

NEBRASKA POWER REVIEW BOARD

Received
State of Nebraska
Power Review Board
Filed at 2:26pm This 12
day of May 20 25
By: Sara Burkett
Title: Paralegal

IN THE MATTER OF THE JOINT APPLICATION)
OF NEBRASKA PUBLIC POWER DISTRICT,)
MCCOOK PUBLIC POWER DISTRICT)
AND THE CITY OF MCCOOK, NEBRASKA)
TO MODIFY THE RETAIL SERVICE AREA)
AGREEMENT BETWEEN THE NEBRASKA)
PUBLIC POWER DISTRICT AND MCCOOK)
PUBLIC POWER DISTRICT)

SAA 43

SAA 43-25-A

This joint application, made and entered into on May 8, 2025, by and between NEBRASKA PUBLIC POWER DISTRICT, (hereinafter called "NPPD"), a public corporation and political subdivision of the State of Nebraska, MCCOOK PUBLIC POWER DISTRICT, (hereinafter called "MCCOOK PPD"), a public corporation and political subdivision of the State of Nebraska, and the CITY OF MCCOOK, NEBRASKA, (hereinafter called "City"), a municipal corporation organized under the laws of the State of Nebraska.

WHEREAS, NPPD and MCCOOK PPD serve customers at retail in adjoining service areas; and

WHEREAS, Chapter 70, Article 10 of the Revised Statutes of the State of Nebraska authorizes and directs suppliers of electricity serving customers at retail in adjoining service areas to enter into written agreements specifying either the service areas or customers each shall serve; and

WHEREAS, NPPD and MCCOOK PPD did pursuant to such statutes enter into Service Area Agreement designated as SAA 43 by the Nebraska Power Review Board; and

WHEREAS, on October 14, 2024, the City of McCook, Nebraska annexed a tract of land in Red Willow County, Nebraska, as further described by metes and bounds in Resolution No. 2024-3093 approving the addition of the described tract of land to the City's corporate limits and which Resolution is attached as Exhibit "C" hereto; and

WHEREAS, NPPD, MCCOOK PPD, and the City have reached agreement on the transfer of the service area for the annexed tract from MCCOOK PPD to NPPD with such annexed tract being described by metes and bounds in Exhibit "B" and further identified on the map incorporated into Exhibits "A", and

WHEREAS, there are no electric distribution facilities or customers located within the boundaries of the newly annexed tract of land; and

WHEREAS, NPPD operates the retail electric distribution facilities owned by the City pursuant to a long-term operating agreement and, as a result, desires to amend the existing Retail Service Area Agreement between NPPD and MCCOOK PPD for the purpose of incorporating this newly annexed tract of land of the City into the service area held by NPPD and described in SAA 43, and

WHEREAS, under the terms of its rights under Neb. Rev. Stat. Section 70-1010, the City has an interest in the outcome of this application and joins with NPPD and MCCOOK PPD as a co-applicant in these proceedings by authority of Resolution No. 2025-01 duly adopted by its City Council on January 6, 2025, which is attached hereto as Exhibit "D".

WHEREAS, all parties to this Application have complied with the requirements for joint planning activities as set forth in Chapter 70, Article 10 of the Revised Statutes of the State of Nebraska.

NOW, THEREFORE, the Parties jointly apply to the Nebraska Power Review Board pursuant to said statutes for the purpose of modifying the service area boundary in the subject Service Area Agreement under the terms of the following mutual provisions.

FIRST

Attached hereto, marked Exhibit "A", inclusive and made a part hereof by reference as though set forth in detail herein, is a map reflecting the NPPD retail service area in and around the City of McCook. Such map includes the newly annexed (and to be transferred service area) which is the subject of this application. Attached hereto, marked Exhibit "B", and made a part hereof by reference as though set forth in detail herein, is the metes and bounds description more specifically identifying said retail service area boundary between the Parties to this Service Area Agreement around the City of McCook which includes the newly annexed tract of land which is to be transferred to NPPD service area. The Parties hereto agree that the existing Service Area Agreements between the Parties are hereby amended to reflect the new boundaries set out in Exhibit "A" and Exhibit "B".

SECOND

The retail service areas or customers to be served, or both, may be changed at any time and from time to time upon the mutual agreement of the Parties hereto with the approval of the Nebraska Power Review Board. Nothing above shall prevent any one Party from mutually agreeing with another Party to serve a retail customer in the retail service area of that Party, but the ultimate decision to serve the retail customer shall be with the Party in whose retail service area the said customer is located. Nothing herein contained shall be construed to prevent any of the Parties from applying to the Nebraska Power Review Board for modification of the retail service areas or customers to be served, as set forth in Chapter 70, Article 10 of the Revised Statutes of the State of Nebraska.

THIRD

The Parties are making this application for the purpose of reflecting the transfer of retail service area between the Parties. It is not the intention of the Parties to affect or change any other service area agreements between any of the Parties hereto and any other retail power supplier. This transfer of service area in this agreement is limited to the annexed area shown on the service area map marked as Exhibit "A" and described by metes and bounds in Exhibit "B", and any and all areas outside these areas as shown on Exhibit "A" and described in Exhibit "B" are not affected by this application.

FOURTH

Notwithstanding any terms of this application, nothing herein contained is intended nor shall it be construed to prevent any one Party from owning existing electric facilities, or subject to any required regulatory approval, from constructing, purchasing, leasing or otherwise acquiring, or from operating and maintaining electric facilities in the retail service area of another Party, provided that no retail customers are served in such other Party's retail service area except as provided herein.


FIFTH

The modification of Service Area Agreement 43 between NPPD and MCCOOK PPD shall become effective only after approval by the Nebraska Power Review Board.


NEBRASKA PUBLIC POWER DISTRICT

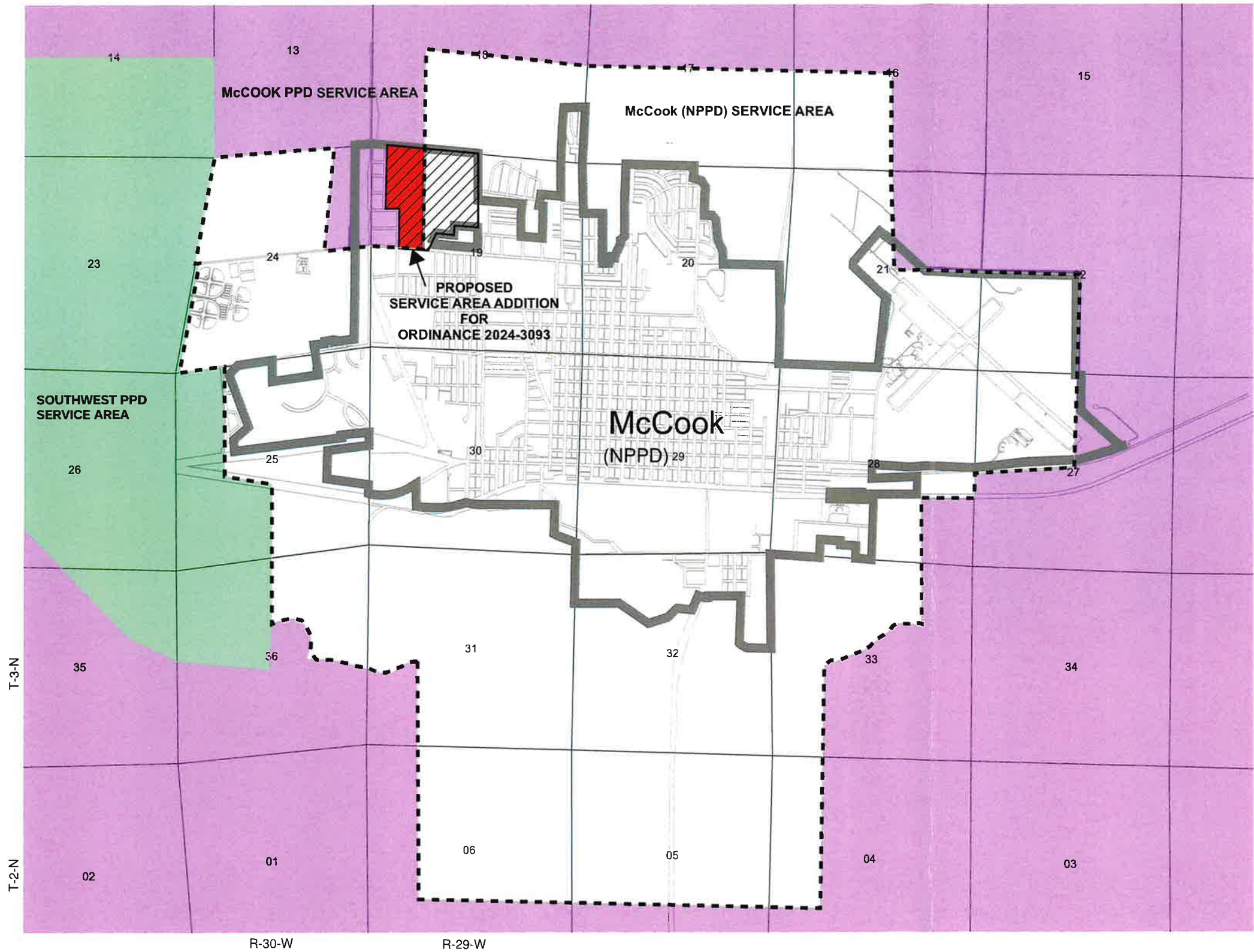
By: Courtney Dentlinger
Print: Courtney Dentlinger
Title: VP Cust. Service
Date: 5-08-25

MCCOOK PUBLIC POWER DISTRICT

By: 
Print: Joshua Kautz
Title: General Manager
Date: 4-17-25

CITY OF MCCOOK, NEBRASKA

By: 
Print: Nathan A. Schneider
Title: City Manager - McCook
Date: 4/30/25



-- LEGEND --

- McCook CURRENT CORPORATE LIMITS
- McCook (NPPD) SERVICE AREA BOUNDARY
- ORDINANCE 2024-3093 ANNEXATION AREA
- PROPOSED SERVICE AREA ADDITION
- SECTION LINE

SAA 43-25-A

EXHIBIT A

McCook PUBLIC POWER DISTRICT McCook, NEBRASKA	APPROVED BY: CITY OF McCook McCook, NEBRASKA	NEBRASKA PUBLIC POWER DISTRICT COLUMBUS, NEBRASKA
BY:	BY:	BY:
TITLE: General Manager	TITLE: City Manager - McCook	TITLE: VP Cust. Serv.
DATE: 4-17-25	DATE: 4/30/25	DATE: 05-08-25

SIGNIFICANT NUMBER	467350					5141	
GROUP	1	2	3	4	5	6	
McCook, NEBRASKA SERVICE AREA MAP							

DRAWN MTK	DATE 1/10/25	 Nebraska Public Power District Always there when you need us
CHECKED	DATE	
APPROVED	DATE	
460031300		

EXHIBIT B

1. The legal description of the service area boundary line designated on Exhibit "A" to this agreement is:

A boundary line on the south, east, north and west sides of the City of McCook, marking the limits of customer retail electric service furnished in the City of McCook by the McCook Division of the Platte Valley Public Power and Irrigation District, and electric service furnished to customers by the McCook Public Power District in Sections 31, 33, 28, 27, 22, 21, 16, 17, 18, and 19, Township 3 North, Range 29 West, and Sections 6, 5, and 4, Township 2 North, Range 29 West, and Sections 24, 25 and 36 Township 3 North, Range 30 West, in Red Willow County, Nebraska, more fully described as follows:

Beginning at a point on the north bank of the Republican River which is approximately 1/4 mile east of the west line of Section 31-3-29, which point is also on the service area boundary line between the McCook Division of the Platte Valley Public Power and Irrigation District and the Southwest Public Power District, thence south along the west 1/4 mile line of said Section 31 to the south line of said Section 31, thence continuing south on the west 1/4 mile line into Section 6-2-29 a distance of 3/4 mile to the south 1/4 mile line in said Section 6, thence east along said south 1/4 mile line in said Section 6 to the east line of said Section 6, thence on the south 1/4 mile line across Section 5-2-29, thence into Section 4-2-29 a distance of 1/4 mile on the south 1/4 mile line in said Section 4, thence north on the west 1/4 mile line in said Section 4, a distance of 3/4 mile to the north line of said Section 4, thence continuing north on the west 1/4 mile line of Section 33-3-29 to the south bank of the Republican River, a distance of approximately 1/2 mile, thence easterly along the south bank of the Republican River a distance of approximately 1/2 mile to the approximate east 1/4 mile line in said Section 33, thence north across the Republican River on approximately the east 1/4 mile line in said Section 33 to the north line of said Section 33, thence north, approximately on the east 1/4 mile line in Section 28-3-29 to the south right of way line of the Chicago, Burlington and Quincy Railroad, thence east along said south right of way line to the west line of Section 27-3-29, thence north along the west line of said Section 27 to the south right of way line of U. S. Highway 6, thence east approximately 1/2 mile to a point opposite to the southeast corner of the McCook Airport and the approximate center of said Section 27, thence north a distance of approximately one mile along the east line of said airport to the center of Section 22-3-29, thence west along the north line of said airport a distance of one mile to the center of Section 21-3-29, thence north a distance of one mile to the center of Section 16-3-29, thence west a distance of 2 1/4 miles along the east-west centerlines of Sections 16, 17, and 18, all in Township 3, Range 29, to the west 1/4 mile line in said Section 18, thence south, along said west 1/4 mile line, a distance of 1/2 mile to the south line of said Section 18 also being the north line of Section 19-3-29, thence west N84°50'10"W, on the north line of said Section 19, 1066.40 feet to the northwest corner of a tract of land described in a warranty deed recorded June 21, 2024, in the Office of the Register of Deeds for Red Willow County, Nebraska as Instrument No. 2024-00824, thence S00°34'10"W, 1696.8 feet on the west line of said tract of land, thence S89°25'19"E, 370.0, on a southerly line of said tract of land, thence S00°31'53"W, on the westerly line of said tract of land to the east-west centerline of said Section 19, thence west to the east line of Section 24-3-30, thence west along the east-west centerline of said Section 24, to the east 1/4 mile line of said Section 24, thence north a distance of 1/2 mile to the south line of Section 13-3-30, thence west along the south line of said Section 13 to the southwest corner of said Section 13-3-30, which point is also on the service area boundary line between the

McCook Division of the Platte Valley Public Power and Irrigation District and the Southwest Public Power District, said corner also being the Northwest Corner of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska; thence south on the west line of said Section 24 to the south right-of-way line of a County Road along the north line of the South Half of said Section 24; thence east on the south right-of-way line of said County Road to a location 100 feet east of as measured perpendicular to the west line of the Southwest Quarter of said Section 24; thence south parallel with and 100 feet east of the west line to the south line of the Southwest Quarter of said Section 24, said line also being the north line of the Northwest Quarter of Section 25, Township 3 North, Range 30 West; thence east on the north line of the Northwest Quarter of said Section 25 to a location 1320 feet east of as measured perpendicular to the west line of the Northwest Quarter of said Section 25; thence south parallel with and 1320 feet east of the west line of said Section 25 to the south right-of-way line of the Burlington Northern and Santa Fe Railway Company; thence southeasterly on the south right-of-way line of said Railway to the west line of the Southeast Quarter of said Section 25; thence south on the west line of the Southeast Quarter of said Section 25 and on the west line the East Half of Section 36, Township 3 North, Range 30 West to the North Bank of the Republican River; thence easterly along the North Bank of said River across the East Half of said Section 36 and along the North Bank of said River across the West Half of the West Half of Section 31, Township 3 North, Range 29 West to the point of beginning on the west line of the East Half of the West Half of said Section 31.

2. Reference to paragraph FIRST of this agreement, the map Exhibit "A" shows only that portion of the service areas of, and the customers of, each of the contracting parties as are applicable to that area where the service areas of the parties are contiguous.
3. This agreement applies only to the retail functions of the McCook Division owned and operated by Platte Valley Public Power and Irrigation District. This agreement does not extend to or include ownership and operations of said District in its capacity as a wholesale generation and transmission electric utility.

TOP PORTION FOR USE BY THE OFFICE OF THE REGISTER OF DEEDS ONLY

After Recording Return to:

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

CERTIFICATION

I, Lea Ann Doak, duly appointed City Clerk of the City of McCook, Nebraska, do hereby certify that the foregoing and hereto attached contains a full, true and correct copy of:

1. City of McCook Ordinance No. 2024-3093 providing for the annexation of a tract of land located in the Northwest Quarter (NW 1/4) of Section Nineteen (19), Township Three (3) North, Range Twenty-nine (29) West, of the 6th P.M. in Red Willow County, Nebraska; and
2. The map attached to said Ordinance is an accurate map of the territory annexed.

IN WITNESS WHEREOF, the undersigned has executed this certificate in her official capacity

this 7th day of November, 2024.



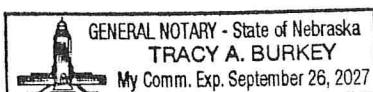
COUNTY OF RED WILLOW

CITY OF MCCOOK, NEBRASKA

By: Lea Ann Doak
Lea Ann Doak, City Clerk

)
) ss.
)

Subscribed and sworn to before me this 7th day of November, 2024.



Tracy A. Burkey
Notary Public

ORDINANCE NO. 2024-3093

AN ORDINANCE EXTENDING AND INCREASING THE CORPORATE LIMITS OF THE CITY OF MCCOOK, COUNTY OF RED WILLOW, STATE OF NEBRASKA, BY ANNEXING THERETO A CERTAIN TRACT OF LAND CONTIGUOUS TO AND NOT EMBRACED WITHIN THE PRESENT LIMITS OF THE CITY OF MCCOOK, NEBRASKA; REPEALING ALL OTHER ORDINANCES IN CONFLICT HERewith; AND PROVIDING A TIME AND DATE FROM AND AFTER WHICH THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE.

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

SECTION 1. The following described real property is contiguous and adjacent to the City of McCook, Nebraska, is urban or suburban in nature, and has been proposed for annexation by the act, authority and acquiescence of the owners thereof:

A tract of land located in the Northwest Quarter (NW1/4) of Section Nineteen (19), Township Three (3) North, Range Twenty-nine (29), West of the 6th P.M., more particularly described as follows:

Referring to the north quarter corner of said Section 19 as the true point of beginning; thence S0°12'E, 2,028.0 feet to a point; thence N85°45'W, 658.0 feet to a point; thence S0°13'W, 202.5 feet to a point; thence N85°47'W, 268.9 feet to a point; thence N01°45'E, 7.9 feet to a point; thence N85°45'W, 152.2 feet to a point; thence S29°17'W, 474.8 feet to a point; thence N85°37'W, 793.8 feet to a point; thence N0°21'E, 1,009.6 feet to a point; thence N89°36'W, 370.0 feet to a point; thence N0°24'E, 1,696.8 feet to a point; thence S84°59'E, 2,457.1 feet to the point of beginning, containing 127.8 acres, more or less.

SECTION 2. The corporate limits of the City of McCook, Nebraska, are hereby extended and increased so as to include and embrace within the corporate limits of the City of McCook, Nebraska, the territory described in SECTION 1 hereof, and such territory is hereby annexed and declared to be a part of the City of McCook, Nebraska.

SECTION 3. The real property hereby included within the corporate limits of the City of McCook and the persons residing thereon shall hereinafter be subject to all of the rules, regulations, ordinances, taxes and all other burdens and benefits of other persons and territory included with the City of McCook, Nebraska.

SECTION 4. The map or plat attached to this Ordinance is an accurate map of the territory annexed, and the same is hereby adopted as the official map and plat of the territory hereby annexed, which map and plat show the legal boundaries thereof.

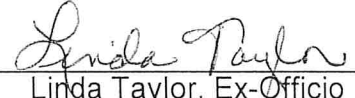
SECTION 5. This Ordinance, with the certified copy of the official map attached hereto, shall be recorded in the office of the Clerk and Recorder of Red Willow County, Nebraska.

SECTION 6. If any provision of this Ordinance shall be held invalid, its invalidity shall not affect any other provisions of this Ordinance that can be in effect without the invalid provision, and for this purpose the provisions of this Ordinance are hereby declared to be separable.

SECTION 7. This ordinance shall take effect and be in full force from and after its passage, approval, and publication as required by law in its entirety or in pamphlet form, as the

case may be.

PASSED AND APPROVED this 14th day of October, 2024.



Linda Taylor, Ex-Officio Mayor
and President of the Council

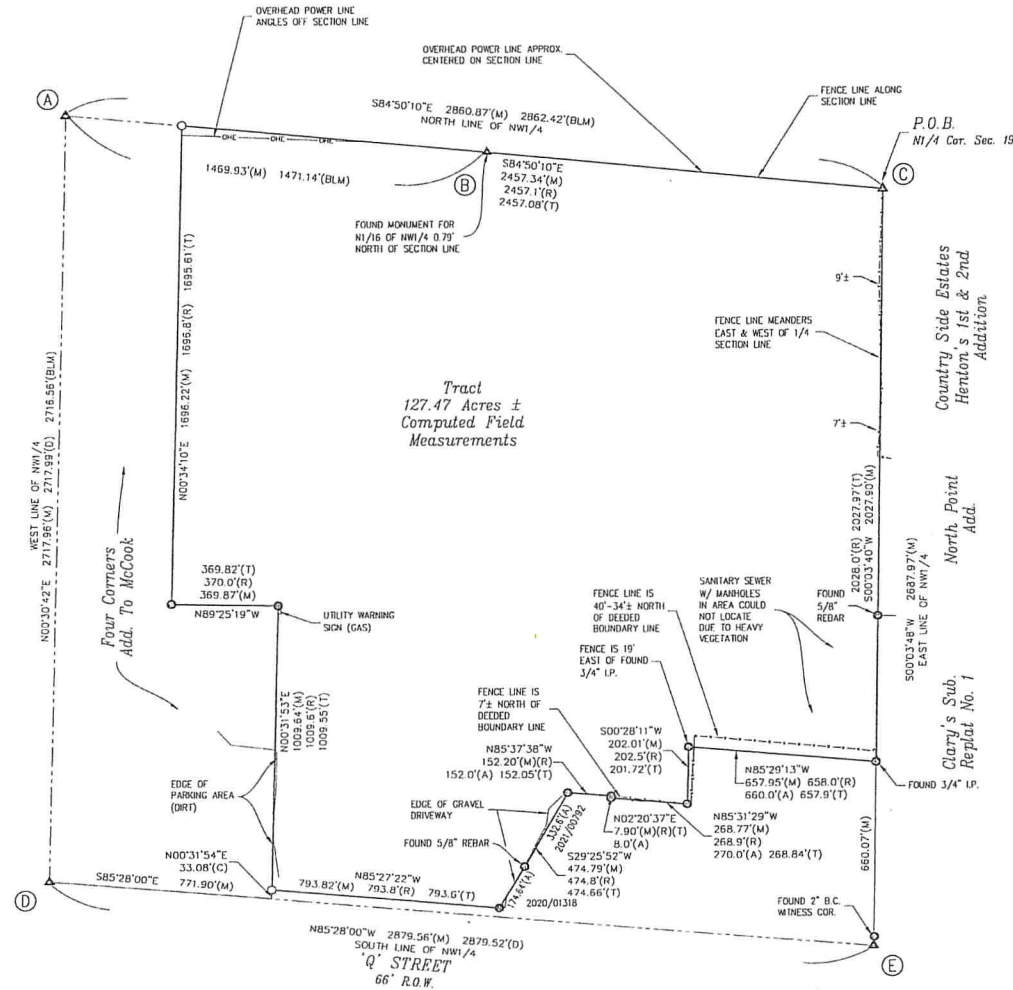
ATTEST:



Lea Ann Doak, City Clerk

Publish: October 25, 2024

ANNEXATION PLAT
PART OF SECTION 19, IN T 3 N, R 29 W, 6th P.M.,
RED WILLOW COUNTY, NEBRASKA.



WARRANTY DEED DESCRIPTION

INSTRUMENT NO. 2024-00824
RECORDED JUNE 21, 2024

A tract of land in the Northwest Quarter (NW1/4) of Section Nineteen (19), Township Three (3) North, Range Twenty-nine (29), West of the 6th P.M., more particularly described as follows:
Referring to the north quarter corner of said Section 19 as the true point of beginning; thence S0°12'E, 2,028.0 feet to a point; thence N85°45'W, 658.0 feet to a point; thence S0°13'W, 202.5 feet to a point; thence N85°47'W, 268.9 feet to a point; thence N01°45'E, 7.9 feet to a point; thence N85°45'W, 152.2 feet to a point; thence S29°17'W, 474.8 feet to a point; thence N85°37'W, 793.8 feet to a point; thence N0°21'E, 1,009.6 feet to a point; thence N89°36'W, 370.0 feet to a point; thence N0°24'E, 1,696.8 feet to a point; thence S84°59'E, 2,437.1 feet to the point of beginning, containing 127.8 acres, more or less, according to a survey dated March 5, 1982, by Darrell W. Burke, Registered Land Surveyor.

SURVEYOR'S CERTIFICATE

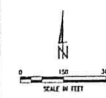
I, Scott S. Clifford, Nebraska Registered Land Surveyor No. LS-647, do hereby state that the survey and the referenced Legal Description herein, was performed under my direct supervision using known and recorded monuments. All information shown on the above plat is accurate and correct to the best of my knowledge and belief.

Date of Survey: September 12, 2024



Legend

- ▲ = FOUND SECTION & 1/4 CORNER AS NOTED
- = SET 1/2" REBAR & RLS CAP 647 UNLESS NOTED
- = FOUND 1/2" REBAR UNLESS NOTED
- R.O.W. = RIGHT OF WAY
- W.C. = WITNESS CORNER & DISTANCE
- (BLM) = BUREAU OF LAND MANAGEMENT DISTANCE
- (D) = DICENTA LS 514 SURVEYS DISTANCE, 7/30/12 & 4/1/16
- (A) = ADJOINER'S DECEDED DISTANCE
- (T) = TARGE LS 323 SURVEY DISTANCE, 4/8/08
- (R) = RECORDED LEGAL OR PLATTED DISTANCE
- (M) = MEASURED DISTANCE
- × = COMPUTED POINT
- (C) = COMPUTED DISTANCE
- = SECTION LINE
- - - = PARCEL LINE
- - - = FENCE



MA Miller & Associates Consulting Engineers, P.C.	PARTY SHEET: 00011 C&P (P&D)	RELATION-SHAPE & MEASUREMENT
	DATE: 10/17/2024	
101 EAST 2ND STREET MCCOOK, NE 68901 Tel: 308-345-3710 Fax: 308-345-7370 www.miller-engineers.com		
PL SEC. 19-T3N-R29W-RED WILLOW CO. NE		

SAA 43-25-A
Exhibit C
Page 4

THIS PLAT OF SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY MILLER & ASSOCIATES TO DETERMINE OWNERSHIP, EASEMENTS OR RIGHTS OF WAY OF RECORD.

- | | | | | |
|--|--|---|---|--|
| (A) NW COR. SEC. 19-3-29
FOUND "X" W/ BENT NAIL IN SOUTH
BOUND OF HWY 83
1. "X" ON ROW MKR 47.40' W
2. TOP NUT FH 53.50' SE
3. "X" ON ROW MKR 93.11' E
4. SE COR OF CATCH BASIN 63.38' SW | (B) NW 1/16 COR. OF NW 1/4 SEC. 19-3-29
FOUND 1 1/2" IRON PIPE
1. E-W FENCE 1' L N
2. NTP 10.45' ENE
3. NTP 21.76' WNW
4. CUT OFF 'I' POST 15.00' SE
5. CUT OFF 'I' POST 15.00' S | (C) N 1/4 COR. SEC. 19-3-29
FOUND 3" BRASS CAP & FENCE CORNER
1. NTP 17.52' E
2. NTP 19.42' N
3. NTP 21.70' W
4. NTP 30.50' S | (D) W 1/4 COR. SEC. 19-3-29
FOUND CONC. NAIL & "X" IN LEFT N.
BOUND LAND OF HWY 83
1. NE BOX OF LIGHT POLE 64.35' SE
2. NE COR. CONC. VAULT PAD 104.85' SW
3. FACE COR. POST AT BASE 102.80' NW
4. B.C. WC 3' 64.76' W | (E) E 1/4 COR. SEC. 19-3-29
FOUND WORN ILLEGIBLE ALUM. CAP
W 10' STREET
1. "X" MH RM 38.25' NE
2. "X" MH RM 38.25' SE
3. N & BC IN PP 31.75' S
4. 2" BC WC 32.85' S |
|--|--|---|---|--|

MINUTE BOOK

MCCOOK CITY COUNCIL

REGULAR MEETING

Monday, October 21, 2024
5:30 PM - City Council Chambers

Roll Call.
Excuse Absences.
Open Meetings Act Announcement.
Invocation - McCook Ministerial Association - Jeff Donelan, McCook Evangelical Free Church.
Pledge of Allegiance.
Call to Order.

1. **Announcements & Recognitions.**

2. **Public Hearings.**

A. Public Hearing - Regarding the voluntary annexation of a tract of land located in the Northwest Quarter (NW 1/4) of Section Nineteen (19), Township Three (3) North, Range Twenty-nine (29) West of the 6th P.M., Red Willow County, Nebraska.

1. Adjourn the Public Hearing.

B. Ordinance No. 2024-3093 approving the voluntary annexation of a tract of land located in the Northwest Quarter (NW 1/4) of Section Nineteen (19), Township Three (3) North, Range Twenty-nine (29) West of the 6th P.M., Red Willow County, Nebraska.

1. Chairperson asks Clerk to read Ordinance by title.
2. Consider statutory rule requiring reading on three separate occasions be suspended. Motion to suspend the rule must be adopted by three-fourths of the Council.
3. Final passage of Ordinance No. 2024-3093.
4. Chairperson declaration after vote and passage, if approved under suspension of the rule.

C. Public Hearing - Regarding the adoption of a redevelopment plan entitled "Redevelopment Plan for the Walters Multi-Use Redevelopment Project" for land located in the Northwest Quarter (NW 1/4) of Section Nineteen (19), Township Three (3) North, Range Twenty-nine (29) West of the 6th P.M., Red Willow County, Nebraska.

1. Adjourn the Public Hearing.

D. Approve Resolution No. 2024-28, approving a redevelopment plan entitled "Redevelopment Plan for the Walters Multi-Use Redevelopment Project" for a tract of land located in the Northwest Quarter (NW 1/4) of Section Nineteen (19), Township Three (3) North, Range Twenty-nine (29) West of the 6th P.M., Red Willow County, Nebraska.

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 October 7, 2024 regular City Council meeting.

B. Approve an Interlocal Cooperation Agreement between the City of McCook and Red Willow County Sheriff's office and authorize the Mayor to sign.

C. Approve the McCook Area Chamber of Commerce request to use City facilities for a Christmas Celebration on Saturday, December 7, 2024 including the use of McCook Ben Nelson Regional Airport for the flying in of Santa Claus at 1:00 P.M.; the use of Norris Park (including electricity) beginning at 3:00 P.M. which will include entertainment in the bandshell; the lighting of the park; conducting the Annual Christmas "Light up the Bricks" Parade beginning at 6:00 P.M., including participation by the Fire and Police departments and the closing of East "G" Street from the northbound lane of Norris Avenue to East 2nd Street; East 1st Street from East "F" Street to East "I" Street; East "H" Street from

MINUTE BOOK

northbound lane of Norris Avenue to East 2nd Street; and the Norris Avenue north bound lane from East "G" Street to East "H" Street for carriage rides; to utilize Norris Avenue sidewalks and streets on December 15th for a small train ride after the showing of the Polar Express movie at the Fox Theatre.

- D. Forward to the City's insurance carrier for review and appropriate action a property damage claim from Judy Workman.
- E. Approve an application from Great Plains Communications to occupy city right-of-way for the purpose of installing underground fiber optic conduit and cable at East 1st and East "M" Streets.
- F. Approve an application from Great Plains Communications to occupy city right-of-way for the purpose of installing underground fiber optic conduit and cable and one new ground level vault; cable will provide services for new duplexes on Seminole Drive and Cheyenne Road.
- G. Authorize City of McCook staff to submit a Municipal Infrastructure Aid Program Grant.
- H. Ratify the Mayor's appointment to the Housing Agency Board, reappointing Terry Peterson, term expires November 2029.
- I. Receive and file the claims for the month of September 2024, published October 15, 2024.
- J. Accept the minutes of the October 14, 2024 Planning Commission meeting.
- K. Authorize city staff to submit a Nuisance Abatement Program Application to West Central Nebraska Development District, Inc.

4. Regular Agenda.

- A. Recognize a McCook Community Foundation Fund grant in the amount of \$29,289.22 that was awarded to the City for the purpose of making the McCook Aquatic Park admission free to the public during its opening summer.
- B. Update regarding the sports complex project.
- C. Discussion regarding the property located at 1107 West 4th Street.
- D. Council Comments.
- E. 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 pending litigation - property located at 1111 East "H" Street, Cindy and Ron Sabin.
 - 1. Nebraska Open Meetings Act statement, if the motion to close passes.
 - 2. Close Executive Session.

Adjournment.

MINUTES

McCook City Council
October 21, 2024
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, Weedon, Muehlenkamp, Rambali.

Absent: None.

MINUTE BOOK

City Officials present: City Manager Schneider, City Attorney Mustion, City Clerk Doak, Assistant City Manager Koetter, Utilities Director Fawver, Fire Chief Harpham, Police Chief Hodgson, Public Works Director Potthoff, and Senior Services Director Siegfried.

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on October 17, 2024, 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 Jeff Donelan, McCook Evangelical Free 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.

City Manager Schneider informed the Council that a special meeting has been scheduled for the coming Friday, October 25, 2024, at 8:00 A.M. for consideration of the RFQ for the design, preparation of construction documents, bid, and to oversee the construction of the McCook Sports Complex.

Mayor Taylor honored two individuals for their dedicated service to the City of McCook. Dick Trail, who served on the airport Advisory Board from August 2013 to September 2024 and Dale Dueland, who served on the Planning Commission from October 1997 to October 2024.

2. Public Hearings.

- 2.A. Public Hearing - Regarding the voluntary annexation of a tract of land located in the Northwest Quarter (NW 1/4) of Section Nineteen (19), Township Three (3) North, Range Twenty-nine (29) West of the 6th P.M., Red Willow County, Nebraska.

Motion to recess as a City Council and convene a public hearing for the purpose of receiving public comment with respect to the voluntary annexation of a tract of land located in the Northwest Quarter (NW 1/4) of Section Nineteen (19), Township Three (3) North, Range Twenty-nine (29) West of the 6th P.M., Red Willow County, Nebraska, with the City Attorney to act as hearing officer. This motion, made by Calvin and seconded by Weedon, passed.

Taylor: YEA, Calvin: YEA, Weedon: YEA, Muehlenkamp: YEA, Rambali: YEA
YEA: 5, NAY: 0

The City Attorney received into evidence Exhibit #1 - City Manager's Report prepared for the October 21, 2024 City Council meeting (2 pages), Exhibit #2 - Notice of Hearing published (1 page); Exhibit #3 - Legal Description of the proposed annexation area (1 page); Exhibit #4- minutes of the October 14, 2024 Planning Commission meeting (3 pages); Exhibit #5- McCook Planning Commission Resolution No. PC 2024-03 (2 pages); and Exhibit #6 - Proposed Ordinance No. 2024-3093 (2 pages).

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

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

Taylor: YEA, Calvin: YEA, Weedon: YEA, Muehlenkamp: YEA, Rambali: YEA
YEA: 5, NAY: 0

- 2.B. Ordinance No. 2024-3093 approving the voluntary annexation of a tract of land located in the Northwest Quarter (NW 1/4) of Section Nineteen (19), Township Three (3) North, Range Twenty-nine (29) West of the 6th P.M., Red Willow County, Nebraska.

Mayor Taylor asked the Clerk to read Ordinance No. 2024-3093 by title.

AN ORDINANCE EXTENDING AND INCREASING THE CORPORATE LIMITS OF THE CITY OF MCCOOK, COUNTY OF RED WILLOW, STATE OF NEBRASKA, BY ANNEXING THERETO A CERTAIN TRACT OF LAND CONTIGUOUS TO AND NOT EMBRACED WITHIN THE PRESENT LIMITS OF THE CITY OF MCCOOK, NEBRASKA; REPEALING ALL OTHER ORDINANCES IN CONFLICT HERewith; AND PROVIDING A TIME AND DATE FROM AND AFTER WHICH THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE.

MINUTE BOOK

Ordinance No. 2024-3093 has been introduced, read by title, and I move that the statutory rule requiring reading on three different days be suspended. Motion to suspend the rule must be adopted by three-fourths of the Council. This motion, made by Muehlenkamp and seconded by Weedin, passed.

Taylor: YEA, Calvin: YEA, Weedin: YEA, Muehlenkamp: YEA, Rambali: YEA
YEA: 5, NAY: 0

Motion for final passage of Ordinance No. 2024-3093. This motion, made by Muehlenkamp and seconded by Rambali, passed.

Taylor: YEA, Calvin: YEA, Weedin: YEA, Muehlenkamp: YEA, Rambali: YEA
YEA: 5, NAY: 0

Mayor Taylor stated for the record that Ordinance No. 2024-3093 is declared lawfully passed and adopted upon publication as required by law.

- 2.C. Public Hearing - Regarding the adoption of a redevelopment plan entitled "Redevelopment Plan for the Walters Multi-Use Redevelopment Project" for land located in the Northwest Quarter (NW1/4) of Section Nineteen (19), Township Three (3) North, Range Twenty-nine (29) West of the 6th P.M., Red Willow County, Nebraska.

Motion to recess as a City Council and convene a public hearing for the purpose of receiving public comment with respect to the adoption of a redevelopment plan entitled "Redevelopment Plan for the Walters Multi-Use Redevelopment Project" for land located in the Northwest Quarter (NW1/4) of Section Nineteen (19), Township Three (3) North, Range Twenty-nine (29) West of the 6th P.M., Red Willow County, Nebraska, with the City Attorney to act as hearing officer. This motion, made by Calvin and seconded by Weedin, passed.

Taylor: YEA, Calvin: YEA, Weedin: YEA, Muehlenkamp: YEA, Rambali: YEA
YEA: 5, NAY: 0

The City Attorney received into evidence Exhibit #1 - City Manager's Report prepared for the October 21, 2024 City Council meeting (2 pages), Exhibit #2 - Notice of Hearing published (1 page); Exhibit #3 - Planning Commission Resolution No. PC2024-03 (1 page); Exhibit #4 - proposed Redevelopment Plan (69 pages); Exhibit #5 - minutes of the October 14, 2024 Planning Commission meeting (3 pages); and Exhibit #6 - proposed Resolution No. 2024-28 (1 page).

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

Craig Bennett and Jason Combs, of Miller & Associates, reviewed the proposed Redevelopment Plan for the Walters Multi-Use Redevelopment Project and answered questions from the Council and public.

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

Taylor: YEA, Calvin: YEA, Weedin: YEA, Muehlenkamp: YEA, Rambali: YEA
YEA: 5, NAY: 0

- 2.D. Approve Resolution No. 2024-28, approving a redevelopment plan entitled "Redevelopment Plan for the Walters Multi-Use Redevelopment Project" for a tract of land located in the Northwest Quarter (NW1/4) of Section Nineteen (19), Township Three (3) North, Range Twenty-nine (29) West of the 6th P.M., Red Willow County, Nebraska.

Motion to approve Resolution No. 2024-28, recommending the adoption approving a redevelopment plan entitled "Redevelopment Plan for the Walters Multi-Use Redevelopment Project" for a tract of land located in the Northwest Quarter (NW1/4) of Section Nineteen (19), Township Three (3) North, Range Twenty-nine (29) West of the 6th P.M., Red Willow County, Nebraska. This motion, made by Muehlenkamp and seconded by Weedin, passed.

Taylor: YEA, Calvin: YEA, Weedin: YEA, Muehlenkamp: YEA, Rambali: YEA
YEA: 5, NAY: 0

3. Consent Agenda.

Motion to approve the consent agenda. This motion, made by Calvin and seconded by Weedin, passed.
Taylor: YEA, Calvin: YEA, Weedin: YEA, Muehlenkamp: YEA, Rambali: YEA
YEA: 5, NAY: 0

- 3.A. Approve the minutes of the October 7, 2024 regular City Council meeting.

- 3.B. Approve an Interlocal Cooperation Agreement between the City of McCook and Red Willow County Sheriff's office and authorize the Mayor to sign.

MINUTE BOOK

- 3.C. Approve the McCook Area Chamber of Commerce request to use City facilities for a Christmas Celebration on Saturday, December 7, 2024 including the use of McCook Ben Nelson Regional Airport for the flying in of Santa Claus at 1:00 P.M.; the use of Norris Park (including electricity) beginning at 3:00 P.M. which will include entertainment in the bandshell; the lighting of the park; conducting the Annual Christmas "Light up the Bricks" Parade beginning at 6:00 P.M., including participation by the Fire and Police departments and the closing of East "G" Street from the northbound lane of Norris Avenue to East 2nd Street; East 1st Street from East "F" Street to East "I" Street; East "H" Street from northbound lane of Norris Avenue to East 2nd Street; and the Norris Avenue north bound lane from East "G" Street to East "H" Street for carriage rides; to utilize Norris Avenue sidewalks and streets on December 15th for a small train ride after the showing of the Polar Express movie at the Fox Theatre.
- 3.D. Forward to the City's insurance carrier for review and appropriate action a property damage claim from Judy Workman.
- 3.E. Approve an application from Great Plains Communications to occupy city right-of-way for the purpose of installing underground fiber optic conduit and cable at East 1st and East "M" Streets.
- 3.F. Approve an application from Great Plains Communications to occupy city right-of-way for the purpose of installing underground fiber optic conduit and cable and one new ground level vault; cable will provide services for new duplexes on Seminole Drive and Cheyenne Road.
- 3.G. Authorize City of McCook staff to submit a Municipal Infrastructure Aid Program Grant.
- 3.H. Ratify the Mayor's appointment to the Housing Agency Board, reappointing Terry Peterson, term expires November 2029.
- 3.I. Receive and file the claims for the month of September 2024, published October 15, 2024.
- 3.J. Accept the minutes of the October 14, 2024 Planning Commission meeting.
- 3.K. Authorize city staff to submit a Nuisance Abatement Program Application to West Central Nebraska Development District, Inc.

4. Regular Agenda.

- 4.A. Recognize a McCook Community Foundation Fund grant in the amount of \$29,289.22 that was awarded to the City for the purpose of making the McCook Aquatic Park admission free to the public during its opening summer.

The City Council recognized and thanked the McCook Community Foundation Fund (MCFF) for their generous grant of \$29,289 that made admission to the McCook Aquatic Park free for the public during its first summer of operation. Members present from the MCFF Fund Advisory Committee were Cindy Huff, Sean Wolfe, and Dale Dueland.

- 4.B. Update regarding the sports complex project.

City Manager Schneider gave an update of the sports complex project. The Sports Complex Committee held their first meeting and began discussion of items desired for the complex to be included in the RFQ for design of the McCook Sports complex. As noted during the presentation from Miller & Associates, the committee has a very progressive schedule for selection of the firm for the design of the complex. In order to use ARPA funds for the design, City Staff hopes to approve the firm at the December 2 meeting and have contract approval at the December 16 meeting.

- 4.C. Discussion regarding the property located at 1107 West 4th Street.

Discussion was held regarding the property located at 1107 West 4th Street. The property was damaged in a 2019 fire and due to nuisance and safety concerns was removed at the City's expense. The Council agreed the best option would be to have a buyer who wants to build a residential home. No final decision was made regarding the sale of the property.

- 4.D. Council Comments.

Councilmember Weedon noted how awesome the recently laid sod looks at the new Aquatics Park. The sod was laid with the assistance of the McCook High School football team.

MINUTE BOOK

- 4.E. 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 pending litigation - property located at 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 at 1111 East "H" Street, Cindy and Ron Sabin at 6:50 P.M. This motion, made by Taylor and seconded by Calvin, passed.

Taylor: YEA, Calvin: YEA, Weedon: YEA, Muchlenkamp: YEA, Rambali: YEA
YEA: 5, NAY: 0

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.

Included in the executive session were City Manager Schneider, City Attorney Mustion, Assistant City Manager Koetter, and City Clerk-Treasurer Doak.

Motion to come out of executive session at 7:00 P.M. This motion, made by Calvin and seconded by Rambali, passed.

Taylor: YEA, Calvin: YEA, Weedon: YEA, Muchlenkamp: YEA, Rambali: YEA
YEA: 5, NAY: 0

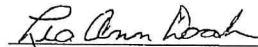
Adjournment.

There being no further business to come before the Council, Mayor Taylor declared the meeting adjourned at 7:01 P.M.



Linda Taylor, Ex-officio Mayor
and Council President

ATTEST:




Lea Ann Doak, City Clerk-Treasurer

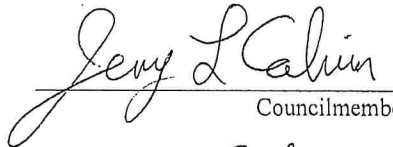
MINUTE BOOK

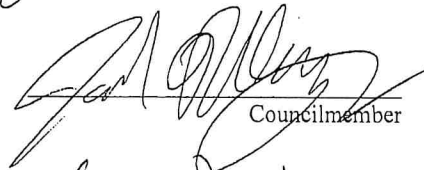
ACKNOWLEDGEMENT OF RECEIPT OF NOTICE OF MEETING

The undersigned Mayor and Council of the City of McCook, Nebraska do hereby acknowledge receipt of advance notice of a meeting of the Council of the City of McCook, Nebraska and the agenda for such meeting held at 5:30 o'clock P.M. on Monday, October 21, 2024 in the City Council Chambers.

Dated this 21st day of October, 2024.


Mayor


Councilmember


Councilmember


Councilmember


Councilmember

Publisher's Affidavit McCook Gazette

STATE OF NEBRASKA
RED WILLOW COUNTY

NOTICE OF MEETING

SS

NOTICE IS HEREBY GIVEN that a regular meeting of the City Council of the City of McCook, Nebraska will be held at 5:30 P.M. on the 21st day of October, 2024 in the City Council Chambers, which meeting will be open to the public. An agenda for such meeting, kept continuously current, is available for public inspection at the office of the City Clerk, during normal business hours. Except for items of an emergency nature, the agenda shall not be altered later than 24 hours before the scheduled commencement of the meeting. The City Council shall have the right to modify the agenda to include items of an emergency nature only at such public meeting. Individuals with disabilities may request auxiliary aids and services necessary for participation by contacting the City Clerk's office at (308)345-2022 by October 18, 2024.

-s- Lea Ann Doak
City Clerk

Publish: October 17, 2024.

Brenda Gillen, Being first duly sworn, deposes and says that she is the Business Manager of the McCook Gazette, a legal newspaper published on Tuesday, Thursday and Friday, at McCook, Red Willow County, Nebraska; and of general circulation in said county; that said newspaper, at the time of publication of the attached notice had a bona fide circulation of not less than three hundred copies each daily issue, and had been published within said county for fifty-two consecutive weeks prior to the beginning of the publication of the attached notice; and that said newspaper is printed in whole in an office maintained at the place of publication. Affiant further says that a notice, of which the attached is a true copy, was published in the regular and entire issue of said newspaper, and not in supplement, on the following date:

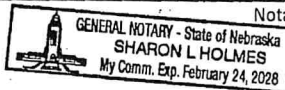
10.17 20 24	20
20	20
20	20
20	20
20	20
20	20

Brenda Gillen

Subscribed in my presence and sworn to before me this
17 day of October 20 24

Sharon L Holmes

Notary Public



PUBLISHER'S FEE \$ 14.02

SERVING SOUTHWEST NEBRASKA AND NORTHWEST KANSAS SINCE 1911

Exhibit D

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

CERTIFICATE FOR RESOLUTION NO. 2025-01

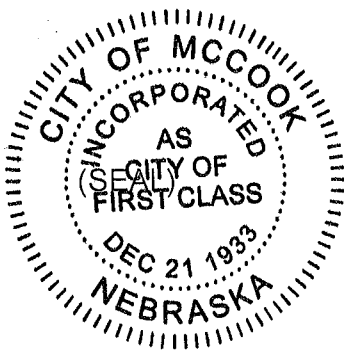
STATE OF NEBRASKA)
COUNTY OF RED WILLOW)
CITY OF MCCOOK)

I, Lea Ann Doak, duly appointed City Clerk of the City of McCook, Nebraska, do hereby certify that the attached contains a full, true and accurate copy of "Resolution No. 2025-01" as was passed and approved by the City Council of the City of McCook, Nebraska, at its regular meeting held 6th day of January, 2025, as the same appears on file and on record in this office.

IN WITNESS WHEREOF, the undersigned has executed this certificate in her official capacity and affixed the corporate seal of said city this 9th day of January, 2025.

CITY OF MCCOOK, NEBRASKA

By: *Lea Ann Doak*
Lea Ann Doak, City Clerk



RESOLUTION NO. 2025-01

WHEREAS, on October 21, 2024 the McCook City Council passed and approved Ordinance No. 2024-3093 extending to include within the corporate limits of the City the contiguous and adjacent tract of land described as a tract of land located in the Northwest Quarter (NW1/4) of Section Nineteen (19), Township Three (3) North, Range Twenty-nine (29), West of the 6th P.M., more particularly described as follows: REFERRING to the north quarter corner of said Section 19 as the true point of beginning; thence S0°12'E, 2,028.0 feet to a point; thence N85°45'W, 658.0 feet to a point; thence S0°13'W, 202.5 feet to a point; thence N85°47'W, 268.9 feet to a point; thence N01°45'E, 7.9 feet to a point; thence N85°45'W, 152.2 feet to a point; thence S29°17'W, 474.8 feet to a point; thence N85°37'W, 793.8 feet to a point; thence N0°21'E, 1,009.6 feet to a point; thence N89°36'W, 370.0 feet to a point; thence N0°24'E, 1,696.8 feet to a point; thence S84°59'E, 2,457.1 feet to the point of beginning, containing 127.8 acres, more or less, all in Red Willow County, Nebraska; and

WHEREAS, the Nebraska Public Power District (NPPD) will apply to the Nebraska Power Review Board for an order amending its existing retail service area, which includes the City of McCook, to include the above described property into the corporate boundaries of the City of McCook, Nebraska; and

WHEREAS, the City of McCook has an interest in the outcome of such application by reason of its rights under the Professional Retail Operations Agreement with NPPD approved on July 11, 1989, pursuant to which NPPD operates and maintains the electric distribution system owned by the City of McCook; and

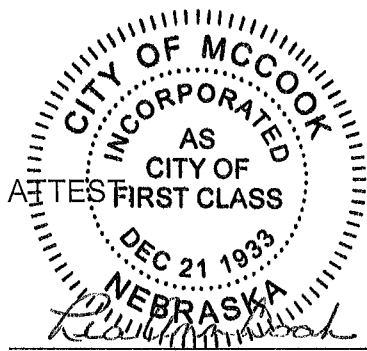
WHEREAS, it is determined by the City Council that it would be desirable and in the best interests of the City of McCook to join with NPPD as a co-applicant to the Nebraska Power Review Board.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of McCook, Nebraska, that the City of McCook, Nebraska, be authorized to join with NPPD as a co-applicant to the Nebraska Power Review Board for an amendment to NPPD's retail service area which includes the City to include the above described property into the corporate boundaries of the City of McCook, Nebraska in said retail service area.

BE IT FURTHER RESOLVED that the Mayor be and is hereby authorized to execute on behalf of the City of McCook a joint application with NPPD to the Nebraska Power Review Board and to cooperate with NPPD in the prosecution of its application.

BE IT FURTHER RESOLVED that such joint application shall be prosecuted at the sole cost and expense of NPPD.

PASSED AND APPROVED THIS 6TH DAY OF JANUARY, 2025.



Lea Ann Doak, City Clerk

Linda Taylor, Ex-Officio Mayor
and President of the Council