

McCook City Council
July 8, 2025
12:00 P.M. Central

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

Present: Mayor Linda Taylor, Councilmembers Jerry Calvin, Gene Weedin, Jared Muehlenkamp, Darcy Rambali.

Absent: None.

City Officials present: City Manager Nate Schneider, City Attorney Nate Mustion, City Clerk Lea Ann Doak, and Assistant City Manager Tera Koetter,.

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on July 10, 2025, 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. Following the Pledge of Allegiance to the flag of the United States of America, Mayor Taylor called the meeting to order.

2. Public Hearings - challenge of the nuisance determination by West Central Development District, Inc.

2.A. John Zlomke - West Central Nebraska Development District, Inc. - Case No.: 2025 MCC5 - Property: 108 E 5th Street, McCook, NE

Motion to recess as a City Council and convene a public hearing for the purpose of receiving public comment with respect to the challenge of the nuisance determination by West Central Development District, Inc., John Zlomke, Case No.: 2025 MCC5, 108 E 5th Street, with the City Attorney to act as hearing officer. This motion, made by Calvin and seconded by Taylor, passed.

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

The City Attorney received into evidence (Exhibit #1 - #11 presented by WCND) - Exhibit #1 - Nuisance Ordinance; Exhibit #2 - Resolution appointing WCND Nuisance Officer; Exhibit #3 - Property Photos 05/01/2025; Exhibit #4 - GIS Property Printout; Exhibit #5 - Certified Courtesy Letter 05/06/25; Exhibit #6 - Property Photos 06/05/2025; Exhibit #7 - City Council declared

property a nuisance by resolution 06/16/2025; Exhibit #8 - Certified/Regular Declared Nuisance Letter 06/17/2025; Exhibit #9 - Certified Mail received 06/24/25; Exhibit #10 - Written Request for Show Cause Hearing 06/26/25; Exhibit #11 - Notification of Show Cause Hearing for Property Owner and Publication 07/02/25; (Exhibits #12 - #14 presented by Phil Lyons, attorney representing Mr. Zlomke) - Exhibit #12 - Letter from West Central Development District, Inc. (WCNDD) dated June 17, 2025; Exhibit #13 - Notice of Special Meeting for Show Cause Hearing dated July 2, 2025 and sent by certified and regular mail; Exhibit #14 - Picture of area around the dumpster.

City Attorney Mustion received Exhibits #1 - 14 into evidence; stated that the Hearing shall be a "show cause" hearing in which Mr. Zlomke shall provide evidence why the alleged condition should not be found to be a public nuisance and remedied; and that comments will be taken from WCNDD before opening to Mr. Lyons, representing Mr. Zlomke.

City Attorney Mustion swore in Emma Castor, Economic Development Specialist with the WCNDD and appointed Nuisance Officer for the City of McCook.

Ms. Castor reviewed the information presented in Exhibits #1 - 11. Exhibit #3 are photos of identified nuisances dated April 23, 2025; Exhibit #5 is a copy of the certified courtesy letter dated May 5, 2025 mailed to Mr. Zlomke detailing the nuisances and outlining the time-line for removal of the nuisances; and Exhibit #6 contains property photos showing the two items remaining on the property June 5, 2025 (things against the shed and an unusable lawnmower).

Mr. Lyons questioned what is a declared letter (Exhibit #8), who put the property (limbs, mattress, and table) by dumpster and shed.

City Attorney Mustion swore in Edward Dunn, WCNDD Executive Director.

Mr. Dunn clarified the WCNDD nuisance abatement process.

Mr. Lyons reviewed Exhibit #12 letter from WCNDD containing photo of lawn mower used by his client to mow the property. within the last couple of months. Exhibit #14 is a photo of the back end of the lot, who put those items by the shed and by the dumpster on Mr. Zlomke's property. Mr. Lyons noted that the Certified Letter noted in Exhibit #13 was picked up at the post office yesterday, July 7, 2025.

City Attorney Mustion swore in John Zlomke, 4 Georgia Court, McCook, Nebraska - owner of the property located at 108 East 5th Street, McCook, Nebraska.

Mr. Zlomke stated that the items in Exhibit #3 have been removed and what fit in dumpster was placed there. He mows twice a month with the lawn mower stated as unusable in the photos and he has hauled the branches to the waste dump. The lot has been vacant for twenty years and he has always maintained it. Others put things in and around the dumpster located on his property, he did not know who. The table up against the shed was left by the dumpster, because of safety issues he felt that it was too large to put into the dumpster, so he propped it against the shed.

Discussion included who is responsible for maintaining the area around the dumpster; is it a crime for individuals to put trash items around the dumpster located on another persons property; why is Mr. Zlomke holding onto this property that has been vacant for twenty years; how does the city solve the problem.

Mr. Zlomke stated that he will take care of his property, will clean up the items left at the back by the dumpster.

Motion to grant an extension until July 16, 2025 for the abatement and for the property to be cleared of all nuisances declared in City of McCook Resolution No. 2025-11 as identified by West Central Nebraska Development District, Inc. - John Zlomke - Case No.: 2025 MCC5 - Property: 108 E 5th Street, McCook, Nebraska. This motion, made by Calvin and seconded by Muehlenkamp, passed. Taylor: YEA, Calvin: YEA, Weedin: YEA, Muehlenkamp: YEA, Rambali: YEA
YEA: 5, NAY: 0

2.B. Anthony Gassman - West Central Nebraska Development District, Inc. - Case No.: 2025 MCC109 - Property: 103 S 7th.

Motion to close the public hearing for John Zlomke and convene a public hearing for the purpose of receiving public comment with respect to the challenge of the nuisance determination by West Central Development District, Inc., Anthony Gassmann, Case No.: 2025 MCC109, 103 S 7th Street, with the City Attorney to act as hearing officer. This motion, made by Calvin and seconded by Muehlenkamp, passed.

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

The City Attorney received into evidence (Exhibit #1 - #11 presented by WCNNA) - Exhibit #1 - Nuisance Ordinance; Exhibit #2 - Resolution appointing WCNDD Nuisance Officer; Exhibit #3 - Property Photos 05/01/2025; Exhibit #4 - GIS Property Printout; Exhibit #5 - Certified Courtesy Letter 05/06/25; Exhibit #6 - Property Photos 06/05/2025; Exhibit #7 - City Council declared property a nuisance by resolution 06/16/2025; Exhibit #8 - Certified/Regular Declared Nuisance Letter 06/17/2025; Exhibit #9 - Certified Mail received 06/24/25; Exhibit #10 - Written Request for Show Cause Hearing 06/26/25; Exhibit #11 - Notification of Show Cause Hearing for Property Owner and Publication 07/02/25; Exhibit #12 - Mr. Gassmann present photo of property dated July 8, 2025 indicating that the structure has been removed and that the foundation is the part of the structure remaining and requested more time for removal of the foundation.

City Attorney Mustion stated that Ms. Castor and Mr. Dunn remain sworn in from the first hearing.

Ms. Castor reviewed the information presented in Exhibits #1 - 11. Exhibit #3 are photos of identified nuisances dated April 23, 2025; Exhibit #5 is a copy of the certified courtesy letter dated May 5, 2025 mailed to Mr. Gassmann detailing the nuisances and outlining the time-line for removal of the nuisances; and Exhibit #6 contains property photos showing the items identified in Exhibit #3 remain on the property June 5, 2025.

Mr. Dunn stated that WCND would concur with the city if they opted to agree with Mr. Gassmann's request for an extension of time for removal of the foundation.

City Attorney Mustion swore in Anthony T. Gassmann, 1594 D5 Lane, Dresden, Kansas - owner of the property located at 103 South 7th Street, McCook, Nebraska.

Mr. Gassmann stated that the structure has been torn down and removed from the property and requested an extension of time for removal of the shed and foundation remaining on the property. He does not have the equipment available for removal of the foundation and will need to contract with a contractor for its removal.

Motion to grant an extension until September 10, 2025 for the abatement and for the property to be cleared of all nuisances declared in City of McCook Resolution No. 2025-11 as identified by West Central Nebraska Development District, Inc. - Anthony T. Gassmann - Case No.: 2025 MCC109 - Property: 103 S 7th Street, McCook, Nebraska. This motion, made by Taylor and seconded by Weedin, passed.

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

Motion to adjourn the public hearing and to reconvene as a City council. This motion by Calvin, seconded by Muehlenkamp, passed.

Taylor: YEA, Calvin: YEA, Weedin: YEA, Muehlenkamp: YEA, Rambali: YEA

Adjournment.

There being no further business to come before the Council, Mayor Taylor declared the meeting adjourned at 1:00 P.M.

Linda Taylor, Ex-officio Mayor
and Council President

ATTEST:

Lea Ann Doak, City Clerk-Treasurer