

# MCCOOK CITY COUNCIL

## REGULAR MEETING

**Monday, July 17, 2023**  
**5:30 PM - City Council Chambers**

Roll Call.

Excuse Absences.

Open Meetings Act Announcement.

Invocation - McCook Ministerial Association.

Pledge of Allegiance.

Call to Order.

Items.

1. Announcements & Recognitions.
2. Public Hearings.
  - A. Public Hearing - Regarding a Blight and Substandard Study for Redevelopment Area #6, comprised of a tract of land being part of the Southeast Quarter and part of the Southwest Quarter of Section 28, and part of the Northeast Quarter and part of the Northwest Quarter of Section 33, all in Township 3 North, Range 29 West of the 6th P.M., Red Willow County, Nebraska.
    1. Adjourn the Public Hearing.
  - B. Approve Resolution No. 2023-12 approving the Blight and Substandard Study for Redevelopment Area #6 and creating Redevelopment Area #6 pursuant to the Nebraska Community Development Law.
  - C. Public Hearing - Regarding a Redevelopment Plan for the McCook Business Park Phase II Project.
    1. Adjourn the Public Hearing.
  - D. Meeting of the Community Development Agency - recess as City Council and convene meeting.
    1. Call to Order and Roll Call.
    2. Open Meetings Act Announcement.
    3. Adopt Resolution No. CDA 2023-03 recommending approval of a Redevelopment Plan for the McCook Business Park Phase II Redevelopment Project to the McCook City Council and adopting a Cost Benefit Analysis for the Redevelopment Project in the Redevelopment Plan.
    4. Recess as a Community Development Agency.

- E. Adopt Resolution No. 2023-10 approving a Redevelopment Plan for the City of McCook, Nebraska, including the McCook Business Park Phase II Redevelopment Project.
    - 1. Recess as a City Council.
  - F. Adopt Resolution No. CDA 2023-04 authorizing and approving a Redevelopment Agreement including the use of Tax Increment Financing for the McCook Business Park Phase II Project.
    - 1. Recess as a Community Development Agency.
  - G. Approve Resolution No. 2023-11 approving the Redevelopment Agreement between the City of McCook and McCook Economic Development Corporation.
  - H. Public Hearing - Regarding the Substantial Modification to the Redevelopment Plan for the North Pointe Redevelopment Project in the City of McCook, Nebraska.
    - 1. Adjourn the Public Hearing.
    - 2. Recess as a City Council.
  - I. Approve Resolution No. CDA 2023-05 recommending approval of a Substantial Modification to the Redevelopment Plan for the North Pointe Redevelopment Project in the City of McCook, Nebraska.
    - 1. Recess as a Community Development Agency.
  - J. Adopt Resolution No. 2023-13 approving a Substantial Modification to the Redevelopment Plan for the North Pointe Redevelopment Project in the City of McCook, Nebraska.
    - 1. Recess as a City Council.
  - K. Adopt Resolution No. CDA 2023-06 authorizing the issuance of TIF indebtedness for the North Pointe Redevelopment Project.
    - 1. Adjourn the McCook Community Development Agency.
3. Consent Agenda.
- \*The Consent Agenda is approved on one motion. Any item listed on the Consent Agenda may, by the request of any single Council member or public in attendance, be considered as a separate item under the Regular Agenda.*
- A. Approve the minutes of the July 3, 2023 regular City Council meeting.
  - B. Accept the minutes of the July 10, 2023 Planning Commission meeting.
  - C. Approve the McCook Area Chamber of Commerce Heritage Days request for the use of Norris Park for the Arts & Crafts Show, including the bandshell and electricity, on October 13 & 14, 2023; for the closing of Norris Avenue from "G" Street to "H" Street - after the parade on Saturday until 8:00 p.m., the 100 block of East "G" Street beginning at 1:00 p.m. on Friday, October 13, 2023, the 700 and 800 blocks of East 1st, the 100 and 200 blocks of East "H" Street from 5:00 A.M. to 8:00 P.M. on October 14, 2023, the 100 block of West "G" street from 5:00 a.m. on Saturday October 14, 2023 until after the parade; to allow overnight parking for vendors around Norris Park and to conduct their parade on public streets on October 14, 2023.
  - D. Approve the application for a Special Designated Liquor License submitted by Successful Ventures, LLC, Liquor License #CK-123208, for a Craft Show to be held at the Red Willow County Fairgrounds Alice Arena, 1412 West 5th Street, on October 21, 2023 from 8:00 A.M. to 5:00 P.M.

- E. Ratify the Mayor's appointments to the Economic Development Plan Citizen's Advisory Review Committee - reappoint Jordan Johnson, Rick Sinner, and Jeanette Peters - terms expire July 2026.
  - F. Enter a contract with Gerih Concrete Construction, LLC, with a bid of \$135,700 for a 40' x 40' storage building with concrete foundation and authorize the Mayor to execute the necessary paperwork to award the contract.
  - G. Receive and file the claims for the month of June 2023, published July 11, 2023.
  - H. Approve the application for a Special Designated Liquor License submitted by the McCook Chamber of Commerce for the Heritage Days Mixer to be held at MNB Bank, 220 Norris Avenue, on October 11, 2023 from 8:00 A.M. to 11:59 P.M.
  - I. Approve the application for a Special Designated Liquor License submitted by the McCook Chamber of Commerce for the Heritage Days Community Celebration to be held at Norris Alley, 406 Norris Avenue, on October 12, 2023 from 8:00 A.M. to 11:59 P.M.
  - J. Forward to the City's insurance carrier for review and appropriate action a property damage claim from Quality Inn & Suites in the amount of \$6,903.18.
  - K. Approve and authorize the Mayor to sign the First Amendment to the Water Tower Lease Agreement between the City of McCook and Alltel Communications of Nebraska, LLC d/b/a Verizon Wireless for the addition and modification of existing equipment and for the allowance of an increase in rent.
4. Regular Agenda.
- A. Update regarding the swimming pool and ballpark projects.
  - B. Council Comments.

Adjournment.

**CITY MANAGER'S REPORT  
JULY 17, 2023 MCCOOK CITY COUNCIL MEETING**

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ITEM NO. **2.A.** Public Hearing - Regarding a Blight and Substandard Study for Redevelopment Area #6, comprised of a tract of land being part of the Southeast Quarter and part of the Southwest Quarter of Section 28, and part of the Northeast Quarter and part of the Northwest Quarter of Section 33, all in Township 3 North, Range 29 West of the 6<sup>th</sup> P.M. Red Willow County, Nebraska.

ITEM NO. **2.B.** Approve Resolution No. 2023-12 approving the Blight and Substandard Study for Redevelopment Area #6 and creating Redevelopment Area #6 pursuant to the Nebraska Community Development Law.

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**BACKGROUND:**

For background on this item, please refer to the attached City Manager's Report dated July 10, 2023 for the McCook Planning Commission Meeting.

At the July 10, 2023 McCook Planning Commission Meeting, Craig Bennett and Jason Combs of Miller & Associates provided background information regarding their Blight and Substandard Study for Redevelopment Area #6. Charlie McPherson of the MEDC was present to shed light on a potential development project located on Lot 1 of McCook Business Park - Phase II. In order to successfully complete the project, Mr. McPherson testified for the need to utilize TIF funding, which is only feasible if the area is declared blighted and substandard. Approval of this resolution is necessary for such consideration.

**APPROVALS:**

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

July 12, 2023

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

July 12, 2023

  
\_\_\_\_\_  
Tera Koetter, Assistant City Manager

July 12, 2023

**EXHIBIT #1**

**PAGE(S) - 1**

## NOTICE OF PUBLIC HEARING

Public notice is hereby given by the Mayor and City Council of the City of McCook, Nebraska, that two public hearings will be held at 5:30 p.m. on Monday, July 17, 2023, in the City Council Chambers at the McCook Municipal Center, 505 W C Street, McCook, Nebraska.

The purpose of the first public hearing is to obtain public comment prior to consideration of the declaration of an area of the City (the "Subject Area") as blighted and substandard and in need of redevelopment pursuant to the Nebraska Community Development Law.

The Subject Area is legally described as follows:

A tract of land being part of the Southeast Quarter and part of the Southwest Quarter of Section 28, and part of the Northeast Quarter and part of the Northwest Quarter of Section 33, all in Township 3 North, Range 29 West of the Sixth Principal Meridian, Red Willow County, Nebraska, described as follows:

BEGINNING at the Southeast Corner of said Section 28, also being the Northeast corner of said Section 33; thence Southerly on the East line of said Section 33 to the South Right-of-Way line of Ravenswood Road; thence Westerly on said South Right-of-Way line to the Southerly extension of East line of McCook Business Park, Part of the W 1/2 of the SW 1/4 Section 28-T3N-R29W Red Willow County, Nebraska; thence Northerly on said Southerly extension, on said East line and on the Northerly extension of said East line of McCook Business Park to the South Right-of-Way line of the Burlington Northern Santa Fe Railroad; thence Easterly on said South Right-of-Way line of the Burlington Northern Santa Fe Railroad to the East line of said Section 28; thence Southerly on the East line of said Section 28 to the Point of Beginning. Containing 165.4 Acres, more or less.

The purpose of the second public hearing is to obtain public comment prior to consideration of the approval of a redevelopment plan for the property legally described as:

All of McCook Business Park-Phase II, an addition to the City of McCook, Red Willow County, Nebraska

The metes and bounds description of the McCook Business Park-Phase II addition is as follows:

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

**EXHIBIT #2**

**PAGE(S) - 2**

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.

All interested parties shall be afforded at such public hearings a reasonable opportunity to express their views regarding: (1) the proposed blight and substandard designations and (2) the proposed redevelopment plan. A copy of the blight and substandard study, a map of the redevelopment area, and a copy of the cost-benefit analysis for the proposed project shall be maintained at the office of the City Clerk.

-s- Lea Ann Doak, City Clerk

Publish Twice: June 30 and July 7, 2023

COPY OF NOTICE MAILED TO:

McCook Community College  
President  
1205 East 3rd  
McCook, NE 69001

Chairman of the Board  
Educational Service Unit No 15  
344 Main  
PO Box 398  
Trenton, NE 69044

Chairman of the Board  
Middle Republican NRD  
208 Center Ave  
PO Box 81  
Curtis, NE 69025

Chairman of the Board  
Red Willow County Commissioners  
502 Norris Avenue  
McCook, NE 69001

Board President  
McCook School District  
600 West 7th  
McCook, NE 69001

**EXHIBIT #3**

**PAGE(S) - 1**

CERTIFIED MAIL

Date: July 7, 2023

To: McCook Community College  
President  
1205 East 3rd  
McCook, NE 69001

**NOTICE OF PUBLIC HEARING**

Public notice is hereby given by the Mayor and City Council of the City of McCook, Nebraska, that a public hearing that will be held at 5:30 p.m. on Monday, July 17, 2023, in the City Council Chambers at the McCook Municipal Center, 505 W C Street, McCook, Nebraska.

The purpose of the first public hearing is to obtain public comment prior to consideration of the declaration of an area of the City (the "Subject Area") as blighted and substandard and in need of redevelopment pursuant to the Nebraska Community Development Law.

The Subject Area is legally described as follows:

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BEGINNING at the Southeast Corner of said Section 28, also being the Northeast corner of said Section 33; thence Southerly on the East line of said Section 33 to the South Right-of-Way line of Ravenswood Road; thence Westerly on said South Right-of-Way line to the Southerly extension of East line of McCook Business Park, Part of the W 1/2 of the SW 1/4 Section 28-T3N-R29W Red Willow County, Nebraska; thence Northerly on said Southerly extension, on said East line and on the Northerly extension of said East line of McCook Business Park to the South Right-of-Way line of the Burlington Northern Santa Fe Railroad; thence Easterly on said South Right-of-Way line of the Burlington Northern Santa Fe Railroad to the East line of said Section 28; thence Southerly on the East line of said Section 28 to the Point of Beginning. Containing 165.4 Acres, more or less.

The purpose of the second public hearing is to obtain public comment prior to consideration the approval of a redevelopment plan for the property legally described as:

**EXHIBIT #4**

**PAGE(S) - 10**

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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.

All interested parties shall be afforded at such public hearings a reasonable opportunity to express their views regarding: (1) the proposed blight and substandard designations and (2) the proposed redevelopment plan. A copy of the blight and substandard study, a map of the redevelopment area, and a copy of the cost-benefit analysis for the proposed project shall be maintained at the office of the City Clerk.

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Lea Ann Doak, City Clerk

CERTIFIED MAIL

Date: July 7, 2023

To: Chairman of the Board  
Educational Service Unit No 15  
344 Main  
PO Box 398  
Trenton, NE 69044

**NOTICE OF PUBLIC HEARING**

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Lea Ann Doak, City Clerk

CERTIFIED MAIL

Date: July 7, 2023

To: Chairman of the Board  
Middle Republican NRD  
208 Center Ave  
PO Box 81  
Curtis, NE 69025

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Lea Ann Doak, City Clerk

CERTIFIED MAIL

Date: July 7, 2023

To: Chairman of the Board  
Red Willow County Commissioners  
502 Norris Avenue  
McCook, NE 69001

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The metes and bounds description of the McCook Business Park-Phase II addition is as follows:

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.

All interested parties shall be afforded at such public hearings a reasonable opportunity to express their views regarding: (1) the proposed blight and substandard designations and (2) the proposed redevelopment plan. A copy of the blight and substandard study, a map of the redevelopment area, and a copy of the cost-benefit analysis for the proposed project shall be maintained at the office of the City Clerk.

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Lea Ann Doak, City Clerk

CERTIFIED MAIL

Date: July 7, 2023

To: Board President  
McCook School District  
600 West 7th  
McCook, NE 69001

### **NOTICE OF PUBLIC HEARING**

Public notice is hereby given by the Mayor and City Council of the City of McCook, Nebraska, that a public hearing that will be held at 5:30 p.m. on Monday, July 17, 2023, in the City Council Chambers at the McCook Municipal Center, 505 W C Street, McCook, Nebraska.

The purpose of the first public hearing is to obtain public comment prior to consideration of the declaration of an area of the City (the "Subject Area") as blighted and substandard and in need of redevelopment pursuant to the Nebraska Community Development Law.

The Subject Area is legally described as follows:

A tract of land being part of the Southeast Quarter and part of the Southwest Quarter of Section 28, and part of the Northeast Quarter and part of the Northwest Quarter of Section 33, all in Township 3 North, Range 29 West of the Sixth Principal Meridian, Red Willow County, Nebraska, described as follows:

BEGINNING at the Southeast Corner of said Section 28, also being the Northeast corner of said Section 33; thence Southerly on the East line of said Section 33 to the South Right-of-Way line of Ravenswood Road; thence Westerly on said South Right-of-Way line to the Southerly extension of East line of McCook Business Park, Part of the W 1/2 of the SW 1/4 Section 28-T3N-R29W Red Willow County, Nebraska; thence Northerly on said Southerly extension, on said East line and on the Northerly extension of said East line of McCook Business Park to the South Right-of-Way line of the Burlington Northern Santa Fe Railroad; thence Easterly on said South Right-of-Way line of the Burlington Northern Santa Fe Railroad to the East line of said Section 28; thence Southerly on the East line of said Section 28 to the Point of Beginning. Containing 165.4 Acres, more or less.

The purpose of the second public hearing is to obtain public comment prior to consideration the approval of a redevelopment plan for the property legally described as:

All of McCook Business Park-Phase II, an addition to the City of McCook, Red Willow County, Nebraska

The metes and bounds description of the McCook Business Park-Phase II addition is as follows:

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.

All interested parties shall be afforded at such public hearings a reasonable opportunity to express their views regarding: (1) the proposed blight and substandard designations and (2) the proposed redevelopment plan. A copy of the blight and substandard study, a map of the redevelopment area, and a copy of the cost-benefit analysis for the proposed project shall be maintained at the office of the City Clerk.

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Lea Ann Doak, City Clerk

Project No. 200-G1-026

CITY OF  
**MCCOOK**  
**NEBRASKA**

**BLIGHT & SUBSTANDARD STUDY**  
**REDEVELOPMENT AREA #6**

July 2023

Prepared by:

**MA** **Miller & Associates**  
**CONSULTING ENGINEERS, P.C.**

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**EXHIBIT #5**

**PAGE(S) - 47**

# CONTENTS

Executive Summary	2
Blighted and Substandard Area	2
Conclusion	2
Section 1: Introduction	3
1.1 Purpose of Study	3
1.2 What is Blight?	4
1.3 Substandard Area Definition	5
1.4 Blighted Area Definition	7
1.5 Community Development Law Classification	10
1.6 Analysis Approach	11
1.7 Additional Public Intervention	13
1.8 Conclusion	14
Section 2: Blighted and Substandard Analysis	15
2.1 Existing Land Use	15
2.2 Research Approach	16
2.3 Substandard Definition	17
2.4 Blight Factors	20
2.5 Determination of Need for Public Intervention	26
2.6 Conclusion	27
Section 3: References	28
Appendix A: Supporting Images	38
Figures	
Figure 1: McCook and Red Willow County, Nebraska	31
Figure 2: Overall Blight Map	33
Figure 3: Blight and Substandard Study Area	35
Figure 4: Study Area with Legal Description	37
Tables	
Table 1: Population Totals 1880-2020	3
Table 2: Residential Structures in the Study Area	17
Table 3: Presence of Substandard Factors in the Study Area	19
Table 4: Structural Rating in the Study Area	21
Table 5: Presence of Blight Factors in the Study Area	25

# EXECUTIVE SUMMARY

## **Blighted and Substandard Area Redevelopment Area #6**

The City of McCook, Nebraska contracted Miller & Associates, Consulting Engineers, P.C. to complete a Blighted and Substandard Study. The legal description is described as follows:

*A tract of land being part of the Southeast Quarter and part of the Southwest Quarter of Section 28, and part of the Northeast Quarter and part of the Northwest Quarter of Section 33, all in Township 3 North, Range 29 West of the Sixth Principal Meridian, Red Willow County, Nebraska, described as follows:*

*BEGINNING at the Southeast Corner of said Section 28, also being the Northeast corner of said Section 33;*

*thence Southerly on the East line of said Section 33 to the South Right-of-Way line of Ravenswood Road;*

*thence Westerly on said South Right-of-Way line to the Southerly extension of East line of McCook Business Park, Part of the W 1/2 of the SW 1/4 Section 28-T3N-R29W Red Willow County, Nebraska;*

*thence Northerly on said Southerly extension, on said East line and on the Northerly extension of said East line of McCook Business Park to the South Right-of-Way line of the Burlington Northern Santa Fe Railroad;*

*thence Easterly on said South Right-of-Way line of the Burlington Northern Santa Fe Railroad to the East line of said Section 28;*

*thence Southerly on the East line of said Section 28 to the Point of Beginning.*

*Containing 165.4 Acres, more or less.*

## **Conclusion**

The study reasonably suggests Blighted and Substandard conditions exist as defined under the *Nebraska Community Development Law*. The use of *Community Development Law* provisions to assist with remedies and actions for the (re)development of the Study Area in McCook, Nebraska is warranted and essential. The conclusions presented in this Executive Summary are supported by the analysis and data included herein: “Substandard and Blight Determination for McCook, Nebraska.”

# SECTION 1: INTRODUCTION

## 1.1 Purpose of Study

The purpose of this study is to determine whether an area within the corporate limits of McCook, Nebraska qualifies as Blighted and Substandard within the definition set forth in the *Nebraska Community Development Law*.

McCook, Nebraska—named in honor of Alexander McDowell McCook who was a general in the Union Army during the Civil War—is located in southwest Nebraska in Red Willow County and registered 7,446 residents in the 2020 census, shown in **Table 1: Population Totals 1880-2020** (Perkey 1982). Originally planted by the Lincoln Land Company, McCook was organized in 1883 and at the first census in 1890 tallied 2,346 residents (Perkey 1982). McCook went on to peak in population in 1980 at 8,404 but has since lost 958 or 11.4 percent of its total population, as shown in **Table 1: Population Totals 1880-2020**. Red Willow County has experienced a similar population trend, as shown in **Figure 1: McCook and Red Willow County, Nebraska**. The county peaked in population in 1930 at 13,859 citizens and has since declined to 10,702 in 2020 (-22.8 percent), as shown in **Table 1: Population Totals 1880-2020**.

<b>Year</b>	<b>McCook</b>	<b>Red Willow County</b>
1880	-	3,044
1890	2,346	8,837
1900	2,445	9,604
1910	3,765	11,056
1920	4,303	11,434
1930	6,688	13,859
1940	6,212	11,951
1950	7,678	12,977
1960	8,301	12,940
1970	8,285	12,191
1980	8,404	12,615
1990	8,112	11,705
2000	7,996	11,450
2010	7,698	11,055
2020	7,446	10,702

*Source: Bureau of the Census, U.S. Federal Statistical System, [www.census.gov](http://www.census.gov).*

## 1.2 What is Blight?

Neighborhoods showing social and physical decay are called blighted (or blight) areas (Berkman 1969; Thomlinson 1969). Chapin (1947) long ago referred to blight as both an “acute and crucial” problem. One that included not only the physical, social, and economic concerns (congestion, slums, declining property values) but also fundamental concerns that constitute a healthy and vibrant neighborhood or community. Kaplan *et al.* (2004) add that blight is a term often associated with inner-city housing. Much of the housing, for example, in the urban core was physically deteriorating prior to World War II. Those issues were exacerbated after World War II with the rapid increase in suburbanization.

Yet early on Chapin (1947) recognized as others did that the problem was not geographically limited to one area of the country, nor was it resigned to only large metropolitan regions. Smaller communities and even rural communities wrestled with—and continue to struggle—problems associated with blight as well. Eisenberg (2018) writes that vacant, abandoned, and dilapidated buildings plague rural communities across the country. Many small towns across the country are faced with difficult choices and have limited financial and/or legal measures to address issues related to blight, including safety, health, economics, aesthetics, and a general quality of life.

For decades legislation at both the state- and federal-level has attempted to deal with blight. Illinois, for instance, in 1947 passed the Blighted Areas Redevelopment Act (Berkman 1969). In that particular case, slum clearance was part of housing programs and redevelopment primarily in the Chicago metropolitan area. Just a few years later, the Housing Act of 1949 sought to address the problem on the national scale and demolition was the tool frequently used (Kaplan *et al.* 2004). The 1949 legislation provided a “mechanism by which public and private capital could collaborate in the elimination of certain forms of urban blight and the redevelopment of older sections of cities with more adequate housing” (Berkman 1969, 585). A few years later, the Federal Housing Act of 1954 broadened the scope even further, with a strong emphasis on public participation and rehabilitation for areas not deteriorated beyond restoration.

For decades eminent domain was used to at least attempt to alleviate the problems associated with blight (Kaplan *et al.* 2004; Pritchett 2003). With that, as certain areas were cleared, expansion of downtown anchors (hospitals or universities, for instance) often spilled into nearby blighted neighborhoods. In the 1960s and 1970s the term “urban redevelopment” caught hold. A term that is still in use today, urban development includes a variety of “tools” to assist communities dealing with blight. Rehabilitation remains a viable option for some blighted locations, for others it is not.

### **1.3 Substandard Area Definition**

As defined in *Nebraska Revised Statute §18-2103 (31)* a substandard area is an area in which there is a predominance of buildings or improvements, whether nonresidential or residential in character, which by reason of the presence of:

- Dilapidation or Deterioration
- Age or Obsolescence
- Inadequate Provision for Ventilation, Light, Air, Sanitation, or Open Spaces
- High Density of Population and Overcrowding
- Existence of Conditions which Endanger Life or Property by Fire and Other Causes
- Any Combination of Such Factors

is conducive to ill health, the transmission of disease, infant mortality, juvenile delinquency, and crime (which cannot be remedied through the construction of prisons), and is detrimental to public health, safety, morals, or welfare. The presence of these factors is detrimental to public health, safety, morals, and welfare in the community.

This evaluation includes an exterior survey of the structures or parcels/lots within the Study Area, a land use inventory, field investigations, an analysis of pertinent documents, and data which could validate the existence of substandard conditions. The six substandard factors were evaluated as follows:

#### **Dilapidation or Deterioration**

The determination and rating of the structural condition is critical in determining a substandard area in need of redevelopment. The classification system for existing conditions is a major part of any substandard area determination. It must be based on consistent and established criteria and result in accurate descriptions of existing structures. The existing structural conditions were evaluated, the sites classified, and other environmental conditions and deficiencies recorded.

#### **Age or Obsolescence**

Information on the age of structures was captured from the Red Willow County GIS database (redwillow.gworks.com).

#### **Inadequate Provisions for Ventilation, Light, Air, Sanitation, or Open Spaces**

Results from the exterior structure and lot conditions survey provide the basis for the detection of unsanitary and unsafe conditions. A number of factors present ongoing negative conditions that contribute to the physical decline of any developed area. Improper ventilation and sanitation facilities and lack of sunlight, clean air, and open spaces contribute to the decline of any urban or rural area. The presence of any or all these factors, in minimal amounts, is considered under the *Nebraska Community Development Law* to contribute to the substandard character of any urban or rural area.

## **Existence of Conditions Which Endanger Life or Property by Fire and Other Causes**

The existence of conditions endangering life or property by fire and other causes is identified within the Study Area. Age and structural conditions as well as structural types and public infrastructure within the area are evaluated to determine the existence of these conditions.

## **Any Combination of Such Factors**

A reasonable existence of any factors listed above, or a combination thereof, indicates substandard conditions in the Study Area. These factors present potential for detrimental effects on public health and safety, morals, and welfare in the community. An evaluation of factors within each of the analysis areas and various combinations of substandard conditions will determine if substandard conditions exist.

## 1.4 Blighted Area Definition

For this particular study, the State of Nebraska offers a legal definition. As defined in *Nebraska Revised Statute §18-2103 (3)* a blighted area is an area which due to the presence of:

- A Substantial Number of Deteriorated or Deteriorating Structures
- Existence of Defective or Inadequate Street Layout
- Faulty Lot Layout in Relation to Size, Adequacy, Accessibility, or Usefulness
- Unsanitary or Unsafe Conditions
- Deterioration of Site or Other Improvements
- Diversity of Ownership
- Tax or Special Assessment Delinquency Exceeding the Fair Value of the Land
- Defective or Unusual Conditions of Title
- Improper Subdivision or Obsolete Platting
- Existence of Conditions which Endanger Life or Property, by Fire and Other Causes
- Any Combination of Such Factors

If the presence of these factors substantially impairs or arrests the sound growth of the community, slows the provision of housing accommodations, or constitutes an economic or social liability, and is detrimental to the public health, safety, morals, or welfare in its present condition and use, and in which at least one or more of the following conditions exist:

- The average age of the residential or commercial units in the area is at least forty years.
- More than half of the plotted and subdivided property in an area is unimproved land that has been within the city for forty years and has remained unimproved during that time.
- The per capita income of the study or designated blighted area is lower than the average per capita income of the city in which the area is designated, or
- The area had a stable or declining population based on the last 2 decennial censuses.

This evaluation includes an exterior survey of the structures and parcels/lots within the Study Area, a land use inventory, a field investigation, and analysis of pertinent documents and data, which could validate the existence of blight conditions. The eleven blight factors were evaluated as follows:

### **Substantial Number of Deteriorated or Deteriorating Structures**

As previously mentioned, a substantial number of deteriorated or deteriorating structures is determined by a structural analysis rating. This is vital in determining a blighted area in need of redevelopment. The system used for classifying these conditions is a major part of any blighted area determination and must be based on consistent and established criteria which results in accurate descriptions of existing structures. The condition of the structures was evaluated, the site classified, and other environmental conditions and deficiencies recorded.

### **Existence of Defective or Inadequate Street Layout**

The existence of defective or inadequate street layout consists of an analysis of platted streets. Defective street layout is caused by improper platting, irregular land uses requiring platting

changes, and topographical challenges including natural landscape features like ravines or rivers. Defective or inadequate street layouts could also be caused by dead-end roads. These have the potential to cause safety concerns for vehicular and pedestrian traffic with the main reason for concern being safety hazards caused by irregular intersections.

### **Faulty Lot Layout in Relation to Size, Adequacy, Accessibility, or Usefulness**

Faulty lot layout in relation to size, adequacy, accessibility, or usefulness consists of the function of the land and how it is platted for development. Too small, inaccessible, or irregular lots can impede redevelopment efforts.

### **Unsanitary or Unsafe Conditions**

Unsanitary or unsafe conditions are in existence if conditions endangering life or property by fire and other causes are identified within the Study Area. Age and structural conditions as well as other land use styles within the area are evaluated to determine the existence of these conditions, which are considered blight criteria conditions. These conditions endanger life and can include overcrowding, refuse, debris, presence of vermin or other wild animals, lack of sun and air movement, and any conditions which could lead to injury for residents.

### **Deterioration of Site or Other Improvements**

Determining the deterioration of the site or other improvements consists of completing site reconnaissance, assessing drainage concerns, evaluating the conditions of roads, and calculating vehicular problems such as parking and speeding. Blight conditions may include deterioration or lack of improvements such as poor drainage, dirt, or gravel roads, concrete or asphalt streets with cracks and potholes, lack of consistent sidewalk infrastructure, lack of ADA accessibility, undersized and/or deteriorated water and sanitary sewer mains, and many more site and development needs.

### **Diversity of Ownership**

Diversity of ownership can make it challenging to work through comprehensive redevelopment efforts. Having little or no diversity of ownership in the Study Area can also be a blight factor if a handful of owners or a single owner is not taking responsibility for the care and upkeep of the property. Diversity of ownership is determined by researching Red Willow County assessor data as reported on the County's GIS Workshop Site.

### **Tax or Special Assessment Delinquency Exceeding the Fair Value of the Land**

The list of delinquent taxes for real property in Nebraska is posted on the Nebraska Department of Revenue's website as reported by each County's Treasurer.

### **Defective or Unusual Conditions of Title**

This factor is said to be present when there are problems with the marketability of property titles, including unusual restrictions or unclear ownership. Defective or unusual conditions of the title can include improper filings. This can be corrected when the land is being sold, mortgaged, or both. Defective conditions of title can render the land unmarketable constituting a blight factor.

### **Improper Subdivision or Obsolete Platting**

Improper subdivision of obsolete platting is considered a blight condition when there is a wide range of shapes and sizes of platted land that exists within the Study Area. Some irregular lots may not conform to the current municipal standards. Irregular-shaped lots or outdated platting create challenges for redevelopment efforts and are considered a blight factor.

### **Existence of Conditions which Endanger Life or Property, by Fire and Other Causes**

The existence of conditions endangering life or property by fire and other causes are identified within the Study Area. Age and structural conditions as well as structural types and public infrastructure present within the area are all evaluated to determine the existence of these conditions.

### **Any Combination of Such Factors**

When any combination of such factors exists and substantially impairs or arrests the sound growth of the community, slows the provision of housing accommodations, or constitutes an economic or social liability it is detrimental to the public health, safety, morals, or welfare in its present condition and use, and in which at least one or more of the following conditions exists:

- The average age of the residential or commercial units in the area is at least 40 years.
- More than half of the platted and subdivided property in an area is unimproved land that has been within the Village/City for 40 years and has remained unimproved during that time.
- The per capita income of the study or designated blighted area is lower than the average per capita income of the Village/City in which the area is designated or
- The area had either a stable or declining population based on the last two decennial censuses.

## 1.5 Community Development Law Classification

McCook, Nebraska is a First Class City (more than 5,000 residents and fewer than 100,000) as defined by the state (*Nebraska Revised Statute 16-101*). Under the *Community Development Law*, a First Class City may designate up to 35 percent of the city as blighted and substandard. McCook's corporate limits currently include 3,534.98 acres. McCook has undertaken several blight and substandard studies beginning with Areas #1 and #2 in 1997. More recently, Area #5 which covers 185.23 acres was added as a blight and substandard area in 2019. The current Study Area #6 includes 165.4 acres, a portion of which is outside the corporate limits. With its addition the total area designated as blight and substandard in McCook and its extraterritorial jurisdiction (ETJ) is 1,185.49 acres (1,062.06 within the corporate limits) which remains below the 35 percent threshold as shown in **Figure 2: Overall Blight Map**.

## 1.6 Analysis Approach

Field survey data was collected for buildings and parcels in the Study Area. Miller & Associates analyzed the data collected and examined the condition, age, site, and other factors related to public health, safety, morals, or welfare. Street layout, accessibility, condition, and subdivision layout and design were also investigated within the Study Area.

The rating of structural conditions is a critical step in determining the eligibility of an area for redevelopment. The classification system must be based on established evaluation standards and criteria and result in an accurate and consistent description of the existing conditions. The following section—Structural Components—summarizes the method used for assessing structural conditions, the standards and criteria used for evaluation, and the findings of dilapidated or deteriorating structures.

A field survey method was used to assess and record structural conditions. This analysis was based on an exterior inspection to note deficiencies of the structures and identify related environmental deficiencies. An inspection and analysis of the blighted and substandard factors listed in the State Statutes was made to determine whether any factors were present in the Study Area.

Photos of parcels and structures were also taken within the Study Area and a selection of images is located in **Appendix A: Supporting Images**.

### Structural Components

During the field survey, structural components within the Study Area were examined from the exterior to determine existing conditions. The examined structural components fit the two categories listed below:

#### **Primary (Major) Components:**

These are the basic structural elements including roof, wall, and foundation composition.

#### **Secondary (Minor) Components:**

These components are the necessary secondary structural elements such as roof types, chimneys, gutters and downspouts, wall surfaces and condition, paint, doors, windows, porches, steps, and fire escapes, driveways, and siding condition.

### Structural Components Classification

Both the Primary and Secondary Components were evaluated from the exterior to determine the overall structural condition. This evaluation considered the relation and importance of each component separately and the effects on each structure. The four classifications for structural components are as follows:

#### **Sound (Normal Maintenance):**

A sound structure is one which has been and can be kept in good condition with normal maintenance. Structural components contain no defects and require no treatment other than normal maintenance.

#### **Minor Deficient (Minor Repair):**

A structure ranked as minor deficient has components containing defects which can be corrected through the course of normal maintenance or minor repair. Minor defects have

no real effects on either structural or architectural components. Correcting such defects may be accomplished by the owner or tenant and is not considered in rating a structure as structurally substandard.

**Major Deficient/Deteriorating (Major Repair):**

A structure ranked as major deficient has components with major defects over an extensive area. Correction of such major defects would require reconstruction of components by practiced and experienced people in the related trade.

**Substandard/Deteriorated (Beyond Feasible Repair):**

A substandard structure contains major defects which are so serious and extensive that the structure cannot be economically repaired. A dilapidated structure contains such serious defects that there is no question if it is uninhabitable and should be demolished. All major components of a dilapidated structure have major or critical component defects or a combination of less serious major component defects together with several minor component defects which are ranked as critical in nature.

**Blighted and Substandard Factor Distribution**

This analysis was performed on the basis that the blighted and substandard factors defined in the Nebraska Community Development Law must be reasonably distributed within an area determined to be Blighted and Substandard.

**Blighted and Substandard Rating Criteria**

Each of the blighted and substandard factors is classified into one of four ratings on the site reconnaissance and data analysis. The four ratings are *not at all*, *mild*, *moderate*, and *strong*. These ratings represent the presence of each of the blighted and substandard factors in the Study Area.

## **1.7 Additional Public Intervention**

The presence of one or more of these blighted and substandard conditions may make it fitting to declare an area substandard or blighted under State Statute. As part of the *Nebraska Community Development Law, Nebraska Revised Statute §§18-2101 to 18-2155* a determination shall be made that the conditions existing in any such blighted and substandard area are beyond remedy and control solely by the regulatory process in the exercise of police power and cannot be dealt with effectively by ordinary operations of private enterprises without aid provided under the *Community Development Law*. This analysis was conducted because additional public intervention, over and above the exercise of police power, is needed to overcome the existing conditions in the Blighted and Substandard Study Area.

## **1.8 Conclusion**

Assessments of the factors listed in the *Nebraska Community Development Law* indicate an area can be determined as Blighted and Substandard. Although the presence of one or more of the stated factors may be sufficient to determine if Blighted and Substandard conditions exist under State Statute, this evaluation was made on the basis that would lead rational persons to conclude public intervention is appropriate and/or necessary to assist with redevelopment activities.

## SECTION 2: BLIGHTED AND SUBSTANDARD ANALYSIS

### 2.1 Existing Land Use

**Figure 3: Blight and Substandard Study Area**, shows the boundaries of the Blighted and Substandard Study Area—a portion of the Study Area is inside McCook’s corporate boundaries, and a portion is outside the corporate limit. Even though a portion of the Study Area is outside the corporate boundaries it sits adjacent to McCook’s legal boundaries and inside the extraterritorial jurisdiction (ETJ) as shown in **Figure 3: Blight and Substandard Study Area**. Much of the area is zoned agricultural, but it does sit adjacent to parcels zoned industrial. Additionally, the Study Area also contains several non-conforming residential parcels.

## **2.2 Research Approach**

The research approach implemented for the Blighted and Substandard Determination Study included an assessment of the Blighted Substandard determination factors listed in the *Nebraska Community Development Law*. Exterior structural conditions, individual structures and properties, streets, alleys, sidewalks, driveways, railways, and open spaces were investigated in the Study Area to determine the presence of blighted and substandard factors. For further explanation of how data was collected and evaluated, see the Analysis Approach section previously presented in this document.

## 2.3 Substandard Definition

As defined in *Nebraska Revised Statute §18-2103 (31)* a substandard area shall mean an area with a predominance of structures or improvements, whether nonresidential or residential in character, by the presence of the following is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, and crime and is detrimental to the public health, safety, morals, or welfare:

- Dilapidation/Deterioration
- Age or Obsolescence
- Inadequate Provision for Ventilation, Light, Air, Sanitation, or Open Spaces
- Existence of Conditions Which Endanger Life or Property by Fire and Other Causes
- Any Combination of Such Factors

is conducive to ill health, the transmission of disease, infant mortality, juvenile delinquency, and crime, and is detrimental to public health, safety, morals, or welfare.

### Dilapidation/Deterioration

Survey data revealed multiple deteriorated or dilapidated structures in the Study Area. Age and deterioration of structures are clear as seen in Appendix A—Supporting Images. There is also scattered debris and an abundance of overgrown vegetation surrounding several parcels and structures.

### Conclusion

The results of the exterior building condition field survey indicate dilapidated/deteriorated structures are present to a *mild* degree in the Study Area which constitutes a substandard factor.

### Age or Obsolescence

Data for this factor is from the Red Willow County GIS database. The following is a list of property addresses along with the year built for the residential structures in the Study Area as shown in **Table 2: Residential Structures in the Study Area.**

**Table 2: Residential Structures in the Study Area**  
**Study Area in McCook, Nebraska 2023**

Address	Year
38625 Ravenswood Drive	1974
38629 Ravenswood Drive	1976
38633 Ravenswood Drive	1964
38635 Ravenswood Drive	1955
38637 Ravenswood Drive	1940
38641 Ravenswood Drive	1925
38655 Ravenswood Drive	1950
38657 Ravenswood Drive	1952
38659 Ravenswood Drive	1950
38663 Ravenswood Drive	1950
38665 Ravenswood Drive	1950
38667 Ravenswood Drive	1962

## **Conclusion**

All residential structures in the Study Area are more than forty years in age. Age is not the sole determinant in evaluating condition, but older properties do require continual maintenance to avoid substandard conditions from appearing. This presents a *mild* substandard factor for the Study Area.

## **Inadequate Provisions for Ventilation, Light, Air, Sanitation, or Open Spaces**

The Study Area in southeast McCook, Nebraska is comprised of agricultural parcels and residential lots adjacent to industrial tracts. The majority of the area listed as agricultural presents concerns related to proper ventilation, light, air quality, and sanitation. Air quality, for instance, could be compromised by the presence of livestock operations or dust from traditional row crop operations. Moreover, air quality concerns related to McCook's nearby wastewater treatment facility is an issue for the Study Area as well. In addition to air quality concerns, livestock, and industrial uses (nearby rail lines) create potential runoff concerns. Finally, soil erosion/blowing sediment has been and remains a concern for Red Willow County, so minimizing wind erosion is important.

## **Conclusion**

Inadequate provisions for ventilation, light, air, sanitation, or open spaces are present to a *moderate* degree in the Study Area which constitutes a substandard factor.

## **Existence of Conditions which Endanger Life or Property by Fire and Other Causes**

The field survey indicates there are a number of conditions which endanger life or property to varying degrees within the Study Area. There are instances of scattered debris, uncontrolled vegetation, and deteriorated or dilapidated accessory structures. The presence of debris, uncontrolled vegetation, and dilapidated accessory structures could constitute a substantial fire hazard, which would endanger both life and property, especially as this area becomes more developed in the future.

The Study Area sits just north of the Republican River which has presented flooding concerns in the past. Additionally, the area has a small floodplain on its northeast edge which has the potential for flooding concerns should intensive commercial or residential development occur in the future. Poor stormwater drainage could be an issue in the future, especially as there is no stormwater drainage infrastructure presently on the site to convey stormwater properly.

## **Conclusion**

Conditions which endanger life or property by fire and other causes are present to a *moderate* degree in the Study Area which constitutes a substandard factor.

## **Any Combination of Such Factors**

The presence and combination of the previously listed factors indicates substandard conditions exist. When two or more of these factors exist in the same area, they present potential for detrimental effects on public health and safety. An evaluation of substandard factors within the Study Area and various combinations of substandard conditions produced the following findings:

- The Study Area has multiple instances of dilapidated or deteriorated structures, creating conditions which endanger life or property by fire and other causes.

- Scattered refuse and debris and overgrown vegetation coupled with close proximity of structures, presents potential for fire hazards and unsanitary conditions.
- The potential for flooding and stormwater buildup along with associated flood damage could also be a major issue in the future. The lack of proper stormwater drainage infrastructure, especially if development becomes more intensive in the future, may have detrimental effects on public safety.
- Unsanitary conditions could be created by flood events, particularly with runoff from farms with livestock.

### Conclusion

The combination of these factors throughout the Study Area indicates a *moderate* presence of substandard conditions which constitutes a substandard factor.

### Determination of Substandard Factors

Many conditions within the Study Area meet the requirements of ‘substandard’ as outlined in the *Nebraska Community Development Law*. Structures and properties were evaluated, and the substandard factors were determined to be present to one of the following strengths: *not at all*, *mild*, *moderate*, and *strong*. The distribution of the defined factors indicates the Study Area is substandard. **Table 3: Presence of Substandard Factors in the Study Area**, summarizes the presence of substandard factors.

Table 3: Presence of Substandard Factors in the Study Area Study Area in McCook, Nebraska 2023	
Substandard Factor	Presence
Dilapidated/Deterioration	Mild
Age of Obsolescence	Mild
Inadequate Provision for Ventilation, Light, Air, Sanitation, or Open Spaces	Moderate
Existence of Conditions which Endanger Life or Property by Fire or Other Causes	Moderate
Any Combination of Such Factors	Moderate

### Conclusion

The Study Area has two *mild* factors and three *moderate* indicators of blight.

## 2.4 Blight Factors

As described in Nebraska Revised Statutes §18-2103 (3) a blighted area shall mean an area, which due to the presence of:

- Substantial Number of Deteriorated or Deteriorating Structures
- Existence of Defective or Inadequate Street Layout
- Faulty Lot Layout in Relation to Size, Adequacy, Accessibility, or Usefulness
- Unsanitary or Unsafe Conditions
- Deterioration of Site or Other Improvements
- Diversity of Ownership
- Tax or Special Assessment Delinquency Exceeding the Fair Value of the Property
- Defective or Unusual Conditions of Title
- Improper Subdivision or Obsolete Platting
- Existence of Conditions which Endanger Life or Property by Fire or Other Causes
- Any Combination of Such Factors

The presence of these factors substantially impairs or arrests the sound growth of the community, slows the provision of housing accommodations, or constitutes an economic or social liability and is detrimental to the public health, safety, morals, or welfare in its present condition and use, and in which at least one or more of the following conditions exist:

- The average age of the residential or commercial units in the area is at least forty years.
- More than half of the plotted and subdivided property in an area is unimproved land that has been within the city for forty years and has remained unimproved during that time.
- The per capita income of the study or designated blighted area is lower than the average per capita income of the city in which the area is designated or
- The area had either a stable or declining population based on the last 2 decennial censuses.

### **A Substantial Number of Deteriorated or Deteriorating Structures**

While the primary structures in the Study Area were for the most part in sound condition, the accessory structures varied from “Minor Deficient” to “Substandard/Deteriorated.” The rating system is outlined previously in the Structural Components Classification section of this Determination Study.

The exterior conditions survey revealed several deteriorating conditions including rusted, weathered, and outdated conditions with deteriorated siding, roofs, windows, and yards. In addition, cracked, uneven, and largely unpaved parking lots, driveways, and roads are in major need of rehabilitation and/or replacement. Additionally, there is scattered debris and overgrown vegetation in the area as well, as shown in **Table 4: Structural Rating in the Study Area**.

Table 4: Structural Rating in the Study Area		
Study Area in McCook, Nebraska 2023		
Rating	Land Use	
	Residential	Agricultural/Greenspace
Sound	8	
Minor Deficient	1	3
Major Deficient Deteriorating	3	
Substandard Deteriorated		

### Conclusion

The survey results indicate a *mild* ranking for the Study Area that contains one *minor deficient* property, three *major deficient* properties, and all three agricultural parcels are *minor deficient*.

### Existence of Defective or Inadequate Street Layout

Limited access along and/or to Ravenswood Road points to egress concerns for the Study Area. Moreover, Highway 83 is a short distance to the west but provides limited access points to the Study Area, and Highways 6/34 to the north are not accessible from the Study Area due to the Burlington Northern-Santa Fe rail line.

### Conclusion

These concerns represent a *moderate* concern for the Study Area.

### Faulty Lot Layout in Relation to Size, Adequacy, Accessibility, or Usefulness

Field survey data indicate that faulty lot layout is a concern in relation to size, adequacy, accessibility, and/or usefulness. The residential lots in the Study Area, for instance, are all non-conforming that today do not follow city and/or county codes that require three acres lots for residential tracts.

### Conclusion

These concerns represent a *moderate* concern for the Study Area.

### Unsanitary or Unsafe Conditions

The results of the field survey recognized unsanitary and unsafe conditions throughout the Study Area. Factors contributing to unsanitary and unsafe conditions are listed and explained below:

- Deteriorating or dilapidated conditions cited in this Study Area are prevalent in existing structures. Hazards, such as inadequate roof drainage, poor or lack of sidewalks, and unsafe secondary buildings were exhibited in many of these structures.
- There were some lots which were found to contain major debris and combustible items. The presence of combustible materials, debris, and refuse constitutes a substantial fire hazard and unsafe conditions.

- Areas of salvage and storage are not adequately screened or fenced for the safety of residents.
- The lack of completed sidewalks creates an unsafe environment for residents.
- Street site limitations exist at various intersections due to overgrown trees, shrubs, and bushes. Safety issues are compromised for both vehicular and pedestrian traffic.
- There is no public storm safety shelter in the area.

### **Conclusion**

Unsanitary and unsafe conditions are present to a Mild degree throughout the Study Area which constitutes a blighting factor.

### **Deterioration of Site or Other Improvements**

Field observations to evaluate the condition of site improvements such as streets, parking lot surface, driveways, pedestrian safety, accessory structure condition, drainage capacity, neglect and debris, lack of landscaping, infrastructure condition, fencing condition, and lack of infrastructure provided the foundation for the recognition of deterioration of site improvements throughout the Blighted and Substandard Area. Factors contributing to the deterioration of site improvements are listed and explained below:

- Streets and parking lot surfaces in the Study Area are either in poor condition or there is a lack of pavement in general.
- Accessory structures in the Study Area vary in condition, with several in need of repair.
- Stormwater drainage and flooding could create many issues for the Study Area which is adjacent to a small floodplain and just north of the Republican River. Drainage capacity is paramount to protecting any future developments in the Study Area.
- There are areas where deteriorated fencing in the Study Area needs replacement.
- Weathering and damage to the fencing are prevalent and can pose a safety concern and add to the deteriorated appearance of the Study Area.
- There is limited municipal infrastructure available in the Study Area. An existing water main exists near Ravenswood Road and serves much of the area. Sanitary sewer is limited easterly of the wastewater treatment facility outfall main. The existing asphalt road surfacing does not conform with McCook’s current design standards. Paving improvements, stormwater drainage, water main looping, and sanitary sewer options will need to be addressed for any future development.

### **Conclusion**

Deterioration of site improvements is present to a *moderate* degree in the Study Area and constitutes a blighting factor.

### **Diversity of Ownership**

Despite the low number of property owners, diversity of ownership is a *moderate* concern. With competing interests related to ownership—agricultural, industrial, and residential—diversity of ownership is an important issue to consider and has the potential to limit development in the future.

### **Conclusion**

Diversity of ownership is a *moderate* concern for the Study Area.

### **Tax or Special Assessment Delinquency Exceeding the Fair Value of the Land**

The status of real estate taxes for properties within the Study Area was evaluated. The list of delinquent taxes for real property in Nebraska is posted on the Nebraska Department of Revenue's website as reported by each county treasurer the first week of February.

#### **Conclusion**

Tax or special assessment of delinquency exceeding the fair value of the land is *not at all* present within the Study Area and *does not* constitute a blight factor.

### **Defective or Unusual Conditions of Title**

A title insurance policy is usually issued whenever land is sold, mortgaged, or both. Any title defects are corrected at the time of issuance. All other titles in the same subdivision or addition need to be checked when new title insurance has been written. Everything preceding the issuance of the title should be the same and any defects previously corrected. The possibility for title problems should be limited to improper filings since platting on properties which have not been mortgaged or sold is minimal.

#### **Conclusion**

Defective or unusual conditions of the title are *not at all* present within the Study Area and do not constitute a blight factor.

### **Improper Subdivision or Obsolete Platting**

Developed land uses in the Study Area consist of agricultural, industrial, and residential parcels. Several non-conforming residential lots found adjacent to Ravenswood Road create a *moderate* concern for the Study Area and do not conform to current development standards.

#### **Conclusion**

Improper subdivision or obsolete platting is a *moderate* concern in the Study Area.

### **Existence of Conditions which Endanger Life or Property, by Fire and Other Causes**

Field survey data was considered in determining the existence of conditions that endanger life or property by fire, flood, and other causes. Several conditions exist in the Redevelopment Area that could potentially endanger life or property to varying degrees and are summarized as follows:

- Unattended lots, especially during dry, hot conditions pose fire hazards.
- There were instances where varying amounts (major and minor) of debris, combustible items, and refuse were identified.
- With limited drainage infrastructure in addition to the close proximity of the Republican River, the area does have drainage/flooding concerns.

#### **Conclusion**

Conditions which endanger life or property, by fire, flood, or other causes, have a *moderate* presence in the Study Area which constitutes a blighting factor.

### **Any Combination of Such Factors**

Any combination of such factors, substantially impairs or arrests the sound growth of the community, slows the provision of housing accommodations, constitutes an economic or social liability, and is detrimental to the public health, safety, morals, or welfare in its present condition and use, and in which at least one or more of the following conditions exists:

- The average age of the residential or commercial units in the area is at least 40 years.
- More than half of the platted and subdivided property in an area is unimproved land that has been within the City for 40 years and has remained unimproved during that time.
- The per capita income of the study or designated blighted area is lower than the average per capita income of the Village/City in which the area is designated; or
- The area had either a stable or declining population based on the last 2 decennial censuses.

Significant blighted characteristics are present within the Study Area. Examination of the field data and information gathered as part of this analysis indicate the existence of several negative conditions, which impede the sound growth and potential for redevelopment of the Study Area:

### **Conclusion**

The combination of the blight factors outlined in this document and the presence of socioeconomic constraints which limit sound redevelopment, impede provisions to provide adequate housing and commercial development and produce an ongoing economic liability. A *moderate* presence of these blight conditions exists within the Study Area.

### **Determination of Blight Factors**

The Study Area meets the requirements for a blighted area as outlined in the *Nebraska Community Development Law*. Structures and properties were evaluated, and blight factors were determined to be present to one of the following strengths: *not at all*, *mild*, *moderate*, and *strong*. The distribution of defined factors indicates the analysis area is blighted. The predominance of all ten factors and combinations of these factors are present as determined through this evaluation. **Table 5: Presence of Blight Factors in the Study Area** summarizes the presence of blight factors in the Study Area.

**Table 5: Presence of Blight Factors in the Study Area  
Study Area in McCook, Nebraska 2023**

<b>Blight Factor</b>	<b>Presence</b>
Substantial Number of Deteriorated or Deteriorating Structures	Mild
Existence of Defective or Inadequate Street Layout	Moderate
Faulty Lot Layout in Relation to Size, Adequacy, Accessibility, or Usefulness	Moderate
Unsanitary or Unsafe Conditions	Mild
Deterioration of Site or Other Improvements	Moderate
Diversity of Ownership	Moderate
Tax or Special Assessment Delinquency Exceeding the Fair Value of the Land	Not at All
Defective or Unusual Conditions of Title	Not at All
Improper Subdivision or Obsolete Platting	Moderate
Existence of Conditions which Endanger Life or Property by Fire or Other Causes	Moderate
Any Combination of Such Factors	Moderate

## **2.5 Determination of Need for Public Intervention**

In determining whether or not any area is blighted and substandard, *Nebraska Community Development Law §18-2102* requires the condition of the area must be such that the remedy of the blighted and substandard conditions within the area be beyond the control of the City's use of regulatory control and exercise of police power and cannot be effectively dealt with by the ordinary operations of private enterprise without the aids provided under the law. McCook, Nebraska could deem public intervention as essential or appropriate. For this reason, each factor being evaluated in the context of the extent of its presence and the combined impact of all factors found in the Study Area, this study finds that public intervention is needed for redevelopment efforts.

This blighted and substandard conditions evaluation indicates that McCook, Nebraska can and should encourage long-term improvements within the Study Area. Improvements and conditions can be accomplished through applications of zoning regulations, nuisance abatement, infrastructure improvements, pedestrian accessibility improvements, dilapidated building demolition, rehabilitation, and debris removal. Increasing taxes or assessments, however, to achieve these goals would be problematic for area residents.

Existing conditions are deterrents and discourage private redevelopment and investment. As a result, the community cannot achieve improvements without aid made available through the *Community Development Law*. In summary, if Blighted and Substandard conditions were remedied within a reasonable time, redevelopment of the area would improve the economic climate and prevent further decline of the Study Area. Working to remedy and repair blighted and substandard conditions has been determined to be essential, warranted, and vital to the redevelopment of the Study Area.

## **2.6 Conclusion**

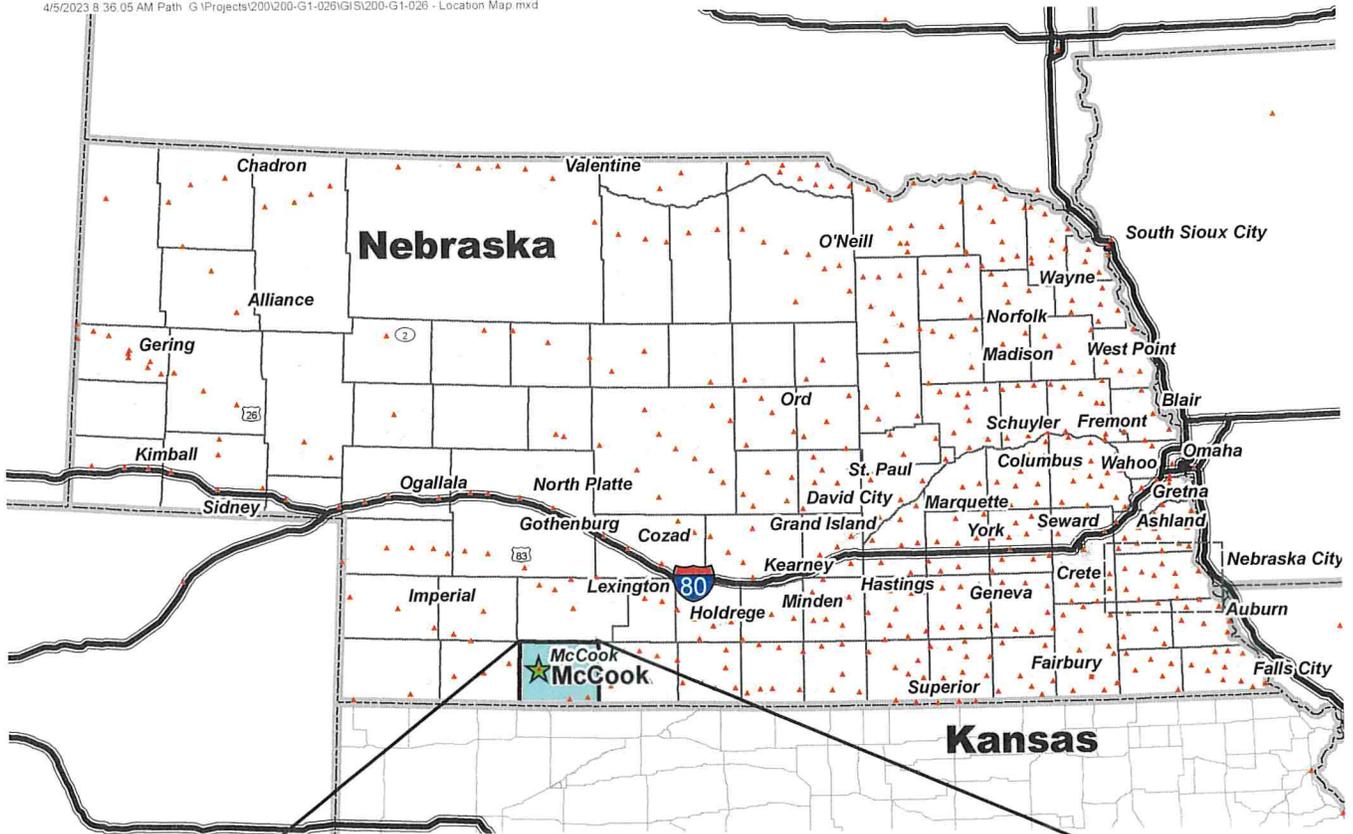
The previously listed blighted and substandard factors have been identified through analysis of census data, survey data results, and field evaluation and are sufficiently present and distributed for the Study Area to be designated as blighted and substandard.

## SECTION 3: REFERENCES

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- Thomlinson, Ralph. 1969. *Urban Structure*. New York: Random House.

## FIGURES

**Figure 1: McCook and Red Willow County, Nebraska**



4/5/2023  
Prepared By:

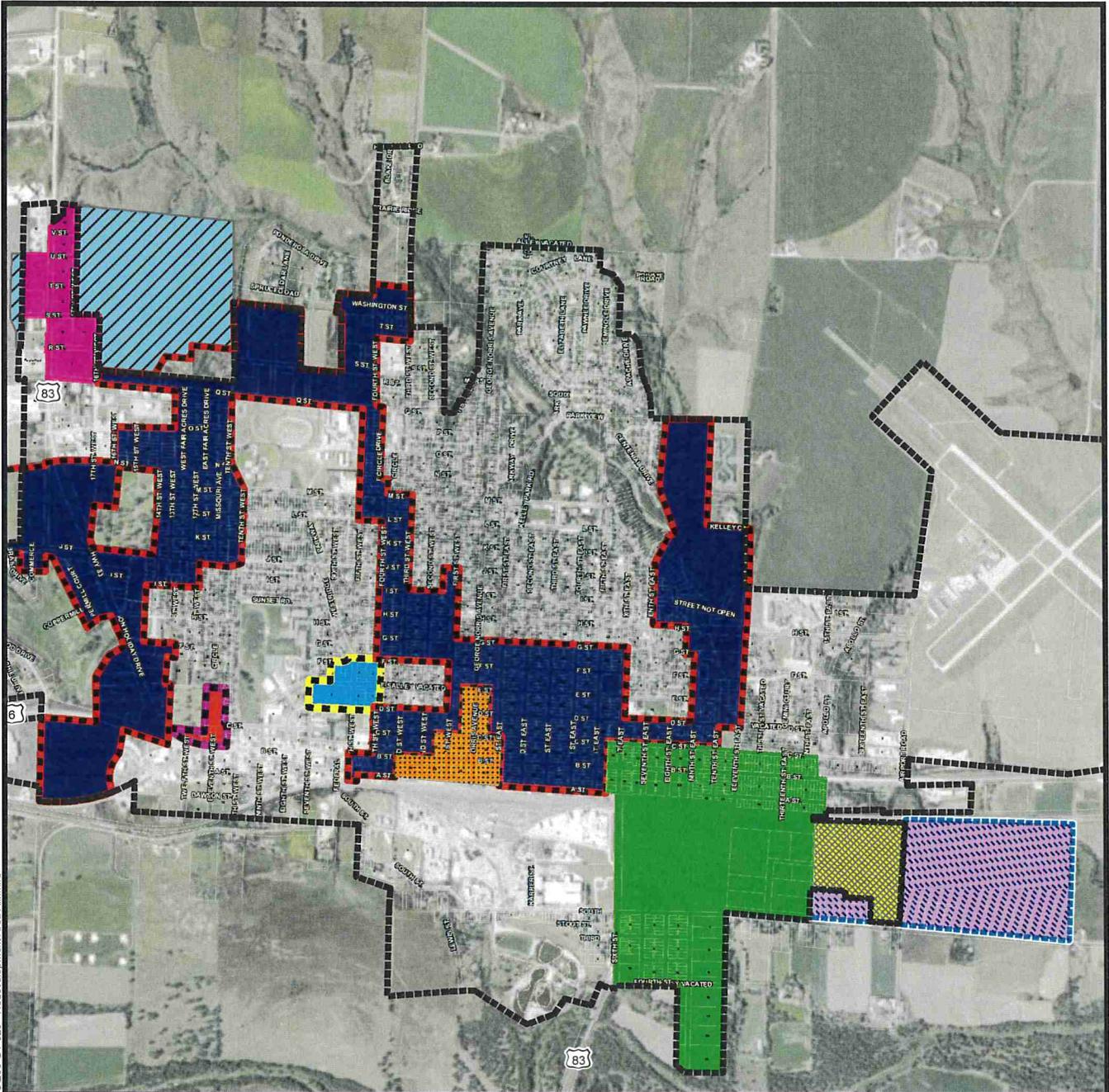
**MA**  
**Miller & Associates**  
CONSULTING ENGINEERS, P.C.  
Kearney, NE - (308) 234-6456



**Location Map**  
Project 200-G1-026  
McCook, Nebraska

**Figure 2: Overall Blight Map**

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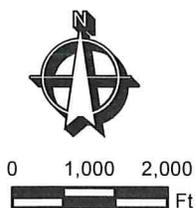


**Legend**

- McCook Corp. Boundary (3534.98 AC.)
- 1997 Area #1 (30.13 AC.)
- 1997 Area #2 (263.69 AC.)
- 2013 Area 3 (698.29 AC)
- 2013 Area #3 [Inside] (644.31 AC.)
- Amendment to Redevelopment Area #3 (17.43 AC.)
- Redevelopment Area #4 (8.62 AC.)
- 2019 Area 5 [Inside] (55.91 AC.)
- 2019 Area 5 [Outside] (129.32 AC.)
- 2023 Area 6 [Inside] (41.97 AC.)
- 2023 Area 6 [Outside] (114.61 AC.)

Prepared By:

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**Figure 2:**  
**Overall Blight Map**  
 McCook, Nebraska

**Figure 3: Blight and Substandard Study Area**

R 29 W

T 03 N



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**LEGEND**

 Proposed Addition to City

 Study Area

 ParcelLine

**Note:**

1. Aerial Photography acquired from:  
ESRI, i-cubed, USDA FSA, USGS, AEX,  
GeoEye, Getmapping, Aerogrid, IGP

Prepared By:

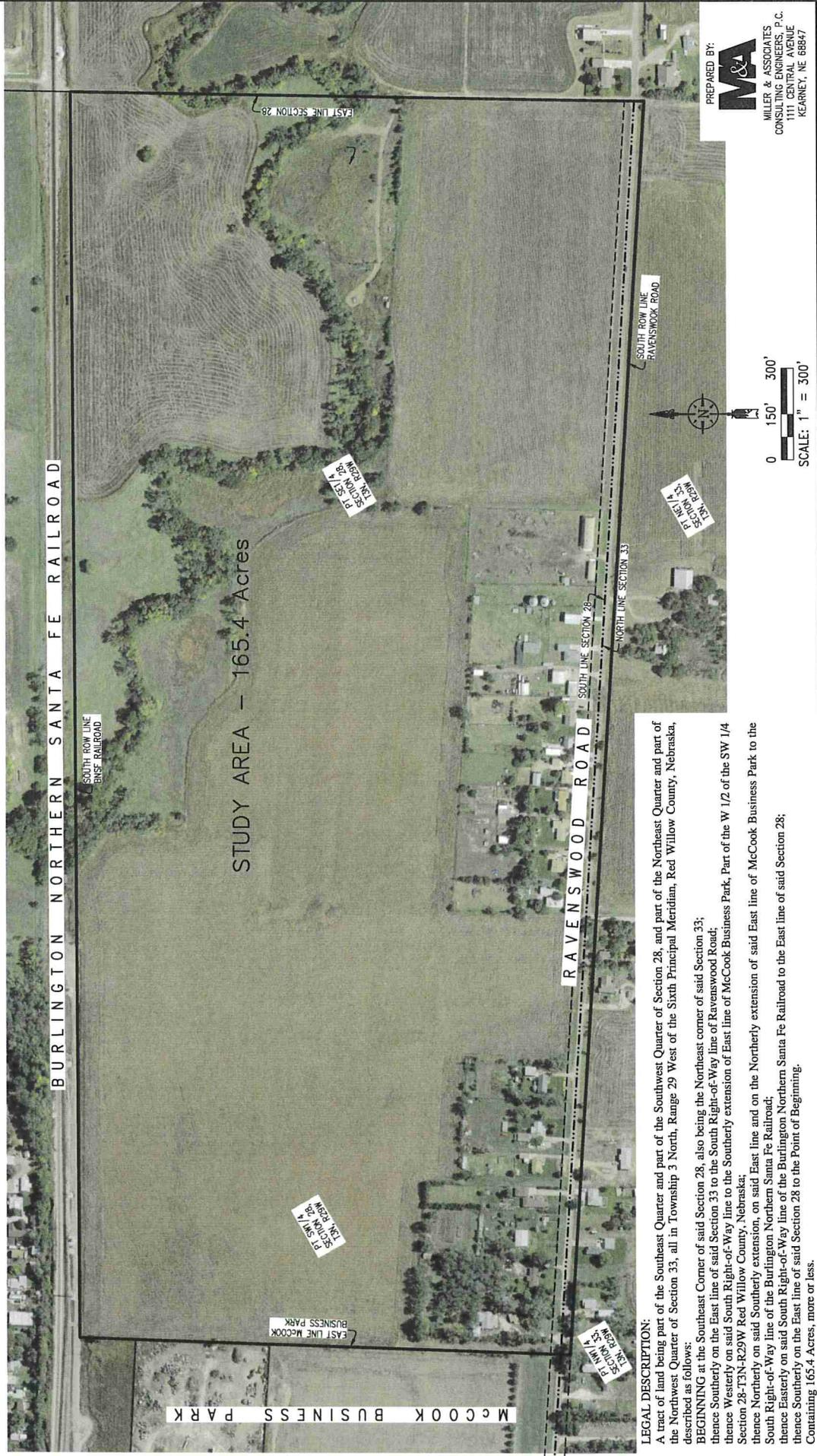
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**Study Area**  
Project 200-G1-026  
McCook, Nebraska

**Figure 4: Study Area with Legal Description**

# McCOOK BLIGHT AND SUBSTANDARD STUDY AREA EXHIBIT



PREPARED BY:  
**M&A**  
 WILLER & ASSOCIATES  
 CONSULTING ENGINEERS & C.  
 1100 CENTRAL AVENUE  
 KEARNY, NE 68847

**LEGAL DESCRIPTION:**  
 A tract of land being part of the Southeast Quarter and part of the Southwest Quarter of Section 28, and part of the Northeast Quarter and part of the Northwest Quarter of Section 33, all in Township 3 North, Range 29 West of the Sixth Principal Meridian, Red Willow County, Nebraska, described as follows:  
**BEGINNING** at the Southeast Corner of said Section 28, also being the Northeast corner of said Section 33;  
 thence Southerly on the East line of said Section 33 to the South Right-of-Way line of Ravenswood Road;  
 thence Southerly on said South Right-of-Way line to the Southerly extension of East line of McCook Business Park, Part of the W 1/2 of the SW 1/4 Section 28-T4N-R29W, Red Willow County, Nebraska;  
 thence Northerly on said Southerly extension, on said East line and on the Northerly extension of said East line of McCook Business Park to the South Right-of-Way line of the Burlington Northern Santa Fe Railroad;  
 thence Easterly on said South Right-of-Way line of the Burlington Northern Santa Fe Railroad to the East line of said Section 28;  
 thence Southerly on the East line of said Section 28 to the Point of Beginning.  
 Containing 165.4 Acres, more or less.

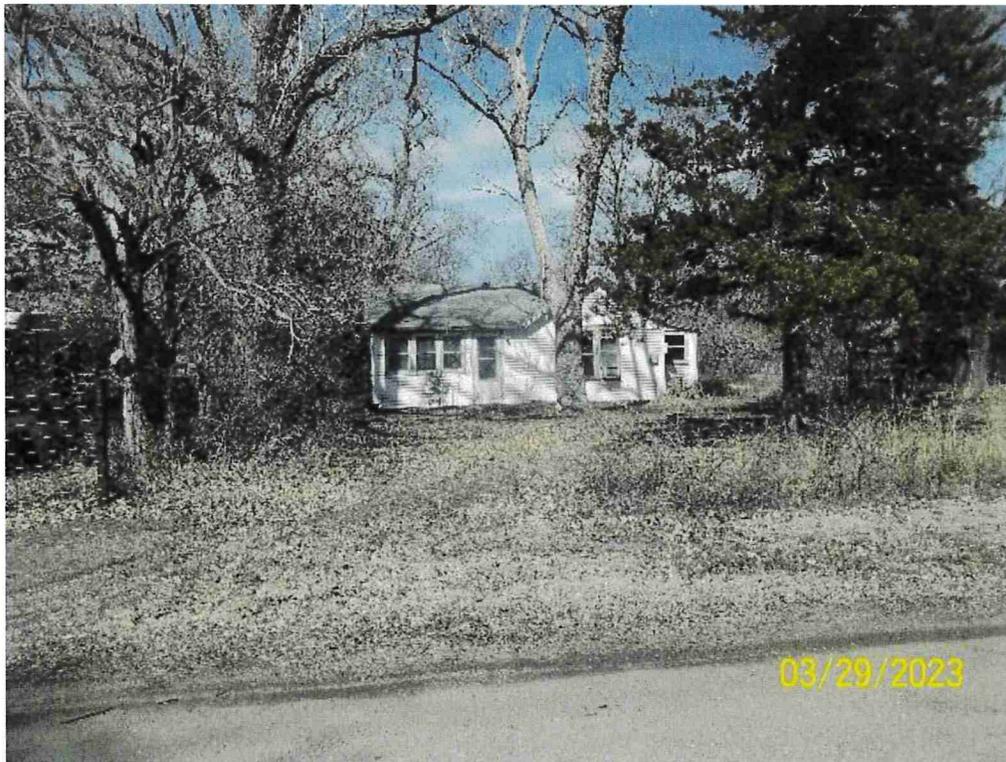
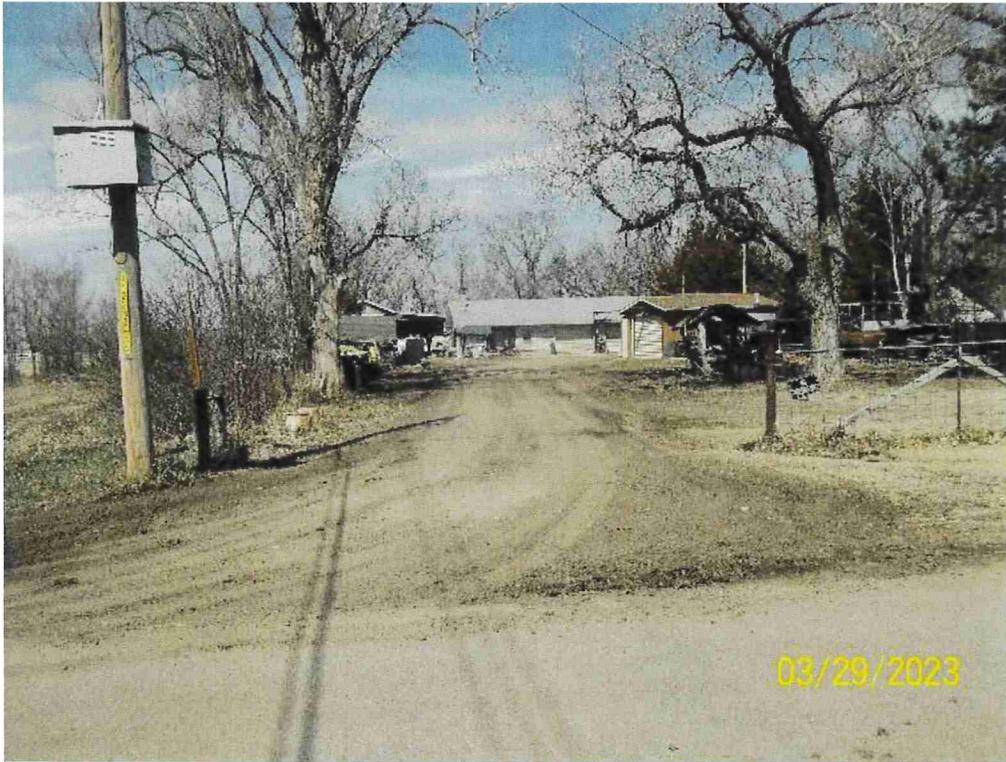
## **APPENDIX A: SUPPORTING IMAGES**

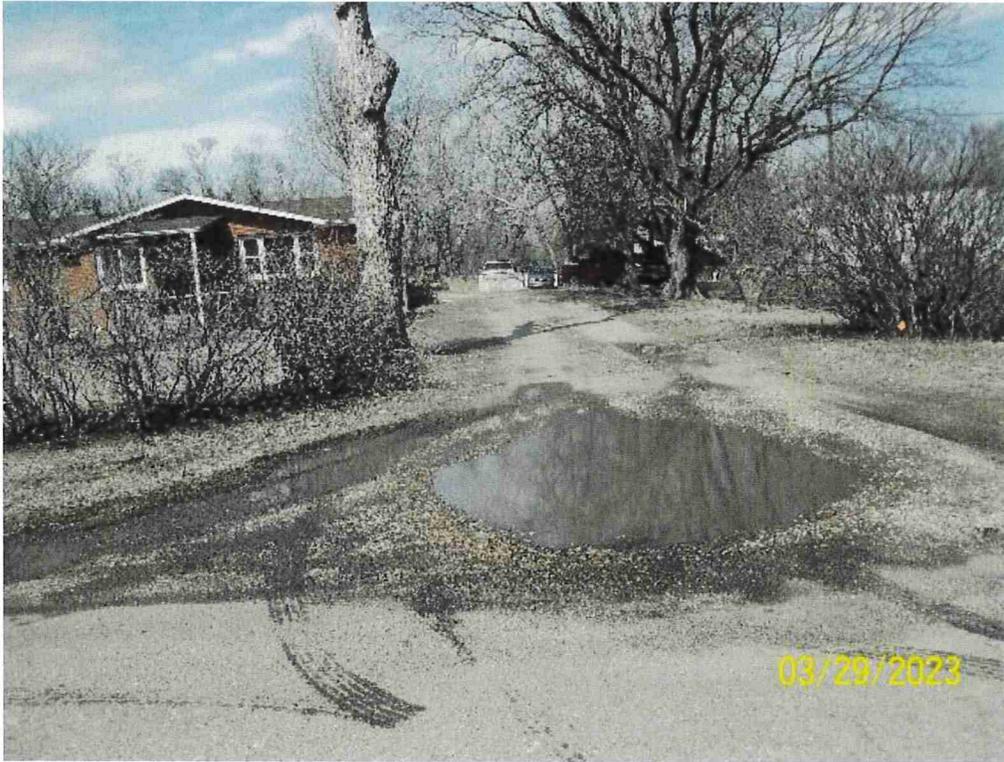


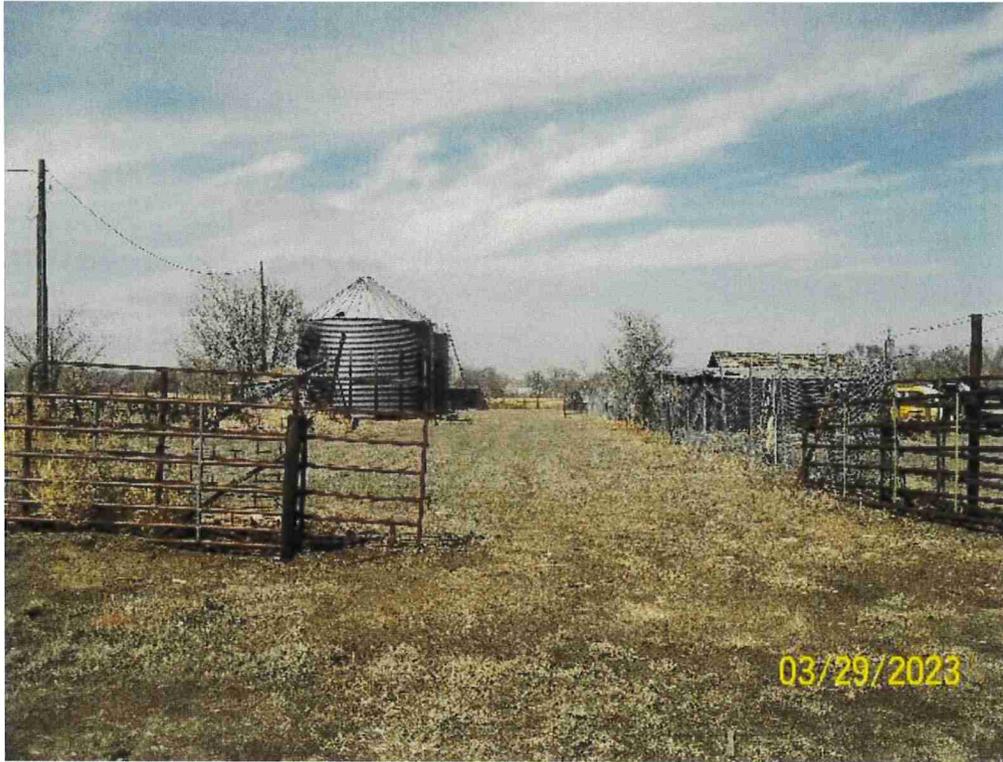


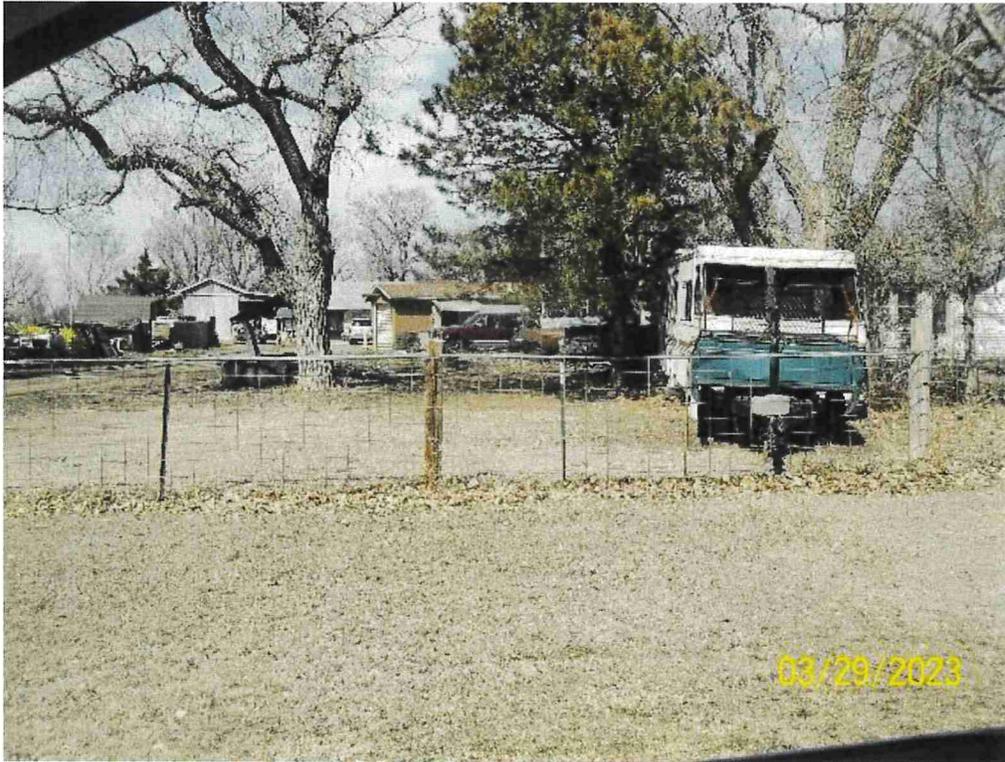












**PLANNING COMMISSION  
CITY OF MCCOOK, NEBRASKA**

**RESOLUTION NO. PC 2023-03  
(Redevelopment Area #6)**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MCCOOK, NEBRASKA, MAKING A RECOMMENDATION TO THE CITY COUNCIL OF THE CITY OF MCCOOK, NEBRASKA, TO CREATE REDEVELOPMENT AREA #6 OF THE CITY OF MCCOOK.**

**RECITALS**

A. The City Council of the City of McCook, Nebraska has submitted the question of whether Redevelopment Area #6 should be created and declared as blighted and substandard and in need of redevelopment pursuant to the Nebraska Redevelopment Law.

B. Notice of public hearing regarding the question of whether the creation of Redevelopment Area #6 should be recommended to the City Council and ultimately be adopted and approved by the City was provided in conformity with the Open Meetings Act, Neb. Rev. Stat. § 84-1407 et seq., the Community Development Law, Neb. Rev. Stat. §§ 18-2115 and 18-2115.01, and Nebraska law.

C. On July 10, 2023, the Planning Commission held a public hearing relating to the question of whether the creation of Redevelopment Area #6 should be recommended to the City Council and ultimately be adopted and approved by the City. All interested parties were afforded at such public hearing a reasonable opportunity to express their views respecting the submitted question.

D. The Planning Commission has reviewed Redevelopment Area #6 and has duly considered all statements made and material submitted related to the submitted question.

NOW THEREFORE, it is found and recommended by the Planning Commission of the City of McCook, Nebraska, in accordance with the Community Development Law, Neb. Rev. Stat. §§ 18-2101 through 18-2154 (the "Act"), as follows:

1. Based on the criteria set forth in the Blight and Substandard Study, it is reasonably necessary to create Redevelopment Area #6 to accomplish the implementation of the CDA's existing plan for redevelopment.

2. Redevelopment Area #6 will, in accordance with the present and future needs of the City of McCook, promote the health, safety, morals, order, convenience, prosperity, and the general welfare of the community in conformance with the legislative declarations and determinations set forth in the Act.

3. Redevelopment Area #6 is in conformance with the general plan for development of the City of McCook as a whole, as set forth in the City of McCook Comprehensive Plan, as amended.

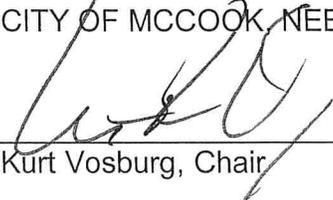
**EXHIBIT #6**

**PAGE(S) - 2**

BE IT RESOLVED, that pursuant to the provisions of the Act and in light of the foregoing findings and determinations, the Planning Commission does hereby recommend approval of Redevelopment Area #6 by the City Council as the governing body for the City of McCook.

Passed and approved by the Planning Commission on this 10<sup>th</sup> day of July, 2023.

PLANNING COMMISSION OF  
THE CITY OF MCCOOK, NEBRASKA

By: 

\_\_\_\_\_  
Kurt Vosburg, Chair

ATTEST:

By: \_\_\_\_\_  
Chad Lyons, Secretary

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

**2.A.**

ITEM NO. \_\_\_ Public Hearing - Regarding a Blight and Substandard Study for Redevelopment Area #6, comprised of a tract of land being part of the Southeast Quarter and part of the Southwest Quarter of Section 28, and part of the Northeast Quarter and part of the Northwest Quarter of Section 33, all in Township 3 North, Range 29 West of the 6<sup>th</sup> P.M. Red Willow County, Nebraska.

**2.B.**

ITEM NO. \_\_\_ Approve Planning Commission Resolution No. 2023-~~03~~ accepting the Blight and Substandard Study for Redevelopment Area #6 and recommending acceptance by the McCook City Council of said Blight and Substandard Study for the creation of Redevelopment Area #6.

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**BACKGROUND:**

At the direction of the McCook City Council, Miller & Associates Consulting Engineers, P.C., conducted a Blight and Substandard Study to determine whether a proposed area located in the Southeast Quarter and part of the Southwest Quarter of Section 28, and part of the Northeast Quarter and part of the Northwest Quarter of Section 33, all in Township 3 North, Range 29 West of the 6<sup>th</sup> P.M. Red Willow County, Nebraska, qualifies for substandard characterization per the Nebraska Community Development Act. A blighted study lets a city guide development and redevelopment inside the study area. Per the Act, blighted is a legal term meaning that the land included in the area displays dilapidated, unsafe, and/or unsightly conditions. It does not mean that the area is uncared-for. The presence of deteriorated structures, defective or inadequate street layout, faulty lot layout, unsafe conditions, improper subdivisions, and the existence of conditions which endanger life or property can lead to the determination that a property is blighted. Substandard is defined as an area that contains properties that have deteriorated; are aged or obsolescent; experience inadequate light, air, sanitation, or ventilation; and/or display conditions which endanger life or property by fire and other causes.

If an area is determined to be blighted and substandard, developers have the ability to access Tax Increment Financing in order to improve the properties within the redevelopment area, which in turn will improve the blighted and substandard conditions currently affecting the properties. The Community Development Law was developed to assist communities with economic growth and promote redevelopment activities in areas where development has stagnated due to unfavorable conditions. To use the Community Development Law, an area must first be declared blighted and substandard. To date, the City of McCook has declared 5 areas blighted and substandard, with amendments made to some of the designated areas. The present study would create a sixth redevelopment area.

Attached to this report is the Blight and Substandard Study conducted by Miller & Associates for the area in question. Based on Miller & Associates comprehensive study, it has been concluded that the study area is blighted and substandard for purposes of the Nebraska Community Development Law.

**EXHIBIT #7**

**PAGE(S) - 2**

Please review the Blight and Substandard Study. Miller & Associates and McCook staff members will be available to answer any questions regarding the determinations contained within the Study.

**APPROVALS:**



A handwritten signature in black ink, appearing to read 'Nathan A. Schneider', is written over a horizontal line.

July 6, 2023

Nathan A. Schneider, City Manager



A handwritten signature in blue ink, appearing to read 'Lea Ann Doak', is written over a horizontal line.

July 6, 2023

Lea Ann Doak, City Clerk



A handwritten signature in black ink, appearing to read 'Tera Koetter', is written over a horizontal line.

July 6, 2023

Tera Koetter, Assistant City Manager

McCook Planning Commission  
July 10, 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: Chair Vosburg; Vice Chair Hilker; Commissioners Bradley, Friehe, McDowell, Mockry.

Absent: Commissioners Davidson, Dueland, Lyons, Stevens.

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 July 7, 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.

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

1. Approve the minutes of the May 8, 2023 regular Planning Commission meeting.

Motion to approve the minutes of the May 8, 2023 regular Planning Commission meeting. This motion, made by McDowell and seconded by Friehe, passed.

Bradley: YEA, Davidson: ABSENT, Dueland: ABSENT, Friehe: YEA, Hilker: YEA, Lyons: ABSENT, McDowell: YEA, Mockry: YEA, Stevens: ABSENT, Vosburg: YEA  
YEA: 6, NAY: 0, ABSENT: 4

2. Public Hearings and Regular Agenda.

- 2.A Public Hearing - Regarding a Blight and Substandard Study for Redevelopment Area #6, comprised of a tract of land being part of the Southeast Quarter and part of the Southwest Quarter of Section 28, and part of the Northeast Quarter and part of the Northwest Quarter of Section 33, all in Township 3 North, Range 29 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 a Blight and Substandard Study for Redevelopment Area #6, comprised of a tract of land being part of the Southeast Quarter and part of the Southwest Quarter of Section 28, and part of the Northeast Quarter and part of the Northwest Quarter of Section 33, all

in Township 3 North, Range 29 West of the 6th P.M., Red Willow County, Nebraska, with the City Attorney to act as hearing officer. This motion, made by Vosburg and seconded by McDowell, passed.

Bradley: YEA, Davidson: ABSENT, Dueland: ABSENT, Friehe: YEA, Hilker: YEA, Lyons: ABSENT, McDowell: YEA, Mockry: YEA, Stevens: ABSENT, Vosburg: YEA  
YEA: 6, NAY: 0, ABSENT: 4

City Attorney Mustion received into evidence Exhibit #1 - City Manager's Report prepared for the July 10, 2023 Planning Commission meeting (2 pages), Exhibit #2 - Notice of Hearing published (2 pages); Exhibit #3 - listing of Public Entities who received Notice of Public Hearing (1 page); Exhibit #4 - copies of letter to Public Entities receiving Notice of Public Hearing (10 pages); Exhibit #5 - Blight & Substandard Study for Redevelopment Area #6 (45 pages); and Exhibit #6 - proposed Resolution No. PC 2023-03 (2 pages).

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

Jason Combs and Craig Bennet of Miller and Associates, present via zoom, reviewed the proposed Blight & Substandard Study for Redevelopment Area #6.

Charlie McPherson, McCook Economic Development Director, spoke in support of Redevelopment Area #6.

Commissioner Vosburg questioned what the total percent of the city will be declared blighted and substandard.

Motion to adjourn the public hearing and to reconvene as a Planning Commission. This motion, made by Vosburg and seconded by Mockry, passed.

Bradley: YEA, Davidson: ABSENT, Dueland: ABSENT, Friehe: YEA, Hilker: YEA, Lyons: ABSENT, McDowell: YEA, Mockry: YEA, Stevens: ABSENT, Vosburg: YEA  
YEA: 6, NAY: 0, ABSENT: 4

2.B. Approve Resolution No. PC 2023-03 accepting the Blight and Substandard Study for Redevelopment Area #6 and recommending acceptance by the McCook City Council of said Blight and Substandard Study for the creation of Redevelopment Area #6.

Commissioner Friehe questioned if there were any potential tenants.

Motion to approve Resolution No. PC 2023-03 accepting the Blight and Substandard Study for Redevelopment Area #6 and recommending acceptance by the McCook City Council of said Blight and Substandard Study for the creation of Redevelopment Area #6. This motion, made by Vosburg and seconded by Hilker, passed.

Bradley: YEA, Davidson: ABSENT, Dueland: ABSENT, Friehe: YEA, Hilker: YEA, Lyons: ABSENT, McDowell: YEA, Mockry: YEA, Stevens: ABSENT, Vosburg: YEA  
YEA: 6, NAY: 0, ABSENT: 4

- 2.C. Public Hearing - Regarding the Redevelopment Plan for the McCook Business Park Phase II Redevelopment Project as to its conformity with the general plan for the development of the City as a whole.

Motion to recess as a Planning Commission and convene a public hearing for the purpose of receiving public comment regarding the Redevelopment Plan for the McCook Business Park Phase II Redevelopment Project as to its conformity with the general plan for the development of the City as a whole, with the City Attorney to act as hearing officer. This motion, made by Vosburg and seconded by Mockry, passed.

Bradley: YEA, Davidson: ABSENT, Dueland: ABSENT, Friehe: YEA, Hilker: YEA, Lyons: ABSENT, McDowell: YEA, Mockry: YEA, Stevens: ABSENT, Vosburg: YEA  
YEA: 6, NAY: 0, ABSENT: 4

The City Attorney received into evidence Exhibit #1 - City Manager's Report prepared for the July 10, 2023 Planning Commission meeting (2 pages), Exhibit #2 - Notice of Hearing published (2 pages); Exhibit #3 - listing of Public Entities who received Notice of Public Hearing (1 page); Exhibit #4 - copies of letter to Public Entities receiving Notice of Public Hearing (10 pages); Exhibit #5 - Proposed Redevelopment Plan for the McCook Business Park Phase II Redevelopment Project (24 pages); and Exhibit #6 - proposed Resolution No. PC 2023-04 (2 pages).

City Manager Schneider reviewed the proposed Redevelopment Plan with the Commissioners.

Charlie McPherson, McCook Economic Development Director, was present to address questions from the Commission.

Commissioners questioned which lot will be redeveloped, if rail access will be provided to all four lots, and how the property valuation is determined.

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

Bradley: YEA, Davidson: ABSENT, Dueland: ABSENT, Friehe: YEA, Hilker: YEA, Lyons: ABSENT, McDowell: YEA, Mockry: YEA, Stevens: ABSENT, Vosburg: YEA  
YEA: 6, NAY: 0, ABSENT: 4

- 2.D. Approve Resolution No. PC 2023-04 recommending approval of a Redevelopment Plan of the City of McCook, Nebraska, approving a Redevelopment Project of the City of McCook, Nebraska; and approval of related actions for the purpose of development of the McCook Business Park Phase II Redevelopment Project.

Motion to approve Resolution No. PC 2023-04 recommending approval of a Redevelopment Plan of the City of McCook, Nebraska, approving a Redevelopment Project of the City of McCook, Nebraska; and approval of related actions for the purpose of development of the McCook Business Park Phase II Redevelopment Project. This motion, made by Vosburg and seconded by McDowell, passed.

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

ABSENT, McDowell: YEA, Mockry: YEA, Stevens: ABSENT, Vosburg: YEA  
YEA: 6, NAY: 0, ABSENT: 4

2.E. Public Hearing - Regarding the Substantial Modification to the Redevelopment Plan for the North Pointe Redevelopment Project in the City of McCook, Nebraska.

Motion to recess as a Planning Commission and convene a public hearing for the purpose of receiving public comment regarding the Substantial Modification to the Redevelopment Plan for the North Pointe Redevelopment Project in the City of McCook, Nebraska, with the City Attorney to act as hearing officer. This motion, made by Vosburg and seconded by Friehe, passed.

Bradley: YEA, Davidson: ABSENT, Dueland: ABSENT, Friehe: YEA, Hilker: YEA, Lyons: ABSENT, McDowell: YEA, Mockry: YEA, Stevens: ABSENT, Vosburg: YEA  
YEA: 6, NAY: 0, ABSENT: 4

The City Attorney received into evidence Exhibit #1 - City Manager's Report prepared for the July 10, 2023 Planning Commission meeting (1 page), Exhibit #2 - Notice of Hearing published (1 page); Exhibit #3 - listing of Public Entities who received Notice of Public Hearing (1 page); Exhibit #4 - copies of letter to Public Entities receiving Notice of Public Hearing (5 pages); Exhibit #5 - Substantial Modification to the Redevelopment Plan for the North Pointe Redevelopment Project (4 pages); and Exhibit #6 - proposed Resolution No. PC 2023-05 (2 pages).

City Manager Schneider reviewed the modification made to the Redevelopment Plan for North Pointe and stated that Grant Norgaard, McCook Superintendent of Schools, contacted him and said the school system is aware they will not receive any tax benefit from this development for a period of years, but realize that it is in the best interest of the school to see the development.

Charlie McPherson, McCook Economic Development Director, stated that the funds will be utilized for water, sewer, and street infrastructure improvements.

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

Bradley: YEA, Davidson: ABSENT, Dueland: ABSENT, Friehe: YEA, Hilker: YEA, Lyons: ABSENT, McDowell: YEA, Mockry: YEA, Stevens: ABSENT, Vosburg: YEA  
YEA: 6, NAY: 0, ABSENT: 4

2.F. Approve Resolution No. PC 2023-05 recommending approval of a Substantial Modification to the Redevelopment Plan for the North Pointe Redevelopment Project in the City of McCook, Nebraska and approval of related actions for the purpose of the development of the North Pointe Redevelopment Project Phases, I, II, and III.

Motion to approve Resolution No. PC 2023-05 recommending approval of a Substantial Modification to the Redevelopment Plan for the North Pointe Redevelopment Project in the City of McCook, Nebraska and approval of related actions for the purpose of the development of the North Pointe Redevelopment Project Phases, I, II, and III. This motion, made by Vosburg and seconded by McDowell, passed.

Bradley: YEA, Davidson: ABSENT, Dueland: ABSENT, Friehe: YEA, Hilker: YEA, Lyons: ABSENT, McDowell: YEA, Mockry: YEA, Stevens: ABSENT, Vosburg: YEA  
YEA: 6, NAY: 0, ABSENT: 4

City Manager Schneider gave an update on the Swimming Pool and Ballpark projects.

Adjournment.

With no further business, Chair Vosburg declared the Planning Commission meeting adjourned at 6:01 P.M.

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Lea Ann Doak, City Clerk-Treasurer  
Recording Secretary

**CITY MANAGER'S REPORT  
JULY 17, 2023 MCCOOK CITY COUNCIL MEETING**

ITEM NO. 2.C Public Hearing - Regarding a Redevelopment Plan for the McCook Business Park Phase II Project.

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**BACKGROUND:**

The McCook Economic Development Corporation has requested that the City of McCook/McCook CDA consider a Redevelopment Plan pursuant to the Nebraska Community Development Law codified at Neb. Rev. Stat. 18-2101 through 18-2155. As a potential project that falls under the Nebraska Community Development Law, the State of Nebraska requires a public hearing to be held to discuss the Redevelopment Plan associated with the proposed project. The proposed plan calls for the development of a recently replatted area located east of the current McCook Business Park. The intent is to create additional commercial/industrial lots. Through the creation of Redevelopment Area #6, the property is considered blighted and substandard, triggering the ability of the CDA to authorize the use of TIF to aid in the development of the project area. It is the intent of the redeveloper to eliminate some of the factors that led to that determination.

For background on this item, please refer to the attached City Manager's Report dated July 10, 2023 for the McCook Planning Commission Meeting.

At the July 10, 2023 McCook Planning Commission Meeting, the McCook Planning Commission voted 6-0 to recommend approval of the Redevelopment Plan for the McCook Business Park Phase II Redevelopment Project. Charlie McPherson of the MEDC spoke in favor of the Redevelopment Plan, stating that TIF is necessary to assist in the construction of public infrastructure associated with industrial development, such as roads, water, and sewer. Of note, Mr. McPherson referred to a project on Lot 1 of McCook Business Park Phase II that would bring in approximately \$10,000,000 to \$12,000,000 in private investment. Due to the improvements, it is anticipated that Lot 1 would increase in value, from \$108,540 to \$9,600,000. The difference (ie. \$9,491,460) would generate annual estimated taxes in the amount of \$176,000 which can be used to pay back an obligation associated with public improvements needed for the project to become feasible. The TIF period would be 15 years, after which time the property would be placed on the tax roll and each of the taxing entities would receive the stated increase in annual property taxes.

**APPROVALS:**

\_\_\_\_\_  
July 12, 2023

Nathan A. Schneider, City Manager

  
\_\_\_\_\_  
July 12, 2023

Lea Ann Doak, City Clerk

  
\_\_\_\_\_  
July 12, 2023

Tera Koetter, Assistant City Manager

**EXHIBIT #1**

**PAGE(S) - 1**

## NOTICE OF PUBLIC HEARING

Public notice is hereby given by the Mayor and City Council of the City of McCook, Nebraska, that two public hearings will be held at 5:30 p.m. on Monday, July 17, 2023, in the City Council Chambers at the McCook Municipal Center, 505 W C Street, McCook, Nebraska.

The purpose of the first public hearing is to obtain public comment prior to consideration of the declaration of an area of the City (the "Subject Area") as blighted and substandard and in need of redevelopment pursuant to the Nebraska Community Development Law.

The Subject Area is legally described as follows:

A tract of land being part of the Southeast Quarter and part of the Southwest Quarter of Section 28, and part of the Northeast Quarter and part of the Northwest Quarter of Section 33, all in Township 3 North, Range 29 West of the Sixth Principal Meridian, Red Willow County, Nebraska, described as follows:

BEGINNING at the Southeast Corner of said Section 28, also being the Northeast corner of said Section 33; thence Southerly on the East line of said Section 33 to the South Right-of-Way line of Ravenswood Road; thence Westerly on said South Right-of-Way line to the Southerly extension of East line of McCook Business Park, Part of the W 1/2 of the SW 1/4 Section 28-T3N-R29W Red Willow County, Nebraska; thence Northerly on said Southerly extension, on said East line and on the Northerly extension of said East line of McCook Business Park to the South Right-of-Way line of the Burlington Northern Santa Fe Railroad; thence Easterly on said South Right-of-Way line of the Burlington Northern Santa Fe Railroad to the East line of said Section 28; thence Southerly on the East line of said Section 28 to the Point of Beginning. Containing 165.4 Acres, more or less.

The purpose of the second public hearing is to obtain public comment prior to consideration of the approval of a redevelopment plan for the property legally described as:

All of McCook Business Park-Phase II, an addition to the City of McCook, Red Willow County, Nebraska

The metes and bounds description of the McCook Business Park-Phase II addition is as follows:

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

**EXHIBIT #2**

**PAGE(S) - 2**

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.

All interested parties shall be afforded at such public hearings a reasonable opportunity to express their views regarding: (1) the proposed blight and substandard designations and (2) the proposed redevelopment plan. A copy of the blight and substandard study, a map of the redevelopment area, and a copy of the cost-benefit analysis for the proposed project shall be maintained at the office of the City Clerk.

-s- Lea Ann Doak, City Clerk

Publish Twice: June 30 and July 7, 2023

COPY OF NOTICE MAILED TO:

McCook Community College  
President  
1205 East 3rd  
McCook, NE 69001

Chairman of the Board  
Educational Service Unit No 15  
344 Main  
PO Box 398  
Trenton, NE 69044

Chairman of the Board  
Middle Republican NRD  
208 Center Ave  
PO Box 81  
Curtis, NE 69025

Chairman of the Board  
Red Willow County Commissioners  
502 Norris Avenue  
McCook, NE 69001

Board President  
McCook School District  
600 West 7th  
McCook, NE 69001

CERTIFIED MAIL

Date: July 7, 2023

To: McCook Community College  
President  
1205 East 3rd  
McCook, NE 69001

### **NOTICE OF PUBLIC HEARING**

Public notice is hereby given by the Mayor and City Council of the City of McCook, Nebraska, that a public hearing that will be held at 5:30 p.m. on Monday, July 17, 2023, in the City Council Chambers at the McCook Municipal Center, 505 W C Street, McCook, Nebraska.

The purpose of the first public hearing is to obtain public comment prior to consideration of the declaration of an area of the City (the "Subject Area") as blighted and substandard and in need of redevelopment pursuant to the Nebraska Community Development Law.

The Subject Area is legally described as follows:

A tract of land being part of the Southeast Quarter and part of the Southwest Quarter of Section 28, and part of the Northeast Quarter and part of the Northwest Quarter of Section 33, all in Township 3 North, Range 29 West of the Sixth Principal Meridian, Red Willow County, Nebraska, described as follows:

BEGINNING at the Southeast Corner of said Section 28, also being the Northeast corner of said Section 33; thence Southerly on the East line of said Section 33 to the South Right-of-Way line of Ravenswood Road; thence Westerly on said South Right-of-Way line to the Southerly extension of East line of McCook Business Park, Part of the W 1/2 of the SW 1/4 Section 28-T3N-R29W Red Willow County, Nebraska; thence Northerly on said Southerly extension, on said East line and on the Northerly extension of said East line of McCook Business Park to the South Right-of-Way line of the Burlington Northern Santa Fe Railroad; thence Easterly on said South Right-of-Way line of the Burlington Northern Santa Fe Railroad to the East line of said Section 28; thence Southerly on the East line of said Section 28 to the Point of Beginning. Containing 165.4 Acres, more or less.

The purpose of the second public hearing is to obtain public comment prior to consideration the approval of a redevelopment plan for the property legally described as:

**EXHIBIT #4**

**PAGE(S) - 10**

All of McCook Business Park-Phase II, an addition to the City of McCook, Red Willow County, Nebraska

The metes and bounds description of the McCook Business Park-Phase II addition is as follows:

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.

All interested parties shall be afforded at such public hearings a reasonable opportunity to express their views regarding: (1) the proposed blight and substandard designations and (2) the proposed redevelopment plan. A copy of the blight and substandard study, a map of the redevelopment area, and a copy of the cost-benefit analysis for the proposed project shall be maintained at the office of the City Clerk.

---

Lea Ann Doak, City Clerk

CERTIFIED MAIL

Date: July 7, 2023

To: Chairman of the Board  
Educational Service Unit No 15  
344 Main  
PO Box 398  
Trenton, NE 69044

**NOTICE OF PUBLIC HEARING**

Public notice is hereby given by the Mayor and City Council of the City of McCook, Nebraska, that a public hearing that will be held at 5:30 p.m. on Monday, July 17, 2023, in the City Council Chambers at the McCook Municipal Center, 505 W C Street, McCook, Nebraska.

The purpose of the first public hearing is to obtain public comment prior to consideration of the declaration of an area of the City (the "Subject Area") as blighted and substandard and in need of redevelopment pursuant to the Nebraska Community Development Law.

The Subject Area is legally described as follows:

A tract of land being part of the Southeast Quarter and part of the Southwest Quarter of Section 28, and part of the Northeast Quarter and part of the Northwest Quarter of Section 33, all in Township 3 North, Range 29 West of the Sixth Principal Meridian, Red Willow County, Nebraska, described as follows:

BEGINNING at the Southeast Corner of said Section 28, also being the Northeast corner of said Section 33; thence Southerly on the East line of said Section 33 to the South Right-of-Way line of Ravenswood Road; thence Westerly on said South Right-of-Way line to the Southerly extension of East line of McCook Business Park, Part of the W 1/2 of the SW 1/4 Section 28-T3N-R29W Red Willow County, Nebraska; thence Northerly on said Southerly extension, on said East line and on the Northerly extension of said East line of McCook Business Park to the South Right-of-Way line of the Burlington Northern Santa Fe Railroad; thence Easterly on said South Right-of-Way line of the Burlington Northern Santa Fe Railroad to the East line of said Section 28; thence Southerly on the East line of said Section 28 to the Point of Beginning. Containing 165.4 Acres, more or less.

The purpose of the second public hearing is to obtain public comment prior to consideration the approval of a redevelopment plan for the property legally described as:

All of McCook Business Park-Phase II, an addition to the City of McCook, Red Willow County, Nebraska

The metes and bounds description of the McCook Business Park-Phase II addition is as follows:

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.

All interested parties shall be afforded at such public hearings a reasonable opportunity to express their views regarding: (1) the proposed blight and substandard designations and (2) the proposed redevelopment plan. A copy of the blight and substandard study, a map of the redevelopment area, and a copy of the cost-benefit analysis for the proposed project shall be maintained at the office of the City Clerk.

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Lea Ann Doak, City Clerk

CERTIFIED MAIL

Date: July 7, 2023

To: Chairman of the Board  
Middle Republican NRD  
208 Center Ave  
PO Box 81  
Curtis, NE 69025

**NOTICE OF PUBLIC HEARING**

Public notice is hereby given by the Mayor and City Council of the City of McCook, Nebraska, that a public hearing that will be held at 5:30 p.m. on Monday, July 17, 2023, in the City Council Chambers at the McCook Municipal Center, 505 W C Street, McCook, Nebraska.

The purpose of the first public hearing is to obtain public comment prior to consideration of the declaration of an area of the City (the "Subject Area") as blighted and substandard and in need of redevelopment pursuant to the Nebraska Community Development Law.

The Subject Area is legally described as follows:

A tract of land being part of the Southeast Quarter and part of the Southwest Quarter of Section 28, and part of the Northeast Quarter and part of the Northwest Quarter of Section 33, all in Township 3 North, Range 29 West of the Sixth Principal Meridian, Red Willow County, Nebraska, described as follows:

BEGINNING at the Southeast Corner of said Section 28, also being the Northeast corner of said Section 33; thence Southerly on the East line of said Section 33 to the South Right-of-Way line of Ravenswood Road; thence Westerly on said South Right-of-Way line to the Southerly extension of East line of McCook Business Park, Part of the W 1/2 of the SW 1/4 Section 28-T3N-R29W Red Willow County, Nebraska; thence Northerly on said Southerly extension, on said East line and on the Northerly extension of said East line of McCook Business Park to the South Right-of-Way line of the Burlington Northern Santa Fe Railroad; thence Easterly on said South Right-of-Way line of the Burlington Northern Santa Fe Railroad to the East line of said Section 28; thence Southerly on the East line of said Section 28 to the Point of Beginning. Containing 165.4 Acres, more or less.

The purpose of the second public hearing is to obtain public comment prior to consideration the approval of a redevelopment plan for the property legally described as:

All of McCook Business Park-Phase II, an addition to the City of McCook, Red Willow County, Nebraska

The metes and bounds description of the McCook Business Park-Phase II addition is as follows:

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All interested parties shall be afforded at such public hearings a reasonable opportunity to express their views regarding: (1) the proposed blight and substandard designations and (2) the proposed redevelopment plan. A copy of the blight and substandard study, a map of the redevelopment area, and a copy of the cost-benefit analysis for the proposed project shall be maintained at the office of the City Clerk.

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Lea Ann Doak, City Clerk

CERTIFIED MAIL

Date: July 7, 2023

To: Chairman of the Board  
Red Willow County Commissioners  
502 Norris Avenue  
McCook, NE 69001

**NOTICE OF PUBLIC HEARING**

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Lea Ann Doak, City Clerk

CERTIFIED MAIL

Date: July 7, 2023

To: Board President  
McCook School District  
600 West 7th  
McCook, NE 69001

**NOTICE OF PUBLIC HEARING**

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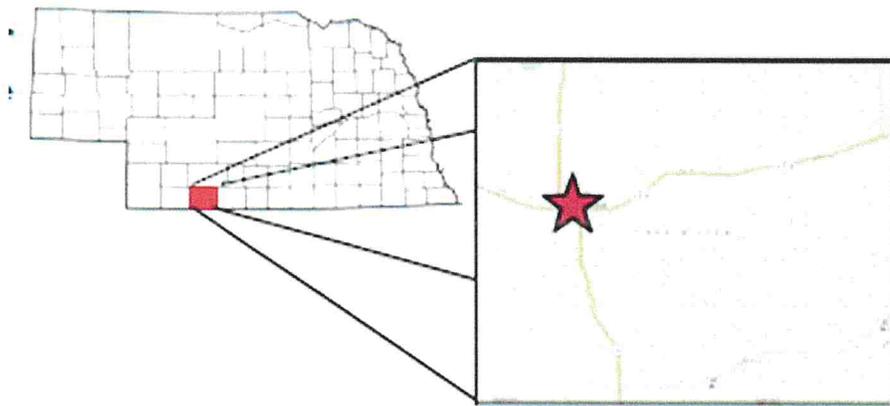
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Lea Ann Doak, City Clerk

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# REDEVELOPMENT PLAN

## FOR THE CITY OF MCCOOK, NEBRASKA



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## MCCOOK BUSINESS PARK PHASE II REDEVELOPMENT PROJECT

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### I. Introduction

This Redevelopment Plan for the McCook Business Park Phase II Redevelopment Project in the City of McCook, Nebraska (“Redevelopment Plan”) is a guide for redevelopment activities undertaken to remove or eliminate blighted and substandard conditions within a certain portion of a redevelopment area established in the City of McCook, Nebraska (the “City”) in 2023.

The Redevelopment Plan has been established in conformity with the Nebraska Community Development Law, NEB. REV. STAT. §§ 18-2101 through 18-

2155, as amended (the “Act”) and the Comprehensive Plan of the City to define the redevelopment activities in the Redevelopment Area identified herein. The Redevelopment Plan shall indicate its relationship to definite local objectives as to appropriate land uses, improved traffic, public transportation, public utilities, recreational and community facilities and other public improvements, and the proposed land uses and building requirements in the redevelopment project area, as required by the Act.

## **II. Statutory Requirements**

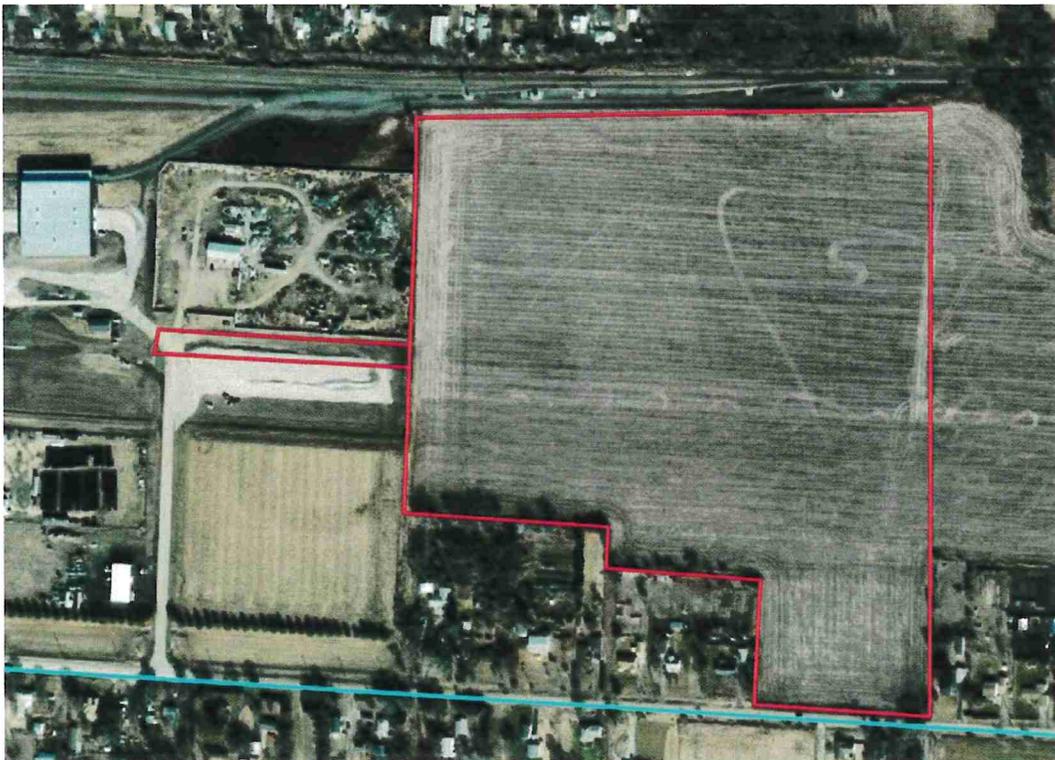
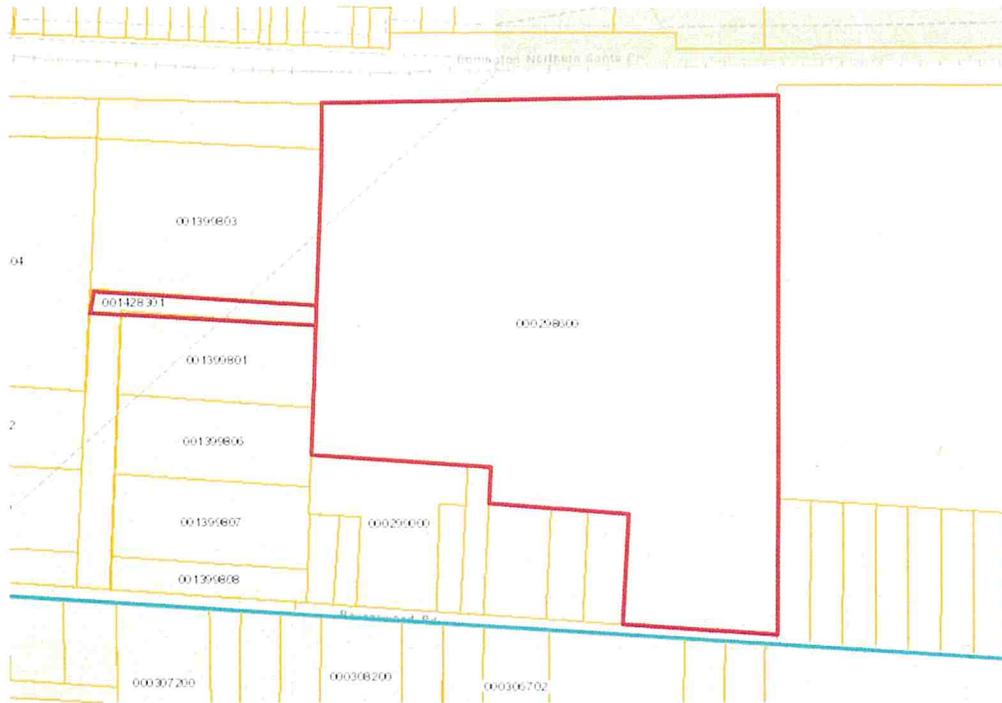
The Act defines a “redevelopment plan” as “a plan, as it exists from time to time for one or more community redevelopment areas, or for a redevelopment project, which (a) conforms to the general plan for the municipality as a whole and (b) is sufficiently complete to indicate such land acquisition, demolition and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the community redevelopment area, zoning and planning changes, if any, land uses, maximum densities, and building requirements.” NEB. REV. STAT. §18-2103(27).

The Act further sets forth the required contents of a redevelopment plan: “A redevelopment plan shall be sufficiently complete to indicate its relationship to definite local objectives as to appropriate land uses, improved traffic, public transportation, public utilities, recreational and community facilities and other public improvements, and the proposed land uses and building requirements in the redevelopment project area, and shall include without being limited to: (a) The boundaries of the redevelopment project area, with a map showing the existing uses and condition of the real property therein; (b) a land-use plan showing proposed uses of the area; (c) information showing the standards of population densities, land coverage, and building intensities in the area after redevelopment; (d) a statement of the proposed changes, if any, in zoning ordinances or maps, street layouts, street levels or grades, or building codes and ordinances; (e) a site plan of the area; and (f) a statement as to the kind and number of additional public facilities or utilities which will be required to support the new land uses in the area after redevelopment. Any redevelopment plan may include a proposal for the designation of an enhanced employment area.” NEB. REV. STAT. §18-2111.

The Act also states that a redevelopment plan may contain a provision authorizing Tax Increment Financing. NEB. REV. STAT. §18-2147.

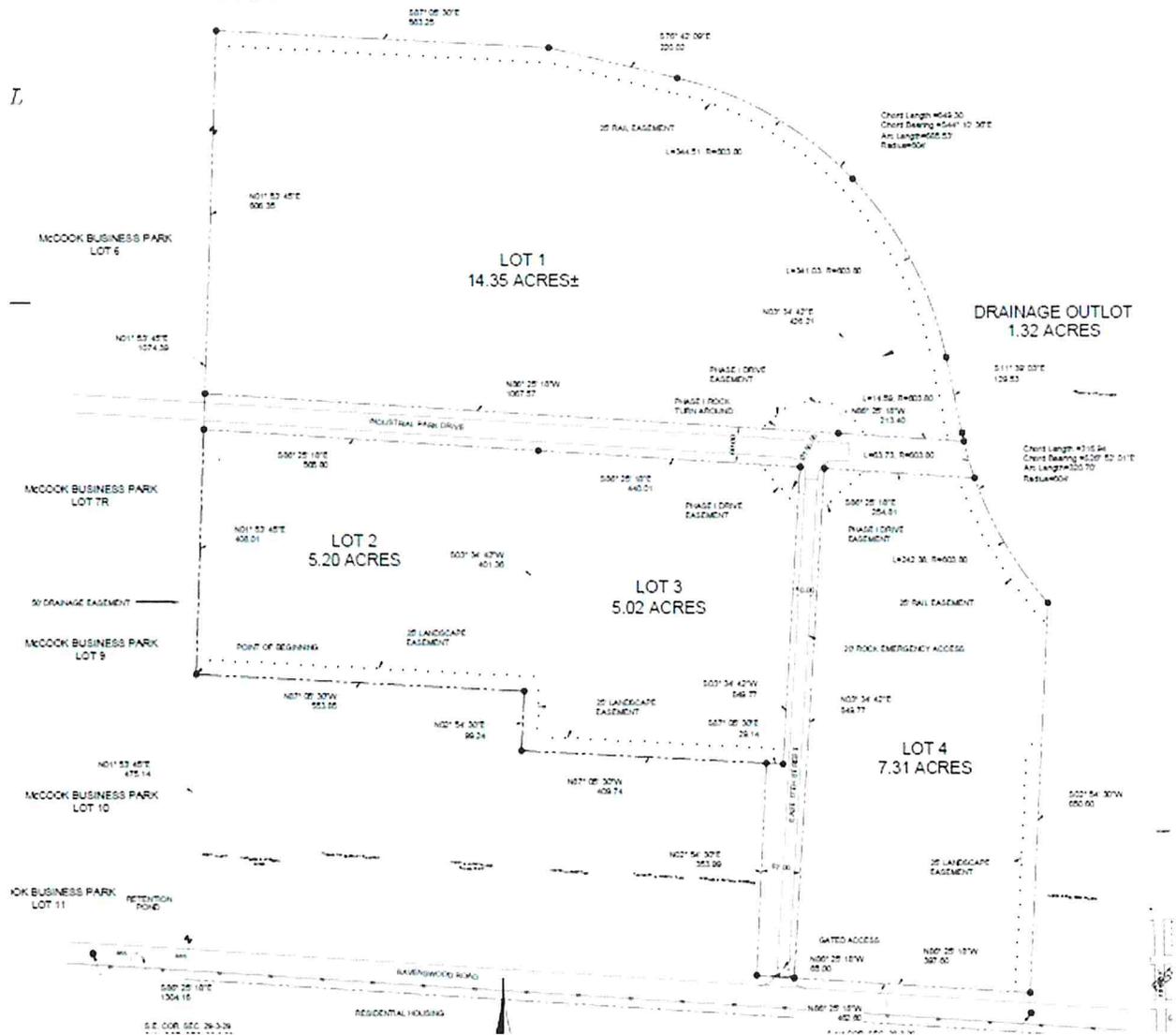
## **III. Project Site/Redevelopment Area**

The real property included in the redevelopment area and the boundaries of the redevelopment area subject to this Redevelopment Plan is legally described on the attached and incorporated Exhibit “A” (the “Project Site”). The Project Site is depicted below:



# McCOOK BUSINESS PARK - PHASE II

AN ADDITION TO THE CITY OF McCOOK, RED WILLOW COUNTY, NEBRASKA



As depicted above, the Project Site is currently vacant and has recently been replatted into four lots to support the extension of the McCook Business Park for additional commercial/industrial development.

The Project Site consists of a portion of the property that was declared blighted and substandard by the City Council pursuant to the Blight and Substandard Determination Study created by Miller & Associated in 2023 and adopted by the City on July 17, 2023.

The CDA has considered whether redevelopment of the Project Site will conform to the general plan and the coordinated, adjusted, and harmonious development of the City and its environs. In this consideration, the CDA finds that such a redevelopment of the Site will promote the health, safety, morals, order, convenience, prosperity, and the general welfare of the community including, among other things, the promotion of safety from fire, the promotion of the healthful and convenient distribution of population, the promotion of sound design and arrangement, the wise and efficient expenditure of public funds, and the prevention of the recurrence of unsanitary and unsafe dwelling accommodations or conditions of blight. The Project Site needs extensive infrastructure installation and construction to support any development. This is described further in section VI, below.

#### IV. Land Use Plan

The Redevelopment Plan generally adopts and incorporates the Land Use Plan as set forth in the Comprehensive Plan of the City as it relates to the redevelopment area, as such Land Use Plan has been subsequently amended by the City. The existing land use map from the Comprehensive Plan is set forth below:

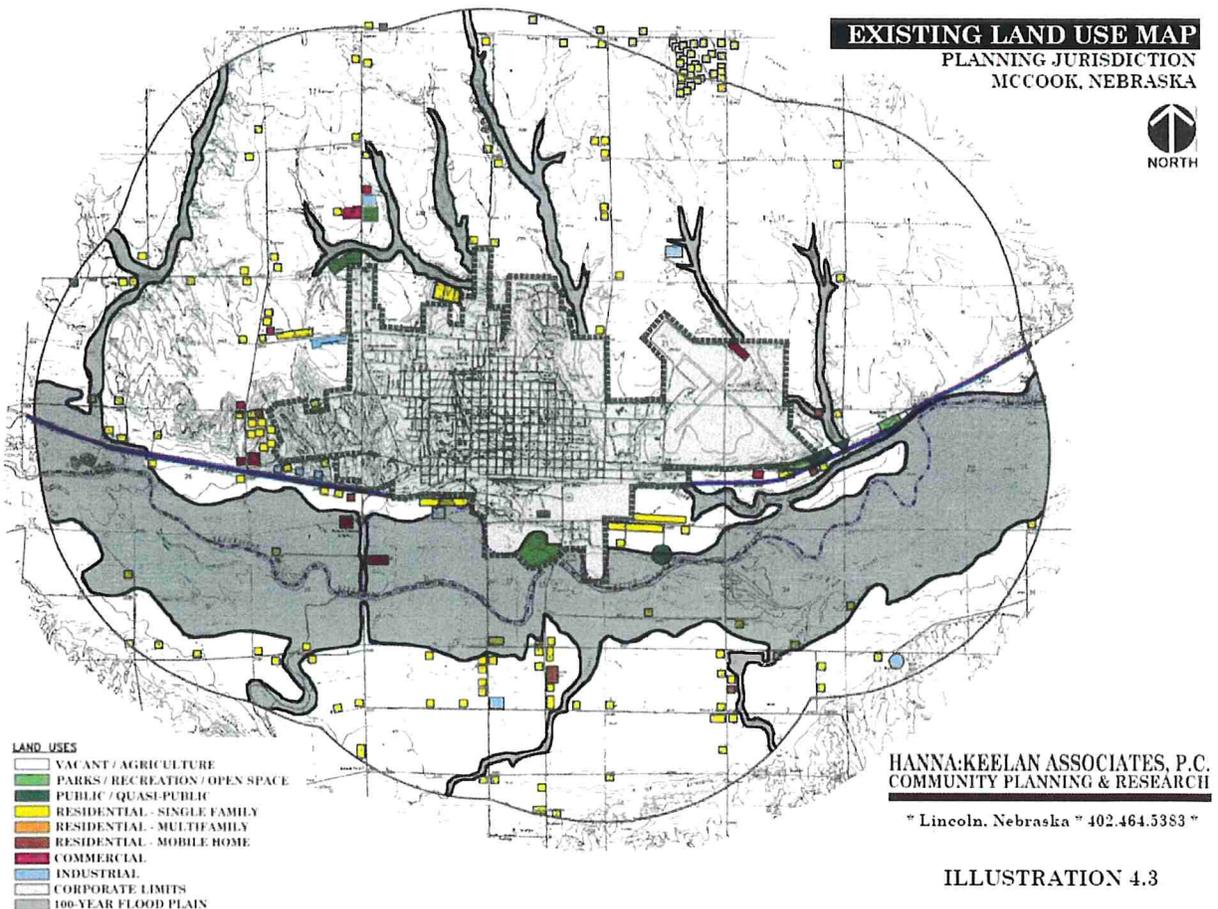


ILLUSTRATION 4.3

The Project Site was not located in corporate limits when the Comprehensive Plan was adopted and the existing land use map for the City's extraterritorial jurisdiction shows that the Project Site's use as vacant/agricultural. The Project Site was annexed into the corporate limits of the City in 2023. The Project Site was recently rezoned and is within the Heavy Industrial Zoning District.

The Future Land Use Map from the Comprehensive Plan is set forth below. The future land use of the Project Site is identified as industrial.

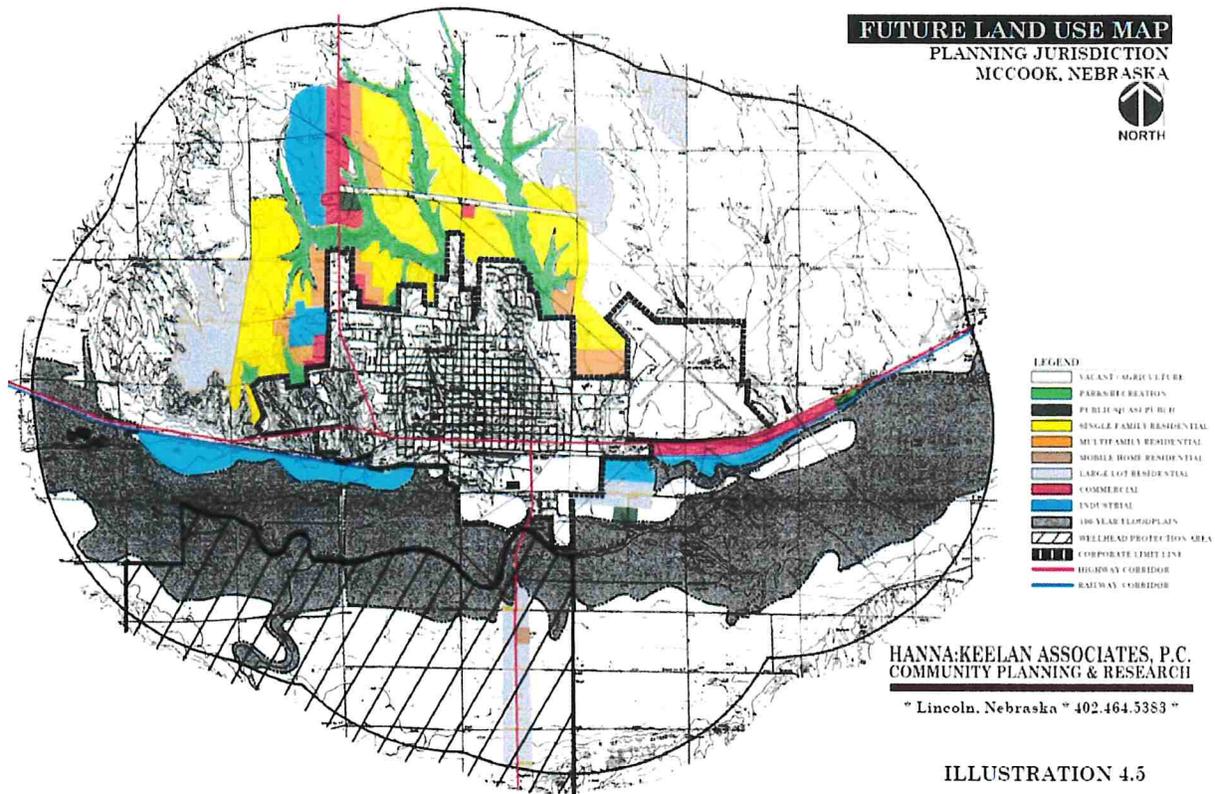


ILLUSTRATION 4.5

As stated in the Comprehensive Plan section of this Redevelopment Plan, the Project Site has been identified for future industrial development. Due to its proximity to an existing railway line, the Project Site is a prime location for industrial redevelopment.

**V. Tax Increment Financing**

The City contemplates the use of Tax Increment Financing ("TIF") for redevelopment projects identified in this Redevelopment Plan, as amended from time to time. TIF is authorized under section 18-2147 of the Act, which states

that any ad valorem tax levied upon real property in a redevelopment project shall be divided, for a period not to exceed fifteen years after the effective date as identified in the project redevelopment contract or in the resolution of the authority authorizing the issuance of bonds pursuant to the Act, as follows:

- (a) That portion of the ad valorem tax which is produced by the levy at the rate fixed each year by or for each such public body upon the redevelopment project valuation shall be paid into the funds of each such public body in the same proportion as are all other taxes collected by or for the body (“Base Tax Amount”); and
- (b) That portion of the ad valorem tax on real property, as provided in the redevelopment contract or bond resolution, in the redevelopment project in excess of the Base Tax Amount, if any, (referred to as the “Incremental Tax Amount”) shall be allocated to and, when collected, paid into a special fund of the authority to be used solely to pay the principal of, the interest on, and any premiums due in connection with the bonds of, loans, notes, or advances of money to, or indebtedness incurred by, whether funded, refunded, assumed, or otherwise, such authority for financing or refinancing, in whole or in part, the redevelopment project.

The redevelopment of the Project Site will utilize TIF.

## **VI. The Project**

### **a. McCook Business Park – Phase II**

McCook Economic Development Corporation (the “Redeveloper”) has contracted to purchase the Project Site and intends to develop the Project Site into Phase II of the McCook Business Park. The Project Site is anticipated to be developed in up to four phases. The first phase of the Redevelopment Project will involve construction of a commercial building for the operations of a liquid livestock feeding company. The first phase of the Redevelopment Project is identified and described in this Redevelopment Plan and is anticipated to commence as soon as possible following Project approval. The second through fourth phases of the Project will involve the construction of commercial/industrial buildings on the remaining lots for compatible and complementary uses. The exact scope, size, and uses of the subsequent phases are still to be determined. Additional detail about each subsequent phase shall be added pursuant to an amendment to this Redevelopment Plan. It is unknown when the subsequent phases will commence, but the Project is being developed as a single project in this Redevelopment Plan because the public improvements that shall be constructed and installed in connection with Phase One of the Project are necessary for the implementation of the subsequent phases, and

without the anticipation of the subsequent phases, Redeveloper would not proceed with this project.

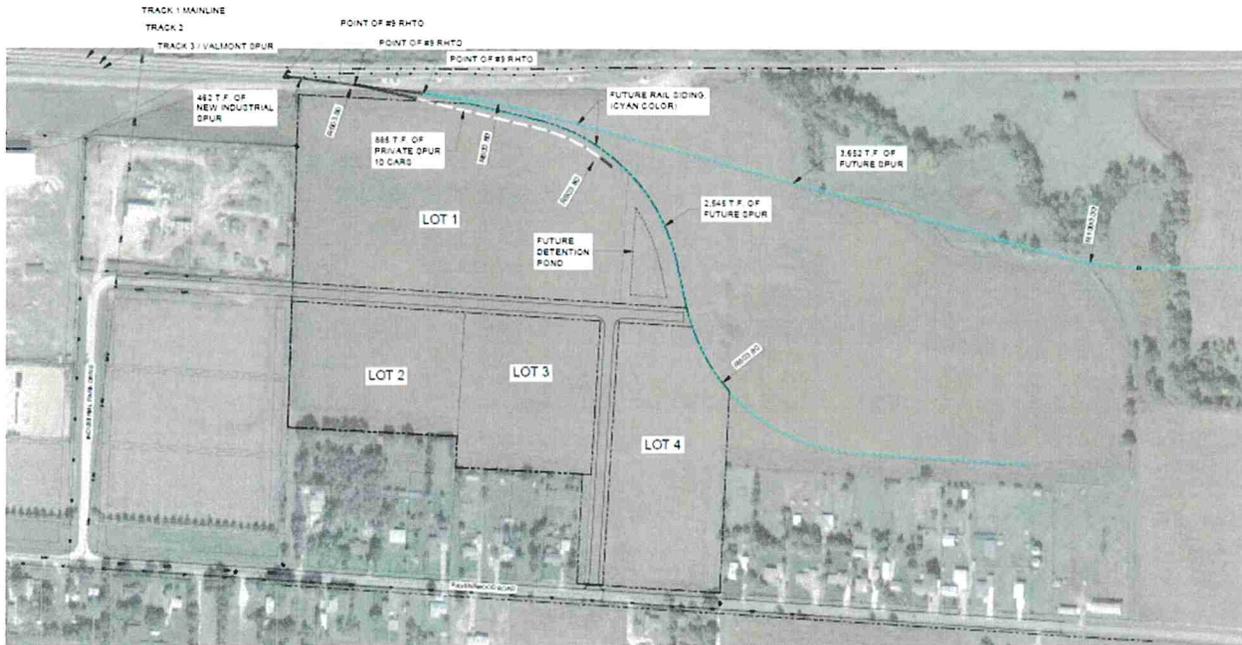
The Project Site needs extensive infrastructure installation and construction to support any development. This will include improvements to, and the extension of, Industrial Park Drive. In particular, the adjacent portion of Industrial Park Drive to the west of the subdivision is not paved, and access to the Project Site will be primarily from Industrial Park Drive. It is necessary to pave this portion of the street leading to the Project Site, or the Project Site cannot support the truck traffic associated with commercial and industrial uses. Industrial Park Drive will then need to be extended and constructed between Lot 1 on the north and Lots 2-4 on the south to provide access to the lots and adequate traffic flow. East 17<sup>th</sup> Street between Lot 3 and other properties on the west and Lot 4 on the east will also need to be constructed to support development on the Project Site. East 17<sup>th</sup> Street will be a controlled access road that is not intended for primary ingress and egress but is necessary for emergency vehicle access and other secondary access needs. Utilities will also need to be extended to support the development of the Project Site.

The overall cost of paving and utility improvements for the project are anticipated to be approximately \$1,500,212, as set forth below:

**Cost Estimate - McCook Business Park Phase II  
Paving and Utilities**

<b>Item</b>	<b>Estimate Quantity</b>	<b>Unit Price</b>	<b>Total</b>
1 Site Grading	1 L.S.	\$ 110,000.00	\$ 110,000.00
2 Stormwater Detention	1 L.S.	\$ 95,000.00	\$ 95,000.00
3 Subgrade Prep	8930 Sq. Yds.	\$ 7.00	\$ 62,510.00
4 Access Control Gate	1 Ea.	\$ 10,000.00	\$ 10,000.00
5 Rock Drive and Turnaround	3275 Sq. Yds.	\$ 17.50	\$ 57,312.50
6 Paving - 8" Concrete Phase II	5660 Sq. Yds.	\$ 85.00	\$ 481,100.00
7 8" Sanitary Sewer	1432 Lin. Ft.	\$ 72.00	\$ 103,104.00
8 Manholes	6 Ea.	\$ 7,500.00	\$ 45,000.00
9 Sanitary Taps	4 Ea.	\$ 1,200.00	\$ 4,800.00
10 10" Water Main	2275 Lin. Ft.	\$ 90.00	\$ 204,750.00
11 10" Gate Valve	4 Ea.	\$ 3,400.00	\$ 13,600.00
12 Fire Hydrant	4 Ea.	\$ 5,000.00	\$ 20,000.00
13 Water Main Taps	4 Ea.	\$ 2,000.00	\$ 8,000.00
14 Landscaping Screen and Seeding	1 L.S.	\$ 35,000.00	\$ 35,000.00
	Sub Total		\$ 1,250,176.50
	Contingency		\$ 125,017.65
	Engineering		\$ 125,017.65
	Grand Total		<b>\$ 1,500,211.80</b>

Additionally, the Redeveloper intends to construct a rail spur from the existing BNSF railroad to provide rail access to these lots and other lots. The spur built by the Redeveloper would be owned by the Redeveloper to allow access to the existing railway. Access to a railway spur presents a significant transportation benefit to the Project Site and surrounding area. Redeveloper will enter into the necessary agreements with the BNSF to operate the rail spur. A preliminary plan for the rail spur extension is set forth below:



The overall cost of rail extension is anticipated to be approximately \$1,493,640, as set forth below:

### Cost Estimate - Rail Extension

Item	Estimate Quantity	Unit Price	Total
1 Subgrade Prep	3600 Sq. Yds.	\$ 7.00	\$ 25,200.00
2 Subballast	3300 Sq. Yds.	\$ 17.50	\$ 57,750.00
3 NewBNSF Rail Switch	1 L.S.	\$ 750,000.00	\$ 750,000.00
4 New Private Switch	1 L.S.	\$ 70,000.00	\$ 70,000.00
5 New Industry Track	1347 T.F.	\$ 250.00	\$ 336,750.00
6 Seeding	1 L.S.	\$ 5,000.00	\$ 5,000.00
	Sub Total		\$ 1,244,700.00
	Contingency		\$ 124,470.00
	Engineering		\$ 124,470.00
	Grand Total		\$ 1,493,640.00

All rail infrastructure improvements would be subject to the necessary agreements with BNSF.

Accordingly, Redeveloper has identified approximately \$3 million in eligible TIF uses solely related to streets, utilities, and the rail spur. These improvements are necessary to support the proposed business park as a whole, as well as provide public benefit to the adjacent areas. The projected \$3 million in TIF-eligible costs does not include site acquisition, site preparation, or any additional phase-specific improvements, so the actual amount of the TIF-eligible improvements shall be significantly higher for the Project.

The TIF uses above and the additional TIF uses for the Project are necessary not only for Phase One but also for the subsequent phases. Additional TIF-eligible expenses are expected to be identified further in the supplemental amendment for the subsequent phases. Tax increment financing from all phases of the Project is necessary to assist with the costs of these public improvements, and the Redeveloper has stated that it would not proceed with the improvements if the TIF from all phases of the Project Site would not be available to assist with these costs. Construction of the public improvements is anticipated to commence in 2023.

As stated herein, the Project will consist of up to four phases. The first phase of the project is identified herein, but all phases should be considered one redevelopment project. Nevertheless, because the details of the subsequent phases are still to be determined, Redeveloper acknowledges that the CDA has not approved the subsequent phases at this time and each subsequent phase must be identified in a supplemental amendment to this Redevelopment Plan. Said supplemental amendment shall be a substantial modification of the Redevelopment Plan as defined in Neb. Rev. Stat. § 18-2115, which shall be subject to review and approval before any TIF is authorized for the subsequent phases.

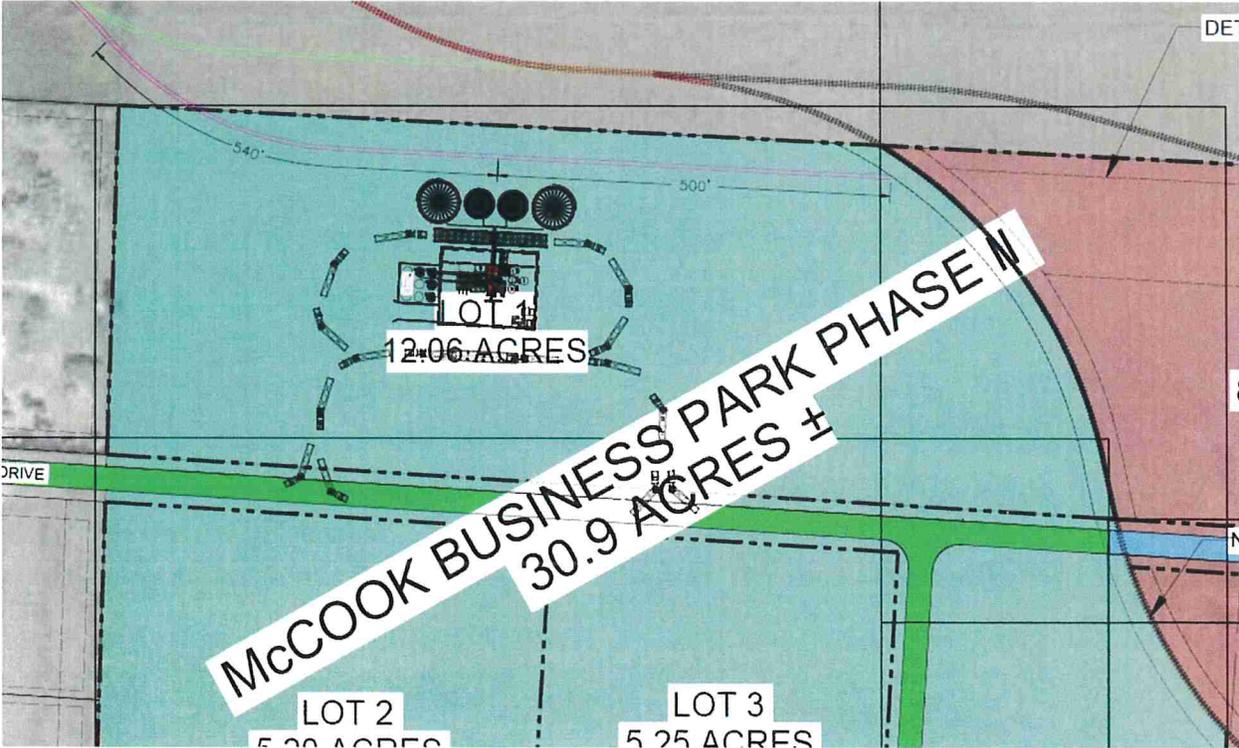
**b. Performance Plus Project - Phase One of McCook Business Park – Phase II**

The first phase of the Redevelopment Project will involve construction of a commercial building on property legally described on the attached Exhibit A-1 for the operation of a liquid livestock feeding company. For the purposes of this section that is identifying and describing the first phase, the first phase of Project shall be referred to herein as the “Project” and site for the first phase (identified in Exhibit A-1) shall be referred to herein as the “Project Site.”

Redeveloper intends to sell the Project Site to Performance Plus Liquids, Inc. (“Performance Plus”), and Performance Plus will construct the Phase One private improvements and operate the business. Performance Plus will construct

and install all the private improvements for the Project. Performance Plus will also construct any specific public improvements to support the Project that are not constructed by Redeveloper.

The preliminary site plan is set forth below:



All site plans are preliminary in nature and subject to change. Redeveloper will begin more detailed layout and building design if the project is approved; it is currently not feasible for Redeveloper to engage in further design process if the overall Project and the Phase One Project in particular are not approved.

Construction of the private improvements is anticipated to commence in 2023, as soon as the Project is approved and to be completed in 2024. This is Performance Plus’s best estimate based on the current schedule. If the commencement date is delayed, the completion date would also be pushed back accordingly. The effective date for the anticipated increase in valuation (the “Effective Date”) for TIF purposes is anticipated to be January 1, 2025. However, if a substantial partial valuation is placed on the Project Site in 2024 and the Redeveloper determines that an earlier effective date is more advantageous to the Project, the Effective Date may be established as January 1, 2024.

Performance Plus estimates that the total private improvement costs for its Project will be approximately \$10,000,000 to \$12,000,000. The CDA acknowledges that all amounts provided above are estimates, and the actual cost will be determined upon receipt of construction bids.

Based upon an estimated base value of \$108540, an anticipated potential completed valuation of \$9,600,000, and a 6.0% interest rate for the TIF Note, phase one of the Project could support approximately \$1,707,800 in TIF Indebtedness.<sup>1</sup> The TIF Sources are set forth in more detail on the attached and incorporated Exhibit "B". The identified TIF-eligible uses set forth above exceed the anticipated TIF Indebtedness amount. However, any additional TIF revenue from subsequent phases of the Project may aid in the payment of eligible costs from phase one. Many of the public infrastructure improvements constructed in connection with phase one are also necessary for construction of the private improvements on additional phases on the Project Site. While the subsequent phases will all require an amendment to this Redevelopment Plan, it is the CDA's expectation that TIF in the full amount of the Redeveloper's eligible costs will be supported by the Project and issued in connection herewith. The final, actual cost of all TIF-eligible expenses shall be certified by Redeveloper upon completion of construction.

### **Statutory Elements**

The use of TIF to assist with the costs of the eligible public improvements will make the Project as designed feasible. This section addresses the consideration of the statutory elements under the Nebraska Community Development Law for a project utilizing TIF.

#### **A. Property Acquisition, Demolition and Disposal**

No public acquisition of private property, relocation of families or businesses, or the sale of property is necessary to accomplish the Project. The Redeveloper has contracted to purchase the Project Site, and has site control. Redeveloper shall sell the individual lots within the Project Site to third party businesses as such businesses with an interest in relocating to the Project Site are identified.

#### **B. Population Density**

The proposed development at the Project Site is the construction of a commercial/industrial business park, which will not significantly affect population density in the project area. There is no residential component of this Project.

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<sup>1</sup> For purposes of the TIF projections for this Project, the CDA (1) has assumed the Project will capture the full 15 years of tax increment and there will not be a partial valuation in the first year and (2) has not accounted for any increases in the assessed value of the Project Site during the 15-year tax increment financing period. These assumptions will change the actual amount of the tax increment generated by the Project.

C. Land Coverage

The Project will meet the applicable land-coverage ratios and zoning requirements as required by the City of McCook. The land coverage will be determined on a phase-by-phase approach. The Redeveloper or its assignees will be required to obtain all necessary zoning approvals and building permits, and the approval of this Redevelopment Plan shall not supersede or constitute approval of any requirements of the City of McCook.

D. Traffic Flow, Street Layouts, and Street Grades

No adverse impacts are anticipated with respect to traffic flow, street layouts, and street grades. The Project is anticipated to increase traffic to and from the Project Site; however, the Project will include the improvement and extension of Industrial Park Road to handle the anticipated increase in traffic. Redeveloper will construct and install the necessary public infrastructure required to support the Project, including the Industrial Park Road improvements and the East 17<sup>th</sup> Street improvements. While East 17<sup>th</sup> Street will not be paved immediately and is not anticipated to be used for primary travel, it will provide an alternative controlled access for emergency service vehicles and other traffic. The TIF generated from the Project will be used to make the necessary street improvements to support the overall plan of redevelopment. These public improvements will address any traffic and street concerns created by the Project.

E. Parking

The Project will be required to meet or exceed the parking requirements set forth in the Industrial Heavy Zoning District. Each lot will be required to meet all parking requirements on a lot-by-lot basis and shall obtain all necessary City approvals.

F. Zoning, Building Code, and Ordinances

The Project will be required to meet all City zoning and building codes. If subdivision is necessary for the Project, Redeveloper shall meet all the requirements of the City's subdivision ordinance.

The Project Site is currently zoned Industrial Heavy (IH) District. Permitted uses in the IH district include:

1. Wholesale, storage and warehouse uses.
2. Garaging and equipment maintenance.
3. Automobile service stations.
4. Freight terminals.

5. Any light industrial, trade, or service use which can meet the “light industrial” performance standards for the IL Industrial Light District set forth in Section 1606, provided, such is not specifically prohibited.
6. Existing single family dwellings.
7. Any industrial or manufacturing use which can meet the performance standards for this district set forth below, except as herein modified, but which is not prohibited.
8. General research facilities.
9. Indoor eating and drinking establishments on the same lot as, and incidental to, any use allowed by right or special review.
10. Automobile parking lots.
11. Sales, service and storage of mobile homes, campers, boats, bicycles, motor vehicles, motorized equipment and accessories for such vehicles, not including salvage junk yards.
12. Commercial uses (excluding retail stores) including, but not limited to the following: lumber yards, nurseries, stock production and sales, yard equipment, transportation centers, service garages, wholesale operations, household equipment and appliance repair, rental establishments, car washes, bulk cleaning and laundry plants, cold storage lockers, and printing services -- provided adequate safeguards be taken to protect adjoining properties from objectionable or harmful substances, conditions or operations.
13. Feed mixing plants.

The McCook Zoning Ordinance also provides for certain permitted accessory uses and special exceptions. All uses shall comply with the McCook Zoning Ordinance including all applicable performance standards.

### **Comprehensive Plan**

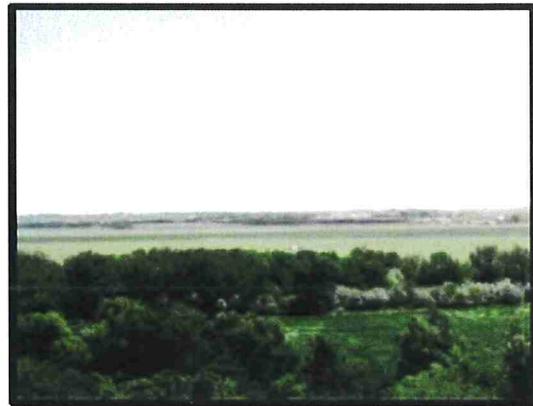
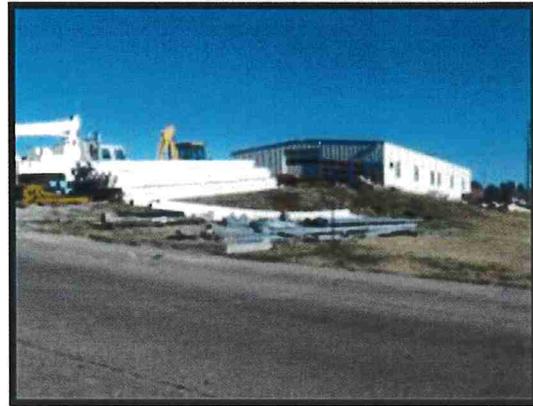
The McCook, Nebraska Comprehensive Plan 2013-2023 was prepared by Hanna:Keelan and adopted as the comprehensive development plan of the City (“Comprehensive Plan”). This section is not a comprehensive analysis of the Project’s conformance with the Comprehensive Plan but is meant to highlight and summarize certain key points on this topic. The Project meets and furthers the goals set forth in the Comprehensive Plan and is thus in conformance with the Comprehensive Plan.

The Redevelopment Area has been designated for future industrial use in the Comprehensive Plan:

## INDUSTRIAL

The City of McCook has sufficient vacant land in areas designated for future industrial uses along the Burlington Northern Santa Fe Railroad Corridor and at the Ben Nelson Regional Airport. McCook currently has an estimated 247 acres of industrial land within the Corporate Limits. The McCook Industrial Park has attracted large industries, such as Valmont Irrigation, and is projected to provide land area for industrial growth opportunities throughout the 10-year planning period. An additional industrial growth area is proposed in the northwest portion of the Planning Jurisdiction, west of the Highway 83 Corridor.

To provide jobs for an increasing population base and to attract additional business and industry to McCook, it is recommended that vacant lands within these industrial areas be prepared to support new industrial uses. The City must maintain enough industrial land for growth and development. Local development groups, organizations and property owners, with the guidance of the McCook Economic Development Corporation are encouraged to promote and continue their support for additional industrial land development.



The Future Land Use Maps, Illustrations 4.4 and 4.5, identify proposed industrial land areas both within the City and the Two-Mile Planning Jurisdiction.

## UTILITY GROWTH AREAS McCOOK, NEBRASKA

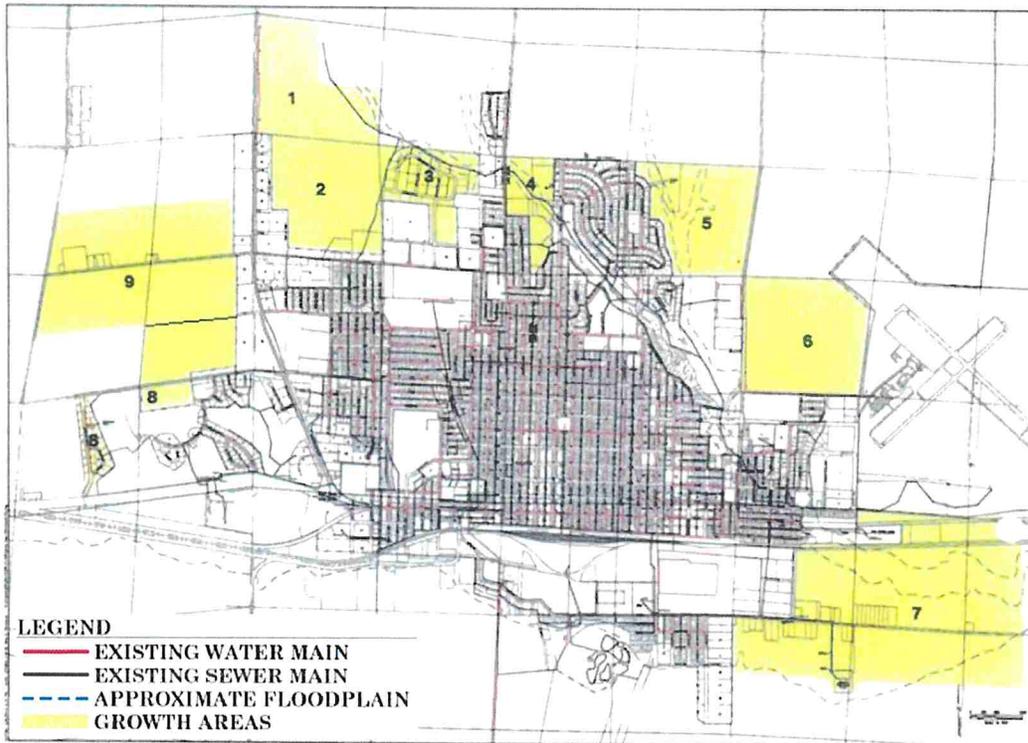


ILLUSTRATION 5.9

“**Area 7**, the largest of the nine Areas, is located southeast of McCook, south of the Highway 6/34 Corridor and on both sides of the Burlington Northern Santa Fe Railroad Corridor. This Area currently supports some residential and industrial development, but would need extensive work to support full development of the Area. This would include water and sewer lines, a lift station and a force main to gain access to the gravity sewer. Additional water lines would be needed north of the Railroad Corridor.”

The Comprehensive Plan includes the following statements, goals, and policies:

- The Community has the unique advantage of being considered a “regional hub” for commercial and industrial activity in southwest Nebraska.
- McCook needs to continue to pursue the service, commercial and industrial businesses needed to serve both the Community and Red Willow County.

- The Community’s ability to utilize both Tax Increment Financing ... for economic development will play an important role in growth opportunities for McCook.
- Additional commercial and industrial business, as well as the expansion of existing businesses in the McCook area and the provision of vacant land for these economic growth activities should be pursued if the Community desires more commerce.
- A McCook economic development initiative began in 2004 to attract industrial businesses...
- To provide jobs for an increasing population base and to attract additional business and industry to McCook, it is recommended that vacant lands within these industrial areas be prepared to support new industrial uses.
- The City must maintain enough industrial land for growth and development. Local development groups, organizations and property owners, with the guidance of the McCook Economic Development Corporation are encouraged to promote and continue their support for additional industrial land development.
- Goal 1: Population Growth Activities
  - Action Step 3: Continue the development of Commercial and Industrial Land in McCook. An analysis of existing land uses in McCook identifies ample land areas designated for future industrial and commercial uses. ... Light industrial uses and manufacturing companies should be located in designated industrial zoned areas, primarily located south of and along the Burlington Northern Santa Fe Railroad Corridor.
- Goal 2: Economic Development.
  - Action Step 1: The McCook Economic Development Corporation (MEDC) is recommended to develop and implement a strategic Economic Development Plan for prioritizing economic development and redevelopment efforts in the Community.
  - Action Step 2: Create up to 200 new jobs in McCook by 2023. This should be achieved by expanding existing and adding commercial businesses and industrial companies, “light manufacturing” in nature to McCook.

- Goal 4: Community Redevelopment Planning and Implementation.
  - Action Step 1: Utilize Tax Increment Financing (TIF) in designated “Redevelopment Areas” as a method of funding structural rehabilitation activities for commercial buildings.
  - Action Step 2: McCook will need to consider the use of Tax Increment Financing for Community development activities involving the improvement of public utilities, facilities, public utilities, streets, sidewalks and trails.

### **Cost Benefit Analysis**

Pursuant to section 18-2113 of the Act, the CDA must conduct a cost-benefit analysis for any redevelopment project that will utilize TIF. The Cost-Benefit Analysis for the Project is attached hereto as Exhibit “C” and incorporated by this reference.

### **Additional Project Information from the Redeveloper**

Redeveloper has represented that: (i) without the use of TIF, this Project would not be feasible and the Redeveloper could not develop this Project on the Project Site; (ii) no families will be displaced or relocated from the Project Site based upon this Project, and (iii) Redeveloper does not intend to file an application with the Department of Revenue to receive tax incentives under the ImagiNE Act.

**Exhibit A**  
**Redevelopment Area Legal Description**

All of McCook Business Park–Phase II, an addition to the City of McCook, Red Willow County, Nebraska, together with all adjacent rights of way, including that portion of Industrial Park Drive adjacent to but not included in the subdivision area.

**Exhibit A-1**  
**Phase One Legal Description**

Lot 1, McCook Business Park-Phase II, an addition to the City of McCook, Red Willow County, Nebraska

**Exhibit B**  
**Projected Phase One TIF Sources**

**TIF SOURCES:**

**Assumptions:**

Tax Levy	1.854491
Interest Rate	6%
Number of Years	15

Property Valuation:

	Assessed Val.	Est. Taxes
Pre-Project	\$108,540	\$2,013
Completed Project	\$9,600,000	\$178,031
Difference	\$9,491,460	\$176,018

**TIF Calculations:**

Annual TIF Amount	\$176,018
Less 1%	\$174,258
Total TIF	\$2,613,871
TIF Indebtedness (Present Value)	<b>\$1,707,768</b>

Note: the final plans for the Project are not known at this time, but Phase One construction costs are anticipated to be between \$10,000,000 and \$12,000,000. The final valuation was estimated based upon 80% of the \$12,000,000 construction costs.

**Exhibit C**  
**Cost Benefit Analysis**  
**(Pursuant to NEB. REV. STAT. § 18-2113)**

The cost-benefit analysis for the McCook Business Park Phase II Redevelopment Project, as described in the Redevelopment Plan to which this cost-benefit analysis is attached, is presented below. The Project will utilize Tax Increment Financing funds authorized by NEB. REV. STAT. §18-2147.

**1. Tax shifts resulting from the approval of the use of funds pursuant to Section 18-2147:**

The taxes generated by the current value of the property shall continue to be allocated between taxing jurisdictions pursuant to standard statutory requirements. Only the incremental taxes created by the Project will be captured to pay eligible public expenditures. Since the incremental taxes would not exist without the use of TIF to support the Project, the true tax shift of this Project is a positive shift in taxes after 15 years. However, for the purposes of illustrating the incremental taxes used for TIF, the 15-year tax shift for phase one of the Project is as follows:

Phase One – Performance Plus Project

a.	Redevelopment Project Base Valuation:	\$108,450
b.	Projected Completed Project Assessed Valuation:	\$9,600,000
c.	Projected Tax Increment Base:	\$9,491,460
d.	Estimated Tax Levy:	1.854491
e.	Annual Projected Tax Shift:	\$176,018

Phase Two Through Four – TBD

The private improvements and uses for phases 2-4 are unknown at this time. It is intended that the uses for the remaining three lots will be compatible industrial uses. The Cost-Benefit Analysis will be supplemented for each phase, but it is reasonable to anticipate a tax shift of at least approximately the same amount for the other three smaller lots, as this would support the overall TIF amount necessary to finance the public infrastructure needs for the Project.

*Note: The Projected Tax Increment is based on assumed values and levy rates; actual amounts and rates will vary from those assumptions, and it is understood that the actual tax shift may vary materially from the projected amount. The levy rate is assumed to be the 2023 levy rate. There has been no accounting for incremental growth or change in the tax levy over the 15-year TIF period. The phase one final valuation is based on the anticipated high range of Phase One construction costs, but the final numbers have not been determined, so the tax shift for phase one could be less.*

**2. Public infrastructure and community public service needs impacts and local tax impacts arising from the approval of the redevelopment project:**

a. Public infrastructure improvements and impacts:

No substantial adverse effects are anticipated on the public infrastructure and community public service needs. All public infrastructure and community public services required to serve the Project exist or will be constructed. The Project is not anticipated to have a material adverse effect on any community public services. Utilities will be extended to the Project Site with the assistance of TIF. There are not internal street on the Project Site, but also the adjacent streets need significant improvements to support an industrial park. These adjacent street improvements will benefit not only the Project but the adjacent properties as well.

b. Local Tax impacts (in addition to impacts of Tax Shifts described above):

The Project will create material tax and other public revenue for the City and other local taxing jurisdictions. While the use of tax increment financing will defer receipt of a majority of new ad valorem real property taxes generated by the Project, the Project should generate immediate tax growth for the City. The Project will include an amount of personal property that will be on the property tax rolls upon its acquisition and installation. Additionally, the City should realize revenue from sales tax paid by the patrons of the businesses. The Project will also require and pay for City services. It is not anticipated that the Project will have any material adverse impact on such City services, but will generate revenue providing support for those services.

**3. Impacts on employers and employees of firms locating or expanding within the boundaries of the area of the redevelopment project:**

It is not anticipated that the Project will have a material adverse impact on employers and employees of firms locating or expanding within the boundaries of the area of the redevelopment project. The Project should provide a material benefit for the area. As stated in the Comprehensive Plan and referenced in the Redevelopment Plan, “[a]dditional commercial and industrial business, as well as the expansion of existing businesses in the McCook area and the provision of vacant land for these economic growth activities should be pursued if the Community desires more commerce.” The City set a goal to “[c]reate up to 200 new jobs in McCook by 2023. This should be achieved by expanding existing and adding commercial businesses and industrial companies, “light manufacturing” in nature to McCook.” Creating additional industrial businesses is a goal of the City and a step in the direction of achieving the plan for development set for thin the Comprehensive Plan.

**4. Impacts on other employers and employees within the City and the immediate area that is located outside of the boundaries of the area of the redevelopment project:**

Similar to the answer provided in Section 3, above, the Project should have a material positive impact on private sector businesses in and around the area outside the boundaries of the redevelopment project. The Project is not anticipated to impose a burden or have a negative impact on other local area employers. The development of a business park for industrial uses is a goal of the City and this Project will help achieve the goals set forth in the Comprehensive Plan: "To provide jobs for an increasing population base and to attract additional business and industry to McCook, it is recommended that vacant lands within these industrial areas be prepared to support new industrial uses," and "Local development groups, organizations and property owners, with the guidance of the McCook Economic Development Corporation are encouraged to promote and continue their support for additional industrial land development." There should be no material and unreasonable impact on other businesses.

**5. Impacts on the student populations of school districts within the City:**

It is not anticipated that the Project will have a material adverse impact on the student populations of the school district within the City. There is no residential component to the Project.

**6. Other impacts determined by the authority to be relevant to the consideration of costs and benefits arising from the redevelopment project:**

Redeveloper anticipates a multi-phase redevelopment of the Project Site, which will not happen without the public improvements for the first phase Project. Thus, the Project will be an immediate catalyst for further commercial construction and economic development in the City.

**7. Summary of Findings:**

The Project will increase the City's tax base, without material adverse effects on either public or private entities. The Project will increase property tax revenue in the long-term. The Project will facilitate the development of a blighted and substandard area of the City. The benefits outweigh the costs of the proposed Project.

4868-7731-7738, v. 1

4868-7731-7738, v. 1

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

**2.C.**

ITEM NO. \_\_\_ Public Hearing - Regarding the Redevelopment Plan for the McCook Business Park Phase II Redevelopment Project as to its conformity with the general plan for the development of the City as a whole.

**2.D.**

ITEM NO. \_\_\_ Approve Resolution No. PC2023 - ~~24~~ recommending approval of a Redevelopment Plan of the City of McCook, Nebraska, approving a Redevelopment Project of the City of McCook, Nebraska; and approval of related actions for the purpose of the development of the McCook Business Park Phase II Redevelopment Project.

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**BACKGROUND:**

Per the previous agenda item, a Blight and Substandard Study for Redevelopment Area #6 has been recommended for the McCook City Council approval, said Study including property located east of the McCook Business Park, north of Ravenswood Road, and south of the existing BNSF railroad. The McCook Economic Development Corporation (MEDC) is requesting that the City of McCook adopt a Redevelopment Plan to assist with the development of McCook Business Park Phase II. The MEDC is the Redeveloper of the project.

The redevelopment site is currently used for agricultural purposes. The Redeveloper would like to redevelop the area to provide a location for industrial development. At the moment, there is a lack of land in and around McCook that can be developed for industrial purposes.

Per the Plan, the Redeveloper intends to create multiple lots which will accommodate new industrial development in McCook. The redevelopment of the area will help cure the current blight and substandard conditions highlighted in the Blight and Substandard Study for Redevelopment Area #6. In order to accomplish the Redeveloper's goal, the CDA will capture the available tax increment from the Project Site improvements to assist in payment for the public improvements listed as eligible expenses within the Redevelopment Plan and acceptable under the Community Development Law. The eligible expenses are listed on pages 8 and 9 of the Plan.

The Redevelopment Plan contains a recitation of the statutory elements required to be addressed per the Nebraska Community Development Law. The Plan also contains a Cost-Benefit Analysis that illustrates the breakdown of the tax shift resulting from the proposed Plan. Currently, the property's base value is \$108,450. It is anticipated that the property will be valued at \$9,600,00 following completion of the improvements. The projected tax increment base is \$9,491,550. Based upon the estimated tax levy of 1.854491, it is estimated that the annual projected tax shift will be \$176,018. These funds are the eligible amounts available to pay back the TIF note over a period of 15 years.

With respect to the City's Comprehensive Plan, the Redeveloper's Redevelopment Plan addresses several important goals in the Comprehensive Plan. The Redevelopment Plan promotes job creation, encourages business diversification, aids in community development, and assists easing the blight and substandard concerns addressed in the Study. The Plan considers the development of the initial lot, but provides flexibility for the redevelopment of the additional lots contained within the McCook Business Park Phase II.

City staff and MEDC representation will be available to answer questions at the McCook Planning Commission meeting.

**EXHIBIT #6**

**APPROVALS:**



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Nathan A. Schneider, City Manager

July 6, 2023

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Lea Ann Doak, City Clerk

July 6, 2023



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Tera Koetter, Assistant City Manager

July 6, 2023

**PLANNING COMMISSION  
CITY OF MCCOOK, NEBRASKA**

**RESOLUTION NO. PC 2023-04**  
(Redevelopment Plan– McCook Business Park Phase II  
Redevelopment Project)

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MCCOOK, NEBRASKA, MAKING A RECOMMENDATION TO THE COMMUNITY DEVELOPMENT AUTHORITY AND THE CITY COUNCIL OF THE CITY OF MCCOOK, NEBRASKA, WITH RESPECT TO THE REDEVELOPMENT PLAN FOR THE CITY OF MCCOOK, NEBRASKA, INCLUDING A SPECIFIC REDEVELOPMENT PROJECT.**

RECITALS

A. The City Council of the City of McCook has submitted the question of whether the Redevelopment Plan for the McCook Business park Phase II - Redevelopment Project, a copy of which is on file and available for public inspection with the City Clerk, (the "Redevelopment Plan") should be approved for the redevelopment of certain real property within the Redevelopment Area identified and legally defined in said plan (the "Project Site"), of which proposed plan is on file and available for public inspection with the McCook City Clerk.

B. Notice of public hearing regarding the question of whether the Redevelopment Plan should be recommended to the City Council and ultimately be adopted and approved by the City was provided in conformity with the Open Meetings Act, Neb. Rev. Stat. § 84-1407 et seq., the Community Development Law, Neb. Rev. Stat. §§ 18-2115 and 18-2115.01, and Nebraska law.

C. On July 10, 2023, the Planning Commission held a public hearing relating to the question of whether the Redevelopment Plan should be recommended to the City Council and ultimately be adopted and approved by the City. All interested parties were afforded at such public hearing a reasonable opportunity to express their views respecting the submitted question.

D. The Planning Commission has reviewed the Redevelopment Plan and has duly considered all statements made and material submitted related to the submitted question.

NOW THEREFORE, BE IT RESOLVED, by the Planning Commission of the City of McCook, Nebraska, in accordance with the Community Development Law, Neb. Rev. Stat. §§ 18-2101 to 18-2154 (the "Act"), as follows:

1. The Project Site is in need of redevelopment to remove blight and substandard conditions identified pursuant to the Act.
2. The Redevelopment Plan will, in accordance with the present and future needs of the City of McCook, promote the health, safety, morals, order, convenience, prosperity, and the general welfare of the community in conformance with the legislative declarations and determinations set forth in the Act.

**EXHIBIT #7**

**PAGE(S) - 2**

3. The Redevelopment Plan is in conformance with the general plan for development of the City of McCook as a whole, as set forth in the City of McCook Comprehensive Plan, as amended.

BE IT FURTHER RESOLVED, that pursuant to the provisions of the Act and in light of the foregoing findings and determinations, the Planning Commission does hereby recommend: (I) recommendation of the Redevelopment Plan by the CDA to the City Council; and (ii) approval of the Redevelopment Plan by the City Council as the governing body for the City of McCook.

Passed and approved by the Planning Commission on this 10<sup>th</sup> day of July, 2023.

PLANNING COMMISSION OF THE  
CITY OF MCCOOK, NEBRASKA

By: \_\_\_\_\_

  
Kurt Vosburg, Chairman

ATTEST:

By: \_\_\_\_\_

Chad Lyons, Secretary

McCook Planning Commission  
July 10, 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: Chair Vosburg; Vice Chair Hilker; Commissioners Bradley, Friehe, McDowell, Mockry.

Absent: Commissioners Davidson, Dueland, Lyons, Stevens.

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 July 7, 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.

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

1. Approve the minutes of the May 8, 2023 regular Planning Commission meeting.

Motion to approve the minutes of the May 8, 2023 regular Planning Commission meeting. This motion, made by McDowell and seconded by Friehe, passed.

Bradley: YEA, Davidson: ABSENT, Dueland: ABSENT, Friehe: YEA, Hilker: YEA, Lyons: ABSENT, McDowell: YEA, Mockry: YEA, Stevens: ABSENT, Vosburg: YEA  
YEA: 6, NAY: 0, ABSENT: 4

2. Public Hearings and Regular Agenda.

2.A Public Hearing - Regarding a Blight and Substandard Study for Redevelopment Area #6, comprised of a tract of land being part of the Southeast Quarter and part of the Southwest Quarter of Section 28, and part of the Northeast Quarter and part of the Northwest Quarter of Section 33, all in Township 3 North, Range 29 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 a Blight and Substandard Study for Redevelopment Area #6, comprised of a tract of land being part of the Southeast Quarter and part of the Southwest Quarter of Section 28, and part of the Northeast Quarter and part of the Northwest Quarter of Section 33, all

**EXHIBIT #8**

**PAGE(S) - 5**

in Township 3 North, Range 29 West of the 6th P.M., Red Willow County, Nebraska, with the City Attorney to act as hearing officer. This motion, made by Vosburg and seconded by McDowell, passed.

Bradley: YEA, Davidson: ABSENT, Dueland: ABSENT, Friehe: YEA, Hilker: YEA, Lyons: ABSENT, McDowell: YEA, Mockry: YEA, Stevens: ABSENT, Vosburg: YEA  
YEA: 6, NAY: 0, ABSENT: 4

City Attorney Mustion received into evidence Exhibit #1 - City Manager's Report prepared for the July 10, 2023 Planning Commission meeting (2 pages), Exhibit #2 - Notice of Hearing published (2 pages); Exhibit #3 - listing of Public Entities who received Notice of Public Hearing (1 page); Exhibit #4 - copies of letter to Public Entities receiving Notice of Public Hearing (10 pages); Exhibit #5 - Blight & Substandard Study for Redevelopment Area #6 (45 pages); and Exhibit #6 - proposed Resolution No. PC 2023-03 (2 pages).

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

Jason Combs and Craig Bennet of Miller and Associates, present via zoom, reviewed the proposed Blight & Substandard Study for Redevelopment Area #6.

Charlie McPherson, McCook Economic Development Director, spoke in support of Redevelopment Area #6.

Commissioner Vosburg questioned what the total percent of the city will be declared blighted and substandard.

Motion to adjourn the public hearing and to reconvene as a Planning Commission. This motion, made by Vosburg and seconded by Mockry, passed.

Bradley: YEA, Davidson: ABSENT, Dueland: ABSENT, Friehe: YEA, Hilker: YEA, Lyons: ABSENT, McDowell: YEA, Mockry: YEA, Stevens: ABSENT, Vosburg: YEA  
YEA: 6, NAY: 0, ABSENT: 4

2.B. Approve Resolution No. PC 2023-03 accepting the Blight and Substandard Study for Redevelopment Area #6 and recommending acceptance by the McCook City Council of said Blight and Substandard Study for the creation of Redevelopment Area #6.

Commissioner Friehe questioned if there were any potential tenants.

Motion to approve Resolution No. PC 2023-03 accepting the Blight and Substandard Study for Redevelopment Area #6 and recommending acceptance by the McCook City Council of said Blight and Substandard Study for the creation of Redevelopment Area #6. This motion, made by Vosburg and seconded by Hilker, passed.

Bradley: YEA, Davidson: ABSENT, Dueland: ABSENT, Friehe: YEA, Hilker: YEA, Lyons: ABSENT, McDowell: YEA, Mockry: YEA, Stevens: ABSENT, Vosburg: YEA  
YEA: 6, NAY: 0, ABSENT: 4

- 2.C. Public Hearing - Regarding the Redevelopment Plan for the McCook Business Park Phase II Redevelopment Project as to its conformity with the general plan for the development of the City as a whole.

Motion to recess as a Planning Commission and convene a public hearing for the purpose of receiving public comment regarding the Redevelopment Plan for the McCook Business Park Phase II Redevelopment Project as to its conformity with the general plan for the development of the City as a whole, with the City Attorney to act as hearing officer. This motion, made by Vosburg and seconded by Mockry, passed.

Bradley: YEA, Davidson: ABSENT, Dueland: ABSENT, Friehe: YEA, Hilker: YEA, Lyons: ABSENT, McDowell: YEA, Mockry: YEA, Stevens: ABSENT, Vosburg: YEA  
YEA: 6, NAY: 0, ABSENT: 4

The City Attorney received into evidence Exhibit #1 - City Manager's Report prepared for the July 10, 2023 Planning Commission meeting (2 pages), Exhibit #2 - Notice of Hearing published (2 pages); Exhibit #3 - listing of Public Entities who received Notice of Public Hearing (1 page); Exhibit #4 - copies of letter to Public Entities receiving Notice of Public Hearing (10 pages); Exhibit #5 - Proposed Redevelopment Plan for the McCook Business Park Phase II Redevelopment Project (24 pages); and Exhibit #6 - proposed Resolution No. PC 2023-04 (2 pages).

City Manager Schneider reviewed the proposed Redevelopment Plan with the Commissioners.

Charlie McPherson, McCook Economic Development Director, was present to address questions from the Commission.

Commissioners questioned which lot will be redeveloped, if rail access will be provided to all four lots, and how the property valuation is determined.

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

Bradley: YEA, Davidson: ABSENT, Dueland: ABSENT, Friehe: YEA, Hilker: YEA, Lyons: ABSENT, McDowell: YEA, Mockry: YEA, Stevens: ABSENT, Vosburg: YEA  
YEA: 6, NAY: 0, ABSENT: 4

- 2.D. Approve Resolution No. PC 2023-04 recommending approval of a Redevelopment Plan of the City of McCook, Nebraska, approving a Redevelopment Project of the City of McCook, Nebraska; and approval of related actions for the purpose of development of the McCook Business Park Phase II Redevelopment Project.

Motion to approve Resolution No. PC 2023-04 recommending approval of a Redevelopment Plan of the City of McCook, Nebraska, approving a Redevelopment Project of the City of McCook, Nebraska; and approval of related actions for the purpose of development of the McCook Business Park Phase II Redevelopment Project. This motion, made by Vosburg and seconded by McDowell, passed.

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

ABSENT, McDowell: YEA, Mockry: YEA, Stevens: ABSENT, Vosburg: YEA  
YEA: 6, NAY: 0, ABSENT: 4

2.E. Public Hearing - Regarding the Substantial Modification to the Redevelopment Plan for the North Pointe Redevelopment Project in the City of McCook, Nebraska.

Motion to recess as a Planning Commission and convene a public hearing for the purpose of receiving public comment regarding the Substantial Modification to the Redevelopment Plan for the North Pointe Redevelopment Project in the City of McCook, Nebraska, with the City Attorney to act as hearing officer. This motion, made by Vosburg and seconded by Friehe, passed.

Bradley: YEA, Davidson: ABSENT, Dueland: ABSENT, Friehe: YEA, Hilker: YEA, Lyons: ABSENT, McDowell: YEA, Mockry: YEA, Stevens: ABSENT, Vosburg: YEA  
YEA: 6, NAY: 0, ABSENT: 4

The City Attorney received into evidence Exhibit #1 - City Manager's Report prepared for the July 10, 2023 Planning Commission meeting (1 page), Exhibit #2 - Notice of Hearing published (1 page); Exhibit #3 - listing of Public Entities who received Notice of Public Hearing (1 page); Exhibit #4 - copies of letter to Public Entities receiving Notice of Public Hearing (5 pages); Exhibit #5 - Substantial Modification to the Redevelopment Plan for the North Pointe Redevelopment Project (4 pages); and Exhibit #6 - proposed Resolution No. PC 2023-05 (2 pages).

City Manager Schneider reviewed the modification made to the Redevelopment Plan for North Pointe and stated that Grant Norgaard, McCook Superintendent of Schools, contacted him and said the school system is aware they will not receive any tax benefit from this development for a period of years, but realize that it is in the best interest of the school to see the development.

Charlie McPherson, McCook Economic Development Director, stated that the funds will be utilized for water, sewer, and street infrastructure improvements.

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

Bradley: YEA, Davidson: ABSENT, Dueland: ABSENT, Friehe: YEA, Hilker: YEA, Lyons: ABSENT, McDowell: YEA, Mockry: YEA, Stevens: ABSENT, Vosburg: YEA  
YEA: 6, NAY: 0, ABSENT: 4

2.F. Approve Resolution No. PC 2023-05 recommending approval of a Substantial Modification to the Redevelopment Plan for the North Pointe Redevelopment Project in the City of McCook, Nebraska and approval of related actions for the purpose of the development of the North Pointe Redevelopment Project Phases, I, II, and III.

Motion to approve Resolution No. PC 2023-05 recommending approval of a Substantial Modification to the Redevelopment Plan for the North Pointe Redevelopment Project in the City of McCook, Nebraska and approval of related actions for the purpose of the development of the North Pointe Redevelopment Project Phases, I, II, and III. This motion, made by Vosburg and seconded by McDowell, passed.

Bradley: YEA, Davidson: ABSENT, Dueland: ABSENT, Friehe: YEA, Hilker: YEA, Lyons: ABSENT, McDowell: YEA, Mockry: YEA, Stevens: ABSENT, Vosburg: YEA  
YEA: 6, NAY: 0, ABSENT: 4

City Manager Schneider gave an update on the Swimming Pool and Ballpark projects.

Adjournment.

With no further business, Chair Vosburg declared the Planning Commission meeting adjourned at 6:01 P.M.

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Lea Ann Doak, City Clerk-Treasurer  
Recording Secretary

**CITY MANAGER'S REPORT  
JULY 17, 2022 MCCOOK COMMUNITY DEVELOPMENT AGENCY MEETING**

**2.D.**

ITEM NO. \_\_\_ Approve Resolution No. CDA 2023-~~43~~ recommending approval of the Redevelopment Plan for McCook Business Park Phase II Redevelopment Project to the McCook City Council and adopting a cost benefit analysis for the Redevelopment Project in the Redevelopment Plan.

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**BACKGROUND:**

During this past year, the McCook CDA and City Council have taken steps to redevelop the area encompassed within the McCook Business Park Phase II Redevelopment Project Area. Subdividing, annexing, and rezoning have occurred in recent months. The Blight and Substandard Study for the area (ie. Redevelopment Area #6) has been developed to allow for improvements under the Nebraska Community Development Law. In order to assist with public amenity construction via TIF as a part of this process, a Redevelopment Plan must be adopted and approved.

Attached to this document is the proposed Redevelopment Plan. The Plan contains all of the information required by the State of Nebraska. The Plan contains a description of the project, allowable expense cost estimates (which in this case, include estimates for paving and utility extensions, as well as a rail extension), a statutory analysis, a comprehensive plan analysis, and a cost benefit analysis. Please refer to the attached July 10, 2023 McCook Planning Commission City Manager's Report for staff's synopsis of the Plan.

The McCook CDA is tasked with recommending approval of the Plan to the City Council.

**APPROVALS:**

_____	July 13, 2023
Nathan A. Schneider, City Manager	
<u></u>	July 13, 2023
Lea Ann Doak, City Clerk	
<u></u>	July 13, 2023
Tera Koetter, Assistant City Manager	

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

**2.C.**

ITEM NO. \_\_\_ Public Hearing - Regarding the Redevelopment Plan for the McCook Business Park Phase II Redevelopment Project as to its conformity with the general plan for the development of the City as a whole.

**2.D.**

ITEM NO. \_\_\_ Approve Resolution No. PC2023 - 04 recommending approval of a Redevelopment Plan of the City of McCook, Nebraska, approving a Redevelopment Project of the City of McCook, Nebraska; and approval of related actions for the purpose of the development of the McCook Business Park Phase II Redevelopment Project.

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**BACKGROUND:**

Per the previous agenda item, a Blight and Substandard Study for Redevelopment Area #6 has been recommended for the McCook City Council approval, said Study including property located east of the McCook Business Park, north of Ravenswood Road, and south of the existing BNSF railroad. The McCook Economic Development Corporation (MEDC) is requesting that the City of McCook adopt a Redevelopment Plan to assist with the development of McCook Business Park Phase II. The MEDC is the Redeveloper of the project.

The redevelopment site is currently used for agricultural purposes. The Redeveloper would like to redevelop the area to provide a location for industrial development. At the moment, there is a lack of land in and around McCook that can be developed for industrial purposes.

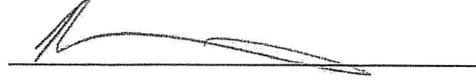
Per the Plan, the Redeveloper intends to create multiple lots which will accommodate new industrial development in McCook. The redevelopment of the area will help cure the current blight and substandard conditions highlighted in the Blight and Substandard Study for Redevelopment Area #6. In order to accomplish the Redeveloper's goal, the CDA will capture the available tax increment from the Project Site improvements to assist in payment for the public improvements listed as eligible expenses within the Redevelopment Plan and acceptable under the Community Development Law. The eligible expenses are listed on pages 8 and 9 of the Plan.

The Redevelopment Plan contains a recitation of the statutory elements required to be addressed per the Nebraska Community Development Law. The Plan also contains a Cost-Benefit Analysis that illustrates the breakdown of the tax shift resulting from the proposed Plan. Currently, the property's base value is \$108,450. It is anticipated that the property will be valued at \$9,600,00 following completion of the improvements. The projected tax increment base is \$9,491,550. Based upon the estimated tax levy of 1.854491, it is estimated that the annual projected tax shift will be \$176,018. These funds are the eligible amounts available to pay back the TIF note over a period of 15 years.

With respect to the City's Comprehensive Plan, the Redeveloper's Redevelopment Plan addresses several important goals in the Comprehensive Plan. The Redevelopment Plan promotes job creation, encourages business diversification, aids in community development, and assists easing the blight and substandard concerns addressed in the Study. The Plan considers the development of the initial lot, but provides flexibility for the redevelopment of the additional lots contained within the McCook Business Park Phase II.

City staff and MEDC representation will be available to answer questions at the McCook Planning Commission meeting.

**APPROVALS:**



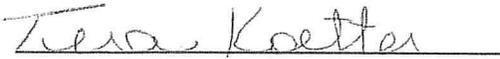
July 6, 2023

Nathan A. Schneider, City Manager

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July 6, 2023

Lea Ann Doak, City Clerk



July 6, 2023

Tera Koetter, Assistant City Manager

**COMMUNITY DEVELOPMENT AGENCY  
OF THE CITY OF MCCOOK, NEBRASKA**

**RESOLUTION NO. CDA 2023-03**

(Redevelopment Plan–McCook Business Park Phase II Redevelopment Project)

**A RESOLUTION RECOMMENDING APPROVAL OF A REDEVELOPMENT  
PLAN FOR THE CITY OF MCCOOK, NEBRASKA, TO THE CITY COUNCIL OF THE  
CITY OF MCCOOK, NEBRASKA AND ADOPTING A COST BENEFIT ANALYSIS FOR  
THE REDEVELOPMENT PROJECT IN THE REDEVELOPMENT PLAN.**

**RECITALS**

- A. The Community Development Agency of the City of McCook, Nebraska (“CDA”) in furtherance of the purposes and pursuant to the provisions of the Community Development Law, Neb. Rev. Stat. §§ 18-2101 to 18-2155, as amended, (the “Act”), has prepared a Redevelopment Plan in the form attached as Exhibit “A” (“Redevelopment Plan”).
- B. The Redevelopment Plan would create a redevelopment project in Redevelopment Area #6 on property described in the Redevelopment Plan identified as the McCook Business Park Phase II Redevelopment Project (the “Project”).
- C. The Project would use Tax Increment Financing pursuant to Section 18-2747 of the Act to assist in paying for the costs of certain eligible public improvements authorized by the Act and more particularly set forth in the Redevelopment Plan.
- D. The CDA is required under Section 18-2113(2) of the Act to conduct a cost benefit analysis for a redevelopment project which will use Tax Increment Financing.
- E. The CDA has conducted a cost benefit analysis for the Project, and said cost benefit analysis is attached to the Redevelopment Plan Amendment as Exhibit “C” (the “Project Cost Benefit Analysis”).
- F. The CDA has determined that the Project would not occur in the Redevelopment Area and could not be financed or constructed but for the use of Tax Increment Financing.
- G. Statements of the proposed method and estimated cost of the acquisition and preparation for redevelopment of the redevelopment project area and the estimated proceeds or revenue from its disposal to redevelopers, the proposed method of financing the redevelopment project, and a feasible method proposed for the relocation of families to be displaced from the redevelopment project area, if applicable, are set forth in the Redevelopment Plan and the Project Cost Benefit Analysis.

NOW THEREFORE, BE IT RESOLVED, by the CDA, as follows:

1. The cost and benefits set forth in the Project Cost Benefit Analysis have been found to be in the long-term best interest of the City.

2. The CDA hereby approves the Project Cost Benefit Analysis as the cost benefit analysis of the Project.

BE IT FURTHER RESOLVED, by the CDA, as follows:

1. The Redevelopment Plan is in conformance with the General Comprehensive Plan of the City of McCook.

2. The Redevelopment Plan will, in accordance with present and future needs, promote health, safety, morals, order, convenience, prosperity, and the general welfare, as well as efficiency and economy in the process of development, and the prevention of the recurrence of unsanitary or unsafe dwelling accommodations or conditions of blight, in the City of McCook.

3. The Redevelopment Plan is in conformance with the Act.

4. The Project would not be economically feasible and would not occur in the Redevelopment Area without the use of Tax Increment Financing.

5. The CDA hereby approves the Redevelopment Plan and recommends approval and adoption by the City Council of the City of McCook.

IN WITNESS WHEREOF, the CDA hereby passes and adopts this Resolution as of this 17<sup>th</sup> day of July, 2023.

COMMUNITY DEVELOPMENT  
AGENCY OF THE CITY OF  
MCCOOK, NEBRASKA

\_\_\_\_\_  
Chairman

ATTEST:

\_\_\_\_\_  
Secretary

**EXHIBIT "A"**  
**Redevelopment Plan**

[Attached]

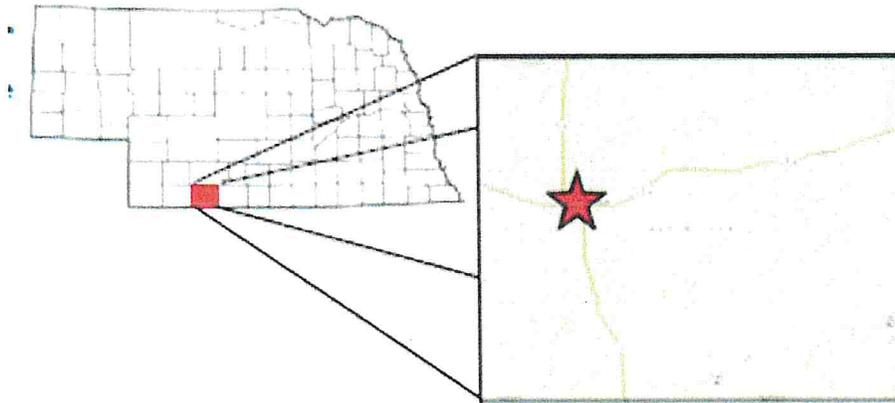
4856-2885-4325, v. 1

Exhibit "A"

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# REDEVELOPMENT PLAN

## FOR THE CITY OF MCCOOK, NEBRASKA



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## MCCOOK BUSINESS PARK PHASE II REDEVELOPMENT PROJECT

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### I. Introduction

This Redevelopment Plan for the McCook Business Park Phase II Redevelopment Project in the City of McCook, Nebraska (“Redevelopment Plan”) is a guide for redevelopment activities undertaken to remove or eliminate blighted and substandard conditions within a certain portion of a redevelopment area established in the City of McCook, Nebraska (the “City”) in 2023.

The Redevelopment Plan has been established in conformity with the Nebraska Community Development Law, NEB. REV. STAT. §§ 18-2101 through 18-

2155, as amended (the “Act”) and the Comprehensive Plan of the City to define the redevelopment activities in the Redevelopment Area identified herein. The Redevelopment Plan shall indicate its relationship to definite local objectives as to appropriate land uses, improved traffic, public transportation, public utilities, recreational and community facilities and other public improvements, and the proposed land uses and building requirements in the redevelopment project area, as required by the Act.

## **II. Statutory Requirements**

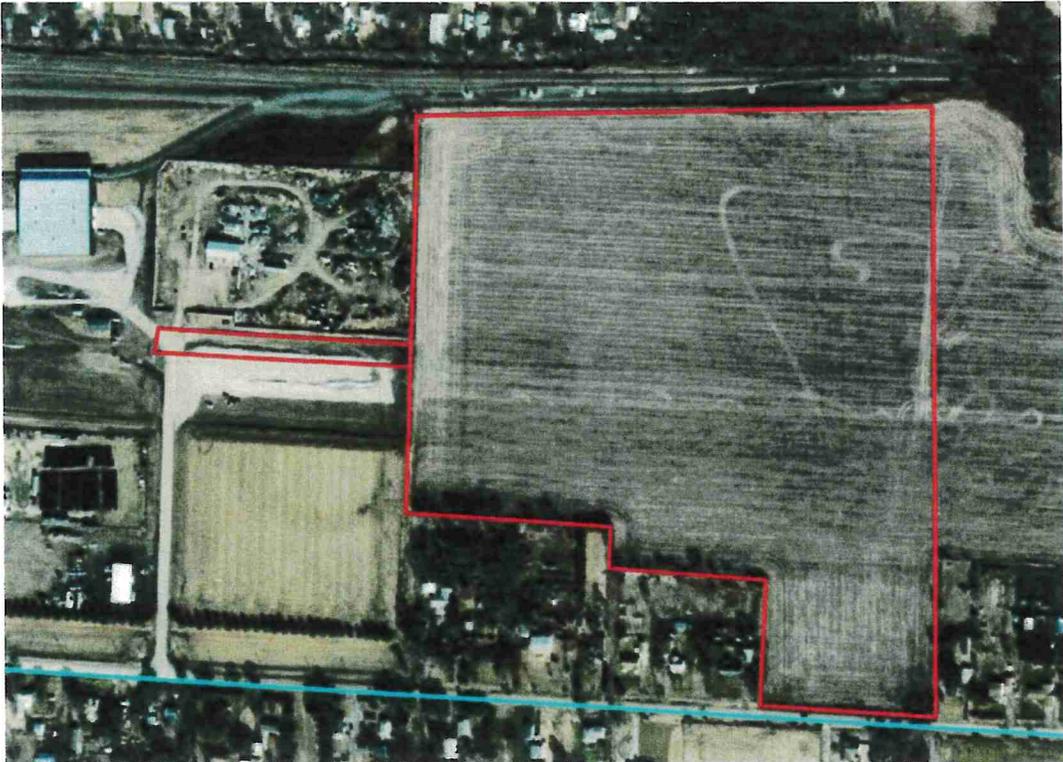
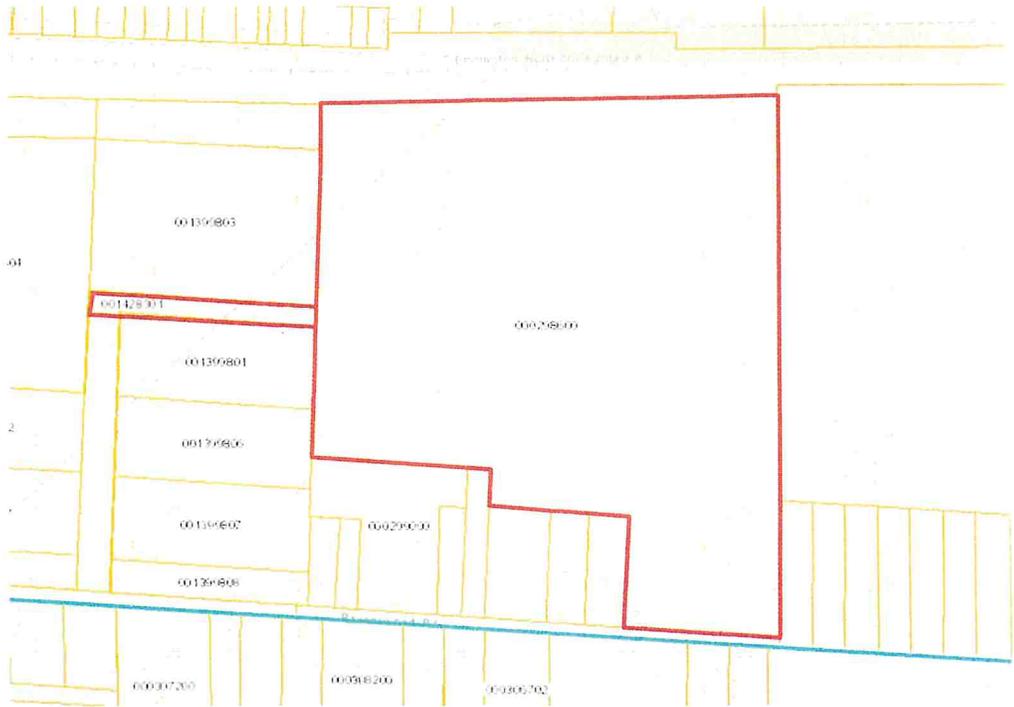
The Act defines a “redevelopment plan” as “a plan, as it exists from time to time for one or more community redevelopment areas, or for a redevelopment project, which (a) conforms to the general plan for the municipality as a whole and (b) is sufficiently complete to indicate such land acquisition, demolition and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the community redevelopment area, zoning and planning changes, if any, land uses, maximum densities, and building requirements.” NEB. REV. STAT. §18-2103(27).

The Act further sets forth the required contents of a redevelopment plan: “A redevelopment plan shall be sufficiently complete to indicate its relationship to definite local objectives as to appropriate land uses, improved traffic, public transportation, public utilities, recreational and community facilities and other public improvements, and the proposed land uses and building requirements in the redevelopment project area, and shall include without being limited to: (a) The boundaries of the redevelopment project area, with a map showing the existing uses and condition of the real property therein; (b) a land-use plan showing proposed uses of the area; (c) information showing the standards of population densities, land coverage, and building intensities in the area after redevelopment; (d) a statement of the proposed changes, if any, in zoning ordinances or maps, street layouts, street levels or grades, or building codes and ordinances; (e) a site plan of the area; and (f) a statement as to the kind and number of additional public facilities or utilities which will be required to support the new land uses in the area after redevelopment. Any redevelopment plan may include a proposal for the designation of an enhanced employment area.” NEB. REV. STAT. §18-2111.

The Act also states that a redevelopment plan may contain a provision authorizing Tax Increment Financing. NEB. REV. STAT. §18-2147.

## **III. Project Site/Redevelopment Area**

The real property included in the redevelopment area and the boundaries of the redevelopment area subject to this Redevelopment Plan is legally described on the attached and incorporated Exhibit “A” (the “Project Site”). The Project Site is depicted below:





The CDA has considered whether redevelopment of the Project Site will conform to the general plan and the coordinated, adjusted, and harmonious development of the City and its environs. In this consideration, the CDA finds that such a redevelopment of the Site will promote the health, safety, morals, order, convenience, prosperity, and the general welfare of the community including, among other things, the promotion of safety from fire, the promotion of the healthful and convenient distribution of population, the promotion of sound design and arrangement, the wise and efficient expenditure of public funds, and the prevention of the recurrence of unsanitary and unsafe dwelling accommodations or conditions of blight. The Project Site needs extensive infrastructure installation and construction to support any development. This is described further in section VI, below.

#### IV. Land Use Plan

The Redevelopment Plan generally adopts and incorporates the Land Use Plan as set forth in the Comprehensive Plan of the City as it relates to the redevelopment area, as such Land Use Plan has been subsequently amended by the City. The existing land use map from the Comprehensive Plan is set forth below:

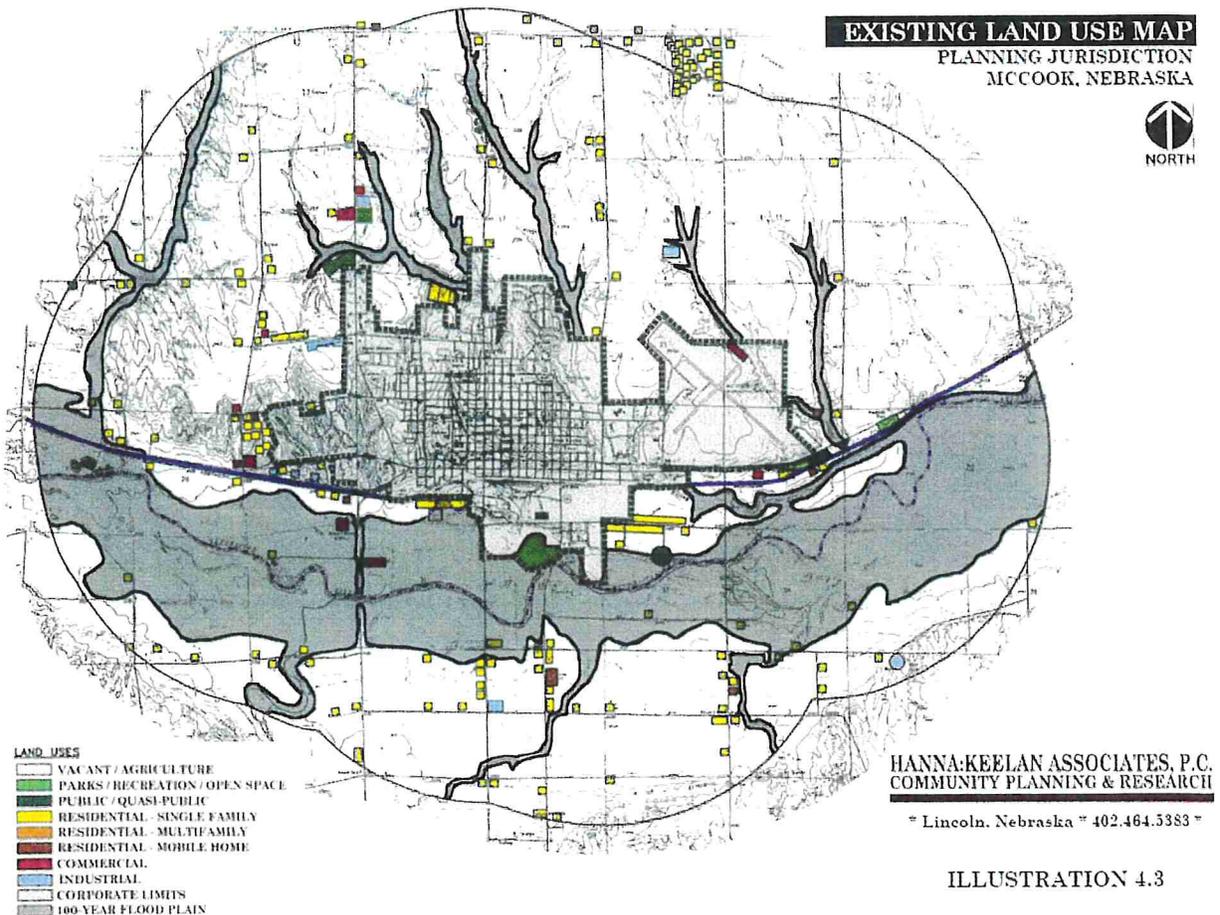


ILLUSTRATION 4.3

The Project Site was not located in corporate limits when the Comprehensive Plan was adopted and the existing land use map for the City’s extraterritorial jurisdiction shows that the Project Site’s use as vacant/agricultural. The Project Site was annexed into the corporate limits of the City in 2023. The Project Site was recently rezoned and is within the Heavy Industrial Zoning District.

The Future Land Use Map from the Comprehensive Plan is set forth below. The future land use of the Project Site is identified as industrial.

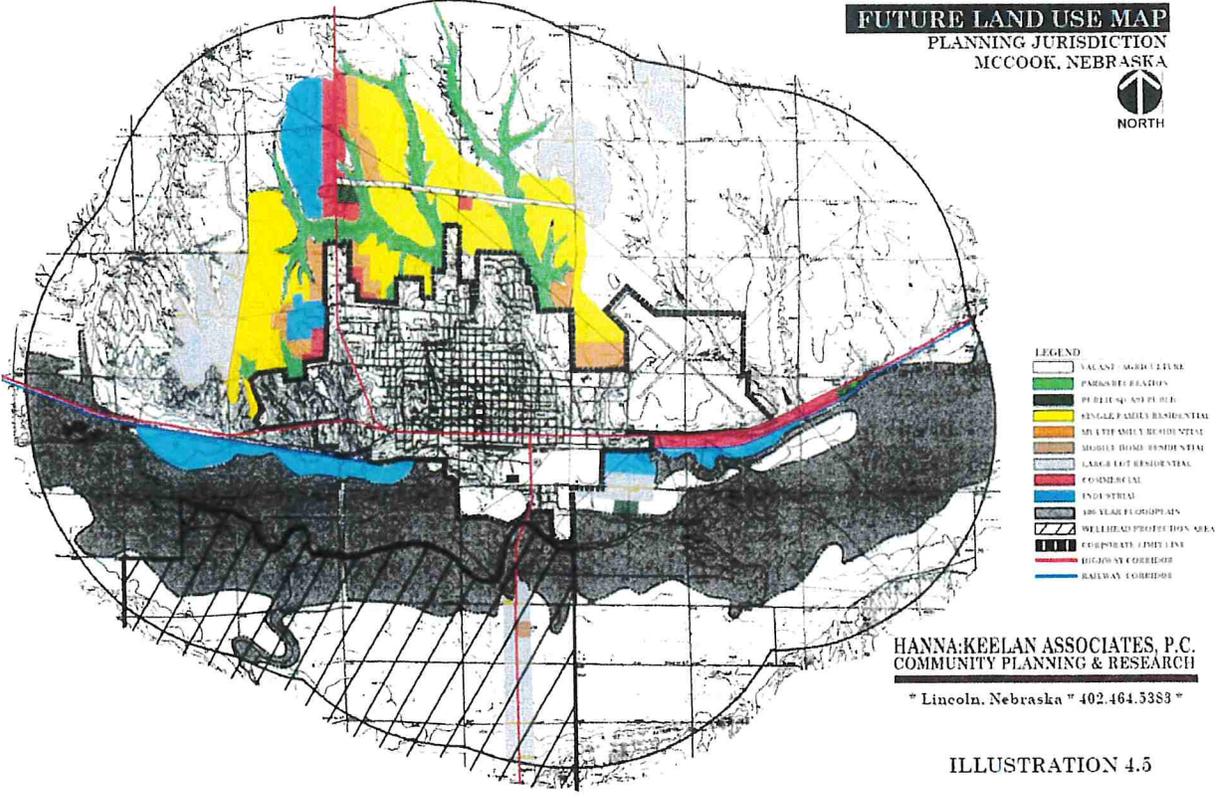


ILLUSTRATION 4.5

As stated in the Comprehensive Plan section of this Redevelopment Plan, the Project Site has been identified for future industrial development. Due to its proximity to an existing railway line, the Project Site is a prime location for industrial redevelopment.

**V. Tax Increment Financing**

The City contemplates the use of Tax Increment Financing (“TIF”) for redevelopment projects identified in this Redevelopment Plan, as amended from time to time. TIF is authorized under section 18-2147 of the Act, which states

that any ad valorem tax levied upon real property in a redevelopment project shall be divided, for a period not to exceed fifteen years after the effective date as identified in the project redevelopment contract or in the resolution of the authority authorizing the issuance of bonds pursuant to the Act, as follows:

- (a) That portion of the ad valorem tax which is produced by the levy at the rate fixed each year by or for each such public body upon the redevelopment project valuation shall be paid into the funds of each such public body in the same proportion as are all other taxes collected by or for the body (“Base Tax Amount”); and
- (b) That portion of the ad valorem tax on real property, as provided in the redevelopment contract or bond resolution, in the redevelopment project in excess of the Base Tax Amount, if any, (referred to as the “Incremental Tax Amount”) shall be allocated to and, when collected, paid into a special fund of the authority to be used solely to pay the principal of, the interest on, and any premiums due in connection with the bonds of, loans, notes, or advances of money to, or indebtedness incurred by, whether funded, refunded, assumed, or otherwise, such authority for financing or refinancing, in whole or in part, the redevelopment project.

The redevelopment of the Project Site will utilize TIF.

## **VI. The Project**

### **a. McCook Business Park – Phase II**

McCook Economic Development Corporation (the “Redeveloper”) has contracted to purchase the Project Site and intends to develop the Project Site into Phase II of the McCook Business Park. The Project Site is anticipated to be developed in up to four phases. The first phase of the Redevelopment Project will involve construction of a commercial building for the operations of a liquid livestock feeding company. The first phase of the Redevelopment Project is identified and described in this Redevelopment Plan and is anticipated to commence as soon as possible following Project approval. The second through fourth phases of the Project will involve the construction of commercial/industrial buildings on the remaining lots for compatible and complementary uses. The exact scope, size, and uses of the subsequent phases are still to be determined. Additional detail about each subsequent phase shall be added pursuant to an amendment to this Redevelopment Plan. It is unknown when the subsequent phases will commence, but the Project is being developed as a single project in this Redevelopment Plan because the public improvements that shall be constructed and installed in connection with Phase One of the Project are necessary for the implementation of the subsequent phases, and

without the anticipation of the subsequent phases, Redeveloper would not proceed with this project.

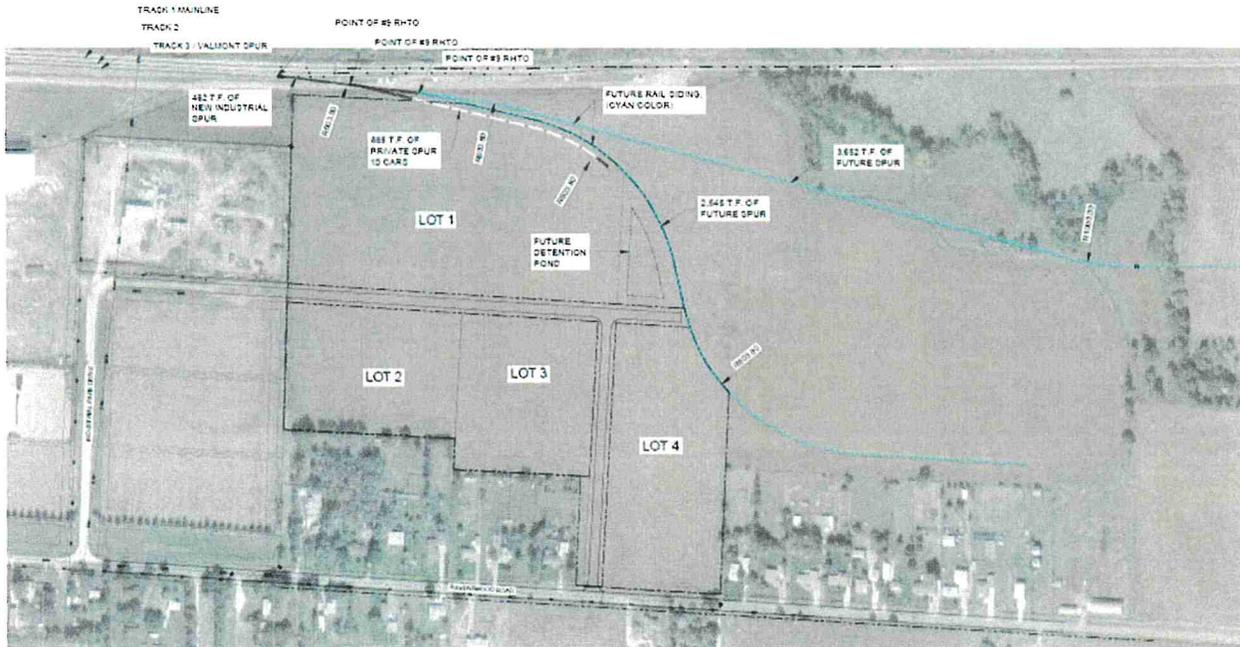
The Project Site needs extensive infrastructure installation and construction to support any development. This will include improvements to, and the extension of, Industrial Park Drive. In particular, the adjacent portion of Industrial Park Drive to the west of the subdivision is not paved, and access to the Project Site will be primarily from Industrial Park Drive. It is necessary to pave this portion of the street leading to the Project Site, or the Project Site cannot support the truck traffic associated with commercial and industrial uses. Industrial Park Drive will then need to be extended and constructed between Lot 1 on the north and Lots 2-4 on the south to provide access to the lots and adequate traffic flow. East 17<sup>th</sup> Street between Lot 3 and other properties on the west and Lot 4 on the east will also need to be constructed to support development on the Project Site. East 17<sup>th</sup> Street will be a controlled access road that is not intended for primary ingress and egress but is necessary for emergency vehicle access and other secondary access needs. Utilities will also need to be extended to support the development of the Project Site.

The overall cost of paving and utility improvements for the project are anticipated to be approximately \$1,500,212, as set forth below:

**Cost Estimate - McCook Business Park Phase II  
Paving and Utilities**

Item	Estimate Quantity	Unit Price	Total
1 Site Grading	1 L.S.	\$ 110,000.00	\$ 110,000.00
2 Stormwater Detention	1 L.S.	\$ 95,000.00	\$ 95,000.00
3 Subgrade Prep	8930 Sq. Yds.	\$ 7.00	\$ 62,510.00
4 Access Control Gate	1 Ea.	\$ 10,000.00	\$ 10,000.00
5 Rock Drive and Turnaround	3275 Sq. Yds.	\$ 17.50	\$ 57,312.50
6 Paving - 8" Concrete Phase II	5660 Sq. Yds.	\$ 85.00	\$ 481,100.00
7 8" Sanitary Sewer	1432 Lin. Ft.	\$ 72.00	\$ 103,104.00
8 Manholes	6 Ea.	\$ 7,500.00	\$ 45,000.00
9 Sanitary Taps	4 Ea.	\$ 1,200.00	\$ 4,800.00
10 10" Water Main	2275 Lin. Ft.	\$ 90.00	\$ 204,750.00
11 10" Gate Valve	4 Ea.	\$ 3,400.00	\$ 13,600.00
12 Fire Hydrant	4 Ea.	\$ 5,000.00	\$ 20,000.00
13 Water Main Taps	4 Ea.	\$ 2,000.00	\$ 8,000.00
14 Landscaping Screen and Seeding	1 L.S.	\$ 35,000.00	\$ 35,000.00
	Sub Total		\$ 1,250,176.50
	Contingency		\$ 125,017.65
	Engineering		\$ 125,017.65
	Grand Total		<b>\$ 1,500,211.80</b>

Additionally, the Redeveloper intends to construct a rail spur from the existing BNSF railroad to provide rail access to these lots and other lots. The spur built by the Redeveloper would be owned by the Redeveloper to allow access to the existing railway. Access to a railway spur presents a significant transportation benefit to the Project Site and surrounding area. Redeveloper will enter into the necessary agreements with the BNSF to operate the rail spur. A preliminary plan for the rail spur extension is set forth below:



The overall cost of rail extension is anticipated to be approximately \$1,493,640, as set forth below:

### Cost Estimate - Rail Extension

Item	Estimate Quantity	Unit Price	Total
1 Subgrade Prep	3600 Sq. Yds.	\$ 7.00	\$ 25,200.00
2 Subballast	3300 Sq. Yds.	\$ 17.50	\$ 57,750.00
3 NewBNSF Rail Switch	1 L.S.	\$ 750,000.00	\$ 750,000.00
4 New Private Switch	1 L.S.	\$ 70,000.00	\$ 70,000.00
5 New Industry Track	1347 T.F.	\$ 250.00	\$ 336,750.00
6 Seeding	1 L.S.	\$ 5,000.00	\$ 5,000.00
	Sub Total		\$ 1,244,700.00
	Contingency		\$ 124,470.00
	Engineering		\$ 124,470.00
	Grand Total		\$ 1,493,640.00

All rail infrastructure improvements would be subject to the necessary agreements with BNSF.

Accordingly, Redeveloper has identified approximately \$3 million in eligible TIF uses solely related to streets, utilities, and the rail spur. These improvements are necessary to support the proposed business park as a whole, as well as provide public benefit to the adjacent areas. The projected \$3 million in TIF-eligible costs does not include site acquisition, site preparation, or any additional phase-specific improvements, so the actual amount of the TIF-eligible improvements shall be significantly higher for the Project.

The TIF uses above and the additional TIF uses for the Project are necessary not only for Phase One but also for the subsequent phases. Additional TIF-eligible expenses are expected to be identified further in the supplemental amendment for the subsequent phases. Tax increment financing from all phases of the Project is necessary to assist with the costs of these public improvements, and the Redeveloper has stated that it would not proceed with the improvements if the TIF from all phases of the Project Site would not be available to assist with these costs. Construction of the public improvements is anticipated to commence in 2023.

As stated herein, the Project will consist of up to four phases. The first phase of the project is identified herein, but all phases should be considered one redevelopment project. Nevertheless, because the details of the subsequent phases are still to be determined, Redeveloper acknowledges that the CDA has not approved the subsequent phases at this time and each subsequent phase must be identified in a supplemental amendment to this Redevelopment Plan. Said supplemental amendment shall be a substantial modification of the Redevelopment Plan as defined in Neb. Rev. Stat. § 18-2115, which shall be subject to review and approval before any TIF is authorized for the subsequent phases.

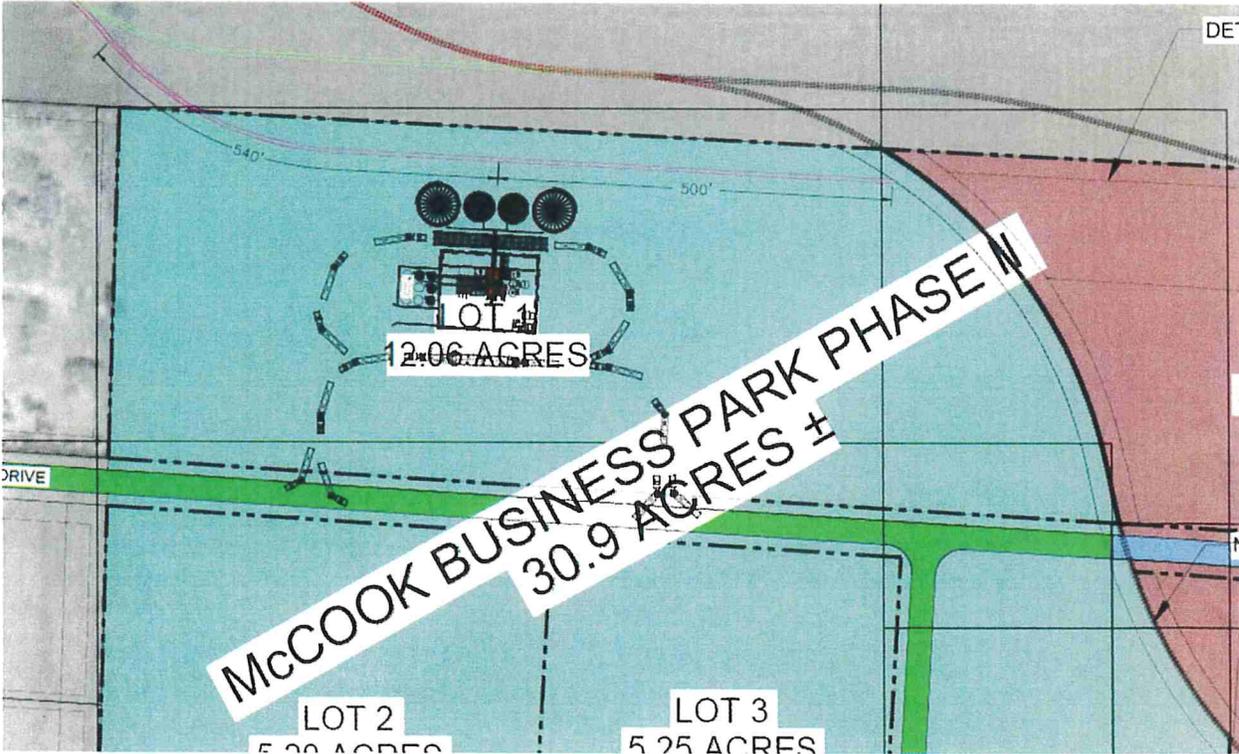
**b. Performance Plus Project - Phase One of McCook Business Park - Phase II**

The first phase of the Redevelopment Project will involve construction of a commercial building on property legally described on the attached Exhibit A-1 for the operation of a liquid livestock feeding company. For the purposes of this section that is identifying and describing the first phase, the first phase of Project shall be referred to herein as the “Project” and site for the first phase (identified in Exhibit A-1) shall be referred to herein as the “Project Site.”

Redeveloper intends to sell the Project Site to Performance Plus Liquids, Inc. (“Performance Plus”), and Performance Plus will construct the Phase One private improvements and operate the business. Performance Plus will construct

and install all the private improvements for the Project. Performance Plus will also construct any specific public improvements to support the Project that are not constructed by Redeveloper.

The preliminary site plan is set forth below:



All site plans are preliminary in nature and subject to change. Redeveloper will begin more detailed layout and building design if the project is approved; it is currently not feasible for Redeveloper to engage in further design process if the overall Project and the Phase One Project in particular are not approved.

Construction of the private improvements is anticipated to commence in 2023, as soon as the Project is approved and to be completed in 2024. This is Performance Plus’s best estimate based on the current schedule. If the commencement date is delayed, the completion date would also be pushed back accordingly. The effective date for the anticipated increase in valuation (the “Effective Date”) for TIF purposes is anticipated to be January 1, 2025. However, if a substantial partial valuation is placed on the Project Site in 2024 and the Redeveloper determines that an earlier effective date is more advantageous to the Project, the Effective Date may be established as January 1, 2024.

Performance Plus estimates that the total private improvement costs for its Project will be approximately \$10,000,000 to \$12,000,000. The CDA acknowledges that all amounts provided above are estimates, and the actual cost will be determined upon receipt of construction bids.

Based upon an estimated base value of \$108540, an anticipated potential completed valuation of \$9,600,000, and a 6.0% interest rate for the TIF Note, phase one of the Project could support approximately \$1,707,800 in TIF Indebtedness.<sup>1</sup> The TIF Sources are set forth in more detail on the attached and incorporated Exhibit "B". The identified TIF-eligible uses set forth above exceed the anticipated TIF Indebtedness amount. However, any additional TIF revenue from subsequent phases of the Project may aid in the payment of eligible costs from phase one. Many of the public infrastructure improvements constructed in connection with phase one are also necessary for construction of the private improvements on additional phases on the Project Site. While the subsequent phases will all require an amendment to this Redevelopment Plan, it is the CDA's expectation that TIF in the full amount of the Redeveloper's eligible costs will be supported by the Project and issued in connection herewith. The final, actual cost of all TIF-eligible expenses shall be certified by Redeveloper upon completion of construction.

### **Statutory Elements**

The use of TIF to assist with the costs of the eligible public improvements will make the Project as designed feasible. This section addresses the consideration of the statutory elements under the Nebraska Community Development Law for a project utilizing TIF.

#### **A. Property Acquisition, Demolition and Disposal**

No public acquisition of private property, relocation of families or businesses, or the sale of property is necessary to accomplish the Project. The Redeveloper has contracted to purchase the Project Site, and has site control. Redeveloper shall sell the individual lots within the Project Site to third party businesses as such businesses with an interest in relocating to the Project Site are identified.

#### **B. Population Density**

The proposed development at the Project Site is the construction of a commercial/industrial business park, which will not significantly affect population density in the project area. There is no residential component of this Project.

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<sup>1</sup> For purposes of the TIF projections for this Project, the CDA (1) has assumed the Project will capture the full 15 years of tax increment and there will not be a partial valuation in the first year and (2) has not accounted for any increases in the assessed value of the Project Site during the 15-year tax increment financing period. These assumptions will change the actual amount of the tax increment generated by the Project.

C. Land Coverage

The Project will meet the applicable land-coverage ratios and zoning requirements as required by the City of McCook. The land coverage will be determined on a phase-by-phase approach. The Redeveloper or its assignees will be required to obtain all necessary zoning approvals and building permits, and the approval of this Redevelopment Plan shall not supersede or constitute approval of any requirements of the City of McCook.

D. Traffic Flow, Street Layouts, and Street Grades

No adverse impacts are anticipated with respect to traffic flow, street layouts, and street grades. The Project is anticipated to increase traffic to and from the Project Site; however, the Project will include the improvement and extension of Industrial Park Road to handle the anticipated increase in traffic. Redeveloper will construct and install the necessary public infrastructure required to support the Project, including the Industrial Park Road improvements and the East 17<sup>th</sup> Street improvements. While East 17<sup>th</sup> Street will not be paved immediately and is not anticipated to be used for primary travel, it will provide an alternative controlled access for emergency service vehicles and other traffic. The TIF generated from the Project will be used to make the necessary street improvements to support the overall plan of redevelopment. These public improvements will address any traffic and street concerns created by the Project.

E. Parking

The Project will be required to meet or exceed the parking requirements set forth in the Industrial Heavy Zoning District. Each lot will be required to meet all parking requirements on a lot-by-lot basis and shall obtain all necessary City approvals.

F. Zoning, Building Code, and Ordinances

The Project will be required to meet all City zoning and building codes. If subdivision is necessary for the Project, Redeveloper shall meet all the requirements of the City's subdivision ordinance.

The Project Site is currently zoned Industrial Heavy (IH) District. Permitted uses in the IH district include:

1. Wholesale, storage and warehouse uses.
2. Garaging and equipment maintenance.
3. Automobile service stations.
4. Freight terminals.

5. Any light industrial, trade, or service use which can meet the “light industrial” performance standards for the IL Industrial Light District set forth in Section 1606, provided, such is not specifically prohibited.
6. Existing single family dwellings.
7. Any industrial or manufacturing use which can meet the performance standards for this district set forth below, except as herein modified, but which is not prohibited.
8. General research facilities.
9. Indoor eating and drinking establishments on the same lot as, and incidental to, any use allowed by right or special review.
10. Automobile parking lots.
11. Sales, service and storage of mobile homes, campers, boats, bicycles, motor vehicles, motorized equipment and accessories for such vehicles, not including salvage junk yards.
12. Commercial uses (excluding retail stores) including, but not limited to the following: lumber yards, nurseries, stock production and sales, yard equipment, transportation centers, service garages, wholesale operations, household equipment and appliance repair, rental establishments, car washes, bulk cleaning and laundry plants, cold storage lockers, and printing services -- provided adequate safeguards be taken to protect adjoining properties from objectionable or harmful substances, conditions or operations.
13. Feed mixing plants.

The McCook Zoning Ordinance also provides for certain permitted accessory uses and special exceptions. All uses shall comply with the McCook Zoning Ordinance including all applicable performance standards.

### **Comprehensive Plan**

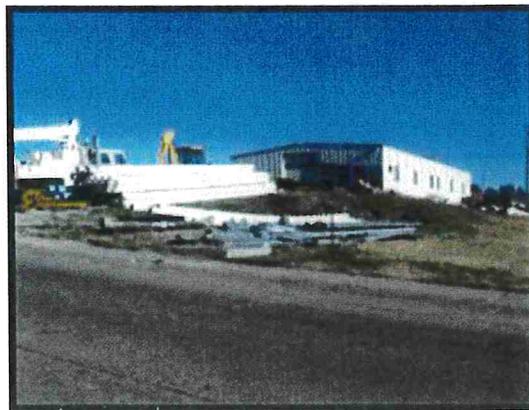
The McCook, Nebraska Comprehensive Plan 2013-2023 was prepared by Hanna:Keelan and adopted as the comprehensive development plan of the City (“Comprehensive Plan”). This section is not a comprehensive analysis of the Project’s conformance with the Comprehensive Plan but is meant to highlight and summarize certain key points on this topic. The Project meets and furthers the goals set forth in the Comprehensive Plan and is thus in conformance with the Comprehensive Plan.

The Redevelopment Area has been designated for future industrial use in the Comprehensive Plan:

## INDUSTRIAL

The City of McCook has sufficient vacant land in areas designated for future industrial uses along the Burlington Northern Santa Fe Railroad Corridor and at the Ben Nelson Regional Airport. McCook currently has an estimated 247 acres of industrial land within the Corporate Limits. The McCook Industrial Park has attracted large industries, such as Valmont Irrigation, and is projected to provide land area for industrial growth opportunities throughout the 10-year planning period. An additional industrial growth area is proposed in the northwest portion of the Planning Jurisdiction, west of the Highway 83 Corridor.

To provide jobs for an increasing population base and to attract additional business and industry to McCook, it is recommended that vacant lands within these industrial areas be prepared to support new industrial uses. The City must maintain enough industrial land for growth and development. Local development groups, organizations and property owners, with the guidance of the McCook Economic Development Corporation are encouraged to promote and continue their support for additional industrial land development.



The Future Land Use Maps, Illustrations 4.4 and 4.5, identify proposed industrial land areas both within the City and the Two-Mile Planning Jurisdiction.

## UTILITY GROWTH AREAS

McCOOK, NEBRASKA

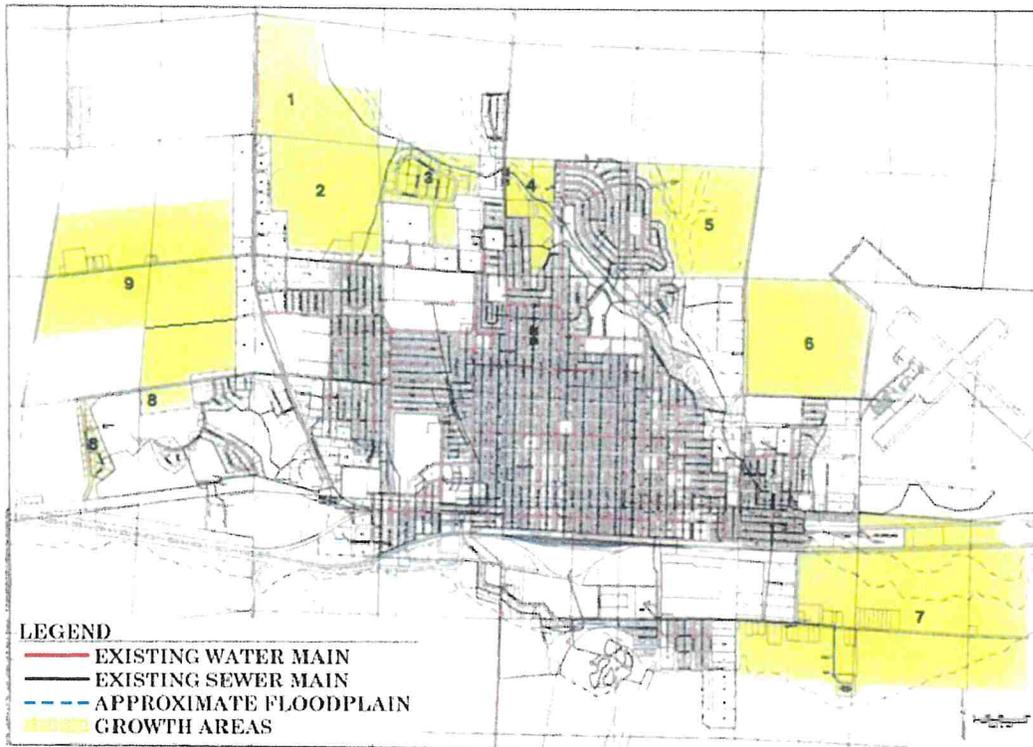


ILLUSTRATION 5.2

“**Area 7**, the largest of the nine Areas, is located southeast of McCook, south of the Highway 6/34 Corridor and on both sides of the Burlington Northern Santa Fe Railroad Corridor. This Area currently supports some residential and industrial development, but would need extensive work to support full development of the Area. This would include water and sewer lines, a lift station and a force main to gain access to the gravity sewer. Additional water lines would be needed north of the Railroad Corridor.”

The Comprehensive Plan includes the following statements, goals, and policies:

- The Community has the unique advantage of being considered a “regional hub” for commercial and industrial activity in southwest Nebraska.
- McCook needs to continue to pursue the service, commercial and industrial businesses needed to serve both the Community and Red Willow County.

- The Community’s ability to utilize both Tax Increment Financing ... for economic development will play an important role in growth opportunities for McCook.
- Additional commercial and industrial business, as well as the expansion of existing businesses in the McCook area and the provision of vacant land for these economic growth activities should be pursued if the Community desires more commerce.
- A McCook economic development initiative began in 2004 to attract industrial businesses...
- To provide jobs for an increasing population base and to attract additional business and industry to McCook, it is recommended that vacant lands within these industrial areas be prepared to support new industrial uses.
- The City must maintain enough industrial land for growth and development. Local development groups, organizations and property owners, with the guidance of the McCook Economic Development Corporation are encouraged to promote and continue their support for additional industrial land development.
- Goal 1: Population Growth Activities
  - Action Step 3: Continue the development of Commercial and Industrial Land in McCook. An analysis of existing land uses in McCook identifies ample land areas designated for future industrial and commercial uses. ... Light industrial uses and manufacturing companies should be located in designated industrial zoned areas, primarily located south of and along the Burlington Northern Santa Fe Railroad Corridor.
- Goal 2: Economic Development.
  - Action Step 1: The McCook Economic Development Corporation (MEDC) is recommended to develop and implement a strategic Economic Development Plan for prioritizing economic development and redevelopment efforts in the Community.
  - Action Step 2: Create up to 200 new jobs in McCook by 2023. This should be achieved by expanding existing and adding commercial businesses and industrial companies, “light manufacturing” in nature to McCook.

- Goal 4: Community Redevelopment Planning and Implementation.
  - Action Step 1: Utilize Tax Increment Financing (TIF) in designated “Redevelopment Areas” as a method of funding structural rehabilitation activities for commercial buildings.
  - Action Step 2: McCook will need to consider the use of Tax Increment Financing for Community development activities involving the improvement of public utilities, facilities, public utilities, streets, sidewalks and trails.

### **Cost Benefit Analysis**

Pursuant to section 18-2113 of the Act, the CDA must conduct a cost-benefit analysis for any redevelopment project that will utilize TIF. The Cost-Benefit Analysis for the Project is attached hereto as Exhibit “C” and incorporated by this reference.

### **Additional Project Information from the Redeveloper**

Redeveloper has represented that: (i) without the use of TIF, this Project would not be feasible and the Redeveloper could not develop this Project on the Project Site; (ii) no families will be displaced or relocated from the Project Site based upon this Project, and (iii) Redeveloper does not intend to file an application with the Department of Revenue to receive tax incentives under the Imagine Act.

**Exhibit A**  
**Redevelopment Area Legal Description**

All of McCook Business Park–Phase II, an addition to the City of McCook, Red Willow County, Nebraska, together with all adjacent rights of way, including that portion of Industrial Park Drive adjacent to but not included in the subdivision area.

**Exhibit A-1**  
**Phase One Legal Description**

Lot 1, McCook Business Park-Phase II, an addition to the City of McCook, Red Willow County, Nebraska

**Exhibit B**  
**Projected Phase One TIF Sources**

**TIF SOURCES:**

**Assumptions:**

Tax Levy	1.854491
Interest Rate	6%
Number of Years	15

Property Valuation:

	Assessed Val.	Est. Taxes
Pre-Project	\$108,540	\$2,013
Completed Project	\$9,600,000	\$178,031
Difference	\$9,491,460	\$176,018

**TIF Calculations:**

Annual TIF Amount	\$176,018
Less 1%	\$174,258
Total TIF	\$2,613,871
TIF Indebtedness (Present Value)	<b>\$1,707,768</b>

Note: the final plans for the Project are not known at this time, but Phase One construction costs are anticipated to be between \$10,000,000 and \$12,000,000. The final valuation was estimated based upon 80% of the \$12,000,000 construction costs.

**Exhibit C**  
**Cost Benefit Analysis**  
**(Pursuant to NEB. REV. STAT. § 18-2113)**

The cost-benefit analysis for the McCook Business Park Phase II Redevelopment Project, as described in the Redevelopment Plan to which this cost-benefit analysis is attached, is presented below. The Project will utilize Tax Increment Financing funds authorized by NEB. REV. STAT. §18-2147.

**1. Tax shifts resulting from the approval of the use of funds pursuant to Section 18-2147:**

The taxes generated by the current value of the property shall continue to be allocated between taxing jurisdictions pursuant to standard statutory requirements. Only the incremental taxes created by the Project will be captured to pay eligible public expenditures. Since the incremental taxes would not exist without the use of TIF to support the Project, the true tax shift of this Project is a positive shift in taxes after 15 years. However, for the purposes of illustrating the incremental taxes used for TIF, the 15-year tax shift for phase one of the Project is as follows:

Phase One – Performance Plus Project

a.	Redevelopment Project Base Valuation:	\$108,450
b.	Projected Completed Project Assessed Valuation:	\$9,600,000
c.	Projected Tax Increment Base:	\$9,491,460
d.	Estimated Tax Levy:	1.854491
e.	Annual Projected Tax Shift:	\$176,018

Phase Two Through Four – TBD

The private improvements and uses for phases 2-4 are unknown at this time. It is intended that the uses for the remaining three lots will be compatible industrial uses. The Cost-Benefit Analysis will be supplemented for each phase, but it is reasonable to anticipate a tax shift of at least approximately the same amount for the other three smaller lots, as this would support the overall TIF amount necessary to finance the public infrastructure needs for the Project.

*Note: The Projected Tax Increment is based on assumed values and levy rates; actual amounts and rates will vary from those assumptions, and it is understood that the actual tax shift may vary materially from the projected amount. The levy rate is assumed to be the 2023 levy rate. There has been no accounting for incremental growth or change in the tax levy over the 15-year TIF period. The phase one final valuation is based on the anticipated high range of Phase One construction costs, but the final numbers have not been determined, so the tax shift for phase one could be less.*

**2. Public infrastructure and community public service needs impacts and local tax impacts arising from the approval of the redevelopment project:**

a. Public infrastructure improvements and impacts:

No substantial adverse effects are anticipated on the public infrastructure and community public service needs. All public infrastructure and community public services required to serve the Project exist or will be constructed. The Project is not anticipated to have a material adverse effect on any community public services. Utilities will be extended to the Project Site with the assistance of TIF. There are not internal street on the Project Site, but also the adjacent streets need significant improvements to support an industrial park. These adjacent street improvements will benefit not only the Project but the adjacent properties as well.

b. Local Tax impacts (in addition to impacts of Tax Shifts described above):

The Project will create material tax and other public revenue for the City and other local taxing jurisdictions. While the use of tax increment financing will defer receipt of a majority of new ad valorem real property taxes generated by the Project, the Project should generate immediate tax growth for the City. The Project will include an amount of personal property that will be on the property tax rolls upon its acquisition and installation. Additionally, the City should realize revenue from sales tax paid by the patrons of the businesses. The Project will also require and pay for City services. It is not anticipated that the Project will have any material adverse impact on such City services, but will generate revenue providing support for those services.

**3. Impacts on employers and employees of firms locating or expanding within the boundaries of the area of the redevelopment project:**

It is not anticipated that the Project will have a material adverse impact on employers and employees of firms locating or expanding within the boundaries of the area of the redevelopment project. The Project should provide a material benefit for the area. As stated in the Comprehensive Plan and referenced in the Redevelopment Plan, “[a]dditional commercial and industrial business, as well as the expansion of existing businesses in the McCook area and the provision of vacant land for these economic growth activities should be pursued if the Community desires more commerce.” The City set a goal to “[c]reate up to 200 new jobs in McCook by 2023. This should be achieved by expanding existing and adding commercial businesses and industrial companies, “light manufacturing” in nature to McCook.” Creating additional industrial businesses is a goal of the City and a step in the direction of achieving the plan for development set for thin the Comprehensive Plan.

**4. Impacts on other employers and employees within the City and the immediate area that is located outside of the boundaries of the area of the redevelopment project:**

Similar to the answer provided in Section 3, above, the Project should have a material positive impact on private sector businesses in and around the area outside the boundaries of the redevelopment project. The Project is not anticipated to impose a burden or have a negative impact on other local area employers. The development of a business park for industrial uses is a goal of the City and this Project will help achieve the goals set forth in the Comprehensive Plan: "To provide jobs for an increasing population base and to attract additional business and industry to McCook, it is recommended that vacant lands within these industrial areas be prepared to support new industrial uses," and "Local development groups, organizations and property owners, with the guidance of the McCook Economic Development Corporation are encouraged to promote and continue their support for additional industrial land development." There should be no material and unreasonable impact on other businesses.

**5. Impacts on the student populations of school districts within the City:**

It is not anticipated that the Project will have a material adverse impact on the student populations of the school district within the City. There is no residential component to the Project.

**6. Other impacts determined by the authority to be relevant to the consideration of costs and benefits arising from the redevelopment project:**

Redeveloper anticipates a multi-phase redevelopment of the Project Site, which will not happen without the public improvements for the first phase Project. Thus, the Project will be an immediate catalyst for further commercial construction and economic development in the City.

**7. Summary of Findings:**

The Project will increase the City's tax base, without material adverse effects on either public or private entities. The Project will increase property tax revenue in the long-term. The Project will facilitate the development of a blighted and substandard area of the City. The benefits outweigh the costs of the proposed Project.

**CITY MANAGER'S REPORT  
JULY 17, 2023 MCCOOK CITY COUNCIL MEETING**

**2.E**  
ITEM NO.      Approve Resolution No. 2023-10, approving a Redevelopment Plan For the McCook Business Park Phase II Project.

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**BACKGROUND:**

This item is required by the State of Nebraska for Tax Increment Financed (TIF) projects per the Nebraska Community Development Law. After the CDA approves a resolution authorizing a Redevelopment Plan and recommends approval of the Plan to the City Council, the City Council must approve a resolution approving the Redevelopment Plan.

The background for this agenda item is the same as the background provided in preceding City Manager Reports.

**APPROVALS:**

<hr/>	July 13, 2023
Nathan A. Schneider, City Manager 	July 13, 2023
Lea Ann Doak, City Clerk	
	July 13, 2023
Tera Koetter, Assistant City Manager	

**CITY OF MCCOOK, NEBRASKA**

**RESOLUTION NO. 2023-10**

(Redevelopment Plan–McCook Business Park Phase II Project)

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCCOOK, NEBRASKA, APPROVING A REDEVELOPMENT PLAN FOR THE CITY OF MCCOOK, NEBRASKA, INCLUDING MCCOOK BUSINESS PARK PHASE II REDEVELOPMENT PROJECT.**

**RECITALS**

A. The Community Development Agency of the City of McCook, Nebraska (“CDA”) has prepared a Redevelopment Plan for a portion of Redevelopment Area #6 (the “Redevelopment Plan”). The proposed Redevelopment Plan is on file and available for public inspection with the McCook City Clerk.

B. The Redevelopment Plan includes a redevelopment project identified as the McCook Business Park Phase II Redevelopment Project (the “Project”) that will utilize Tax Increment Financing pursuant to Neb. Rev. Stat. § 18-2147.

C. The CDA submitted the question of whether the Redevelopment Plan should be recommended to the City Council to the Planning Commission of the City of McCook.

D. The Planning Commission recommended the approval of the Redevelopment Plan.

E. Notice of public hearing regarding the adoption and approval of the Redevelopment Plan by the City Council was provided in conformity with the Open Meetings Act, Neb. Rev. Stat. § 84-1407 et seq., the Community Development Law, Neb. Rev. Stat. §§ 18-2115 and 18-2115.01, and Nebraska law.

F. On July 17, 2023, the City Council held a public hearing relating to the question of whether the Redevelopment Plan should be adopted and approved by the City. All interested parties were afforded at such public hearing a reasonable opportunity to express their views respecting the submitted question.

G. The City Council has reviewed the Redevelopment Plan, the cost benefit analysis prepared by the CDA and attached to the Redevelopment Plan, the recommendations of the Planning Commission, and has duly considered all statements made and material submitted related to the submitted question.

NOW THEREFORE, it is found by the City Council of the City of McCook, Nebraska, in accordance with the Community Development Law, Neb. Rev. Stat. §§ 18-2101 through 18-2155 (the “Act”), as follows:

1. The Project Site is in need of redevelopment to remove blight and substandard conditions identified pursuant to the Act.
2. The Redevelopment Plan will, in accordance with the present and future needs of the City of McCook, promote the health, safety, morals, order,

convenience, prosperity, and the general welfare of the community in conformance with the legislative declarations and determinations set forth in the Act.

3. The Redevelopment Plan is in conformance with the general plan for development of the City of McCook as a whole, as set forth in the City of McCook Comprehensive Plan, as amended.
4. The cost and benefits set forth in the Project cost benefit analysis are found to be in the long-term best interest of the City of McCook.
5. The Project would not be economically feasible without the use of Tax Increment Financing.
6. The Project would not occur on the Redevelopment Area without the use of Tax Increment Financing.

BE IT FURTHER RESOLVED, that pursuant to the provisions of the Act and in light of the foregoing findings and determinations, the Redevelopment Plan is hereby approved and adopted by the City Council as the governing body for the City of McCook.

Dated this 17<sup>th</sup> day of July, 2023.

CITY OF MCCOOK, NEBRASKA

By: \_\_\_\_\_  
Linda Taylor, Ex-Officio Mayor  
and Council President

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

**CITY MANAGER'S REPORT  
JULY 17, 2023 MCCOOK COMMUNITY DEVELOPMENT AGENCY MEETING**

**ITEM NO. 2.F.** Approve Resolution No. CDA 2023-04 authorizing and approving a Redevelopment Agreement including the use of Tax Increment Financing for the McCook Business Park Phase II Project.

---

**BACKGROUND:**

For a TIF project to occur within the City of McCook, a Redevelopment Agreement must be entered by the developer and the CDA (acting on behalf of the City). Approval of the Redevelopment Agreement takes place after approval of the Redevelopment Plan. The Redevelopment Agreement must be the McCook Community Development Agency.

The proposed McCook Business Park Phase II Agreement contemplates that the CDA will capture the tax increment from the improvements made to the project site. The capture period will not exceed 15 years. The CDA will issue TIF indebtedness in an amount not to exceed \$1,707,800. The TIF indebtedness will be issued and memorialized by a promissory note with the McCook Economic Development Corporation (MEDC) listed as the registered holder of the note. The MEDC will purchase the debt. The TIF indebtedness will be secured by a pledge of the tax increment for a period of 15 years or potentially earlier, if the debt is repaid sooner than 15 years. The issued debt will not be a general obligation of the City of McCook. If the Tax Increment falls short of anticipated receipts, the developer will be responsible to make up the shortfall.

The Redevelopment Agreement reaffirms the project would not occur but for the use of TIF. The Agreement contains a provision that requires the developer to provide the CDA with sufficient evidence to establish the developer has the necessary funds to carry out the proposed project. The information will provide assurance that the developer has the means to undertake the project. The submission of the financial information is a condition precedent to the requirement the CDA proceed with its obligations.

Project completion date is anticipated to be December 31, 2024. Principal and accrued interest shall be payable in thirty semi-annual installments due June 15, 2026, December 15, 2026, and each June 15 and December 15 thereafter through December 15, 2040, when all principal and accrued interest shall be due and payable. Upon initiation of the project, the developer will be required to report its progress to the CDA. The developer will be required to execute a Certificate of Completion after concluding the work to the site. The Certificate of Completion will serve as a conclusive determination of satisfaction of the agreement on the part of the developer.

Redeveloper will pay its real estate taxes when due in order to fund the agreement. During the period of this Agreement, the Redeveloper will not protest a real estate valuation of the Project Site to a sum less than the Minimum Project Valuation and it will not convey the Project Site or structures thereon to any entity that would be exempt from the payment of real estate taxes or cause nonpayment of such real estate taxes. If there is a deficiency, the Redeveloper will be obligated to pay the shortfall. It will not be an obligation of the CDA.

The Agreement contains provisions for default, remedies and indemnification.

**APPROVALS:**

\_\_\_\_\_

July 13, 2023

Nathan A. Schneider, City Manager

Lea Ann Doak

July 13, 2023

Lea Ann Doak, City Clerk

Tera Koetter

July 13, 2023

Tera Koetter, Assistant City Manager

**COMMUNITY DEVELOPMENT AGENCY  
OF THE CITY OF MCCOOK, NEBRASKA**

**RESOLUTION NO. CDA 2023-04**

(Redevelopment Agreement–McCook Business Park Phase II Redevelopment Project)

**A RESOLUTION OF THE COMMUNITY DEVELOPMENT AGENCY OF THE CITY OF MCCOOK, NEBRASKA, AUTHORIZING AND APPROVING A REDEVELOPMENT AGREEMENT INCLUDING THE USE OF TAX INCREMENT FINANCING FOR A REDEVELOPMENT PROJECT; AND TAKING OTHER ACTIONS REQUIRED OR PERMITTED UNDER THE COMMUNITY DEVELOPMENT LAW.**

**RECITALS**

- A. The Community Development Agency of the City of McCook, Nebraska (“CDA”), in furtherance of the purposes and pursuant to the provisions of the Community Development Law, Neb. Rev. Stat. §§ 18-2101 to 18-2155, as amended (the “Act”), has adopted a Redevelopment Plan for a portion of Redevelopment Area #6 (“Redevelopment Plan”).
- B. The Planning Commission of the City of McCook has recommended approval of the Redevelopment Plan.
- C. The CDA shall submit the Redevelopment Plan to the City Council of the City of McCook, Nebraska for final approval and adoption pursuant to the Act.
- D. The Redevelopment Plan authorizes and creates a specific redevelopment project on a portion of the Redevelopment Area identified in the Redevelopment Plan as the McCook Business Park Phase II Redevelopment Project (the “Project”).
- E. The CDA has prepared a redevelopment agreement for the Project, a copy of which is attached hereto as Exhibit “A” and incorporated by this reference (the “Redevelopment Agreement”).
- F. The Project would use Tax Increment Financing pursuant to Section 18-2147 of the Act to assist in paying for the cost of certain eligible public improvements authorized by the Act and identified in the Redevelopment Plan and the Redevelopment Agreement.

NOW THEREFORE, BE IT RESOLVED, by the CDA, that the Redevelopment Agreement is hereby approved.

BE IT FURTHER RESOLVED, the CDA authorizes the Chairperson of the CDA to execute and enter into the Redevelopment Agreement on the CDA’s behalf upon the City Council’s approval of the Redevelopment Agreement.

BE IT FURTHER RESOLVED, the CDA authorizes the Chairperson of the CDA to take all such actions that are required to fulfill the terms of the Redevelopment Agreement and to consummate the agreement set forth therein.

BE IT FURTHER RESOLVED, without limitation to the foregoing, the CDA authorizes the issuance of the TIF Indebtedness in substantially the same form of the Note attached to the Redevelopment Agreement as Exhibit "E" in an amount not to exceed the TIF Indebtedness amount set forth in the Redevelopment Agreement without further written approval of the CDA or the City Council.

BE IT FURTHER RESOLVED, the foregoing resolutions are subject to and contingent upon the City Council's approval and adoption of the Redevelopment Plan Amendment for the Project, and if the City Council does not approve and adopt the Redevelopment Plan Amendment, the resolutions contained herein shall be void and of no effect.

BE IT FURTHER RESOLVED, that any other resolutions or actions that are contradictory or incompatible with the provisions of this Resolution are hereby rescinded.

Dated this 17<sup>th</sup> day of July, 2023.

COMMUNITY DEVELOPMENT  
AGENCY OF THE CITY OF  
MCCOOK, NEBRASKA

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Chairman

ATTEST:

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Secretary

**EXHIBIT "A"**  
**Redevelopment Agreement**

[Attached]

**EXHIBIT "A"**  
**Redevelopment Agreement**

[Attached]

**REDEVELOPMENT AGREEMENT  
(MCCOOK BUSINESS PARK PHASE II REDEVELOPMENT PROJECT  
PHASE ONE-PERFORMANCE PLUS PROJECT)**

This Redevelopment Agreement is made and entered into as of the \_\_\_\_ day of \_\_\_\_\_, 2023, by and between the Community Development Agency of the City of McCook, Nebraska (“CDA”) and the McCook Economic Development Corporation, a Nebraska nonprofit corporation (“Redeveloper”).

**RECITALS**

A. The CDA is a duly organized and existing Community Development Agency, a body politic and corporate under the laws of the State of Nebraska, with lawful power and authority to enter into this Redevelopment Agreement.

B. The City of McCook, in furtherance of the purposes and pursuant to the provisions of the Act, has adopted a Redevelopment Plan for a blighted and substandard area designated by the City, including the Redevelopment Area.

C. Redeveloper has contracted to purchase the Project Site located in the Redevelopment Area.

D. Redeveloper submitted a redevelopment project proposal to redevelop the McCook Business Park Phase II, which includes the Project Site.

E. The first phase of Redeveloper’s proposed Project will consist of the construction of a liquid livestock feeding operation, together with all associated and necessary public improvement to the Project Site, as more particularly described on the attached and incorporated Exhibit “A”.

F. The CDA has approved Redeveloper’s proposed Project, including the utilization of tax-increment financing to provide for the construction of the eligible public improvements defined in this Redevelopment Agreement.

G. CDA and Redeveloper desire to enter into this Redevelopment Agreement for redevelopment of the Project Site.

NOW, THEREFORE, in consideration of the promises and the mutual covenants and agreements herein set forth, CDA and Redeveloper do hereby covenant, agree and bind themselves as follows:

**ARTICLE I**  
**DEFINITIONS AND INTERPRETATION**

**Section 1.01      Terms Defined in this Redevelopment Agreement.**

Unless the context otherwise requires, the following terms shall have the following meanings for all purposes of this Redevelopment Agreement, such definitions to be equally applicable to both the singular and plural forms and masculine, feminine and neuter gender of any of the terms defined:

A.      “Act” means Article VIII, Section 12 of the Nebraska Constitution, NEB. REV. STAT. §§ 18-2101 through 18-2155, as amended, and acts amendatory thereof and supplemental thereto.

B.      “Anticipated Tax Increment” means the Anticipated Tax Increment for this Project as set forth on the attached Exhibit “B”.

C.      “City” means the City of McCook, Nebraska.

D.      “CDA” means Community Development Agency of the City of McCook, Nebraska.

E.      “Effective Date” has the definition set forth in the Section 3.01 of this Agreement.

F.      “Eligible Project Costs” means only costs or expenses incurred by Redeveloper for Public Improvements and other items eligible for reimbursement under the Act.

G.      “Minimum Project Valuation” means the amount of Nine Million Six Hundred Thousand and No/100 Dollars (\$9,600,000.00).

H.      “Private Improvements” means all the private improvements to be constructed on the Project Site as more particularly described on the attached and incorporated Exhibit “A”.

I.      “Project” means the Project Site and includes improvements to the Project Site and adjacent thereto, including the Private Improvements and Public Improvements defined herein and described on Exhibit “A”.

J.      “Project Completion Date” means December 31, 2024.

K.      “Project Site” means all that certain real property situated in the City of McCook, Red Willow County, Nebraska, more particularly described on Exhibit “A”.

L. "Public Improvements" shall include all the public improvements more particularly described on Exhibit "A" which are eligible improvements under the Act. The costs of the Public Improvements include the debt service payments of the TIF Indebtedness.

M. "Redevelopment Agreement" means this Redevelopment Agreement between the CDA and Redeveloper with respect to the Project.

N. "Redeveloper" means McCook Economic Development Corporation, a Nebraska nonprofit corporation, or its successors and assigns.

O. "Redevelopment Area" means Redevelopment Area that is set forth in the Redevelopment Plan.

P. "Redevelopment Plan" means the Redevelopment Plan for the Redevelopment Area by the CDA and approved by the City pursuant to the Act, as amended from time to time.

Q. "Tax Increment" means in accordance with NEB. REV. STAT. § 18-2147 of the Act, the difference between the ad valorem tax which is produced by the tax levy (fixed each year by the Red Willow County Board of Equalization) for the Project Site before the completion of the construction of the Private Improvements and the ad valorem tax which is produced by the tax levy for the Project Site after completion of construction of the Private Improvements as part of the Project.

R. "TIF Indebtedness" means the sums payable under any bonds, notes, loans and advances of money or other indebtedness, including interest thereon, issued by the CDA or the City secured in whole or in part by Tax Increment.

**Section 1.02      Construction and Interpretation.**

The provisions of this Redevelopment Agreement shall be construed and interpreted in accordance with the following provisions:

(a) This Redevelopment Agreement shall be interpreted in accordance with and governed by the laws of the State of Nebraska, including the Act.

(b) Wherever in this Redevelopment Agreement it is provided that any person may do or perform any act or thing the word "may" shall be deemed permissive and not mandatory and it shall be construed that such person shall have the right, but shall not be obligated, to do and perform any such act or thing.

(c) The phrase "at any time" shall be construed as meaning "at any time or from time to time."

(d) The word "including" shall be construed as meaning "including, but not limited to."

(e) The words “will” and “shall” shall each be construed as mandatory.

(f) The words “herein,” “hereof,” “hereunder,” “hereinafter” and words of similar import shall refer to the Redevelopment Agreement as a whole rather than to any particular paragraph, section or subsection, unless the context specifically refers thereto.

(g) Forms of words in the singular, plural, masculine, feminine or neuter shall be construed to include the other forms as the context may require.

(h) The captions to the sections of this Redevelopment Agreement are for convenience only and shall not be deemed part of the text of the respective sections and shall not vary by implication or otherwise any of the provisions hereof.

## **ARTICLE II REPRESENTATIONS**

### **Section 2.01      Representations by the CDA.**

The CDA makes the following representations and findings:

(a) The CDA is a duly organized and validly existing Community Development Agency under the Act.

(b) The CDA deems it to be in the public interest and in furtherance of the purposes of the Act to accept the proposal submitted by Redeveloper for the redevelopment of the Project Site as specified herein.

(c) The Project will achieve the public purposes of the Act by, among other things, increasing employment, increasing the tax base, and lessening blighted and substandard conditions in the Redevelopment Area.

(d) The costs and benefits of the Project, including costs and benefits to other affected political subdivisions, the economy of the community, and the demand for public and private services have been analyzed by the CDA and have been found to be in the long-term best interest of the community impacted by the Project.

### **Section 2.02      Representations of Redeveloper.**

Redeveloper makes the following representations and findings:

(a) Redeveloper is a Nebraska nonprofit corporation in good standing and authorized to do business in Nebraska and has the power to enter into this Redevelopment Agreement and perform all obligations contained herein.

(b) The execution and delivery of the Redevelopment Agreement and the consummation of the transactions therein contemplated will not conflict with or constitute a breach of or default under any bond, debenture, note or other evidence of indebtedness or any contract, loan agreement or lease to which Redeveloper is a party or by which it is bound, or result in the creation or imposition of any lien, charge or encumbrance of any nature upon any of the property or assets of Redeveloper contrary to the terms of any instrument or agreement.

(c) There is no litigation pending or to the best of its knowledge threatened against Redeveloper affecting its ability to carry out the acquisition, construction, equipping and furnishing of the Project or the carrying into effect of this Redevelopment Agreement or, except as disclosed in writing to the CDA, as to any other matter materially affecting the ability of Redeveloper to perform its obligations hereunder.

(d) Redeveloper has contracted to purchase the Project Site and shall acquire it in fee simple and free from any liens, encumbrances, or restrictions which would prevent the performance of this Redevelopment Agreement by Redeveloper.

(e) Pursuant to NEB. REV. STAT. § 18-2119, Redeveloper certifies to the CDA that Redeveloper does not intend to file an application with the Nebraska Department of Revenue to receive tax incentives under the Imagine Act.

(f) The Project would not be economically feasible without the use of tax increment financing.

(g) The Project would not occur in the Redevelopment Area without the use of tax increment financing.

### **ARTICLE III OBLIGATIONS OF THE CDA AND PUBLIC IMPROVEMENTS**

#### **Section 3.01      Capture of Tax Increment.**

Subject to the contingencies described below and to all of the terms and conditions of this Redevelopment Agreement, commencing for the tax year of the Effective Date and continuing thereafter, the CDA shall capture the Tax Increment from the Private Improvements pursuant to the Nebraska Community Development Law. The CDA shall capture the Tax Increment generated by the Project Site for a total period of not to exceed fifteen (15) years after the Private Improvements have been included in the assessed valuation of the Project Site and the Project Site is generating the Tax Increment subject to capture by the CDA.

The effective date for the Project shall be January 1, 2025 (the "Effective Date") and the CDA shall file the "Notice to Divide Taxes" with the Red Willow County Assessor on or prior to August 1, 2025. Provided, however, Redeveloper shall have the option and right to establish January 1, 2024 as the Effective Date by providing

written notice of such election to the CDA no later than July 1, 2024, in which case the CDA shall file the “Notice to Divide Taxes” with the Red Willow County Assessor on or prior to August 1, 2024.

**Section 3.02      Issuance of TIF Indebtedness.**

On or after thirty (30) days following the approval and execution of this Redevelopment Agreement, the CDA shall incur or issue TIF Indebtedness in an amount not to exceed One Million Seven Hundred Seven Thousand Eight Hundred and No/100 Dollars (\$1,707,800.00), as calculated on the attached and incorporated Exhibit “B”. The TIF Indebtedness shall be issued by the CDA to Redeveloper or, at the election of the Redeveloper, to a lender of the Redeveloper. The TIF Indebtedness shall be issued in a TIF Promissory Note in the form attached hereto as Exhibit “E” (“Note”). The TIF Indebtedness shall not be a general obligation of the CDA or City which shall issue such Note solely as a conduit. If the TIF Indebtedness is not paid in full by the maturity date set forth on Exhibit “B”, all unpaid amounts shall be forgiven.

**Section 3.03      Use of TIF Indebtedness.**

The CDA will collect the Tax Increment and use said Tax Increment to pay debt service on the TIF Indebtedness incurred as provided in Section 3.02 of this Redevelopment Agreement. Notwithstanding the foregoing, the amount of the TIF Indebtedness that the CDA agrees to service and repay with the Tax Increment shall not exceed the amount of the Eligible Project Costs certified pursuant to Section 4.03. In addition, the CDA shall retain an amount sufficient to pay its reasonable and necessary cost of issuance, including attorney fees. Redeveloper shall pay to the CDA the cost of issuance and CDA administration fee at or prior to the issuance of the TIF Note. The Tax Increment, shall be paid pursuant to the terms of the Note and this Redevelopment Agreement.

**Section 3.04      Creation of Fund.**

CDA will create a special fund to collect and hold the receipts of the Tax Increment. Such special fund shall be used for no purpose other than to pay TIF Indebtedness issued pursuant to Section 3.02 above.

**Section 3.05      Projected TIF Sources and Uses.**

In addition to the TIF Indebtedness calculation formula set forth on Exhibit “B”, Redeveloper’s anticipated TIF sources and eligible uses are attached and incorporated for the parties’ reference as Exhibit “C.”

**ARTICLE IV  
OBLIGATIONS OF REDEVELOPER**

**Section 4.01      Evidence of Financial Ability.**

Redeveloper shall, no later than ninety (90) days following the execution of this Redevelopment Agreement, provide to the CDA evidence of availability of the specific amount of finances necessary for purposes of carrying out the commitment of Redeveloper in connection with acquisition of the Project Site and construction of the Public Improvements and the Private Improvements. To the extent allowed by law, the CDA agrees to keep said information confidential. Such information shall state the amount and source of liquid assets on hand or immediately available to Redeveloper for use in constructing the Private Improvements; and shall state the amount and source of debt financing which is available, or irrevocably committed, to Redeveloper for use in completing the Private Improvements. Such information shall be provided in a form satisfactory to the CDA, and evidence of loan commitments shall include all of the documents evidencing the loan commitment, acceptance by Redeveloper, the purposes of the loan, the authorized use of loan funds, and all other terms and conditions of the loan commitment, the acceptance, and the loan. Submittal of such financial information in a form satisfactory to the CDA shall be a condition precedent to the requirement of the CDA to proceed with its obligations under this Redevelopment Agreement.

**Section 4.02      Construction of Project; Insurance.**

(a) Redeveloper will complete the Public Improvements and the Private Improvements and install all equipment necessary to operate the Public Improvements and the Private Improvements no later than the Project Completion Date. Redeveloper shall be solely responsible for obtaining all permits and approvals necessary to acquire, construct and equip the Public Improvements and the Private Improvements. Until construction of the Public Improvements and the Private Improvements has been completed, Redeveloper shall make reports in such detail and at such times as may be reasonably requested by the CDA as to the actual progress of Redeveloper with respect to construction of the Public Improvements and the Private Improvements. Promptly after completion by Redeveloper of the Public Improvements and the Private Improvements, Redeveloper shall furnish to the CDA a Certificate of Completion in the form attached hereto as Exhibit "F" from Redeveloper's engineer or architect, or owner's representative. When accepted in writing by the CDA, the certification by Redeveloper shall be a conclusive determination of satisfaction of the agreements and covenants in this Redevelopment Agreement with respect to the obligations of Redeveloper to construct the Public Improvements and the Private Improvements.

(b) Any contractor chosen by Redeveloper or Redeveloper itself shall be required to obtain and keep in force at all times until completion of construction, policies of insurance including coverage for contractors' general liability and completed operations (provided that Redeveloper may self-insure in lieu of obtaining and keeping in force such policy of insurance) and a penal bond as required by the Act. Any contractor chosen by Redeveloper or Redeveloper itself, as an owner, shall be required to purchase and maintain property insurance upon the Project to the full insurable value thereof (provided that Redeveloper may self-insure in lieu of

obtaining and keeping in force such policy of insurance). This insurance shall insure against the perils of fire and extended coverage and shall include “special causes of loss” insurance for physical loss or damage.

**Section 4.03      Cost Certification.**

Redeveloper shall submit to the CDA a certification of Eligible Project Costs in the form of the certification attached hereto as Exhibit “G” (“Eligible Project Costs Certification”), after expenditure of such project costs. Redeveloper may, at its option, submit one or more partial Eligible Project Costs Certifications prior to expenditure of all Eligible Project Costs providing certification of receipt of billings for work in progress. All Eligible Project Costs Certifications shall be subject to review and approval by the CDA. Determinations by the CDA whether costs included in the Eligible Project Costs Certification are properly included in Eligible Project Costs as defined in this Redevelopment Agreement shall be made in its sole discretion and shall be conclusive and binding on Redeveloper.

The TIF Indebtedness shall not exceed the actual and certified Eligible Project Costs for the Project. In the event that the certified Eligible Project Costs for the Project are less than the TIF Indebtedness, the CDA shall reduce the TIF Indebtedness amount and Redeveloper shall repay to the CDA within ten (10) days of said cost certification any amount in excess of the Eligible Project Costs issued prior to the Eligible Project Costs Certification. If the CDA requests, Redeveloper shall, from time to time, furnish the CDA with satisfactory evidence as to the use and application of the Tax Increment.

**Section 4.04      No Discrimination.**

Redeveloper agrees and covenants for itself, its successors and assigns that as long as this Redevelopment Agreement is outstanding, it will not discriminate against any person or group of persons on account of race, sex, color, religion, national origin, ancestry, disability, marital status or receipt of public assistance in connection with the Project. Redeveloper, for itself and its successors and assigns, agrees that during the construction of the Project, Redeveloper will not discriminate against any employee or applicant for employment because of race, color, religion, sex, national origin, ancestry, disability, marital status or receipt of public assistance. Redeveloper will comply with all applicable federal, state and local laws related to the Project.

**Section 4.05      Pay Real Estate Taxes.**

(a) Redeveloper anticipates creating a taxable real property valuation of the Project and Project Site of not less than the Minimum Project Valuation no later than the Project Completion Date. During the period of this Redevelopment Agreement, Redeveloper, and any successors and assigns, will: (1) not protest a real estate property valuation of the Project Site to a sum less than the Minimum Project Valuation; and (2) not convey the Project Site or structures thereon to any entity

which would be exempt from the payment of real estate taxes or cause the nonpayment of such real estate taxes.

(b) Redeveloper acknowledges and understands that if the actual amount of Tax Increment is less than the anticipated amount of Tax Increment, the CDA shall not be liable for any shortfall or deficiency. If a lender or third party other than Redeveloper acquires the Note, Redeveloper shall make semi-annual payments in lieu of taxes (“Deficiency Payments”) to said lender or third party in the amount the Anticipated Tax Increment exceeds the actual Tax Increment. Said Deficiency Payments shall be made within thirty (30) days of written notice from the lender and/or CDA. If Redeveloper holds the Note but assigns the Redevelopment Agreement to a successor redeveloper, said successor redeveloper shall be liable for Deficiency Payments to Redeveloper.

**Section 4.06      No Assignment or Conveyance.**

Redeveloper shall not convey, assign or transfer the Project Site or any interest therein prior to the termination of the fifteen (15) year period commencing on the Effective Date without the prior written consent of the CDA, which shall not be unreasonably withheld and which the CDA may make subject to any terms or conditions it reasonably deems appropriate, except for the following conveyance, which shall be permitted without consent of the CDA: (i) any conveyance as security for indebtedness incurred by Redeveloper for Project costs or any subsequent physical improvements to the Project Site (whether incurred prior to or after the effective date of this Redevelopment Agreement) with the outstanding principal amount of all such indebtedness secured by the Project Site which shall have lien priority over the obligations of Redeveloper pursuant to this Redevelopment Agreement; (ii) any additional or subsequent conveyance as security for indebtedness incurred by Redeveloper for Project costs or any subsequent physical improvements to the premises provided that any such conveyance shall be subject to the obligations of Redeveloper pursuant to this Redevelopment Agreement; or (iii) the assignment permitted pursuant to the following paragraph.

Notwithstanding the foregoing, the parties acknowledge that Redeveloper intends to convey the Project Site to Performance Plus, Inc. (“Performance Plus”), for the construction and operation of the Private Improvements and the business on the Project Site. The CDA hereby consents to the assignment with no further action or approval is necessary by the CDA provided that Redeveloper and Performance Plus execute the Assignment and Assumption of Redevelopment Agreement attached as Exhibit “H” and incorporated by this reference and record a copy of the same with the Red Willow County Register of Deeds.

**ARTICLE V  
FINANCING REDEVELOPMENT PROJECT; ENCUMBRANCES**

**Section 5.01      Financing.**

Redeveloper shall pay all costs for the construction of the Private Improvements and the Public Improvements. Redeveloper shall be responsible for arranging all necessary financing for the construction of the Public Improvements and Private Improvements, including, with respect to the Public Improvements, the TIF Indebtedness.

**Section 5.02      Encumbrances.**

Redeveloper shall not create any lien, encumbrance or mortgage on the Project or the Project Site except, (a) encumbrances which secure indebtedness incurred to acquire, construct and equip the Project or for any other physical improvements to the Project Site, (b) easements and rights of entry granted by Redeveloper, (c) construction and materialman liens that may be filed in connection with the construction of the Private Improvements so long as any such lien is discharged or bonded within ninety (90) days of completion of the Private Improvements, and (d) any other liens so long as any such lien is satisfied and released or substitute security is posted in lieu thereof within ninety (90) days of Redeveloper receiving notice thereof.

**Section 5.03      Mortgage Financing.**

(a) Mortgage Holder Obligations. Each mortgage holder who obtains title to the Project Site or any part thereof as a result of foreclosure or other judicial proceedings or action in lieu thereof (referred to in this section as the “Mortgage Holder”) shall be obligated to require construction and completion of the Private Improvements and the Public Improvements by any person who subsequently obtains title to the Project Site or any part thereof from the Mortgage Holder; provided, however, the Mortgage Holder shall not be obligated by and shall be exempted from those provisions of this Redevelopment Agreement which require construction and completion of the Private Improvements and the Public Improvements. Additionally, no person, including the Mortgage Holder, may devote the Private Improvements and the Public Improvements thereon or any part thereof to any use or construct any improvements thereon other than those uses and improvements provided and permitted in accordance with this Redevelopment Agreement for the term of this Redevelopment Agreement.

(b) Copy of Notice of Default to Mortgagee. Whenever the CDA shall deliver any notice or demand to Redeveloper with respect to any breach or default by Redeveloper of its obligations or covenants in this Redevelopment Agreement, the CDA shall, at the same time, forward a copy of such notice or demand to each holder of any mortgage authorized by this Redevelopment Agreement at the last address of such holder as shown in the records of the CDA or as provided by such mortgagee.

(c) Mortgagee’s Option to Cure Defaults. If thirty (30) days after notice or demand with respect to any breach or default, such breach or default remains uncured, each holder shall (and every mortgage instrument made prior to acceptance by the CDA of the Certificate of Completion with respect to any of the

Private Improvements or the Public Improvements by Redeveloper or its successors in interest shall so provide) have the right, at its option, to cure or remedy such breach or default within sixty (60) days after notice or demand, and to add the cost thereof to the mortgage debt and the lien of its mortgage. If the mortgage holder commences efforts to cure the default within such period and the default cannot, in the exercise of due diligence, be cured within such period, the holder shall have the right to diligently continue to cure the default.

(d) Mortgage Rights Applicable to Other Forms of Encumbrance. The rights and obligations of this Redevelopment Agreement relating to mortgages of the Project Site shall apply to any other type of encumbrance on the Project Site, and any of the stated rights, obligations and remedies of any party relating to mortgage foreclosures shall be applicable to procedures under any deed of trust or similar method of encumbrance.

(e) Termination of Provisions. The provisions of this Section 5.03 shall terminate upon acceptance by the CDA of Redeveloper's Certificate of Completion.

## **ARTICLE VI DEFAULT, REMEDIES; INDEMNIFICATION**

### **Section 6.01      General Remedies of the CDA and Redeveloper.**

Subject to the further provisions of this Article VI, in the event of any failure to perform or breach of this Redevelopment Agreement or any of its terms or conditions, by either party hereto or any successor to such party, such party, or successor, shall, upon written notice from the other, proceed immediately to commence such actions as may be reasonably designed to cure or remedy such failure to perform or breach which cure or remedy shall be accomplished within a reasonable time by the diligent pursuit of corrective action. In case such action is not taken, or diligently pursued, or the failure to perform or breach shall not be cured or remedied within a reasonable time, this Redevelopment Agreement shall be in default and the aggrieved party may institute such proceedings as may be necessary or desirable to enforce its rights under this Redevelopment Agreement, including, but not limited to, proceedings to compel specific performance by the party failing to perform or in breach of its obligations; provided that, in view of the additional remedies of the CDA set out in Section 6.02, the remedy of specific performance by Redeveloper shall not include or be construed to include the covenant to build or construct the Private Improvements or Project.

### **Section 6.02      Additional Remedies of the CDA.**

In the event that:

- (a) Redeveloper, or any successor in interest to Redeveloper, shall fail to complete the construction of the Private Improvements on or before the

Project Completion Date, or shall abandon construction work for any period of one hundred twenty (120) days;

- (b) Redeveloper, and/or any successor in interest, shall fail to pay real estate taxes or assessments on the Project Site or any part thereof when due, and such taxes or assessments or payments in lieu of taxes shall not have been paid, or provisions satisfactory to the CDA made for such payment within thirty (30) days following written notice from the CDA;
- (c) Any Deficiency Payment due pursuant to Section 4.05(b) of this Redevelopment Agreement is not paid when due as set forth in Section 4.05(b); or
- (d) There is a transfer of the Project Site or any part thereof in violation this Redevelopment Agreement, and such failure or action by Redeveloper has not been cured within thirty (30) days following written notice from the CDA,

then Redeveloper shall be in default of this Redevelopment Agreement; and if such failure to perform, breach or default is not cured in the period herein provided, the parties agree that the damages caused to the CDA would be difficult to determine with certainty. To the extent that such failure results in the fact that the CDA is not able to capture the full amount of Tax Increment contemplated hereunder, Redeveloper acknowledges that it will receive the full amount of the Anticipated Tax Increment.

**Section 6.03      Remedies in the Event of Other Redeveloper Defaults.**

In the event Redeveloper fails to perform any other provisions of this Redevelopment Agreement (other than those specific provisions contained in Section 6.02), and such failure has not been cured within thirty (30) days following written notice from the CDA, then Redeveloper shall be in default. In such an instance, the CDA may seek to enforce the terms of this Redevelopment Agreement or exercise any other remedies that may be provided in this Redevelopment Agreement or by applicable law.

**Section 6.04      Limitation of Liability; Indemnification.**

(a) Notwithstanding anything in this Article VI or this Redevelopment Agreement to the contrary, neither the CDA, City, nor their officers, directors, employees, agents or their governing bodies shall have any pecuniary obligation or monetary liability under this Redevelopment Agreement. The obligation of the CDA on any TIF Indebtedness shall be limited solely to the Tax Increment pledged as security for such TIF Indebtedness. Specifically, but without limitation, neither City nor the CDA shall be liable for any costs, liabilities, actions, demands, or damages for failure of any representations, warranties or obligations hereunder. Redeveloper releases the CDA and the City from and agrees that the CDA and the City shall not

be liable for any loss or damage to property or any injury to or death of any person that may be occasioned by any cause whatsoever pertaining to the Private Improvements.

(b) Redeveloper shall indemnify, defend (at the CDA's and/or the City's option) and hold harmless the CDA, the City, their respective employees, officials, agents, representatives and volunteers from and against any and all liabilities, damages, injuries (including death), property damage (including loss of use), claims, liens, judgments, costs, expenses, suits, actions, or proceedings and reasonable attorney's fees, and actual damages of any kind or nature, arising out of or in connection with any aspect of the acts, omissions, negligence or willful misconduct of Redeveloper, its employees, agents, officers, contractors or subcontractors, or Redeveloper's performance or failure to perform under the terms and conditions of this Redevelopment Agreement. Such indemnification, hold harmless and defense obligation shall exclude only such liability actions as arise directly out of the sole negligence or willful misconduct of the CDA or the City. The indemnification and defense obligations set forth herein shall survive the termination of this Redevelopment Agreement.

## **ARTICLE VII MISCELLANEOUS**

### **Section 7.01      Memorandum.**

A Memorandum of this Redevelopment Agreement shall be recorded with the Red Willow County Register of Deeds. The form of the Memorandum is attached as Exhibit "D" and incorporated by this reference.

### **Section 7.02      Governing Law.**

This Redevelopment Agreement shall be governed by the laws of the State of Nebraska, including the Act.

### **Section 7.03      Binding Effect; Amendment.**

This Redevelopment Agreement shall be binding on the parties hereto and their respective successors and assigns. This Redevelopment Agreement shall run with the Project Site. The Redevelopment Agreement shall not be amended except by a writing signed by the party to be bound.

### **Section 7.04      No Agency or Partnership.**

This Redevelopment Agreement is not intended and shall not be construed to create the relationship of agent, employee, partnership, joint venture or association as between: (i) the CDA and/or the City; and (ii) Redeveloper, or any officer, employee, contractor or representative of Redeveloper. No joint employment is intended or created by this Redevelopment Agreement for any purpose. Redeveloper

agrees to so inform its employees, agents, contractors and subcontractors who are involved in the implementation of or construction under this Redevelopment Agreement.

**Section 7.05      Document Retention.**

Redeveloper shall retain copies of all supporting documents that are associated with the Redevelopment Plan, Project, or this Redevelopment Agreement and that are received or generated by Redeveloper for three (3) years following the end of the last fiscal year in which ad valorem taxes are divided for the Project and provide such copies to the City as needed to comply with the City's retention requirements under the Act. Supporting documents shall include, but not be limited to, any cost-benefit analysis conducted pursuant to Section 18-2113 of the Act and any invoice, receipt, claim, or contract received or generated by Redeveloper that provides support for receipts or payments associated with the division of taxes.

[SIGNATURE PAGE TO FOLLOW]

IN WITNESS WHEREOF, the CDA and Redeveloper have signed this Redevelopment Agreement as of the date and year first above written.

**CDA:**

COMMUNITY DEVELOPMENT  
AGENCY OF THE CITY OF MCCOOK,  
NEBRASKA

ATTEST:

By: \_\_\_\_\_  
\_\_\_\_\_, Secretary

By: \_\_\_\_\_  
\_\_\_\_\_, Chairman

**REDEVELOPER:**

McCook Economic Development  
Corporation, a Nebraska nonprofit  
corporation

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**EXHIBIT "A"**  
**DESCRIPTION OF PROJECT**

The Project undertaken by Redeveloper on the Project Site, defined as the real estate legally described as:

Lot 1, McCook Business Park–Phase II, an addition to the City of  
McCook, Red Willow County, Nebraska

The Project includes the following Public Improvements and Private Improvements, which shall be undertaken and completed by Redeveloper.

- (a) **Private Improvements.** The construction of all buildings and appurtenances necessary to operate a liquid livestock feeding business on the Project Site, together with all associated and necessary improvement.
  
- (b) **Public Improvements.** Public Improvements for the Project shall include the Public Improvements for the McCook Business Park Phase II as set forth in the Redevelopment Plan, including but not limited to site preparation, grading, site fill, construction of public streets and utilities, architectural, engineering, and legal fees, and other eligible public improvements on the Project Site and in the Redevelopment Area, which public improvements are eligible improvements under the Act pursuant to this Redevelopment Agreement; paid for, in part, by the Tax Increment created by the Private Improvements.

**EXHIBIT "B"**  
**TIF INDEBTEDNESS**

1. Projected Base Value: \$108,540
2. Projected Minimum Final Value: \$9,600,000
3. Projected Incremental Valuation: \$9,491,460
4. Assumed Tax Levy: 1.854491
5. Anticipated Tax Increment: \$174,258 annually
6. Assumed Interest Rate: 6%
7. TIF Indebtedness: \$1,707,800

- a. **Principal Amount.** The principal amount of the TIF Indebtedness shall be equal to or less than \$1,707,800, which is the maximum amount, together with interest accruing thereon, which can be amortized by December 31, 2040, solely from the Tax Increment Revenues based upon the Anticipated Tax Increment.
- b. **Payments.** Semi-annually commencing when real estate taxes are fully collected for the tax year 2025. The CDA shall utilize all Tax Increment received from the Project to pay debt service on the TIF Indebtedness until the TIF Indebtedness is fully repaid. Provided, however, the CDA does not warrant, represent, or guaranty that the Tax Increment will be sufficient to repay the entire amount of the TIF Indebtedness. The CDA has no obligation to make any payments other than the actual Tax Increment received from the Project.
- c. **Maturity Date.** On or before December 31, 2040.
- d. **TIF Period.** The period for the division of taxes for this Project shall be fifteen (15) years, commencing on the Effective Date of January 1, 2025 (2025 taxes paid in 2026) and terminating on December 31, 2040 (2039 taxes due on December 31, 2039, but paid in 2040). Payment of ad valorem taxes in arrears pursuant to customary payments in Nebraska shall not affect the fifteen (15) year TIF period.

*Note: All calculations are based on assumptions and estimates of future values that may be different than the values used herein or may vary from year to year.*

**EXHIBIT "C"**  
**PROJECTED TIF SOURCES AND USES**

**1. TIF SOURCES:**

**Assumptions:**

Tax Levy	1.854491
Interest Rate	6%
Number of Years	15

Property Valuation:

	Assessed Val.	Est. Taxes
Pre-Project	\$108,540	\$2,013
Completed Project	\$9,600,000	\$178,031
Difference	\$9,491,460	\$176,018

**TIF Calculations:**

Annual TIF Amount	\$176,018
Less 1%	\$174,258
Total TIF	\$2,613,871
TIF Indebtedness (Present Value)	<b>\$1,707,768</b>

**2. TIF USES:** The TIF Uses for the entire McCook Business Park Phase II Redevelopment Project are set forth in the Redevelopment Plan, and shall include but are not limited to the following costs:

Site Prep., Paving, and Utilities	\$1,500,211
Rail Extension Infrastructure Improvements	\$1,493,640

The TIF uses listed above are estimated costs and uses. The final TIF uses and amounts shall be determined upon cost certification to the CDA. This Phase One Project shall pay a portion of the TIF-eligible costs and it is intended that subsequent phases shall pay for the remainder of the costs.

**EXHIBIT "D"**  
**REDEVELOPMENT AGREEMENT**  
**MEMORANDUM**

[Starts on the following page]

After recording please return to:

Lea Ann Doak  
City of McCook  
505 West "C" Street  
PO Box 159  
McCook, NE 69001-1059

**MEMORANDUM OF REDEVELOPMENT AGREEMENT  
(McCook Business Park Phase II Redevelopment Project - Phase One)**

This Memorandum of Redevelopment Agreement ("Memorandum") is made this \_\_\_ day of \_\_\_\_\_, 2023 by and between the Community Development Agency of the City of McCook, Nebraska ("CDA") and McCook Economic Development Corporation, a Nebraska nonprofit corporation ("Redeveloper").

1. **Redevelopment Agreement.** CDA and Redeveloper have entered into that certain Redevelopment Agreement dated as of this even date, describing the public improvements and the private improvements being made to real property owned by Redeveloper and legally described as:

Lot 1, McCook Business Park-Phase II, an addition to the City of McCook, Red Willow County, Nebraska

(the "Project Site").

2. **Tax Increment Financing.** The Redevelopment Agreement provides for the capture of the Tax Increment, as defined therein, by the CDA of the private improvements to be made by Redeveloper on the Project Site for a period not to exceed fifteen (15) years after the Effective Date set forth in the Redevelopment Agreement. The Tax Increment so captured by the CDA shall be used to make the public improvements as described in the Redevelopment Agreement.

3. **Remaining Terms.** The rest and remaining terms of the Redevelopment Agreement are hereby incorporated into this Memorandum as if they were set forth in full. A full and correct copy of the Redevelopment Agreement may be inspected at the CDA offices in McCook, Nebraska.

[SIGNATURE PAGE TO FOLLOW]

**CDA:**  
COMMUNITY DEVELOPMENT  
AGENCY OF THE CITY OF MCCOOK,  
NEBRASKA

ATTEST:

By: \_\_\_\_\_ By: \_\_\_\_\_  
\_\_\_\_\_, Secretary \_\_\_\_\_, Chairman

STATE OF NEBRASKA            )  
  ) ss.  
COUNTY OF RED WILLOW    )

The foregoing instrument was acknowledged before me this \_\_\_ day of \_\_\_\_\_, 2023, by \_\_\_\_\_ and \_\_\_\_\_, Chairman and Secretary respectively of the Community Development Agency of the City of McCook, Nebraska, a public body corporate and politic, on behalf of the Authority.

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

**REDEVELOPER:**  
McCook Economic Development  
Corporation, a Nebraska nonprofit  
corporation

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

STATE OF NEBRASKA            )  
  ) ss.  
COUNTY OF RED WILLOW    )

The foregoing instrument was acknowledged before me this \_\_\_ day of \_\_\_\_\_, 2023, by \_\_\_\_\_, \_\_\_\_\_ of McCook Economic Development Corporation, on behalf of the corporation.

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

**EXHIBIT “E”  
FORM OF TIF PROMISSORY NOTE**

THIS NOTE HAS NOT BEEN REGISTERED UNDER THE SECURITIES ACT OF 1933 (“THE 1933 ACT”) AND MAY NOT BE TRANSFERRED, ASSIGNED, SOLD OR HYPOTHECATED UNLESS A REGISTRATION STATEMENT UNDER THE 1933 ACT SHALL BE IN EFFECT WITH RESPECT THERETO AND THERE SHALL HAVE BEEN COMPLIANCE WITH THE 1933 ACT AND ALL APPLICABLE RULES AND REGULATIONS THEREUNDER, OR THERE SHALL HAVE BEEN DELIVERED TO THE COMMUNITY DEVELOPMENT AGENCY OF THE CITY OF MCCOOK, NEBRASKA PRIOR TO TRANSFER, ASSIGNMENT, SALE OR HYPOTHECATION AN OPINION OF COUNSEL, SATISFACTORY TO THE COMMUNITY DEVELOPMENT AGENCY OF THE CITY OF MCCOOK, NEBRASKA TO THE EFFECT THAT REGISTRATION UNDER THE 1933 ACT IS NOT REQUIRED.

UNITED STATES OF AMERICA  
STATE OF NEBRASKA  
COMMUNITY DEVELOPMENT AGENCY  
OF THE CITY OF MCCOOK, NEBRASKA

REDEVELOPMENT REVENUE NOTE  
(MCCOOK BUSINESS PARK PHASE II REDEVELOPMENT PROJECT  
PHASE ONE – PERFORMANCE PLUS PROJECT)

Maturity Date	Interest Rate	Original Issuance Date
December 15, 2040	6%	

Registered Holder	Principal Amount
McCook Economic Development Corporation	\$1,707,800.00

THE COMMUNITY DEVELOPMENT AGENCY OF THE CITY OF MCCOOK, NEBRASKA (the “Issuer”), a body politic and corporate organized and existing under the laws of the State of Nebraska, for value received hereby promises to pay, solely from the source and as hereinafter provided, to the Registered Holder identified above, or registered assigns, the Principal Amount identified above at the office of the City Treasurer, as Paying Agent and Registrar, and in like manner to pay solely from said source interest on said principal sum at the Interest Rate identified above from the Original Issuance Date set forth above or from the most recent date to which interest has not been paid. Principal and accrued interest shall be payable in thirty (30) semi-annual installments due June 15, 2026, December 15, 2026, and each June 15 and December 15 thereafter through December 15, 2040, when all principal and accrued interest shall be due and payable. Except with respect to interest not punctually paid, the principal and interest on this Note will be paid by check or draft mailed to the Registered Holder in whose name this Note is registered at the close of business on the fifteenth calendar day next preceding the applicable maturity date at his address as it appears on such note registration books. The principal and interest of this Note

is payable in any coin or currency of the United States of America which on the respective dates of payment is legal tender for the payment of public and private debts.

This Note is designated the Community Development Agency of the City of McCook, Nebraska Redevelopment Revenue Note (McCook Business Park Phase II Redevelopment Project, Phase One – Performance Plus Project), aggregating One Million Seven Hundred Seven Thousand Eight Hundred and No/100 Dollars (\$1,707,800.00) (“Note”) in principal amount which has been issued pursuant to the Section 12 of Article VIII of the Nebraska Constitution and NEB. REV. STAT. §§ 18-2101 through 18-2155, as amended and supplemented (the “Act”) and under and pursuant to the terms of that certain Redevelopment Agreement between the Issuer and McCook Economic Development Corporation, a Nebraska nonprofit corporation, for the McCook Business Park Phase II Redevelopment Project - Phase One (the “Redevelopment Agreement”), to aid in the financing of a redevelopment project pursuant to the Act. This Note does not represent a debt or pledge of the faith or credit of the Issuer or grant to the Registered Holder of this Note any right to have the Issuer levy any taxes or appropriate any funds for the payment of the principal hereof or the interest hereon nor is this Note a general obligation of the Issuer, or the individual officials, officers or agents thereof. This Note is payable solely and only out of the Tax Increment generated by the Project defined in the Redevelopment Agreement (the “Project”). All such revenue has been duly pledged for the purpose of paying this Note.

THIS NOTE AND THE INTEREST HEREON DOES NOT NOW AND SHALL NEVER CONSTITUTE AN INDEBTEDNESS OF THE COMMUNITY DEVELOPMENT AGENCY OF THE CITY OF MCCOOK, NEBRASKA, OR THE CITY OF MCCOOK, NEBRASKA, WITHIN THE MEANING OF ANY STATE CONSTITUTIONAL PROVISION OR STATUTORY LIMITATION, NOR SHALL THIS NOTE AND THE INTEREST HEREON EVER GIVE RISE TO ANY PECUNIARY LIABILITY OF THE COMMUNITY DEVELOPMENT AGENCY OF THE CITY OF MCCOOK, NEBRASKA, OR THE CITY OF MCCOOK, NEBRASKA, A CHARGE AGAINST ITS GENERAL CREDIT OR TAXING POWERS.

No recourse shall be had for the payment of the principal of or interest on this Note, or for any claim based hereon or upon any obligation, covenant or agreement contained in the Redevelopment Agreement against any past, present or future employee, member or elected official of the Issuer, or any incorporator, officer, director, member or trustee of any successor corporation, as such, either directly or through the Issuer or any successor corporation, under any rule of law or equity, statute or constitution or by the enforcement of any assessment or penalty or otherwise, and all such liability of any such incorporator, officer, director or member as such is hereby expressly waived and released as a condition of and in consideration of the issuance of this Note.

It is hereby certified and recited and the Issuer has found: that the Project is an eligible “redevelopment project” as defined in the Act; that the issuance of this Note and the construction of the Project will promote the public welfare and

carry out the purposes of the Act by, among other things, contributing to the development of a blighted and substandard area of the City of McCook, Nebraska, pursuant to a Redevelopment Plan adopted by the City; that all acts, conditions and things required to be done precedent to and in the issuance of this Note have been properly done, have happened and have been performed in regular and due time, form and manner as required by law; and, that this Note does not constitute a debt of the Issuer within the meaning of any constitutional or statutory limitations.

This Note is transferable only upon the books of the Issuer kept for that purpose at the office of the Registrar by the Registered Holder hereof in person, or by his duly authorized attorney, upon written documentation of transfer satisfactory to the Issuer and the Registrar duly executed by the Registered Holder and the assignee/transferee, together with a purchase letter in a form provided by Issuer and any other documentation required by the Issuer. Prior to the approval of any transfer of this Note, the Registered Holder shall pay all of the Issuer's costs, including attorney's fees, relating to the transfer of the Note. The Issuer and the Paying Agent may deem and treat the person in whose name this Note is registered as the absolute owner hereof for the purpose of receiving payment of, or on account of, the principal hereof and premium, if any, and interest due hereon and for all other purposes.

The Note is prepayable at any time in whole or in part, to the extent there are any funds in the debt service fund in excess of amounts necessary to pay scheduled debt service. Prepayments shall reduce the number, but not the amount, of scheduled debt service payments on the Note, in inverse order of maturity.

It is hereby certified and recited that all conditions, acts and things required by law and the Redevelopment Agreement to exist, to have happened and to have been performed precedent to and in the issuance of this Note, exist, have happened and have been performed and that the issue of this Note, together with all other indebtedness of the Issuer, is within every debt and other limit prescribed by the laws of the State of Nebraska.

This Note shall not be entitled to any benefit or be valid or become obligatory for any purpose until this Note shall have been authenticated by the execution by the Registrar of the Certificate of Authentication hereon.

IN WITNESS WHEREOF, THE COMMUNITY DEVELOPMENT AGENCY OF THE CITY OF MCCOOK, NEBRASKA has caused this Note to be signed in its name and on its behalf by the signature of its Chairman and attested by the signature of its Secretary, as of the Original Issuance Date identified above.

COMMUNITY DEVELOPMENT  
AGENCY OF THE CITY OF MCCOOK,  
NEBRASKA

ATTEST:

By: \_\_\_\_\_ By: \_\_\_\_\_  
\_\_\_\_\_, Secretary \_\_\_\_\_, Chairman

**CERTIFICATE OF AUTHENTICATION**

City Treasurer, City of McCook as  
Paying Agent and Registrar

By: \_\_\_\_\_  
Authorized Signatory

**EXHIBIT "F"**  
**FORM OF CERTIFICATE OF COMPLETION**  
**(McCook Business Park Phase II Redevelopment Project - Phase One)**

The undersigned certifies, represents and warrants to the City of McCook, Nebraska, and the Community Development Agency of the City of McCook, Nebraska ("CDA") with regard to the following real property situated in the City of McCook, Red Willow County, Nebraska, to wit:

Lot 1, McCook Business Park-Phase II, an addition to the City of  
McCook, Red Willow County, Nebraska

that the Private Improvements and Public Improvements required to be constructed by Redeveloper upon the above described property have been satisfactorily completed in accordance with the requirements of the Redevelopment Agreement dated \_\_\_\_\_, 2023, as referenced in the Memorandum of Redevelopment Agreement recorded as Instrument No. \_\_\_\_\_ in the office of the Register of Deeds for Red Willow County, Nebraska.

**REDEVELOPER:**

\_\_\_\_\_

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**CDA:**

COMMUNITY DEVELOPMENT  
AGENCY OF THE CITY OF MCCOOK,  
NEBRASKA

ATTEST:

By: \_\_\_\_\_  
\_\_\_\_\_, Secretary

By: \_\_\_\_\_  
\_\_\_\_\_, Chairman

**EXHIBIT "G"**  
**FORM OF A CERTIFICATION OF ELIGIBLE PROJECT COSTS**

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

McCook Economic Development Corporation, a Nebraska nonprofit corporation ("Redeveloper"), hereby certifies that it has incurred and paid the Eligible Costs indicated herein, pursuant to the terms of the Redevelopment Agreement between Redeveloper and the Community Development Agency of the City of McCook. The portion of the Project as indicated herein is substantially completed. Attached hereto are documents substantiating the actual Eligible Costs and payment by Redeveloper.

REDEVELOPMENT ELIGIBLE COSTS

Certified and Requested

_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
Total certified TIF eligible costs:	\$ _____ *

**\*Principal Amount of TIF Indebtedness shall not exceed \$1,707,800**

McCook Economic Development Corporation, a Nebraska nonprofit corporation

By: \_\_\_\_\_  
 Name: \_\_\_\_\_  
 Title: \_\_\_\_\_

COPIES OF PROOF OF PAYMENT ARE ATTACHED HERETO.

**Approved the by Chairman of the CDA:**

\_\_\_\_\_  
 \_\_\_\_\_, Chairman

**Exhibit "H"**  
**Assignment and Assumption of Redevelopment Agreement**

[starts on next page]

After Recording Return To:  
Lea Ann Doak  
City of McCook  
505 West "C" Street  
PO Box 159  
McCook, NE 69001-1059

**ASSIGNMENT AND ASSUMPTION  
OF REDEVELOPMENT AGREEMENT**

**McCook Business Park Phase II Redevelopment Project  
Phase One – Performance Plus Project**

This Assignment and Assumption of Redevelopment Agreement ("Agreement") is entered into on this \_\_\_ day of \_\_\_\_\_, 2023, by and between the McCook Economic Development Corporation, a Nebraska nonprofit corporation ("Original Redeveloper"), and Performance Plus Liquids, Inc., a Nebraska corporation ("Successor Redeveloper").

**RECITALS**

A. The Community Development Agency of the City of McCook, Nebraska ("CDA") and Redeveloper entered into a Redevelopment Agreement dated July \_\_, 2023 (the "Redevelopment Agreement") for a redevelopment project on the property that is identified in the Redevelopment Agreement and legally described as:

Lot 1, McCook Business Park–Phase II, an addition to the City of McCook, Red Willow County, Nebraska (the "Project Site").

B. Original Redeveloper desires to sell the Project Site (the "Lot") to Successor Redeveloper, and Successor Redeveloper desires to purchase the Project Site and construct the required Private Improvements on the Project Site.

C. The terms of the Redevelopment Agreement run with the land.

D. In connection with the sale of the Lot, Original Redeveloper desires to assign the Redevelopment Agreement to Successor Redeveloper and Successor Redeveloper agrees to assume all of the obligations of "Redeveloper", all with respect to the Private Improvements and said Lot.

NOW THEREFORE, in consideration of these mutual covenants contained herein and other good and valuable consideration, the parties agree as follows:

1. Assignment. Effective as of the date of this Agreement, Original Redeveloper assigns all of its right, title and interest in and to the Redevelopment Agreement to Successor Redeveloper with respect to the Lot, except as set forth in Section 3 hereof.

2. Assumption. Effective as of the date of this Agreement, Successor Redeveloper assumes and agrees to perform all the obligations of "Redeveloper" under the Redevelopment Agreement with respect to the Lot and to assume and to perform and to be bound by all of the obligations of "Successor Redeveloper" to the CDA with respect to the Lot as provided in the Redevelopment Agreement.

3. Rights and Obligations Retained by Original Redeveloper.

(a) Public Improvements. Original Redeveloper shall construct the Public Improvements and Successor Redeveloper shall have no obligations with respect to the Public Improvements.

(b) TIF Indebtedness. The Original Redeveloper's right, title and interest in and to the TIF Indebtedness shall not be assigned by this Agreement. Successor Redeveloper shall have no claim to the Tax Increment generated by any phase of the Project.

4. Non-Exempt. Successor Redeveloper hereby represents and warrants that it is not exempt from paying real estate taxes and will not apply for an exemption from real estate taxes during the term of the Redevelopment Agreement.

5. Obligations. Without limiting the general assumption of all the obligations of "Redeveloper" under the Redevelopment Agreement with respect to the Lot, Successor Redeveloper acknowledges and agrees as follows:

(a) Pay Real Estate Taxes. Successor Redeveloper shall pay all real estate taxes on the Lot.

(b) Minimum Lot Valuation. Successor Redeveloper shall not protest a taxable real property valuation of the Lot to a sum less than or equal to \$9,600,000.00.

(c) Payment in Lieu of Taxes. In the event of a shortfall, Successor Redeveloper shall, on a semi-annual basis, make a Deficiency Payment to the Original Redeveloper in the amount that \$174,258.00 exceeds the actual Tax Increment for the Lot.

**[Signature Pages Follow]**

**“ORIGINAL REDEVELOPER”**

MCCOOK ECONOMIC DEVELOPMENT CORPORATION

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

STATE OF NEBRASKA            )  
  ) ss.  
COUNTY OF RED WILLOW    )

The foregoing instrument was acknowledged before me this \_\_\_ day of \_\_\_\_\_, 2023, by \_\_\_\_\_, \_\_\_\_\_ of McCook Economic Development Corporation, a Nebraska nonprofit corporation, on behalf of the corporation.

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

**“SUCCESSOR REDEVELOPER”**

Performance Plus Liquids, Inc., a Nebraska corporation

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

STATE OF NEBRASKA            )  
  ) ss.  
COUNTY OF \_\_\_\_\_        )

The foregoing instrument was acknowledged before me this \_\_\_ day of \_\_\_\_\_, 2023, by \_\_\_\_\_, \_\_\_\_\_ of Performance Plus Liquids, Inc., on behalf of the corporation.

**CITY MANAGER'S REPORT  
JULY 17, 2023 MCCOOK CITY COUNCIL MEETING**

**ITEM NO. 2.G** Approve Resolution No. 2023-11 approving the Redevelopment Agreement between the City of McCook and McCook Economic Development Corporation.

---

**BACKGROUND:**

This item is required per the Nebraska Community Development Act. After the CDA approves a Resolution approving the Redevelopment Agreement between the City of McCook and McCook Economic Development Corporation, the City Council must also approve a resolution approving the Redevelopment Agreement.

The background for this agenda item is the same as the background provided for the Redevelopment Agreement approval between the MEDC and McCook CDA. Please refer to the City Manager's Report for the prior agenda item for context.

**APPROVALS:**



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July 13, 2023

Nathan A. Schneider, City Manager

---

July 13, 2023

Lea Ann Doak, City Clerk



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July 13, 2023

Tera Koetter, Assistant City Manager

**CITY OF MCCOOK, NEBRASKA**

**RESOLUTION NO. 2023-11**

(Redevelopment Agreement–McCook Business Park Phase II Redevelopment Project)

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCCOOK, NEBRASKA, APPROVING THE FORM OF THE REDEVELOPMENT AGREEMENT AND AUTHORIZING THE COMMUNITY DEVELOPMENT AGENCY TO ENTER INTO SAID AGREEMENT.**

**RECITALS**

A. Pursuant to the Community Development Law, Neb. Rev. Stat. §§ 18-2101 through 18-2155, as amended (the “Act”), the City of McCook, Nebraska (“City”), has adopted a redevelopment plan (the “Redevelopment Plan”) for certain portions of the City. A copy of the Redevelopment Plan is on file with the City Clerk for inspection.

B. The Redevelopment Plan includes a specific redevelopment project identified as the McCook Business Park Phase II Redevelopment Project that will include the use of Tax Increment Financing (the “Project”).

C. On July 17, 2023, the CDA approved the Redevelopment Agreement for the Project.

D. The City Council has reviewed the Redevelopment Agreement and has found it to be in conformity with the Act and the General Comprehensive Development Plan of the City, and in the best interests of the City.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of McCook, Nebraska, that the Redevelopment Agreement between the Community Development Agency of the City of McCook, Nebraska and the McCook Economic Development Corporation, a Nebraska corporation, which is on file with the City Clerk and available for public inspection, is hereby approved.

BE IT FURTHER RESOLVED, the CDA is hereby authorized to execute and deliver the Redevelopment Agreement, with such changes, modifications, additions, and deletions therein and shall they seem necessary, desirable or appropriate, for and on behalf of the CDA.

BE IT FURTHER RESOLVED, the CDA is hereby authorized to take all actions contemplated and required in the Redevelopment Agreement including, without limitation, the issuance of such TIF Indebtedness as set forth in the Redevelopment Agreement. Such TIF Indebtedness shall be repaid solely from the Tax Increment created by the Project and does not represent the general obligation of the CDA of the City.

BE IT FURTHER RESOLVED that all Resolutions or parts thereof in conflict with the provisions of this Resolution or to the extent of such conflicts, are hereby repealed.

Dated this 17<sup>th</sup> day of July, 2023.

CITY OF MCCOOK, NEBRASKA

By: \_\_\_\_\_  
Linda Taylor, Ex-officio Mayor  
and Council President

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

**CITY MANAGER'S REPORT  
JULY 17, 2023 MCCOOK CITY COUNCIL MEETING**

**2.H.**  
**ITEM NO. \_\_\_** Public Hearing - Regarding the Substantial Modification to the Redevelopment Plan for the North Pointe Redevelopment Project in the City of McCook, Nebraska.

---

**BACKGROUND:**

Based upon our current projections, it appears that the Phase I TIF Note associated with the North Pointe Project - First Phase, will be paid off with the first half tax payment in 2025. Projecting out the remaining tax increment, the Phase I project could generate an additional \$280,500 in TIF. In order to capture the TIF to assist with the build-out of North Pointe Phase(s) II and III, it is proposed that we modify the Redevelopment Plan to authorize the issuance of an additional TIF note. Due to the fact that the TIF will increase by more than 5%, we are required to go through the public hearing process again, as we did when we adopted the original Redevelopment Plan.

A second TIF note will ultimately be issued from the Phase I project. The additional TIF will help build out public improvements associated with the upcoming housing development project. Before this can occur the Planning Commission must hold a public hearing and make a recommendation to the City Council for the substantial modification to the original Plan. As always, the Planning Commission should focus on whether the modified plan conforms with the City of McCook's Comprehensive Plan. Of note, the City of McCook's Comprehensive Plan stresses the need for housing development. Specifically, the Comprehensive Plan calls for up to 270 new housing units to be constructed by 2023. The 2022 Housing Study conducted by the MEDC reiterated the need to construct housing in McCook. In terms of development, steps have been taken to prepare this area for new single family housing construction over the past few years. The area has been subdivided to accommodate new development, properties have been annexed to assure connectivity for new residential properties, and agricultural land has been rezoned to residential in order to develop new houses in the area.

The Phase I Redevelopment Plan contained a provision that contemplated that excess TIF from Phase I could be used for future phases. Flexibility was stressed in order to achieve McCook's housing objectives at the time of the adoption of the original Plan. The substantial modification contemplated herein was discussed back in 2013, when it became obvious that the North Pointe build-out would have to occur in phases.

At the July 10, 2023 McCook Planning Commission meeting, the McCook Planning Commission voted 6-0 to recommend the substantial modification of the Redevelopment Plan to the McCook City Council.

**EXHIBIT #1**

**PAGE(S) - 2**

**APPROVALS:**

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

July 12, 2023

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

July 12, 2023

Tera Koetter  
\_\_\_\_\_  
Tera Koetter, Assistant City Manager

July 12, 2023

## **NOTICE OF PUBLIC HEARING**

Public notice is hereby given by the Mayor and City Council of the City of McCook, Nebraska, that a public hearing that will be held at 5:30 p.m. on Monday, July 17, 2023, in the City Council Chambers at the McCook Municipal Center, 505 W C Street, McCook, Nebraska.

The purpose of the hearing is to obtain public comment prior to the review and consideration of a proposed substantial modification to the redevelopment plan for the City of McCook, including certain modifications to the North Pointe Redevelopment Project that was previously approved.

The property which is the subject of this Notice and of the public hearing is legally described as follows:

Lots 1-6, Block 1, Clary Subdivision Replat No. 1, City of McCook, Red Willow County, Nebraska;

Lots 1-9, Block 1, North Pointe Addition, an addition to the City of McCook, Red Willow County, Nebraska; and

Lots 1-16, Block 2, North Pointe Addition, an addition to the City of McCook, Red Willow County, Nebraska.

All interested parties shall be afforded at such public hearing a reasonable opportunity to express their views regarding the proposed substantial modification to the North Pointe Redevelopment Plan. A map of the redevelopment area and a copy of the redevelopment plan and cost-benefit analysis for the project shall be maintained at the office of the City Clerk.

-s- Lea Ann Doak, City Clerk

Publish Twice: June 30 and July 7, 2023

**EXHIBIT #2**

**PAGE(S) - 1**

COPY OF NOTICE MAILED TO:

McCook Community College  
President  
1205 East 3rd  
McCook, NE 69001

Chairman of the Board  
Educational Service Unit No 15  
344 Main  
PO Box 398  
Trenton, NE 69044

Chairman of the Board  
Middle Republican NRD  
208 Center Ave  
PO Box 81  
Curtis, NE 69025

Chairman of the Board  
Red Willow County Commissioners  
502 Norris Avenue  
McCook, NE 69001

Board President  
McCook School District  
600 West 7th  
McCook, NE 69001

**EXHIBIT #3**

**PAGE(S) - 1**

CERTIFIED MAIL

Date: July 7, 2023

To: McCook Community College  
President  
1205 East 3rd  
McCook, NE 69001

**NOTICE OF PUBLIC HEARING**

Public notice is hereby given by the Mayor and City Council of the City of McCook, Nebraska, that a public hearing that will be held at 5:30 p.m. on Monday, July 17, 2023, in the City Council Chambers at the McCook Municipal Center, 505 W C Street, McCook, Nebraska.

The purpose of the hearing is to obtain public comment prior to the review and consideration of a proposed substantial modification to the redevelopment plan for the City of McCook, including certain modifications to the North Pointe Redevelopment Project that was previously approved.

The property which is the subject of this Notice and of the public hearing is legally described as follows:

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Lea Ann Doak, City Clerk

**EXHIBIT #4**

**PAGE(S) - 5**

CERTIFIED MAIL

Date: July 7, 2023

To: Chairman of the Board  
Educational Service Unit No 15  
344 Main  
PO Box 398  
Trenton, NE 69044

**NOTICE OF PUBLIC HEARING**

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---

Lea Ann Doak, City Clerk

CERTIFIED MAIL

Date: July 7, 2023

To: Chairman of the Board  
Middle Republican NRD  
208 Center Ave  
PO Box 81  
Curtis, NE 69025

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Lea Ann Doak, City Clerk

CERTIFIED MAIL

Date: July 7, 2023

To: Chairman of the Board  
Red Willow County Commissioners  
502 Norris Avenue  
McCook, NE 69001

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---

Lea Ann Doak, City Clerk

CERTIFIED MAIL

Date: July 7, 2023

To: Board President  
McCook School District  
600 West 7th  
McCook, NE 69001

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The purpose of the hearing is to obtain public comment prior to the review and consideration of a proposed substantial modification to the redevelopment plan for the City of McCook, including certain modifications to the North Pointe Redevelopment Project that was previously approved.

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All interested parties shall be afforded at such public hearing a reasonable opportunity to express their views regarding the proposed substantial modification to the North Pointe Redevelopment Plan. A map of the redevelopment area and a copy of the redevelopment plan and cost-benefit analysis for the project shall be maintained at the office of the City Clerk.

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Lea Ann Doak, City Clerk

**SUBSTANTIAL MODIFICATION TO THE  
REDEVELOPMENT PLAN FOR THE  
NORTH POINTE REDEVELOPMENT PROJECT  
IN THE CITY OF MCCOOK, NEBRASKA**

**RECITALS**

- A. The “Redevelopment Plan North Pointe Redevelopment Area, 2013” was approved and adopted by the City Council of the City of McCook, Nebraska (the “Governing Body”) on July 1, 2013 (the “2013 Plan”).
- B. The “Redevelopment Plan for the North Pointe Redevelopment Project in the City of McCook, Nebraska” was approved and adopted by the Governing Body on October, 18, 2021 (the “2021 Plan”).
- C. A Minor Modification to the 2021 Plan was approved and adopted by the Community Development Agency of the City of McCook, Nebraska (“CDA”) on May 1, 2023 (the “Minor Modification”).
- D. The 2013 Plan, the 2021 Plan, and the Minor Modification shall be collectively referred to herein as the “Redevelopment Plan”.
- E. The Redevelopment Plan serves as a guide for the implementation of the North Pointe Redevelopment Project (the “Project”).
- F. The purpose of this Substantial Modification is to authorize the issuance of additional TIF Indebtedness for the Project.

**Amendment to the Redevelopment Plan for the  
North Pointe Redevelopment Project**

**1. Summary of Project**

The Project consists of the construction of approximately thirty-one (31) residential dwelling units and the necessary public infrastructure to support the residential development. The Project will be constructed in three (3) phases, each with multiple subphases. Exhibit “A” shows the phases for the development.

Phase I of the Project has been completed. Three (3) Notices to Divide Tax were filed for Phase I:

Subphase	Effective Date	Location
1	January 1, 2016	Lots 1 and 3, Block 1, Clary Subdivision Replat #1
2	January 1, 2017	Lots 2 and 4, Block 1, Clary Subdivision Replat #1
3	January 1, 2018	Lots 5 and 6, Block 1, Clary Subdivision Replat #1

Phase II of the Project is anticipated to commence in 2024. It is anticipated that the first subphase of Phase II will have an Effective Date of January 1, 2025 based upon completion of construction on the first home(s) in 2024.

## 2. TIF Indebtedness

The 2013 Plan authorized TIF Indebtedness for Phase I of the Project in the principal amount of \$262,000. Pursuant to the Redevelopment Contract for Phase I of the Project dated July 7, 2014, by and between the CDA and North Pointe Properties, L.L.C., a Nebraska limited liability company, the CDA issued that certain Tax Increment Development Redevelopment Bond (North Pointe Properties Redevelopment Project), Series 2014A to the McCook Economic Development Corporation (“MEDC”) in the principal amount of \$208,000, at an interest rate of 0.0% (the “Phase I TIF Indebtedness”).

The 2021 Plan, as amended by the Minor Modification, authorized aggregate TIF Indebtedness for Phases II and III of the Project in the principal amount of \$1,300,000, at an interest rate of 5.0%. Pursuant to the Redevelopment Agreement for Phase II of the Project dated May 1, 2023, by and between the CDA and MEDC, the CDA will issue TIF Indebtedness to MEDC in the principal amount of \$955,500, at an interest rate of 5.0% (the “Phase II TIF Indebtedness”). With respect to Phase III, the CDA may issue TIF Indebtedness to MEDC in the principal amount of up to \$344,500, at an interest rate of 5.0% (the “Phase III TIF Indebtedness”).

In addition, the 2013 Plan contemplates the issuance of additional TIF Indebtedness in the event that there is excess TIF from Phase I after paying off the Phase I TIF Indebtedness. The 2013 Plan states as follows:

Excess incremental taxes [from Phase I] will be pledged to additional bonds issued by the [CDA] from time to time to pay assist in paying for installation of infrastructure in [Phases II and III].

Based on the amount of TIF already collected for Phase I, as well as the TIF projected to be received in the future, the CDA anticipates that the Phase I TIF Indebtedness will be paid off in 2025 and that there will be excess TIF from Phase I in the amount of approximately \$280,500. The following chart shows the estimated TIF from Phase I<sup>1</sup>:

Tax Year	Subphase 1	Subphase 2	Subphase 3	Total
2016	\$2,917.95	\$0.00	\$0.00	\$2,917.95
2017	\$8,241.82	\$5,172.68	\$0.00	\$13,414.49
2018	\$9,035.37	\$9,195.57	\$5,892.94	\$24,123.87
2019	\$10,287.11	\$10,511.95	\$8,662.17	\$29,461.23
2020	\$10,347.60	\$10,573.76	\$8,713.10	\$29,634.47
2021	\$11,500.51	\$12,150.14	\$10,310.34	\$33,960.99
2022	\$12,310.61	\$12,991.36	\$10,991.02	\$36,292.98
2023	\$12,310.61	\$12,991.36	\$10,991.02	\$36,292.98
2024	\$12,310.61	\$12,991.36	\$10,991.02	\$36,292.98

<sup>1</sup> For purposes of the TIF Projections for Phase I of the Project, the CDA: (1) has assumed that each subphase will capture 14 years of TIF; (2) has assumed the levy rate to be the 2022 levy rate for tax years 2023–2031; and (3) has accounted for a \$30,000 increase in the assessed value of each lot in tax years 2025 and 2028.

2025	\$13,412.17	\$14,092.92	\$12,092.59	\$39,597.69
2026	\$13,412.17	\$14,092.92	\$12,092.59	\$39,597.69
2027	\$13,412.17	\$14,092.92	\$12,092.59	\$39,597.69
2028	\$14,513.74	\$15,194.49	\$13,194.16	\$42,902.39
2029	\$14,513.74	\$15,194.49	\$13,194.16	\$42,902.39
2030	\$0.00	\$15,194.49	\$13,194.16	\$28,388.65
2031	\$0.00	\$0.00	\$13,194.16	\$13,194.16
	<u>\$158,526.17</u>	<u>\$174,440.43</u>	<u>\$155,605.99</u>	<u>\$488,572.59</u>

Based on the foregoing, the CDA is willing to issue additional TIF Indebtedness to MEDC in the principal amount of up to \$280,500, at an interest rate of 0.0% (the "Excess TIF Indebtedness"); provided, however, the Excess TIF Indebtedness shall not exceed the actual and certified TIF-eligible expenditures for the Project. Details regarding the issuance of the Excess TIF Indebtedness will be set forth in a resolution of the CDA authorizing the same.

As outlined in the Minor Modification, MEDC has identified approximately \$2,300,000 in TIF-eligible expenditures for Phases II and III. The Phase I TIF Indebtedness, the Phase III TIF Indebtedness, and the Excess TIF Indebtedness will assist in payment of up to \$1,580,500 of these costs which will make the Project as designed feasible.

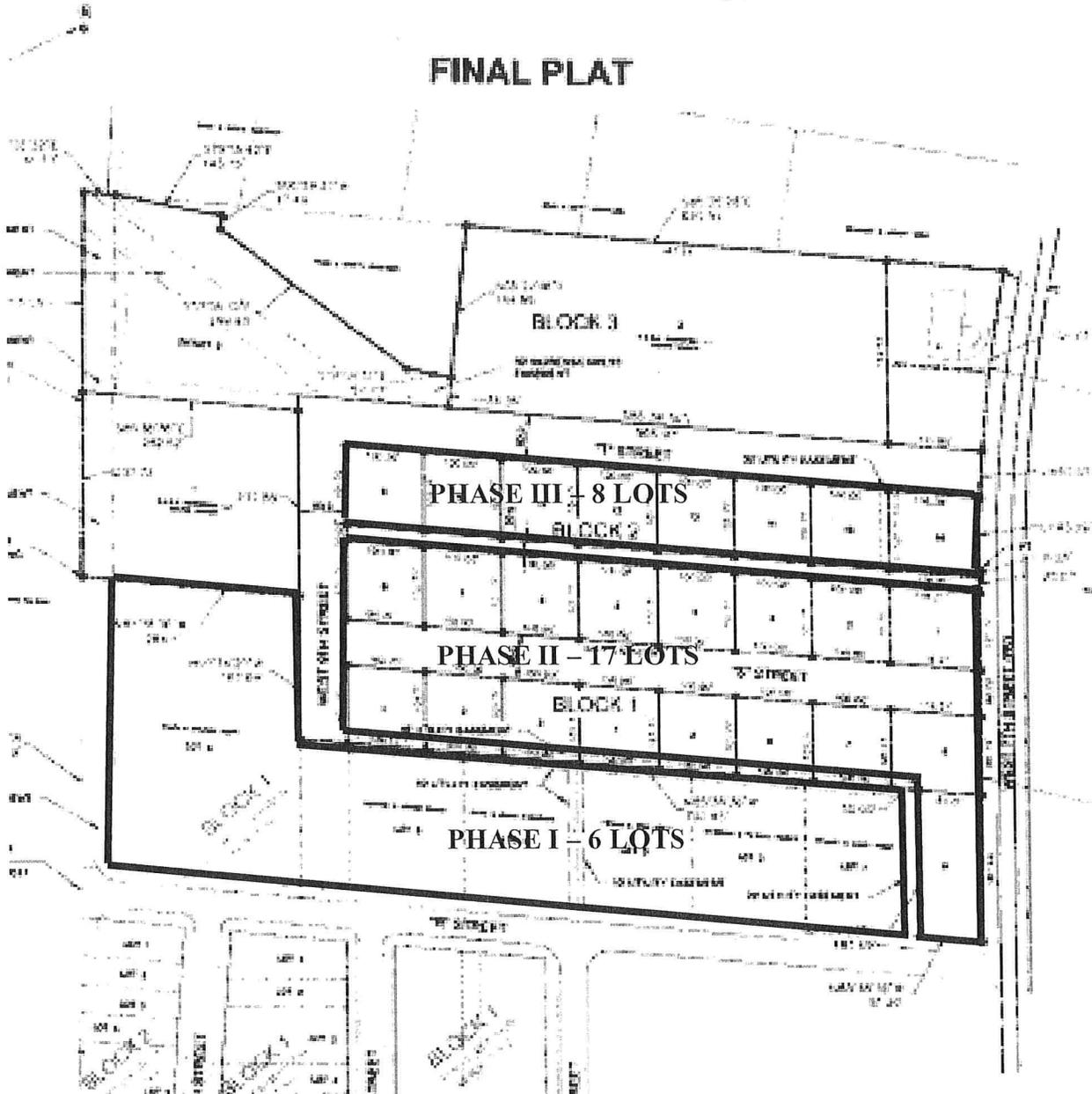
EXHIBIT "A"  
Phases

# NORTH POINTE ADDITION

## AN ADDITION TO THE

City of McCook, Red Willow County, Nebraska

### FINAL PLAT



**PLANNING COMMISSION  
CITY OF MCCOOK, NEBRASKA**

**RESOLUTION NO. PC 2023-05**  
(Substantial Modification to Redevelopment Plan –  
North Pointe Redevelopment Project)

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MCCOOK, NEBRASKA, MAKING A RECOMMENDATION TO THE COMMUNITY DEVELOPMENT AGENCY AND THE CITY COUNCIL OF THE CITY OF MCCOOK, NEBRASKA, WITH RESPECT TO A SUBSTANTIAL MODIFICATION TO THE REDEVELOPMENT PLAN FOR THE NORTH POINTE REDEVELOPMENT PROJECT.**

**RECITALS**

- A. On July 1, 2013, the City of McCook, Nebraska (“City”) adopted the “Redevelopment Plan North Pointe Redevelopment Area, 2013” (the “2013 Plan”).
- B. On October 18, 2021, the City adopted the “Redevelopment Plan for the North Pointe Redevelopment Project in the City of McCook, Nebraska” (the “2021 Plan”).
- C. On May 1, 2023, the Community Development Agency of the City of McCook, Nebraska (“CDA”) adopted a Minor Modification to the 2021 Plan (the “Minor Modification”).
- D. The 2013 Plan, the 2021 Plan, and the Minor Modification shall be collectively referred to herein as the “Redevelopment Plan”.
- E. The Redevelopment Plan serves as a guide for the implementation of the North Pointe Redevelopment Project (the “Project”).
- F. The CDA desires to amend the Redevelopment Plan to authorize the issuance of additional TIF Indebtedness for the Project.
- G. The CDA has prepared a Substantial Modification to the Redevelopment Plan (the “Amendment”) to make the substantial modification described above. A copy of the Amendment is on file and available for public inspection with the McCook City Clerk.
- H. Pursuant to Neb. Rev. Stat. § 18-2115, public hearings are required for a substantial modification to the Redevelopment Plan. The CDA has determined that the Amendment is a substantial modification to the Redevelopment Plan because it increases the amount of ad valorem taxes pledged for the Project by more than 5.0%.
- I. The CDA has submitted the question of whether the Amendment should be approved to authorize the issuance of additional TIF Indebtedness as stated in said Amendment.
- J. Notice of public hearing regarding the question of whether the Amendment should be recommended to the City Council and ultimately be adopted and approved by the City was provided in conformity with the Open Meetings Act, Neb. Rev. Stat. §84-

**EXHIBIT #6**

**PAGE(S) - 2**

1407 et seq., the Community Development Law, Neb. Rev. Stat. §§ 18-2115 and 18-2115.01, and Nebraska law.

K. On July 10, 2023, the Planning Commission held a public hearing relating to the question of whether the Amendment should be recommended to the City Council and ultimately be adopted and approved by the City. All interested parties were afforded at such public hearing a reasonable opportunity to express their views respecting the submitted question.

L. The Planning Commission has reviewed the Amendment and has duly considered all statements made and material submitted related to the submitted question.

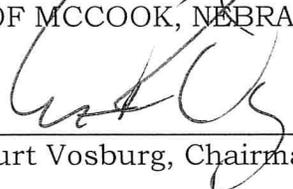
NOW THEREFORE, BE IT RESOLVED, by the Planning Commission of the City of McCook, Nebraska, in accordance with the Community Development Law, Neb. Rev. Stat. §§ 18-2101 to 18-2155 (the "Act"), as follows:

1. The Project Site, as defined in the Redevelopment Plan, is in need of redevelopment to remove blight and substandard conditions identified pursuant to the Act.
2. The Amendment will, in accordance with the present and future needs of the City of McCook, promote the health, safety, morals, order, convenience, prosperity, and the general welfare of the community in conformance with the legislative declarations and determinations set forth in the Act.
3. The Amendment is in conformance with the general plan for development of the City of McCook as a whole, as set forth in the City of McCook Comprehensive Plan, as amended.

BE IT FURTHER RESOLVED, that pursuant to the provisions of the Act and in light of the foregoing findings and determinations, the Planning Commission does hereby recommend: (i) recommendation of the Amendment by the CDA to the City Council; and (ii) approval of the Amendment by the City Council as the governing body for the City of McCook.

Passed and approved by the City of McCook Planning Commission on this 10<sup>th</sup> day of July, 2023.

PLANNING COMMISSION OF THE  
CITY OF MCCOOK, NEBRASKA

By:   
Kurt Vosburg, Chairman

ATTEST:

By: \_\_\_\_\_  
Chad Lyons, Secretary

McCook Planning Commission  
July 10, 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: Chair Vosburg; Vice Chair Hilker; Commissioners Bradley, Friehe, McDowell, Mockry.

Absent: Commissioners Davidson, Dueland, Lyons, Stevens.

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 July 7, 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.

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

1. Approve the minutes of the May 8, 2023 regular Planning Commission meeting.

Motion to approve the minutes of the May 8, 2023 regular Planning Commission meeting. This motion, made by McDowell and seconded by Friehe, passed.

Bradley: YEA, Davidson: ABSENT, Dueland: ABSENT, Friehe: YEA, Hilker: YEA, Lyons: ABSENT, McDowell: YEA, Mockry: YEA, Stevens: ABSENT, Vosburg: YEA  
YEA: 6, NAY: 0, ABSENT: 4

2. Public Hearings and Regular Agenda.

- 2.A Public Hearing - Regarding a Blight and Substandard Study for Redevelopment Area #6, comprised of a tract of land being part of the Southeast Quarter and part of the Southwest Quarter of Section 28, and part of the Northeast Quarter and part of the Northwest Quarter of Section 33, all in Township 3 North, Range 29 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 a Blight and Substandard Study for Redevelopment Area #6, comprised of a tract of land being part of the Southeast Quarter and part of the Southwest Quarter of Section 28, and part of the Northeast Quarter and part of the Northwest Quarter of Section 33, all

in Township 3 North, Range 29 West of the 6th P.M., Red Willow County, Nebraska, with the City Attorney to act as hearing officer. This motion, made by Vosburg and seconded by McDowell, passed.

Bradley: YEA, Davidson: ABSENT, Dueland: ABSENT, Friehe: YEA, Hilker: YEA, Lyons: ABSENT, McDowell: YEA, Mockry: YEA, Stevens: ABSENT, Vosburg: YEA  
YEA: 6, NAY: 0, ABSENT: 4

City Attorney Mustion received into evidence Exhibit #1 - City Manager's Report prepared for the July 10, 2023 Planning Commission meeting (2 pages), Exhibit #2 - Notice of Hearing published (2 pages); Exhibit #3 - listing of Public Entities who received Notice of Public Hearing (1 page); Exhibit #4 - copies of letter to Public Entities receiving Notice of Public Hearing (10 pages); Exhibit #5 - Blight & Substandard Study for Redevelopment Area #6 (45 pages); and Exhibit #6 - proposed Resolution No. PC 2023-03 (2 pages).

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

Jason Combs and Craig Bennet of Miller and Associates, present via zoom, reviewed the proposed Blight & Substandard Study for Redevelopment Area #6.

Charlie McPherson, McCook Economic Development Director, spoke in support of Redevelopment Area #6.

Commissioner Vosburg questioned what the total percent of the city will be declared blighted and substandard.

Motion to adjourn the public hearing and to reconvene as a Planning Commission. This motion, made by Vosburg and seconded by Mockry, passed.

Bradley: YEA, Davidson: ABSENT, Dueland: ABSENT, Friehe: YEA, Hilker: YEA, Lyons: ABSENT, McDowell: YEA, Mockry: YEA, Stevens: ABSENT, Vosburg: YEA  
YEA: 6, NAY: 0, ABSENT: 4

2.B. Approve Resolution No. PC 2023-03 accepting the Blight and Substandard Study for Redevelopment Area #6 and recommending acceptance by the McCook City Council of said Blight and Substandard Study for the creation of Redevelopment Area #6.

Commissioner Friehe questioned if there were any potential tenants.

Motion to approve Resolution No. PC 2023-03 accepting the Blight and Substandard Study for Redevelopment Area #6 and recommending acceptance by the McCook City Council of said Blight and Substandard Study for the creation of Redevelopment Area #6. This motion, made by Vosburg and seconded by Hilker, passed.

Bradley: YEA, Davidson: ABSENT, Dueland: ABSENT, Friehe: YEA, Hilker: YEA, Lyons: ABSENT, McDowell: YEA, Mockry: YEA, Stevens: ABSENT, Vosburg: YEA  
YEA: 6, NAY: 0, ABSENT: 4

- 2.C. Public Hearing - Regarding the Redevelopment Plan for the McCook Business Park Phase II Redevelopment Project as to its conformity with the general plan for the development of the City as a whole.

Motion to recess as a Planning Commission and convene a public hearing for the purpose of receiving public comment regarding the Redevelopment Plan for the McCook Business Park Phase II Redevelopment Project as to its conformity with the general plan for the development of the City as a whole, with the City Attorney to act as hearing officer. This motion, made by Vosburg and seconded by Mockry, passed.

Bradley: YEA, Davidson: ABSENT, Dueland: ABSENT, Friehe: YEA, Hilker: YEA, Lyons: ABSENT, McDowell: YEA, Mockry: YEA, Stevens: ABSENT, Vosburg: YEA  
YEA: 6, NAY: 0, ABSENT: 4

The City Attorney received into evidence Exhibit #1 - City Manager's Report prepared for the July 10, 2023 Planning Commission meeting (2 pages), Exhibit #2 - Notice of Hearing published (2 pages); Exhibit #3 - listing of Public Entities who received Notice of Public Hearing (1 page); Exhibit #4 - copies of letter to Public Entities receiving Notice of Public Hearing (10 pages); Exhibit #5 - Proposed Redevelopment Plan for the McCook Business Park Phase II Redevelopment Project (24 pages); and Exhibit #6 - proposed Resolution No. PC 2023-04 (2 pages).

City Manager Schneider reviewed the proposed Redevelopment Plan with the Commissioners.

Charlie McPherson, McCook Economic Development Director, was present to address questions from the Commission.

Commissioners questioned which lot will be redeveloped, if rail access will be provided to all four lots, and how the property valuation is determined.

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

Bradley: YEA, Davidson: ABSENT, Dueland: ABSENT, Friehe: YEA, Hilker: YEA, Lyons: ABSENT, McDowell: YEA, Mockry: YEA, Stevens: ABSENT, Vosburg: YEA  
YEA: 6, NAY: 0, ABSENT: 4

- 2.D. Approve Resolution No. PC 2023-04 recommending approval of a Redevelopment Plan of the City of McCook, Nebraska, approving a Redevelopment Project of the City of McCook, Nebraska; and approval of related actions for the purpose of development of the McCook Business Park Phase II Redevelopment Project.

Motion to approve Resolution No. PC 2023-04 recommending approval of a Redevelopment Plan of the City of McCook, Nebraska, approving a Redevelopment Project of the City of McCook, Nebraska; and approval of related actions for the purpose of development of the McCook Business Park Phase II Redevelopment Project. This motion, made by Vosburg and seconded by McDowell, passed.

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

ABSENT, McDowell: YEA, Mockry: YEA, Stevens: ABSENT, Vosburg: YEA  
YEA: 6, NAY: 0, ABSENT: 4

2.E. Public Hearing - Regarding the Substantial Modification to the Redevelopment Plan for the North Pointe Redevelopment Project in the City of McCook, Nebraska.

Motion to recess as a Planning Commission and convene a public hearing for the purpose of receiving public comment regarding the Substantial Modification to the Redevelopment Plan for the North Pointe Redevelopment Project in the City of McCook, Nebraska, with the City Attorney to act as hearing officer. This motion, made by Vosburg and seconded by Friehe, passed.

Bradley: YEA, Davidson: ABSENT, Dueland: ABSENT, Friehe: YEA, Hilker: YEA, Lyons: ABSENT, McDowell: YEA, Mockry: YEA, Stevens: ABSENT, Vosburg: YEA  
YEA: 6, NAY: 0, ABSENT: 4

The City Attorney received into evidence Exhibit #1 - City Manager's Report prepared for the July 10, 2023 Planning Commission meeting (1 page), Exhibit #2 - Notice of Hearing published (1 page); Exhibit #3 - listing of Public Entities who received Notice of Public Hearing (1 page); Exhibit #4 - copies of letter to Public Entities receiving Notice of Public Hearing (5 pages); Exhibit #5 - Substantial Modification to the Redevelopment Plan for the North Pointe Redevelopment Project (4 pages); and Exhibit #6 - proposed Resolution No. PC 2023-05 (2 pages).

City Manager Schneider reviewed the modification made to the Redevelopment Plan for North Pointe and stated that Grant Norgaard, McCook Superintendent of Schools, contacted him and said the school system is aware they will not receive any tax benefit from this development for a period of years, but realize that it is in the best interest of the school to see the development.

Charlie McPherson, McCook Economic Development Director, stated that the funds will be utilized for water, sewer, and street infrastructure improvements.

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

Bradley: YEA, Davidson: ABSENT, Dueland: ABSENT, Friehe: YEA, Hilker: YEA, Lyons: ABSENT, McDowell: YEA, Mockry: YEA, Stevens: ABSENT, Vosburg: YEA  
YEA: 6, NAY: 0, ABSENT: 4

2.F. Approve Resolution No. PC 2023-05 recommending approval of a Substantial Modification to the Redevelopment Plan for the North Pointe Redevelopment Project in the City of McCook, Nebraska and approval of related actions for the purpose of the development of the North Pointe Redevelopment Project Phases, I, II, and III.

Motion to approve Resolution No. PC 2023-05 recommending approval of a Substantial Modification to the Redevelopment Plan for the North Pointe Redevelopment Project in the City of McCook, Nebraska and approval of related actions for the purpose of the development of the North Pointe Redevelopment Project Phases, I, II, and III. This motion, made by Vosburg and seconded by McDowell, passed.

Bradley: YEA, Davidson: ABSENT, Dueland: ABSENT, Friehe: YEA, Hilker: YEA, Lyons: ABSENT, McDowell: YEA, Mockry: YEA, Stevens: ABSENT, Vosburg: YEA  
YEA: 6, NAY: 0, ABSENT: 4

City Manager Schneider gave an update on the Swimming Pool and Ballpark projects.

Adjournment.

With no further business, Chair Vosburg declared the Planning Commission meeting adjourned at 6:01 P.M.

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Lea Ann Doak, City Clerk-Treasurer  
Recording Secretary

**CITY MANAGER'S REPORT  
JULY 17, 2023 MCCOOK COMMUNITY DEVELOPMENT AGENCY MEETING**

ITEM NO. 2.1. Approve Resolution No. CDA 2023 - 05 recommending approval of a Substantial Modification to the Redevelopment Plan for the North Pointe Redevelopment Project in the City of McCook, Nebraska.

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**BACKGROUND:**

Following the Public Hearing regarding the Substantial Modification to the Redevelopment Plan for the North Pointe Redevelopment Project, the McCook CDA needs to approve the modification and recommend that the City Council approve the recommendation. Due to the fact that Phase II and Phase III have been approved, this modification really only deals with the additional TIF from Phase I. As mentioned with the previous agenda item, the Phase I plan contemplated that excess TIF from Phase I could be used for future development phases.

**APPROVALS:**

<hr/>	July 12, 2023
Nathan A. Schneider, City Manager	
 <hr/>	July 12, 2023
Lea Ann Doak, City Clerk	
 <hr/>	July 12, 2023
Tera Koetter, Assistant City Manager	

**COMMUNITY DEVELOPMENT AGENCY  
OF THE CITY OF MCCOOK, NEBRASKA**

**RESOLUTION NO. CDA 2023-05**

(Substantial Modification to Redevelopment Plan –  
North Pointe Redevelopment Project)

**A RESOLUTION OF THE COMMUNITY DEVELOPMENT AGENCY OF THE  
CITY OF MCCOOK, NEBRASKA, RECOMMENDING APPROVAL OF A SUBSTANTIAL  
MODIFICATION TO THE REDEVELOPMENT PLAN FOR THE NORTH POINTE  
REDEVELOPMENT PROJECT.**

**RECITALS**

- A. On July 1, 2013, the City of McCook, Nebraska (“City”) adopted the “Redevelopment Plan North Pointe Redevelopment Area, 2013” (the “2013 Plan”).
- B. On October 18, 2021, the City adopted the “Redevelopment Plan for the North Pointe Redevelopment Project in the City of McCook, Nebraska” (the “2021 Plan”).
- C. On May 1, 2023, the Community Development Agency of the City of McCook, Nebraska (“CDA”) adopted a Minor Modification to the 2021 Plan (the “Minor Modification”).
- D. The 2013 Plan, the 2021 Plan, and the Minor Modification shall be collectively referred to herein as the “Redevelopment Plan”.
- E. The Redevelopment Plan serves as a guide for the implementation of the North Pointe Redevelopment Project (the “Project”).
- F. The CDA desires to amend the Redevelopment Plan to authorize the issuance of additional TIF Indebtedness for the Project.
- G. The CDA has prepared a Substantial Modification to the Redevelopment Plan attached hereto as Exhibit “A” and incorporated by this reference (the “Amendment”) to make the substantial modification described above.
- H. The CDA desires to adopt the Amendment to make the substantial modifications described therein.

NOW THEREFORE, BE IT RESOLVED, by the CDA, in accordance with the Community Development Law, Neb. Rev. Stat. §§ 18-2101 to 18-2155 (the “Act”), as follows:

- 1. The Project Site, as defined in the Redevelopment Plan, is in need of redevelopment to remove blight and substandard conditions identified pursuant to the Act.
- 2. The Amendment will, in accordance with the present and future needs of the City of McCook, promote the health, safety, morals, order,

**EXHIBIT "A"**  
Substantial Modification to Redevelopment Plan

[Attached]

Exhibit "A"

**SUBSTANTIAL MODIFICATION TO THE  
REDEVELOPMENT PLAN FOR THE  
NORTH POINTE REDEVELOPMENT PROJECT  
IN THE CITY OF MCCOOK, NEBRASKA**

**RECITALS**

- A. The “Redevelopment Plan North Pointe Redevelopment Area, 2013” was approved and adopted by the City Council of the City of McCook, Nebraska (the “Governing Body”) on \_\_\_\_\_, 2013 (the “2013 Plan”).
- B. The “Redevelopment Plan for the North Pointe Redevelopment Project in the City of McCook, Nebraska” was approved and adopted by the Governing Body on October, 18, 2021 (the “2021 Plan”).
- C. A Minor Modification to the 2021 Plan was approved and adopted by the Community Development Agency of the City of McCook, Nebraska (“CDA”) on May 1, 2023 (the “Minor Modification”).
- D. The 2013 Plan, the 2021 Plan, and the Minor Modification shall be collectively referred to herein as the “Redevelopment Plan”.
- E. The Redevelopment Plan serves as a guide for the implementation of the North Pointe Redevelopment Project (the “Project”).
- F. The purpose of this Substantial Modification is to authorize the issuance of additional TIF Indebtedness for the Project.

**Amendment to the Redevelopment Plan for the  
North Pointe Redevelopment Project**

**1. Summary of Project**

The Project consists of the construction of approximately thirty-one (31) residential dwelling units and the necessary public infrastructure to support the residential development. The Project will be constructed in three (3) phases, each with multiple subphases. Exhibit “A” shows the phases for the development.

Phase I of the Project has been completed. Three (3) Notices to Divide Tax were filed for Phase I:

Subphase	Effective Date	Location
1	January 1, 2016	Lots 1 and 3, Block 1, Clary Subdivision Replat #1
2	January 1, 2017	Lots 2 and 4, Block 1, Clary Subdivision Replat #1
3	January 1, 2018	Lots 5 and 6, Block 1, Clary Subdivision Replat #1

Phase II of the Project is anticipated to commence in 2024. It is anticipated that the first subphase of Phase II will have an Effective Date of January 1, 2025 based upon completion of construction on the first home(s) in 2024.

## 2. TIF Indebtedness

The 2013 Plan authorized TIF Indebtedness for Phase I of the Project in the principal amount of \$262,000. Pursuant to the Redevelopment Contract for Phase I of the Project dated July 7, 2014, by and between the CDA and North Pointe Properties, L.L.C., a Nebraska limited liability company, the CDA issued that certain Tax Increment Development Redevelopment Bond (North Pointe Properties Redevelopment Project), Series 2014A to the McCook Economic Development Corporation (“MEDC”) in the principal amount of \$208,000, at an interest rate of 0.0% (the “Phase I TIF Indebtedness”).

The 2021 Plan, as amended by the Minor Modification, authorized aggregate TIF Indebtedness for Phases II and III of the Project in the principal amount of \$1,300,000, at an interest rate of 5.0%. Pursuant to the Redevelopment Agreement for Phase II of the Project dated May 1, 2023, by and between the CDA and MEDC, the CDA will issue TIF Indebtedness to MEDC in the principal amount of \$955,500, at an interest rate of 5.0% (the “Phase II TIF Indebtedness”). With respect to Phase III, the CDA may issue TIF Indebtedness to MEDC in the principal amount of up to \$344,500, at an interest rate of 5.0% (the “Phase III TIF Indebtedness”).

In addition, the 2013 Plan contemplates the issuance of additional TIF Indebtedness in the event that there is excess TIF from Phase I after paying off the Phase I TIF Indebtedness. The 2013 Plan states as follows:

Excess incremental taxes [from Phase I] will be pledged to additional bonds issued by the [CDA] from time to time to pay assist in paying for installation of infrastructure in [Phases II and III].

Based on the amount of TIF already collected for Phase I, as well as the TIF projected to be received in the future, the CDA anticipates that the Phase I TIF Indebtedness will be paid off in 2025 and that there will be excess TIF from Phase I in the amount of approximately \$280,500. The following chart shows the estimated TIF from Phase I<sup>1</sup>:

Tax Year	Subphase 1	Subphase 2	Subphase 3	Total
2016	\$2,917.95	\$0.00	\$0.00	\$2,917.95
2017	\$8,241.82	\$5,172.68	\$0.00	\$13,414.49
2018	\$9,035.37	\$9,195.57	\$5,892.94	\$24,123.87
2019	\$10,287.11	\$10,511.95	\$8,662.17	\$29,461.23
2020	\$10,347.60	\$10,573.76	\$8,713.10	\$29,634.47
2021	\$11,500.51	\$12,150.14	\$10,310.34	\$33,960.99
2022	\$12,310.61	\$12,991.36	\$10,991.02	\$36,292.98
2023	\$12,310.61	\$12,991.36	\$10,991.02	\$36,292.98
2024	\$12,310.61	\$12,991.36	\$10,991.02	\$36,292.98

<sup>1</sup> For purposes of the TIF Projections for Phase I of the Project, the CDA: (1) has assumed that each subphase will capture 14 years of TIF; (2) has assumed the levy rate to be the 2022 levy rate for tax years 2023–2031; and (3) has accounted for a \$30,000 increase in the assessed value of each lot in tax years 2025 and 2028.

2025	\$13,412.17	\$14,092.92	\$12,092.59	\$39,597.69
2026	\$13,412.17	\$14,092.92	\$12,092.59	\$39,597.69
2027	\$13,412.17	\$14,092.92	\$12,092.59	\$39,597.69
2028	\$14,513.74	\$15,194.49	\$13,194.16	\$42,902.39
2029	\$14,513.74	\$15,194.49	\$13,194.16	\$42,902.39
2030	\$0.00	\$15,194.49	\$13,194.16	\$28,388.65
2031	\$0.00	\$0.00	\$13,194.16	\$13,194.16
	<u>\$158,526.17</u>	<u>\$174,440.43</u>	<u>\$155,605.99</u>	<u>\$488,572.59</u>

Based on the foregoing, the CDA is willing to issue additional TIF Indebtedness to MEDC in the principal amount of up to \$280,500, at an interest rate of 0.0% (the "Excess TIF Indebtedness"); provided, however, the Excess TIF Indebtedness shall not exceed the actual and certified TIF-eligible expenditures for the Project. Details regarding the issuance of the Excess TIF Indebtedness will be set forth in a resolution of the CDA authorizing the same.

As outlined in the Minor Modification, MEDC has identified approximately \$2,300,000 in TIF-eligible expenditures for Phases II and III. The Phase I TIF Indebtedness, the Phase III TIF Indebtedness, and the Excess TIF Indebtedness will assist in payment of up to \$1,580,500 of these costs which will make the Project as designed feasible.

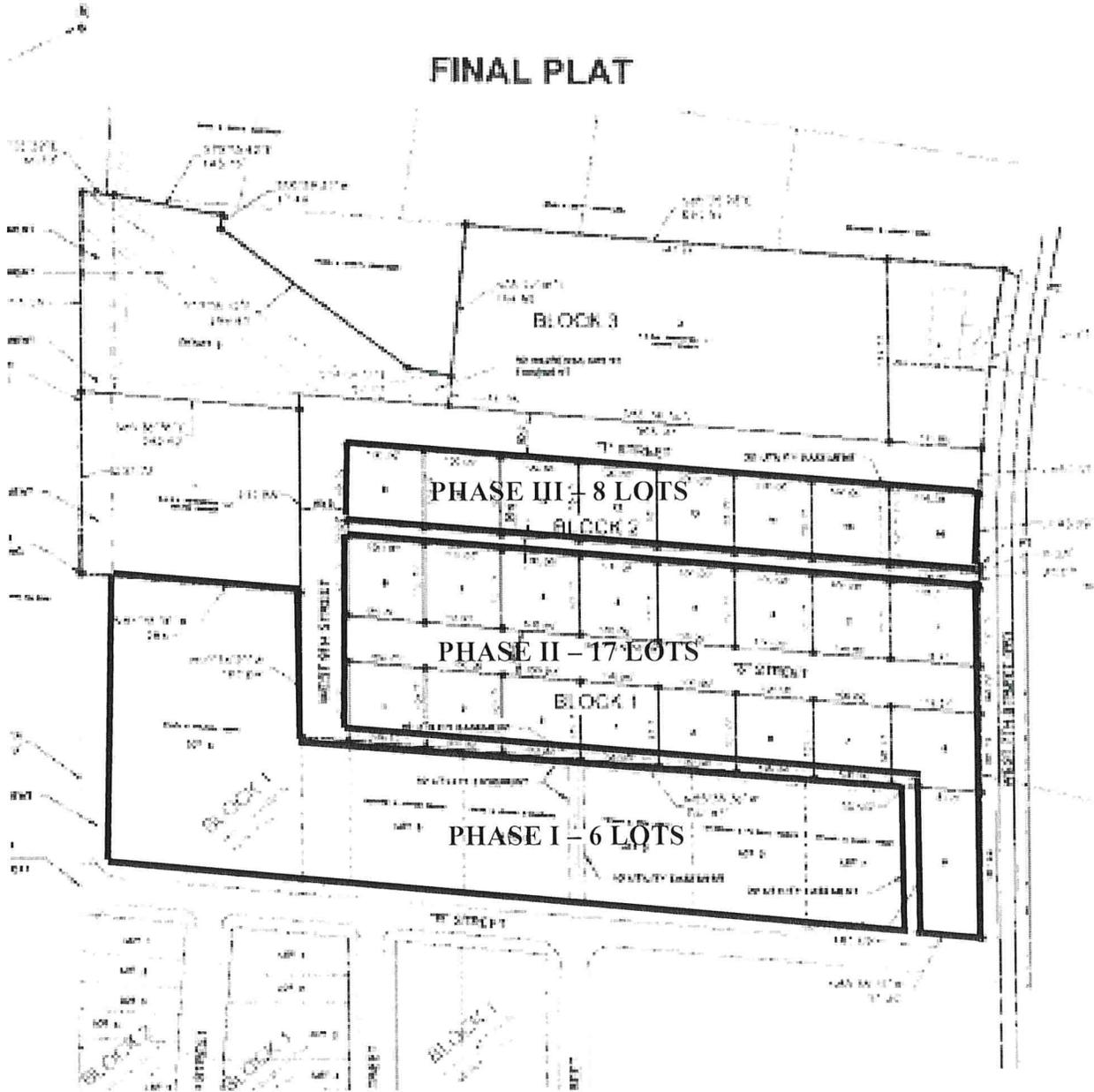
EXHIBIT "A"  
Phases

# NORTH POINTE ADDITION

## AN ADDITION TO THE

City of McCook, Red Willow County, Nebraska

### FINAL PLAT



**CITY MANAGER'S REPORT  
JULY 17, 2023 MCCOOK CITY COUNCIL MEETING**

**ITEM NO. 2.J.** Approve Resolution No. 2023 - 13 approving a Substantial Modification to the Redevelopment Plan for the North Pointe Redevelopment Project in the City of McCook, Nebraska.

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**BACKGROUND:**

Following the Public Hearing conducted by the McCook City Council and the CDA approval and recommendation of the Substantial Modification to the North Pointe Redevelopment Plan, the McCook City Council is required to approve a resolution confirming the Substantial Modification of the North Pointe Redevelopment Plan.

**APPROVALS:**

<hr/>	July 12, 2023
Nathan A. Schneider, City Manager	
 <hr/>	July 12, 2023
Lea Ann Doak, City Clerk	
 <hr/>	July 12, 2023
Tera Koetter, Assistant City Manager	

**CITY OF MCCOOK, NEBRASKA**

**RESOLUTION NO. 2023-13**

(Substantial Modification to Redevelopment Plan –  
North Pointe Redevelopment Project)

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCCOOK,  
NEBRASKA, APPROVING A SUBSTANTIAL MODIFICATION TO THE  
REDEVELOPMENT PLAN FOR THE NORTH POINTE REDEVELOPMENT PROJECT.**

**RECITALS**

- A. On July 1, 2013, the City of McCook, Nebraska (“City”) adopted the “Redevelopment Plan North Pointe Redevelopment Area, 2013” (the “2013 Plan”).
- B. On October 18, 2021, the City adopted the “Redevelopment Plan for the North Pointe Redevelopment Project in the City of McCook, Nebraska” (the “2021 Plan”).
- C. On May 1, 2023, the Community Development Agency of the City of McCook, Nebraska (“CDA”) adopted a Minor Modification to the 2021 Plan (the “Minor Modification”).
- D. The 2013 Plan, the 2021 Plan, and the Minor Modification shall be collectively referred to herein as the “Redevelopment Plan”.
- E. The Redevelopment Plan serves as a guide for the implementation of the North Pointe Redevelopment Project (the “Project”).
- F. The CDA desires to amend the Redevelopment Plan to authorize the issuance of additional TIF Indebtedness for the Project.
- G. The CDA has prepared a Substantial Modification to the Redevelopment Plan (the “Amendment”) to make the substantial modification described above. A copy of the Amendment is on file and available for public inspection with the McCook City Clerk.
- H. Pursuant to Neb. Rev. Stat. § 18-2115, public hearings are required for a substantial modification to the Redevelopment Plan. The CDA has determined that the Amendment is a substantial modification to the Redevelopment Plan because it increases the amount of ad valorem taxes pledged for the Project by more than 5.0%.
- I. The CDA submitted the question of whether the Amendment should be recommended to the City Council to the Planning Commission of the City of McCook.
- J. The Planning Commission recommended the approval of the Amendment.
- K. Notice of public hearing regarding the adoption and approval of the Amendment by the City Council was provided in conformity with the Open Meetings Act, Neb. Rev. Stat. § 84-1407 et seq., the Community Development Law, Neb. Rev. Stat. §§ 18-2115 and 18-2115.01, and Nebraska law.

L. On \_\_\_\_\_, 2023, the City Council held a public hearing relating to the question of whether the Amendment should be adopted and approved by the City. All interested parties were afforded at such public hearing a reasonable opportunity to express their views respecting the submitted question.

M. The City Council has reviewed the Amendment, the recommendations of the Planning Commission, and has duly considered all statements made and material submitted related to the submitted question.

NOW THEREFORE, it is found by the City Council of the City of McCook, Nebraska, in accordance with the Community Development Law, Neb. Rev. Stat. §§ 18-2101 through 18-2155 (the "Act"), as follows:

1. The Project Site, as defined in the Redevelopment Plan, is in need of redevelopment to remove blight and substandard conditions identified pursuant to the Act.
2. The Amendment will, in accordance with the present and future needs of the City of McCook, promote the health, safety, morals, order, convenience, prosperity, and the general welfare of the community in conformance with the legislative declarations and determinations set forth in the Act.
3. The Amendment is in conformance with the general plan for development of the City of McCook as a whole, as set forth in the City of McCook Comprehensive Plan, as amended.
4. The cost and benefits set forth in the Project cost benefit analysis are found to be in the long-term best interest of the City of McCook.
5. The Project would not be economically feasible without the use of Tax Increment Financing.
6. The Project would not occur on the Redevelopment Area without the use of Tax Increment Financing.

BE IT FURTHER RESOLVED, that pursuant to the provisions of the Act and in light of the foregoing findings and determinations, the Amendment is hereby approved and adopted by the City Council as the governing body for the City of McCook.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2023.

CITY OF MCCOOK, NEBRASKA

By: \_\_\_\_\_  
Mayor

ATTEST: \_\_\_\_\_  
City Clerk

**CITY MANAGER'S REPORT  
JULY 17, 2023 MCCOOK COMMUNITY DEVELOPMENT AGENCY MEETING**

ITEM NO. 2.K. Approve Resolution No. CDA 2023 - 06 authorizing the issuance of TIF indebtedness for the North Pointe Redevelopment Project.

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**BACKGROUND:**

Originally, when the initial North Pointe Redevelopment Project was approved, a Series A Note was issued to capture the tax increment generated due to the development of the six residential homes developed along West R Street. The CDA was obligated to pay the holder of the Note TIF associated with the development of the six residential properties. Now that the McCook CDA and McCook City Council have approved the Substantial Modification of the North Pointe Redevelopment Plan to capture additional TIF that will assist with the build-out of eligible projects related to new North Pointe housing developments, a Series B Note must be issued to obligate the CDA to the Series B Note holder.

As mentioned, the TIF Promissory Note is set in the principal amount of up to \$280,500. Related TIF eligible expenses cannot exceed this \$280,500 amount. The Series B Note contemplates the capture of TIF for Phases II and III, said capture period extending from the year 2025 until the year 2032. In 2032, the original 15 year period will expire and no additional TIF can be captured. The properties included in the redevelopment area will go back on to the tax rolls. The properties will be improved and the local taxing entities will be able to derive more property taxes than were feasible while the lots were unimproved.

As mentioned previously, the original Redevelopment Plan contained a provision that contemplated that excess TIF from Phase I could be used for future phases.

**APPROVALS:**

\_\_\_\_\_  
July 12, 2023

Nathan A. Schneider, City Manager

Lea Ann Doak  
July 12, 2023

Lea Ann Doak, City Clerk

Tera Koetter  
July 12, 2023

Tera Koetter, Assistant City Manager

**COMMUNITY DEVELOPMENT AGENCY  
OF THE CITY OF MCCOOK, NEBRASKA**

**RESOLUTION NO. CDA 2023-06**

(Authorizing the Issuance of TIF Indebtedness –  
North Pointe Redevelopment Project)

**A RESOLUTION OF THE COMMUNITY DEVELOPMENT AGENCY OF THE CITY  
OF MCCOOK, NEBRASKA, AUTHORIZING THE ISSUANCE OF TIF INDEBTEDNESS  
FOR THE NORTH POINTE REDEVELOPMENT PROJECT; AND RELATED MATTERS.**

**RECITALS**

A. Pursuant to the Community Development Law, Neb. Rev. Stat. §§ 18-2101 through 18-2155, as amended (the “Act”), the City of McCook, Nebraska (“City”) has adopted the “Redevelopment Plan North Pointe Redevelopment Area, 2013”, as amended, and the “Redevelopment Plan for the North Pointe Redevelopment Project in the City of McCook, Nebraska”, as amended (collectively, the “Redevelopment Plan”).

B. The Redevelopment Plan includes a specific redevelopment project identified as the North Pointe Redevelopment Project (the “Project”) that includes the use of Tax Increment Financing.

C. On \_\_\_\_\_, 2023, the City adopted a Substantial Modification to the Redevelopment Plan (the “Amendment”).

D. The Amendment authorizes the CDA to issue additional TIF Indebtedness to the McCook Economic Development Corporation (“MEDC”) to support the Project.

E. In accordance with the Amendment, the CDA has prepared a TIF Promissory Note in the principal amount of up to \$280,500, at an interest rate of 0.0%, a copy of which is attached hereto as Exhibit “A” and incorporated by this reference (the “Note”).

NOW THEREFORE, BE IT RESOLVED, by the CDA, in accordance with the Act, the Note is hereby approved.

BE IT FURTHER RESOLVED, that, on or after thirty (30) days following the passage and adoption of this Resolution, the CDA shall issue the Note to MEDC.

BE IT FURTHER RESOLVED, the CDA authorizes the Chairperson of the CDA to take any and all actions, and to execute any and all documents deemed by them to be necessary to effect the transactions authorized by this Resolutions.

BE IT FURTHER RESOLVED, that any other resolutions or actions that are contradictory or incompatible with the provisions of this Resolution are hereby rescinded.

IN WITNESS WHEREOF, the CDA hereby passes and adopts this Resolution as of this \_\_\_\_ day of \_\_\_\_\_, 2023.

COMMUNITY DEVELOPMENT  
AGENCY OF THE CITY OF  
MCCOOK, NEBRASKA

\_\_\_\_\_

Chairman

ATTEST:

\_\_\_\_\_

Secretary

**EXHIBIT "A"**  
TIF Promissory Note

[Attached]

THIS NOTE HAS NOT BEEN REGISTERED UNDER THE SECURITIES ACT OF 1933 (“THE 1933 ACT”) AND MAY NOT BE TRANSFERRED, ASSIGNED, SOLD OR HYPOTHECATED UNLESS A REGISTRATION STATEMENT UNDER THE 1933 ACT SHALL BE IN EFFECT WITH RESPECT THERETO AND THERE SHALL HAVE BEEN COMPLIANCE WITH THE 1933 ACT AND ALL APPLICABLE RULES AND REGULATIONS THEREUNDER, OR THERE SHALL HAVE BEEN DELIVERED TO THE COMMUNITY DEVELOPMENT AGENCY OF THE CITY OF MCCOOK, NEBRASKA PRIOR TO TRANSFER, ASSIGNMENT, SALE OR HYPOTHECATION AN OPINION OF COUNSEL, SATISFACTORY TO THE COMMUNITY DEVELOPMENT AGENCY OF THE CITY OF MCCOOK, NEBRASKA TO THE EFFECT THAT REGISTRATION UNDER THE 1933 ACT IS NOT REQUIRED.

UNITED STATES OF AMERICA  
STATE OF NEBRASKA  
COMMUNITY DEVELOPMENT AGENCY  
OF THE CITY OF MCCOOK, NEBRASKA

REDEVELOPMENT REVENUE NOTE  
(NORTH POINTE REDEVELOPMENT PROJECT—PHASE I)  
SERIES 2014B

Maturity Date	Interest Rate	Original Issuance Date
December 15, 2032	0.0%	

Registered Holder	Principal Amount
McCook Economic Development Corporation	See attached Schedule 1

THE COMMUNITY DEVELOPMENT AGENCY OF THE CITY OF MCCOOK, NEBRASKA (the “Issuer”), a body politic and corporate organized and existing under the laws of the State of Nebraska, for value received hereby promises to pay, solely from the source and as hereinafter provided, to the Registered Holder identified above, or registered assigns, the Principal Amount identified above at the office of the City Treasurer, as Paying Agent and Registrar, and in like manner to pay solely from said source interest on said principal sum at the Interest Rate identified above from the Original Issuance Date identified above. Principal and accrued interest shall be payable in sixteen (16) semi-annual installments due June 15, 2025, December 15, 2025, and each June 15 and December 15 thereafter through December 15, 2032, when all principal and accrued interest shall be due and payable. Except with respect to interest not punctually paid, the principal and interest on this Note will be paid by check or draft mailed to the Registered Holder in whose name this Note is registered at the close of business on the calendar day next preceding the applicable payment date at his address as it appears on such note registration books. The principal and interest of this Note is payable in any coin or currency of the United States of America which on the respective dates of payment is legal tender for the payment of public and private debts.

This Note is designated the Community Development Agency of the City of McCook, Nebraska Redevelopment Revenue Note (North Pointe Redevelopment Project—Phase I), Series 2014B, aggregating up to Two Hundred Eighty Thousand Five

Hundred and No/ 100 Dollars (\$280,500.00) (the “Note”), in principal amount which has been issued pursuant to the Section 12 of Article VIII of the Nebraska Constitution and Neb. Rev. Stat. §§ 18-2101 through 18-2155, as amended and supplemented (the “Act”) and under and pursuant to the terms of that certain Resolution # CDA 2023-\_\_\_\_ passed and adopted by the Issuer on \_\_\_\_\_, 2023 (the “Resolution”), to aid in the financing of the North Pointe Redevelopment Project (the “Project”) pursuant to the Act. This Note does not represent a debt or pledge of the faith or credit of the Issuer or grant to the Registered Holder of this Note any right to have the Issuer levy any taxes or appropriate any funds for the payment of the principal hereof or the interest hereon nor is this Note a general obligation of the Issuer or the City of McCook, Nebraska, or the individual officials, officers or agents thereof.

This Note is payable solely and only out of the Tax Increment generated by Phase I (as defined herein) of the Project. “Phase I” shall mean the site legally described as: Lots 1–6, Block 1, Clary Subdivision Replat No. 1, City of McCook, Red Willow County, Nebraska. This Note is secured by a second pledge of such revenue, subordinate to the first pledge of such revenue to the Tax Increment Development Redevelopment Bond (North Pointe Properties Redevelopment Project), Series 2014A.

THE PRINCIPAL AMOUNT OF THIS NOTE IS SET FORTH IN SCHEDULE 1 ATTACHED HERETO. THE MAXIMUM PRINCIPAL AMOUNT OF THIS NOTE IS \$280,500.00. The CDA shall make principal advances under this Note upon receipt of Eligible Project Cost Certifications (as defined herein). The principal amount of this Note shall not exceed the Eligible Project Cost Certifications approved by the CDA, in the CDA’s sole discretion. “Eligible Project Cost Certifications” shall mean one or more certifications of cost or expenses incurred by the McCook Economic Development Corporation for eligible expenditures under the Act for any phase of the Project, as evidenced by paid invoices or other evidence acceptable to the CDA.

The Registered Holder may from time to time enter the respective amounts advanced pursuant to the terms of the Resolution and any applicable resolution(s) under the column headed “Principal Amount Advanced” on Schedule 1 hereto (the “Table”) and may enter the aggregate principal amount of this Note then outstanding under the column headed “Cumulative Outstanding Principal Amount” on the Table. Notwithstanding the foregoing, the records maintained by the Registrar as to the principal amount issued and principal amounts paid on this Note shall be the official records of the Cumulative Outstanding Principal Amount of this Note for all purposes.

THIS NOTE AND THE INTEREST HEREON DOES NOT NOW AND SHALL NEVER CONSTITUTE AN INDEBTEDNESS OF THE COMMUNITY DEVELOPMENT AGENCY OF THE CITY OF MCCOOK, NEBRASKA, OR THE CITY OF MCCOOK, NEBRASKA, WITHIN THE MEANING OF ANY STATE CONSTITUTIONAL PROVISION OR STATUTORY LIMITATION, NOR SHALL THIS NOTE AND THE INTEREST HEREON EVER GIVE RISE TO ANY PECUNIARY LIABILITY OF THE COMMUNITY DEVELOPMENT AGENCY OF THE CITY OF MCCOOK, NEBRASKA, OR THE CITY OF MCCOOK, NEBRASKA, A CHARGE AGAINST ITS GENERAL CREDIT OR TAXING POWERS.

No recourse shall be had for the payment of the principal of or interest on this Note, or for any claim based hereon or upon any obligation, covenant or agreement contained in the Resolution against any past, present or future employee, member

or elected official of the Issuer, or any incorporator, officer, director, member or trustee of any successor corporation, as such, either directly or through the Issuer or any successor corporation, under any rule of law or equity, statute or constitution or by the enforcement of any assessment or penalty or otherwise, and all such liability of any such incorporator, officer, director or member as such is hereby expressly waived and released as a condition of and in consideration of the issuance of this Note.

It is hereby certified and recited and the Issuer has found: that the Project is an eligible "redevelopment project" as defined in the Act; that the issuance of this Note and the construction of the Project will promote the public welfare and carry out the purposes of the Act by, among other things, contributing to the development of a blighted and substandard area of the City of McCook, Nebraska, pursuant to a Redevelopment Plan adopted by the City; that all acts, conditions and things required to be done precedent to and in the issuance of this Note have been properly done, have happened and have been performed in regular and due time, form and manner as required by law; and, that this Note does not constitute a debt of the Issuer within the meaning of any constitutional or statutory limitations.

This Note is transferable only upon the books of the Issuer kept for that purpose at the office of the Registrar by the Registered Holder hereof in person, or by the Registered Holder's duly authorized attorney, upon written documentation of transfer satisfactory to the Issuer and the Registrar duly executed by the Registered Holder and the assignee/transferee, together with a purchase letter in a form provided by Issuer and any other documentation required by the Issuer. Prior to the approval of any transfer of this Note, the Registered Holder shall pay all of the Issuer's costs, including attorney's fees, relating to the transfer of the Note. The Issuer and the Paying Agent may deem and treat the person in whose name this Note is registered as the absolute owner hereof for the purpose of receiving payment of, or on account of, the principal hereof and premium, if any, and interest due hereon and for all other purposes.

The Note is prepayable at any time in whole or in part, to the extent there are any funds in the debt service fund in excess of amounts necessary to pay scheduled debt service. Prepayments shall reduce the number, but not the amount, of scheduled debt service payments on the Note, in inverse order of maturity.

It is hereby certified and recited that all conditions, acts and things required by law and the Resolution to exist, to have happened and to have been performed precedent to and in the issuance of this Note, exist, have happened and have been performed and that the issue of this Note, together with all other indebtedness of the Issuer, is within every debt and other limit prescribed by the laws of the State of Nebraska.

This Note shall not be entitled to any benefit or be valid or become obligatory for any purpose until this Note shall have been authenticated by the execution by the Registrar of the Certificate of Authentication hereon.

**[Signature Page Follows]**

IN WITNESS WHEREOF, THE COMMUNITY DEVELOPMENT AGENCY OF THE CITY OF MCCOOK, NEBRASKA has caused this Note to be signed in its name and on its behalf by the signature of its Chairman and attested by the signature of its Secretary, as of the Original Issuance Date identified above.

COMMUNITY DEVELOPMENT AGENCY  
OF THE CITY OF MCCOOK,  
NEBRASKA

ATTEST:

By: \_\_\_\_\_  
Secretary

By: \_\_\_\_\_  
Chairman

**CERTIFICATE OF AUTHENTICATION**

City Treasurer, City of McCook  
as Paying Agent and Registrar

By: \_\_\_\_\_  
Authorized Signatory



**North Pointe Redevelopment Project - Phase I**

**Estimated TIF**

<b>Tax Year</b>	<b>Subphase 1</b>	<b>Subphase 2</b>	<b>Subphase 3</b>	<b>Total</b>
2016	\$2,917.95	\$0.00	\$0.00	\$2,917.95
2017	\$8,241.82	\$5,172.68	\$0.00	\$13,414.49
2018	\$9,035.37	\$9,195.57	\$5,892.94	\$24,123.87
2019	\$10,287.11	\$10,511.95	\$8,662.17	\$29,461.23
2020	\$10,347.60	\$10,573.76	\$8,713.10	\$29,634.47
2021	\$11,500.51	\$12,150.14	\$10,310.34	\$33,960.99
2022	\$12,310.61	\$12,991.36	\$10,991.02	\$36,292.98
2023	\$12,310.61	\$12,991.36	\$10,991.02	\$36,292.98
2024	\$12,310.61	\$12,991.36	\$10,991.02	\$36,292.98
2025	\$13,412.17	\$14,092.92	\$12,092.59	\$39,597.69
2026	\$13,412.17	\$14,092.92	\$12,092.59	\$39,597.69
2027	\$13,412.17	\$14,092.92	\$12,092.59	\$39,597.69
2028	\$14,513.74	\$15,194.49	\$13,194.16	\$42,902.39
2029	\$14,513.74	\$15,194.49	\$13,194.16	\$42,902.39
2030	\$0.00	\$15,194.49	\$13,194.16	\$28,388.65
2031	\$0.00	\$0.00	\$13,194.16	\$13,194.16
	<u>\$158,526.17</u>	<u>\$174,440.43</u>	<u>\$155,605.99</u>	<u>\$488,572.59</u>

**Tax Increment Development Revenue Bond (North Pointe Properties Project), Series 2014A**

Registered Owner	McCook Economic Development Corporation
Principal Amount	\$208,000.00
Interest Rate	0.00%
Est. Payoff Date	6/15/2025
	Total TIF Required for Debt Service: <u>\$208,000.00</u>

**Excess TIF** \$280,572.59

**CITY MANAGER'S REPORT  
JULY 17, 2023 CITY COUNCIL MEETING**

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**ITEM:**

**..A.**

Approve the minutes of the July 3, 2023 regular City Council meeting.

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**BACKGROUND:**

Receive and approve the minutes.

**FISCAL  
IMPACT:**

None.

**APPROVALS:**

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

July 13, 2023

McCook City Council  
July 3, 2023  
5:30 P.M. Central

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

Present: Mayor Taylor, Councilmembers Calvin, Weedin.

Absent: Councilmembers Muehlenkamp, Rambali.

Motion to excuse the absence of Councilmembers Muehlenkamp and Rambali. This motion, made by Calvin, and seconded by Weedin, passed.

Taylor: YEA, Calvin: YEA: Weedin: YEA  
YEA: 3, NAY: 0

City Officials present: City Manager Schneider, City Attorney Mustion, City Clerk Doak, Assistant City Manager Koetter, Library Director Crocker, Utilities Director Fawver, Fire Chief Harpham, Public Works Director Potthoff, Senior Services Director Siegfried, and Police Sergeant Vargus.

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on June 29, 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 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 Taylor announced that a copy of the Open Meetings Act was posted by the entrance to the Council Chambers and available for public review. Invocation was provided by Walter Ray, McCook Baptist Church. Following the Pledge of Allegiance to the flag of the United States of America, Mayor Taylor called the meeting to order.

**1. Announcements & Recognitions.**

Library Director Crocker introduced her helpers for the Summer Reading Program and thanked them for all they have done to make the program a success.

**2. Consent Agenda.**

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

Muehlenkamp: ABSENT, Rambali: ABSENT, Taylor: YEA, Calvin: YEA, Weedin: YEA  
YEA: 3, NAY: 0, ABSENT: 2

- 2.A. Approve the minutes of the June 19, 2023 regular City Council meeting.
- 2.B. Ratify the approval of the application for a Special Designated Liquor License submitted by A & N Restaurant, LLC, Liquor License #I-088659, for a wedding reception to be held at the McCook Municipal Auditorium, 302 West 5th Street, on July 15, 2023 from 4:00 P.M. to 12:00 A.M.
- 2.C. Declare the listed abandoned and unclaimed vehicles and property as surplus city property to be disposed of in the appropriate legal manner.
- 2.D. Receive and file the Financial Report for the period ending May 31, 2023.

**3. Regular Agenda.**

- 3.A. Discussion and give direction regarding Chad Graff's request to move the swimming pool facade south of the existing bathhouse.

Randy Stramel presented the proposed concept of moving the center (entrance area) of the current bathhouse 40'-50' south. There will be no costs for the City and they will work with Fritz Kasper and Sampson Construction to finalize the process.

It was the consensus of the Council to have the item brought back to the Council for the July 17 meeting.

- 3.B. Update regarding the swimming pool and ballpark projects.

City Manger Schneider informed the Council that the City received a Moody's rating of Aa3, better than what was projected. The rating will hopefully help reduce interest rates on the bonds.

Assistant City Manager Koetter gave an update regarding the status of grant funding for the two projects.

- 3.C. Council Comments.

Councilmember Weedon stated that he was glad to see that the Public Transit Bus was back.

- 3.D. An Executive Session may be held upon a majority vote of the Council for the protection of public interest for a strategy session with respect to potential litigation - property located 1111 East "H" Street, Cindy and Ron Sabin.

Motion to go into executive session for the protection of public interest for a strategy session with respect to potential litigation - property located 1111 East "H" Street, Cindy and Ron Sabin at 6:06 P.M. This motion, made by Calvin and seconded by Weedon, passed.

Muehlenkamp: ABSENT, Rambali: ABSENT, Taylor: YEA, Calvin: YEA, Weedon: YEA  
YEA: 3, NAY: 0, ABSENT: 2

Mayor Taylor stated for the record that at this time, pursuant to the Nebraska Open Meetings Act, a closed session will be held for the purpose of the protection of public interest for a strategy session with respect to potential litigation - property located 1111 East "H" Street, Cindy and Ron Sabin. The Council will reconvene in public session following this closed session.

Motion to come out of executive session at 6:27 P.M. This motion, made by Calvin and seconded by Weedon, passed.

Muehlenkamp: ABSENT, Rambali: ABSENT, Taylor: YEA, Calvin: YEA, Weedon: YEA  
YEA: 3, NAY: 0, ABSENT: 2

**Adjournment.**

There being no further business to come before the Council, Mayor Taylor declared the meeting adjourned at 6:28 P.M.

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Linda Taylor, Ex-officio Mayor  
and Council President

ATTEST:

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Lea Ann Doak, City Clerk-Treasurer

CITY MANAGER'S REPORT  
JULY 17, 2023 CITY COUNCIL MEETING

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ITEM: .B.

RECOMMENDATION:

Accept the minutes of the July 10, 2023 Planning Commission meeting.

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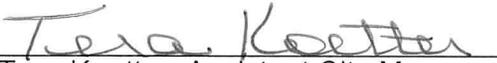
BACKGROUND:

Accept minutes from the various board and commission meetings.

FISCAL  
IMPACT: None.

APPROVALS:

  
\_\_\_\_\_  
Lea Ann Doak, City Clerk July 13, 2023

  
\_\_\_\_\_  
Tera Koetter, Assistant City Manager July 13, 2023

\_\_\_\_\_  
Nathan A. Schneider, City Manager July 13, 2023

McCook Planning Commission  
July 10, 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: Chair Vosburg; Vice Chair Hilker; Commissioners Bradley, Friehe, McDowell, Mockry.

Absent: Commissioners Davidson, Dueland, Lyons, Stevens.

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 July 7, 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.

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

1. Approve the minutes of the May 8, 2023 regular Planning Commission meeting.

Motion to approve the minutes of the May 8, 2023 regular Planning Commission meeting. This motion, made by McDowell and seconded by Friehe, passed.

Bradley: YEA, Davidson: ABSENT, Dueland: ABSENT, Friehe: YEA, Hilker: YEA, Lyons: ABSENT, McDowell: YEA, Mockry: YEA, Stevens: ABSENT, Vosburg: YEA  
YEA: 6, NAY: 0, ABSENT: 4

2. Public Hearings and Regular Agenda.

2.A Public Hearing - Regarding a Blight and Substandard Study for Redevelopment Area #6, comprised of a tract of land being part of the Southeast Quarter and part of the Southwest Quarter of Section 28, and part of the Northeast Quarter and part of the Northwest Quarter of Section 33, all in Township 3 North, Range 29 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 a Blight and Substandard Study for Redevelopment Area #6, comprised of a tract of land being part of the Southeast Quarter and part of the Southwest Quarter of Section 28, and part of the Northeast Quarter and part of the Northwest Quarter of Section 33, all

in Township 3 North, Range 29 West of the 6th P.M., Red Willow County, Nebraska, with the City Attorney to act as hearing officer. This motion, made by Vosburg and seconded by McDowell, passed.

Bradley: YEA, Davidson: ABSENT, Dueland: ABSENT, Friehe: YEA, Hilker: YEA, Lyons: ABSENT, McDowell: YEA, Mockry: YEA, Stevens: ABSENT, Vosburg: YEA  
YEA: 6, NAY: 0, ABSENT: 4

City Attorney Mustion received into evidence Exhibit #1 - City Manager's Report prepared for the July 10, 2023 Planning Commission meeting (2 pages), Exhibit #2 - Notice of Hearing published (2 pages); Exhibit #3 - listing of Public Entities who received Notice of Public Hearing (1 page); Exhibit #4 - copies of letter to Public Entities receiving Notice of Public Hearing (10 pages); Exhibit #5 - Blight & Substandard Study for Redevelopment Area #6 (45 pages); and Exhibit #6 - proposed Resolution No. PC 2023-03 (2 pages).

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

Jason Combs and Craig Bennet of Miller and Associates, present via zoom, reviewed the proposed Blight & Substandard Study for Redevelopment Area #6.

Charlie McPherson, McCook Economic Development Director, spoke in support of Redevelopment Area #6.

Commissioner Vosburg questioned what the total percent of the city will be declared blighted and substandard.

Motion to adjourn the public hearing and to reconvene as a Planning Commission. This motion, made by Vosburg and seconded by Mockry, passed.

Bradley: YEA, Davidson: ABSENT, Dueland: ABSENT, Friehe: YEA, Hilker: YEA, Lyons: ABSENT, McDowell: YEA, Mockry: YEA, Stevens: ABSENT, Vosburg: YEA  
YEA: 6, NAY: 0, ABSENT: 4

2.B. Approve Resolution No. PC 2023-03 accepting the Blight and Substandard Study for Redevelopment Area #6 and recommending acceptance by the McCook City Council of said Blight and Substandard Study for the creation of Redevelopment Area #6.

Commissioner Friehe questioned if there were any potential tenants.

Motion to approve Resolution No. PC 2023-03 accepting the Blight and Substandard Study for Redevelopment Area #6 and recommending acceptance by the McCook City Council of said Blight and Substandard Study for the creation of Redevelopment Area #6. This motion, made by Vosburg and seconded by Hilker, passed.

Bradley: YEA, Davidson: ABSENT, Dueland: ABSENT, Friehe: YEA, Hilker: YEA, Lyons: ABSENT, McDowell: YEA, Mockry: YEA, Stevens: ABSENT, Vosburg: YEA  
YEA: 6, NAY: 0, ABSENT: 4

- 2.C. Public Hearing - Regarding the Redevelopment Plan for the McCook Business Park Phase II Redevelopment Project as to its conformity with the general plan for the development of the City as a whole.

Motion to recess as a Planning Commission and convene a public hearing for the purpose of receiving public comment regarding the Redevelopment Plan for the McCook Business Park Phase II Redevelopment Project as to its conformity with the general plan for the development of the City as a whole, with the City Attorney to act as hearing officer. This motion, made by Vosburg and seconded by Mockry, passed.

Bradley: YEA, Davidson: ABSENT, Dueland: ABSENT, Friehe: YEA, Hilker: YEA, Lyons: ABSENT, McDowell: YEA, Mockry: YEA, Stevens: ABSENT, Vosburg: YEA  
YEA: 6, NAY: 0, ABSENT: 4

The City Attorney received into evidence Exhibit #1 - City Manager's Report prepared for the July 10, 2023 Planning Commission meeting (2 pages), Exhibit #2 - Notice of Hearing published (2 pages); Exhibit #3 - listing of Public Entities who received Notice of Public Hearing (1 page); Exhibit #4 - copies of letter to Public Entities receiving Notice of Public Hearing (10 pages); Exhibit #5 - Proposed Redevelopment Plan for the McCook Business Park Phase II Redevelopment Project (24 pages); and Exhibit #6 - proposed Resolution No. PC 2023-04 (2 pages).

City Manager Schneider reviewed the proposed Redevelopment Plan with the Commissioners.

Charlie McPherson, McCook Economic Development Director, was present to address questions from the Commission.

Commissioners questioned which lot will be redeveloped, if rail access will be provided to all four lots, and how the property valuation is determined.

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

Bradley: YEA, Davidson: ABSENT, Dueland: ABSENT, Friehe: YEA, Hilker: YEA, Lyons: ABSENT, McDowell: YEA, Mockry: YEA, Stevens: ABSENT, Vosburg: YEA  
YEA: 6, NAY: 0, ABSENT: 4

- 2.D. Approve Resolution No. PC 2023-04 recommending approval of a Redevelopment Plan of the City of McCook, Nebraska, approving a Redevelopment Project of the City of McCook, Nebraska; and approval of related actions for the purpose of development of the McCook Business Park Phase II Redevelopment Project.

Motion to approve Resolution No. PC 2023-04 recommending approval of a Redevelopment Plan of the City of McCook, Nebraska, approving a Redevelopment Project of the City of McCook, Nebraska; and approval of related actions for the purpose of development of the McCook Business Park Phase II Redevelopment Project. This motion, made by Vosburg and seconded by McDowell, passed.

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

ABSENT, McDowell: YEA, Mockry: YEA, Stevens: ABSENT, Vosburg: YEA  
YEA: 6, NAY: 0, ABSENT: 4

2.E. Public Hearing - Regarding the Substantial Modification to the Redevelopment Plan for the North Pointe Redevelopment Project in the City of McCook, Nebraska.

Motion to recess as a Planning Commission and convene a public hearing for the purpose of receiving public comment regarding the Substantial Modification to the Redevelopment Plan for the North Pointe Redevelopment Project in the City of McCook, Nebraska, with the City Attorney to act as hearing officer. This motion, made by Vosburg and seconded by Friehe, passed.

Bradley: YEA, Davidson: ABSENT, Dueland: ABSENT, Friehe: YEA, Hilker: YEA, Lyons: ABSENT, McDowell: YEA, Mockry: YEA, Stevens: ABSENT, Vosburg: YEA  
YEA: 6, NAY: 0, ABSENT: 4

The City Attorney received into evidence Exhibit #1 - City Manager's Report prepared for the July 10, 2023 Planning Commission meeting (1 page), Exhibit #2 - Notice of Hearing published (1 page); Exhibit #3 - listing of Public Entities who received Notice of Public Hearing (1 page); Exhibit #4 - copies of letter to Public Entities receiving Notice of Public Hearing (5 pages); Exhibit #5 - Substantial Modification to the Redevelopment Plan for the North Pointe Redevelopment Project (4 pages); and Exhibit #6 - proposed Resolution No. PC 2023-05 (2 pages).

City Manager Schneider reviewed the modification made to the Redevelopment Plan for North Pointe and stated that Grant Norgaard, McCook Superintendent of Schools, contacted him and said the school system is aware they will not receive any tax benefit from this development for a period of years, but realize that it is in the best interest of the school to see the development.

Charlie McPherson, McCook Economic Development Director, stated that the funds will be utilized for water, sewer, and street infrastructure improvements.

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

Bradley: YEA, Davidson: ABSENT, Dueland: ABSENT, Friehe: YEA, Hilker: YEA, Lyons: ABSENT, McDowell: YEA, Mockry: YEA, Stevens: ABSENT, Vosburg: YEA  
YEA: 6, NAY: 0, ABSENT: 4

2.F. Approve Resolution No. PC 2023-05 recommending approval of a Substantial Modification to the Redevelopment Plan for the North Pointe Redevelopment Project in the City of McCook, Nebraska and approval of related actions for the purpose of the development of the North Pointe Redevelopment Project Phases, I, II, and III.

Motion to approve Resolution No. PC 2023-05 recommending approval of a Substantial Modification to the Redevelopment Plan for the North Pointe Redevelopment Project in the City of McCook, Nebraska and approval of related actions for the purpose of the development of the North Pointe Redevelopment Project Phases, I, II, and III. This motion, made by Vosburg and seconded by McDowell, passed.

Bradley: YEA, Davidson: ABSENT, Dueland: ABSENT, Friehe: YEA, Hilker: YEA, Lyons: ABSENT, McDowell: YEA, Mockry: YEA, Stevens: ABSENT, Vosburg: YEA  
YEA: 6, NAY: 0, ABSENT: 4

City Manager Schneider gave an update on the Swimming Pool and Ballpark projects.

Adjournment.

With no further business, Chair Vosburg declared the Planning Commission meeting adjourned at 6:01 P.M.

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Lea Ann Doak, City Clerk-Treasurer  
Recording Secretary

**CITY MANAGER'S REPORT  
JULY 17, 2023 CITY COUNCIL MEETING**

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**ITEM:**     .C.    

Approve the McCook Area Chamber of Commerce Heritage Days request for the use of Norris Park for the Arts & Crafts Show, including the bandshell and electricity, on October 13 & 14, 2023; for the closing of Norris Avenue from "G" Street to "H" Street - after the parade on Saturday until 8:00 p.m., the 100 block of East "G" Street beginning at 1:00 p.m. on Friday, October 13, 2023, the 700 and 800 blocks of East 1<sup>st</sup>, the 100 and 200 blocks of East "H" Street from 5:00 A.M. to 8:00 P.M. on October 14, 2023, the 100 block of West "G" street from 5:00 a.m. on Saturday October 14, 2023 until after the parade; to allow overnight parking for vendors around Norris Park and to conduct their parade on public streets on October 14, 2023.

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**BACKGROUND:**

The McCook Area Chamber of Commerce requests permission to conduct their annual Heritage Days activities in McCook on October 13 and 14, 2023.

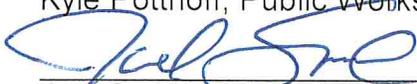
The Chamber of Commerce requests to conduct a parade beginning at 10:00 A.M. on Saturday, October 14, 2023. The parade will necessitate the temporary closing of much of Norris Avenue and West "C" Street during the parade.

The Chamber of Commerce also requests the use of Norris Park, including the bandshell and electricity, as well as the closing of the 700 and 800 blocks of East 1st Street, the 100 and 200 blocks of East "H", the 100 block of East "G" Street and Norris Avenue from East "G" to East "H". The Chamber is also requesting the closing of the 100 block of West "G" street prior to the parade for the staging of parade entries. Overnight parking is also requested for the craft show vendors.

A certificate of Insurance Coverage has been requested.

**FISCAL  
IMPACT:** None.

**APPROVALS:**

 _____ Kyle Potthoff, Public Works Director	July 13, 2023
 _____ Joel Smith, Police Chief	July 13, 2023
 _____ Nate Schneider, City Manager	July 13, 2023



Tera Koetter &lt;tkoetter@cityofmccook.com&gt;

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## Heritage Days Request

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**Molly Smith** <director@mccookchamber.org>

Wed, Jul 12, 2023 at 8:23 AM

To: "ldoak@cityofmccook.com" <ldoak@cityofmccook.com>, Nate Schneider <nschneider@cityofmccook.com>, Tera Koetter <tkoetter@cityofmccook.com>

Cc: "lbeeby@chmccook.org" <lbeeby@chmccook.org>, Kyle Potthoff <potthoff@cityofmccook.com>, Jason Combs - M&A <jcombs@miller-engineers.com>

Hello All!

Just working through my Heritage Days notes and wondering if I need to get approval to hire porta potties to be out at the park. Also, if no approval, can I put them where I want them (within reason)? I would like to place them at the southeast corner on East 1<sup>st</sup> Street. Ideally, it would be handy if they could actually cross the road (E 1st) to mitigate the traffic that blows through there. If not, they could just line the park, but be placed on the road.

What are your thoughts around this? If I need to send a formal request let me know.

Thanks so much!

ms

**Molly Smith | President/CEO**

McCook Chamber of Commerce

402 Norris Avenue | Suite 316

McCook, NE 69001

308.345.3200

molly@mccookchamber.org

**Involvement | Education | Advocacy | Marketing**

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**From:** ldoak@cityofmccook.com <ldoak@cityofmccook.com>

**Sent:** Wednesday, July 5, 2023 1:15 PM

**To:** Molly Smith <director@mccookchamber.org>; 'Nate Schneider' <nschneider@cityofmccook.com>; 'Tera Koetter' <tkoetter@cityofmccook.com>

**Cc:** lbeeby@chmccook.org <lbeeby@chmccook.org>; Kyle Potthoff <potthoff@cityofmccook.com>; 'Jason Combs - M&A' <jcombs@miller-engineers.com>

**Subject:** RE: Heritage Days Request

[Quoted text hidden]

**From:** Molly Smith <director@mccookchamber.org>  
**Sent:** Friday, June 30, 2023 8:44 AM  
**To:** Clerk Lea Ann Doak; Nate Schneider (nschneider@cityofmccook.com); Tera Koetter  
**Cc:** lbeeby@chmccook.org  
**Subject:** Heritage Days Request  
**Attachments:** Norris Park Road Closure Request.png

Good Morning!

Please consider this a formal request to be added to an upcoming McCook City Council agenda for approval of the following requests from the McCook Chamber of Commerce in regard to Heritage Days. I have broken the request apart to ease in understanding but if it is still unclear, please let me know.

1. Permission to hold the annual Heritage Days Parade on October 14<sup>th</sup>. The parade will begin at 10:00am with the flag ceremony at the Norris Avenue flagpole at 9:45am. The route is the same as in 2022, and begins at East "F" Street, proceeds south on Norris Avenue to East "C" Street and then turns west toward West 5<sup>th</sup> Street. The parade will fall out and disband when they arrive at West 5<sup>th</sup> St. Parade entries will be lined up on both sides of Norris Avenue from East "F" Street north to East "O" Street.
2. Norris Park and surrounding road area closure request
  - a. Permission to use Norris Park for our annual Heritage Days Arts and Crafts Show on Saturday, October 14<sup>th</sup>.
  - b. Use of the electricity at Norris Park as in years past for the food vendors. Electricity will come from the power pole on the south side of the park as well as the bandshell.
  - c. Use of the bandshell for stage entertainment.
  - d. Permission to close East Norris Ave (north bound) and East "G" Street from Norris Avenue to East 1<sup>st</sup> Street on Friday, October 13<sup>th</sup> afternoon beginning at 1pm so that our vendors are able to set up.
  - e. Permission to close the streets around Norris Park for October 14<sup>th</sup>. These roads include East "H" Street, East "G" Street, and East 1<sup>st</sup> St. They should be blocked off at 5:00am Saturday and remain closed throughout the day opening back up at 8:00pm. East "H" Street should be closed from Norris Ave. to East 2<sup>nd</sup> Street. East 1<sup>st</sup> Street should be closed from East "G" Street to East "I" Street. (See attached map)
  - f. Permission to close East "G" St. between Norris Ave. and West 1<sup>st</sup> St. be closed to vehicle parking.
  - g. Permission to block Norris Ave. after the parade on Saturday from East "G" Street to East "H" Street.

**Molly Smith | President/CEO**

McCook Chamber of Commerce

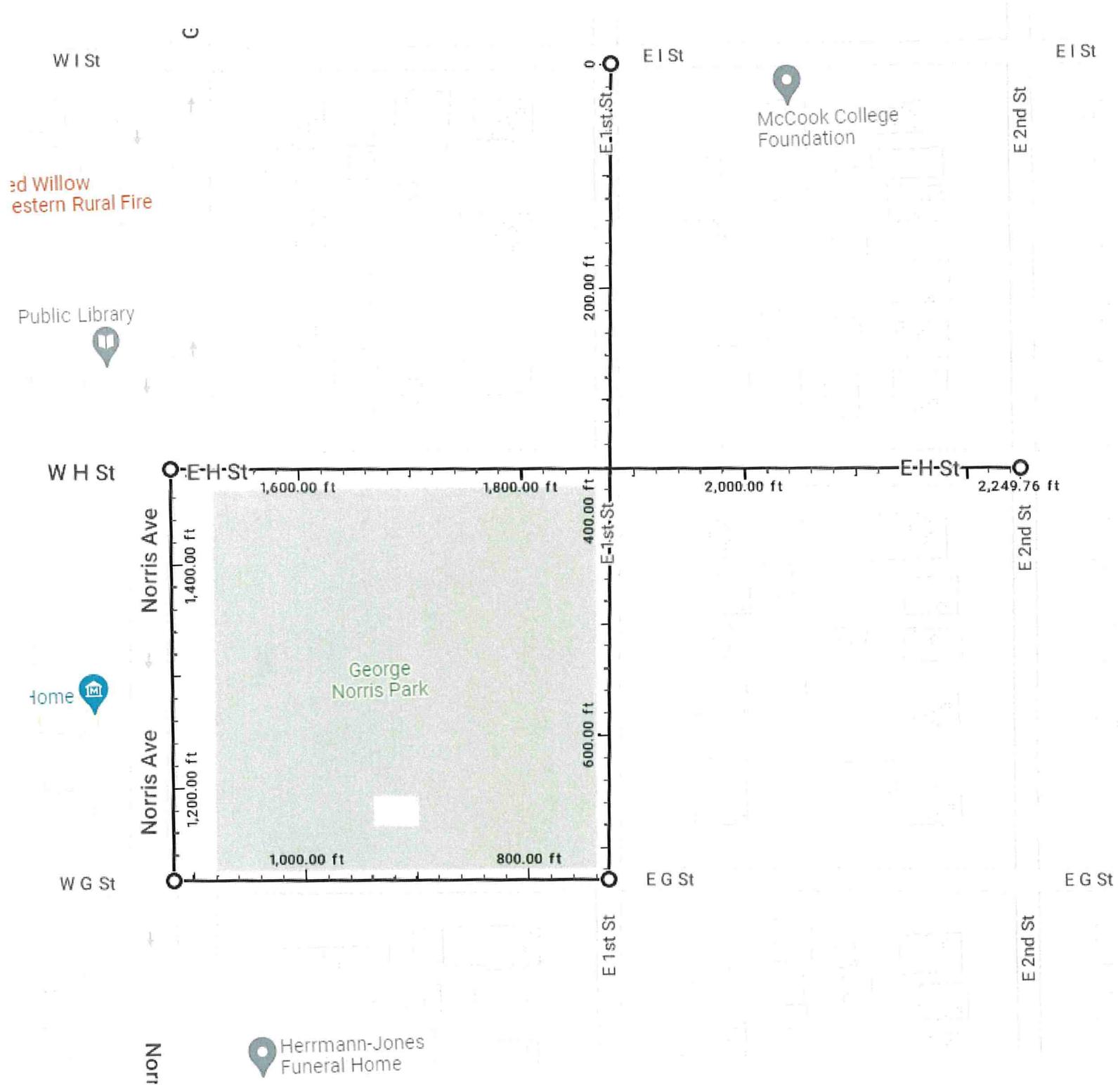
402 Norris Avenue | Suite 316

McCook, NE 69001

308.345.3200

[molly@mccookchamber.org](mailto:molly@mccookchamber.org)

Involvement | Education | Advocacy | Marketing



**CITY MANAGER'S REPORT  
JULY 17, 2023 CITY COUNCIL MEETING**

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ITEM:   D.  

Approve the application for a Special Designated Liquor License submitted by Successful Ventures, LLC, Liquor License #CK-123208, for a Craft Show to be held at the Red Willow County Fairgrounds Alice Arena, 1412 West 5<sup>th</sup> Street, on October 21, 2023 from 8:00 A.M. to 5:00 P.M.

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**BACKGROUND:**

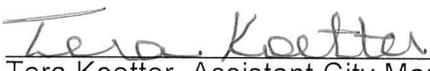
Successful Ventures will be hosting this event. They are making application to allow them to serve alcohol at this temporary location. Because of the outdoor area, the request was forwarded to the County Commissioners for their review and approval. A copy of the minutes of their July 3, 2023 meeting approving this request is attached. Approval of the City Council is required with all applications.

**FISCAL  
IMPACT:**     None.

**APPROVALS:**

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

July 13, 2023

  
\_\_\_\_\_  
Tera Koetter, Assistant City Manager

July 13, 2023

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

July 13, 2023

**ldoak@cityofmccook.com**

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**From:** Red Willow County Clerk <county.clerk@redwillowcountyne.gov>  
**Sent:** Monday, July 3, 2023 1:53 PM  
**To:** ldoak@cityofmccook.com  
**Subject:** RE: SDL Request

Hi Lea Ann,

This issue was on today's agenda, and the Board said the outdoor event was acceptable to them. I have attached the minutes:

*City Clerk Lea Ann Doak asked the Board to review a Special Designated Liquor License application for an event at the Fairgrounds. Doak usually approves any application within City limits, however, this event is outside. She wonders how this Board feels about outdoor events, and if this application would have their approval.*

*A motion was made by Dean, seconded by Gans, to give consent to the City to approve the application. Roll call: Ayes: Gans, Dean, Fritsche.*

Thanks!

Penelope Cooper  
County Clerk  
county.clerk@redwillowcountyne.gov  
308-345-1552

NEBRASKA LIQUOR CONTROL COMMISSION  
PHONE: (402) 471-2571  
Website: [www.lcc.nebraska.gov](http://www.lcc.nebraska.gov)

**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

**Successful Ventures**

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

633 Main St Adams, NE

Retail Liquor License Address or Non-Profit Business Address

123208

Retail License Number or Non-Profit Federal ID #

Consecutive Dates only Event Date(s): 10-21-23 \_\_\_\_\_

Event Start Time(s): 0800 \_\_\_\_\_

Event End Time(s): 1700 \_\_\_\_\_

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

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

Event Building Name: Red Willow Fair Grounds Alice Arena

Event Street Address/City: 5th and O St 1412 W 5<sup>th</sup> Street

Indoor area to be licensed in length & width: 130' x 300'

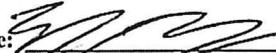
Outdoor area to be licensed in length & width: 130' x 81' (Diagram Form #109 must be attached)

Type of Event: Craft Show Estimate # of attendees: 2000

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

Event Contact Name: Bradly Thuernagle Event Contact Phone Number: (308)991-2739

Event Contact Email: acrossthetrax.adams@gmail.com

\*Signature Authorized Representative:  Printed Name Bradly Thuernagle

*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 McCook 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

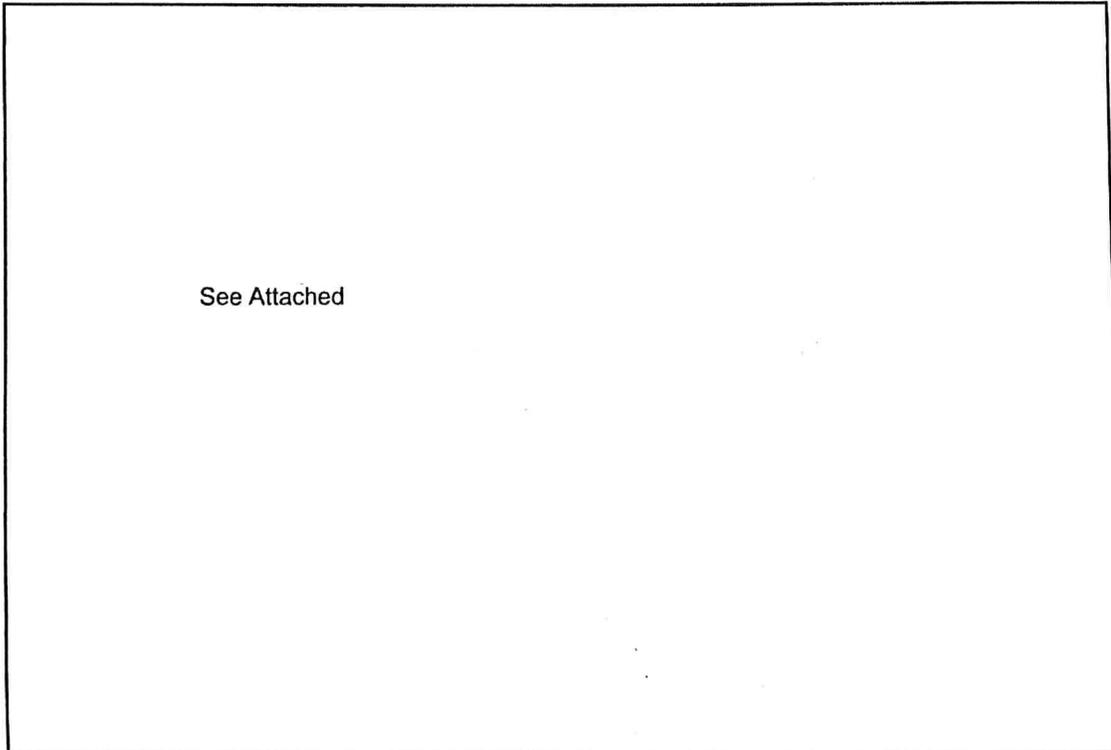
Date

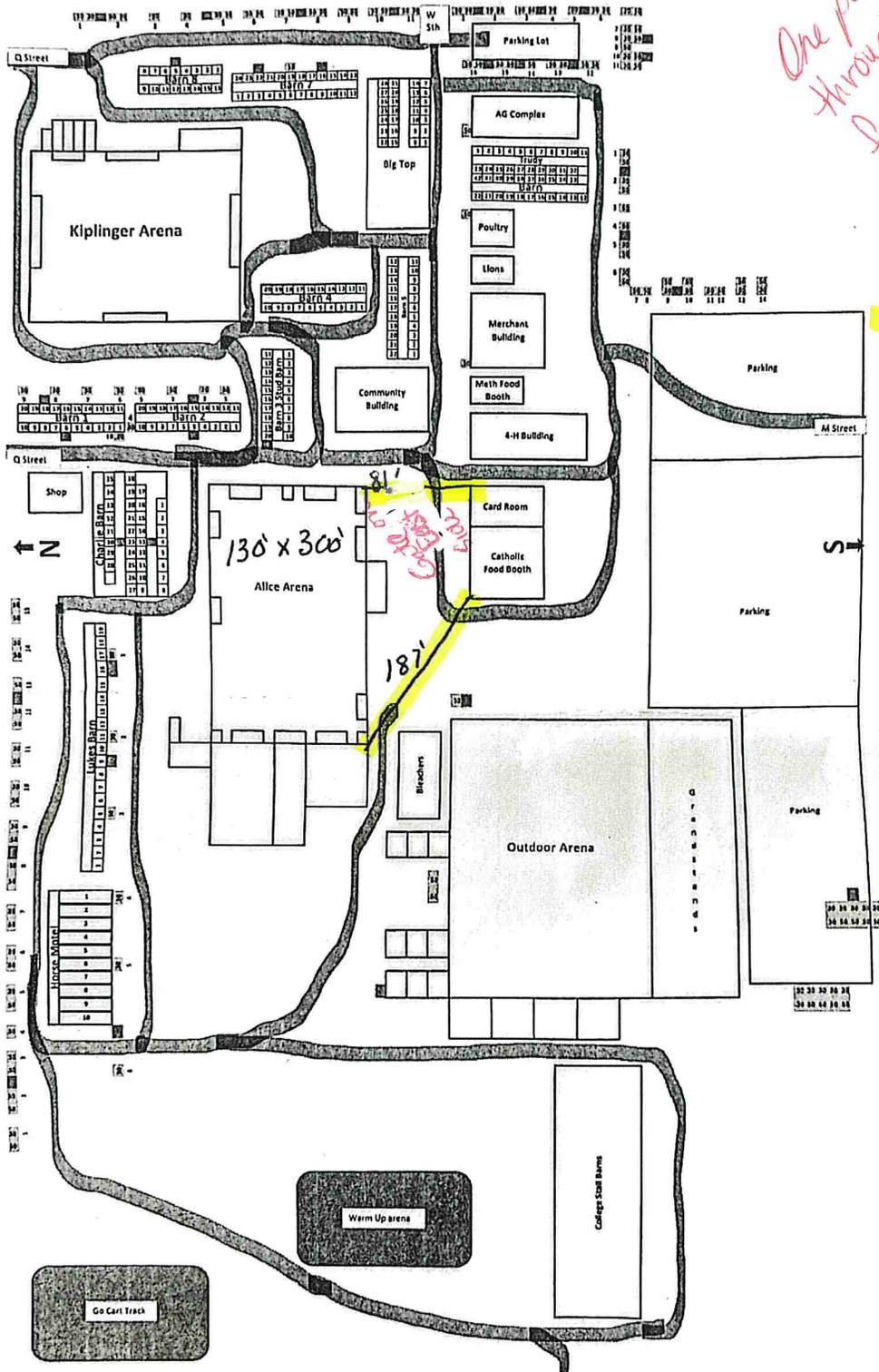
# OUTDOOR AREA DIAGRAM

HOW AREA WILL BE PATROLLED Event and Gate Staff

- 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:





*One point of entry & exit through East gate on fencing.*  
*JFB*

**Fencing**



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

06/15/2023

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b>  GRAMANN INSURANCE AGENCY PO BOX 106 ADAMS NE 68301-0106		<b>CONTACT NAME:</b> PHONE (A/C, No, Ext): E-MAIL ADDRESS: FAX (A/C, No):	
<b>INSURED</b>  SUCCESSFUL VENTURES, LLC DBA: ACROSS THE TRAX BAR AND GRILL 633 MAIN ST ADAMS NE 68301-7794		<b>INSURER(S) AFFORDING COVERAGE</b> INSURER A : AMCO INSURANCE COMPANY NAIC # 19100 INSURER B : NATIONWIDE MUTUAL INSURANCE COMPANY 23787 INSURER C : UNITED STATES LIABILITY INSURANCE COMPANY 25895 INSURER D : INSURER E : INSURER F :	

**COVERAGES****CERTIFICATE NUMBER:****REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:	X		ACP GLAO 3049356618	05/30/2023	05/30/2024	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 \$
	<b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	<input type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$ \$
A	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N N	N/A	ACP WCA 3049356618	05/30/2023	05/30/2024	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTHER E.L. EACH ACCIDENT \$ 500,000 E.L. DISEASE - EA EMPLOYEE \$ 500,000 E.L. DISEASE - POLICY LIMIT \$ 500,000
C	LIQUOR LIABILITY			CL19 48563	07/31/2022	07/31/2024	LIQUOR LIABILITY 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

INSURED HAS LIQUOR LIABILITY 1,000,000 PER OCCURRENCE 2,000,000 AGGREGATE

**CERTIFICATE HOLDER****CANCELLATION**

CITY OF MCCOOK 505 W C STREET MCCOOK NE 69001	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE MAX GRAMANN

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**CITY MANAGER'S REPORT  
JULY 17, 2023 CITY COUNCIL MEETING**

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**ITEM:**   .E.  

**RECOMMENDATION:**

Ratify the Mayor's appointments to the:

- Economic Development Plan Citizen's Advisory Review Committee - reappoint Jordan Johnson, Rick Sinner, Jeanette Peters - terms expire July 2026
- 

**BACKGROUND:**

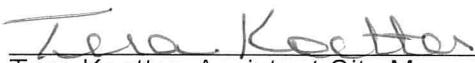
The Mayor has contacted all appointees and they are willing to serve on the various boards.

**FISCAL  
IMPACT:** None.

**APPROVALS:**

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

July 13, 2023

  
\_\_\_\_\_  
Tera Koetter, Assistant City Manager

July 13, 2023

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

July 13, 2023

**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)  
Reappointed July 2021  
Term Expires - July 2024

SARAH RENNER  
802 West 12<sup>th</sup> Street 345-7040 (W)  
[srenner@krd-fcu.org](mailto:srenner@krd-fcu.org)  
Appointed - September 2018 (Replaced Jerda Garey-Vickers) 340-0827 (C)  
Reappointed July 2021  
Term Expires - July 2024

WARREN JONES  
[warrenandcathyjones@gmail.com](mailto:warrenandcathyjones@gmail.com) 695-4421  
403 Apollo  
Appointed - February 2023 (Replaced Leon Kuhlen)  
Term Expires - July 2025

ALEXIS DAVIDSON 345-2580 (w)  
1505 Centennial Drive  
[adavidson@mnb.bank](mailto:adavidson@mnb.bank)  
Appointed - June 2021 replaced Danielle Johnson  
Reappointed - February 2023  
Term Expires - July 2025

JORDAN JOHNSON  
#15 Spyglass  
[jordanj@gtagroup.com](mailto:jordanj@gtagroup.com)  
Appointed - September 2017 replaced Linda Taylor (original 3-yr term)  
Reappointed - July 2023  
Term Expires - July 2026

RICK SINNER 308-289-9557 (C)  
908 Missouri  
[rick@gfre.com](mailto:rick@gfre.com)  
Appointed - November 2022 (Replaced Bob Elder)  
Reappointed - July 2023  
Term Expires - July 2026

JEANETTE PETERS  
406 West "R" Street 340-8560 (C)  
[jeanettepeters@hotmail.com](mailto:jeanettepeters@hotmail.com)  
Appointed - September 2018 (Replaced Bill Burton)  
Reappointed - July 2023  
Term Expires - July 2026

CITY MANAGER'S REPORT  
JULY 17, 2023 CITY COUNCIL MEETING

ITEM: **I.F.**

**RECOMMENDATION:**

ENTER CONTRACT WITH GERIH CONCRETE CONSTRUCTION, LLC WITH A BID OF \$135,700 FOR 40'X40' STORAGE BUILDING WITH CONCRETE FOUNDATION AND AUTHORIZE MAYOR TO EXECUTE THE NECESSARY PAPERWORK TO AWARD THE CONTRACT.

**BACKGROUND:**

The existing storage building at the WWTF is in very poor condition and will be demolished by City Staff. The proposed new storage building will be constructed in the north west corner of the WWTF property. This storage facility is required to store equipment that will be moved out of the Administration Building garage area when the new sludge fan press is installed. The fan press equipment has been delivered and is scheduled for installation. Ravenswood Electric will provide the electrical work for the building under separate contract and other required utilities to the storage building will be installed by City Staff.

Drawings and Specifications for the proposed building were completed by Miller & Associates and an advertisement for bids was made to be opened on May 25, 2023 at 2:00 PM. No bids were received at the bid opening. With no bids being received, City Staff contacted contractors to provide proposals based upon the drawings and specifications. Three contractors provided proposals. Gerih Concrete Construction, LLC for \$135,700, Cleary Building Corp for \$124,412 and Vap Construction, Inc. for \$160,727. Cleary Building has indicated that they will not be able to complete the building construction until this winter possibly January or February 2024. Gerih Concrete is able to complete the work in October. It is anticipated that the temporary installation of the fan press will be completed before fall and the equipment being stored in the existing administration building shop will need to be moved and stored before Cleary can complete the building this winter. Therefore, it is recommended that the contract be awarded to Gerih Concrete Construction, LLC for \$135,700.

**FISCAL IMPACT:**

This storage building will be funded from uncommitted funds from the Wastewater Department.

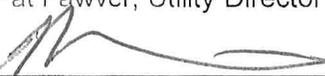
**APPROVALS:**

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

Date: 7/11/2023

  
\_\_\_\_\_  
Pat Fawver, Utility Director

Date: 7/11/23

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

Date: 7-11-23

**CITY MANAGER'S REPORT  
JULY 17, 2023 2022 CITY COUNCIL MEETING**

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ITEM:     **G.**    

Receive and file the claims for the month of June 2023, published July 11, 2023.

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**BACKGROUND:**

Claims are presented to the Council and published each month as outlined in the City Code of Ordinances.

Staff is always available to address any questions that the Council may have regarding a specific claim.

**FISCAL  
IMPACT:**     None.

**APPROVALS:**

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

July 13, 2023

  
\_\_\_\_\_  
Tera Koetter, Assistant City Manager

July 13, 2023

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

July 13, 2023

CITY OF MCCOOK  
CLAIMS FOR JUNE 2023

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

20/20 TECHS-SC 4438.25; 7-D LOCKSHOP-S 30.40; ACE-S 2051.26; ACME PRINTING-S 253.00; AKRS-S 3930.08; AMERICAN AG LAB-SC 2388.38; AMERICAN ELECTRIC-CO 476.31; AMERITAS-CLAIMS-SC 9104.35; AMERITAS-DENTAL-SC 390.26; ANYTIME TRI STATE TOWING-SC 195.00; ARROW CAR WASH-S 36.00; AT&T MOBILITY-SC 1988.91; AURORA COOP-S 14329.05; BARCO MUNICIPAL-S 1114.51; BETTER HOMES & GARDEN-S 38.60; BLACK HILLS ENERGY-SC 2092.86; BLACKBURN MANUFACTURING CO-SC 129.24; BLUE VALLEY PUBLIC SAFETY-SC 4763.20; BW TELECOM-SC 144.14; C&K-S 790.52; CAHOJ EARTHMOVING-CO 41191.15; CAMBRIDGE TELEPHONE-SC 234.12; CARPENTER BRELAND FUNERAL HOME-CO 5000.00; CARQUEST-S 2134.19; CASH WA-S 17390.43; CASPER/NATRONA COUNTY INT'L-SC 7350.00; CDW-G-SC 2307.61; CENTURY LINK-SC 12455.27; C. CHRISTNER-S 50.00; CITY OF MCCOOK-PS 422801.03; CITY SELF INS-BT; SALES TAX-40751.94; UTILITIES-SC 10768.91; CLINE WILLIAMS, WRIGHT JOHNSON-SC 160.00; COMMON SCENTS-S 249.95; CONSOLIDATED MGMT-SC 1157.25; CORNHUSKER HOTEL-SC 799.00; CRAWFORD SUPPLY-S 9.81; CROELL-CO 1312.25; D & S HARDWARE-S 4763.09, SC 31.57; DAS ACCT-SC 830.00, S 66.00; DIAMOND LAKE BOOKS- S 245.85; L DOAK-SC 413.23; EAKES-S 2379.86, SC 709.81; D. ELLERTON-S 265.60; ENGINEERED CONTROLS, INC.-S 458.19; FAIRFIELD INN & SUITES-SC 239.90; FARRELL'S-S 15.00; FASTENAL-S 45.62, SC 442.01; FICA-PS 21609.90; FIRST INTERSTATE BANK-SC 50.00; FRONTIER COMM-SC 34.19; GARRISONS-S 128.00; GARVER, LLC-SC 1591.00; GEO-COMM, INC-SC 4761.00; GOOGLE SVCS-SC 534.00; GRAHAM TIRE OF KEARNEY-S 4018.72; GREAT PLAINS COMM-SC 2840.08; HALI-BRITE, INC-SC 217.85; HAWKINS & CO-S 34548.26; HAYS COMPANIES-SC 10000.00; HENNING BROS-SC 59.00; HERITAGE SENIOR CENTER-SC 52.50; HG KLUG SONS-S 595.41; HIGH PLAINS RADIO-SC 492.00; HOA SOLUTIONS-SC 15139.76; HOLIDAY INN-SC 238.00; IDEAL LINEN-S 123.05; INDUSTRIAL PROCESS TECH-CO 19321.00, S 1822.00; INLAND TRUCK-S 993.74; INT'L ASSOC OF FIRE-SC 295.00; ISLAND SPRINKLERS-S 877.75; J BAR J LANDFILL-SC 49676.51; JERRY'S TRANSMISSION-S 579.48; K & C GRAIN-S 25373.70; K-C MOTOR AND ELEC-S 157.98; KLUTE TRUCK EQ-CO 8465.00; E. KNEDLIK-S 50.00; T. KOETTER-SC 413.23;

KOHL'S AUTO-S 120.09; A. KOTSCHWAR-SC 296.00; KULLY PIPE-S 758.58; KURITA TONKAWATER-S 9168.80; K. LARSON-SC 413.23; LEVANDER'S-SC 11060.25, S 1000.00; LIFE-ASSIST-S 91.30; M. LOPER-SC 100.00; MACQUEEN EQ-S 642.65; MALLECK OIL-S 107.20; MARIS GEN CONST-S 425.00; MC CLINIC-SC 124.75; MC GAZETTE-SC 364.40, S 123.00; MC HUMANE SOCIETY-S 4054.64; MPPD-SC 1798.48; MPS-SC 39711.00; MC NET SC 69.95; T. LUKE MCGINLEY-SC 95.00; MCKESSON MEDICAL-S 518.27; MEAD-S 63.18; MEDICARE-PS 5914.25; MICROMARKETING-S 3330.73; MIDLAND'S TOX-SC 35.00; MIDWEST CONNECT-S 548.44, SC 2487.80; MIGHTY DUCTS-S 425.00; MILCO ENVIRON-SC 3500.00; MILLER AND ASSOC-SC 275.00, CO 16550.00; MOUSEL, BROOKS, SCHNEIDER, MUSTION, SCHIFFLET-SC 5413.00; MPCC-SC 478.01; MUNICIPAL PIPE SRVS-CO 33862.50; MUNICIPAL SUPPLY-S 15446.92; NATP-SC 75.00; NDEE-SC 125.00; NE DEPT REV-SALES TAX-SC 10448.76, S 191.57; NE STATE PATROL-SC 684.00; NEBRASKA TRUCK CENTER-S 2934.60; NEW FRONTIER AG, LLC-S 439.68; NICK'S DIST-S 1393.96; NMPP-SC 2739.34; NPPD-SC 29225.80; O'REILLY-S 272.69; ODEYS, INC-S 1130.15; ONE CALL-SC 95.06; PAPER TIGER SHREDDING-S 90.00; PAULSEN, INC-CO 452.50, S 851.36; PAVEMENT REPAIR-CO 2300.00; PETROTEK ENGR-SC 11105.45; PINPOINT COMM-SC 69.99; PLATTE VALLEY COMM-S 1172.60; PRAISE WINDOWS-S 880.00; R. PROVINCE-S 97.07; QUADIENT-S 806.24, SC 193.76; QUALITY IRR-S 16.77; QUALITY URGENT CARE-S 75.00, SC 785.0; R&R REPAIR-S 277.13; J. RANDOLPH-SC 219.48; N RENNER-SC 296.00; S RENNER-SC 108.00; RUGGLES TRAILER SALES-S 8454.00; SANDRY FIRE SUPPLY-S 1844.78; SCHINDLER ELEV-S 508.19; N SCHNEIDER-SC 82.00; SENSEL WELDING-S 47.18; B SIEGFRIED-SC 454.71; SOUTHWEST FARM & AUTO-S 1931.67; SUNSHINE IND-S 344.00; TELELANGUAGE, INC-S 40.30; TITAN MACHINERY-S 577.82; TK ELEV-S 361.29; TOTAL TURF-S 311.81; M. TOWERY-SC 780.49; TRAVELERS-SC 133331.92; TREE REBATE-S 375.00; UMR-SC 191171.90; USPS-SC 332.00; US FOODS-S 1726.08; UTILITY REFUNDS-1235.07; VAN DIEST-S 2999.51; VK ELECTRONICS-S 75.00; VOLZ-S 98.95; WAGNER CHEVROLET-S 47.25; WALMART-S 2134.40; WEX BANK-S 15605.02, SC 312.08; WITMER PUBLIC SAFETY-S 55.00; WPCI-SC 32.00; S. YAGER-SC 108.00; ZOLL-S 39.32.

-s- Lea Ann Doak  
City Clerk

PUBLISH: JULY 11, 2023

**CITY MANAGER'S REPORT  
JULY 17, 2023 CITY COUNCIL MEETING**

---

**ITEM:**          H.  

Approve the application for a Special Designated Liquor License submitted by the McCook Chamber of Commerce for the Heritage Days Mixer to be held at MNB Bank, 220 Norris Avenue, on October 11, 2023 from 8:00 A.M. to 11:59 P.M.

---

**BACKGROUND:**

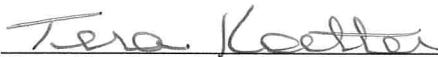
The Chamber will be hosting this event. They are making application to allow them to serve alcohol at this temporary location. Approval of the City Council is required with all applications.

**FISCAL  
IMPACT:**     None.

**APPROVALS:**

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

July 13, 2023

  
\_\_\_\_\_  
Tera Koetter, Assistant City Manager

July 13, 2023

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

July 13, 2023

**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

**McCook Chamber of Commerce**

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

402 Norris Ave. STE 316, McCook, NE 6900

Retail Liquor License Address or Non-Profit Business Address

47-0233780

Retail License Number or Non-Profit Federal ID #

**Consecutive Dates only**

Event Date(s): \_\_\_\_\_ 10/11/2023 \_\_\_\_\_

Event Start Time(s): \_\_\_\_\_ 8:00am \_\_\_\_\_

Event End Time(s): \_\_\_\_\_ 11:59pm \_\_\_\_\_

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

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

Event Building Name: McCook National Bank - MNB Bank

Event Street Address/City: 220 Norris Ave., McCook, NE 69001

**Indoor** area to be licensed in length & width: 150 x 250

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

Type of Event: Heritage Days Mixer Estimate # of attendees: 300

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: Lori Beeby Event Contact Phone Number: 308-344-8325

Event Contact Email: lbeeby91@gmail.com

\*Signature Authorized Representative: [Signature] Printed Name: Joe Townsley

*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

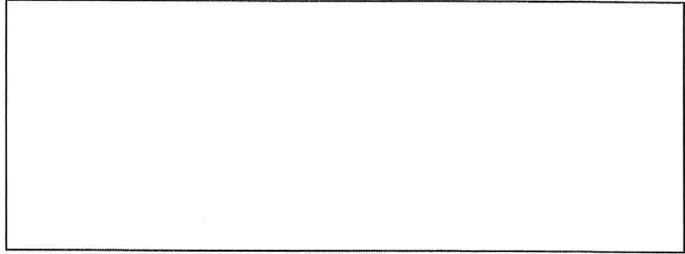
**Local Governing Body completes below:**

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

**APPLICATION FOR SPECIAL  
DESIGNATED LICENSE  
Non-Profit Applicants ONLY**

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



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

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

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

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

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

**McCook Chamber of Commerce**

NAME OF CORPORATION

**47-0233780**

FEDERAL ID NUMBER

*Jim Townsend* Chair  
SIGNATURE OF TITLE OF CORPORATE OFFICERS

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

SUBSCRIBED IN MY PRESENCE AND SWORN TO BEFORE ME THIS 6<sup>th</sup> DAY OF July, 2023.

 GENERAL NOTARY - State of Nebraska  
ANGELA K ALLEN  
My Comm. Exp. April 19, 2027

*Angela K Allen*  
NOTARY PUBLIC SIGNATURE & SEAL

**CITY MANAGER'S REPORT  
JULY 17, 2023 CITY COUNCIL MEETING**

---

**ITEM:**   I.  

Approve the application for a Special Designated Liquor License submitted by the McCook Chamber of Commerce for the Heritage Days Community Celebration to be held at Norris Alley, 406 Norris Avenue, on October 12, 2023 from 8:00 A.M. to 11:59 P.M.

---

**BACKGROUND:**

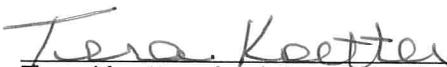
The Chamber will be hosting this event. They are making application to allow them to serve alcohol at this temporary location. Approval of the City Council is required with all applications.

**FISCAL  
IMPACT:**     None.

**APPROVALS:**

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

July 13, 2023

  
\_\_\_\_\_  
Tera Koetter, Assistant City Manager

July 13, 2023

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

July 13, 2023

**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

McCook Chamber of Commerce

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

402 Norris Ave. STE 316, McCook, NE 69001

Retail Liquor License Address or Non-Profit Business Address

47-0233780

Retail License Number or Non-Profit Federal ID #

Consecutive Dates only

Event Date(s):

10/12/2023

Event Start Time(s):

8:00am

Event End Time(s):

11:59pm

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

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

Event Building Name: Norris Alley

Event Street Address/City: 406 Norris Ave., McCook, NE 69001

Indoor area to be licensed in length & width: 50 x 50

Outdoor area to be licensed in length & width: 150 ft. x 50 ft. (Diagram Form #109 must be attached)

Type of Event: Heritage Days Community Celebration Estimate # of attendees: 250

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: Lori Beeby Event Contact Phone Number: 308-344-8325

Event Contact Email: lbeeby91@gmail.com

\*Signature Authorized Representative: Joe Townsley Printed Name Joe Townsley

*I declare that I am the authorized representative of the above named licensee 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:

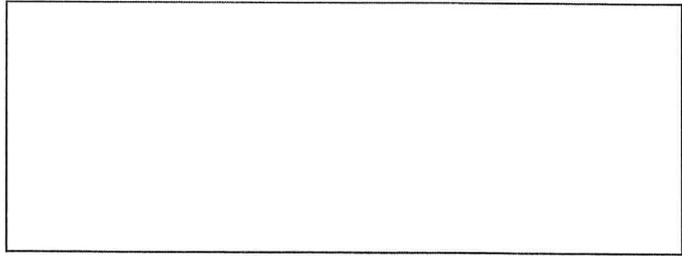
The local governing body for the City/Village of \_\_\_\_\_ **OR** County of \_\_\_\_\_ approves  
the issuance of a Special Designated License as requested above. (Only one should be written above)

Local Governing Body Authorized Signature

Date

**APPLICATION FOR SPECIAL  
DESIGNATED LICENSE  
Non-Profit Applicants ONLY**

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



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

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

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

**McCook Chamber of Commerce**

NAME OF CORPORATION

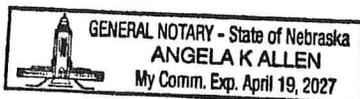
**47-0233780**

FEDERAL ID NUMBER

*Pat Truesley Chair*  
SIGNATURE OF TITLE OF CORPORATE OFFICERS

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

SUBSCRIBED IN MY PRESENCE AND SWORN TO BEFORE ME THIS 6<sup>th</sup> DAY OF July, 2023.



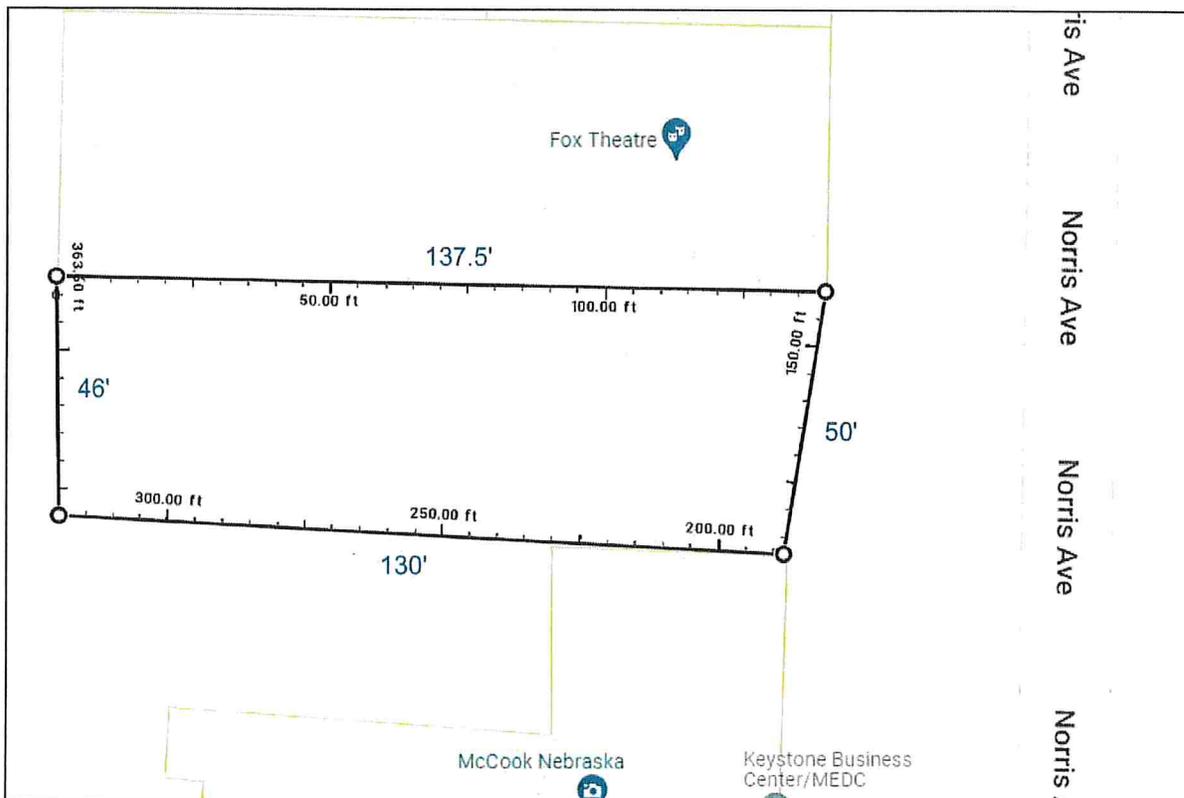
*Angela K Allen*  
NOTARY PUBLIC SIGNATURE & SEAL

# OUTDOOR AREA DIAGRAM

HOW AREA WILL BE PATROLLED 6 volunteer security staff

- 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: Outdoor Area = see measurements below



**REQUEST FOR EXEMPTION WAIVER OF DOUBLE FENCING RULE**

**RULES AND REGULATIONS CHAPTER 2 - 013 SPECIAL DESIGNATED LICENSES**

<https://lcc.nebraska.gov/sites/lcc.nebraska.gov/files/doc/013%20SPECIAL%20DESIGNATED%20LICENSES%20RULES%20%26%20REGS.pdf>

WHY DOUBLE FENCING IS NOT AVAILABLE Our current supply of orange snow fencing does not meet the length requirement for double fencing.

TYPE OF FENCING TO BE USED Orange Snow Fencing

HEIGHT OF FENCING TO BE USED 4'

HOW AREA WILL BE PATROLLED Volunteer security staff

NUMBER OF SECURITY PERSONNEL Six (6)

EXPECTED NUMBER OF ATTENDEES 200

PLEASE DRAW DIAGRAM WITH MEASUREMENTS SHOWING THE METHODS OF FENCING OR MATERIALS BEING USED



**CITY MANAGER'S REPORT  
JULY 17, 2023 CITY COUNCIL MEETING**

---

ITEM:     .J.    

Forward to the City's insurance carrier for review and appropriate action a property damage claim from Quality Inn & Suites in the amount of \$6,903.18.

---

**BACKGROUND:**

Staff received the property damage claim from Quality Inn & Suites in the amount of \$6,903.18. The governing body is required to forward the claim to the City's insurance carrier for review and appropriate action.

**FISCAL**

**IMPACT:** None.

**APPROVALS:**

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

July 13, 2023

  
\_\_\_\_\_  
Tera Koetter, Assistant City Manager

July 13, 2023

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

July 13, 2023

**CITY MANAGER'S REPORT  
JULY 17, 2023 CITY COUNCIL MEETING**

---

**ITEM:** 3K Approve and authorize the mayor to sign the First Amendment to Water Tower Lease Agreement between the City of McCook and Alltel Communications of Nebraska, LLC d/b/a Verizon Wireless for the addition and modification of existing equipment and for the allowance of an increase in rent.

---

**BACKGROUND:**

Verizon Wireless is requesting an amendment to a telecommunications site lease agreement dated February 2, 2018. The request would allow for Verizon Wireless to install equipment on the East Water Tank. Due to installation of new equipment, Verizon will increase its rent by \$150.00 per month. Staff has reviewed the request and has no concerns related to the amendment. The new equipment does not create weight-load or height concerns. The location of the equipment should not present impediments to the City.

**APPROVALS:**

  
\_\_\_\_\_  
Pat Fawver, Utilities Director

July 13, 2023

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

July 13, 2023

**FIRST AMENDMENT TO WATER TOWER LEASE AGREEMENT**

This First Amendment to Water Tower Lease Agreement (“Amendment”) is made as of the last signature date hereof (“Effective Date”) by and between City of McCook (“LESSOR”) and Alltel Corporation d/b/a Verizon Wireless, as successor entity to Alltel Communications of Nebraska LLC d/b/a Verizon Wireless whose principal place of business is One Verizon Way, Mail Stop 4AW100, Basking Ridge, NJ 07920 (“LESSEE”). LESSOR and LESSEE are at times collectively referred to hereinafter as the “Parties.”

**WHEREAS**, there is now in full force and effect between the Parties a Water Tower Lease Agreement dated February 2, 2018 (“Agreement”), pursuant to LESSOR leases to LESSEE a portion of LESSOR’s Property located at East K Street and East 5<sup>th</sup> Street, McCook, Nebraska as more particularly described therein; and

**WHEREAS**, the Parties wish to amend the Agreement to allow for the addition and modification of LESSEE’s communications equipment and ancillary items and allow for a rent increase. extend the term of the Agreement and update certain provisions therein.

**NOW THEREFORE**, in consideration of the promises hereinafter made and other good and valuable consideration, the receipt of which is hereby acknowledged, LESSOR and LESSEE agree as follows:

1. Equipment Modification. LESSOR agrees that LESSEE may modify its equipment to provide for a final installed configuration as outlined in Exhibit B-1, attached hereto and incorporated by reference herein, and LESSOR specifically approves of LESSEE’s proposed equipment modification. Exhibit B to the Agreement is hereby deleted in its entirety and replaced with Exhibit B-1, attached hereto and incorporated herein by reference. All references in the Agreement to Exhibit B are hereafter references to Exhibit B-1.

2. Effective upon the first day of the month following LESSEE’s commencement of the equipment modifications as described in Exhibit B-1 (“**Rent Increase Commencement Date**”), the rent shall increase by One Hundred Fifty Dollars (\$150.00) per month and the rent increase shall escalate pursuant to the escalations set forth in the Agreement. The parties acknowledge and agree that LESSEE may not send the first payment of the rent increase until sixty (60) days after full execution of this Amendment.

3. Notice. Commencing upon the Effective Date of this Amendment, LESSEE notice address shall be the following:

LESSEE: Alltel Corporation d/b/a Verizon Wireless  
180 Washington Valley Road  
Bedminster, New Jersey 07921  
Attention: Network Real Estate

4. Other than as specifically amended herein, all other terms and conditions of the Agreement shall remain in full force and effect. Where there is conflict between the terms of the Agreement and this Amendment, the terms of this Amendment shall control. Unless otherwise defined in this

Amendment, all capitalized terms referenced in the Amendment shall have the same meaning as those found in the Agreement.

IN WITNESS WHEREOF, the Parties hereto have set their hands to this Amendment as of the Effective Date.

**LESSOR:**

City of McCook

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

**LESSEE:**

Alltel Corporation d/b/a Verizon Wireless

DocuSigned by:  
  
By: \_\_\_\_\_  
Name: Jeffrey Armour  
Title: Sr. Manager, Network Real Estate  
Date: Jul 10, 2023

Exhibit B-1

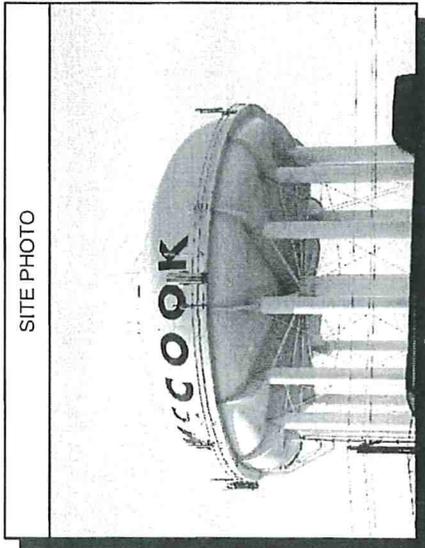
Site Plan of Tower Space, Antenna Space and Cabling Space for LESSEE's Equipment

*(see attached)*

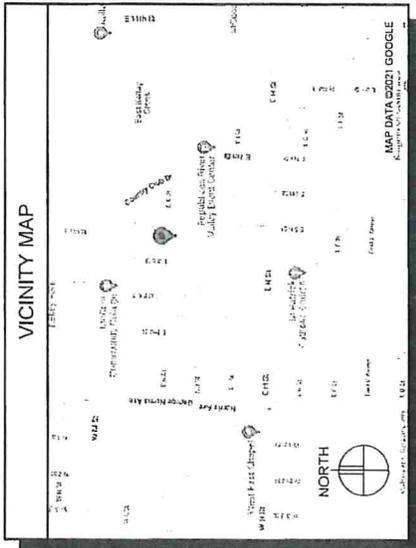


# NE08 SHORTY ADD CBRS CBAND

SITE PHOTO



VICINITY MAP



## SHEET INDEX

SHEET	SHEET DESCRIPTION
T-1	PROJECT INFORMATION, MAPS, DIRECTIONS, AND SHEET INDEX
A-1	TOWER ELEVATION, MOUNTING DETAILS, & PROPOSED SECTION
A-2	EQUIPMENT PLAN, CABLE LAYOUT PLAN, GENERAL NOTES, & ONE-LINE DIAGRAM
A-3	EXISTING KEYS
A-4	PROPOSED KEYS
A-5	PHOTOS
A-6	PHOTOS

## ISSUE SUMMARY

REV	DESCRIPTION	SHEET OR DETAIL
A	ISSUED FOR REVIEW	ALL
D	ISSUED FOR BID / CONSTRUCTION	ALL

## VERIZON WIRELESS DEPARTMENTAL APPROVALS

JOB TITLE	NAME	DATE
RF ENGINEER	BRIAN CHRISTOFFERSEN	02-20-23
CONSTRUCTION ENGINEER	BRIAN CHRISTOFFERSEN	02-20-23

## LESSOR / LICENSOR APPROVAL

SIGNATURE	PRINTED NAME	DATE
LESSOR / LICENSOR: PLEASE CHECK THE APPROPRIATE BOX BELOW		
<input type="checkbox"/> NO CHANGES	<input type="checkbox"/> CHANGES NEEDED	SEE COMMENTS ON PLANS.

## SITE LOCATION



## CONTACTS

**LESSOR:**  
CITY OF MCCOOK  
503 WEST C STREET  
MCCOOK, NE 68001

**LESSEE:**  
VERIZON WIRELESS  
1001 BUSH LAKE ROAD  
BLOOMINGTON, MN 55438  
CONSTRUCTION DEPT (652) 946-4700

**DESIGNER:**  
DESIGN I OF EDEN PRAIRIE LLC  
6973 VALLEY VIEW ROAD  
EDEN PRAIRIE, MN 55344  
(952) 903-9299

**STRUCTURAL ENGINEER (MOUNT):**  
HERZOG ENGINEERING  
1334 61ST AVENUE NE  
SPRING LAKE PARK, MN 55432  
(612) 844-1234

## PROJECT INFORMATION

**SITE NAME:** NE08 SHORTY  
**PROJECT NUMBER:** 20222380622  
**SITE ADDRESS:** 1010 EAST 5TH STREET  
MCCOOK, NE 68001  
**COUNTY:** RED WILLOW  
**LATITUDE:** N 46° 12' 26.35"  
**LONGITUDE:** W 100° 37' 8.91"  
**GROUND ELEVATION:** 2557.0' MMSL  
**ANTENNA TIP HEIGHT:** SEE A-4  
**ANTENNA CENTERLINE HEIGHT:** SEE A-4  
**STRUCTURE HEIGHT:** 145.7' AGL  
**OVERALL STRUCTURE HEIGHT:** 158.0' AGL  
**GENERATOR ON SITE:** YES (VZWDIESEL)  
**TOWER BUILT:** UNKNOWN  
**BASED ON RFDS DATED:** 09-14-22

**NOTE:**  
LATITUDE, LONGITUDE, GROUND ELEVATION, STRUCTURE HEIGHT & OVERALL STRUCTURE HEIGHT PER "A" LETTER OF CERTIFICATION BY HUSKER SURVEYING DATED 11-20-22.

**PROJECT DESCRIPTION:**  
PROPOSED:  
• (1) ANTENNAS  
• (2) FIBER FEED TAILS  
• (3) POWER CABLES  
• (4) POWER JUMBERS  
• (5) POWERSHIFT MODULES



JOSHUA  
HERZOG  
E-17207



**PROJECT**  
20222380622  
LOC. CODE # 23354

**NE08  
SHORTY  
ADD CBRS  
CBAND**

1010 EAST 5TH STREET  
MCCOOK, NE 68001

**SHEET CONTENTS:**  
CONTACTS  
ISSUE SUMMARY  
SHEET INDEX  
LESSOR APPROVALS  
PROJECT INFORMATION  
VICINITY MAP  
GENERAL NOTES

**DRAWN BY:** NFR  
**CHECKED BY:** MUS  
**REV. A:** 2-15-23  
**REV. B:** 3-08-23

**HERZOG ENGINEERING LLC**  
 1204 8<sup>th</sup> Ave. NE  
 Spring Lake Park, MN 55427  
 (612) 834-1234

**PROFESSIONAL CIVIL ENGINEER**  
**JOSHUA HERZOG**  
 E-17207  
 STATE OF MINNESOTA

**DESIGN**  
 L. Joshua Herzog, on the part of the NECB Shively C-band project  
 NE # 23101Z 02-09-2023

**verizon**  
 1901 BUSH LAKE ROAD  
 BLOOMINGTON, MN 55438  
 (612) 446-1100

**PROJECT**  
 20222380522  
 LOC. CODE # 283554

**NE08**  
**SHORTY**  
**ADD CBRS**  
**CBAND**

1010 EAST 5TH STREET  
 MCCOOK, NE 68001

**SHEET CONTENTS:**  
 TOWER ELEVATION  
 EXISTING MOUNTING DETAIL  
 PROPOSED MOUNTING  
 PROPOSED SECTION

**DRAWN BY:** NFR  
**CHECKED BY:** MUS  
**REV. A:** 2-14-23  
**REV. B:** 3-8-23

**A-1**

