

# **MCCOOK CITY COUNCIL**

## **REGULAR MEETING**

**Monday, December 21, 2020**  
**5:30 PM - City Council Chambers & Audio Conference**

**Stream Meeting Here REQUIRED Password: 69001**

Call to Order and Roll Call.

Mayor's Statement and Open Meetings Act Announcement.

Pledge of Allegiance.

Items.

1. Citizen's Comments.
2. Announcements & Recognitions.
3. Public Hearings.
  - A. Public Hearing - Consider Replat of Lot 7, Block 2, Clary Subdivision Replat #3, Lot 7 will be split and replatted as Lot 7R and 8R.
    1. Adjourn the Public Hearing.
  - B. Adopt Resolution No. 2020-34 providing for the approval of the Replat of Lot 7, Block 2, Clary Subdivision Replat No. 3, where by Lot 7 will be split and replatted as Lot 7R and 8R, with said Replat to be know as Clary Subdivision Replat No. 4, as well as recommend approval of the Amended Planned Unit Development Agreement for Quillan Courts Project.
4. Consent Agenda.
  - A. Approve the minutes of the December 7, 2020 regular City Council meeting.
  - B. Receive and file the claims for the month of November 2020 as published December 11, 2020.
  - C. Award the bid for the 2020 Crack Sealing Project to Stripe and Seal, LLC of Hays, Kansas in the amount of \$48,000.00, that being the lowest best bid.
  - D. Approve Resolution No. 2020-32 amending and updating the City of McCook's Employee Handbook.
  - E. Receive and file the minutes of the September 9, 2020 Library Advisory Board meeting and the December 14, 2020 Planning Commission meeting.
  - F. Approve Resolution No. 2020-33 authorizing city staff to submit a letter of intent to the Nebraska Department of Economic Development Civic and Community Center Financing Fund for preliminary planning purposes.
5. Regular Agenda.
  - A. Receive and file a report from the McCook Chamber of Commerce - 2020 Fourth Quarter Report.

- B. Approve the use of ACE funds in the amount of \$25,000 as part of a \$250,000 local pledge for a Rural Workforce Housing grant.
- C. Receive and file a discussion regarding COVID-19 related items and updates.
- D. Discussion regarding potentially rescheduling a capital improvement strategic planning meeting.
- E. Council Comments.

Adjournment.

1. Meeting Attachments

**CITY MANAGER'S REPORT  
DECEMBER 21, 2020 PLANNING COMMISSION MEETING**

**3.A.**  
ITEM NO. Public Hearing - Consider Replat of Lot 7, Block, 2, Clary Subdivision Replat #3, Lot 7 will be split and replatted as Lot 7R and 8R .

**3.B.**  
ITEM NO. Approve the Replat of Lot 7, Block, 2, Clary Subdivision Replat #3, whereby Lot 7 will be split and replatted as Lot 7R and 8R, with said Replat to be known as Replat #4 Clary Subdivision, Lot 7R and 8R, as well as recommend approval of the Amended Planned Unit Development Agreement for the Quillan Courts Project.

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**BACKGROUND:**

An application has been received from the McCook Economic Development Corporation requesting the replat of a subdivision. In particular, the MEDC is requesting that a tract of land described as Block Two (2), Lot Seven (7), Clary Subdivision Replat #3 be split into two lots. Due to the fact that Block Two was previously subdivided, this request must be treated as a minor subdivision as opposed to an administrative lot split.

If approved, Lot 7 would be divided into two lots: Replatted Lot 7R and Replatted Lot 8R. MEDC's application originally requested for the two lots to be described as Lot 7A and 7B. The Planning Commission, at the request of city staff, amended the proposed lots to 7R and 8R in order to promote consistency in line with similar replat requests.

MEDC would like to divide these two lots in order to build two new houses. Per our zoning regulations and the Planned Unit Development Agreement that Quillan Courts is subject to, there is sufficient space to build a house on each of the proposed new lots.

If this subdivision request is approved, the Planned Unit Development Agreement will need to be revised in order to account for the fact Lot 7 will be divided into Replatted Lot 7R and Replatted Lot 8R. A copy of the proposed amended planned unit agreement is attached. Staff requests that the City Council approve the proposed agreement as part of the replat process.

On December 14, 2020, the McCook Planning Commission voted unanimously to recommend approval of the application and to amend the Planned Unit Development Agreement.

**APPROVALS:**

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

December 15, 2020

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

December 15, 2020

**EXHIBIT #1  
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**REVISED**  
**NOTICE OF PUBLIC HEARING**  
**FINAL PLAT APPROVAL**

NOTICE IS HEREBY GIVEN that a public hearing will be held to consider the preliminary plat and final plat on the following described property to be known as Replat of Lot 7, Block 2, Clary Subdivision Replat #3:

A tract of land being part of Block Two (2), Lot Seven (7), Clary Subdivision Replat #3 to the City of McCook, Red Willow County, Nebraska.

A PUBLIC HEARING ON THE ABOVE-DESCRIBED FINAL PLAT APPROVAL WILL BE HELD ON THE DATE, TIME, AND AT THE PLACE LISTED BELOW:

DECEMBER 14, 2020 - 5:15 P.M.  
MCCOOK PLANNING COMMISSION  
CITY COUNCIL CHAMBERS  
505 WEST "C" STREET

DECEMBER 21, 2020 - 5:30 P.M.  
MCCOOK CITY COUNCIL  
CITY COUNCIL CHAMBERS  
505 WEST "C" STREET

ANY AND ALL PERSONS desiring to comment on the above-described final plat may attend the public hearings and will be given an opportunity to be heard. For additional information regarding this notice please contact Nate Schneider, City of McCook City Manager, at 345-2022 ext. 225

-s- Lea Ann Doak  
City Clerk

Publish: December 8, 2020.  
Mail: December 7, 2020.  
Post: December 7, 2020.

**EXHIBIT #2**

**PAGE(S) - 1**

Property Owners Notified:

RED WILLOW CO. SCHOOL DIST. #17  
700 WEST 7<sup>TH</sup>  
MCCOOK, NE 69001

TOM BREDVICK, PRESIDENT  
MCCOOK PUBLIC SCHOOLS  
600 WEST 7<sup>TH</sup>  
MCCOOK, NE 69001

RED WILLOW COUNTY  
C/O TAMI TEEL  
502 NORRIS AVE  
MCCOOK, NE 69001

RED WILLOW CO. PLANNING  
COMMISSION  
502 NORRIS AVE  
MCCOOK, NE 69001

JOHN ALLEN  
1203 W Q  
MCCOOK, NE 69001

QUILLAN COURTS  
402 NORRIS AVE  
MCCOOK, NE 69001

JERRY AND KALYN RUZICKA  
1517 E FAIRACRES  
MCCOOK, NE 69001

MAUREEN GIORGIONE  
PO BOX 756  
MCCOOK, NE 69001

RACHEL MCMAINS  
1518 WEST 10  
MCCOOK, NE 69001

RANDY AND SYDNEY BAUMAN  
1514 WEST 10  
MCCOOK, NE 69001

VIRGINIA KING  
1510 WEST 10  
MCCOOK, NE 69001

RED WILLOW COUNTY FAIRGROUNDS  
PO BOX 876  
MCCOOK, NE 69001

**EXHIBIT #3**

**PAGE(S) - 1**

**NOTICE OF PUBLIC HEARING  
FINAL PLAT APPROVAL**

NOTICE IS HEREBY GIVEN that a public hearing will be held to consider the preliminary plat and final plat on the following described property to be known as Replat of Lot 7, Block 2, Clary Subdivision Replat #3:

A tract of land being part of Block Two (2), Lot Seventy (70), Clary Subdivision Replat #3 to the City of McCook, Red Willow County, Nebraska.

A PUBLIC HEARING ON THE ABOVE-DESCRIBED FINAL PLAT APPROVAL WILL BE HELD ON THE DATE, TIME, AND AT THE PLACE LISTED BELOW:

DECEMBER 14, 2020 - 5:15 P.M.  
MCCOOK PLANNING COMMISSION  
CITY COUNCIL CHAMBERS  
505 WEST "C" STREET

DECEMBER 21, 2020 - 5:30 P.M.  
MCCOOK CITY COUNCIL  
CITY COUNCIL CHAMBERS  
505 WEST "C" STREET

ANY AND ALL PERSONS desiring to comment on the above-described final plat may attend the public hearings and will be given an opportunity to be heard. For additional information regarding this notice please contact Nate Schneider, City of McCook City Manager, at 345-2022 ext. 225

-s- Lea Ann Doak  
City Clerk

Publish: December 4, 2020.  
Mail: December 4, 2020.  
Post: December 4, 2020.

**EXHIBIT #4**

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**CITY OF McCOOK**

**LAND USE ACTION REQUEST FORM**

This request is for a:  
(Check all that apply)

- Zone Change
- Special Exception
- Administrative Permit (Personal Wireless Facility)
- Special Exception (Personal Wireless Facility)
- Minor Subdivision (Replat)
- Major Subdivision
- Planned Development (Includes Zone Change)

Name of Project: \_\_\_\_\_

Description of Project: MEDC would like to request a lot  
split for Ø 3 29 Clary Subdivision Replat #3  
BLK 2 LOT 70 to be able to construct  
two homes on this space

Project sponsor or developer:

Name: McCook Economic Development Corporation  
Address: 402 Norris Ave, Suite 301  
Phone number: 308-345-1200  
Fax number: 308-345-2152  
E-mail Address: andy@mccookne.org

Land owner or owners:

Name: Samy  
Address: \_\_\_\_\_  
Phone number: \_\_\_\_\_  
Fax number: \_\_\_\_\_  
E-Mail Address: \_\_\_\_\_

Authorization of the land use action by land owner:

I hereby certify that I own and/or control the following land where the land use action is being requested. (Attach evidence of ownership or control. e.g. power of attorney, deed, or purchase agreement)

\_\_\_\_\_  
Printed Name:

\_\_\_\_\_  
Printed Name:

\_\_\_\_\_  
Signature:

\_\_\_\_\_  
Signature:

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

Address and physical location of the Proposed Land Use Action: \_\_\_\_\_

TBD West 9th

Property Description (Of the parent parcel for subdivisions): \_\_\_\_\_

Clay Subdivision Replat #3 Blk 2 Lot 7

**Required Information:**

See Attached sheets for required information for:

- \_\_\_\_\_ Subdivisions
- \_\_\_\_\_ Zone Changes and special exceptions
- \_\_\_\_\_ Planned developments

**FEE PAID:** \$ \_\_\_\_\_ (See attached schedule of fees)

**Fee, complete application, and required attachments accepted by:**

\_\_\_\_\_  
Printed name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

## REQUIRED ATTACHMENTS:

### For Subdivisions:

\_\_\_\_\_ Sketch Plan:

- (1) General lot layout on a topographic background of the proposed subdivision including approximate location of streets, alleys, lots and other significant features.
- (2) Surrounding streets, alleys, and land use features.
- (3) General location of existing sewer and waterlines (developments not intending to use city sewer and water are to include a written explanation of the proposal to satisfy these utility needs.)
- (4) General location of utility easements and types of utilities to be included.
- (5) General location of any open space and an explanation of the type of facilities that will be provided.

\_\_\_\_\_ Attachments: in addition to the above noted sketch plat, the subdivider shall attach the following:

- (1) A letter requesting only zoning change or special exception required for the development to proceed.
- (2) Written description of the type of housing, commercial, industrial, or public uses to be included in the subdivision.
- (3) An explanation of what the general character of the area will be when it is developed and how it will relate to the adjacent surrounding areas.
- (4) An explanation of how the proposed development relates to the Comprehensive Plan (Particularly in regard to land use, thoroughfare, and public facilities)
- (5) Is it the intent to use Deed Restrictions or any other method of controlling the character and/or the quality of the area?

\_\_\_\_\_ If so, briefly explain what they might consist of.

\_\_\_\_\_ (Attach explanation)

\_\_\_\_\_ Attach proposed Subdivision Agreement. (See Part D of the Subdivision Regulations)

\_\_\_\_\_ Preliminary Plat Submission:

- \_\_\_\_\_ (a) Plat Submission Requirements: The subdivider shall submit to the Zoning Administrator:  
\_\_\_\_\_ five (5) copies of the preliminary plat and any supplemental materials specified by the Planning Commission of conditional approval. (The plat submission requirements are stipulated under C-3 Procedure for conditional approval of Preliminary Plat of the City of McCook Subdivision Regulations)
- \_\_\_\_\_ (b) Fees: A plat review fee shall accompany the preliminary plat in the amount specified in the City Fee Ordinance. (See Attached list of fees for building, zoning, and subdivision actions)
- \_\_\_\_\_ (c) Scale and Preliminary Plat contents. Preliminary plats shall be a scale of one (1) inch to one hundred (100) feet or 1" = 200' if seventy-five percent (75%) of the lots are one (1) acre or larger, and shall be prepared with the following information:
- \_\_\_\_\_ (1) The proposed name of the subdivision (the name shall not duplicate or too closely resemble the name or names of any existing subdivision).
- \_\_\_\_\_ (2) The location of the boundary lines of the subdivision and reference to the section or quarter section lines.
- \_\_\_\_\_ (3) The names and addresses of the owner, developer, and the engineer who prepared the plat.
- \_\_\_\_\_ (4) Scale of the plat, one inch = one hundred feet or larger.
- \_\_\_\_\_ (5) Date of preparation and north point.
- \_\_\_\_\_ (6) Present zoning.
- \_\_\_\_\_ (7) Existing conditions:
- \_\_\_\_\_ aa. Location, width and name of platted streets or other public ways, railroads and utility rights-of-way, parks and other public open spaces and permanent buildings within or adjacent to the proposed subdivision shall be shown on the Preliminary Plat.
- \_\_\_\_\_ bb. All existing sewers, water mains, gas mains, culverts, or other underground installations, within the proposed subdivision, or adjacent thereto, with pipe size and manholes, grades and location shall be shown. Control elevation of surface drainage entering and existing from the property.
- \_\_\_\_\_ cc. Names of adjacent subdivisions together with arrangement of streets and lots, and owners of adjacent parcels of unsubdivided land shall be shown.

- \_\_\_\_\_ dd. Topography (unless specifically waived) with contour intervals of not more than five (5) feet, referred to City or U.S.G.S. datum shall be shown; also location of water courses, bridges, wooded areas, lakes, ravines, and such other features as may be pertinent to the subdivision shall be shown.
- \_\_\_\_\_ (8) The general arrangement of lots and their approximate size.
- \_\_\_\_\_ (9) Location and width of proposed streets, alleys, pedestrian ways, and easements. Control elevation shall be shown for all street intersections.
- \_\_\_\_\_ (10) The general plan of sewage disposal, water supply and utilities in areas where public sewers and/or water are proposed to serve the subdivision. In other cases a notation shall be made on the plat indicating type of sewage disposal, and water system proposed.
- \_\_\_\_\_ (11) Location and size of proposed parks, playgrounds, churches, school sites, or other special uses of land to be considered for reservation for public use.
- \_\_\_\_\_ (12) General layout of adjacent unsubdivided property to show how streets and other public facilities, in the proposed subdivision, relate to the unsubdivided property.
- \_\_\_\_\_ (13) The subdivider shall indicate by letter when improvements as required will be installed or requested.
- \_\_\_\_\_ (14) Any proposed restrictive covenants for the land involved shall accompany the plat.
- \_\_\_\_\_ (15) a letter requesting annexation of the subdivision if it is in the planning jurisdiction to be served with city utilities.

Parcel Information	
<b>Parcel ID:</b>	001002100
<b>Map Number</b>	
<b>State Geo Code</b>	4281-00-0-00000-000-0000
<b>Cadastral #</b>	1-42D
<b>Images</b>	
<b>Current Owner:</b>	MCCOOK ECONOMIC DEVELOPMENT CORP 402 NORRIS AVENUE MCCOOK, NE 69001
<b>Situs Address:</b>	
<b>Tax District:</b>	9714
<b>School District:</b>	
<b>Account Type:</b>	Commercial
<b>Legal Description:</b>	0 3 29 CLARY SUBDIVISION REPLAT #3 BLK 2 LOT 7
<b>Lot Width:</b>	N/A
<b>Lot Depth:</b>	N/A
<b>Lot Size:</b>	11421.00

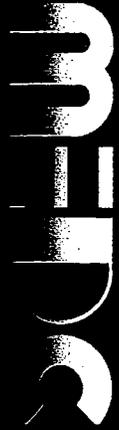
Assessed Values				
Year	Total	Land	Outbuilding	Dwelling
2020	\$11,421	\$11,421	\$0	\$0
2019	\$11,421	\$11,421	\$0	\$0

Yearly Tax Information		
Year	Amount	Levy
2019	\$206.44	1.911555
2018	\$203.74	1.870361

2019 Tax Levy	
Description	Rate
TIF/QUILLAN COURTS	1.91155500

Sales Information			
Sale Date	Sale Price	Book & Page	Grantor
09/16/2019	\$0.00	2019 / 01428	QUILLAN COURTS LLC
10/28/2015	\$7,029.00	2016 / 00874	
10/28/2015	\$7,029.00	2016 / 00874	

Property Classification			
<b>Status:</b>	Unimproved	<b>Location:</b>	Urban
<b>Property Class:</b>	Commercial	<b>City Size:</b>	5,001-12,000
<b>Zoning:</b>		<b>Lot Size:</b>	<10,000 sq. ft.



October 28, 2020

Nate Schneider  
City of McCook  
West 5<sup>th</sup> and C St.  
McCook, NE 69001

Re: Minor Subdivision for Clary Subdivision Replat #3, BLK 2 LOT 70

MEDC is requesting a minor subdivision for the piece of land described above to divide the lot into two similar sized lots.

MEDC is planning on using money from the Innovative State Trust Fund grant to put two, three-bedroom, 2 bathrooms, attached garage homes in the 1,200-1,400 square foot range. This area is already zoned residential medium. For individuals to qualify to purchase these homes they will need to be at 120% of the county median income. This is a considerably higher percentage than what it takes to qualify to live in Quillan Courts, but the home type should fit the neighborhood.

In the last comprehensive land, this area is part of the Q Street Neighborhood. The comprehensive plan said that due to the deterioration of the mobile homes in this area it would be important to develop a new subdivision and replace the mobile homes. The addition of Quillan and Clary already has started to do this and the development of new workforce housing in this space should also continue in this progress.

Based on initial drawings, it appears splitting the lot would still allow us to meet all setback requirements and the requirement in the Quillan Courts Plan Unit Development. The availability of current city infrastructure also makes it a great place to add more workforce housing.

If you have additional questions, you'd like us to address before submitting to the planning commission, please don't hesitate to reach out.

Sincerely,

A handwritten signature in black ink, appearing to read 'Andy Long', is written over a white rectangular area.

Andy Long  
Executive Director

402 Norris Avenue Suite 301  
McCook, NE 69001-2037  
308.345.1200 | Fax 308.345.2152  
McCookNE.org





# PRELIMINARY SITE PLAN

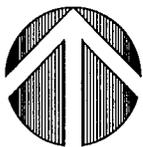
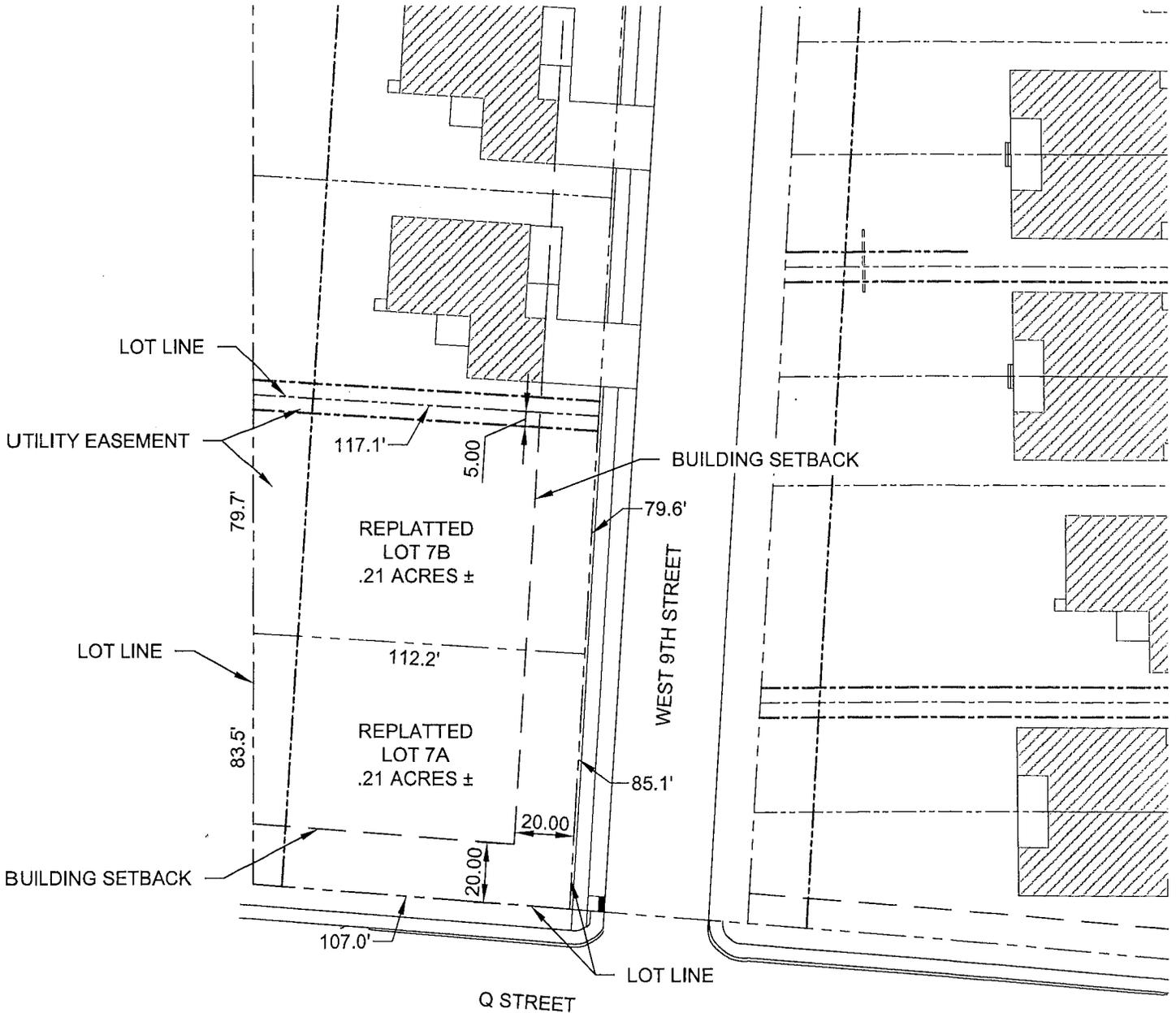


NORTH

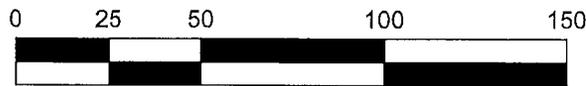
# ADMINISTRATIVE LOT LINE ADJUSTMENT AND PLAT OF SURVEY

REPLAT OF LOT 7, BLOCK 2, CLARY SUBDIVISION REPLAT #3

LOT 7 WILL BE SPLIT AND REPLATTED AS LOT 7A & 7B



NORTH



Planned Unit Development Agreement For  
Quillan Courts Project  
A Planned Unit Development  
in the City of McCook, Red Willow County, Nebraska

WHEREAS, the McCook Economic Development Corporation ("Owner") and Quillan Courts L.L.C. ("Developer"), being the sole owner and developer for the following described tract of land: A tract of land legally described as Lot 2 in Block 1, Clary Subdivision and Lot 2B a Replat of Part of Lot 1, Block 1, Clary Subdivision, Excepting the east 60 feet of Lot 2B which has been dedicated as West 8½ Street to the City of McCook with the recording of Clary Subdivision Replat No. 2, all in the City of McCook, Red Willow County, Nebraska.

WHEREAS, the Owner and Developer desire to subdivide the property and to do so, a Planned Unit Development is required;

WHEREAS, the Owner and Developer have met with the City of McCook to review the Planned Unit Development;

WHEREAS, public improvements are necessary to develop the property properly in accordance with the requirements of the City of McCook;

WHEREAS, the Owner and Developer desire to utilize the Planned Development - Overlay District of the McCook City Zoning Regulations for a Planned development District;

WHEREAS, for platting purposes, the Developer and Owner have presented Clary Subdivision Replat No. 3 to the City of McCook for consideration as a major subdivision. The Clary Subdivision Replat No. 3 is attached to this Preliminary Agreement, as evidence of the proposed planned unit development deviations, and is marked as Exhibit "A";

WHEREAS, the area to be developed is located in the City of McCook's Residential Medium Density District (RM) and is subject to the City of McCook zoning regulations;

NOW, THEREFORE, the undersigned Owner, Developer and City of McCook, Nebraska (hereinafter referred to as the "City"), in consideration of the mutual covenants and agreements herein contained, agree as follows.

**OWNER, DEVELOPER AND CITY AGREE AS FOLLOWS:**

1. That by signing this Planned Unit Development Agreement the Owner and Developer agree to the following:
  - a) That the lots upon which the duplex units are to be located are narrower than the required 50 Feet lots in a Residential Medium Density District. The City agrees to the creation of these narrow lots, none of the lots to be less than 36.17 feet in width. The specific lots contemplated by this agreement are Proposed Lots 1, 2, 4, 5, 6, 7, and 9 of proposed Block 1 and Lots 1, 2, 3 and 4 of proposed Block 2, as described in Exhibit "A".
  - b) That the proposed side yard setbacks located on the south side of Proposed Lot 1 and the proposed side yard setback located on the north side of Proposed Lot 2 in Proposed Block 1 shall be 0 feet, as the duplex unit will be located immediately on the proposed lot line to separate the units. A similar agreement is made for Lot 4 and Lot 5 of proposed Block 1, Lot 6 and Lot 7 of proposed Block 1, Lot 9 and 10

**EXHIBIT #6**

**PAGE(S) - 2**

of proposed Block 1 and Lot 1 and Lot 2 of Proposed Block 2, and Lot 3 and Lot 4 of Proposed Block 2.

- c) On Block 2, the backyard setback requirements shall be eliminated for Lots 1 through 7R and 8R, as platted West 10th Street will more than likely not be developed in the future. The City acknowledges the extreme topographic and cost considerations that would be required to develop West 10th Street. As a result, the parties to this agreement stipulate that the Developer shall not construct any of the structures to extend west beyond the West 10th Street east right-of-way line extending from West Q Street to West K Street.
  - d) That the RM District requirement that the maximum lot coverage for all buildings shall not be more than fifty-five (55) percent of the total lot area is waived for all lots which will contain duplex units. Those lots are: Lot 1, 2, 4, 5, 6, 7, 9 and 10 of Block 1 and Lot 1, 2, 3 and 4 of Block 2.
  - e) There shall be a 10 foot (5 foot on each respective lot) utility easement between Lot 2 and Lot 3, Lot 5 and Lot 6 and Lot 8 and Lot 9 of Block 1 and Lot 2 and Lot 3, Lot 4 and Lot 5 and Lot 6 and Lot 7R and 8R of Block 2.
2. This Preliminary Planned Unit Development Agreement contains the entire subdivision agreement between the parties, and no statements, promises or inducements made by either party or agent of either party that are not contained in this written contract shall be valid or binding; this contract may not be enlarged, modified, or altered except in writing signed by both parties and endorsed on this agreement.
3. This agreement shall run with the land and be binding upon and inure to the benefit of the parties hereto and shall be binding upon heirs, executors, administrators, and subsequent title owners in interest, devisees, assignees, and successors of the Owner hereto.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2020.

By: \_\_\_\_\_  
Dennis Berry, President of the McCook  
Economic Development Corporation

\_\_\_\_\_  
Quillan Courts L.L.C., President

\_\_\_\_\_  
Mike Gonzales, Mayor of the City of McCook

McCook Planning Commission  
December 14, 2020  
5:15 PM 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. Pursuant to the executive order issued by Governor Ricketts on December 1, 2020, the meeting was also open to members of the Planning Commission and the public via audio-conferencing means.

Present: Chair Vosburg; Vice Chair Hilker; Commissioners Davidson, Lyons, McDowell, Graham.

Present audio-conferencing means: Commissioners Dueland, Friehe (arrived 5:18 P.M.)

Absent: Commissioners Bradley, Stevens.

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

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on December 3, 2020, the designated method of giving notice, a copy of the proof of publication being attached to these minutes. Advance notice of the meeting was also given to 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.

Chair Vosburg announced that in accordance with Section 84-1412 of the Nebraska Revised Statutes, a current copy of the Open Meetings Act was available for public review on the Home Page of the City of McCook website and was posted by the entrance to the Council Chambers.

1. Approve the minutes of the November 9, 2020 regular Planning Commission meeting.

Motion to approve the minutes of the November 9, 2020 regular Planning Commission meeting. This motion, made by Hilker and seconded by McDowell, passed.

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

2. Public Hearings and Regular Agenda.

- 2.A. Public Hearing - Consider Replat of Lot 7, Block 2, Clary Subdivision Replat #3, Lot 7 will be split and replatted as Lot 7A and 7B.

Motion to recess as a Planning Commission and convene a public hearing for the purpose of receiving public comment with respect to the Replat of Lot 7, Block 2, Clary Subdivision Replat #3, Lot 7 will be split and replatted as Lot 7A and 7B, with the City Attorney to act as hearing officer. This motion, made by Vosburg and seconded by Lyons, passed.

**EXHIBIT #7**

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

The City Attorney received into evidence Exhibit #1 - City Manager's Report prepared for the December 14, 2020 Planning Commission meeting (1 page), Exhibit #2 - Revised Notice of Hearing published (1 page); Exhibit #3 - ownership list for mailing of Notice of Hearing (1 page); Exhibit #4 - Notice of Public Hearing published and corrected (1 page); Exhibit #5 - Land Use Action Request Form and attachments (9 pages); and Exhibit #6 - proposed Amended Planned Unit Development for Quillan Courts Project (? pages).

City Manager Schneider stated that after further review of the proposed replat, Lot 7A should be 8R and Lot 7B should be 7R and he reviewed the following information contained in Exhibit #1: "An application has been received from the McCook Economic Development Corporation requesting the creation of a minor subdivision through the replat process. In particular, the MEDC is requesting that a tract of land being part of Block Two (2), Lot Seven (7), Clary Subdivision Replat #3 be split into two lots. Due to the fact that Block Two was previously subdivided, this request must be treated as a minor subdivision as opposed to an administrative lot split."

"If approved, Lot 7 would be divided into two lots: Replatted Lot 7A (corrected to 8R) and Replatted Lot 7B (corrected to 7R). MEDC would like to divide these two lots in order to build two new houses. Per our zoning regulations and the Planned Unit Development Agreement that Quillan Courts is subject to, there is sufficient space to build a house on each of the proposed new lots."

"If the lot split is approved, the Planned Unit Development Agreement will need to be revised in order to account for the fact Lot 7 will be divided into Replatted Lot 7A (corrected to 8R) and Replatted Lot 7 B (corrected to 7R). A copy of the proposed amended agreement is attached. Staff suggests that the McCook Planning Commission recommend approval of the amended Planned Unit Development Agreement to the City Council in order to assure that the Agreement reflects the requested subdivision."

Andy Long, MEDC Executive Director, was present to address questions from the Commission. The units would be 3 bedroom, 2 bath, with detached garages; at this time it is not knowing if they will have a basement, that will depend upon the cost.

Commissioner Lyons questioned if there would be any additional drainage issues.

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.

Vosburg: YEA, Hilker: YEA, Bradley: ABSENT, Davidson: YEA, Dueland: YEA, Friehe: YEA, Graham: YEA, Lyons: YEA, McDowell: YEA, Stevens: ABSENT  
YEA: 8, NAY: 0, ABSENT: 2

2.B. Recommend final approval to the McCook City Council of Replat of Lot 7, Block 2, Clary Subdivision Replat #3, Lot 7 will be split and replatted as Lot 7A and 7B, as well as

recommend approval of the Amended Planned Unit Development Agreement for Quillan Courts Project.

Motion to recommend final approval to the McCook City Council of Replat of Lot 7, Block 2, Clary Subdivision Replat #3, Lot 7 will be split and replatted as Lot 7R and 8R, as well as recommend approval of the Amended Planned Unit Development Agreement for Quillan Courts Project. This motion, made by McDowell and seconded by Vosburg, passed.

Vosburg: YEA, Hilker: YEA, Bradley: ABSENT, Davidson: YEA, Dueland: YEA, Friche: ABSENT, Graham: YEA, Lyons: YEA, McDowell: YEA, Stevens: ABSENT  
YEA: 8, NAY: 0, ABSENT: 2

**Adjournment.**

With no further business, Chair Vosburg declared the Planning Commission meeting adjourned at 5:32 P.M.

---

Recording Secretary

RESOLUTION NO. 2020-34

WHEREAS, the McCook Economic Development Corporation applied for approval of a subdivision of a part of Lot 7, Block 2, Clary Subdivision Replat No. 3, Red Willow County, Nebraska located within the corporate limits of the City of McCook to be known as Lots 7R and 8R, Block 2, Clary Subdivision Replat No. 4 to the City of McCook, Red Willow County, Nebraska.

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

SECTION 1. That the plat of Clary Subdivision Replat No. 4 to the City of McCook, Red Willow County, Nebraska, duly made out, acknowledged and certified, and the same hereby is approved in accordance with the provisions and requirements of Section 19-916 of the Nebraska Revised Statutes and accepted and ordered filed and recorded in the Office of the Register of Deeds of Red Willow County, Nebraska.

SECTION 2. That the Mayor and City Clerk be and are hereby authorized and directed to execute the final plat on behalf of the City of McCook, Nebraska.

PASSED AND APPROVED THIS 21<sup>st</sup> DAY OF December, 2020.

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

ATTEST:

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

**EXHIBIT #8**

**PAGE(S) - 1**

**CITY MANAGER'S REPORT  
DECEMBER 21, 2020 CITY COUNCIL MEETING**

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**ITEM:**     4.A.

Approve the minutes of the December 7, 2020 regular City Council meeting.

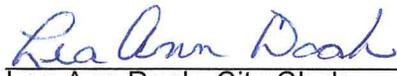
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**BACKGROUND:**

Receive and approve the minutes.

**FISCAL  
IMPACT:**     None.

**APPROVALS:**

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

December 17, 2020

McCook City Council  
December 7, 2020  
5:30 PM Central

A MEETING OF THE MAYOR AND COUNCIL OF THE CITY OF MCCOOK, NEBRASKA convened in open, regular, and public session at 5:30 o'clock P.M. in the City Council Chambers.

Present: Mayor Gonzales, Councilmembers Hepp, Calvin, Weedon, Muehlenkamp.

Absent: None.

City Officials present: City Manager Schneider, City Attorney Mustion, City Clerk Doak, Library Director Crocker, Utilities Director Dutcher, Fire Chief Harpham, Senior Services Director Siegfried, and Police Chief Smith.

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on December 3, 2020, the designated method of giving notice, a copy of the proof of publication being attached to these minutes. Advance notice of the meeting was also given to the Mayor and members of the City Council and a copy of the Acknowledgement of Receipt of such notice is attached to these minutes. Availability of the agenda was communicated in the advance notice to the Mayor and Council. All proceedings hereafter shown were taken while the meeting was open to the attendance of the public.

Mayor Gonzales announced that a copy of the Open Meetings Act was posted by the entrance to the Council Chambers and available for public review. Following the Pledge of Allegiance to the flag of the United States of America, Mayor Gonzales called the meeting to order.  
Pledge of Allegiance.

**1. Recognition of outgoing Councilmember Hepp.**

Mayor Gonzales presented a clock to outgoing Councilmember Hepp in appreciation of her almost eight years of dedicated service to the City of McCook.

**2. Reorganization of the City Council.**

2.A. Administer oath of office for the newly elected Councilmembers Jerry Calvin and Darcy Rambali.

City Clerk Doak administered the oath of office to the newly elected Councilmembers Jerry Calvin and Darcy Rambali.

2.B. Election of Mayor.

City Manager Schneider called for nominations from the Council for the office of Mayor (President)

of the Council. Jerry Calvin nominated Mike Gonzales. Gene Weedin seconded the nomination. There being no further nominations, the nominations were declared closed. The yeas and nays were called and the vote was as follows: Gonzales: YEA, Calvin: YEA, Weedin: YEA, Muehlenkamp: YEA, Rambali: Yea.  
YEA: 5, NAY: 0

2.C. Election of Vice President of Council.

City Manager Schneider called for nominations from the Council for the office of Vice President of the Council. Gene Weedin nominated Jerry Calvin. Mike Gonzales seconded the nomination. There being no further nominations, the nominations were declared closed. The yeas and nays were called and the vote was as follows: Gonzales: YEA, Calvin: YEA, Weedin: YEA, Muehlenkamp: YEA, Rambali: Yea.  
YEA: 5, NAY: 0

2.D. Determination of seating order.

Based on policy set by previous Council, the Councilmembers at this time chose their seats by seniority. The seat order for the Council shall be:

From left to right - Councilmember Rambali, Councilmember Weedin, Mayor Gonzales, Councilmember Calvin, Councilmember Muehlenkamp, City Manager Schneider, City Attorney Mustion, and City Clerk/Treasurer Doak.

**3. Citizen's Comments.**

Jeff Donelan, pastor of the Evangelical Free Church presented the invocation.

Dale Dueland encouraged the Council with the recent increase in COVID cases to consider utilizing zoom meeting or some type of video conferencing for city public meetings and to consider a mask mandate.

**4. Announcements & Recognitions.**

City Manager Schneider noted that the Planning Commission has a meeting scheduled for this coming Monday, December 14 and that a Board of Zoning Adjustment will be scheduled for the week of January 4.

**5. Proclamations.**

5.A. Approve the proclamation designating December 7, 2020 as "Arbor Day" in the City of McCook and authorize the Mayor to sign.

Motion to approve the proclamation designating December 7, 2020 as "Arbor Day" in the City of McCook and authorize the Mayor to sign. This motion, made by Weedin and seconded by Calvin,

passed.

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

- 5.B. Approve a proclamation designating each Tuesday from December 8, 2020 to December 29, 2020 as "Takeout Tuesday" throughout the City and authorize the Mayor to sign.

Motion to approve the proclamation designating December 8, 2020 to December 29, 2020 as "Takeout Tuesday" in the City of McCook and authorize the Mayor to sign. This motion, made by Calvin and seconded by Gonzales, passed.

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

## **6. Consent Agenda.**

Motion to approve the consent agenda. This motion, made by Weedon and seconded by Muehlenkamp, passed.

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

- 6.A. Approve the minutes of the November 16, 2020 regular City Council meeting.
- 6.B. Adopt Resolution No. 2020-30 authorizing the signing of the Year-End Certification of City Street Superintendent Form 2020.
- 6.C. Receive and file the Agreement for Street Superintendent Services between the City of McCook and Greg A. Wolford, Class A License S-875 for the 2021 calendar year.
- 6.D. Receive, file, and authorize the Mayor to sign the Annual Certification Form confirming that the funds received by the City of McCook from the State of Nebraska Department of Transportation as part of the Federal Aid Transportation Fund Purchase-Sale Agreement have been used according to such agreement.
- 6.E. Receive and file the claims for the month of October 2020 as published November 20, 2020.
- 6.F. Adopt Resolution No. 2020-31 approving and authorizing the mayor to sign application to purchase Ford Transit 12 passenger van.
- 6.G. Approve the automatic renewal of all current retail liquor licenses in the City of McCook for the year 2021 and instruct the City Clerk to publish individual notice of the right of automatic renewal of each license.

## **7. Regular Agenda.**

- 7.A. Discussion regarding MEDC's request for \$25,000 of ACE fund assistance, said funds to be included as part of a \$250,000 local pledge for a Rural Workforce Housing Fund grant.

Andy Long, Director of the MEDC, reviewed their request for \$25,000 of ACE funds to be used as part of the local pledge for a Rural Workforce Housing grant.

It was the consensus of the Council to bring back this item for consideration at the December 21 meeting.

- 7.B. Discussion regarding potentially rescheduling a capital improvement strategic planning meeting.

Discussion included holding a meeting via zoom. Mayor Gonzales stated that his preference would be to hold a person to person meeting.

Andy Long, MEDC Director, stated that they will be conducting a survey as part of the update to the 2013 housing study. The survey will contain some community based questions such as whether a new pool should be constructed, should the renovations of the Memorial Auditorium be completed, should the ball park facilities be upgraded, etc., and should property taxes or sales taxes be increased to fund these large infrastructure projects. This portion of the survey may help with a strategic plan.

- 7.C. Receive and file a discussion regarding COVID-19 related items and updates.

The Governor's executive order on December 1 permits council members and members of the public to attend public meetings via audio-conferencing means. It was the consensus of the Council to have future council meetings also available via audio-conferencing means until the order is terminated by the Governor.

City Manager Schneider informed the Council that according to Nebraska Statute 16-238, the decision-making authority regarding a mask mandate is with the City's Board of Health. The Board of Health may make regulations to prevent the spread of contagious, infectious disease into the City. The Board can be called to meet by two members of the Health Board or by the Mayor. His main concern with a mask mandate is how it would be enforced.

Police Chief Smith also expressed concerns with enforcement.

Council discussion included whether a Health Board meeting has been planned; conducting an education/publicity campaign about how to avoid the spread of the virus; that the Council has already taken a stand by approving the proclamation reminding our citizens of the recommended public health guidelines: maintain six feet of distancing in public; wear a mask whenever six feet distancing is not possible to protect others around you; wash your hands regularly; and stay home when ill; businesses need to enforce current recommended guidelines;

Andy Long, Ronda Graff, Dale Dueland, spoke in support of a mask mandate, encouraged the Council to call a meeting of the Board of Health to consider the mandate; and for the Council to

consider the use of zoom for future meetings.

Library Director Crocker and City Attorney Mustion stated they have been requiring masks and have had no issues. Mr. Mustion added that all businesses have the authority to require masks at the establishments.

7.D. Council Comments.

Council comments included thanking Janet Hepp for her service to the City and welcomed Darcy as a new member of the Council, and reminded citizens to complete the MEDC survey.

**Adjournment.**

There being no further business to come before the Council, Mayor Gonzales declared the meeting adjourned at 6:56 P.M.

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Michael D. Gonzales, Mayor

ATTEST:

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Lea Ann Doak, City Clerk-Treasurer

**CITY MANAGER'S REPORT  
DECEMBER 21, 2020 CITY COUNCIL MEETING**

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**ITEM:        4.B.**

Receive and file the claims for the month of November 2020 as published December 11, 2020.

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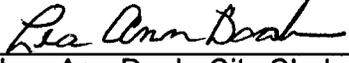
**BACKGROUND:**

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

December 16, 2020

CITY OF MCCOOK  
CLAIMS FOR NOVEMBER 2020

ABBREVIATIONS FOR LEGALS: PS - PERSONAL SERVICES; S- SUPPLIES; SC - SERVICES & CHARGES; CO - CAPITAL OUTLAY; BT - BUDGET TRANSFERS

20/20 TECHS-SC 3300.00; 7-D LOCKSHOP-S 34.60; ACE-S 267.27; AKRS-S 69.30; AMERICAN AG LAB-SC 637.47; AMERICAN ELECTRIC-S 30.32 ANYTIME TRI-STATE TOWING-SC 275.00; ARROW CAR WASH-S 10.58; BLACK HILLS ENERGY-SC 3793.92; BOOKS BY THE BUSHEL-S 199.50; BW TELCOM-SC 144.14; C&K-S 17.43;CAMBRIDGE TELE-SC 244.51; CARQUEST-S 1726.89; CASH WA-S 3385.19; CITY OF MCCOOK-PS 349044.17; CITY SELF INS-BT 145676.00; UTILITIES-SC 15000.74; D & S HARDWARE-S 603.42; DAS STATE ACCTG-S 22.00; EAKES-S 548.79; FASTENAL-S 7.84; FICA-PS 17214.47; FRONTIER COMMUNICATIONS-SC 43.19; GALLS-S 331.50; GARDNER MEDIA, LLC-S 170.37; GERHOLD-S 197.63; GOLDEN WEST IND-S 321.18; GOOGLE SVCS-SC 462.00; GREAT PLAINS COMM-SC 57.58; D. HARTWELL-S 750.00; K. HODGSON-S 150.00; HOMETOWN LEASING-SC 1696.98; IDEAL-S 178.62; IMAGE TREND-SC 2137.50; INT'L CODE-SC 245.00; J & A TRAFFIC-S 1291.25; JANSSEN-KOOL HONDA-S 393.89; JOHN HANCOCK-SC 23364.92; K & C GRAIN-S 19562.59; K-C MOTOR & ELEC-S 439.65; L. KINNE-S 150.00; KOHL'S AUTO-S 249.24; LIFE-ASSIST-S 354.42; LOOKOUT BOOKS-S 187.60; LORD'S-S 160.47; MARIS CONST.-S 80.00; MC GAZETTE-SC 1059.55; MC HUMANE SOCIETY-S 3599.87; MC MECHANICAL-S 548.02; MPPD-SC 1540.90; MCNET-SC 121.40; C MCDONALD-SC 750.00; T. MCGINLEY-SC 289.95; MCKESSON MEDICAL-S 540.95; MEAD-S 671.95; MEDICARE-PS 4853.39; MERCHANT SRVS-SC 859.91; R. METCALF-S 750.00; MICROMARKETING-S 1641.21; MIDAMERICA BOOKS-S 208.45; MIDLAND'S TOXI-SC 175.00; MNB-CO 26000.00; MOUSEL, BROOKS, SCHNEIDER, MUSTION-SC 4006.90; MUNICIPAL SUPPLY-S 3432.84, CO 21832.50; NE DEPT HEALTH LABS-SC 19.00; NE DEPT REVENUE-SC 20275.93; NE STATE FIRE MARSHALL-S 120.00; NE SALT AND GRAIN-S 4813.50; NEBRASKALAND TIRE-S 346.24; T. NEFF-S 750.00; NICK'S DIST-S 143.83; NE MACHINERY-S 763.49; NPPD-SC 35348.73; O'REILLY-S 197.17; ONE CALL CONCEPTS-SC 81.44; PAPER TIGER SHREDDING-S 66.30; PLATTE VALLEY COMM-S 310.00, QUADIANT FINANCE-SC 1000.00; QUICK MED-SC 2368.94; QUILL-S 91.96; RAVENSWOOD ELECTRIC-

S 195.90; RED WILLOW CO HEALTH-SC 4139.02; S. RENNER-S 750.00; SANDRY FIRE-S 40.00; M. SCHOENEMANN-S 750.00; SEHNERT'S-SC 47.70; J. SLATEN-S 750.00; S. SMITH-SC 750.00; SOUTHWEST FARM & AUTO-S 373.86; STRYKER MEDICAL-CO 2162.40; SWANSON SIGN-SC 105.00; TASTE OF HOME-S 115.50; TITAN MACHINERY-S 1778.67; TITAN MACHINERY-S 1778.67; UMR-SC 142762.17; UNION BANK-SC 79227.50; USPS-SC 1343.20; USA BLUE BOOK-SC 323.99; WAGNER CHEVY-S 83.36, SC 79.82; WALMART-S 593.57; WESTSIDE WELDING-S 18.75; S. YAGER-S 750.00; ZOLL MEDICAL-S 289.90.

-s- Lea Ann Doak  
City Clerk

Publish: December 11, 2020

**CITY MANAGER'S REPORT  
DECEMBER 7, 2020 CITY COUNCIL MEETING**

---

**ITEM: 4.C.**

**AWARD THE BID FOR THE 2020 CRACK SEALING PROJECT TO STRIPE AND SEAL, LLC OF HAYS, KANSAS IN THE AMOUNT OF \$48,000.00, THAT BEING THE LOWEST BEST BID.**

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**BACKGROUND**

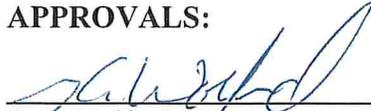
On November 24<sup>th</sup> the City received bids for the 2020 Crack sealing project. Attached is the bid tabulation of the three bids received. The low bidder, Stripe and Seal from Hays, KS is the same contractor that was low bid on the last contract in 2018.

**FISCAL IMPACT:** None.

**RECOMMENDATION:**

**AWARD THE BID FOR THE 2020 CRACK SEALING PROJECT TO STRIPE AND SEAL, LLC OF HAYS, KANSAS IN THE AMOUNT OF \$48,000.00, THAT BEING THE LOWEST BEST BID.**

**APPROVALS:**

  
\_\_\_\_\_  
Greg Wolford, W/Design Associates

Date: 30 Nov 20

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

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

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

Date: 12-15-2020

**Bid Tabulation  
 McCook Public Works - Crack Sealing Project  
 McCook, NE 69001**

**Bid Date: 11/24/2020 @ 2:15 PM**

<b>CONTRACTOR</b>	<b>TOTAL BASE BID</b>	<b>START DATE</b>	<b>COMPLETION DATE</b>	<b>ADDENDA #1</b>	<b>BID BOND</b>	<b>NOTES</b>
B & H Paving P.O. Box 524 Scott City, KS 67871 620-872-3580	\$ 65,250.00	12/1/2020	4-1-20*	N/A	Check	*Typo
Baders Highway & Street Maintenance 1400 Square Turn Blvd. Norfolk, NE 68701 402-841-9382	No Bid					
Diamond Drilling & Sawing Company 1157 S. Bannock Street Denver, CO 80223 303-733-3741	No Bid					
Stripe & Seal LLC 1518 Yocemento Ave. Hays, KS 67601 785-623-7446	\$ 48,000.00	3/1/2021	4/1/2021	N/A	Yes	
Super Sealing USA San Antonio, TX 417-331-4932	\$ 49,275.00	12/1/2020	3/31/2021	N/A	Yes	
Topkote, Inc. 43439 SD Hwy 50 Yankton, SD 57078 605-665-8106	No Bid					
Wolverine Sealcoating, LLC 3235 County Farm Road Jackson, MI 49201 517-962-4261	No Bid					

**CITY MANAGER'S REPORT  
DECEMBER 21, 2020 MCCOOK CITY COUNCIL MEETING**

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**ITEM 4.D.**

Approve Resolution No. 2020-32 amending and updating the City of McCook's Employee Handbook.

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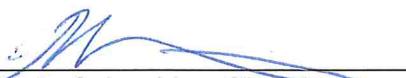
**BACKGROUND:**

For several years, city staff has worked on amending and updating the City of McCook's Employee Handbook. With the help of the Olson Group, city staff has completed its update and requests that the City Council approve the amendments to its employee handbook. The changes to the handbook reflect changes to the law, or assures that the handbook adequately articulates the City's policies with respect to its employees. One important item to note is the inclusion of a return to work policy. EMC has suggested the inclusion of a return to work policy in order to promote an efficient and responsible reentry to the job after an employee has been out with an injury or illness. Additionally, the inclusion of this policy should assist the City achieve favorable workers compensation mod ratings in the future.

**APPROVALS:**

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

December 15, 2020

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

December 15, 2020

RESOLUTION 2020-32

A RESOLUTION APPROVING A NEW EMPLOYEE HANDBOOK  
FOR THE CITY OF MCCOOK

- WHEREAS, the City of McCook previously adopted the City of McCook Employee Handbook, which has been amended from time to time; and
- WHEREAS, the City Manager has presented to the City Council an updated Employee Handbook for the City, which has been developed with assistance, input, and comments from Human Resources professionals, the City's Department Heads, staff, and other interested persons; and
- WHEREAS, the City Council has reviewed the proposed Handbook and finds it is in the best interest of the City and its employees to adopt a new Employee Handbook for the City; and
- WHEREAS, the City Council finds that the proposed Employee Handbook will serve to further inform employees of City personnel policies and general applicability, and that current and sound personnel policies are an essential part of recruiting and retaining excellent employees and extending high quality services to the public.

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

- SECTION 1. The City of McCook Employee Handbook dated December 21, 2020, a copy of which is attached hereto, is hereby approved and adopted by the Board of Commissioners.
- SECTION 2. This Resolution and the Employee Handbook attached hereto shall take effect January 1, 2021. All employees of the City shall be provided a copy of such Employee Handbook and shall sign an acknowledgement and receipt therefore.
- SECTION 3. The City of McCook, Nebraska Employee Handbook and any amendments thereto are hereby rescinded effective January 1, 2021.

PASSED AND ADOPTED this 21<sup>st</sup> day of December, 2020.

\_\_\_\_\_  
Mayor

ATTEST:

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

# City of McCook

**City of McCook 2020**

**December 21, 2020**

**Approved by Resolution No. 2020-32**



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# Core Policies

## 1.0 Welcome

### 1.1 A Welcome Policy

Welcome! You have just joined a dedicated City. We hope that your employment with City of McCook will be rewarding and challenging. We take pride in our employees as well as in the products and services we provide.

The City complies with all federal and state employment laws, and this handbook generally reflects those laws. The City also complies with any applicable local laws, although there may not be an express written policy regarding those laws contained in the handbook.

The employment policies and/or benefits summaries in this handbook are written for all employees. When questions arise concerning the interpretation of these policies as they relate to employees who are covered by a collective-bargaining agreement, the answers will be determined by reference to the actual union contract, rather than the summaries contained in this handbook. If a policy is not contained in the collective-bargaining agreement, this handbook will take precedence.

Please take the time now to read this handbook carefully. Sign the acknowledgment at the end to show that you have read, understood, and agree to the contents of this handbook, which sets out the basic rules and guidelines concerning your employment. This handbook supersedes any previously issued handbooks or policy statements dealing with the subjects discussed herein. The City reserves the right to interpret, modify, or supplement the provisions of this handbook at any time. Neither this handbook nor any other communication by a management representative or other, whether oral or written, is intended in any way to create a contract of employment. Please understand that no employee handbook can address every situation in the work place.

If you have questions about your employment or any provisions in this handbook, contact Human Resources Officer.

We wish you success in your employment here at City of McCook!

*This policy manual is not a contract between the city and any applicant for employment or any employee, and it should not be construed as such. Rather, this manual is a guide and describes the procedures the city will attempt to follow in most cases. The city reserves the right to vary from these procedures when needed and to ignore them completely at the discretion of management. No term or condition of employment with the city is other than employment-at-will, unless such term or condition is embodied in a separate agreement signed by the mayor or the City Manager, with the approval of the city council.*

### 1.2 At-Will Employment

Your employment with City of McCook is on an "at-will" basis. This means your employment may be terminated at any time, with or without notice and with or without cause. Likewise, we respect your right to leave the City at any time, with or without notice and with or without cause.

Nothing in this handbook or any other City document should be understood as creating a contract, guaranteed or continued employment, a right to termination only "for cause," or any other guarantee of continued benefits or employment. All collective bargaining agreements shall be negotiated by City Manager.

If a written contract between you and the City is inconsistent with this handbook, the written contract is controlling.

Nothing in this handbook will be interpreted, applied, or enforced to interfere with, restrain, or coerce employees in the exercise of their rights under Section 7 of the National Labor Relations Act.

### **1.3 Revisions to Handbook**

This handbook is our attempt to keep you informed of the terms and conditions of your employment, including City of McCook policies and procedures. The handbook is not a contract. The City reserves the right to revise, add, or delete from this handbook as we determine to be in our best interest, except the policy concerning at-will employment. When changes are made to the policies and guidelines contained herein, we will endeavor to communicate them in a timely fashion, typically in a written supplement to the handbook or in a posting on company bulletin boards.

## **2.0 Introductory Language and Policies**

### **2.1 About the City of McCook**

The City of McCook operates under the Council-Manager form of government.

The City Council is the legislative or policy making body of the City of McCook. It consists of five council members elected at-large by the citizens. One member of the five is chosen by the Council to serve as the President of the Council for purposes of conducting business and as the ex-officio Mayor of the City. The Council's major functions are to pass ordinances and resolutions; adopt the budget; employ a City Manager and City Clerk; and set policies. The Council is responsible for the establishment of personnel and compensation policies. The Council also makes appointments to the various advisory boards and committees. Council meetings are held in the City Council Chambers, City Building, on the first and third Mondays of each month.

Under Nebraska law, except for the purpose of inquiry, an individual Councilmember is forbidden to interfere in anyway with the operation of the departments of the City. It is only through the direction of the Council as a whole and through the City Manager that the affairs of the City may be conducted.

The City Manager is the chief administrative officer of the City. The position is similar to a president or business manager of a private company. The powers and duties of the City Manager are outlined by state statutes as follows:

1. To see that laws and ordinances are enforced.
2. To appoint and remove department heads and employees, unless such appointment and removal is subject to civil service laws.
3. To exercise control over all departments.
4. To attend all meetings of the Council with the right to take part in discussion but not to vote.
5. To recommend to the Council such measures as maybe deemed necessary or useful.
6. To prepare the annual budget and keep the Council fully advised as to the financial condition and needs of the City.
7. To perform such other duties as maybe required by act, ordinance, or resolution.

There are several organizations established by the City to assist in specialized areas and to administer policies and programs adopted by the City. These are as follows:

1. Airport Advisory Commission
2. Airport Zoning Board
3. Board of Health
4. Board of Zoning Adjustment
5. Building Housing Code & Advisory & Appeals Board
6. Civil Service Commission
7. Housing Agency Board
8. Library Advisory Board
9. Parks Advisory Board
10. Planning Commission
11. Senior Citizens Advisory Board
12. Tree Advisory Board
13. Community Development Agency

## **2.2 Mission Statement**

We are dedicated to serving the citizens of McCook and are committed to the preservation of life, health, property and the environment of our community. We serve with honor. We pride ourselves in the delivery of our services.

## **2.3 City of McCook Facilities**

The City is organized into seven major departments as follows:

1. Administration
  - a. Building & Zoning
2. Police
3. Fire
  - a. Ambulance
  - b. Emergency Management
4. Library
5. Public Works
  - a. Airport
  - b. Ball Parks
  - c. Cemetery
  - d. Solid Waste
  - e. Parks
  - f. Pool
  - g. Sanitation
  - h. Street
6. Senior Services
  - a. Handibus Public Transit
  - b. Meals on Wheels
  - c. Senior Center
7. Utilities
  - a. Sewer
  - b. Water

## **2.4 Ethics Code**

City of McCook will conduct business honestly and ethically wherever operations are maintained. We strive to improve the quality of our services, products, and operations and will maintain a reputation for honesty, fairness, respect, responsibility, integrity, trust, and sound business judgment. Our managers and employees are expected to adhere to high standards of business and personal integrity as a representation of our business practices, at all times consistent with their duty of loyalty to the City.

We expect that officers, directors, and employees will not knowingly misrepresent the City and will not speak on behalf of the City unless specifically authorized. The confidentiality of trade secrets, proprietary information, and similar confidential commercially-sensitive information (i.e. financial or sales records/reports, marketing or business strategies/plans, product development, customer lists, patents, trademarks, etc.) about the City or operations, or that of our customers or partners, is to be treated with discretion and only disseminated on a need-to-know basis (see policies relating to privacy).

Violation of the Code of Ethics can result in discipline, up to and including termination of employment. The degree of discipline imposed may be influenced by the existence of voluntary disclosure of any ethical violation and whether or not the violator cooperated in any subsequent investigation.

## **3.0 Hiring and Orientation Policies**

### **3.1 Conflicts of Interest**

City of McCook is concerned with conflicts of interest that create actual or potential job-related concerns, especially in the areas of confidentiality, customer relations, safety, security, and morale. If there is any actual or potential conflict of interest between you and a competitor, supplier, distributor, or contractor to the City, you must disclose it to your Department Head or Supervisor. If an actual or potential conflict of interest is determined to exist, the City will take such steps as it deems necessary to reduce or eliminate this conflict.

### **3.2 Employment of Relatives**

A supervisor shall not supervise their immediate family members, and relatives may only be employed in the same department upon permission of the City Manager. It is your obligation to inform the City of any potential conflict so the City can determine how best to respond to the particular situation.

### **3.3 Job Descriptions and Classification Plan**

City of McCook attempts to maintain a job description for each position. If you do not have a current copy of your job description, you should request one from your Department Head or Supervisor.

Job descriptions prepared by the City serve as an outline only. Due to business needs, you may be required to perform job duties that are not within your written job description. Furthermore, the City may have to revise, add to, or delete from your job duties per business needs. On occasion, the City may need to revise job descriptions with or without advance notice to employees.

If you have any questions regarding your job description or the scope of your duties, please speak with your Department Head or Supervisor.

All positions in the City are listed in the City pay schedule which sets the rate of pay for the various positions according to the relative difficulty, responsibilities, qualifications, prevailing rates of pay, cost of living factors, financial policy of the City, and other economic considerations. The pay plan insures that persons holding the same or similar positions in the City are compensated on an equal basis except for pay differences resulting from merit increases or longevity.

### **3.4 New Hires and Probationary Periods**

The first 90 days of your employment is considered a probationary period. During this period, you will become familiar with City of McCook and your job responsibilities, and we will have the opportunity to monitor the quality and value of your performance and make any necessary adjustments in your job description or responsibilities. Your probationary period with the City can be shortened or lengthened as deemed appropriate by management. Completion of this probationary period does not imply guaranteed or continued employment. Nothing that occurs during or after this period should be construed to change the nature of the "at-will" employment relationship.

Police officers are on probation for twelve (12) months after their hire date, and firefighters are on probation for six (6) months after commencement of their employment. Non-sworn employees of the collective bargaining units are subject to a six (6) month probationary period.

### **3.5 Recruitment**

When an opening occurs in one of the departments, the department head shall report the opening to the City Manager. The City shall advertise for and otherwise solicit applicants for at least two weeks. Applicants for civil service positions shall be required to take competitive civil service exams and be subject

to certification by the Civil Service Commission. All applicants are required to submit a resume or fill out a standard City application form.

An applicant's driving record and criminal history may be checked prior to employment. After applications have been reviewed, those applicants determined to be best qualified on the basis of the application shall be interviewed and tested as appropriate. With the recommendation of the department head the City Manager will appoint the best qualified applicant.

In accordance with the Rehabilitation Act of 1973 and the Americans With Disabilities Act, no applicant for employment will be required to undergo a physical examination prior to being offered a position with the City. An applicant may be required to undergo a physical examination, and applicants for safety sensitive positions or those requiring a CDL, alcohol and controlled substance testing, after an offer of employment has been made. An offer of employment will be contingent upon the results of the medical examination and testing.

### **3.6 Training Program**

In most cases, and for most departments, training employees is done on an individual basis by the Department Head. Even if you have had previous experience in the specified functions of your job duties, it is necessary for you to learn our specific procedures, as well as the responsibilities of the specific position. If you ever feel you require additional training, consult your Department Head or Supervisor.

Supervisor-employee conferences may be used as a tool for measuring the effectiveness of an employee performance of his or her job.

These conferences indicate the areas in which the employee is strong as well as those in which the employee needs to improve. Written documentation may be completed to summarize these conferences.

Department Heads will review all new employees within their department. The City Manager will review all new department heads and members of his or her staff.

Written documentation will be completed for summarizing the conference. A copy shall be maintained in the employee's personnel file.

### **3.7 Employment Authorization Verification**

New hires will be required to complete Section 1 of federal Form I-9 on the first day of paid employment and must present acceptable documents authorized by the U.S. Citizenship and Immigration Services proving identity and employment authorization no later than the third business day following the start of employment with City of McCook. If you are currently employed and have not complied with this requirement or if your status has changed, inform your Department Head or Supervisor.

If you are authorized to work in this country for a limited period of time, you will be required to submit proof of renewed employment eligibility prior to expiration of that period to remain employed by the City.

### **3.8 Employment Requirement – Residence**

All department heads and supervisory level employees shall live within the City limits and all other employees shall live within five miles of the City limits unless an exception is granted by the City Manager. An exception will only be granted if it is determined that his or her ability to perform the job will not be impaired.

### **3.9 Access to Personnel and Medical Records Files**

City of McCook maintains separate medical records files and personnel files for all employees. Files containing medical records are stored separate and apart from any business-related records in a safe, locked, inaccessible location. The medical file is the repository for sensitive and confidential information related to an individual's health, health benefits, health-related leave and/or accommodations, and benefits

selections and coverage. Medical records are kept confidential in compliance with applicable laws and access is on a "need-to-know" basis only.

Supervisors and others in management may have access to your personnel file for possible employment-related decisions. If you wish to review your personnel or medical records file, you must give the City reasonable notice. Inspection must occur in the presence of a Human Resource representative.

All requests by an outside party for information contained in your personnel file will be directed to Human Resources, which is the only department authorized to give out such information. Such a request must be a written authorization from the employee, unless the release is required by law.

### **3.10 Disability Accommodation**

City of McCook complies with the Americans with Disabilities Act (ADA), the Pregnancy Discrimination Act, and all applicable state and local fair employment practices laws, and is committed to providing equal employment opportunities to qualified individuals with disabilities, including disabilities related to pregnancy, childbirth, and related conditions. Consistent with this commitment, the City will provide reasonable accommodation to otherwise qualified individuals where appropriate to allow the individual to perform the essential functions of the job, unless doing so would create an undue hardship on the business.

If you require an accommodation because of your disability, it is your responsibility to notify your Department Head or Supervisor. You may be asked to include relevant information such as:

- A description of the proposed accommodation.
- The reason you need an accommodation.
- How the accommodation will help you perform the essential functions of your job.

After receiving your request, the City will engage in an interactive dialogue with you to determine the precise limitations of your disability and explore potential reasonable accommodations that could overcome those limitations. Where appropriate, we may need your permission to obtain additional information from your medical provider. All medical information received by the City in connection with a request for accommodation will be treated as confidential.

The City encourages you to suggest specific reasonable accommodations that you believe would allow you to perform your job. However, the City is not required to make the specific accommodation requested by you and may provide an alternative accommodation, to the extent any reasonable accommodation can be made without imposing an undue hardship on the City.

If leave is provided as a reasonable accommodation, such leave may run concurrently with leave under the federal Family and Medical Leave Act and/or any other leave where permitted by state and federal law.

The City will not discriminate or retaliate against employees for requesting an accommodation.

### **3.11 EEO Statement and Non-Harassment Policy**

#### *Equal Opportunity Statement*

City of McCook is committed to the principles of equal employment. We are committed to complying with all federal, state, and local laws providing equal employment opportunities, and all other employment laws and regulations. It is our intent to maintain a work environment that is free of harassment, discrimination, or retaliation because of age (40 and older), race, color, national origin, ancestry, religion, sex, pregnancy (including childbirth, lactation, and related medical conditions), physical or mental disability, genetic information (including testing and characteristics), veteran status, uniformed servicemember status, or any other status protected by federal, state, or local laws. The City is dedicated to the fulfillment of this policy in regard to all aspects of employment, including but not limited to recruiting, hiring, placement, transfer, training, promotion, rates of pay, and other compensation, termination, and all other terms, conditions, and privileges of employment.

The City will conduct a prompt and thorough investigation of all allegations of discrimination, harassment, or retaliation, or any violation of the Equal Employment Opportunity Policy in a confidential manner. The City will take appropriate corrective action, if and where warranted. The City prohibits retaliation against employees who provide information about, complain about, or assist in the investigation of any complaint of discrimination or violation of the Equal Employment Opportunity Policy.

We are all responsible for upholding this policy. You may discuss questions regarding equal employment opportunity with your Department Head or Supervisor or any other designated member of management.

### Policy Against Workplace Harassment

City of McCook has a strict policy against all types of workplace harassment, including sexual harassment and other forms of workplace harassment based upon an individual's age (40 and older), race, color, national origin, ancestry, religion, sex, pregnancy (including childbirth, lactation, and related medical conditions), physical or mental disability, genetic information (including testing and characteristics), veteran status, uniformed servicemember status, or any other status protected by federal, state, or local laws. All forms of harassment of, or by, employees, vendors, visitors, customers, and clients are strictly prohibited and will not be tolerated.

### Sexual Harassment

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when (1) submission to such conduct is made either explicitly or implicitly as a term or condition of an individual's employment; (2) submission to, or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

While it is not possible to identify every act that constitutes or may constitute sexual harassment, the following are some examples of sexual harassment:

- Unwelcome requests for sexual favors;
- Lewd or derogatory comments or jokes;
- Comments regarding sexual behavior or the body of another;
- Sexual innuendo and other vocal activity such as catcalls or whistles;
- Obscene letters, notes, emails, invitations, photographs, cartoons, articles, or other written or pictorial materials of a sexual nature;
- Repeated requests for dates after being informed that interest is unwelcome;
- Retaliating against another for refusing a sexual advance or reporting an incident of possible sexual harassment to the City or any government agency;
- Offering or providing favors or employment benefits such as promotions, favorable evaluations, favorable assigned duties or shifts, etc., in exchange for sexual favors; and
- Any unwanted physical touching or assaults or blocking or impeding movements.

### Other Harassment

Other workplace harassment is verbal or physical conduct that insults or shows hostility or aversion toward an individual because of the individual's age (40 and older), race, color, national origin, ancestry, religion, sex, pregnancy (including childbirth, lactation, and related medical conditions), physical or mental disability, genetic information (including testing and characteristics), veteran status, uniformed servicemember status, or any other status protected by federal, state, or local laws.

Again, while it is not possible to list all the circumstances that may constitute other forms of workplace harassment, the following are some examples of conduct that may constitute workplace harassment:

- The use of disparaging or abusive words or phrases, slurs, negative stereotyping, or threatening, intimidating, or hostile acts that relate to the above protected categories;

- Written or graphic material that insults, stereotypes, or shows aversion or hostility toward an individual or group because of one of the above protected categories and that is placed on walls, bulletin boards, email, voicemail, or elsewhere on our premises, or circulated in the workplace; and
- A display of symbols, slogans, or items that are associated with hate or intolerance toward any select group.

### Reporting Discrimination and Harassment

If you feel that you have witnessed or have been subjected to any form of discrimination or harassment, immediately notify Department Head, Supervisor or Human Resources or any member of management.

The City prohibits retaliation against employees who, based on a reasonable belief, provide information about, complain, or assist in the investigation of any complaint of harassment or discrimination.

We will promptly and thoroughly investigate any claim and take appropriate action where we find a claim has merit. To the extent possible, we will retain the confidentiality of those who report suspected or alleged violations of the harassment policy.

Discipline for violation of this policy may include, but is not limited to, reprimand, suspension, demotion, transfer, and discharge. If the City determines that harassment or discrimination occurred, corrective action will be taken to effectively end the harassment. As necessary, the City may monitor any incident of harassment or discrimination to assure the inappropriate behavior has stopped. In all cases, the City will follow up as necessary to ensure that no individual is retaliated against for making a complaint or cooperating with an investigation.

## **3.12 Religious Accommodation**

City of McCook is dedicated to treating its employees equally and with respect and recognizes the diversity of their religious beliefs. All employees may request an accommodation when their religious beliefs cause a deviation from the City dress code or the individual's schedule, basic job duties, or other aspects of employment. The City will consider the request but reserves the right to offer its own accommodation to the extent permitted by law. Some, but not all, of the factors that will be considered are cost, the effect that an accommodation will have on current established policies, and the burden on operations — including other employees — when determining a reasonable accommodation. At no time will the City question the validity of a person's belief.

If you require a religious accommodation, speak with your Department Head, Supervisor or Human Resources.

## **4.0 Wage and Hour Policies**

### **4.1 Attendance Policy**

Attendance is an important job performance factor and one indicator of employee satisfaction with his or her job and the City. All employees shall attend each day of scheduled work unless they receive authorized leave. Contact your department head prior to the first normal duty hour if you will be late or not reporting to work. Unnecessary tardiness and absence without leave will result in an appropriate pay reduction and may result in disciplinary action as outlined in this handbook.

City of McCook reserves the right to apply unused vacation, sick time, or other paid time off to unauthorized absences where permitted by applicable law. Absences resulting from approved leave, vacation, or legal requirements are exceptions to the policy.

## **4.2 Direct Deposit**

City of McCook requires all employees to enroll in direct deposit. Typically, the bank will begin the direct deposit of your payroll within 30 calendar days after you submit your completed application. If you wish to change your bank, please request a form from Human Resources to update your banking.

A written explanation of your deductions will be given to you on paydays described in the preceding sections in lieu of a check.

## **4.3 Paycheck Deductions**

City of McCook is required by law to make certain deductions from your pay each pay period. This includes income and unemployment taxes, Federal Insurance Contributions Act (FICA) contributions (Social Security and Medicare), and any other deductions required under law or by court order for wage garnishments. The amount of your tax deductions will depend on your earnings and the number of exemptions you list on your federal Form W-4 and applicable state withholding form. You may also authorize voluntary deductions from your paycheck, including contributions for insurance premiums, retirement plans, spending accounts, or other services. Your deductions will be reflected in your wage statement.

The City will not make deductions to your pay that are prohibited by federal, state, or local law. If you have any questions about deductions from your pay, contact your Human Resources. You will be reimbursed in full for any isolated, inadvertent, or improper deductions, as defined by law. If an error is found, you will receive an immediate adjustment, which will be paid no later than your next regular payday.

Aside from the affirmation required deduction, only authorized deductions (in writing and signed by the employee or withholding required by law) shall be withheld from an employee's check.

## **4.4 Pay Period**

The City operates on a biweekly payroll. Direct deposit is mandatory. The employee's net pay shall be direct deposited into the employee's specified bank account. If an observed holiday falls on the established pay date, direct deposits will be distributed on the day prior to the pay date.

## **4.5 Recording Time**

City of McCook is required by applicable federal, state, and local laws to keep accurate records of hours worked by certain employees. To ensure that the City has complete and accurate time records and that employees are paid for all hours worked, nonexempt employees are required to record all working time using City timecards/time sheets/punch clock. Exempt employees may also be required to track days or time worked at the discretion of the City Manager. Speak with your Department Head or Supervisor for specific instructions.

You must accurately record all of your time to ensure you are paid for all hours worked and must follow established City procedures for recording your hours worked. Time must be recorded as follows:

- Immediately before starting your shift.
- Immediately after finishing work, before your meal period.
- Immediately before resuming work, after your meal period.
- Immediately after finishing work.
- Immediately before and after any other time away from work.

Falsifying time entries is strictly prohibited. Falsifying time entries includes working "off the clock." If you falsify your own time records, or the time records of co-workers, or if you work off the clock, you will be subject to discipline up to and including termination. Immediately report to appropriate Department Head or Human Resources any employee, supervisor, or manager who falsifies your time entries or encourages or requires you to falsify your time entries or work off the clock.

Time sheets shall be completed for each pay period worked by the employee. Time sheets shall be completed in ink, signed, and dated by the employee. Pay may be delayed to any employee who does not complete the time sheet in full.

#### **4.6 Compensation and Overtime**

The following work periods are established for the various employee groups:

General	7-day work period (40 hours)
Police	28-day work period (168 hours)
Firefighter	21-day work period (159 hours) <u>or</u> 7-day work period (40 hours)

The City's work period for all employees begins on Sunday at 12:01 A.M. and ends on the last Saturday of their work period at 12:00 P.M.

Non-exempt Employees who work beyond the hours in their given work period shall be compensated overtime at time and one-half (1½) their regular hourly rate. All periods during which employees are completely relieved from duty which are long enough to enable them to use the time effectively for their own purposes are not hours worked. All overtime must be approved in advance, in writing, by your Department Head or Supervisor.

At certain times City of McCook may require you to work overtime. We will attempt to give as much notice as possible in this instance. However, advance notice may not always be possible. Failure to work overtime when requested or working unauthorized overtime may result in discipline, up to and including discharge.

The regular rate is the equivalent hourly rate at which the employee is actually paid for normal non-overtime hours. The equivalent hourly rate must be computed over each work period for purposes of determining overtime pay.

The regular rate is computed by including base pay, merit pay, longevity pay, and all other pay actually received. For the purposes of computing overtime pay, the hours worked DO NOT include hours when acting as a volunteer fire or ambulance responder and pay received from employer contributions to fringe benefits such as retirement plans and insurance. Vacation, sick, or other leaves granted with pay shall NOT count as hours worked for the purpose of determining overtime pay. Compensatory time off in-lieu of overtime pay. Comp time shall be given at a rate of not less than one and one-half (1½) hours for each hour of overtime worked. Employees shall work overtime and shall be on call when necessary. Overtime shall be worked only with specific authorization by the department head or, in the department head's absence, the employee's supervisor, and shall be allocated as evenly as possible among all employees qualified to do the work. This written notification must be submitted in advance to the department head or supervisor. If the department head or supervisor is unavailable for authorization of overtime, or if time does not allow advance written notification, the request shall be submitted for retroactive approval except in emergency situations. An employee shall be given at least twenty-four (24) hours advance notice of scheduled overtime. Compensation for overtime shall be paid to the employee at the rate of time and one-half (1½).

#### **4.7 Compensatory Time**

Department heads shall rearrange the work schedule of employees within the work period to avoid the use of compensatory time or overtime if feasible to do so. Such rescheduling is referred to as flex time. No employee is eligible for compensatory time unless the City has on file a written agreement by the employee to accept compensatory time in advance of the performance of the work. In the absence of such an agreement, the employee must be paid overtime pay.

Department heads are permitted to give eligible employees compensatory time off in-lieu of overtime pay. Comp time shall be given at a rate of not less than one and one-half (1½) hours for each hour of overtime worked. "Compensatory time" and "compensatory time off" are defined as hours when an employee is not

working, and which are paid for at the employee's overtime regular rate of pay. These hours are counted as hours worked in the week which they are paid.

Compensatory time shall be allowed only at the department head's discretion. An employee shall be permitted to use accrued compensatory time after it is requested if to do so would not unduly disrupt the operations of the employing public agency. Compensatory time earned in a week can be used in the same week.

The maximum compensatory time which may be accrued by an affected regular, full-time employee shall be 36 hours (i.e., not more than 24 hours of actual overtime hours worked). Department heads may assign employees to take compensatory time off if such compensatory time is assigned in increments equal to at least a full shift and is assigned on a date or dates contiguous with the employee's normal scheduled days off. Employees requesting compensatory time off must request a minimum of one (1) hour and a daily maximum shall not exceed the employee's regular scheduled hours for a typical workday. An employee who has accrued the maximum number of compensatory hours shall be paid overtime compensation for any additional overtime hours of work.

Union employees should refer to their union contracts regarding the accrual of compensatory time.

Payment for accrued compensatory time upon termination of employment shall be calculated by the employer.

Department Heads are not eligible for compensatory time.

#### **4.8 Civil Service Commission**

The Civil Service Act shall apply only to all present full-time firefighters or full-time police officers of the City, including any paid full-time police chief or fire chief of such department, and future appointees to such full-time positions. Full-time police officers shall mean police officers in positions which require certification by the Nebraska Law Enforcement Training Center; who have the power to arrest; who are paid regularly by the City; and for whom law enforcement is a full-time career, but shall not include volunteer fire fighters dispatchers, clerical, custodial or maintenance personnel. Full-time firefighters shall mean duly appointed firefighters who are paid regularly by the City and for whom firefighting is a full-time career, but shall not include dispatchers, clerical, custodial, or maintenance personnel who are not engaged in fire suppression.

#### **4.9 Meal and Rest Periods Policy**

City of McCook strives to provide a safe and healthy work environment and complies with all federal and state regulations regarding meal and rest periods. Check with your Department Head or Supervisor regarding procedures and schedules for rest and meal breaks. The City requires employees to take a minimum 30-minute lunch break each work shift.

The City requests that employees accurately observe and record meal and two 15-minute rest periods. You may not use or combine your rest periods with any lunch periods or at the beginning or end of your scheduled shift. If you know in advance that you may not be able to take your scheduled break or meal period, let your Department Head or Supervisor know; in addition, notify your Department Head or Supervisor as soon as possible if you were unable to or prohibited from taking a meal or rest period.

#### **4.10 Accommodations for Nursing Mothers**

City of McCook will provide nursing mothers reasonable paid break time to express milk for their infant child(ren) for up to one year following the child's birth. Break times exceeding 30 minutes will be unpaid.

If you are nursing, you will be provided with a space, other than a restroom, that is shielded from view and free from intrusion from co-workers and the public. If no space is readily available, please request a space for nursing from your Department Head.

Expressed milk can be stored in department refrigerators. Sufficiently mark or label your milk to avoid

confusion for other employees who may share the refrigerator.

Break time should, if possible, be taken concurrently with any other break time already provided. If you are nonexempt, clock out for any time taken that does not run concurrently with normally scheduled rest periods, and such time will be paid in accordance with federal law.

You are encouraged to discuss the length and frequency of these breaks with your Department Head or Supervisor.

No provision of this policy applies, or will be enforced, if it conflicts with or is superseded by any requirement or prohibition contained in a federal, state, or local law, or regulation.

#### **4.11 Call Back**

Employees subject to an unscheduled or emergency call back shall be compensated for a minimum of one hour pay. Such call back shall be paid at the overtime rate only if the total hours in the work period exceed the defined work period hours. Call back time starts when an employee reports to duty and continues until relieved from duty.

Any and all callbacks shall be individually documented and acknowledged by the employing Department Head. Such documentation shall be filed with payroll before being paid.

#### **4.12 Travel Time Pay**

Some nonexempt positions within City of McCook require travel. The City pays nonexempt employees for travel time in accordance with federal and state law. For purposes of this policy, the regular workday is your regular workday as defined in this handbook.

##### Home to Work Travel

If you travel from home before the regular workday and return to your home at the end of the workday, you are engaged in ordinary home to work travel, which is not work time.

##### Home to Work on a Special One Day Assignment in Another City

If you regularly work at a fixed location in one City and you are given a special one day assignment in another City, but return home the same day, the time spent in traveling to and returning from the other City is work time, except that the City may deduct/not count that time you would normally spend commuting to the regular work site.

##### Travel That Is All in a Day's Work

Your time spent in travel as part of your principal activity, such as travel from job site to job site during the workday, is work time and must be counted as hours worked.

##### Travel Away from Home Community

Travel that keeps you away from home overnight is travel away from home. Travel away from home is clearly work time when it cuts across your workday. The time is not only hours worked on regular working days during normal working hours but also during corresponding hours on nonworking days.

##### Calculating and Reporting Travel Time

You are responsible for accurately tracking, calculating, and reporting your travel time.

#### **4.13 Wage Disclosure Protection**

City of McCook will not discriminate or retaliate against you for inquiring about, discussing, or disclosing information regarding employee wages, benefits, or other compensation.

This policy does not require you to disclose such information about yourself to any other employee or former employee.

However, if you have access to or knowledge of the compensation information of other employees as a part of your essential job functions, you may not disclose that information to individuals who do not otherwise have authorized access to it, unless the disclosure is:

- In response to a formal charge or complaint;
- In furtherance of an investigation, proceeding, hearing, or other action (including an investigation conducted by the City); or
- Consistent with the legal duty of the City to furnish information.

If you believe that you have been discriminated or retaliated against in violation of this policy, immediately report your concerns to your Department Head, Supervisor or Human Resources. Nothing in this policy will be enforced to interfere with, restrain or coerce, or retaliate against employees regarding their rights under the National Labor Relations Act.

#### **4.14 Termination Pay**

A terminating employee will be paid for actual hours worked during the pay period.

An employee voluntarily terminating in good standing shall also be paid for accrued vacation, floating holiday, accrued compensatory time, and ¼ accrued sick leave. Payment for accrued compensatory time upon termination of employment shall be calculated at the employees' final rate of pay.

An employee terminated NOT in good standing shall be paid for accrued vacation, floating holiday, and compensatory time.

These termination procedures are for full-time employees. Part-time employees working under 20 hours per week are not entitled to the same termination procedures set forth herein.

### **5.0 Performance, Discipline, Layoff, and Termination**

#### **5.1 Open Door/Conflict Resolution Policy/Grievances**

City of McCook strives to provide a comfortable, productive, legal, and ethical work environment. To this end, we want you to bring any problems, concerns, or grievances you have about the workplace to the attention of your Department Head or Supervisor and, if necessary, to the City Manager. To help manage conflict resolution we have instituted the following problem solving procedures.

If you believe there is inappropriate conduct or activity on the part of the City, management, its employees, vendors, customers, or any other persons or entities related to the City, bring your concerns to the attention of your Department Head or Supervisor at a time and place that will allow the person to properly listen to your concern. Most problems can be resolved informally through dialogue between you and your immediate Department Head or Supervisor. If you have already brought this matter to the attention of your Department Head or Supervisor before and do not believe you have received a sufficient response, or if you believe that person is the source of the problem, present your concerns to the City Manager. Describe the problem, those persons involved in the problem, efforts you have made to resolve the problem, and any suggested solution you may have.

An employee may appeal any City policy, directive, or rule within five (5) working days of its occurrence or the employee's knowledge thereof by discussing the matter with his or her supervisor. If the employee is not satisfied with the response, he or she may submit a written appeal to the next higher authority within

five (5) working days from the date of the supervisor's response. A written response to the employee's appeal will be required within ten (10) working days. If the matter is not resolved within the department, an employee may submit a written appeal to the City Manager within five (5) working days following the department head's response.

After reviewing the situation, the City Manager will respond to the employee within ten (10) working days following receipt of the appeal. The City Manager may support the department head's decision or reverse the decision. The decision of the City Manager is final.

## **5.2 Promotions**

To match you with the job for which you are best suited and to meet the business needs of City of McCook, you may be transferred from your current job. It is our policy to promote open positions. All open positions will be posted inside and outside of the organization. Promotions are made on an equal opportunity basis according to employees possessing the needed skills, education, experience, and other qualifications that are required for the job.

All employees promoted into new job positions will undergo a 90-day introductory period as described in the New Hires and Introductory Periods policy. Unlike new hires, however, such employees will continue to receive City benefits for which they are eligible.

An employee not approved during the probationary period following a promotion may be reinstated to the position held previously if it is still available.

## **5.3 Transfers**

City of McCook may transfer your employment from one position to another with or without notice, as required by production or service needs, or upon request by you and with management approval. Transfers in excess of 90 days may be considered final and your pay may be increased or decreased consistent with the pay scale for your new position.

All regular employees are entitled to request a transfer to another department. Such a transfer should be initiated by the employee by contacting the Department Heads involved. Transfers must be approved by both department heads and the City Manager.

## **5.4 Workforce Reductions (Layoffs)**

The City Manager may require the abolition of any position or a reduction in force due to lack of work, shortage of funds or materials, and/or completion of a project. Competition for retention is limited to employees holding similar positions. Selection will be based first on performance and then on seniority of service. The City will attempt to give two weeks' notice to all employees subjected to a layoff. Layoffs are not considered a disciplinary action.

## **5.5 Retirement**

City employees may retire pursuant to their retirement plans. An employee contemplating retirement shall give 90 days' notice to their department head. The Department Head will in turn notify the Human Resource Officer so the appropriate documents may be distributed to the employee.

## **5.6 Outside Employment**

Outside employment that creates a conflict of interest or that affects the quality or value of your work performance or availability at City of McCook is prohibited. The City recognizes that you may seek additional employment during off hours, but in all cases expects that any outside employment will not affect your attendance, job performance, productivity, work hours, or scheduling, or would otherwise adversely affect your ability to effectively perform your duties or in any way create a conflict of interest. Any outside

employment that will conflict with your duties and obligations to the City should be reported to your Department Head or Supervisor. Failure to adhere to this policy may result in discipline up to and including termination.

A "Request for Permission for Outside Employment" form shall be completed by the employee prior to beginning outside employment. The completed form will be given to the employee's department head/supervisor for his/her approval and also to the City Manager for approval. This form will be retained in the employee's personnel file and reviewed yearly at the time of the employee's evaluation.

## **5.7 Performance Improvement**

The performance improvement process is a means for increasing the quality and value of your work performance. Your initiative, effort, attitude, job knowledge, and other factors will be addressed. You must understand that a positive job performance review does not guarantee a pay raise or continued employment. Pay raises and promotions are based on numerous factors, only one of which is job performance.

## **5.8 Standards of Conduct**

City of McCook wishes to create a work environment that promotes job satisfaction, respect, responsibility, integrity, and value for all our employees, clients, customers, and other stakeholders. We all share in the responsibility of improving the quality of our work environment. By deciding to work here, you agree to follow our rules.

While it is impossible to list everything that could be considered misconduct in the workplace, what is outlined here is a list of common-sense infractions that could result in discipline, up to and including immediate termination of employment. This policy is not intended to limit our right to discipline or discharge employees for any reason permitted by law.

Examples of inappropriate conduct include, but are not limited to:

1. Violation of the policies and procedures set forth in this handbook.
2. Possessing, using, distributing, selling, or negotiating the sale of illegal drugs or other controlled substances.
3. Being under the influence of alcohol during working hours on City property (including in vehicles), or on City business.
4. Inaccurate reporting of the hours worked by you or any other employees.
5. Providing knowingly inaccurate, incomplete, or misleading information when speaking on behalf of the City or in the preparation of any employment-related documents including, but not limited to, job applications, personnel files, employment review documents, intra-company communications, or expense records.
6. Taking or destroying City property.
7. Possession of potentially hazardous or dangerous property (where not permitted) such as firearms, weapons, chemicals, etc., without prior authorization.
8. Fighting with, or harassment of (as defined in our EEO policy), any fellow employee, vendor, or customer.
9. Disclosure of City trade secrets and proprietary and confidential commercially sensitive information (i.e. financial or sales records/reports, marketing or business strategies/plans, product development information, customer lists, patents, trademarks, etc.) of the City or its customers, contractors, suppliers, or vendors.
10. Refusal or failure to follow directions or to perform a requested or required job task.
11. Refusal or failure to follow safety rules and procedures.
12. Excessive tardiness or absences.
13. Smoking including vaping and tobacco use in non-designated areas.
14. Working unauthorized overtime.
15. Solicitation of fellow employees on City premises during working hours.
16. Failure to dress according to City policy.
17. Use of obscene or harassing (as defined by our EEO policy) language in the workplace.

18. Engaging in outside employment that interferes with your ability to perform your job at the City.
19. Gambling on City premises.
20. Lending keys or keycards to City property to unauthorized persons.

Nothing in this policy is intended to limit your rights under the National Labor Relations Act, or to modify the at-will employment status where at-will is not prohibited by state law.

## 5.9 Disciplinary Process

Violation of City of McCook policies or procedures may result in disciplinary action including demotion, transfer, leave without pay, or termination of employment. The City encourages a system of progressive discipline depending on the type of prohibited conduct. However, the City is not required to engage in progressive discipline and may discipline or terminate employees who violate the rules of conduct, or where the quality or value of their work fails to meet expectations at any time. Again, any attempt at progressive discipline does not imply that your employment is anything other than on an "at-will" basis.

In appropriate circumstances, management will first provide you with a verbal warning, then with one or more written warnings, and if the conduct is not sufficiently altered, eventual demotion, transfer, forced leave, or termination of employment. Your Department Head or Supervisor will make every effort possible to allow you to respond to any disciplinary action taken. Understand that while the City is concerned with consistent enforcement of our policies, we are not obligated to follow any disciplinary or grievance procedure and that depending on the circumstances, you may be disciplined or terminated without any prior warning or procedure.

Disciplinary action will normally be initiated by the department head. In any situation where the retention of an employee may be detrimental to service or may jeopardize the safety of other employees, the department head or supervisor concerned shall immediately relieve the employee from duty until further notice. The following forms of disciplinary action may be used:

- a) Oral Reprimand - a verbal notice to an employee that his or her behavior or performance must be improved or corrected. An oral reprimand may be given by the immediate supervisor and defines the improvement or corrective action required and informs the employee that failure to comply with the oral warning will result in more serious action. Supervisors shall record the date and subject of the oral reprimand.
- b) Written Reprimand - a written notice to an employee that his or her performance or behavior must be improved or corrected. Such notice may be given by an immediate supervisor and shall contain a statement of the cause for the action, improvement, or corrective action required of the employee, time frames for such action, and possible results of the employee's failure to comply. Written reprimands may be placed in the employee's personnel file. An employee receiving a written reprimand may respond to that action and a copy of the response may be attached to the reprimand.
- c) Suspension - the temporary removal of an employee from duty without pay. Suspension may be used when other means have been tried without success and it is believed that suspension will bring about the required improvement in the employee's behavior or performance, or when the cause is sufficiently serious to warrant such action. If a situation arises wherein an employee must be immediately removed from the work site, a supervisor may take such action to be followed by the formal action as set forth in this Section.
- d) Investigative Leave - the temporary removal of an employee from duty with or without pay at the City Manager's discretion while an investigation is completed.
- e) Disciplinary Probation - a brief probationary period during which an employee is expected to improve in one or more areas of behavior or performance. The employee will be informed in writing of the expected improvements. This differs from a written reprimand in that the employee will be evaluated at the conclusion of the disciplinary probation to assess improvement, and to form a basis for further disciplinary action if needed. The writing will serve as a corrective action plan to ensure behavior performance is corrected.
- f) Demotion - the reduction of an employee from his or her present position to a lower classification, due to the employee's inability to perform the duties of his or her present position. Any demoted

employee may retain all seniority and may assume a salary commensurate with the lower classification. Demotion actions may be placed in the employee's personnel file.

- g) **Discharge** - the removal of an employee from City service. Discharge will be used when other means of improving the employee's behavior or performance have failed, or when the nature of the misconduct warrants this action. When considering the suspension, disciplinary probation, reduction in pay, demotion or discharge of a permanent employee, a department head may, after investigation to determine the factual basis for the allegation, take the following steps:
1. Notify the employee of the factual allegations giving cause to possible discipline.
  2. Set a date, time, and place for an informal hearing to determine the truth or falsity of the allegations and possible discipline (no recording of proceedings need to be kept).
  3. Advise the employee of the evidence believed to support the allegations.
  4. Advise the employee of his/her right to an attorney of his choice to present evidence or challenge the evidence at the hearing.
  5. Offer the employee the opportunity to present his/her side of the facts and circumstances.
  6. Make a written recommendation to the City Manager concerning the results of the investigation, and recommended discipline. The decision concerning the disciplinary action shall be made by the City Manager. The employee shall receive adequate notice and warning of the allegations, and an objective investigation of the facts. The City Manager shall offer the employee an opportunity to present his/her side of the story before making the decision concerning discipline. The decision of the City Manager shall be final.

*Nothing in this policy is intended to modify the city's employment at-will policy. The city reserves the right to discharge an employee at any time, for any reason. Similarly, employees retain the corresponding right to resign at any time. While the above rules of conduct and performance is provided as a guide for city practices, the city may discipline employee conduct and/or performance not specifically listed herein. In addition, the city is not obligated to observe any particular sequence of discipline; employees may be immediately terminated at the option of the city.*

## **5.10 Separation**

To separate employment in good standing with the City, the employee must give two weeks' notice (not including any vacation days unless otherwise approved by the Department Head); return all equipment furnished by the City (including uniforms, tools, and other articles purchased to perform your job); and settle all obligations with the City. If any City equipment is not returned before the employee's last paycheck is issued, the employee's direct deposit may be delayed until all equipment is returned. If any equipment is not returned within two weeks of separation a payroll deduction will be made to pay for the equipment. Other legal actions may be sought if all monies are not collected.

Upon written request by the employee, the money the employee is eligible for under the respective pension plan shall be paid according to the specific guidelines of the plan. A forwarding address must be left with the department head and submitted to the Human Resource Officer.

An employee terminating his/her employment with the City may be asked to complete a "City of McCook Exit Interview" form. This form will be reviewed, and any suggestions will be taken into consideration. The form will be placed in the employee's personnel file.

## **5.11 Exit Interview**

You may be asked to participate in an exit interview when you leave City of McCook. The purpose of the exit interview is to provide management with greater insight into your decision to leave employment; identify any trends requiring attention or opportunities for improvement; and to assist the City in developing effective recruitment and retention strategies. Your cooperation in the exit interview process is appreciated.

## **5.12 Job Abandonment**

All employees of the City shall be on duty at the times indicated by the rules and under the conditions of their employment.

An employee who is absent without leave and who fails to return to duty within 3 workdays.

For full-time sworn employees who are absent without leave and who fails to return to duty within 3 successive shifts shall be deemed to have resigned the position.

For full-time Firefighters who are absent 2 scheduled successive shifts shall be deemed to have resigned the position.

Such resignation is not in good standing, and the employee may not be eligible for future employment with the City.

### **5.13 Post-Employment References**

City of McCook policy is to confirm dates of employment and job title only. With written authorization, the City will confirm compensation. Forward any requests for employment verification to Human Resources.

### **5.14 Criminal Activity/Arrests**

City of McCook will report all criminal activity in accordance with applicable law. Involvement in criminal activity while employed by the City, whether on or off City property, may result in disciplinary action including suspension or termination of employment.

## **6.0 General Policies**

### **6.1 Personal Appearance**

Your personal appearance reflects on the reputation, integrity, and public image of City of McCook. All employees are required to report to work neatly groomed and dressed. You are expected to maintain personal hygiene habits that are generally accepted in the community, including clean clothing, good grooming and personal hygiene, and appropriate attire for the workplace and the work being performed. This may include wearing uniforms or protective safety clothing and equipment, depending upon the job. Use common sense and good judgment in determining what to wear to work.

Fragrant products, including but not limited to perfumes, colognes, and scented body lotions or hair products, should be used in moderation out of concern for others with sensitivities or allergies.

The City, in accordance with applicable law, will reasonably accommodate employees with disabilities or religious beliefs that make it difficult for them to comply fully with the personal appearance policy unless doing so would impose an undue hardship on the City. Contact your Department Head or Supervisor to request a reasonable accommodation.

Failure to comply with the personal appearance standards may result in being sent home to groom or change clothes. Frequent violations may result in disciplinary action.

### **6.2 Personal Data Changes**

It is your obligation to provide City of McCook with your current contact information, including current mailing address and telephone number. Inform the City of any changes to your marital or tax withholding status. Failure to do so may result in loss of benefits or delayed receipt of W-2 and other mailings. To make changes to this information, contact Human Resources.

### **6.3 Mail Use Policy**

You are required to limit usage of the City of McCook mail service to business purposes only. You may not use the City address to receive personal mail. Do not use the City postage meter for your personal mail.

Report any suspicious packages or envelopes to your Department Head, Supervisor or Human Resources immediately.

#### **6.4 Telephone**

Employees shall be required to have telephone service (or cell phone service) as a condition of their employment or otherwise be accessible in case of emergency. Such telephone number shall be provided to the City, to be placed in the personnel file of the employee as well as the Emergency Contact notebook located at the desk of the Human Resource Officer.

Use of a City telephone for personal calls during working and/or nonworking hours shall only be allowed for calls of a necessary and/or emergency nature.

#### **6.5 Employer-Provided Cell Phone/Mobile Device Policy**

City of McCook may issue certain employees a City cell phone/mobile device for work-related communications and/or operations. If you drive a vehicle during your employment, you may not use any cell phone/mobile device or other communication device while driving unless the device is equipped or configured with a "hands-free" listening/speaking option, and you in fact utilize the hands-free device.

We understand that you may use the cell phone/mobile device for personal use; however, such personal use should not exceed the plan allowance. When the cell phone/mobile device is used for personal reasons and the activity results in additional cost to the City, you are responsible for the cost of that usage, including all applicable taxes unless prohibited by law.

The City owns and remains entitled to all cell phone/mobile devices issued to employees, including all passwords controlling access to them. You may not change those passwords except with permission. At the time of employment termination, all such equipment and passwords must be returned to the City in operable condition.

Violation of this policy may result in discipline, up to and including termination of employment.

#### **6.6 Personal Cell Phone**

While City of McCook permits employees to bring personal cell phones into the workplace, you must not allow the use of such devices to interfere with your job duties or impact workplace safety and health.

Use of personal cell phones and mobile devices at work can be distracting and disruptive and cause a loss of productivity. Thus, you should primarily use such personal devices during nonworking time, such as breaks and meal periods. During this time, use devices in a manner that is courteous to those around you. Outside of nonworking time, use of such devices should be minimal. If you have a device that has a camera and/or audio/video recording capability, you are restricted from using those functions on City property unless authorized in advance by management or when they are used in a manner consistent with your right to engage in concerted activity under section 7 of the National Labor Relations Act (NLRA).

You are expected to comply with City policies regarding the protection of confidential and proprietary information when using personal devices.

While operating a vehicle on work time, the City requires that the driver's personal cell phone/mobile device be turned off. If you need to make or receive a phone call while driving, pull off the road to a safe location unless you have the correct hands-free equipment for the device that is in compliance with applicable state laws.

You may connect your personal device to the City network or to City equipment (computers, printers, etc.).

Nothing in this policy is intended to prevent employees from engaging in protected concerted activity under

the NLRA. You will be subject to disciplinary action up to and including termination of employment for violation of this policy.

## **6.7 Use of Company Technology**

This policy is intended to provide City of McCook employees with the guidelines associated with the use of the City information technology (IT) resources and communications systems.

This policy governs the use of all IT resources and communications systems owned by or available at the City, and all use of such resources and systems when accessed using your own devices, including but not limited to:

List items, such as:

- Email systems and accounts.
- Internet and intranet access.
- Telephones and voicemail systems, including wired and mobile phones, smartphones, and pagers.
- Printers, photocopiers, and scanners.
- Fax machines, e-fax systems, and modems.
- All other associated computer, network, and communications systems, hardware, peripherals, and software, including network key fobs and other devices.
- Closed-circuit television (CCTV) and all other physical security systems and devices, including access key cards and fobs.

### General Provisions

City IT resources and communications systems are to be used for business purposes only unless otherwise permitted under applicable law.

All content maintained in City IT resources and communications systems are the property of the City. Therefore, employees should have no expectation of privacy in any message, file, data, document, facsimile, telephone conversation, social media post, conversation, or any other kind or form of information or communication transmitted to, received, or printed from, or stored or recorded on City electronic information and communications systems.

The City reserves the right to monitor, intercept, and/or review all data transmitted, received, or downloaded over City IT resources and communications systems in accordance with applicable law. Any individual who is given access to the system is hereby given notice that the City will exercise this right periodically, without prior notice and without prior consent.

The interests of the City in monitoring and intercepting data include, but are not limited to: protection of City trade secrets, proprietary information, and similar confidential commercially-sensitive information (i.e. financial or sales records/reports, marketing or business strategies/plans, product development, customer lists, patents, trademarks, etc.); managing the use of the computer system; and/or assisting employees in the management of electronic data during periods of absence.

You should not interpret the use of password protection as creating a right or expectation of privacy, nor should you have a right or expectation of privacy regarding the receipt, transmission, or storage of data on City IT resources and communications systems.

Do not use City IT resources and communications systems for any matter that you would like to be kept private or confidential.

### Violations

If you violate this policy, you will be subject to corrective action, up to and including termination of employment. If necessary, the City will also advise law enforcement officials of any illegal conduct.

The City provides Internet/Email access to its employees to assist and facilitate business communications. It is provided for legitimate business use in the course of assigned duties only. Email communications sent from the City's server contain the City's name in the domain address (i.e. Cityofmccook.com), is subject to becoming public record and must be professional in nature. Inappropriate use may result in loss of access privileges and /or disciplinary action. In the course of their duties, the City Manager and the IT Dept. may monitor use of the Internet system or review the contents of stored Internet records. Inappropriate use includes but is not limited to: Communications and uses not related to City business. - Unauthorized attempts to access another's Internet account. Transmission of sensitive or proprietary information to unauthorized persons or City's. Transmission of obscene, harassing, or inappropriate messages. Any illegal or unethical activity or any activity which could adversely affect the City. Authorized employees shall have immediate access to the Internet and Email. They may designate someone else, in special circumstances, to have access for business purposes only. A critical concern is that nothing be transported from the internet which might contaminate and compromise our computer systems. All workstations with Internet access will be provided with an internal virus scanning mechanism.

## **6.8 Computer Security and Copying of Software**

Software programs purchased and provided by City of McCook are to be used only for creating, researching, and processing materials for City use. By using City hardware, software, and networking systems you assume personal responsibility for their use and agree to comply with this policy and other applicable City policies, as well as City, state, and federal laws and regulations.

All software acquired for or on behalf of the City, or developed by City employees or contract personnel on behalf of the City, is and will be deemed City property. It is the policy of the City to respect all computer software rights and to adhere to the terms of all software licenses to which the City is a party. The City Manager is responsible for enforcing these guidelines.

You may not illegally duplicate any licensed software or related documentation. Unauthorized duplication of software may subject you and/or the City to both civil and criminal penalties under the United States Copyright Act. To purchase software, obtain your Department Head's approval. All software acquired by the City must be purchased through appropriate purchasing policy.

You may not duplicate, copy, or give software to any outsiders including clients, contractors, customers, and others. You may use software on local area networks or on multiple machines only in accordance with applicable license agreements entered by the City.

## **6.9 Social Media Policy**

At City of McCook, we recognize the Internet provides unique opportunities to participate in interactive discussions and share information using a wide variety of social media. However, use of social media also presents certain risks and carries with it certain responsibilities. To minimize risks to the City, you are expected to follow our guidelines for appropriate use of social media.

This policy applies to all employees who work for the City.

### Guidelines

For purposes of this policy, **social media** includes all means of communicating or posting information or content of any sort on the Internet, including to your own or someone else's web log or blog, journal or diary, personal website, social networking or affinity website, web bulletin board or a chat room, whether associated or affiliated with the City, as well as any other form of electronic communication.

City principles, guidelines, and policies apply to online activities just as they apply to other areas of work. Ultimately, you are solely responsible for what you communicate in social media. You may be personally responsible for any litigation that may arise should you make unlawful defamatory, slanderous, or libelous statements against any customer, manager, owner, or employees of the City.

### Know and Follow the Rules

Ensure your postings are consistent with these guidelines. Postings that include unlawful discriminatory remarks, harassment, and threats of violence or other unlawful conduct will not be tolerated and may subject you to disciplinary action up to and including termination.

### Be Respectful

The City cannot force or mandate respectful and courteous activity by employees on social media during nonworking time. If you decide to post complaints or criticism, avoid using statements, photographs, video, or audio that reasonably could be viewed as unlawful, slanderous, threatening, or that might constitute unlawful harassment. Examples of such conduct might include defamatory or slanderous posts meant to harm someone's reputation or posts that could contribute to a hostile work environment on the basis of race, sex, disability, age, national origin, religion, veteran status, or any other status or class protected by law or City policy. Your personal posts and social media activity should not reflect upon or refer to the City.

### Maintain Accuracy and Confidentiality

When posting information:

- Maintain the confidentiality of trade secrets, intellectual property, and confidential commercially sensitive information (i.e. financial or sales records/reports, marketing or business strategies/plans, product development, customer lists, patents, trademarks, etc.) related to the City.
- Do not create a link from your personal blog, website, or other social networking site to a City website that identifies you as speaking on behalf of the City.
- Never represent yourself as a spokesperson for the City. If the City is a subject of the content you are creating, do not represent yourself as speaking on behalf of the City. Make it clear in your social media activity that you are speaking on your own behalf.
- Respect copyright, trademark, third-party rights, and similar laws and use such protected information in compliance with applicable legal standards.

### Using Social Media at Work

Do not use social media while on your work time, unless it is work related as authorized by your Department Head or Supervisor or consistent with policies that cover equipment owned by the City.

### Media Contacts

If you are not authorized to speak on behalf of the City, do not speak to the media on behalf of the City. Direct all media inquiries for official City responses to Public Information Officer and City Manager.

### Retaliation and Your Rights

Retaliation or any other negative action is prohibited against anyone who, based on a reasonable belief, reports a possible deviation from this policy or cooperates in an investigation. Those who retaliate against others for reporting a possible deviation from this policy or for cooperating in an investigation will be subject to disciplinary action, up to and including termination.

Nothing in this policy is designed to interfere with, restrain, or prevent employees from communications regarding wages, hours, or other terms and conditions of employment, or to restrain employees in exercising any other right protected by law. All employees have the right to engage in or refrain from such activities.

## **6.10 Driver's License**

All employees required to operate a motor vehicle as part of their employment duties must maintain a valid driver's license, acceptable driving record, and appropriate insurance coverage. City of McCook may run a motor vehicle department check to determine your driving record. It is your responsibility to provide a copy of your current driver's license and insurance coverage for your personnel file. Any changes in your driving

record, including, but not limited to, driving infractions or changes to your insurance policy, must be reported to the City.

If you use your personal vehicle in the course and scope of employment, you may not operate such vehicle while:

- Under the influence of drugs, alcohol, or any other substance that might impair your judgment or ability to drive; or
- Texting, emailing, or otherwise using a cell phone or other handheld device without utilizing a hands-free device.

Employees who are subject to driving a vehicle requiring the driver to hold a commercial driver's license under state or federal law must have a valid Nebraska commercial driver's license (CDL). A driver applying for a CDL may be required to take a road test in a vehicle that is representative of the type of vehicle the driver operates or expects to operate and written knowledge tests. All drivers with CDLs must meet the following requirements:

- a) The driver shall not have more than one motor vehicle driver's license.
- b) The driver must notify the Nebraska Department of Motor Vehicles of any conviction in a state other than Nebraska of a violation in any type of motor vehicle of a state or local law relating to motor vehicle traffic control (other than a parking violation). Notification must be within 30 days of the conviction.
- c) Any driver holding a CDL who is convicted of violating any state or local law relating to motor vehicle traffic control in this or any other state (other than a parking violation) must notify the City of the conviction, in writing, within 30 days of the date of the conviction.
- d) Any driver who has a driver's license suspended, revoked, or cancelled, or who loses the right to operate a commercial motor vehicle or who is disqualified from operating a commercial motor vehicle shall notify the City before the end of the business day following the day the employee received notice of the suspension, revocation, cancellation, loss of privilege, or disqualification.
- e) A driver shall not operate a City motor vehicle if the employee's driver's license has been suspended, revoked, cancelled, or if the employee has been disqualified from driving.
- f) Any applicant who is required to have a CDL must provide on the application form a list of the names and addresses of the applicant's employers during the years preceding the date the application is submitted, together with the date he/she was employed by, and his/her reason for leaving the employ of each employer.

Employees whose jobs require a CDL, will be reimbursed by the City of McCook for the cost of renewal only. The initial cost of the CDL will be the responsibility of the employee.

## **6.11 Use of Employer Vehicles**

City of McCook desires to strike the appropriate balance between today's technologies, your desire for privacy, and our interests in protecting City vehicles, equipment, and drivers. Due to safety, efficiency, and other business purposes, the City may use GPS technology to monitor the whereabouts of our vehicles at all times. Questions concerning vehicle monitoring should be directed to Department Head or Supervisor. Questions concerning the proper use of any vehicles should be directed to your Department Head or Supervisor.

If you abuse the privilege of driving company vehicles, you will be subject to corrective action, up to and including termination of employment. If necessary, the City will also advise law enforcement officials of any illegal conduct. All infractions or violations while driving the vehicle and all restrictions, suspensions, or revocations against your driver's license must be immediately reported to your Department Head or Supervisor.

Certain City officials and employees are provided City-owned vehicles for use in discharging City business. Such City vehicles shall be used only upon the authorization of the City Manager. Employees retaining vehicles overnight shall not use such vehicles for private business other than for commuting. Unless the use of the vehicle has been approved for personal use, personal or outside business use is strictly

prohibited.

Certain City officials and employees may be provided a monetary allowance for the use of personal automobiles in discharging their official duties when City-owned automobiles are not available. Such remunerations shall be in accordance with limitations as may be approved by the City Council, state statutes, and procedures established by the City Manager.

When a City vehicle cannot be operated, is unsafe for use, or has been damaged, notify your Department Head or Supervisor immediately.

As the driver of a City vehicle, you are responsible for the vehicle while in your charge and must not permit unauthorized persons to drive it. You are also responsible for the daily housekeeping of the vehicle; it is to remain clean and uncluttered.

You may not operate a motor vehicle while under the influence of alcohol or a chemical substance or other substance that can impair judgment. You may not operate a motor vehicle while texting, emailing, or otherwise using a cell phone or other handheld device without utilizing a hands-free device.

Multiple driving moving violations that appear on the annual state department of motor vehicle check will result in suspension of rights to drive a City vehicle or drive a personal vehicle on City business. Suspension of rights will continue until one year has passed with no infractions. If there are persistent and ongoing problems with driving infractions, and driving a vehicle is a part of successful execution of job responsibilities, you may be terminated.

## **6.12 Off-Duty Use of Employer Property or Premises**

City-owned vehicles, materials, facilities, or equipment shall not be used by City employees for any personal or private use including the use of shops and tools without the express consent of the City Manager and department head. All facilities and equipment are provided by the public and should be used only for public uses. The City of McCook's name or its tax-exempt status shall NEVER be used by any employee for his or her personal advantage on any purchases.

## **6.13 Security**

All employees are responsible for helping to make City of McCook a secure work environment. Upon leaving work, lock all desks, lockers, and doors protecting valuable or sensitive material in your work area and report any lost or stolen keys, passes, or similar devices to your Department Head or Supervisor immediately. Refrain from discussing specifics regarding City security systems, alarms, passwords, etc. with those outside of the City.

Immediately advise your Department Head or Supervisor of any known or potential security risks and/or suspicious conduct of employees, customers, or guests of the City. Safety and security is the responsibility of all employees and we rely on you to help us keep our premises secure.

## **6.14 Nonsolicitation/Nondistribution Policy**

To avoid disruption of business operations or disturbance of employees, visitors, and others, City of McCook has implemented a Nonsolicitation/Nondistribution Policy unless otherwise approved by the City Manager. For purposes of this policy, "solicitation" includes, but is not limited to, selling items or services, requesting contributions, and soliciting or seeking to obtain membership in or support for any City. Solicitation performed through verbal, written, or electronic means is covered by the Nonsolicitation/Nondistribution Policy.

You are prohibited from soliciting other employees during your assigned working time. For this purpose, working time means time during which either you or the employees who are the object of the solicitation are expected to be actively engaged with assigned work. You may conduct solicitations during your lunch period, coffee breaks, or other authorized nonworking time, so long as you do so when the other

employees are also on nonworking time.

To avoid inappropriate litter, clutter, and safety risks, you may not distribute literature or other items that are not work related in working areas at any time. Working areas do not include break/rest areas, lunchrooms, or parking lots. Electronic distribution of materials is prohibited during work time. Literature that violates the company's equal employment opportunity (EEO) and non-harassment policies (including threats of violence), or is knowingly and recklessly false, is never permitted. Non-employees are not permitted to distribute materials on company premises at any time.

This policy is not intended to restrict the statutory rights of employees, including the right to discuss terms and conditions of employment.

Violations of this policy should be reported to your Department Head or Supervisor.

### **6.15 Third Party Disclosures**

From time to time, City of McCook may become involved in news stories or potential or actual legal proceedings of various kinds. When that happens, lawyers, former employees, newspapers, law enforcement agencies, and other outside persons may contact our employees to obtain information about the incident or the actual or potential lawsuit.

If you receive such a contact, you should not speak on behalf of the City and should refer any call requesting the position of the City to City Manager. If you have any questions about this policy or are not certain what to do when such a contact is made, contact the City Manager.

### **6.16 Workplace Privacy and Right to Inspect**

City of McCook property, including but not limited to lockers, phones, computers, tablets, desks, work place areas, vehicles, or machinery, remains under the control of the City and is subject to inspection at any time, without notice to any employees, and without their presence.

You should have no expectation of privacy in any of these areas. We assume no responsibility for the loss of, or damage to, your property maintained on City premises including that kept in lockers and desks.

### **6.17 Suggestion Policy**

At City of McCook, we welcome suggestions for continued improvement and welcome your ideas for better ways to do your job, produce or sell the products or services of our City, or meet customer and client needs. Discuss your ideas with your Department Head or Supervisor or another member of the management team.

We also encourage you to offer any suggestions derived from seminars, magazines, or other outside sources of information you believe would add value to the City.

Understand that any suggestions, innovations, inventions, or other matter created by you on work time or with City tools or property are considered to be the property of the City.

## **7.0 Benefits**

### **7.1 Employment Status**

*Regular, Full-Time Employee* - employees are those who have completed their probationary period and are regularly scheduled to work 30 hours or more per week. Unless stated otherwise or specifically permitted by law, all the benefits provided to employees at the City of McCook are for regular full-time employees only. This includes vacation, holiday pay, health insurance, and other benefits coverage.

Regular, Part-Time Employee (minimum 30 hours/week) - employee is an employee who works on a regular basis a minimum of 30 hours per week. Part-time employees may be eligible for health and life insurance benefits, pension plans, and all other benefits.

Regular, Part-Time Employee (less than 30 hours/week) - a regular, part-time employee working less than 30 hours per week is an employee hired on a sporadic basis. Such part-time employees are not eligible for health or life insurance.

Temporary Employee - a temporary employee is an employee hired for seasonal or temporary employment and is not eligible for any benefits unless specifically permitted by law. When a temporary position is discontinued, the employee will be laid off regardless of the time in the position. Temporary employees may be part-time or full-time.

Departments shall observe working hours as necessary to perform the services required as determined by the City Manager and department head. Department heads shall work such hours as are required by the City Manager and as may be necessary to complete their responsibilities in a satisfactory and efficient manner.

- a) Regular Employees - a work week of 40 hours shall be the standard for all employees except those in the public safety area. Meal periods shall be established by the department head and will not be counted as time worked.
- b) Police Officers - a work week of 42 hours shall be the standard for police officers. The department operates 24 hours a day, 7 days a week. Shift assignments and meal periods shall be established by the Police Chief. Meal periods will be counted as time worked only if officers are available for assignments as required during meal periods.
- c) Firefighters - a work week of 40 or 56 hours shall be scheduled for firefighters. The department operates 24 hours a day, 7 days a week. Shift assignments are 8 hours or 24 hours. Meal periods shall be established by the Fire Administrator Chief. Meal periods will be counted as time worked only if the firefighters are available for assignments as required during meal periods.
- d) Volunteers - City employees may volunteer for additional work which is of benefit to the City, in compliance with applicable federal and state rules and regulations. Volunteer work must be approved by an employee's supervisor.

## 7.2 Exempt Personnel

If you are classified as exempt at the time of your hiring, you are not eligible for overtime pay as otherwise required by federal, state, or local laws. If you have a question regarding whether you are exempt or nonexempt, contact your Department Head or Supervisor for clarification.

## 7.3 401(k) Plan

All eligible employees of the City are covered under one of three (3) pension plans which the City provides for its employees. The three plans are: police officer's retirement; firefighter's retirement; and a retirement plan for other City employees. The pension plans for police officers and firefighters are required and regulated by state statutes. The pension plan for regular employees is a private plan. A brief description of each plan follows. More complete information on each pension plan is available upon request to the Human Resource Officer.

- a) Police Officer's Retirement - All police officers covered by civil service must participate in the police officer's retirement plan as set out in state statutes. The pension plan provides retirement, death and disability benefits. For more information on the police officer's retirement plan, contact the Police Chief or the Human Resource Officer.
- b) Firefighter's Retirement - All firefighters covered under civil service must participate in the firefighter's retirement plan as set out in the state statutes. The pension plan provides retirement, death and disability benefits. For more information on the firefighter's retirement plan, contact the Fire Administrator or the Human Resource Officer.
- c) City of McCook Employee Retirement Plan - The retirement plan is a type of qualified retirement plan commonly referred to as a 401(k) Plan. All regular full-time and part-time employees are eligible to participate in the Plan. As a participant in the Plan, the employee may elect to reduce

his/her compensation by a specific percentage or dollar amount and have that amount contributed to the Plan on a pre-tax basis as a salary deferral. More detailed information regarding the City of McCook Employee Retirement Plan can be found in the Summary Plan Description provided to employee on hire date. Additional copy(ies) of the Summary Plan Description may be requested from the Human Resource Officer.

## **7.4 Pension Plan**

All eligible employees of the City are covered under one of three (3) pension plans which the City provides for its employees. The three plans are: police officer's retirement; firefighter's retirement; and a retirement plan for other City employees. The pension plans for police officers and firefighters are required and regulated by state statutes. The pension plan for regular employees is a private, mandatory plan. A brief description of each plan follows. More complete information on each pension plan is available upon request to your department head the Human Resource Officer.

- a) *Police Officer's Retirement* - All police officers covered by civil service must participate in the police officer's retirement plan as set out in state statutes. The pension plan provides retirement, death and disability benefits. For more information on the police officer's retirement plan, contact the Police Chief or Human Resources.
- b) *Firefighter's Retirement* - All firefighters covered under civil service must participate in the firefighter's retirement plan as set out in the state statutes. The pension plan provides retirement, death and disability benefits. For more information on the firefighter's retirement plan, contact the Fire Chief or Human Resources.
- c) *City of McCook Employee Retirement Plan* - The retirement plan is a type of qualified retirement plan commonly referred to as a 401(k) Plan. All regular full-time and part-time employees are eligible to participate in the Plan. As a participant in the Plan, the employee may elect to reduce his/her compensation by a specific percentage or dollar amount and have that amount contributed to the Plan on a pre-tax basis as a salary deferral. More detailed information regarding the City of McCook Employee Retirement Plan can be found in the Summary Plan Description provided to employee on hire date. Additional copy(ies) of the Summary Plan Description may be requested from the Human Resource Officer.

## **7.5 Health and Dental Insurance**

City of McCook offers group health/dental insurance benefits to all eligible regular full-time and part-time employees who have completed (31) days of employment and their eligible dependents. Health plan benefits are described in detail in the Summary Plan Description (SPD), which may be obtained from Human Resource Officer.

Your group health benefits are paid in part by the City. The remainder of the costs are paid by you through deductions from your pay.

Benefits may be canceled or changed at the discretion of the City, unless otherwise prohibited by law or otherwise a part of a negotiated term by a collective bargaining union.

If you or a dependent become ineligible for benefits due to a change in work hours or through a life event, or you leave employment with us, you may have the right to continue your health benefits under federal or state law. In such event, the City will provide you with information about your rights to continue your benefits coverage.

## **7.6 Life Insurance**

The City provides a Basic Life and AD&D insurance policy for each participating employee participating in the health insurance program equal to one year's base salary rounded to the nearest \$10,000 up to \$172,000. Volunteer Firefighters receive a maximum benefit of \$10,000 of Life and AD&D coverage. A plan booklet will be provided to each eligible employee on their date of hire.

Each individual policy will terminate the date the employee terminates employment with the City or the date the employee ceases to be in a class that is eligible for this insurance. This insurance may be continued after the employee ceases to be eligible. (See Group Life and Accidental Death and Dismemberment Insurance Program plan booklet for additional information.)

### **7.7 Unemployment Compensation Insurance Policy**

Unemployment compensation insurance is paid for by City of McCook and provides temporary income for employees who have lost their job under certain circumstances. Your eligibility for unemployment compensation will, in part, be determined by the reasons for your separation from the City.

### **7.8 Workers' Compensation Insurance Policy**

Workers' compensation is a no-fault system designed to provide benefits to all employees for work-related injuries. Workers' compensation insurance coverage is paid for by employers and governed by state law. The workers' compensation system provides for coverage of medical treatment and expenses, occupational disability leave, and rehabilitation services, as well as payment for lost wages due to work related injuries. If you are injured on the job while working at City of McCook, no matter how slightly, you are to report the incident immediately to your Department Head or Supervisor. Consistent with applicable state law, failure to report an injury within a reasonable period of time could jeopardize your claim for benefits.

To receive workers' compensation benefits, notify your Department Head or Supervisor immediately of your claim. If your injury is the result of an on-the-job accident, you must fill out an accident report. You will be required to submit a medical release before you can return to work.

### **7.9 COBRA**

The Consolidated Omnibus Budget Reconciliation Act (COBRA) provides the opportunity for eligible City of McCook employees and their beneficiaries to continue health insurance coverage under the City health plan when a "qualifying event" could result in the loss of eligibility. Qualifying events include resignation, termination of employment, death of an employee, reduction in hours, a leave of absence, divorce or legal separation, entitlement to Medicare, or where a dependent child no longer meets eligibility requirements.

Contact Human Resources Officer to learn more about your COBRA rights.

### **7.10 Blood Bank Donation**

City employees will be paid for up to one half hour of time while attending blood drives. The employee must make every attempt to schedule their blood donation as to not interfere with their department schedule or create overtime, and should get written authorization from their department head prior to attending the drive and written verification from their department after attending the drive. Permissions forms are available from the Human Resources.

### **7.11 Credit Union**

All employees of the City, their spouse and children are eligible to participate in the KRDF Federal Credit Union. The Credit Union is owned and operated by the employee themselves and is federally insured. Savings and loan programs are offered. Employees may elect a payroll deduction savings plan. Details are available from Credit Union officers or Human Resources.

### **7.12 Continuing Education Policy**

We believe in the continuing education of our employees. If Department Head or City Manager sends you to a class or training program during normal working hours related to your employment, you will be paid for that time. If you are interested in attending an outside class and having the City pay for your attendance,

you are required to provide advance written notice to your Department Head describing the class, including the subject matter, length, and cost. Depending on the type of training, the City may reimburse some or all the fees, including materials expenses, meals, and transportation. If your Department Head or Supervisor approves of your attendance at a class that is not sponsored by the City, you will be reimbursed once you have attended and paid for the class.

### 7.13 Holidays

A holiday is a normal workday on which all operations of the City, with the exception of the departments whose operation is necessary to the public health and safety, are ceased and the City is closed to normal business. Employees are given the day off with pay. The following are recognized holidays:

New Year's Day.....	January 1
Memorial Day.....	Last Monday in May
Independence Day.....	July 4
Labor Day.....	First Monday in September
Thanksgiving Day.....	Fourth Thursday in November
Day After Thanksgiving.....	Fourth Friday in November
Christmas Eve.....	Half day – December 24
Christmas Day.....	December 25
Floating Holiday (1)	

The floating holiday shall be taken upon the approval of the department head in full shift increments only. The floating holiday must be taken by the employee between January 1 and December 31 of each year and will not be carried over to the following year.

It is the policy of the City that all regular employees working more than 30 hours per week are awarded comparable time-off, compensation benefits, and holidays each year. The standard shall be the amount of paid leave granted to employees working a 30-hours or more a week Monday through Friday. For employees working less than 30 hours, you will be paid an average of the last 4-weeks' pay for Holiday pay. When a holiday falls on Saturday, it shall be observed on the preceding Friday. When a holiday falls on Sunday, the following Monday shall be observed as the holiday.

Regular, part-time employees who would otherwise be scheduled to work on the day an observed holiday occurs, but due to the holiday do not work, shall be paid based upon the average hours of the past four weeks worked that day of the week. Should a prior holiday fall within said four-week calculation, the hours allowed for the prior holiday will not be considered as part of the calculation. Only actual hours worked will be considered.

Temporary and seasonal employees shall not receive paid holidays.

Regular employees who are scheduled to work on an observed holiday shall be compensated as follows:

With the exception of the December 24th holiday (Christmas Eve), employees will be credited with eight (8) hours of holiday pay for the holiday plus be paid for hours actually worked that day. Employees will be credited with a half shift of pay for the December 24th holiday plus be paid for hours actually worked that day. Time allowed off for the December 24th holiday is subject to the hours of operation set by the City of McCook.

Employees not scheduled to work on a holiday shall receive eight (8) hours holiday pay. Holiday pay shall be considered hours worked when calculating overtime. An employee must have worked or taken paid leave on the workday before and after the observed holiday to receive pay.

Police department employees excluded from the Fraternal Order of Police Lodge 57 union shall receive the same holiday pay and be subject to the same terms as are members of said union in regard to holiday pay, excluding the Office Manager.

## 7.14 Sick Pay/Catastrophe Leave

Sick leave shall be earned and accrued from the most recent date of employment.

City of McCook allows its regular full-time employees who have completed their introductory period sick days per calendar year. Notify your Department Head or Supervisor as far in advance as possible if you are going to take sick time off.

There may be occasions, such as sudden illness, when you cannot notify your Department Head or Supervisor in advance. In those situations, provide notification of your circumstances as soon as possible. You may also be requested to provide a certificate of illness to your Department Head or Supervisor.

You may use sick leave benefits for dental or doctor visits or to care for immediate family members who are sick. Unused sick days may not be converted to a cash payment. You may be required to use available sick leave during family and medical leave, disability leave, or other leave.

Sick leave shall be granted to employees for the following reasons:

- a. personal illness or physical incapacity resulting from causes beyond the control of the employee;
- b. enforced quarantine of the employee in accordance with community health regulations;
- c. doctor's or dentist's appointment; and
- d. illness or condition of an immediate family member which require the employee's presence; immediate family for sick leave purposes is defined as:
  - 1) Spouse/significant other and parents of employer/spouse/significant other
  - 2) Children
  - 3) Grandparents
  - 4) Grandchildren
  - 5) A person living in/or considered part of the employee's household and dependent on the employee for care
  - 6) Siblings

Sick leave shall accrue to regular employees at the following rate:

<u>40 Hour Employee:</u>	Bi-weekly accrual - 3.69 hours Maximum accrual - 800 hours
<u>42 Hour Employee:</u>	Bi-weekly accrual - 3.88 hours Maximum accrual - 960 hours
<u>56 Hour Employee:</u>	Bi-weekly accrual - 11.08 hours Maximum accrual - 2,400 hours
<u>Regular Part-Time Employee:</u> (Working 30 to 40 hours per week)	Bi-weekly accrual - 2.96 hours Maximum accrual - 600 hours

Sick leave shall be granted upon the approval of the employee's Department Head and, in some cases, the City Manager. To be granted sick leave, an employee must report to his or her Department Head or immediate supervisor the reason for the absence at the beginning of the work shift for which sick leave is taken. A Sick Leave Request form must be completed by the employee upon his/her return to work, approved or denied by the Supervisor and/or Department Head and submitted to the Human Resources along with the employee's time sheet.

Terminating employees may be compensated for accumulated sick leave pursuant to Section 4.14, TERMINATION PAY.

The City Manager/Administration reserves the right to allow/deny sick leave to avoid abuse of this policy.

With City Manager approval, any employee who has at least 500 hours accrued in sick leave may donate up to 40 hours, per calendar year, of their sick leave to a Catastrophic Leave bank to be maintained by the

Human Resource Officer. The purpose of this Catastrophic Leave bank is to assist fellow employees who have entered into hardship due to illness and/or injury and have depleted all their own leave in good faith.

To request compensation from the Catastrophic Leave bank, the employee must have 6 months of continuous employment and make application to Human Resources in an amount not to exceed 160 hours (per occurrence). The application will be reviewed by the City Manager with the applicant's Department Head and Supervisor and Human Resources to determine eligibility and allotment based upon the applicant's leave history.

Forms for donation and application may be obtained from Human Resources.

### **7.15 Bereavement Leave**

You may use accrued but unused vacation/sick leave/paid time off if additional time is needed. Additional unpaid time off may be granted at the discretion of the City on a case-by-case basis.

Leave not to exceed twenty-four (24) consecutive working hours will be granted by the City in the event of the death of a member of the immediate family of any employee with pay.

Immediate family, for purposes of this policy, includes the following and applies both to the family of the employee and the employee's spouse: spouse, parents (including foster parents and stepparents), child (including foster child and stepchild), brother, sister, grandparents and grandchildren. For extenuating circumstances, the employee may petition the City Manager to expand the definition of immediate family. City Manager is not required to grant the petitioner's request.

Bereavement leave shall be taken within one (1) week of the date of the death, or at other times with approval of the City Manager.

You must provide notice of your need for bereavement leave as far in advance as possible. The City may require documentation supporting your need for bereavement leave.

### **7.16 Jury Duty Leave**

City of McCook encourages employees to fulfill their civic duties related to jury duty. If you are summoned for jury duty, notify your Department Head or Supervisor as soon as possible to make scheduling arrangements.

You will receive your regular compensation for time spent on jury duty; however, your pay will be reduced by any compensation — other than expenses — that the court pays you for jury duty.

The City reserves the right to require employees to provide proof of jury duty service to the extent authorized by law.

The City will not retaliate against employees who request or take leave in accordance with this policy.

### **7.17 Voting Leave**

If you do not have two consecutive hours while the polls are open during which you are not required to be working for City of McCook, the City will provide you with up to two paid hours of leave for purposes of voting. If you provide notice of your need for leave in advance of Election Day, your pay cannot be reduced or deducted in connection with your leave from work. Your Department Head or Supervisor may determine the time that you may take leave.

### **7.18 Leaves of Absence**

Should a situation arise that temporarily prevents an employee from working, they may be eligible for a personal Leave of Absence without pay. However, employees must be employed for at least three months prior to the requested leave.

Any request for a leave of absence without pay must be submitted in writing as far in advance as possible and it will be reviewed on a case-by-case basis by the City Manager. The decision to approve or disapprove is based on the circumstances, the length of time requested, the employee's job performance and attendance and punctuality record, the reason for the leave, the effect the employee's absence will have on the work in the department and the expectation that the team member will return to work when the leave expires. Leaves of absence, whether scheduled or unscheduled, will be considered only after all personal time have been exhausted. An exception to this may be applied for major life events, such as marriage, birth/adoption, death, or with extended notice.

## 7.19 Family and Medical Leave (FMLA) Policy

In accordance with the Family and Medical Leave Act of 1993 (FMLA), City of McCook provides up to 12 or 26 weeks of unpaid, job-protected leave in a 12-month period to covered employees in certain circumstances.

### Eligibility

To qualify for FMLA leave, you must:

1. Have worked for the City for at least 12 months, although it need not be consecutive;
2. Worked at least 1,250 hours in the last 12 months; and
3. Be employed at a worksite that has 50 or more employees within 75 miles.

### Leave Entitlement

You may take up to 12 weeks of unpaid FMLA leave in a 12-month period for any of the following reasons:

- The birth of a child and in order to care for that child (leave must be completed within one year of the child's birth);
- The placement of a child with you for adoption or foster care and in order to care for the newly placed child (leave must be completed within one year of the child's placement);
- To care for a spouse, child, or parent with a serious health condition;
- To care for your own serious health condition, which makes you unable to perform any of the essential functions of your position; or
- A qualifying exigency of a spouse, child, or parent who is a military member on covered active duty or called to covered active duty status (or has been notified of an impending call or order to covered active duty).

The 12-month period is rolling back.

You may take up to 26 weeks of unpaid FMLA leave in a single 12-month period, beginning on the first day that you take FMLA leave to care for a spouse, child, or next of kin who is a covered service member and who has a serious injury or illness related to active duty service.

As used in the policy:

- **Spouse** means a husband or wife as recognized under state law for the purposes of marriage in the state or other territory or country where the marriage took place.
- **Child** means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is either under age 18 or age 18 or older and incapable of self-care because of a mental or physical disability at the time FMLA leave is to commence. A child for the purposes of military exigency or military care leave can be of any age.
- **Parent** means a biological, adoptive, step, or foster parent or any other individual who stood in loco parentis to you when you were a child.
- **Next of kin** for the purposes of military care leave is a blood relative other than a spouse, parent, or child in the following order: brothers and sisters, grandparents, aunts and uncles, and first cousins. If a military service member designates in writing another blood relative as his or her caregiver, that individual will be the only next of kin. In appropriate circumstances, you may be required to provide documentation of next of kin status.

- **Serious health condition** means an illness, injury, impairment, or physical or mental condition that involves either inpatient care or continuing treatment by a health care provider. Ordinarily, unless complications arise, cosmetic treatments and minor conditions such as the cold, flu, ear aches, upset stomach, minor ulcers, headaches (other than migraines), and routine dental problems are examples of conditions that are not serious health conditions under this policy. If you have any questions about the types of conditions that may qualify, contact Human Resources.
- **Health care provider** means a medical doctor or doctor of osteopathy, physician assistant, podiatrist, dentist, clinical psychologist, optometrist, nurse practitioner, nurse-midwife, clinical social worker, or Christian Science practitioner licensed by the First Church of Christ. Under limited circumstances, a chiropractor or other provider recognized by our group health plan for the purposes of certifying a claim for benefits may also be considered a health care provider.
- **Qualifying exigencies** for military exigency leave include:
  - Short-notice call-ups/deployments of seven days or less (**Note:** Leave for this exigency is available for up to seven days beginning the date of call-up notice);
  - Attending official ceremonies, programs, or military events;
  - Special childcare needs created by a military call-up including making alternative child care arrangements, handling urgent and nonroutine child care situations, arranging for school transfers, or attending school or daycare meetings;
  - Making financial and legal arrangements;
  - Attending counseling sessions for yourself, the military service member, or the military service members' son or daughter who is under 18 years of age or is 18 or older but incapable of self-care because of a mental or physical disability;
  - Rest and recuperation (**Note:** Fifteen days of leave is available for this exigency per event);
  - Post-deployment activities such as arrival ceremonies, re-integration briefings, and other official ceremonies sponsored by the military (**Note:** Leave for these events are available for 90 days following the termination of active duty status). This type of leave may also be taken to address circumstances arising from the death of a covered military member while on active duty;
  - Parental care when the military family member is needed to care for a parent who is incapable of self-care (such as arranging for alternative care or transfer to a care facility); and
  - Other exigencies that arise that are agreed to by both the City and you.
- A **serious injury/illness** incurred by a service member in the line of active duty or that is exacerbated by active duty is any injury or illness that renders the service member unfit to perform the duties of his or her office, grade, rank, or rating.

#### Notice and Leave Request Process

If the need for leave is foreseeable because of an expected birth/adoption or planned medical treatment, you must give at least 30 days' notice. If 30 days' notice is not possible, give notice as soon as practicable (within one or two business days of learning of your need for leave). Failure to provide appropriate notice may result in the delay or denial of leave.

In addition, if you are seeking intermittent or reduced schedule leave that is foreseeable due to planned medical treatment or a series of treatments for yourself, a family member, or covered service member, you must consult with the City first regarding the dates of this treatment to work out a schedule that best suits your needs or the needs of the covered military member, if applicable, and the City.

If the need for leave is unforeseeable, provide notice as soon as possible. Normal call-in procedures apply to all absences from work, including those for which leave under this policy may be requested. Failure to provide appropriate notice may result in the delay or denial of leave.

#### Certification of Need for Leave

If you are requesting leave because of your own or a covered relative's serious health condition, you and the relevant health care provider must supply appropriate medical certification. You may obtain Medical Certification forms from Human Resources. When you request leave, the City will notify you of the requirement for medical certification and when it is due (at least 15 days after you request leave). If you provide at least 30 days' notice of medical leave, you should also provide the medical certification before

leave begins. Failure to provide requested medical certification in a timely manner may result in denial of FMLA-covered leave until it is provided.

At our expense, the City may require an examination by a second health care provider designated by us. If the second health care provider's opinion conflicts with the original medical certification, we, at our expense, may require a third, mutually agreeable, health care provider to conduct an examination and provide a final and binding opinion. Subsequent medical recertification may also be required. Failure to provide requested certification within 15 days, when practicable, may result in delay of further leave until it is provided.

The City also reserves the right to require certification from a covered military member's health care provider if you are requesting military caregiver leave and certification in connection with military exigency leave.

#### Call-In Procedures

In all instances of absence, the call-in procedures and standards established for giving notice of absence from work must be followed.

#### Intermittent Leave

If medically necessary, FMLA leave for a serious health condition may be taken intermittently (in separate blocks of time due to a serious health condition) or on a reduced leave schedule (reducing the usual number of hours you work per workweek or workday). FMLA leave may also be taken intermittently or on a reduced leave schedule for a qualifying exigency relating to covered military service.

As FMLA leave is unpaid, the City will reduce your salary based on the amount of time actually worked. In addition, while you are on an intermittent or reduced schedule leave that is foreseeable due to planned medical treatments, the City may temporarily transfer you to an available alternative position that better accommodates your leave schedule and has equivalent pay and benefits.

#### Parental Leave

Leave for the birth or placement of a child must be taken in a single block and cannot be taken on an intermittent or reduced schedule basis. Parental leave must be completed within 12 months of the birth or placement of the child; however, you may use parental leave before the placement of an adopted or foster child to consult with attorneys, appear in court, attend counseling sessions, etc.

#### Family Care, Personal Medical, Military Exigency, and Military Care Leave

Leave taken for these reasons may be taken in a block or blocks of time. In addition, if a health care provider deems it necessary or if the nature of a qualifying exigency requires, leave for these reasons can be taken on an intermittent or reduced-schedule basis.

#### Paid Leave Utilization During FMLA Leave

FMLA leave is unpaid. If you are taking parental, family care, military exigency, and/or military care leave, you must utilize available vacation/PTO, personal days, and/or family illness days during this leave. If you are taking personal medical leave, you must utilize available sick, personal, and vacation/PTO days during this leave. If you are receiving short- or long-term disability or workers' compensation benefits during a personal medical leave, you will not be required to utilize these benefits. However, you may elect to utilize accrued benefits to supplement these benefits.

#### Fitness for Duty Requirements

If you take leave because of your own serious health condition (except if you are taking intermittent leave), you are required, as are all employees returning from other types of medical leave, to provide medical certification that you are fit to resume work. You will not be permitted to resume work until it is provided.

### Health Insurance

Your health insurance coverage will be maintained by the City during leave on the same basis as if you were still working. You must continue to make timely payments of your share of the premiums for such coverage. Failure to pay premiums within 30 days of when they are due may result in a lapse of coverage. If this occurs, you will be notified 15 days before the date coverage will lapse that coverage will terminate unless payments are promptly made.

Alternatively, at our option, the City may pay your share of the premiums during the leave and recover the costs of this insurance upon your return to work. Coverage that lapses due to nonpayment of premiums will be reinstated immediately upon return to work without a waiting period. Under most circumstances, if you do not return to work at the end of leave, the City may require reimbursement for the health insurance premiums paid during the leave.

### Reinstatement

Upon returning to work at the end of leave, you will generally be placed in your original job or an equivalent job with equivalent pay and benefits. You will not lose any benefits that accrued before leave was taken.

### Spouse Aggregation

If you and your spouse are both employed by the City, the total number of weeks to which you are both entitled in the aggregate because of the birth or placement of a child or to care for a parent with a serious health condition will be limited to 12 weeks per leave year. Similarly, spouses employed by the City will be limited to a combined total of 26 weeks of leave to care for a military service member. This 26-week leave period will be reduced, however, by the amount of leave taken for other qualifying FMLA events. This type of leave aggregation does not apply to leave needed for your own serious health condition, to care for a spouse or child with a serious health condition, or because of a qualifying exigency.

### Failure to Return

If you fail to return to work or fail to make a request for an extension of leave prior to the expiration of the leave, you will be deemed to have voluntarily terminated your employment. The City is not required to grant requests for open-ended leaves with no reasonable return date under these policies or as disability accommodations.

### Alternative Employment

While on leave of absence, you may not work or be gainfully employed either for yourself or others unless express, written permission to perform such outside work has been granted by the City. If you are on a leave of absence and are found to be working elsewhere without permission, you will be subject to disciplinary action up to and including termination.

### Interaction with State and Local Laws

Where state or local family and medical leave laws offer more protections or benefits to employees, the protections or benefits that are more favorable to the employee, as provided by these laws, will apply.

### Abuse of Leave

If you are found to have provided a false reason for a leave, you will be subject to disciplinary action up to and including termination.

### Designation of Leave

If the City becomes aware of any qualifying reason for FMLA leave, the City will designate it as such. An employee may not refuse FMLA designation under this policy.

### Retaliation

The City will not retaliate against employees who request or take leave in accordance with this policy.

## **7.20 Family Military Leave**

City of McCook provides up to 30 days of unpaid family military leave to employees who are the spouse or parent of a person called to military service. The leave must be taken during the time the federal or state deployment orders are in effect.

To be eligible for family military leave, you must:

- Have worked for the City for at least 12 months;
- Have worked for at least 1,250 hours during the 12-month period immediately preceding the start of family military leave; and
- Be the spouse or parent of a person called to military service, by the State of Nebraska or the United States, lasting 179 days or longer.

If you need to take family military leave, notify your Department Head or Supervisor as soon as practicable. If the leave is for five or more consecutive workdays, you must provide at least 14 days' notice. Consult with your Department Head or Supervisor to schedule the leave so as not to unduly disrupt the operations of the City. You may be required to provide certification from the proper military authority to verify your eligibility for leave.

You may elect to use any available paid time off for which you are eligible under City policy for the purpose of taking family military leave, and such paid time off will run concurrently with the leave afforded under this policy.

Upon returning from family military leave, you will be restored to your previous position or to a position with equivalent seniority status, employee benefits, pay, and other conditions of employment.

During family military leave, you will be able to continue your health insurance benefits at your own expense.

The City will not discriminate or retaliate against employees who request or take leave in accordance with this policy.

## **7.21 Military Leave (USERRA)**

City of McCook complies with applicable federal and state law regarding military leave and re-employment rights. Unpaid military leave of absence will be granted to members of the uniformed services in accordance with the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA; with amendments) and all applicable state law. You must submit documentation of the need for leave to Human Resources. When returning from military leave of absence, you will be reinstated to your previous position or a similar position, in accordance with state and federal law. You must notify your Supervisor or Human Resources of your intent to return to employment based on requirements of the law. For more information regarding status, compensation, benefits, and reinstatement upon return from military leave, contact Human Resources.

## **7.22 Return-to-Work Program**

The City of McCook supports the practice of bringing injured employees back to work, as soon as they are medically able, to a position in their department compatible with any physical restrictions they may have. We believe this practice serves the best interests of our employees and organization.

The prompt return of injured employees to their departmental positions within their medical restrictions will minimize the impact of work-related injuries. Coming back to work early helps employees remain functional as they recover while providing our organization with the valuable use of employees' talents. It also helps control workers' compensation costs.

If you are injured at work, report the injury to your supervisor immediately-no matter how minor the injury is. Your supervisor or you will report to our organization's worker's compensation EMC OnCall Nurse at 1-844-

322-4668 within 24 hours. Any questions concerning workers' compensation should be directed to the individual associated with the telephone number, the assigned claims adjuster or Human Resources.

Your supervisor and/or the EMC OnCall Nurse will help arrange for medical treatment following an injury. Prompt, quality medical treatment, can be assured through the use of a local medical provider.

Current positions may be modified to fit the medical limitations of injured employees by modifying workstations, altering specific tasks or working reduced hours. If this is not possible, temporary transitional jobs may be made available with your department. An example of a transitional job or task would include light desk duty.

This return-to-work program is an important part of our organization's commitment to manage work-related injuries in a way that's best for our employees and for this organization.

## **8.0 Safety and Loss Prevention**

### **8.1 Drug and Alcohol Policy**

City of McCook is committed to providing a safe, healthy, and productive work environment. Consistent with this commitment, it is the intent of the City to maintain a drug and alcohol-free workplace. Being under the influence of alcohol, illegal drugs (as classified under federal, state, or local laws), or other impairing substances while on the job may pose a serious health and safety risk to others and will not be tolerated.

#### Prohibited Conduct

The City expressly prohibits employees from engaging in the following activities when they are on duty or conducting City business or on City premises (whether or not they are working):

- The use, abuse, or being under the influence of alcohol, illegal drugs, or other impairing substances.
- The possession, sale, purchase, transfer, or transit of any illegal or unauthorized drug, including prescription medication that is not prescribed to the individual, or drug-related paraphernalia.
- The illegal use or abuse of prescription drugs.

Nothing in this policy is meant to prohibit your appropriate use of over-the-counter medication or other medication that can legally be prescribed under both federal and state law, if it does not impair your job performance or safety or the safety of others. If you take over-the-counter medication or other medication that can legally be prescribed under both federal and state law to treat a disability, inform your Department Head or Supervisor if you believe the medication may impair your job performance, safety, or the safety of others or if you believe you need a reasonable accommodation before reporting to work while under the influence of that medication.

#### Employer-Sponsored Events

From time to time, the City may sponsor social or business-related events where alcohol may be served. This policy does not prohibit the use or consumption of alcohol at these events. However, if you choose to consume alcohol at such events, you must do so responsibly and maintain your obligation to conduct yourself properly and professionally at all times.

#### Treatment and/or Rehabilitation

The City may assist you in seeking treatment or rehabilitation for drug or alcohol dependency. In such cases, the City may consider your continued employment as long as concerns regarding safety, health, production, communication, or other work-related matters are adequately addressed. The City may also require you to obtain a medical clearance and agree to random testing and a "one-strike" rule as a condition of continued employment.

### Violations

Violation of this policy may result in disciplinary action, up to and including termination of employment.

## **8.2 Drug Testing Policy**

### **Random Selection**

The City of McCook has three (3) separate substance abuse policies:

1. City of McCook Public Transportation Substance Abuse Policy (FTA);
2. City of McCook Federal Highway Administration Drug and Alcohol Testing Program and Policy for Employees (FMCS);
3. City of McCook Substances of Abuse Policy.

The City of McCook will drug test employee as mandated in each of the separate drug free workplace policies.

The forementioned policies are hereby incorporated into the City of McCook's employee handbook by this reference.

### **Recordkeeping**

All records concerning test results will be kept by the City in medical files that are maintained separately from employee personnel files. Employees have a right to obtain copies of all test results from the testing laboratory or from the City.

## **8.3 General Safety Policy**

It is the responsibility of all City of McCook employees to maintain a healthy and safe work environment. Report all safety hazards and occupational illnesses or injuries to your Department Head or Supervisor as soon as reasonably possible and complete an occupational illness or injury form as needed. Failure to follow the City health and safety rules may result in disciplinary action, up to and including termination of employment.

## **8.4 Policy Against Workplace Violence**

As the safety and security of our employees, vendors, contractors, and the general public is in the best interests of City of McCook, we are committed to working with our employees to provide a work environment free from violence, intimidation, and other disruptive behavior.

### Zero Tolerance Policy

The City has a zero-tolerance policy regarding workplace violence and will not tolerate acts or threats of violence, harassment, intimidation, and other disruptive behavior, either physical or verbal, that occurs in the workplace or other areas. This applies to management, co-workers, employees, and non-employees such as contractors, customers, and visitors.

Workplace violence can include oral or written statements, gestures, or expressions that communicate a direct or indirect threat of physical harm, damage to property, or any intentional behavior that may cause a person to feel threatened.

### Prohibited Conduct

Prohibited conduct includes, but is not limited to:

- Physically injuring another person.
- Threatening to injure a person or damage property by any means, including verbal, written, direct, indirect, or electronic means.

- Taking any action to place a person in reasonable fear of imminent harm or offensive contact.
- Possessing, brandishing, or using a firearm on City property or while performing City business except as permitted by state law.
- Violating a restraining order, order of protection, injunction against harassment, or other court order.

### Reporting Incidents of Violence

Report to your Department Head, Supervisor or Human Resources in accordance with this policy, any behavior that compromises our ability to maintain a safe work environment. All reports will be investigated immediately and kept confidential, except where there is a legitimate need to know. You are expected to cooperate in any investigation of workplace violence.

### Violations

Violating this policy may subject you to criminal charges as well as discipline up to and including immediate termination of employment.

### Retaliation

Victims and witnesses of workplace violence will not be retaliated against in any manner. In addition, you will not be subject to discipline for, based on a reasonable belief, reporting a threat or for cooperating in an investigation.

If you initiate, participate, are involved in retaliation, or obstruct an investigation into conduct prohibited by this policy, you will be subject to discipline up to and including termination.

If you believe you have been wrongfully retaliated against, immediately report the matter to Department Head and/or Human Resources.

## **9.0 Confidentiality**

### **9.1 Confidentiality**

As a condition of employment, City of McCook employees are required to protect the confidentiality of proprietary information, and confidential commercially sensitive information (i.e. financial, customer lists confidential employee information, etc.) related to the City. Access to this information should be limited to a "need to know" basis and should not be used for personal benefit, disclosed, or released without prior authorization from management.

If you have information that leads you to suspect that employees are sharing such information in violation of this policy and are obtaining such information, you are required to inform your Department Head or Supervisor or Human Resources or appropriate department.

Violation of this policy may result in disciplinary action up to and including termination, and may subject the violator to civil liability.

## **10.0 Customer Relations**

### **10.1 Customer, Client, and Visitor Relations**

City of McCook strives to provide the best products and services possible to our customers and clients. Our customers and clients support this business and generate your wages. You are expected to treat every customer, client, or visitor with the utmost respect and courtesy during your working time. You should never argue or act in a disrespectful manner towards a visitor or customer during your working time. If you are having problems with a customer, client, or visitor, notify your Department Head or Supervisor immediately. If a customer, client, or visitor voices a suggestion, complaint, or concern regarding our products or services, inform your Department Head or Supervisor or a member of management. Lastly, make every

effort to be prompt in following up on customer, client, or visitor orders or questions. Positive customer, client, and visitor relations will go a long way to establishing our City as a leader in its field.

## **Closing Statement**

### **Conclusion**

All City employees help provide the services that the citizens of McCook desire, pay for, and expect. Good streets, excellent water systems, enjoyable parks, good community planning, police and fire protection do not just happen. As you join this City, we know that you too will give your best effort to provide the people of this community with the services that they can expect. It is not an easy task, but it is worthwhile. Everyone with the City of McCook wishes you well on your job. We hope that your working relationship with the City is long, pleasant, and rewarding.

## Acknowledgment of Receipt and Review

By signing below, I acknowledge that I have received a copy of the City of McCook Employee Handbook (handbook) and that I have read it, understand it, and agree to comply with it. I understand that the City has the maximum discretion permitted by law to interpret, administer, change, modify, or delete the rules, regulations, procedures, and benefits contained in the handbook at any time with or without notice. No statement or representation by a supervisor, manager, or any other employee, whether oral or written, can supplement or modify this handbook. Changes can only be made if approved by the City Council. I also understand that any delay or failure by the City to enforce any rule, regulation, or procedure contained in the handbook does not constitute a waiver on behalf of the City or affect the right of the City to enforce such rule, regulation, or procedure in the future.

I understand that neither this handbook nor any other communication by a management representative or other, whether oral or written, is intended in any way to create a contract of employment. I further understand that, unless I have a written employment agreement signed by an authorized City representative, I am employed "at-will" (to the extent permitted by law) and this handbook does not modify my "at-will" employment status.

If I am covered by a written employment agreement (signed by an authorized City representative) or a collective-bargaining agreement that conflicts with the terms of this handbook, I understand that the terms of the employment agreement or collective-bargaining agreement will control.

This handbook is not intended to preclude or dissuade employees from engaging in legally protected activities under the National Labor Relations Act (NLRA).

This handbook supersedes any previous handbook or policy statements, whether written or oral, issued by City of McCook.

If I have any questions about the content or interpretation of this handbook, I will contact Human Resources Officer.

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Signature

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Date

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Print Name

**CITY MANAGER'S REPORT  
DECEMBER 21, 2020 CITY COUNCIL MEETING**

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**ITEM:**        4.E.

**RECOMMENDATION:**

Receive and file the minutes of the September 9, 2020 Library Advisory Board meeting and the December 14, 2020 Planning Commission meeting.

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**BACKGROUND:**

Receive minutes from the various board and commission meetings.

**FISCAL  
IMPACT:**     None.

**APPROVALS:**

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

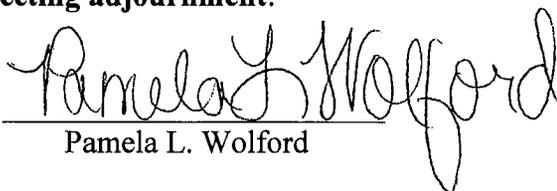
December 17, 2020

## McCook Public Library Advisory Board Meeting Minutes September 9, 2020 at 4:00 PM CDT

A copy of the Open Meetings Act is posted by the white board on the west wall of the meeting room in the library basement.

1. **Call to order / attendance:** The meeting was called to order by vice chairman Staci Blomstedt. Present were Jody Crocker, Kevin Cochran, Staci Blomstedt, Sharon Bohling, and Pam Wolford.
2. **Opportunity for Comments from the Public:** No one present.
3. Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on November 6, 2020, the designated method of giving notice, a copy of the proof of publication being attached to these minutes. Advance notice of the meeting was also given to all members of the Advisory Board. 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.
4. **Read and Approve Joint July 2020 meeting minutes:** A motion was made by Kevin to accept the minutes as read with a second by Sharon. They were accepted 4-0.
5. **Open discussion from board members on items not on the agenda:** Staci and Kevin both fielded complaints regarding the library. One was for a 30 minute time limit on computers and perceived staff rudeness in regard to having children present in library.
6. **Director's Report and update on upcoming activities:** 1.) Jody reported "Grab and Go" bags are available for preschoolers. A new selection of themed books is on display for the kids who use the "Grab and Go" program. 2.) Biographies and non-fiction have been moved downstairs to the new book shelves. The book shelves are an ongoing process in order to get the right sized shelving units. 3.) The new heating/cooling system is up and running except for the computer screen where Jody can access the system via a remote. 4.) Tuesday, September 7 was the first day of kids in the library. They are now welcome as long as parents are supervising. Traffic has increased with no issues. 5.) A trespassing letter has been sent to Tysha Parks in regard to inappropriate language and behavior at the library.
7. **Unfinished Business:** none
8. **New Business:** We received a picture of the potential sign for the Birdella Nelson sign for the outside of the library. A banner saying "The future site of the Birdella Nelson Technology Center" may be hung outside on the north side for Heritage Days when Ben Nelson comes for the dedication at 1:00 PM on September 26, 2020. Sharon moved that we recommend to the committee that the new sign be mounted on the current north façade above the light. Staci seconded the motion. The motion carried 4-0.
9. **Set date for next board meeting:** November 11, 2020 at 4:00 PM
10. **Meeting adjournment:**

Secretary:

  
Pamela L. Wolford

McCook Planning Commission  
December 14, 2020  
5:15 PM 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. Pursuant to the executive order issued by Governor Ricketts on December 1, 2020, the meeting was also open to members of the Planning Commission and the public via audio-conferencing means.

Present: Chair Vosburg; Vice Chair Hilker; Commissioners Davidson, Lyons, McDowell, Graham.

Present audio-conferencing means: Commissioners Dueland, Friehe (arrived 5:18 P.M.)

Absent: Commissioners Bradley, Stevens.

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

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on December 3, 2020, the designated method of giving notice, a copy of the proof of publication being attached to these minutes. Advance notice of the meeting was also given to 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.

Chair Vosburg announced that in accordance with Section 84-1412 of the Nebraska Revised Statutes, a current copy of the Open Meetings Act was available for public review on the Home Page of the City of McCook website and was posted by the entrance to the Council Chambers.

1. Approve the minutes of the November 9, 2020 regular Planning Commission meeting.

Motion to approve the minutes of the November 9, 2020 regular Planning Commission meeting. This motion, made by Hilker and seconded by McDowell, passed.

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

2. Public Hearings and Regular Agenda.

2.A. Public Hearing - Consider Replat of Lot 7, Block 2, Clary Subdivision Replat #3, Lot 7 will be split and replatted as Lot 7A and 7B.

Motion to recess as a Planning Commission and convene a public hearing for the purpose of receiving public comment with respect to the Replat of Lot 7, Block 2, Clary Subdivision Replat #3, Lot 7 will be split and replatted as Lot 7A and 7B, with the City Attorney to act as hearing officer. This motion, made by Vosburg and seconded by Lyons, passed.

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

The City Attorney received into evidence Exhibit #1 - City Manager's Report prepared for the December 14, 2020 Planning Commission meeting (1 page), Exhibit #2 - Revised Notice of Hearing published (1 page); Exhibit #3 - ownership list for mailing of Notice of Hearing (1 page); Exhibit #4 - Notice of Public Hearing published and corrected (1 page); Exhibit #5 - Land Use Action Request Form and attachments (9 pages); and Exhibit #6 - proposed Amended Planned Unit Development for Quillan Courts Project (? pages).

City Manager Schneider stated that after further review of the proposed replat, Lot 7A should be 8R and Lot 7B should be 7R and he reviewed the following information contained in Exhibit #1: "An application has been received from the McCook Economic Development Corporation requesting the creation of a minor subdivision through the replat process. In particular, the MEDC is requesting that a tract of land being part of Block Two (2), Lot Seven (7), Clary Subdivision Replat #3 be split into two lots. Due to the fact that Block Two was previously subdivided, this request must be treated as a minor subdivision as opposed to an administrative lot split."

"If approved, Lot 7 would be divided into two lots: Replatted Lot 7A (corrected to 8R) and Replatted Lot 7B (corrected to 7R). MEDC would like to divide these two lots in order to build two new houses. Per our zoning regulations and the Planned Unit Development Agreement that Quillan Courts is subject to, there is sufficient space to build a house on each of the proposed new lots."

"If the lot split is approved, the Planned Unit Development Agreement will need to be revised in order to account for the fact Lot 7 will be divided into Replatted Lot 7A (corrected to 8R) and Replatted Lot 7 B (corrected to 7R). A copy of the proposed amended agreement is attached. Staff suggests that the McCook Planning Commission recommend approval of the amended Planned Unit Development Agreement to the City Council in order to assure that the Agreement reflects the requested subdivision."

Andy Long, MEDC Executive Director, was present to address questions from the Commission. The units would be 3 bedroom, 2 bath, with detached garages; at this time it is not knowing if they will have a basement, that will depend upon the cost.

Commissioner Lyons questioned if there would be any additional drainage issues.

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.

Vosburg: YEA, Hilker: YEA, Bradley: ABSENT, Davidson: YEA, Dueland: YEA, Friehe: YEA, Graham: YEA, Lyons: YEA, McDowell: YEA, Stevens: ABSENT  
YEA: 8, NAY: 0, ABSENT: 2

2.B. Recommend final approval to the McCook City Council of Replat of Lot 7, Block 2, Clary Subdivision Replat #3, Lot 7 will be split and replatted as Lot 7A and 7B, as well as

recommend approval of the Amended Planned Unit Development Agreement for Quillan Courts Project.

Motion to recommend final approval to the McCook City Council of Replat of Lot 7, Block 2, Clary Subdivision Replat #3, Lot 7 will be split and replatted as Lot 7R and 8R, as well as recommend approval of the Amended Planned Unit Development Agreement for Quillan Courts Project. This motion, made by McDowell and seconded by Vosburg, passed.

Vosburg: YEA, Hilker: YEA, Bradley: ABSENT, Davidson: YEA, Dueland: YEA, Friehe: ABSENT, Graham: YEA, Lyons: YEA, McDowell: YEA, Stevens: ABSENT  
YEA: 8, NAY: 0, ABSENT: 2

**Adjournment.**

With no further business, Chair Vosburg declared the Planning Commission meeting adjourned at 5:32 P.M.

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Recording Secretary

**CITY MANAGER'S REPORT  
DECEMBER 21, 2020 MCCOOK CITY COUNCIL MEETING**

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**ITEM 4.F.**

Approve Resolution No. 2020-33 authorizing city staff to submit a letter of intent to the Nebraska Department of Economic Development Civic and Community Center Financing Fund for preliminary planning purposes.

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**BACKGROUND:**

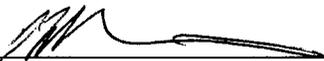
During the FY2020/2021 budget discussions, the City Council set aside funds from the sales tax dollars attributed to the McCook Public Swimming Pool for preliminary planning purposes. The amount set aside for swimming pool planning was \$25,000. City Staff would like to apply to the Nebraska Department of Economic Development Civic and Community Center Financing Fund (CCCFF) to help pay for these preliminary planning expenses. By applying for this grant, less sales tax will be needed to pay for the planning services.

Per the CCCFF guidelines, letters of intent are due by January 15, 2020. The final application would be due on February 15, 2020. The REWARDS Committee has authorized the use of REWARDS funds to pay for grant writing services, conditioned on the approval of this resolution.

**APPROVALS:**

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

December 15, 2020

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

December 15, 2020

**RESOLUTION NO. 2020-33**

**AUTHORIZING THE SIGNING OF A  
LETTER OF INTENT TO THE NEBRASKA DEPARTMENT OF ECONOMIC  
DEVELOPMENT CIVIC AND COMMUNITY CENTER FINANCING FUND FOR  
PRELIMINARY PLANNING PURPOSES REGARDING A POTENTIAL PUBLIC  
SWIMMING POOL PROJECT**

**Whereas:** The Nebraska Department of Economic Development Civic and Community Center Financing Fund supports the development of civic, community, and recreation centers by offering grants annually to Nebraska municipalities; and

**Whereas:** The Nebraska Department of Economic Development Civic and Community Center Financing Fund grants may be used to construct and/or improve facilities such as libraries, recreation and wellness centers, gathering spaces, convention centers, town squares, and cultural centers; and

**Whereas:** The Nebraska Department of Economic Development Civic and Community Center Financing Fund grants may also be used for preliminary planning related to the development or rehabilitation of eligible projects; and

**Whereas:** The City of McCook owns and operates a public swimming pool that was built and opened in 1939; and

**Whereas:** That pursuant to a City of McCook swimming pool study conducted in 2014, the City of McCook's public swimming pool is in need of rehabilitation, or in the alternative, a new public swimming pool needs to be constructed; and

**Whereas:** The McCook City Council is desirous of commencing the preliminary planning of a public swimming pool project and that a swimming pool project will benefit from the financial assistance of a preliminary planning grant issued by the Nebraska Department of Economic Development Civic and Community Center Financing Fund; and

**Whereas:** The Nebraska Department of Economic Development Civic and Community Center Financing Fund requires potential applicants to submit a letter of intent.

**Be it resolved** that the Mayor of the City of McCook is hereby authorized to sign a letter of intent signifying the City of McCook's intentions to file an application with the Nebraska Department of Economic Development Civic and Community Center Financing Fund for preliminary planning purposes as it relates to a City of McCook public swimming pool project.

Adopted this 7<sup>th</sup> day of December, 2020 at McCook, Nebraska.

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Mayor

ATTEST:

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Lea Ann Doak, City Clerk

**CITY MANAGER'S REPORT  
DECEMBER 21 2020 MCCOOK CITY COUNCIL MEETING**

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ITEM 4.G. Receive and file a report from the McCook Chamber of Commerce - 2020 Fourth Quarter Report.

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**BACKGROUND:**

Per the discussions during the FY2020/2021 budget season, the McCook Chamber of Commerce will provide an update on the City of McCook ACE Funds contributed to the Chamber for City of McCook event promotion purposes.

**APPROVALS:**

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

December 15, 2020

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

December 15, 2020

**McCook Chamber of Commerce Memorandum of Understanding (MoU)**

**2020 Fourth Quarter Report**

**MoU Expenses in the Reporting Period**

**Heritage Days** **2020** **\$1,117.60**

Heritage Days was a little different from years past, but it was still a great event for our community. Sales and use tax collections were also up for the City of McCook and if you consider Heritage Days has a 1% impact on the sales and use tax collections, this MoU created a positive ROI for the city.

2019 Sales and Use Tax: \$207,080.65

2020 Sales and Use Tax: \$228,717.90

\*The \$382.40 not spent on Heritage Days will be utilized in other MoU approved events.\*

**MoU approved events, but not yet completed or paid:**

**Christmas Promotion** **2020** **\$1,500**

The chamber's Christmas Promotion is currently underway. MoU funds are being utilized to promote shopping local. The City of McCook and/or ACE revenue return funds are mentioned in all advertising efforts including paper, radio, social media, and the chamber's digital sign located at Norris and B.

**Relocation Packet** **2020** **\$1,500**

The chamber plans to utilize funds from the MoU to develop and make available a relocation packet to assist local businesses and the community in attracting new residents to McCook. This project will begin following the chamber's Christmas Promotion.

**Crazy Days** **2021** **\$1,500**

The chamber's Crazy Days summer retail event will be held on July 8<sup>th</sup> - 10<sup>th</sup> of 2021. MoU funds will be utilized to promote shopping local. The City of McCook and/or ACE revenue return funds will be mentioned in all advertising.

**Miscellaneous Items:**

**ACE Promotion** **2021**

The chamber has been working with Councilman Weedon, the city's ACE board member, to put together a marketing campaign to encourage members of the community to pick ACE during the natural gas selection period.

**CITY MANAGER'S REPORT  
DECEMBER 21, 2020 MCCOOK CITY COUNCIL MEETING**

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ITEM **5.A.** Approve the use of ACE funds in the amount of \$25,000 as part of a \$250,000 local pledge for a Rural Workforce Housing Fund grant.

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**BACKGROUND:**

The Rural Workforce Housing fund (RWHF) provides matching grants to non-profit development organizations administering workforce housing investment funds through a competitive process. The funds are invested in eligible projects to increase the housing supply and reduce the cost of workforce housing in Nebraska's rural communities.

MEDC is currently putting together an RWHF grant proposal for Red Willow County. The City of McCook is in need of additional housing, as illustrated in its 2013 housing study. In recent years, Quillan Courts, Clary Village, and the first phase of the North Pointe project have been completed, providing additional housing for Red Willow County's residents. Despite these efforts, more housing is needed.

MEDC is proposing to create a \$750,000 fund that can be used for low interest, deferred loans with the hope of lowering the cost of building eligible housing and/or provide housing rehabilitation assistance. In order to fund the desired loan amount, MEDC is applying for a \$250,000 grant through RWHF and a \$250,000 match through NIFA. Locally, MEDC is attempting to raise \$250,000 to put toward the housing loan fund.

Andy Long, Director of the MEDC, has requested that the City of McCook commit \$25,000 of ACE funds to put toward the local match amount of \$250,000. At the last City Council meeting, staff was directed to bring an action item to the Council for a vote regarding MEDC's request.

**RECOMMENDATIONS:**

ITEM \_\_\_\_\_ Approve the use of ACE funds in the amount of \$25,000 as part of a \$250,000 local pledge for a Rural Workforce Housing Fund grant.

**APPROVALS:**

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

December 15, 2020

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

December 15, 2020

**CITY MANAGER'S REPORT  
DECEMBER 21 2020 MCCOOK CITY COUNCIL MEETING**

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ITEM **5.B.** Receive and file a discussion regarding COVID-19 related items and updates.

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**BACKGROUND:**

This agenda item has been included to discuss COVID-19 issues and how they relate to the City of McCook.

**APPROVALS:**



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Nathan A. Schneider, City Manager

December 15, 2020



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Lea Ann Doak, City Clerk

December 15, 2020

**CITY MANAGER'S REPORT  
DECEMBER 21, 2020 CITY COUNCIL MEETING**

**ITEM: 5.C.** Discussion regarding potentially rescheduling a capital improvement strategic planning meeting.

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**BACKGROUND:**

During this past budget season, the McCook City Council emphasized its desire to hold discussions regarding desired capital improvements. Some of the capital improvements that have been discussed in the past include: a swimming pool rehabilitation project or a new swimming pool, an athletic facility project, and an upgrade to the auditorium. A strategic planning meeting was scheduled for November 10. Due to COVID concerns, the meeting was postponed. Staff is including this item to give the City Council an opportunity to determine how it wishes to proceed with scheduling a capital improvement strategic planning meeting.

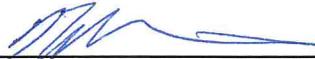
Council has asked staff to continue placing this item on the agenda with the hope that a meeting can be scheduled in the near future.



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Lea Ann Doak, City Clerk

December 15, 2020



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Nathan A. Schneider, City Manager

December 15, 2020

# MCCOOK CITY COUNCIL

## REGULAR MEETING

**Monday, December 21, 2020**  
**5:30 PM - City Council Chambers & Audio Conference**

[Stream Meeting Here REQUIRED Password: 69001](#)

Call to Order and Roll Call.

Mayor's Statement and Open Meetings Act Announcement.

Pledge of Allegiance.

Items.

1. Citizen's Comments.
2. Announcements & Recognitions.
3. Public Hearings.
  - A. Public Hearing - Consider Replat of Lot 7, Block 2, Clary Subdivision Replat #3, Lot 7 will be split and replatted as Lot 7R and 8R.
    1. Adjourn the Public Hearing.
  - B. Adopt Resolution No. 2020-34 providing for the approval of the Replat of Lot 7, Block 2, Clary Subdivision Replat No. 3, where by Lot 7 will be split and replatted as Lot 7R and 8R, with said Replat to be know as Clary Subdivision Replat No. 4, as well as recommend approval of the Amended Planned Unit Development Agreement for Quillan Courts Project.
4. Consent Agenda.
  - A. Approve the minutes of the December 7, 2020 regular City Council meeting.
  - B. Receive and file the claims for the month of November 2020 as published December 11, 2020.
  - C. Award the bid for the 2020 Crack Sealing Project to Stripe and Seal, LLC of Hays, Kansas in the amount of \$48,000.00, that being the lowest best bid.
  - D. Approve Resolution No. 2020-32 amending and updating the City of McCook's Employee Handbook.
  - E. Receive and file the minutes of the September 9, 2020 Library Advisory Board meeting and the December 14, 2020 Planning Commission meeting.
  - F. Approve Resolution No. 2020-33 authorizing city staff to submit a letter of intent to the Nebraska Department of Economic Development Civic and Community Center Financing Fund for preliminary planning purposes.

5. Regular Agenda.

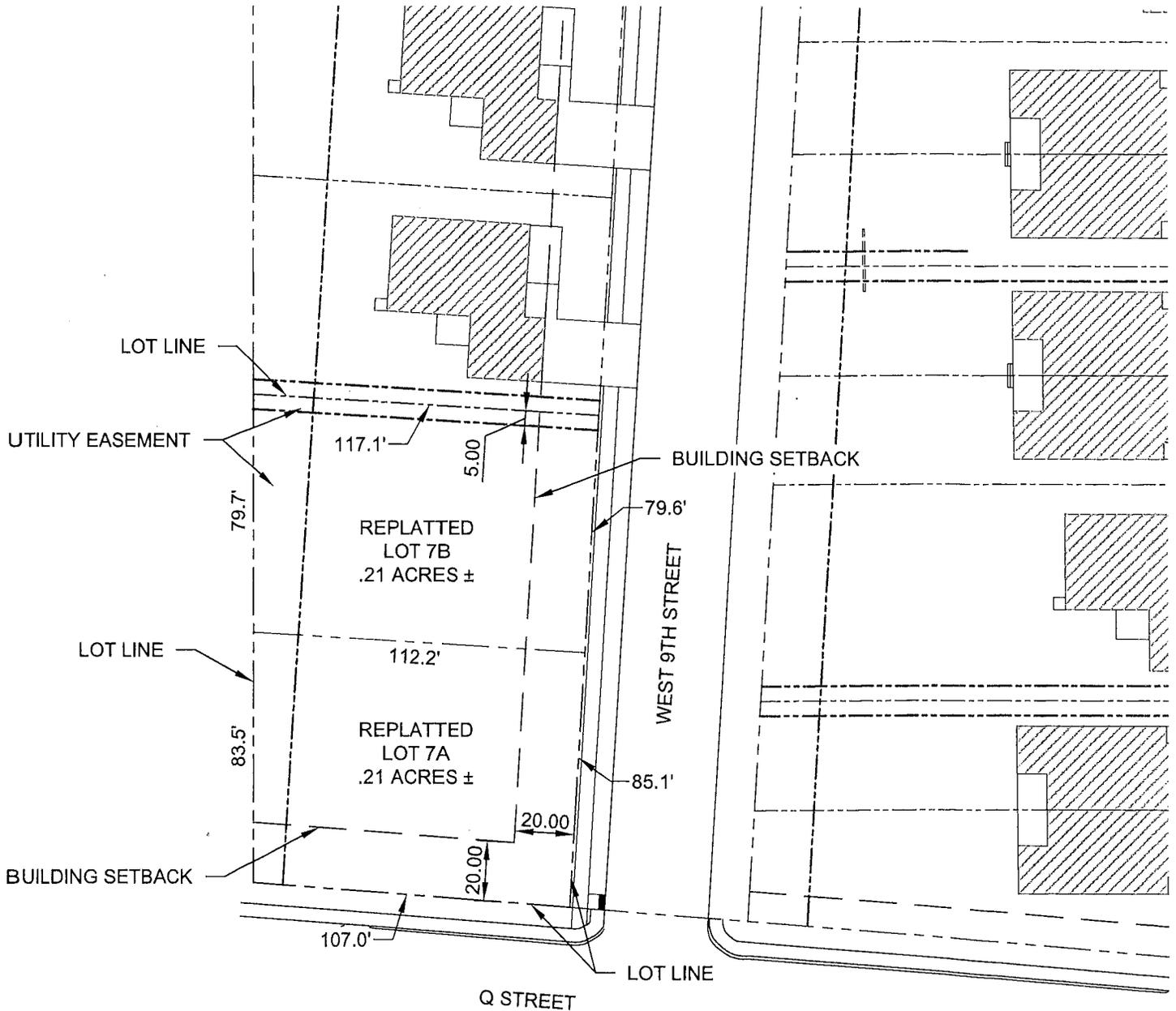
- A. Receive and file a report from the McCook Chamber of Commerce - 2020 Fourth Quarter Report.
- B. Approve the use of ACE funds in the amount of \$25,000 as part of a \$250,000 local pledge for a Rural Workforce Housing grant.
- C. Receive and file a discussion regarding COVID-19 related items and updates.
- D. Discussion regarding potentially rescheduling a capital improvement strategic planning meeting.
- E. Council Comments.

Adjournment.

# ADMINISTRATIVE LOT LINE ADJUSTMENT AND PLAT OF SURVEY

REPLAT OF LOT 7, BLOCK 2, CLARY SUBDIVISION REPLAT #3

LOT 7 WILL BE SPLIT AND REPLATTED AS LOT 7A & 7B



NORTH

