

MCCOOK CITY COUNCIL

REGULAR MEETING

Monday, April 10, 2023
5:15 PM - City Council Chambers

Open Meetings Act Announcement.

Items

1. Approve the minutes of the January 9, 2023 regular Planning Commission meeting.
2. Public Hearings and Regular Agenda.
 - A. Public Hearing - Regarding the voluntary annexation of a tract of land located in the SW 1/4 of Section 28, Township 3 North, Range 29 West of the 6th P.M., Red Willow County, Nebraska, said property owned by Perry and Vicky Case.
 1. Adjourn the Public Hearing.
 - B. Approve Planning Commission Resolution No. PC2023-02, recommending approval of the voluntary annexation of a tract of land located in SW 1/4 of Section 28, Township 3 North, Range 29 West of the 6th P.M., Red Willow County, Nebraska.
 - C. Discussion regarding the City of McCook's planned updates to the Comprehensive Plan, zoning ordinance, and subdivision regulations.
 - D. Discussion regarding the City of McCook's upcoming recreation projects.
 - E. Select new officers for the term of April 2023 through March 2024 - Chair, Vice-Chair, and Secretary - pursuant to Chapter 35, Section 35.001 of the City of McCook Code of Ordinances.

Adjournment.

**CITY MANAGER'S REPORT
APRIL 10, 2023 PLANNING COMMISSION MEETING**

ITEM: 1.

RECOMMENDATION:

Approve the minutes of the January 9, 2023 regular meeting.

BACKGROUND:

Receive and approve the minutes.

**FISCAL
IMPACT:** None.

APPROVALS:



Lea Ann Doak, City Clerk

April 6, 2023

McCook Planning Commission
January 9, 2023
5:15 P.M. Central

A MEETING OF THE PLANNING COMMISSION OF THE CITY OF MCCOOK, NEBRASKA convened in open, regular, and public session at 5:15 o'clock P.M. in the City Council Chambers.

Present: Vice Chair Hilker; Commissioners Bradley, Dueland, Lyons, McDowell, Stevens, Mockry.

Absent: Chair Vosburg; Commissioners Davidson, Friehe.

City Officials present: City Manager Schneider, City Attorney Mustion, City Clerk Doak, Assistant City Manager Koetter.

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on January 5, 2023, 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 all members of the Planning Commission. Availability of the agenda was communicated in the advance notice. All proceedings hereafter shown were taken while the meeting was open to the attendance of the public. Open Meetings Act Announcement.

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

1. Approve the minutes of the December 12, 2022 regular Planning Commission meeting.

Motion to approve the minutes of the December 12, 2022 regular Planning Commission meeting. This motion, made by Dueland and seconded by McDowell, passed.

Vosburg: ABSENT, Hilker: YEA, Bradley: YEA, Davidson: ABSENT, Dueland: YEA, Friehe: ABSENT, Lyons: YEA, McDowell: YEA, Mockry: YEA, Stevens: YEA
YEA: 7, NAY: 0, ABSENT: 3

2. Public Hearings and Regular Agenda.

- 2.A. Public Hearing - Regarding the Preliminary Plat and Final Plat for Heritage Pointe Addition No. 3, a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska.

Motion to recess as a Planning Commission and convene a public hearing for the purpose of receiving public comment regarding the Preliminary Plat and Final Plat for Heritage Pointe Addition No. 3, a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska, with the City Attorney to act as hearing officer. This motion, made by Hilker and seconded by McDowell, passed.

Vosburg: ABSENT, Hilker: YEA, Bradley: YEA, Davidson: ABSENT, Dueland: YEA, Friehe:

ABSENT, Lyons: YEA, McDowell: YEA, Mockry: YEA, Stevens: YEA
YEA: 7, NAY: 0, ABSENT: 3

The City Attorney received into evidence Exhibit #1 - City Manager's Report prepared for the January 9, 2023 Planning Commission meeting (2 pages); Exhibit #2 - Notice of Public Hearing published (1 page); Exhibit #3 - mailed and posted (1 page); Exhibit #4 - listing of property owners notified (1 page); Exhibit #5 - Heritage Pointe Addition No. 3 Final Plat (1 page); Exhibit #6 - Land Use Application and attachments (5 pages); and Exhibit #7 - City of McCook Subdivision Regulations, Section 7. Procedures (4 pages).

City Manager Schneider reviewed the information presented in Exhibit #1.

Matt Davidson, representing the applicant Jerry Gohl, and Scott Clifford of Miller and Associates were present to address questions from the Commission.

Commissioner Dueland stated that he had no problem with the current request, but expressed concerns with the need to control how these lots are developed to the north.

With no one else present to comment, motion to adjourn the public hearing and to reconvene as a Planning Commission. This motion, made by Hilker and seconded by Stevens, passed.

Vosburg: ABSENT, Hilker: YEA, Bradley: YEA, Davidson: ABSENT, Dueland: YEA, Friehe: ABSENT, Lyons: YEA, McDowell: YEA, Mockry: YEA, Stevens: YEA
YEA: 7, NAY: 0, ABSENT: 3

2.B. Recommend to the McCook City Council approval of the Preliminary Plat and Final Plat for Heritage Pointe Addition No. 3, a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska.

Motion to recommend to the McCook City Council approval of the Preliminary Plat and Final Plat for Heritage Pointe Addition No. 3, a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska. This motion, made by McDowell and seconded by Mockry, passed.

Vosburg: ABSENT, Hilker: YEA, Bradley: YEA, Davidson: ABSENT, Dueland: YEA, Friehe: ABSENT, Lyons: YEA, McDowell: YEA, Mockry: YEA, Stevens: YEA
YEA: 7, NAY: 0, ABSENT: 3

2.C. Public Hearing - Regarding a zoning change request for Heritage Pointe Addition No. 3, a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska; said zoning change to amend the current zoning designation from Residential Medium Density District (RM) and Agricultural District (AG), to Business Commercial District (BC).

Motion to recess as a Planning Commission and convene a public hearing for the purpose of receiving public comment with respect to a zoning change request for Heritage Pointe Addition No. 3, a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30

West of the 6th P.M., Red Willow County, Nebraska; said zoning change to amend the current zoning designation from Residential Medium Density District (RM) and Agricultural District (AG), to Business Commercial District (BC), with the City Attorney to act as hearing officer. This motion, made by Hilker and seconded by Lyons, passed.

Vosburg: ABSENT, Hilker: YEA, Bradley: YEA, Davidson: ABSENT, Dueland: YEA, Friehe: ABSENT, Lyons: YEA, McDowell: YEA, Mockry: YEA, Stevens: YEA
YEA: 7, NAY: 0, ABSENT: 3

The City Attorney received into evidence Exhibit #1 - City Manager's Report prepared for the January 9, 2023 Planning Commission meeting (2 pages), Exhibit #2 - Notice of Hearing published (1 page); Exhibit #3 - Notice of Hearing mailed and posted (1 page); Exhibit #4 - ownership list for mailing of Notice of Hearing (1 page); Exhibit #5 - Land Use Action Request Form and attachments (5 pages); and Exhibit #6 - Map of the City of McCook's zoning districts (1 page).

City Manager Schneider reviewed the information presented in Exhibit #1.

Matt Davidson, representing the applicant Jerry Gohl, and Scott Clifford of Miller and Associates were present to address questions from the Commission.

With no one else present to comment, motion to adjourn the public hearing and to reconvene as a Planning Commission. This motion, made by Hilker and seconded by McDowell, passed.

Vosburg: ABSENT, Hilker: YEA, Bradley: YEA, Davidson: ABSENT, Dueland: YEA, Friehe: ABSENT, Lyons: YEA, McDowell: YEA, Mockry: YEA, Stevens: YEA
YEA: 7, NAY: 0, ABSENT: 3

2.D. Recommend to the McCook City Council approval of the zoning change request for Heritage Pointe Addition No. 3, a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska; said zoning change to amend the current zoning designation from Residential Medium Density District (RM) and Agricultural District (AG), to Business Commercial District (BC).

Motion to recommend to the McCook City Council approval of the zoning change request for Heritage Pointe Addition No. 3, a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska; said zoning change to amend the current zoning designation from Residential Medium Density District (RM) and Agricultural District (AG), to Business Commercial District (BC). This motion, made by Mockry and seconded by McDowell, passed.

Vosburg: ABSENT, Hilker: YEA, Bradley: YEA, Davidson: ABSENT, Dueland: YEA, Friehe: ABSENT, Lyons: YEA, McDowell: YEA, Mockry: YEA, Stevens: YEA
YEA: 7, NAY: 0, ABSENT: 3

2.E. Public Hearing - Regarding the voluntary annexation of a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska, said tract of land included in the parcel to be referred to as Heritage Pointe Addition No. 3.

Motion to recess as a Planning Commission and convene a public hearing for the purpose of receiving public comment with respect to the voluntary annexation of a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska, said tract of land included in the parcel to be referred to as Heritage Pointe Addition No. 3, with the City Attorney to act as hearing officer. This motion, made by Hilker and seconded by Lyons, passed.

Vosburg: ABSENT, Hilker: YEA, Bradley: YEA, Davidson: ABSENT, Dueland: YEA, Friehe: ABSENT, Lyons: YEA, McDowell: YEA, Mockry: YEA, Stevens: YEA
YEA: 7, NAY: 0, ABSENT: 3

The City Attorney received into evidence Exhibit #1 - City Manager's Report prepared for the January 9, 2023 Planning Commission meeting (2 pages), Exhibit #2 - Notice of Hearing published (1 page); Exhibit #3 - Voluntary Annexation Petition/Request from Matt Davidson on behalf of Jerry Gohl (1 page); Exhibit #4 - Legal Description of the proposed annexation area (1 page); Exhibit #5 - Proposed Resolution No. PC2023-01 (2 pages).

City Manager Schneider reviewed the information presented in Exhibit #1.

Matt Davidson, representing the applicant Jerry Gohl, and Scott Clifford of Miller and Associates were present to address questions from the Commission.

With no one else present to comment, motion to adjourn the public hearing and to reconvene as a Planning Commission. This motion, made by Hilker and seconded by Bradley, passed.

Vosburg: ABSENT, Hilker: YEA, Bradley: YEA, Davidson: ABSENT, Dueland: YEA, Friehe: ABSENT, Lyons: YEA, McDowell: YEA, Mockry: YEA, Stevens: YEA
YEA: 7, NAY: 0, ABSENT: 3

2.F. Approve Planning Commission Resolution No. PC2023-01, recommending approval of the voluntary annexation of a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska, said tract of land included in the parcel to be referred to as Heritage Pointe Addition No. 3.

Motion to approve Planning Commission Resolution No. PC2023-01, recommending approval of the voluntary annexation of a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska, said tract of land included in the parcel to be referred to as Heritage Pointe Addition No. 3. This motion, made by Hilker and seconded by McDowell, passed.

Vosburg: ABSENT, Hilker: YEA, Bradley: YEA, Davidson: ABSENT, Dueland: YEA, Friehe: ABSENT, Lyons: YEA, McDowell: YEA, Mockry: YEA, Stevens: YEA
YEA: 7, NAY: 0, ABSENT: 3

Adjournment

With no further business, Vice Chair Hilker declared the Planning Commission meeting adjourned at 6:15 P.M.

Lea Ann Doak, City Clerk-Treasurer
Recording Secretary

**CITY MANAGER'S REPORT
APRIL 10, 2023 PLANNING COMMISSION MEETING**

2.A.
ITEM NO. Public Hearing - Regarding the voluntary annexation of a tract of land located in the SW 1/4 of Section 28, Township 3 North, Range 29 West of the 6th P.M. in Red Willow County, Nebraska, said property owned by Perry and Vicky Case.

2.B.
ITEM NO. Approve Planning Commission Resolution No. PC 2023-~~12~~, recommending approval of the annexation of a Part of Section 28-T3N-R29W, West of the 6th P.M. in Red Willow County, Nebraska, said property owned by Perry and Vicky Case.

BACKGROUND:

The City of McCook has received a written petition from Perry and Vicky Case requesting a voluntary annexation of property they own east of the McCook Business Park and north of Ravenswood Road, said tract located in the SW 1/4 of Section 28, Township 3 North, Range 29 West of the 6th P.M. in Red Willow County, Nebraska. The full legal description is included in the this packet and incorporated into this report by reference. Also included with this report is a Preliminary Plat, which will serve to provide visual context to the request. (Please note, the attached Preliminary Plat is included to provide context to the voluntary annexation request, the Preliminary Plat has not been approved, nor has an application been received for approval of the proposed Preliminary Plat.)

The current McCook Business Park has rapidly developed over the course of the past 8 years. There is a need to expand McCook's industrial and commercial property options. This request runs hand-in-hand with McCook's future industrial and commercial development efforts.

The annexation laws require McCook's Planning Commission to hold a public hearing regarding the voluntary annexation of the Case's property. Additionally, the McCook Planning Commission must pass a resolution recommending approval of the annexation to the City Council. Supporting materials are included with this report. Charlie McPherson of the MEDC will be present at the Planning Commission meeting to discuss the request in more detail.

APPROVALS:



Nathan A. Schneider, City Manager

April 5, 2023



Lea Ann Doak, City Clerk

April 5, 2023

EXHIBIT #1

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**NOTICE OF PUBLIC HEARING
PROPOSED VOLUNTARY ANNEXATION**

NOTICE IS HEREBY GIVEN that a public hearing will be held by the City of McCook Planning Commission on April 10, 2023, at 5:15 P.M. and by the McCook City Council on April 17, 2023, at 5:30 P.M. The hearings will be held in the City Council Chambers at the McCook Municipal Center, 505 West "C" Street, concerning the voluntary annexation of a tract of land located in the SW 1/4 of Section 28, Township 3 North, Range 29 West of the 6th P.M. in Red Willow County, Nebraska. Parcel located east of the current McCook Business Park.

All interested parties are invited to attend the public hearings at which time you will have an opportunity to be heard regarding the voluntary annexation.

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

-s- Lea Ann Doak, City Clerk
 PO Box 1059
 McCook, Nebraska 69001-1059

Publish: March 31, 2023.

EXHIBIT #2

PAGE(S) - 1

March 2, 2023

Lea Ann Doak, City Clerk
City of McCook
P.O. Box 1059
McCook, NE 69001

RE: Voluntary Annexation Petition\Request

Dear Ms. Doak:

Perry and Vicky Case hereby petitions the City of McCook, Nebraska to consider this request to voluntarily annex property into the City's corporate limits. We hereby affirm that Perry and Vicky Case owns the property described below, for which we are requesting annexation of.

As the owners of the referenced property in which the property is currently undeveloped. We would like the City Council to consider our request for annexation to pursue future development opportunities. The property in question, is a tract of land located in the SW 1/4 of Section 28, Township 3 North, Range 29 West of the 6th P.M. in Red Willow County, Nebraska.

Referring to the SW corner of the said SW 1/4 of said Section 28, thence S86°25'18"E (assumed and all bearing relative to) along the South section line a distance of 1304.16 feet to a point on the South line of Section 28, Thence N01°53'45"E along the East line of lots 9 and 10 of the McCook Business Park Subdivision a distance of 475.14 feet to a Point, said Point being the Point of Beginning. Thence N01°53'45"E a distance of 907.47 feet to a point, said Point being the NE corner of Lot 6 of the McCook Business Park Subdivision, thence S87°05'30"E a distance of 967.16 feet to a point, thence Southeasterly along a curve to the right, with a Chord Bearing of S35°27'30"E, a Chord Distance of 487.46 feet, an Arc Length of 501.78 feet and a Radius of 604 feet to a point, thence S11°39'03"E a distance of 60 feet to a point, thence Southeasterly along a curve to the left, with a Chord Bearing of S26°52'01"E, a Chord Distance of 316.94 feet, an Arc Length of 320.70 feet and a Radius of 604 feet to a point, thence S02°54'30"W a distance of 650.60 feet to a point, thence N86°25'18"W a distance of 462.60 feet to a point, thence N02°54'30"E a distance of 353.99 feet to a point, thence N87°05'30"W a distance of 409.74 feet to a point, thence N02°54'30"E a distance of 99.24 feet to a point, thence N87°05'30"W a distance of 553.85 feet to the Point of Beginning.

Said tract containing 32.37 acres more or less subject to any easement, right-of-ways and reservations of record.

Sincerely,

Perry & Case *Vicky L. Case*

Perry and Vicky Case



Hi Leanna,

I dropped the request off on behalf of the Case family. Could you keep me posted on when the request will go to the Planning Comm & City Council. Thanks,

Charlie McPherson

EXHIBIT #3

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Legal Description

A tract of land located in the SW 1/4 of Section 28, Township 3 North, Range 29 West of the 6th P.M. in Red Willow County, Nebraska, more particularly described as follows:

Referring to the SW corner of the said SW 1/4 of said Section 28, thence S86°25'18"E (assumed and all bearing relative to) along the South section line a distance of 1304.16 feet to a point on the South line of Section 28, Thence N01°53'45"E along the East line of lots 9 and 10 of the McCook Business Park Subdivision a distance of 475.14 feet to a Point, said Point being the Point of Beginning. Thence N01°53'45"E a distance of ±1074.39 feet to a point, said Point being on the South Right of Way line of BNSF Railroad, thence S87°05'30"E along said South ROW line a distance of ±255.45 feet to a point, thence Southeasterly along a curve to the right, with a Chord Bearing of S62°47'09"E, a Chord Distance of 9.55 feet, an Arc Length of 9.55 feet and a Radius of 604 feet to a point, thence S62°19'58"E a distance of 78.29 feet to a point, thence Southeasterly along a curve to the left, with a Chord Bearing of S74°42'44"E, a Chord Distance of 258.89 feet, an Arc Length of 260.92 feet and a Radius of 604 feet to a point, thence S87°05'30"E a distance of 90.17 feet to a point, thence S80°43'55"E a distance of 77.33 feet to a point, thence Southeasterly along a curve to the right, with a Chord Bearing of S46°11'29"E, a Chord Distance of 684.70 feet, an Arc Length of 728.00 feet and a Radius of 604 feet to a point, thence S11°39'03"E a distance of 60.00 feet to a point, thence Southeasterly along a curve to the left, with a Chord Bearing of S26°52'01"E, a Chord Distance of 316.94 feet, an Arc Length of 320.70 feet and a Radius of 604 feet to a point, thence S02°54'30"W a distance of 650.60 feet to a point, thence N86°25'18"W a distance of 462.60 feet to a point, thence N02°54'30"E a distance of 353.99 feet to a point, thence N87°05'30"W a distance of 409.74 feet to a point, thence N02°54'30"E a distance of 99.24 feet to a point, thence N87°05'30"W a distance of 553.85 feet to the Point of Beginning.

Said tract containing 34.64 acres more or less subject to any easement, right-of-ways and reservations of record.

EXHIBIT #4

PAGE(S) - 1

PRELIMINARY PLAT
McCOOK BUSINESS PARK - PHASE II
 AN ADDITION TO THE CITY OF McCOOK, REW WILLOW COUNTY, NEBRASKA

PLANNING COMMISSION APPROVAL

This Plat was duly approved by the City of McCook, Red Willow County, Nebraska Planning Commission on this _____ day of _____, 2023.

Nate Schneider, Secretary Kurt Vosburg, Chairman

MUNICIPAL APPROVAL

This Plat was duly approved by the City of McCook, Red Willow County, Nebraska Planning Commission on this _____ day of _____, 2023.

LeeAnn Cook, City Clerk Linda Taylor, Mayor

RECORDING INFORMATION

State of Nebraska) County of Red Willow)

Instrument No. _____

DATE: _____

TIME: _____

Register of Deeds: Tamr Teel

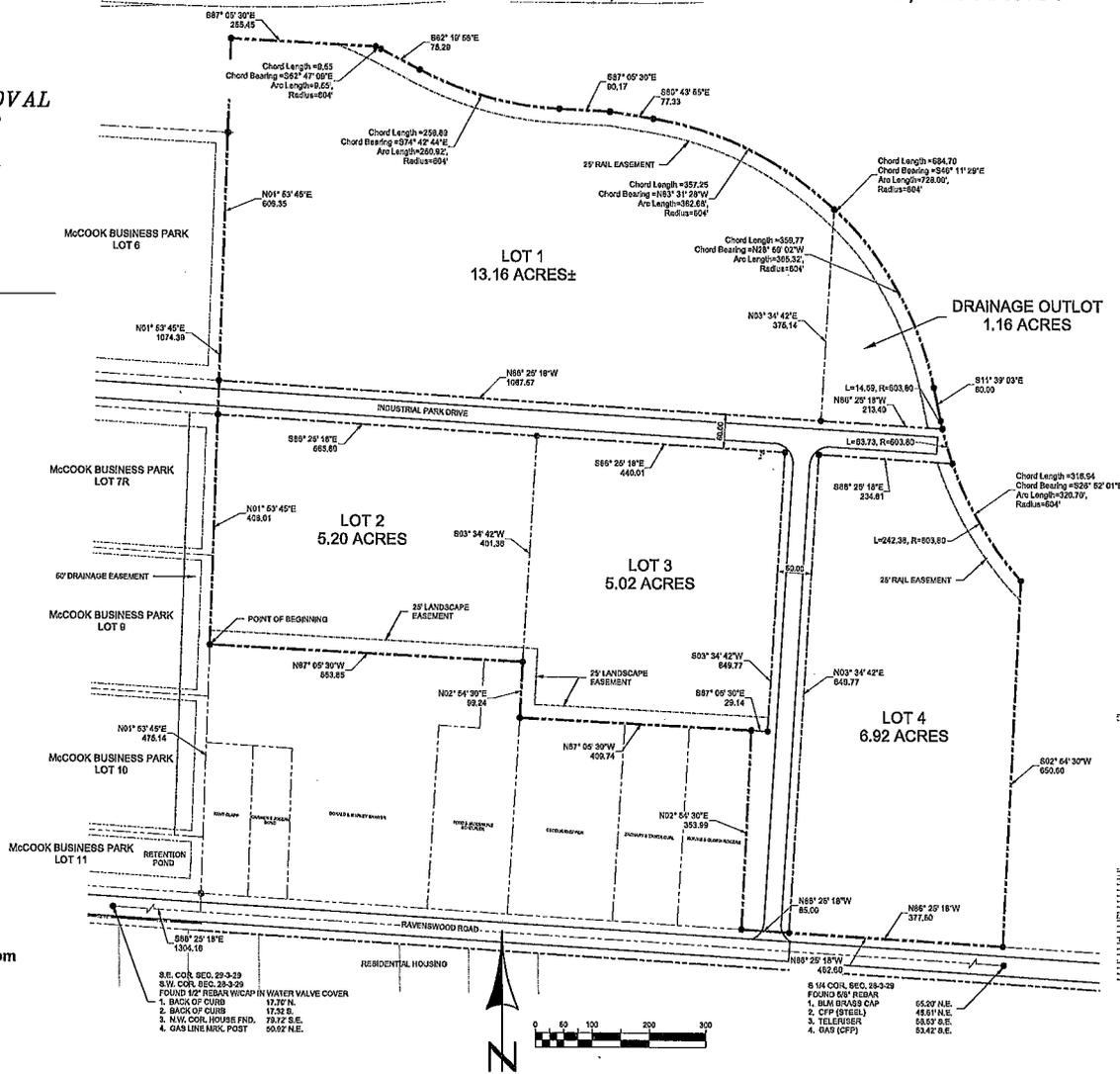
LEGEND

PROPERTY LINE	---
LOT LINE	---
BLDG. SETBACK LINE	---
EASEMENT	---
D	DEED DISTANCE
M	MEASURED DISTANCE
R	RECORD DISTANCE
P	PLATTED DISTANCE
G	GOVERNMENT DISTANCE
W.C.	WITNESS CORNER
+	FOUND CORNER
o	CALCULATED POINT
•	SET *x24" REBAR WITH BLUE LB785 CAP UNLESS NOTED OTHERWISE

SURVEYOR
GRUMMERT PROFESSIONAL SERVICES, LLC
 PO BOX 37, KENESAW, NE 68956
 PHONE 402-879-5701 EMAIL jmgrumert@yahoo.com
 WWW.GRUMMERTSURVEYING.COM

ENGINEER
W DESIGN ASSOCIATES
 311 E. 1ST ST., McCOOK, NE 68901 (402) 883-2222 (WWW.WDESIGNASSOCIATES.COM)

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DEDICATION

McCOOK BUSINESS PARK PHASE II, as it appears on the foregoing Plat and as described with the desires of the undersigned owners and proprietors. The said owners hereby dedicate the streets, alleys, easements and other open areas to the Public use and benefit.

By: _____
 Perry Cass, Owner

By: _____
 Vicky Cass, Owner

ACKNOWLEDGMENTS

Personally appeared before me a Notary Public in and for the State of Nebraska, Troy Bruntz, known to me to be the identical person whose name is affixed to the foregoing instrument and he acknowledges the same to be his voluntary act and deed.

Witness my hand and official Seal this _____ day of _____

My commission expires _____

Notary Public _____

LEGAL DESCRIPTION

A tract of land located in the SW 1/4 of Section 26, Township 3 North, Range 29 West of the 6th P.M. in Red Willow County, Nebraska, more particularly described as follows:

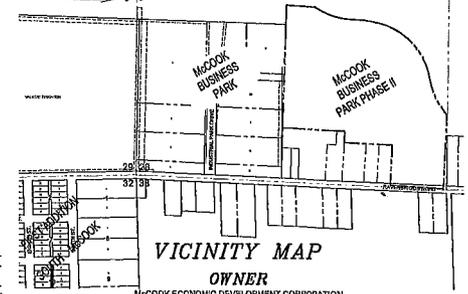
Referring to the SW corner of the said SW 1/4 of said Section 26, thence S89°20'18"E (assumed and all bearing relative to) along the South section line a distance of 1504.16 feet to a point on the South line of Section 26. Thence N01°53'45"E along the East line of lots 9 and 10 of the McCook Business Park Subdivision a distance of 476.14 feet to a point, said point being the Point of Beginning. Thence N01°53'45"E a distance of 1074.59 feet to a point, said point being on the South Right of Way line of BNSF Railroad, thence S87°05'30"E along said South ROW line a distance of 225.45 feet to a point, thence Southwesterly along a curve to the right, with a Chord Bearing of S82°47'08"E, a Chord Distance of 9.65 feet, an Arc Length of 8.55 feet and a Radius of 604 feet to a point, thence S82°16'58"E a distance of 78.29 feet to a point, thence Southwesterly along a curve to the left, with a Chord Bearing of S74°44'45"E, a Chord Distance of 268.88 feet, an Arc Length of 260.52 feet and a Radius of 604 feet to a point, thence S87°05'30"E a distance of 80.17 feet to a point, thence S80°43'05"E a distance of 77.33 feet to a point, thence Southwesterly along a curve to the left, with a Chord Bearing of S4°11'29"E, a Chord Distance of 316.94 feet and a Radius of 604 feet to a point, thence S11°30'03"E a distance of 60.00 feet to a point, thence Southwesterly along a curve to the left, with a Chord Bearing of S28°02'01"E, a Chord Distance of 353.99 feet and a Radius of 604 feet to a point, thence N02°54'30"W a distance of 403.74 feet to a point, thence N02°54'30"W a distance of 69.24 feet to a point, thence N87°05'30"W a distance of 655.85 feet to the Point of Beginning.

Said tract containing 34.84 acres more or less subject to any easement, right-of-way and reservations of record.

SURVEYORS CERTIFICATE

I, Joshua Eugene Grumert, a Licensed Professional Land Surveyor under the laws of the State of Nebraska, do hereby certify this plat of a survey was made by me or under my supervision, this _____ day of _____, 2023.

Joshua E. Grumert LG-783



VICINITY MAP
OWNER
 McCOOK ECONOMIC DEVELOPMENT CORPORATION
 TROY BRUNTZ, PRESIDENT
 402 NORRIS AVE SUITE 301
 McCOOK, NE 68901

CURRENT AGRICULTURAL ZONING	PROPOSED INDUSTRIAL HEAVY ZONING
MINIMUM LOT = 3 ACRES	MINIMUM LOT = 10,000 SQ. FEET
MINIMUM FRONT YARD = 40 FEET	MINIMUM FRONT YARD = 25 FEET
MINIMUM REAR YARD = 65 FEET	MINIMUM REAR YARD = 20 FEET
MINIMUM SIDE YARD = 20 FEET	MINIMUM SIDE YARD = 10 FEET

MCCOOK PLANNING COMMISSION

RESOLUTION NO. PC2023-02

A RESOLUTION OF THE MCCOOK PLANNING COMMISSION RECOMMENDING APPROVAL OF THE VOLUNTARY ANNEXATION OF A TRACT OF LAND LOCATED IN THE SW 1/4 OF SECTION 28, TOWNSHIP 3 NORTH, RANGE 29 WEST OF THE 6TH P.M. IN RED WILLOW COUNTY, NEBRASKA, SAID PROPERTY OWNED BY PERRY AND VICKY CASE.

WHEREAS, at their meeting on April 10, 2023, the Planning Commission held a public hearing concerning the annexation of a tract of land located in the SW 1/4 of Section 28, Township 3 North, Range 29 West of the 6th P.M. in Red Willow County, Nebraska, said property owned by Perry and Vicky Case, more particularly described in **Exhibit "A"**.

WHEREAS, this commission has reviewed the proposed annexation.

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

Section 1. The Commission hereby recommends approval of the annexation of a tract of land located in the SW 1/4 of Section 28, Township 3 North, Range 29 West of the 6th P.M. in Red Willow County, Nebraska.

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

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

PASSED AND APPROVED by the McCook Planning Commission this 10th day of April, 2023.

MCCOOK PLANNING COMMISSION

Kurt Vosburg, Chairman

ATTEST:

Chad Lyons, Secretary

EXHIBIT #6

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Legal Description

A tract of land located in the SW 1/4 of Section 28, Township 3 North, Range 29 West of the 6th P.M. in Red Willow County, Nebraska, more particularly described as follows:

Referring to the SW corner of the said SW 1/4 of said Section 28, thence S86°25'18"E (assumed and all bearing relative to) along the South section line a distance of 1304.16 feet to a point on the South line of Section 28, Thence N01°53'45"E along the East line of lots 9 and 10 of the McCook Business Park Subdivision a distance of 475.14 feet to a Point, said Point being the Point of Beginning. Thence N01°53'45"E a distance of ±1074.39 feet to a point, said Point being on the South Right of Way line of BNSF Railroad, thence S87°05'30"E along said South ROW line a distance of ±255.45 feet to a point, thence Southeasterly along a curve to the right, with a Chord Bearing of S62°47'09"E, a Chord Distance of 9.55 feet, an Arc Length of 9.55 feet and a Radius of 604 feet to a point, thence S62°19'58"E a distance of 78.29 feet to a point, thence Southeasterly along a curve to the left, with a Chord Bearing of S74°42'44"E, a Chord Distance of 258.89 feet, an Arc Length of 260.92 feet and a Radius of 604 feet to a point, thence S87°05'30"E a distance of 90.17 feet to a point, thence S80°43'55"E a distance of 77.33 feet to a point, thence Southeasterly along a curve to the right, with a Chord Bearing of S46°11'29"E, a Chord Distance of 684.70 feet, an Arc Length of 728.00 feet and a Radius of 604 feet to a point, thence S11°39'03"E a distance of 60.00 feet to a point, thence Southeasterly along a curve to the left, with a Chord Bearing of S26°52'01"E, a Chord Distance of 316.94 feet, an Arc Length of 320.70 feet and a Radius of 604 feet to a point, thence S02°54'30"W a distance of 650.60 feet to a point, thence N86°25'18"W a distance of 462.60 feet to a point, thence N02°54'30"E a distance of 353.99 feet to a point, thence N87°05'30"W a distance of 409.74 feet to a point, thence N02°54'30"E a distance of 99.24 feet to a point, thence N87°05'30"W a distance of 553.85 feet to the Point of Beginning.

Said tract containing 34.64 acres more or less subject to any easement, right-of-ways and reservations of record.

EXHIBIT "A"

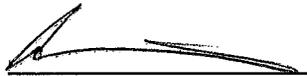
**CITY MANAGER'S REPORT
APRIL 10, 2023 PLANNING COMMISSION MEETING**

ITEM NO. 2.C. Discussion regarding the City of McCook's planned updates to the Comprehensive Plan, zoning ordinance, and subdivision regulations.

BACKGROUND:

In 2013, the City of McCook updated its Comprehensive Plan, zoning ordinance, and subdivision regulations. State law requires Comprehensive Plans to be updated every 10 years, which means it is time to update McCook's Comprehensive Plan. Additionally, it is prudent to review and update McCook's zoning ordinance and subdivision regulations at the same time the Comprehensive Plan is updated. RFP's have been issued for professional services and a Comprehensive Plan selection committee has been established by the City Council. Once a firm is selected, the Planning Commission will play a large role as McCook begins its planning updates.

APPROVALS:



Nathan A. Schneider, City Manager

April 5, 2023



Lea Ann Doak, City Clerk

April 5, 2023

**CITY MANAGER'S REPORT
APRIL 10, 2023 PLANNING COMMISSION MEETING**

ITEM NO. 2.D Discussion regarding the City of McCook's upcoming recreation projects.

BACKGROUND:

Staff will provide the McCook Planning Commission with an update regarding the current efforts taken towards McCook's upcoming swimming pool and ballpark projects.

APPROVALS:



Nathan A. Schneider, City Manager

April 5, 2023



Lea Ann Doak, City Clerk

April 5, 2023

**CITY MANAGER'S REPORT
APRIL 10, 2023 PLANNING COMMISSION MEETING**

ITEM: 2.E.

RECOMMENDATION:

Select new officers for the term of April 2023 through March 2024 - Chair, Vice-Chair, and Secretary - pursuant to Chapter 35, Section 35.001 of the City of McCook Code of Ordinances.

BACKGROUND:

Current officers are Kurt Vosburg, Chair; Tammie Hilker, Vice-Chair; and Chad Lyons, Secretary. They were elected at the June 13, 2022 meeting.

**FISCAL
IMPACT:** None.

APPROVALS:



Lea Ann Doak, City Clerk

April 6, 2023

§ 35.001 PLANNING COMMISSION.

(A) The Planning Commission shall consist of nine regular members who shall represent, insofar as is possible, the different professions or occupations in the city and shall be appointed by the Mayor, by and with the approval of a majority vote of the members elected to the City Council. Two of the regular members may be residents of the area over which the city is authorized to exercise extraterritorial zoning and subdivision regulation. When there is a sufficient number of residents in the area over which the city exercises extraterritorial zoning and subdivision regulation, one regular member of the Commission shall be a resident from such area. If it is determined by the City Council that a sufficient number of residents reside in the area subject to extraterritorial zoning and subdivision regulation, and no such resident is a regular member of the Commission, the first available vacancy on the Commission shall be filled by the appointment of such an individual.

(B) For purposes of this section, a sufficient number of residents shall mean 1,000 residents. The term of each regular member shall be three years, except that three regular members of the first Commission shall serve for terms of one year, three for terms of two years, and three for terms of three years. All regular members shall hold office until their successors are appointed. Any member may, after a public hearing before the City Council, be removed by the Mayor, with the consent of a majority vote of the members elected to the City Council, for inefficiency, neglect of duty or malfeasance in office, or other good and sufficient cause. Vacancies occurring otherwise than through the expiration of term shall be filled for the unexpired portion of the term by the Mayor.

(C) All regular members of the Commission shall serve without compensation and shall hold no other city office except when appointed to serve on the Board of Adjustment as provided in Neb. RS 19-908. All members of the Commission may be required, in the discretion of the City Council, to give bond in a sum set by resolution of the Council, and conditioned upon the faithful performance of their duties. The Commission shall elect its Chairperson and a Secretary from its members and create and fill other offices as it may determine. The term of the Chairperson and the Secretary shall be one year, and they shall be eligible for reelection. No member of the Commission shall serve in the capacity of both the Chairperson and Secretary of the Commission. It shall be the duty of the Secretary to keep the full and correct minutes and records of all meetings and to file the same with the City Clerk where they shall be available for public inspection during office hours. The Commission shall be funded by the City Council from time to time out of the General Fund. The expenditures of the Commission, exclusive of gifts, shall be within the amounts appropriated for that purpose by the City Council, and no expenditures nor agreements for expenditures shall be valid in excess of those amounts.

(D) A number of Commissioners equal to a majority of the number of regular members appointed to the Commission shall constitute a quorum for the transaction of any business. The Commission shall hold at least one regular meeting in each calendar quarter, except the City Council may require the Commission to meet more frequently and the Chairperson of the Commission may call for a meeting when necessary to deal with business pending before the Commission. Special meetings may also be held upon the call of any three members of the Commission. The Commission shall adopt rules and regulations for the transaction of business and shall keep a record of its resolutions, transactions, findings, and determinations, which shall be a public record. The Commission shall make and adopt plans for the physical development of the city, including any areas outside its boundaries which, in the Commission's judgment, bear relation to the planning of the city, and shall carry out the other duties and exercise the powers specified in Neb. RS 19-929.

(E) All actions by the Commission shall be subject to the review and supervision of the Mayor and City Council. The Commission shall make its recommendations to the City Council so that they are received by the City Council within 30 days after the Commission begins consideration of a matter relating to the comprehensive development plan, capital improvements, building codes, subdivision development, the annexation of territory, or zoning. The Commission shall be responsible for making such reports and performing such other duties as the City Council may, from time to time, designate.

(F) The Mayor, with the approval of a majority vote of the elected members of the City Council, shall appoint one alternate member to the Commission. The alternate member shall serve without compensation and shall hold no other city office. The term of the alternate member shall be three years, and he or she shall hold office until his or her successor is appointed and approved. The alternate member may be removed from office in the same manner as a regular member. If the alternate member position becomes vacant other than through the expiration of the term, the vacancy shall be filled for the unexpired portion of the term by the Mayor with the approval of a majority vote of the elected members of the City Council. The alternate member may attend any meeting and may serve as a voting and participating member of the Commission at any time when less than the full number of regular Commission members is present and capable of voting.

(Prior Code, § 2-101) (Ord. 99-2514, passed 4-15-1999)

Statutory reference:

Similar state law provisions, see Neb. RS 19-924 through 19-929