property line. The residence is significantly closer to the southernmost property pin. The house is adjacent to the intersection of East K Street and Country Club Drive. The intersection of these two streets creates an unusual property line angle for the properties located east of the intersection due to the curve of Country Club Drive relative to the easternmost homes. As a result of the odd street layout and the lack of a parallel property line, it is difficult to establish a standardized variance distance for the applicants' request. This is the reason Staff listed the request as a 0 foot variance. On both sides of the driveway, the end of the carport would extend beyond the property line and an encroachment permit would have to be issued by the City Council. The drawing attached to the application and the GIS aerial map provide a good approximation of the location of the property line relative to Mr. and Mrs. Junker's house. Lastly, the property doesn't have rear street access. If the property could be accessed from the back, there would be plenty of room for a garage or carport. However, there are no streets or alleys adjacent to the back side of the house.

City Staff reviewed the request relative to the City's variance criteria. The primary concern during the review was to determine whether the request

**EXHIBIT #1**

**PAGE(S) - 2**

could be granted without substantial detriment to the public good. Staff believes relief can be granted without sacrificing safety. Mr. and Mrs. Junker's house has no other intersections near it other than the East K Street and Country Club Drive intersection. There are no site triangle concerns nor are there any site impediments attributable to the street or neighboring properties. The neighbors on both sides of Mr. and Mrs. Junker's house have signed the certification form stating they don't have any objection or reservations about the granting of the variance requested.

If the Board of Zoning Adjustment grants the requested variance, the City Council will still have to issue an encroachment permit. The encroachment permit will have to be more particular than the variance permit in order to assure the correct encroachment distances are recorded.

**RECOMMENDATION:**

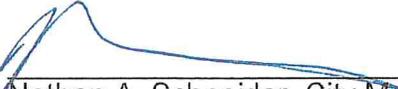
Item A Public Hearing - request for a variance of the front yard setback requirements in a Residential Medium Density (RM) District (1103 Country Club Drive, McCook, NE), from 20'0" to 0'0"; applicant: David and Carrie Junker.

Item B Consider request for a variance of the front yard setback requirements in a Residential Medium Density (RM) District (1103 Country Club Drive, McCook, NE), from 20'0" to 0'0" applicant: David and Carrie Junker.

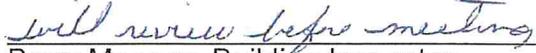
**APPROVALS:**

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

June 17, 2020

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

June 17, 2020

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

June 16, 2020

**NOTICE OF HEARING**

**REQUEST FOR  
VARIANCE**

NOTICE IS HEREBY GIVEN that a public hearing will be held on a request for a variance of the front yard setback requirement from 20'0" to 0'0" in a Residential Medium Density (RM) District.

**LEGAL:** The North 40' of the West 140' Lot Eighteen (18) and the South 40' of the West 140' of Lot Nineteen (19), Block One (1), Country Club Addition to the City of McCook, all in Red Willow County, Nebraska.

**APPLICANT:** David and Carrie Junker

**ADDRESS:** 1103 County Club Drive, McCook

A Public Hearing will be held on the Date, Time, and at the Place listed below:

June 22, 2020 - 5:30 P.M.  
Board of Zoning Adjustment  
City Council Chambers  
505 West "C" Street

ANY AND ALL PERSONS desiring to comment on the above-described request will be given an opportunity to be heard. Please direct all inquiries to Nate Schneider, McCook City Manager at 308-345-2022 ext. 225.

-s- Lea Ann Doak  
City Clerk

Publish: June 12, 2020.

**EXHIBIT #2**

**PAGE(S) - 1**

## VARIANCE APPLICATION

APPLICATION NO. \_\_\_\_\_ DATE: \_\_\_\_\_

FEE ATTACHED: \_\_\_\_\_

APPLICATION COMPLETE: \_\_\_\_\_ SIGNED: \_\_\_\_\_

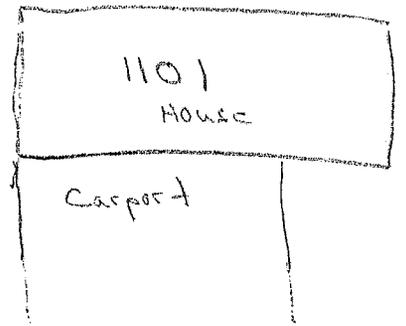
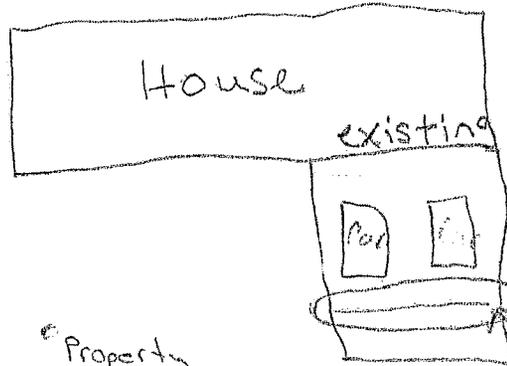
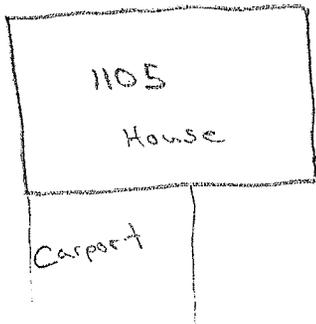
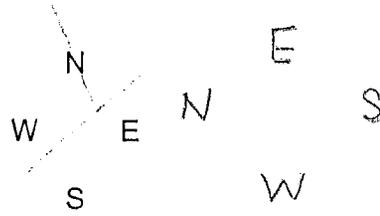
Applicant

1. Applicant's Name: David and Carrie Junker
2. Applicant's Address: 1103 Country Club Dr. Phone: 308-350-0862  
Email Address: \_\_\_\_\_
3. Address of Property Affected: 1103 Country Club Drive
4. Legal Description of Property: The North 40 feet of the West 140 feet of Lot 18 & the South 40 feet of the West 140 feet of Lot 19, Block 1, Country Club Addition to the City of McCook
5. Zoning Residential Medium Corner Lot? Yes \_\_\_\_\_ No X
6. Applicant's interest in the Property (i.e. owner, tenant), attached proof of ownership:  
Owner
7. Description of variance requested: (Example: Variance of side lot set back requirement from 5 feet to 3 feet). Variance of front lot
8. Sections of Zoning Ordinance No. 2016-2929 which are affected (to be completed by staff)  
ARTICLE: \_\_\_\_\_  
SECTION: \_\_\_\_\_

EXHIBIT #3

PAGE(S) - 5

9. Draw the general area of your property and structure (existing and proposed) and adjacent properties and structures. (Not to scale).



Property Line → 11 feet from garage

Property Line

Street

The Applicant must provide proof that the following criteria are met regarding the parcel of property for which the variance is being requested:

1. Referring to the specific parcel of property,
  - a) the parcel of property is exceptionally narrow;
  - b) the parcel of property is exceptionally shallow; or
  - c) the shape of the parcel of property is exceptional.

OR

  - d) the parcel of property has exceptional topographic conditions; or
  - e) the parcel of property has other exceptional or extraordinary conditions.
2. Strict application of the zoning ordinance would result in:
  - a. peculiar and exceptional practicable difficulties to the owner; OR
  - b. exceptional and undue hardships on the owner of such property.
3. Such relief may be granted without:
  - a. substantial detriment to the public good; AND
  - b. without substantially impairing the intent and purpose of the ordinance.
4. No variance shall be authorized unless the Board finds:
  - a. strict application of the zoning ordinance would produce undue hardship;
  - b. such hardship is not shared generally by other properties in the same zoning district and the same vicinity;
  - c. authorization of such variance will not be a substantial detriment to adjacent property and the character of the district will not be changed by granting the variance;
  - d. granting the variance is based upon reason of demonstrable and exceptional hardship as distinguished from variation for purposes of convenience, profit, or caprice.
5. No variance shall be authorized if request is:
  - a. of a general and recurring nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the zoning regulations.

Please provide documentation of the above, such as maps, photographs, or other evidence to substantiate your application.

THE BOARD MUST FIND THAT ALL OF THE ABOVE REQUIREMENTS ARE MET BY THE APPLICANT BY A CONCURRING VOTE OF FOUR MEMBERS OF THE BOARD.

## APPLICANT DECLARATIONS

1. The following special conditions or circumstances exist on the land which pose an undue hardship on the applicant: (Describe conditions and circumstances.)

Our house sits significantly closer to the street than others in our neighborhood.  
We don't have access to an alley. Cannot build to suit on either side of the house.

2. Please state the minimum variance necessary to permit the proposed construction

We would like to build a carport 24 feet off of our garage, which would be 13 feet past the closest property pin.

3. Without the granting of this variance the applicant would suffer a hardship not suffered by other properties located in the same zoning district and same vicinity.

Yes  No

4. The granting of the variance will not adversely affect the rights of the adjacent property owners or residents nor will it confer upon the applicant any special privilege denied by the Zoning Ordinance.  Yes  No

(Attach approval certifications from adjacent property owners.)

5. The variance will not adversely affect the public health, safety, morals, order, convenience or welfare.  Yes  No

**ADJACENT PROPERTY OWNER CERTIFICATION**

I, Paul Baumfalk, own the property adjacent to that for which this variance is requested. I hereby certify that I do not have any objection to or reservations about the granting of the variance requested.

SIGNED: Paul Baumfalk

ADDRESS: 1101 country club Dr

---

**ADJACENT PROPERTY OWNER CERTIFICATION**

I, THOMAS F. BROZ, own the property adjacent to that for which this variance is requested. I hereby certify that I do not have any objection to or reservations about the granting of the variance requested.

SIGNED: Thomas F. Broz

ADDRESS: 1105 Country club Dr

---

**ADJACENT PROPERTY OWNER CERTIFICATION**

I, \_\_\_\_\_, own the property adjacent to that for which this variance is requested. I hereby certify that I do not have any objection to or reservations about the granting of the variance requested.

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

ADDRESS: \_\_\_\_\_

---



May 18, 2020  
11:35 AM

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.

1:1,128

-  City Limits
-  Parcels

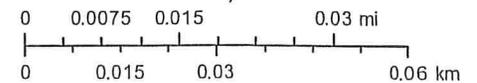


EXHIBIT #4

PAGE(S) - 1

**CITY MANAGER'S REPORT  
JULY 6, 2020 CITY COUNCIL MEETING**

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**ITEM:**        3.I.

**RECOMMENDATION:**

Ratify the Mayor's appointments to the:

- Airport Advisory Commission - reappoint Dick Trail and Jeff Williams - terms expire November 2022;
- Economic Development Plan Citizen's Advisory Review committee - reappoint Leon Kuhlen and Danielle Johnson - terms expire July 2022 and Jordan Johnson - term expires July 2023;
- Economic Development Plan Loan Committee - reappoint Kent Crow and Doug Skiles - terms expired March 2022;
- Library Advisory Board - reappoint Staci Blomstedt - term expires June 2023 and Sharon Bohling - term expires June 2024;
- Parks Advisory Board - reappoint Mark Friehe - term expires May 2023;
- Planning Commission - reappoint Camy Bradley and Tammie Hilker - terms expire September 2022;
- Senior Citizens Advisory Board - reappoint Robert Patenburg and Sharon Parde - terms expire September 2022;
- Tree Advisory Board - reappoint Leigh Farrell - term expires April 2025

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**BACKGROUND:**

The Mayor has contacted all appointees and they are willing to serve on the various boards.

**FISCAL  
IMPACT:**        None.

**APPROVALS:**

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

July 1, 2020

## AIRPORT ADVISORY COMMISSION

DAVID PFEFFER  
902 Airport Road - PO Box 274  
Appointed April 2016 (Replaced Doug Vap)  
Reappointed - September 2017  
Term Expires - November 2020  
[d.pfeffer7829@gmail.com](mailto:d.pfeffer7829@gmail.com)

345-5547 (H)  
340-7829 (C)

TREVOR TAYLOR  
904 W. 4<sup>th</sup> Street  
Appointed - August 2013 (Replaced Ken Allen)  
Reappointed - October 2017  
Term Expires - November 2020  
[tmtaylor98@gmail.com](mailto:tmtaylor98@gmail.com)

340-0131 (C)

GRIFF MALLECK  
Red Willow Aviation (FBO)  
PO Box 444  
Reappointed - November 2017  
Term Expires - November 2020  
[tstewart@mccook.net](mailto:tstewart@mccook.net)

345-3635 (O)  
345-3207 (H)  
345-3689 (F)  
340-1294 (C)

DICK TRAIL\*  
201 West "M" Street  
Appointed - September 2013 (Replaced Wally Hampton)  
Reappointed May 2017  
Term Expires - November 2022  
[dickt@swnebr.net](mailto:dickt@swnebr.net)

345-5181 (H)  
340-7689 (C)

JEFF WILLIAMS  
J & S Aviation  
PO Box 552  
McCook, NE 69001  
Appointed - June 2019 (Replaced Richard Stull)  
Reappointed - July 2020  
Term Expires - November 2022  
[jeff@jandsaviation.com](mailto:jeff@jandsaviation.com)

785-475-4797 Cell  
308-345-2886 Work

DOUG SKILES  
PO Box 36  
Appointed - November 2005  
Reappointed - December 2018  
Term Expires - November 2021  
[dskiles@slbwcpa.com](mailto:dskiles@slbwcpa.com)

345-5100 (O)  
345-2342 (H)  
345-2943 (F)

MIKE KUGLER  
#13 Sandpiper  
Reappointed - December 2018  
Term Expires - November 2021  
[mkugler@kuglercompany.com](mailto:mkugler@kuglercompany.com)

345-2280 (O)  
345-7006 (H)  
345-7756 (F)

\*Denotes Chairperson

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

SEAN WOLFE  
424 Seminole Drive  
[swolfe@chmccook.org](mailto:swolfe@chmccook.org) 344-8306 (W)  
Appointed - October 2018 (Replaced Troy Bruntz)  
Term Expires - July 2021

SARAH RENNER  
#13 Mashie 345-7040 (W)  
[srenner@krd-fcu.org](mailto:srenner@krd-fcu.org)  
Appointed - September 2018 (Replaced Jerda Garey-Vickers) 340-0827 (C)  
Term Expires - July 2021

LEON KUHLEN  
712 West "L" Street  
[kuhlen@mccooknet.com](mailto:kuhlen@mccooknet.com)  
Appointed - April 2008 (original 2-year term) 345-3981(H)  
Reappointed - July 2020  
Term Expires - July 2022

DANIELLE JOHNSON 345-4240 (w)  
605 West H Street 340-3616  
[danielle@mnb1.com](mailto:danielle@mnb1.com)  
Appointed - July 2015 replaced Dennis Berry (original 2-year term)  
Reappointed - July 2020  
Term Expires - July 2022

JORDAN JOHNSON  
#15 Spyglass  
[jordan@htainsure.net](mailto:jordan@htainsure.net)  
Appointed - September 2017 replaced Linda Taylor (original 3-yr term)  
Reappointed - July 2020  
Term Expires - July 2023

GARY WIEMERS  
1002 Norris Avenue  
[garysinc@mccooknet.com](mailto:garysinc@mccooknet.com) 340-0441 (C)  
Appointed - July 2015  
Reappointed - September 2017  
Term Expires - July 2020

JEANETTE PETERS  
406 West "R" Street 340-8560 (C)  
[jeanettepeters@hotmail.com](mailto:jeanettepeters@hotmail.com)  
Appointed - September 2018 (Replaced Bill Burton)  
Term Expires - July 2020

**ECONOMIC DEVELOPMENT PLAN  
LOAN COMMITTEE**

KENT CRAW  
506 West 2<sup>nd</sup> Street  
Appointed - March 2011 (original 4-year term)  
Reappointed - July 2020  
Term Expires - March 2022 (City selection)

DOUG SKILES  
1517 West 3<sup>rd</sup>  
Appointed - March 2011 (original 4-year term)  
Reappointed July 2020  
Term Expires - March 2022 (City selection)

345-2342 (H)  
345-5100 (W)

DALE DUELAND  
112 East "N" Street  
Appointed - March 2011 (original 3-year term)  
Reappointed - October 2014  
Term Expires - March 2022 (MEDC selection)

345-6163(H)  
dmdue@outlook.com

RYAN MOORE  
1412 Centennial Drive  
Appointed - February 2019 (replaced Jason Grigg)  
Reappointed -  
Term Expires - March 2022  
[ryan@firstcentral.com](mailto:ryan@firstcentral.com) (MEDC selection)

340-1345 (C)  
345-4994 (W)

KENT KILPATRICK  
710 East 5<sup>th</sup> Street  
Appointed - March 2011 (original 2-year term)  
Reappointed - April 2017  
Term Expires - March 2021 (City selection)

345-7834(H)

ALL FUTURE TERMS 4-YEAR

## LIBRARY ADVISORY BOARD

MARY DUELAND 345-6163 (H)  
112 East "N" Street  
Appointed - May 2015 (Replaced Kay Neuhaus)  
Reappointed - April 2017  
Term Expires - June 2021

PAM WOLFORD 345-6721 (H)  
702 Airport Road  
Reappointed - September 2018  
Term Expires - June 2022

STACI BLOMSTEDT 345-8893 (H)  
603 East "M" Street  
Appointed - August 2016 Replaced Nancy Buresh  
Reappointed - July 2020  
Term Expires - June 2023

SHARON BOHLING  
205 West "E" Street  
Appointed - September 2013 Replaced Linda Crandall  
Reappointed - April 2020  
Term Expires - June 2024

KEVIN COCHRAN 612-269-2202  
1101 West 6<sup>th</sup> Street  
Appointed - May 2017 Replaced Steve Batty  
Term Expires - June 2021

4 yr. terms

## PARKS ADVISORY BOARD

CAITLIN WHITEHEAD (720)448-0797 (C)  
712 Norris Avenue  
Appointed - August 2019 Replaced Elizabeth Yilk  
Term Expires - May 2021  
[caitlin.whitehead1@gmail.com](mailto:caitlin.whitehead1@gmail.com)

HARRY SUGHROUE (Vice-Chair) 737-7385 (C)  
910 West 4<sup>th</sup> Street  
Appointed - October 2005 Replaced Richard Stull  
Reappointed - September 2018  
Term Expires - May 2021  
[harry.sughroue@gmail.com](mailto:harry.sughroue@gmail.com)

BILL LARINGTON\* 345-5243 (W)  
1004 East 2<sup>nd</sup> 340-3827 (C)  
Appointed - September 2013 Replaced Tracy Loker  
Reappointed - April 2017  
Term Expires - May 2019  
[bill.larington@live.com](mailto:bill.larington@live.com)

MARK FRIEHE 340-5710 (C)  
Frenchman Valley Coop 345-1826 (H)  
PO Box 760 345-4060 (O)  
Appointed - June 1996  
Reappointed - April 2020  
Term Expires - May 2023  
[mfriehe@fvcoop.com](mailto:mfriehe@fvcoop.com)

TOM LENTZ 345-1808 (H)  
805 West "R" Street 737-6391 (C)Wife  
Appointed - October 2008  
Reappointed - April 2017  
Term Expires - May 2020  
[tlentz@mccookbison.org](mailto:tlentz@mccookbison.org)

\*Denotes Chairperson  
3 yr. terms

## PLANNING COMMISSION

RON FRIEHE

1 Spyglass

Appointed - July 2019

Term Expires - September 2022 (Replaced Adam Wolford)  
(Extra Territorial Representative)

340-5007

[drfriehe100@yahoo.com](mailto:drfriehe100@yahoo.com)

CAMY BRADLEY

1714 West 2<sup>nd</sup> Street

Appointed - September 2017 (Replaced Terri Shipshock)

Reappointed - July 2020

Term Expires - September 2022

345-4900 (W)

350-5536 (C)

[cbradley@netitlegroup.com](mailto:cbradley@netitlegroup.com)

TAMMIE HILKER

512 East 5<sup>th</sup>

Appointed - September 1995

Reappointed - April 2020

Term Expires - September 2022

345-3717 (H)

340-7861 (C)

[thilker@alloisp.com](mailto:thilker@alloisp.com)

BRUCE MCDOWELL

904 West 3<sup>rd</sup>

Appointed - February 2019 (Replaced Garrett Rippen)

Term Expires - September 2022

345-5439 (H)

(303) 883-0587 (C)

[brucemcdowell@q.com](mailto:brucemcdowell@q.com)

MATT DAVIDSON

1505 Centennial

Appointed - June 2019 (Replaced Don Harpst)

Term Expires - September 2020

340-1347 (C)

[matt.davidson@golight.com](mailto:matt.davidson@golight.com)

KURT VOSBURG\*

#13 Wedgewood

Appointed - November 2005

Reappointed - September 2017

Term Expires - September 2020

345-8490 (O)

340-0005 (H)

[Kurt.vosburg@nebraska.gov](mailto:Kurt.vosburg@nebraska.gov)

JESSE STEVENS

1606 West 2<sup>nd</sup> Street

Appointed - September 2012 as Alternate

Appointed - March 2015 (replaced Lonnie Anderson)

Reappointed - September 2017

Term Expires - September 2020

345-5688 (H)

345-5598 (O)

340-2932 (C)

[jesse@hometownfamilyradio.com](mailto:jesse@hometownfamilyradio.com)

CHAD LYONS

1201 West 2<sup>nd</sup> Street

Appointed - September 2009 (replaced Dan Miller)

Reappointed - September 2018

Term Expires - September 2021

345-2140 (H)

340-9433 (C)

[clyons@mccookbison.org](mailto:clyons@mccookbison.org)

DALE DUELAND

112 East N

Appointed - September 1997

Reappointed - September 2018

Term Expires - September 2021

340-1666 (C)

345-6163 (H)

350-1660 (Cell radio)

[dmdue@outlook.com](mailto:dmdue@outlook.com)

KATIE GRAHAM - ALTERNATE

1505 Parkway

Appointed - September 2018 (Replaced Camy Bradley)

Term Expires - March 2021

737-7592 (C)

[cat03graham@yahoo.com](mailto:cat03graham@yahoo.com)

\*Denotes Chairperson

3 yr. terms

## SENIOR CITIZENS ADVISORY BOARD

DAN STRAMEL 340-8616  
PO Box 95

Appointed - October 2019 (replaced John Anderson)  
Term Expires - September 2022

ROBERT PANTENBURG 345-6675  
1405 West Circle Drive  
Appointed - August 2016 (replaced Joan Dike)  
Term Expires - September 2022

JIM HAMILL 345-1956  
413 North Cherokee  
Appointed - March 2011 (replaced Carol Borgman)  
Reappointed - September 2016  
Term Expires - September 2019

SHARON PARDE  
1112 East 5<sup>th</sup> Street  
Appointed - November 2011 (replaced Trudy Nelson)  
Reappointed - September 2016  
Term Expires - September 2022

MARY KESLIN

Appointed - September 2017 Replaced Peggy Appleyard  
Term Expires - September 2020

SHARON KING

Appointed - September 2017 (Replaced Joyce Hoffman)  
Term Expires - September 2020

GENE MEINTS 345-2842  
506 West 4<sup>th</sup> Street  
Appointed - September 2010 (Replaced Ken Martin)  
Reappointed September 2017  
Term Expires - September 2020

\*Denotes Chairman  
3 yr. terms

## TREE ADVISORY BOARD

CONNIE JO DISCOE

811 West 3<sup>rd</sup> Street

Appointed - September 2017 (replaced Dave McCarty)

Term Expires - April 2023

[c.discoe0965@gmail.com](mailto:c.discoe0965@gmail.com)

350-0965

DAN DUELAND\*

903 West 12th Street

Reappointed - September 2018

Term Expires - April 2023

[ddturf@yahoo.com](mailto:ddturf@yahoo.com)

345-1378 (H)  
340-3497 (Cell)

CLOYD CLARK

1112 East 1<sup>st</sup>

Appointed - June 2008

Reappointed - September 2018

Term Expires - April 2023

[cloyd@swnebr.net](mailto:cloyd@swnebr.net)

345-2452 (H)

LEIGH FARRELL

1112 Country Club

Appointed - July 2005

Reappointed - July 2020

Term Expires - April 2025

[leigh@farrellrx.com](mailto:leigh@farrellrx.com)

345-2120 (H)  
345-1781 (W)

MARY PATE

813 Sunset Drive

Appointed - January 2001

Reappointed - August 2016

Term Expires - April 2020

[marypate813@msn.com](mailto:marypate813@msn.com)

340-6649 (C)

\*Denotes Chairperson  
5 yr. terms

**CITY MANAGER'S REPORT  
JULY 6 2020 MCCOOK CITY COUNCIL MEETING**

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ITEM 4.A. Receive and file a discussion regarding COVID-19 updates.

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**BACKGROUND:**

This agenda item has been included to discuss COVID-19 issues facing the City of McCook. For this agenda item, we can discuss Directed Health Measures, city related operations, or other COVID-19 related items.

**APPROVALS:**

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

June 28, 2020

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

June 28, 2020

**CITY MANAGER'S REPORT**  
**JULY 6 2020 MCCOOK CITY COUNCIL MEETING**

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ITEM **4.B.** Receive and file a discussion regarding the consumption of alcoholic beverages on City of McCook property subject to a license agreement.

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**BACKGROUND:**

Recently, City staff members had a conversation with Matt Sehnert about the possibility of licensing a part of the City sidewalk in front of his property to allow for outdoor dining. Mr. Sehnert inquired whether the license could include a provision for the consumption of alcohol on the City owned property. Mr. Sehnert told Staff that the City of Hastings had made a provision to allow for the consumption of alcohol at specifically approved City locations.

After our meeting with Mr. Sehnert, Staff and the City Attorney reviewed the City Code of Hastings, as well as the City Code of Lincoln, for guidance on the request. Staff found that both cities enacted particular rules with respect to the issue of business related consumption of alcohol on publically owned sidewalks/property. Staff would like to discuss the request with the City Council to determine if there is interest in moving forward with an ordinance of this type. Staff has prepared a sample ordinance for Council's review as part of the discussion.

**APPROVALS:**



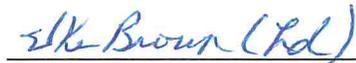
\_\_\_\_\_  
Nathan A. Schneider, City Manager

June 28, 2020



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

June 28, 2020



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Isaac Brown, Chief of Police

June 28, 2020

ORDINANCE NO. 2020-3008

AN ORDINANCE PROVIDING FOR THE AMENDMENT OF THE CITY OF MCCOOK CODE OF ORDINANCES, TITLE XI: BUSINESS REGULATIONS; ADDING CHAPTER 119: SIDEWALK CAFÉS; 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 City of McCook Code of Ordinances, Title XI: Business Regulations, Chapter 119: Sidewalk Cafés, shall be added to read as follows:

**CHAPTER 119: SIDEWALK CAFÉS**

Section

- 119.01 Sidewalk Café Definition
- 119.02 Sidewalk Cafés Authorized
- 119.03 Sidewalk Café Requirements
- 119.04 License Applications
- 119.05 Granting of License
- 119.06 Criteria for Issuance and Removal
- 119.07 Conditions of License
- 119.08 Transfer of License
- 119.09 Expiration of License
- 119.10 Suspension or Revocation of License
- 119.11 License Fee

**§ 119.01 SIDEWALK CAFÉ DEFINITION.**

A grouping of tables, chairs and related items located wholly or partially within a public sidewalk or right-of-way for the purposes of service and consumption of food and beverages by patrons, when located immediately adjacent to a food and beverage service establishment having a common operator.

**§ 119.02 SIDEWALK CAFÉS AUTHORIZED.**

Sidewalk cafés with or without service of alcohol may be located on public sidewalks subject to a license issued by the McCook City Council pursuant to this section.

**§ 119.03 SIDEWALK CAFÉ REQUIREMENTS.**

Installation and operation of all sidewalk cafés are subject to the following requirements and sidewalk cafés serving intoxicating liquor, beer or wine are subject to the applicable requirements of Chapter 111.

(A) Sidewalk cafés may only be installed and operated during the hours of operation of the food service establishment provided that no sidewalk café may be operated after the hour of 11:00 p.m. Tables, chairs, furnishings, planters,

fencing or other obstructions shall be immediately removed from public sidewalks when the license holder is no longer operating the Sidewalk Café due to changing seasons. Tables, chairs, furnishings, planters, fencing or other obstructions shall not impede snow removal efforts. The City Council may further restrict the hours of operation of a sidewalk café based upon the proximity to residential dwelling units, and upon considerations relating to the safety, repose and welfare of residents, businesses and other uses near the establishment. Furniture and fixtures may be stored overnight within the sidewalk café area provided the licensee shall ensure all items are stored and secured in a neat and orderly manner.

(B) All sidewalk cafés must abut and be operated as part of the food service establishment operated by the applicant and shall have delineated limits separating the sidewalk café from the travelled portion of the sidewalk. Sidewalk cafés serving intoxicating liquor, beer or wine must have a visually appealing and continuous barrier made of fencing or planters surrounding the entire sidewalk café area which must be compact and contiguous with the enclosed portion of the licensed premises. No licensee shall expand a sidewalk café without first obtaining an amended sidewalk café license covering the additional space.

(C) Only food or beverages for immediate consumption may be offered for sale and no alcoholic beverages may be dispensed from within the sidewalk café. The licensee shall provide food service in all sidewalk café areas during all hours of operation. Food service may consist of less than a full menu, but shall at all times offer a substantial choice of main courses, other food items, and non-alcoholic beverages. Glassware may be used in the service of food and beverages but only to the extent such use does not create a safety hazard for patrons or the public in adjacent areas and the licensee is responsible to immediately remove any broken glass from the premises.

(D) No licensee shall allow entertainment within a sidewalk café, including non-live entertainment such as radio, taped music and television, unless the same is expressly approved in writing by the City Council, and in no event shall noise be generated that would unreasonably annoy or interfere with neighboring property owners or occupants or the public.

(E) No sidewalk café may: (i) unduly restrict the safe usage of any roadway or the sidewalk by the public after taking into consideration the locations of obstructions, vehicular traffic and other impediments to the passage of vehicles and pedestrians; (ii) be located within ten (10) feet of any traffic signal, crosswalk or pedestrian curb cut; or (iii) adjoin any premises other than the applicant's food service establishment. All signs, including sandwich boards, must comply with city zoning regulations governing signs and no signs may be placed in a manner that would obstruct a pedestrian sidewalk the licensee is otherwise required to keep clear and unobstructed.

(F) No advertising shall be permitted on or in any sidewalk café or any extension thereof except to identify the product and/or the name of the vendor, and shall in all respects comply with all city zoning regulations governing signs.

(G) Fencing and planters shall be visually appealing and constructed of high-quality, durable materials maintained in good condition and shall not be permanently attached to the sidewalk or right-of-way. Fencing and planters shall not exceed three (3) feet in height, provided live plants may extend to a height

of not more than six (6) feet, all as measured from the surface of the sidewalk or right-of-way. Planters must include live plants and must be well maintained at all times.

(H) No umbrella, canopy, or similar device in any sidewalk café shall be more than six and one-half feet above ground level without approval from the city.

(I) A clear, unobstructed passageway not less than six feet in width at all points, entirely across the frontage of the property occupied by the occupant parallel to the line of the street and generally in the line of pedestrian traffic, shall be maintained at all times, except as follows:

a. If the city shall find special circumstances involving site characteristics or the flow of pedestrian traffic at such location, the conditions of approval may require a passageway greater than six feet or may prohibit operation of the sidewalk café for certain specified periods.

(J) Sidewalk cafés shall be handicap accessible and shall be installed in a manner complying with all ADA requirements and shall provide for a minimum of six (6) feet of clear, unobstructed pedestrian walkway between all obstructions and the sidewalk curb. No employee or server may obstruct pedestrian walkways at any time.

(K) No sidewalk café shall be installed or operated, and no license shall be issued, for any location where the same is prohibited by state or local law and the ownership, operation and maintenance of all sidewalk cafés shall be subject to all applicable laws, ordinances and regulations.

(L) The licensee shall maintain the sidewalk café in a clean and sanitary condition and shall be responsible to remove all trash and litter generated by the operation of the sidewalk café within a reasonable distance from the area. The licensee shall be responsible for all costs of repairing any damage to the sidewalk or other public property caused by the use of the sidewalk or public property as a sidewalk café. If the City Council approves any improvements to the sidewalk or right-of-way necessary for the licensee to operate a sidewalk café, the costs of such improvements plus any administrative costs shall be paid for in advance by the licensee.

(M) All sidewalk café licensees must at all times maintain commercial liability insurance covering the licensed premises and the sidewalk café area with minimum policy limits for bodily injury or death of not less than \$1,000,000 per occurrence and \$1,000,000 annual aggregate, and for property damage of not less than \$50,000. Proof of the required liability insurance shall be in the form of a certificate of insurance or some other form acceptable to the City Attorney and City Clerk. All liability insurance policies required herein shall name the city as any additional insured and shall provide that there shall be no cancellation of the policy for any cause, by the insured or by the insurance company, without first giving 10-days' written notice to the city, addressed to the City Clerk. Operation of a sidewalk café or liquor sales by a licensee without required liability insurance coverage shall be grounds for immediate suspension or revocation of the license. In addition, the licensee shall indemnify and hold harmless the city, the city's public officials, employees and agents from any loss, costs, damages and expenses arising out of the use, design, operation or

maintenance of the sidewalk café. These insurance and indemnification requirements shall be memorialized in a license agreement signed by the licensee prior to the initial issuance of the sidewalk café license and upon any renewal thereof, but failure of the city and the licensee to execute such a license agreement shall not alleviate the licensee of its insurance and indemnification obligations hereunder.

(N) The city shall retain the right to remove or cause to be removed any tables, chairs, furnishings, planters, fencing or other obstructions from the sidewalk or public right-of-way as necessary to access public utilities and facilities, during community civic festivals, celebrations and other events, or if the city reasonably determines any such item or items create an unreasonable risk to public health or safety. The city shall endeavor to give reasonable advance notice to the licensee that items need to be removed or relocated.

#### **§ 119.04 LICENSE APPLICATIONS.**

An applicant for a sidewalk café license shall file an application on forms provided by the City Clerk which shall include, in addition to any other information required by the city, the following:

(A) The business name, address, phone number and contact person.

(B) A site plan of the proposed sidewalk café drawn to scale covering the entire area between the curb and building showing locations of the property lines, curbs, all streets in front of and adjacent to the property, all sidewalk dimensions measured from the building face to the curb, all existing facilities and obstructions within the right-of-way, the proposed location of all sidewalk café fixtures, including but not limited to, tables, chairs, umbrellas, planters, fencing, barricades, lighting, and heaters, and the proposed limits of the sidewalk café.

(C) Photographs and manufacturer specifications for all proposed sidewalk café furniture and fixtures.

(D) Description and locations of any sound, television or video systems proposed for the sidewalk café.

(E) Description of all food and beverages that will be served within the sidewalk café and the proposed hours of operation.

(F) Description of all points of access between the building and the sidewalk café and exterior areas.

(G) Description of ingress and egress arrangements, including those necessary to provide handicap accessibility and control of persons entering and leaving the premises to prevent consumption of alcohol by minors and to ensure safety of moveable seating arrangements.

(H) Description of all physical improvements to be constructed to accommodate the sidewalk café.

(I) An insurance commitment or binder securing all insurance coverage required under this chapter and Chapter 111, if applicable, on the sidewalk café areas and meeting all requirements for naming the city as an additional insured.

(J) Any other information known to the applicant that may reasonably impact the issuance of the license including, but not limited to, objections to the proposed sidewalk café raised by neighboring property owners or the public, obstructions or other factors that may interfere with pedestrian travel on the affected sidewalk area, or conditions that may impact public health or safety if the sidewalk café license is issued.

Upon submission of a complete application, the City Clerk shall place the application upon the agenda of the next available City Council meeting for which proper notice as required by this section can be given. A public hearing on the application shall be required for all initial sidewalk café applications, all subsequent applications proposing modifications to a sidewalk café site plan, and whenever the city determines a public hearing is necessary to determine whether the criteria for granting a sidewalk café license are satisfied. When applicable, the City Clerk shall cause notice of the public hearing to be given in the same manner as prescribed for special use permits.

#### **§ 119.05 GRANTING OF LICENSE.**

Following the required public hearing, if any, the City Council may grant or deny the license or refer the matter to any commission or committee for further study.

#### **§ 119.06 CRITERIA FOR ISSUANCE AND RENEWAL.**

No sidewalk café license may be issued or renewed if the results of the investigation or other evidence given to the City Council through any means, shows to the satisfaction of the Council, that the issuance or renewal would not be in the public's interest. The Council shall make written findings, certifying the sidewalk café will comply with the following criteria.

(A) The design and operation satisfy the applicable requirements of this chapter and will be in harmony with the purpose and intent of city zoning regulations.

(B) The design and operation will not unreasonably interfere with or annoy users of neighboring residential, commercial or public property.

(C) The design and operation will not unreasonably interfere with pedestrian or vehicular traffic or access to any public street, utility or other facilities.

(D) Where liquor, wine or beer will be served, the licensed premises is compact and contiguous with the premises licensed under Chapter 111 and the design and operation will safeguard against consumption of alcohol by minors.

#### **§ 119.07 CONDITIONS OF LICENSE.**

Every license issued pursuant to this chapter shall be subject to the conditions of this section and all other sections of this chapter and any other applicable ordinance of the city, state law, or federal law, and shall include the following conditions.

(A) *Posting.* The license shall be posted in a conspicuous place in the licensed establishment at all times.

(B) *Additional Conditions.* The Council may, upon a finding of necessity, place the conditions and restrictions upon the license as it, at its discretion, may deem reasonable and justified to protect the public interest.

(C) *Licenses Limited to Certain Areas.* Sidewalk Café licenses shall be limited to the record owners of business property abutting public space in the following area: Beginning at the intersection of East "E" Street and Norris Avenue, west to the intersection of West 2<sup>nd</sup> Street and East "E" Street, south to the intersection of West 2<sup>nd</sup> Street and West "A" Street, east to the intersection of West "A" Street and Norris Avenue, north to the point of beginning.

(D) *Inspection by Peace Officers or Health Officials.* All sidewalk cafés shall be subject to compliance inspections and no licensee or employee of a licensee shall hinder or prevent a peace officer, health officer, building official, fire official, or any other employee so designated by the City Council or City Manager from entering upon and inspecting the licensed premises during business hours, without a search warrant.

(E) *Responsibility of Licensee.* Every licensee, whether actually present on the licensed premises or not, shall be responsible for the conduct of the licensed premises and shall maintain conditions of sobriety and order on the licensed premises.

#### **§ 119.08 TRANSFER OF LICENSE.**

No license issued pursuant to this chapter shall be transferrable to another person or entity nor may any such license be transferred to a different location.

#### **§ 119.09 EXPIRATION OF LICENSE.**

Every license issued under this chapter shall renew from year to year so long as the intended use is made of the premises; provided, however, the maximum term of the license shall be ten (10) years, unless specifically renewed by the City Council.

#### **§ 119.10 SUSPENSION OR REVOCATION OF LICENSE.**

The City Council may suspend, revoke or deny renewal of any sidewalk café license upon the violation of any license condition or of any provision or condition of this chapter, any other city ordinance, or of any state or federal law. Before the Council shall suspend or revoke any license issued under this chapter, the licensee shall be given at least 10-days' notice stating the time and place of the hearing and the charges against the licensee.

#### **§ 119.11 LICENSE FEE.**

Any person issued a license or license renewal under this chapter shall pay an initial fee of \$100.00 and an annual fee thereafter of \$50.00. The annual fee shall be paid on or before the first day of January each year the license is held.

**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.

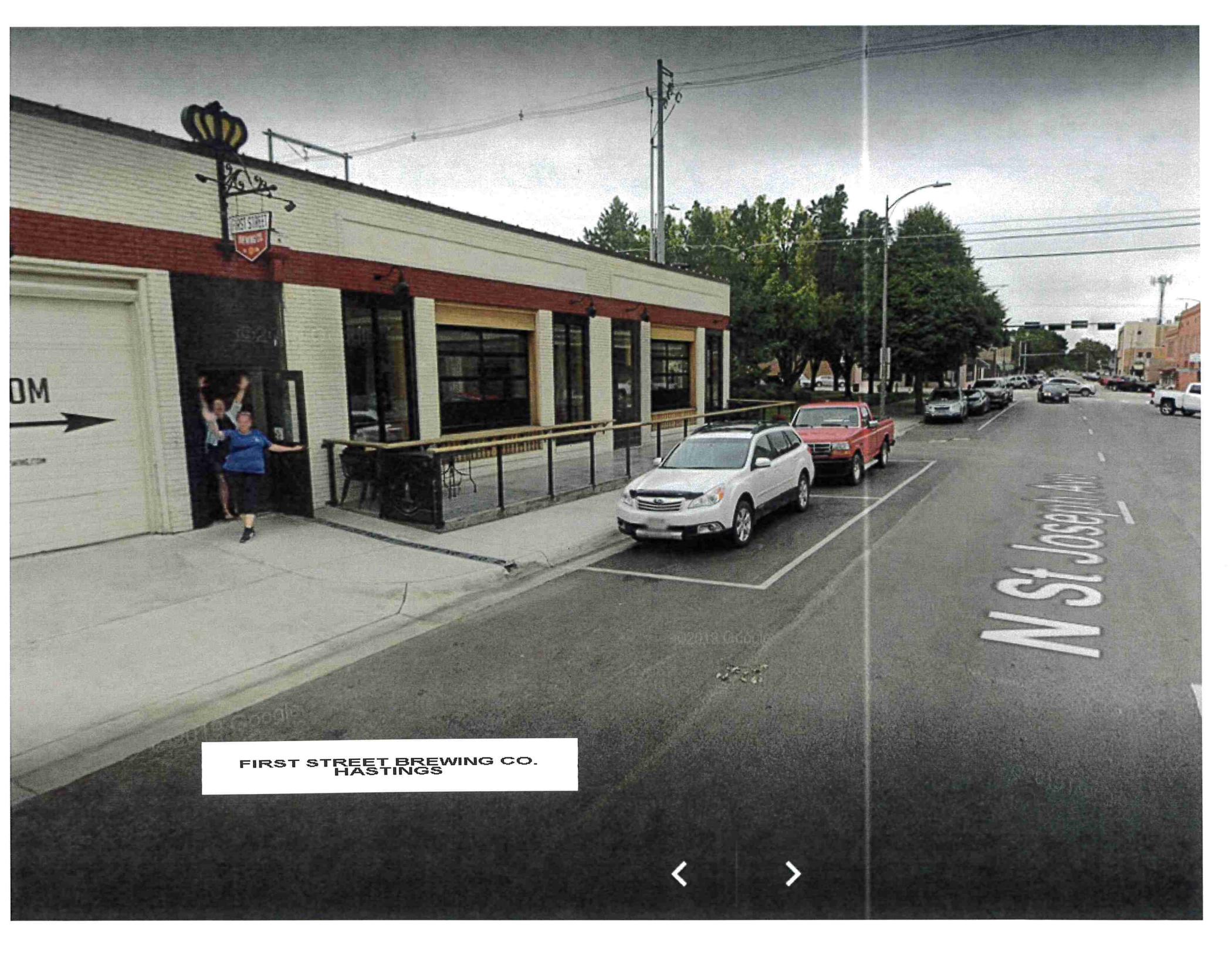
PASSED AND APPROVED THIS \_\_\_\_\_ day of \_\_\_\_\_, 2020.

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

ATTEST:

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

Publish:



**FIRST STREET BREWING CO.  
HASTINGS**



**CITY MANAGER'S REPORT**  
**JULY 6 2020 MCCOOK CITY COUNCIL MEETING**

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ITEM **4.C.** Receive and file a discussion regarding the creation of a no-parking designation on the north side of the 1500 block of West H Street, specifically the area of the north 1500 block of West H Street west of the existing alley.

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**BACKGROUND:**

Council Member Calvin has asked that this item be placed on the agenda for discussion. Specifically, Council Member Calvin is requesting a discussion on whether to designate the north side of the 1500 block of West H Street (west of the north/south alley) as a no-parking area. With the addition of the Holiday Inn, there has been a noticeable increase of on-street vehicle parking on the 1500 block of West H Street. The up-tick in on-street parking has created traffic concerns on West H Street. In particular, when vehicles park on both sides of West H Street, the driving lane is narrowed for east and westbound vehicles. Due to the narrowed street, drivers may be at a greater risk of an accident.

This is a discussion item. No action will be taken at this meeting.

**APPROVALS:**

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

June 28, 2020

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

June 28, 2020

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

June 28, 2020