

MCCOOK CITY COUNCIL

REGULAR MEETING

Monday, March 6, 2023
5:30 PM - City Council Chambers

Roll Call.

Excuse Absences.

Open Meetings Act Announcement.

Invocation - McCook Ministerial Association - Jeff Donelan, McCook Evangelical Free Church.

Pledge of Allegiance.

Call to Order.

Items.

1. Announcements & Recognitions.

2. Consent Agenda.

**The Consent Agenda is approved on one motion. Any item listed on the Consent Agenda may, by the request of any single Council member or public in attendance, be considered as a separate item under the Regular Agenda.*

A. Approve the minutes of the February 20, 2023 regular City Council meeting.

B. Offer a contract to HOA Solutions, Inc., with a bid of \$231,751.00, as the lowest responsible bidder for SCADA Equipment Procurement and authorize the Mayor to execute the necessary paperwork to award the contract.

C. Approve Bid Specifications and Documents for one (1) new 4-wheel drive Airport Rescue and Firefighting (ARFF) Vehicle and set the date to receive bids as March 28, 2023 at 2:30 P.M.

D. Award the bid for the 2023 Armor Coating Project to Topkote Inc. of Yankton, South Dakota in the amount of \$4.78 per gallon, that being the lowest best bid.

E. Reappoint Nate Schneider, City Manager, as board member and Linda Taylor as alternate representative on the REWARD Board of Directors.

F. Recommend approval to the Nebraska Liquor Control Commission the Application for Manager submitted by Heritage Hills Golf Course, 600 Clubhouse Drive, which holds License #IB-010450, the applicant being Justin J. West.

G. Approve the application for a Special Designated Liquor License submitted by Uppa Crik Hops LLC/Uppa Crik Tap Room, Liquor License #CKG-123586, for a wedding reception to be held at the Red Willow County Fairgrounds -

Community Building, 1412 West 5th Street, on April 15, 2023 from 6:00 P.M. to 12:00 A.M.

- H. Receive and file information regarding ACE, the Public Alliance for Community Energy, distribution of \$10,760.00 to the City as its share of \$200,000 being distributed to 76 Nebraska member communities of the not-for-profit, community-owned natural gas supplier.
 - I. Approve Resolution No. 2023-03 acquiring temporary and permanent Stormwater Easements from John Walters for the purpose of constructing and maintaining surface and subsurface storm sewer drainage and authorize the Mayor to sign.
 - J. Receive and file letter from Karen K. Barrett, Tax Specialist for the Nebraska Department of Revenue, as a reminder that McCook's local sales and use tax rate will increase from 1.5% to 2% on April 1, 2023.
3. Regular Agenda.
- A. Update regarding the swimming pool, ballpark, and park projects and matters.
 - B. Approve the selection of Carrothers Construction Company, L.L.C. to serve as the construction manager for the McCook Municipal Swimming Pool project.
 - C. Discussion regarding setting a time to hold a special city council meeting whereat a tour of the City of McCook's various departments will occur.
 - D. Ordinance No. 2023-3061 approving the voluntary annexation of a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska, said tract of land included in the parcel to be referred to as Heritage Pointe Addition No. 3.
 - 1. Chairperson asks Clerk to read Ordinance by title.
 - 2. Consider approval of Ordinance No. 2023-3061 upon its third and final reading.
 - 3. Chairperson declaration after vote, if approved.
 - E. Ordinance No. 2023-3062 amending the City of McCook Code of Ordinances, pertaining to Contractor's License - Sections 150.400 - 150.412.
 - 1. Chairperson asks Clerk to read Ordinance by title.
 - 2. Consider approval of Ordinance No. 2023-3062 upon its third and final reading.
 - 3. Chairperson declaration after vote, if approved.
 - F. Ordinance No. 2023-3063 providing for an amendment of Chapter 38: Fee Schedule - Appendix M, Building Regulation Fees (Contractor's License); of the City of McCook Code of Ordinances.
 - 1. Chairperson asks Clerk to read Ordinance by title.
 - 2. Consider approval of Ordinance No. 2023-3063 upon its third and final reading.
 - 3. Chairperson declaration after vote, if approved.
 - G. Ordinance No. 2023-3064 providing for the amendment of Chapter 38: Fee Schedule - Appendix E, Water Department Rates and Fees.
 - 1. Chairperson asks Clerk to read Ordinance by title.
 - 2. Consider approval of Ordinance No. 2023-3064 upon its first of three readings.

H. Ordinance No. 2023-3065 providing for the amendment of Chapter 38: Appendix D, Sewer Department Rates and Fees.

1. Chairperson asks Clerk to read Ordinance by title.
2. Consider approval of Ordinance No. 2023-3065 upon its first of three readings.

I. Council Comments.

Adjournment.

**CITY MANAGER'S REPORT
MARCH 6, 2023 CITY COUNCIL MEETING**

ITEM: 2.A.

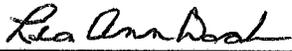
Approve the minutes of the February 20, 2023 regular City Council meeting.

BACKGROUND:

Receive and approve the minutes.

**FISCAL
IMPACT:** None.

APPROVALS:



Lea Ann Doak, City Clerk

March 2, 2023

McCook City Council
February 20, 2023
5:30 P.M. Central

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

Present: Mayor Taylor, Councilmembers Calvin, Rambali.

Absent: Councilmembers Weedin, Muehlenkamp.

Motion to excuse the absence of Councilmembers Weedin and Muehlenkamp. This motion, made by Calvin and seconded by Rambali, passed.

Taylor: YEA, Calvin: YEA, Rambali: YEA, Muehlenkamp: ABSENT, Weedin: ABSENT
YEA: 3, NAY: 0, ABSENT: 2

City Officials present: City Manager Schneider, City Attorney Mustion, City Clerk Doak, Assistant City Manager Koetter, Library Director Crocker, Utilities Director Fawver, Firefighter/Paramedic Metcalf, Building Inspector Mooney, Public Works Director Potthoff, Senior Services Director Siegfried, and Police Officer Willers.

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on February 16, 2023, the designated method of giving notice, a copy of the proof of publication being attached to these minutes. Advance notice of the meeting was also given to the Mayor and members of the City Council and a copy of the Acknowledgement of Receipt of such notice is attached to these minutes. Availability of the agenda was communicated in the advance notice to the Mayor and Council. All proceedings hereafter shown were taken while the meeting was open to the attendance of the public.

Mayor Taylor announced that a copy of the Open Meetings Act was posted by the entrance to the Council Chambers and available for public review. Invocation was provided by Lisa Mensinger, Our Saviors Lutheran Church. Following the Pledge of Allegiance to the flag of the United States of America, Mayor Taylor called the meeting to order.

1. Announcements & Recognitions.

There were no announcements or recognitions.

2. Presentation.

2.A. Presentation of the Annual Cashflow Analysis for the Water and Wastewater Utility Funds, as prepared by PFM Financial Advisors, LLC .

Matt Stoffel, PFM Financial Advisors, LLC., was present via Zoom. He reviewed the Water and

Wastewater Utility Funds Cashflow Analysis with the Council. A 6% rate increase as proposed for both Water and Sewer.

3. Consent Agenda.

Motion to approve the consent agenda. This motion, made by Calvin and seconded by Rambali, passed.

Muehlenkamp: ABSENT, Weedon: ABSENT, Taylor: YEA, Calvin: YEA, Rambali: YEA
YEA: 3, NAY: 0, ABSENT: 2

- 3.A. Approve the minutes of the February 6, 2023 regular City Council meeting.
- 3.B. Adopt Resolution No. 2023-02, certifying that the City of McCook is considered to be capable of providing public transportation for its citizens for the two year grant period consisting of fiscal year July 1, 2023 to June 30, 2024 and fiscal year July 1, 2024 to June 30, 2025.
- 3.C. Receive and file the claims for the month of January 2023, published February 16, 2023.
- 3.D. Ratify the Mayor's appointments to the Economic Development Plan Citizen's Advisory Review Committee - reappointing Alexis Davidson and appointing Warren Jones - terms expire July 2025.
- 3.E. Approve the application for a Special Designated Liquor License submitted by Outlaws 1882 Saloon, Liquor License #IB-118114, for a wedding reception to be held at the Red Willow County Community Building, 1412 West 5th Street, on June 17, 2023 from 3:00 P.M. to 2:00 A.M.
- 3.F. Approve the application for a Special Designated Liquor License submitted by Citta' Deli, Liquor License #C-121305, for their 8th Annual St. Patrick's Day Celebration to be held in the Citta' Deli parking lot, 110 West 1st Street, on March 18, 2023 from 8:00 A.M. to 6:00 P.M.
- 3.G. Approve the application for a Special Designated Liquor License submitted by the McCook Chamber of Commerce for Membership Mixer Celebration to be held at Norris Alley, 406 Norris Avenue, on April 20, 2023, from 8:00 A.M. to 11:00 P.M.
- 3.H. Approve the application for a Special Designated Liquor License submitted by Ambriz Ventures, LLC, Liquor License #CK-124450, for an Alumni Meeting/Reception at the Keystone Business Center, 402 Norris Avenue, on March 30, 2023 from 4:00 P.M. to 10:00 P.M.
- 3.I. Approve the application for a Special Designated Liquor License submitted by Ambriz Ventures, LLC, Liquor License #CK-124450, for the MPCC Rodeo to be held at the Red Willow County Fairgrounds Kiplinger Arena, 1412 West 5th Street, on March 10, 2023

from 9:00 A.M. to 12:00 A.M. and March 11, 2023 from 9:00 A.M. to 12:00 A.M.

- 3.J. Accept the minutes of the October 18, 2022 Senior Center Advisory Board meeting.
- 3.K. Receive and file Topics for Consideration received January 1 through February 10, 2023.
- 3.L. Award bid for one (1) new 2023 ½ ton 4 X 4 Extended Cab pickup to Deveny Motors for \$42,500.00, that being the lowest responsible bid, to be utilized at the Water Treatment Plant.
- 3.M. Declare one (1) 2001 Surrey Fire Safety Trailer as Surplus Property to be disposed of in the appropriate legal manner.
- 3.N. Accept \$75,000 grant awarded through the Nebraska Department of Health and Human Services Nebraska Ambulance and Equipment Grant for the purchase of a new ambulance.
- 3.O. Authorize City of McCook staff to complete an application for a Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Planning Grant.
- 3.P. Receive and file letter from Karen K. Barrett, Tax Specialist for the Nebraska Department of Revenue, as a reminder that McCook's local sales and use tax rate will increase from 1.5% to 2% on April 1, 2023.

4. Regular Agenda.

- 4.A. Update regarding the swimming pool and ballpark projects.

City Manager Schneider gave an update of the pool and ballpark projects and reviewed various grant applications being prepared for the ballpark project.

The CCCFF grant application for \$562,000 is being finalized, the CMAR selection committee meets tomorrow to interview the four firms that submitted proposals and to select the firm to recommend to the Council; Austin McKillip of Cline Williams, the City's attorney preparing the agreement for transfer of the completed Ballpark Complex to the City, will be meeting with the City, the College Foundation, College, and the Benjamin's in mid-March; the RAISE grant was on the consent agenda tonight authorizing staff to proceed with the application; and Melissa Trueblood with NPPD, plans to have the impact study of the Ball Park will have on the community by mid-March.

- 4.B. Accept the Parks Advisory Board's recommendation to remove the rocket slide in Kelley Park due to the safety of the public and based on the "Public Playground Safety Handbook" published by the U.S. Consumer Product Safety Commission.

Public Works Director reviewed the Parks Advisory Board's recommendation with the Council.

Motion to accept the Parks Advisory Board's recommendation to remove the rocket slide in Kelley Park due to the safety of the public and based on the "Public Playground Safety Handbook"

published by the U.S. Consumer Product Safety Commission. This motion, made by Calvin and seconded by Rambali, passed.

Muehlenkamp: ABSENT, Weedon: ABSENT, Taylor: YEA, Calvin: YEA, Rambali: YEA
YEA: 3, NAY: 0, ABSENT: 2

4.C. Accept the proposal and quote from Tri City Signs for four entry signs located at each entrance into the City of McCook.

Perry Strombeck, Tri City Signs, was present to address questions from the Council.

Nadia Schoup, questioned whether the pole in the middle would cause issues; utilizing city employees and other funds for the installation, maintenance, and electricity for the sign; and that the lighted sign would be too bright to install in residential areas.

Public Works Potthoff clarified that none of the signs will be in a residential area.

Motion to accept the proposal and quote from Tri City Signs for four entry signs located at each entrance into the City of McCook. This motion, made by Calvin and seconded by Rambali, passed.
Muehlenkamp: ABSENT, Weedon: ABSENT, Taylor: YEA, Calvin: YEA, Rambali: YEA
YEA: 3, NAY: 0, ABSENT: 2

4.D. Discussion regarding updating the City of McCook's comprehensive plan, zoning ordinance, and subdivision regulations.

City Manager Schneider reviewed the importance for municipalities to update their comprehensive plan every ten years, and the need for the City to update the current zoning and subdivision regulation ordinances. Staff will begin the process of issuing a RFP in the near future to start the process.

4.E. Ordinance No. 2023-3060 approving the zoning change request for Heritage Pointe Addition No. 3, a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska; said zoning change to amend the current zoning designation from Residential Medium Density District (RM) and Agricultural District (AG), to Business Commercial District (BC).

Mayor Taylor asked the Clerk to read Ordinance No. 2023-3060 by title.

AN ORDINANCE OF THE CITY OF MCCOOK, NEBRASKA AMENDING MCCOOK ZONING ORDINANCE NO. 2016-2929 CHANGING THE ZONING CLASSIFICATION OF HERITAGE POINTE ADDITION NO. 3, TO THE CITY OF MCCOOK, RED WILLOW COUNTY, NEBRASKA, FROM RESIDENTIAL MEDIUM DENSITY (RM) AND AGRICULTURAL (AG) TO BUSINESS COMMERCIAL (BC) DISTRICT; PROVIDE FOR THE REPEAL OF ANY OTHER CONFLICTING ORDINANCES; AND PROVIDING A TIME AND DATE FROM AND AFTER WHICH THIS ORDINANCE SHALL TAKE EFFECT AND BE ENFORCED.

Ordinance No. 2023-3060 has been read by title and I move to approve upon its third and final reading. This motion, made by Calvin and seconded by Rambali, passed.

Muehlenkamp: ABSENT, Weedon: ABSENT, Taylor: YEA, Calvin: YEA, Rambali: YEA
YEA: 3, NAY: 0, ABSENT: 2

Mayor Taylor stated for the record that Ordinance No. 2023-3060 is declared lawfully passed and adopted upon publication as required by law.

4.F. Ordinance No. 2023-3061 approving the voluntary annexation of a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska, said tract of land included in the parcel to be referred to as Heritage Pointe Addition No. 3.

City Manager Schneider informed the Council that an ordinance for annexation requires a super majority for approval. Due to the absence of two councilmembers, he recommended that consideration of the ordinance be moved to the next meeting.

Motion to move consideration of Ordinance No. 2023-3061 to the March 6, 2023 City Council meeting. This motion, made by Calvin and seconded by Rambali, passed.

Muehlenkamp: ABSENT, Weedon: ABSENT, Taylor: YEA, Calvin: YEA, Rambali: YEA
YEA: 3, NAY: 0, ABSENT: 2

4.G. Ordinance No. 2023-3062 amending the City of McCook Code of Ordinances, pertaining to Contractor's License - Sections 150.400 - 150.412.

Mayor Taylor asked the Clerk to read Ordinance No. 2023-3062 by title.

AN ORDINANCE PROVIDING FOR THE AMENDMENT OF THE CITY OF MCCOOK CODE OF ORDINANCES, PERTAINING TO CONTRACTOR'S LICENSE, REPEALING CURRENT SECTIONS 150.400 - 150.412 AND INSERTING SECTIONS 150.400 - 150.414; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE..

Ordinance No. 2023-3062 has been read by title and I move to approve upon its second reading of three readings. This motion, made by Calvin and seconded by Rambali, passed.

Muehlenkamp: ABSENT, Weedon: ABSENT, Taylor: YEA, Calvin: YEA, Rambali: YEA
YEA: 3, NAY: 0, ABSENT: 2

4.H. Ordinance No. 2023-3063 providing for an amendment of Chapter 38: Fee Schedule - Appendix M, Building Regulation Fees (Contractor's License); of the City of McCook Code of Ordinances.

Mayor Taylor asked the Clerk to read Ordinance No. 2023-3063 by title.

AN ORDINANCE OF THE CITY OF MCCOOK, NEBRASKA AMENDING CHAPTER 38: FEE SCHEDULE, APPENDIX M: BUILDING REGULATION AND ZONING APPLICATION FEES,

OF THE MUNICIPAL CODE OF THE CITY OF MCCOOK, NEBRASKA; TO PROVIDE FOR THE REPEAL OF ANY OTHER CONFLICTING ORDINANCES; AND PROVIDING A TIME AND DATE FROM AND AFTER WHICH THIS ORDINANCE SHALL TAKE EFFECT AND BE ENFORCED.

Ordinance No. 2023-3063 has been read by title and I move to approve upon its second reading of three readings. This motion, made by Calvin and seconded by Rambali, passed.

Muehlenkamp: ABSENT, Weedon: ABSENT, Taylor: YEA, Calvin: YEA, Rambali: YEA
YEA: 3, NAY: 0, ABSENT: 2

4.I. Ordinance No. 2023-3059 amending the City of McCook Code of Ordinances, Section 34.40 - Miscellaneous and Travel Expenditures.

Mayor Taylor asked the Clerk to read Ordinance No. 2023-3059 by title.

AN ORDINANCE PROVIDING FOR THE AMENDMENT OF THE CITY OF MCCOOK CODE OF ORDINANCES, SECTION 34.40 - MISCELLANEOUS AND TRAVEL EXPENDITURES; AMENDING SECTION (A)(1)(c) MEALS TRAVEL PER DIEM; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

Ordinance No. 2023-3059 has been read by title and I move to approve upon its third and final reading. This motion, made by Calvin and seconded by Rambali, passed.

Muehlenkamp: ABSENT, Weedon: ABSENT, Taylor: YEA, Calvin: YEA, Rambali: YEA
YEA: 3, NAY: 0, ABSENT: 2

Mayor Taylor stated for the record that Ordinance No. 2023-3059 is declared lawfully passed and adopted upon publication as required by law.

4.J. Council Comments.

The Mayor and Council thanked city staff on the wonderful job removing snow during the past storm, it is very sincerely appreciated.

Adjournment.

There being no further business to come before the Council, Mayor Taylor declared the meeting adjourned at 6:55 P.M.

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

ATTEST:

Lea Ann Doak, City Clerk-Treasurer

CITY MANAGER'S REPORT
MARCH 6, 2023 CITY COUNCIL MEETING

ITEM: 2.B.

RECOMMENDATION:

OFFER A CONTRACT TO HOA SOLUTIONS, INC. WITH A BID OF \$231,751.00 AS THE LOWEST RESPONSIBLE BIDDER FOR SCADA EQUIPMENT PROCUREMENT AND AUTHORIZE THE MAYOR TO EXECUTE THE NECESSARY PAPERWORK TO AWARD THE CONTRACT.

BACKGROUND:

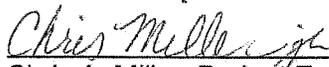
This project involves the replacement of the existing obsolete SCADA (System/Supervisory Control & Data Acquisition) equipment at the Water Treatment Plant, Wastewater Treatment Plant, and Golf Course Lift Stations. The obsolete electronic equipment was installed in or around 2006 and finding replacement parts is a serious issue. These control systems cannot be down and must always operate to keep the utilities running. This equipment is the central nervous system of the plants and lift stations, and a control interface for the operators. After the equipment has been procured and delivered it will have to be integrated into the existing system.

Bids were received and opened on February 28, 2023 in the City Council Chambers. There was one bidder who offered a bid for the project. The results of the bids are detailed on the Engineer's recommendation letter provided in ATTACHMENT 1.

FISCAL IMPACT:

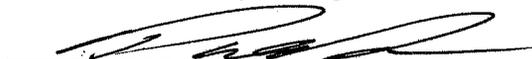
These items will be funded from uncommitted funds in both Departments

APPROVALS:



Chris A. Miller, Project Engineer

Date: 3-1-23



Pat Fawyer, Utility Director

Date: 3-1-23



Nate Schneider, City Manager

Date: 3-1-23

February 28, 2023
Kearney, Nebraska



1111 Central Ave. Kearney, NE 68847-6833

Tel: 308-234-6456
Fax: 308-234-1146
www.miller-engineers.com

Mayor & City Council
City of McCook
P.O. Box 1059
505 West "C" Street
McCook, NE 69001

Re: SCADA Equipment Procurement
McCook, Nebraska
Project No. 200-C1-022

Dear Mayor and Council Members:

On February 28, 2023, at 2:00 PM, one (1) bid was received, publicly opened, and read aloud at the City Clerk's Office in McCook, Nebraska. Attached is a bid tabulation sheet. The bid is summarized below:

<i>Bidder</i>	<i>Total Bid</i>	<i>Substantial Completion</i>	<i>Final Completion</i>
HOA Solutions, Inc.	\$231,751.00	To be determined, subject to equipment lead times	

All proposals have been reviewed and an addition error was made on the Total Bid. The correct figure is reflected above.

The Engineer's Opinion of Probable Construction Cost was \$194,000.00. The bid from HOA Solutions, Inc. is 19.46% above the Engineer's Opinion of Probable Construction Cost.

If your budget allows, it is recommended the bids be accepted and the contract awarded to HOA Solutions, Inc. in the amount of \$231,751.00 and authorization given to your authorized representative to execute agreements.

Very truly yours,
MILLER & ASSOCIATES
CONSULTING ENGINEERS, P.C.

Chris A. Miller, P.E.

CAM/jh

Enclosures

Date Opened: February 28, 2023 at 2:00 PM (Local Time)				1 HOA Solutions, Inc. Total Bid \$231,751.00	
Project Name: Scada Equipment Procurement					
Project Location: McCook, Nebraska					
Project Number: 200-C1-022					
Substantial Completion: [Bidder Selects]				To be determined, subject to equipment lead time	
Final Completion: [Bidder Selects]					
No.	Description	Quantity	Unit	Unit Price	Total Price
Water System Panels					
1	CP100 (Office Control Panel)	1	L.S.	\$80,733.00	\$80,733.00
2	CP600 (Pressure Filter Panel)	1	L.S.	\$27,494.00	\$27,494.00
3	Backwash Conductivity Panel	1	L.S.	\$19,739.00	\$19,739.00
4	West 5th Booster Pump Station Panel	1	L.S.	\$21,483.00	\$21,483.00
5	West Elevated Water Storage Panel	1	L.S.	\$16,303.00	\$16,303.00
Wastewater System Panels					
6	WWTF Master SCADA Control Computer	1	L.S.	\$35,329.00	\$35,329.00
7	East and West Golf Course LS Panels	2	Each	\$7,719.00	\$15,438.00
8	Misc. Installation Items (all panels)	1	L.S.	\$15,232.00	\$15,232.00
TOTAL					\$231,751.00

**CITY MANAGER'S REPORT
MARCH 6, 2023 CITY COUNCIL MEETING**

ITEM # 2.C.

RECOMMENDATION:

Approve Bid Specifications and Documents for one new 4-wheel drive Airport Rescue and Firefighting (ARFF) Vehicle and set the date to receive bids as March 28, 2023 at 2:30 P.M.

BACKGROUND:

Funding was approved for this capital outlay item in the ~~2022~~²²-23 budget. The specifications attached will allow for competitive bids for a 4-wheel drive ARFF vehicle.

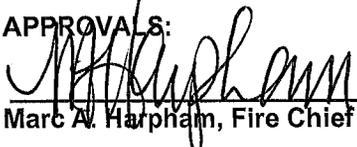
This new ARFF will replace a 1996 E-ONE International ARFF that currently provides primary response fire protection for all aircraft incidents or any type of fuel-fed fire. The new ARFF will be built on a smaller chassis while still offering the same type and amount of extinguishing agents for the specific type fires.

**FISCAL
IMPACT:**

This item is currently funded in the F.Y. 2022-23 budget for the fire department under capital outlay funds in the amount of \$80,000 for a down payment and the remaining balance will be financed.

RECOMMENDATION:

Approve Bid Specifications and Documents for one new 4-wheel drive Airport Rescue and Firefighting (ARFF) Vehicle and set the date to receive bids as March 28, 2023 at 2:30 P.M.

APPROVALS:


Marc A. Harpham, Fire Chief

1 March 2023
Date



Lea Ann Doak, City Clerk

3/1/23
Date



Nate Schneider, City Manager

3-1-23
Date

CITY OF MCCOOK

BID SPECIFICATIONS

**ONE (1) NEW 4-WHEEL DRIVE
AIRPORT RESCUE AND FIREFIGHTING
(ARFF) VEHICLE**

MARCH 6, 2023

NOTICE TO BIDDERS

The City of McCook is accepting sealed bids for one (1) new 4-wheel drive Airport Rescue and Firefighting (ARFF) Vehicle. Bids will be accepted by the City Clerk at the McCook City Offices until 2:30 P.M. on March 28, 2023 and then such bids shall be publicly opened and read aloud in the City Council Chambers, McCook Municipal Center. Specifications and instructions to bidders are on file in the office of the City Clerk.

The Council reserves the right to reject any or all bids and to waive any irregularities.

-s- Lea Ann Doak
 City Clerk
 P.O. Box 1059
 505 West "C" Street
 McCook NE 69001-1059

Publish: March 10, 17, and 24, 2023.

INSTRUCTIONS TO BIDDERS

1. Defined Terms.

Terms used in these Instructions to Bidders have the meanings indicated below which are applicable to both the singular and plural thereof.

- 1.1. Bidder - one who submits a Bid directly to the City as distinct from a sub-bidder, who submits a bid to a Bidder.
- 1.2. Issuing Office - the office from which the Bidding Documents are to be issued and where the bidding procedures are to be administered.
- 1.3. Successful Bidder - the lowest, responsible and responsive Bidder to whom the City (on the basis of the City's evaluation as hereinafter provided) makes an award.
- 1.4. Bidding Documents - includes the Advertisement or Invitation to Bid, Instructions to Bidders, and the Bid Form.

2. Qualifications of Bidders.

To demonstrate qualifications to perform the Work, each Bidder must be prepared to submit within five days after Bid opening upon the City's request detailed written evidence such as financial data, previous experience, present commitments and other such data as may be called for.

3. Interpretations and Addenda.

- 3.1. All questions about the meaning or intent of the Bidding Documents are to be directed to Marc Harpham, Fire Chief. Interpretations or clarifications in response to such questions will be issued by Addenda mailed or delivered to all parties recorded by the Clerk as having received the Bidding Documents. Questions received less than ten days prior to the date for opening of Bids may not be answered. Only questions answered by formal written Addenda will be binding. Oral and other interpretations or clarifications will be without legal effect.
- 3.2. Addenda may also be issued to modify the Bidding Documents as deemed advisable by the City.

4. Bid Form.

- 4.1. The Bid Form is included with the Bidding Documents.
- 4.2. All blanks on the Bid Form must be completed by printing in black ink or by typewriter.
- 4.3. The Bid shall contain an acknowledgment of receipt of all Addenda (the numbers of which must be filled in on the Bid Form).
- 4.4. The address and telephone number of communications regarding the Bid must be shown.

5. Submission of Bids.

Bids shall be submitted at the time and place indicated in the Advertisement for Bid and shall be enclosed in an opaque sealed envelope, marked with "*BID ON ONE (1) NEW 4-WHEEL DRIVE ARFF VEHICLE*", and name and address of Bidder. If the Bid is sent through the mail or other delivery system the sealed envelope shall be enclosed in a separate envelope with the notation "BID ENCLOSED" on the face of it.

6. Modification and Withdrawal of Bids.

Bids may be modified or withdrawn by an appropriate document fully executed (in the manner that a Bid must be executed) and delivered to the place where Bids are to be submitted any time prior to the opening of Bids.

7. Opening of Bids.

Bids will be opened and (unless obviously non-responsive) read aloud publicly in the City Council Chambers, McCook Municipal Center. An abstract of the amounts of the base Bids and major alternates (if any) will be made available to Bidders after the opening of Bids.

8. Award of Bid.

- 8.1. Owner reserves the right to reject any or all Bids, including without limitation the rights to reject any or all nonconforming, nonresponsive, unbalanced or conditional Bids and to reject the Bid of any Bidder if City believes that it would not be in its best interest to make an award to that Bidder, whether because the Bid is not responsive or the Bidder is unqualified or of doubtful financial ability or fails to meet any other pertinent standard or criteria established by the City. The City also reserves the right to waive all informalities not involving price, time or changes in the Work and to negotiate contract terms with the Successful Bidder. Discrepancies between the indicated sum of any column of figures and the correct sum thereof will be resolved in favor of the correct sum. Discrepancies between words and figures will be resolved in favor of the words.
- 8.2. In evaluating Bids, the City will consider the qualifications of Bidders, whether or not the Bids comply with the prescribed requirements, and such alternates, unit prices and other data, as may be requested in the Bid Form or prior to the Notice of Award.
- 8.3. The City may conduct such investigations as the City deems necessary to assist in the evaluation of any Bid and to establish the responsibility, qualifications and financial ability of Bidders.
- 8.4. If the bid is to be awarded, it will be awarded to the Bidder whose evaluation by the City indicates that the award will be in the best interests of the City.

9. Delivery.

- 9.1. The Fire Safety Simulator, shall be F.O.B., McCook, Nebraska, and shall not include any federal excise or state sales tax.
- 9.2. A tax exemption certificate will be furnished by the City of McCook.

**BID SPECIFICATIONS
ONE (1) NEW 4-WHEEL DRIVE
AIRPORT RESCUE AND FIREFIGHTING
(ARFF) VEHICLE**

CHASSIS

- F550 Crew Cab 4 x 4
- 6.7L Diesel
- 10-Speed Automatic Transmission
- Fire Rescue Prep Pkg.
 - 397 Amp Alternator
 - 7000 lbs. Max Front Springs/GAWR rating for configuration selected
 - Operator Commanded Regeneration (OCR)
- Payload plus upgrade package 19,500 GVWR
 - 4.88 Limited-slip rear-axle
- Power windows, locks, and mirrors
- 225/70R19.5 Traction tires x 6
- Engine Block Heater
- Vinyl seats
- Cruise Control
- Trailer Brake Controller
- AM/FM stereo/clock
- Skid plate package transfer case only
- Heating and Air Conditioning
- Cab steps
- Stainless steel Wheel Covers

CHASSIS OPTIONS

- Additional Leaf Springs
 - One additional set of rear leaf springs installed at the rear axle of the truck.
- Custom Console
 - Aluminum tread plate sides with a smooth hinged top.
 - Lid finished with a durable carbon fiber pattern wrap.

- The console designed to accommodate items such as siren controls, radio(s) and other various controls.
 - Two cup holders provided at the rear of the console.
 - NOTE: The final console layout will be approved by the City of McCook Fire Department
-
- Rear Receiver
 - Class 5 receiver.
 - 2" receiver tube installed at the rear.
 - Two safety chain attachment points.
 - Rated up to 16,000 lbs. gross trailer weight.
 - 1,600 lbs. tongue weight.
 - D Rings
 - One pair of 5" wide D rings welded to the rear receiver.
 - Working load limit of 15,586 lbs. each.
 - Master Disconnect Switch
 - Master disconnect wired through the chassis up-fitter Aux 1 switch in cab.
 - Radio Installation
 - Radio mounted and wired in center console.
 - Antenna mounted and wired on roof of chassis cab.
 - Trailer Plug
 - 12 volt 7 way RV style trailer connector.
 - Chassis Data Label
 - Fluid date:
 - Engine oil
 - Engine coolant
 - Chassis Transmission Fluid
 - Pump Transmission Lubrication Fluid
 - Pump Primer Fluid (if applicable)
 - Drive Axle(s) Lubrication Fluid
 - Air Conditioning Refrigerant
 - Air Conditioning Lubrication Oil
 - Power Steering Fluid
 - Transfer Case Fluid (if applicable)
 - Front Tire Cold Pressure
 - Rear Tire Cold Pressure
 - Maximum Tire Speed Rating
 - Manufacturer Body and Chassis Label
 - Chassis Data:
 - Chassis Manufacturer
 - Production Number
 - Year Built – Month Manufactured

- Vehicle Identification Number (VIN)
 - Manufacturers weight certification:
 - Gross Vehicle (or Combination) Weight Rating (GVWR or GCWR)
 - Gross Axle Weight Rating, Front
 - Gross Axle Weight Rating, Rear
-
- Warning Labels
 - NFPA 1906 warning labels will be provided and installed in the appropriate locations.
 - Air Pack Seat – Officer
 - Tanker 450 SCBA seat with seat “Load and Lock”, 6” for/aft adjust, seat occupancy sensor, riser.
 - These seats are suitable for use in Ford F350, F450, F650, and F750.
 - Chassis Cab Paint
 - Complete repainting of chassis cab.
 - 12K Winch
 - Warn M12 12V heavyweight winch.
 - Vehicle mount 12,000 pound pull capacity, 125 ft. wire rope, handheld remote.
 - Buckstop Bumper with Winch Mount
 - Buckstop replacement front bumper
 - Steel powder coat black
 - Winch mount
 - Grill guard

WET RESCUE

- 12 ft L x 65 in T Wet Rescue Body
 - Overall dimensions: 96” Wide x 150” Long x 65” Tall.
 - Longitudinal main frame: Minimum 5” Extruded aluminum C-channel Walls, Roof, and Floor Frame: Fully welded extruded aluminum rectangle tube.
 - Interior: 1/8” thick aluminum compartment sheeting over rectangle tube frame with Sweep-out floor design.
 - Compartments finished with Zolotone high impact resistant paint Roof, Door headers, front and rear wall of body: Polished aluminum diamond tread plate.
 - Gortite Rollup Doors with Anodized aluminum finish (Non locking unless otherwise specified).
 - Warranty: 10 years

BODY OPTIONS

- Undercoat

- Body undercoated with a rubberized, chemically formulated rust preventative undercoating.
 - Applied prior to installation of the body onto the chassis to avoid spraying the product on fuel lines, cables, or other items that would cause normal maintenance to be hindered.
-
- Mount Body
 - The body will be set on the chassis and fastened with grade 8 bolts and custom mounts. The aluminum body shall be separated from the steel chassis frame rails by a 3/4" rubber separator for flex and to resist galvanic dissolution.
 - D.O.T. Lighting, Fuel Fill, and Mud Flaps
 - All LED stop, tail, turn, corner, back-up and DOT lights.
 - A flush mount fuel fill for one tank located on the rear of the body.
 - (1) DEF tank fill port provided if necessary.
 - Rear tire mud flaps.
 - Lighted license plate holder located at the rear of the body.
 - Reflectors installed in accordance with federal motor vehicle safety standards.
 - Grab Handles
 - 1 Pair (2) 30" Grab handles.
 - Folding Step (5)
 - Folding step.
 - Chrome plated.
 - Zinc die cast.
 - Slip-resistant design that meets NFPA specification.
 - Zico Pull Out Steps (6)
 - Heavy duty aluminum alloy and steel pull out and drop down step.
 - Powder coated.
 - 11" wide x 5" deep non-skid stepping surface, 8" drop.
 - Meets NFPA requirements for slip resistance and static load.
 - Rescue – Sanded and Brushed Aluminum Finish
 - The Rescue body tubing between and below the roll up doors will be sanded and brushed to a uniform level.
 - Turtle Tile for 12 ft Rescue
 - Turtle tile in the base of all compartments.
 - Adjustable Polypropylene Shelf (6)

- ½" base and perimeter
- 2 ½" tall sides
- Reflective strip applied facing the exterior

STORAGE

- Nylon Net for Hose Tray or Pre-Connect
 - Nylon net with Velcro strapping for hose tray or pre-connect storage compartment.
- Trunion
 - Underbody long storage Trunion compartment.
 - Rear access storage located between the frame rails of the body.
 - Dimensions: 7 in. tall x 24 in. wide x 84 in. long MAX.
- Trunion Slide Out Tray
 - Trunion compartment polypropylene slide out tray.
 - Includes carry handles on all sides.
 - Tray can be removed from Trunion compartment.
 - Dimensions: 23" W x 82" L.
- Transverse open end coffin box
 - 96"W x 23"D x 10"T open end transverse storage top box.
 - Aluminum treadbrite box.
 - Double paddle latch located on the front of the box.
 - Gas shocks.

SLIDES (2)

- 18"D x 22"W Single Direction
 - Slidemaster SM3-MP steel slide.
 - Single direction.
 - 18"L x 22"W.
 - 600 lb capacity.
 - 100% extension with tray.

WATER TANK

- 300 Gallon Tank
 - 300 gallon custom built polypropylene tank.
 - 3" suction
 - 1.5" fill
 - Sight glass
 - 8" x 8" fill tower
 - 3" overflow
 - ¾" floor, ½" walls, 3/8" baffles

- Booster reel mounts
 - Tank bolt down tabs
 - Tank lifting lugs
 - Color: black
 - Lifetime warranty
-
- 25 Gallon Foam Cell
 - Integrated 25 gallon foam cell.
 - 8" x 8" fill tower with locking lid.

TANK LEVEL GAUGES

- Water Tank Level Gauge – Large
 - Large Fire Research Corp. (FRC) LED water level gauge.
 - Flashing warning when tank level is below 25% .
 - Down chasing LED lights alert when tank is almost empty.
 - Rugged waterproof cast aluminum housing.
- Foam Tank Level Gauge – Large
 - Large Fire Research Corp. (FRC) LED foam level gauge.
 - Flashing warning when tank level is below 25%.
 - Down chasing LED lights alert when tank is almost empty.
 - Rugged waterproof cast aluminum housing.
- Mini Water Tank Level Gauge
 - Fire Research Corp. (FRC) LED water level – mini gauge.
 - Flashing warning when tank level is below 25%.
 - Down chasing LED lights alert when tank is almost empty.
 - Rugged waterproof cast aluminum housing.
 - NOTE: FRC mini gauge (model : WLA205-A00) must be used with a large water gauge. Cannot be used alone.
- Mini Tank Vision Class A Foam Gauge
 - Fire Research Corp. (FRC) LED Class A foam level – mini gauge.
 - Flashing warning when tank level is below 25%.
 - Down chasing LED lights alert when tank is almost empty.
 - Rugged waterproof cast aluminum housing.
 - NOTE: Tank vision Class A foam mini gauge (model: WLA265-A00) can only be used with a large Class A foam gauge. It cannot be used alone.

PUMP

- Dual Control Panel – Kubota
 - Dual control panel Kubota.

PLUMBING

- WB – 24K – HPX200 With Full Panel
 - Module fram support enclosure powder coated black.
 - Hale HPX – 200 pump.
 - Pump Material: Anodized aluminum alloy pump body, bronze impeller
 - Connections: Suction 3" NPT / 4" Victaulic
 - Discharge: 2 ½" NPT
 - Priming: 12V ESP primer
 - Max Flow: 250 GPM @ 50 PSI
 - Max Pressure: 100 GPM @ 150 PSI
 - Engine: Kubota D902 24.8 – HP 4 – cycle diesel engine
 - EPA Tier 4 emissions compliant
 - Electric Start
 - Pump Panel with light
 - Stainless steel manifold with 2" main waterway
 - Plumbed with Akron fire service valves
 - 1" Booster reel line
 - 1" Recirculate / fill line
 - 1 ½" Discharge with cap and chain
 - 2 ½" Tank to pump
 - 2 ½" Suction with plug and chain

- 1 ½" Cross – Lay Discharge
 - 1 ½" full port ball valve
 - 1 ½" swivel in cross – lay
 - 1 ½" supply hose to cross – lay

- 3" Electric Tank to Pump
 - 3" electric tank to pump valve will be installed at the tank suction.

- Master Drain 600 PSI

- Pump Cooler Line
 - Thermal Relief Valve, 3/8" NPT, 140°F, TRV, Brass

- Manifold Drain Valve

- Thermal Relief Valve
 - Thermal Relief Valve, 3/8" NPT, 140°F, TRV, Brass

EMERGENCY LIGHTING AND SIREN

- Rescue Package – Whelen Emergency Lighting

- 8-M6 flashers with chrome bezels. 2 forward facing grill, 2 DS header, 2 PS header, 2 upper rear.
 - 6-1x5 TLIR RED flashers with chrome bezels. 1 DS intersection side, 1 PS intersection side, 1 DS wheel well, 2 lower rear.
 - 1-HHS4206 siren control unit with mic.
 - 1-100-watt speaker.
 - 1-56" Justice series lightbar with Four Corner RED flashers, 6 forward facing RED flashers, 2 center takedowns, 2 Alley, permanent MKEZ7 body mount.
 - Dual M6 tail stack, stop/tail, turn, and reverse.
- Beacon
 - (2) Amber LED beacon flasher.

SCENE LIGHTING

- Surface Mount Scene Light – M6ZC (6)
 - Whelen surface mount Super – LED scene light model: M6ZC.
 - Gradient scene light with white light and clear lens.
 - Chrome trim ring included.
 - Can be mounted vertically or horizontally.
 - Measures 6 ¾" x 4 5/16" (with trim).
 - 2 amps.
- Whelen Pioneer Plus Single Panel (2)
 - Whelen Pioneer Plus LED light head (model PFH1P).
 - Custom side mount pole and bracket.
 - Light head is die-cast aluminum powder – coated housing, available in black or white.
 - 75 watt floodlight, 12 VDC, 6 amps.
 - Light head dimensions: 8" W x 4 ½" T x 3" D.

ELECTRICAL OPTIONS

- 20 Amp Battery Charger
 - Kussmaul 20-Amp charging system with auto-eject.
 - 091-207-12-194b LPC 20 charger.
 - 63-11-3106-BW-XXX Super Auto Eject cover with digital display.
 - Amperage/Voltage.
 - Auto eject color options: YW, RD, BL, WH, GY, BLK.
 - NOTE: LPC 20 charger with super auto eject with black wires red digital display cover is 50-83-1604.
 - 06 is yellow
 - 02 is black
 - 01 is blue
- 12 Volt Busbar

- 4 position 12 volt power and ground connection rated at 20 amps. (Optional hot all of the time or powered through the master switch).
- 120V Receptacle
 - 120V duplex receptacle wired to the shoreline. To receive power when the apparatus is plugged in.
- 12V Power Port
 - 12V power port for small device power in cab.
- Kussmaul USB-C & USB-A Power Port
 - Kussmaul brand dual USB-C & USB-A power port.
 - Installed in console area.
 - 63 watt max output allows charging of two devices at the same time.
 - USB-C 45 watt / USB-A 18 watt max.
 - Can be connected to 12V or 24V switched ignition or directly to battery.
 - Built-In LED Indicator indicates device is powered.
 - Reverse polarity protected.
 - Color: Black.

ELECTRICAL

- Low Voltage Alarm

GRAPHICS PACKAGE

- Lettering and Logo Front Cab Doors and 2 Body Door Lettering / Logo.
- Reflective Stripping.
 - Single color reflective stripping for cab and body.
- Large Rescue Chevron Smooth Stripe.
 - Red and Yellow smooth reflective chevron pattern on rear of body.

ARFF SKID

- Dry Chemical System 500 Pounds
 - 500 cu. ft. Dry chemical tank.
 - Twin Line dual agent electric rewind hose reel.
 - 100 ft. twin line hose.
 - Twin agent discharge nozzle for reel discharge.
 - 2 – 400 cu. ft. HP nitrogen cylinders.
 - 2 High volume regulators.
 - Control panel.
 - 12V quick opening discharge valve.

- Five Day Training
 - 5 days of ARFF Apparatus training at the department location.
- Power – Fill Foam Refill
 - DC powered system components include:
 - Concentrate pump and motor
 - Panel-mount operator control unit
 - Check valves
 - Side mount low-level sensor
 - Panel-mount flush valve
 - Placard and camlock intake connection
 - Stainless steel pick-up wand with 6' suction
- Hydrochem Turret Nozzle
 - Hydro Chem Dual agent nozzle for monitor.
- FAA 414 Testing
 - FAA 414 Testing section 6.3 and 6.4.
- FireFox ARFF Monitor
 - FireFox Style 3463 with UII Control System
 - 12V
 - 2" NPT Inlet
 - 1 ½" NH Outlet
 - 2' Monitor Harness
 - NOTE: CAN Multi-Function proportional joystick (60350012) Provides Stow/Deploy, Oscillation, High/Low flow, and Dry Chemical selection functions in addition to up/down.
- AFFF
 - 5 – Chemguard 6% C601MS AFFF 5-gallon pails.
- 50 Pound Bucket Purple K Dry Chemical
 - 10 – PKW 50 pound pails each.
- Lateral Accelerometer
 - Rollover Warning System.
 - Monitors "G" forces exerted on the vehicle in all three axles (lateral, axial, and vertical).
- Pump Enclosure
 - ARFF pump enclosure.
 - Aluminum square tube frame between the body and cab.
 - Cooling fans.
 - Access panels.

- TIC
 - Thermal Imaging Camera Components with 10.4" Monitor.
 - Connecting camera to DVR & using Video Out Monitor.
 - DVR is responsible for triggering camera views.
 - SV-THERM-362CS 388x284 19mm lens + 10X Optical Zoom.
 - BNC Cable Connecting Camera to Adapter Cable to Plug Into.

FOAM

- ATP Class B Foam System
 - Valve position selector.
 - Valve position table .
 - Instruction plate.
 - Foam concentrate induction rate: 30 GPM maximum.
 - Discharge flow rate: 10 – 1000 GPM maximum.
 - Proportioning ratio: 3% and 6%.

EQUIPMENT STORAGE

- SCBA Cylinder Storage
 - 2 - PLASTIC QUIC-STORAGE RACK with RESTRAINT STRAP.

BID FORM

NOTE: All equipment shall be factory-installed and shall be considered to be under factory warranty.

ONE (1) NEW 4-WHEEL DRIVE
AIRPORT RESCUE AND FIREFIGHTING
(ARFF) VEHICLE

\$ _____

DELIVERY DATE: _____

This Bid Submitted by:

(Company Name)

(Address)

(Signature)

(Title)

**CONTACT PERSON: Fire Chief Marc Harpham
at 308/345-5710 or email at firechief@cityofmccook.com**

The City of McCook reserves the right to reject any or all bids, to waive any informality in bids, to accept in whole or in part any bid, and to exercise its own judgement as to the best proposal received.

NOTICE OF AWARD

TO:

PROJECT: One (1) new 4-wheel drive Airport Rescue and
Firefighting (ARFF) vehicle
City of McCook Fire Department

The City has considered the BID submitted by you for the above described project in response to its Advertisement for Bids and Information for Bidders dated March 6, 2023.

You are hereby notified that your BID has been accepted for this equipment in the amount of \$_____. The expected delivery date is _____.

Please acknowledge receipt of this NOTICE OF AWARD by return mail, email, or fax, to the City.

Dated this _____ day of _____, 2023.

CITY OF MCCOOK

Lea Ann Doak
City Clerk

ACCEPTANCE OF NOTICE

Receipt of the above NOTICE OF AWARD is hereby acknowledged this _____ day of _____, 2023.

(Authorized Signature)

(Title)

Specs Mailed to:

**CITY MANAGER'S REPORT
MARCH 6, 2023
CITY COUNCIL MEETING**

ITEM: 2.D.

AWARD THE BID FOR THE 2023 ARMOR COATING PROJECT TO TOPKOTE INC. OF YANKTON, SOUTH DAKOTA IN THE AMOUNT OF \$4.78 PER GALLON, THAT BEING THE LOWEST BEST BID.

BACKGROUND

On February 28th bids were opened for the 2023 Armor Coating Project. Attached is the tabulation of the bids received.

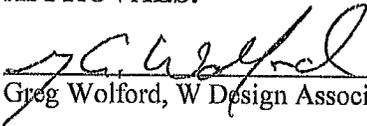
As a note on the impact of oil costs, the following is a summary of the armor coat bids for the past few years:

Year	Cost/Gal.	Year	Cost/Gal.
2007	\$2.645	2015	\$3.70
2008	\$3.77	2016	\$3.37
2009	\$3.22	2017	\$3.667
2010	\$3.325	2018	\$3.55
2011	\$3.61	2019	\$3.83
2012	\$4.21	2020	\$3.93
2013	N/A	2021	\$3.42
2014	\$4.82	2022	\$4.50

This cost is within the City's budget for street maintenance this year.

FISCAL IMPACT: None.

APPROVALS:



Greg Wolford, W Design Associates

Date: 1 Mar 23



Kyle Potthoff, Public Works Director

Date: 3/1/23



Nate Schneider, City Manager

Date: 3-1-23

2023 ARMOR COATING
CITY OF McCOOK
McCOOK, NEBRASKA

JOB #854-23
FEBRUARY 28, 2023 AT 2:30PM

BID TABULATION SHEET

CONTRACTOR	UNIT PRICE	START DATE	COMPLETION DATE	BID BOND
B & H PAVING P.O. BOX 524 SCOTT CITY, KS 67871	No Bid			
FIGGINS CONSTRUCTION 1511 ROAD 1100 RED CLOUD, NE 68970	\$5.40/gallon / \$32,400/load	5-15-2023	8-1-2023	Yes
McGILL RESTORATION 2939 CORNHUSKER HWY LINCOLN, NE 68504	No Bid			
TOPKOTE INC. 43439 SD HWY 50 YANKTON, SD 57078	\$4.78/gallon	6-1-2023	8-10-2023	Yes

**CITY MANAGER'S REPORT
MARCH 6, 2023 CITY COUNCIL MEETING**

ITEM: 2.E.

Reappoint Nate Schneider, City Manager as board member and Linda Taylor as alternate representative on the REWARD Board of Directors.

BACKGROUND:

When the REWARD organization was first established, the City Manager was appointed as a member of the board, along with the alternate representative. The City's alternate has not been updated since Bruce McDowell served on the Council.

**FISCAL
IMPACT:** None.

APPROVALS:



Lea Ann Doak, City Clerk

March 1, 2023



Nate Schneider, City Manager

March 1, 2023

**CITY MANAGER'S REPORT
MARCH 6, 2023 CITY COUNCIL MEETING**

ITEM: 2.F.

RECOMMENDATION:

Recommend approval to the Nebraska Liquor Control Commission the Application for Manager submitted by Heritage Hills Golf Course, 600 Clubhouse Drive, which holds License #IB-010450, the applicant being Justin J. West.

BACKGROUND:

Upon notice from the Liquor Control Commission, this application is being presented to the Council for consideration. The Council may choose not to make a recommendation of approval or denial to the Commission.

**FISCAL
IMPACT:** None.

APPROVALS:



Lea Ann Doak, City Clerk

March 1, 2023



Nathan A. Schneider, City Manager

March 1, 2023

RESTRICTED: This information not to be released to other than authorized personnel.

LIQUOR APPLICATION REPORT

POLICE DEPARTMENT REPORT

DATE REQUESTED: February 15, 2023

DUE DATE: February 27, 2023

APPLICANT: Justin J. West

DBA: Heritage Hills Golf Course

APPLICANT'S ADDRESS: 6000 Clubhouse Drive

PHONE NUMBER (HOME): (BUSINESS):

PROPOSED LICENSE ADDRESS: 6000 Clubhouse Drive

TYPE OF LICENSE: Class "IB-010450" - (Beer, Wine & Distilled Spirits, On Sale Only and Beer, Off Sale Only)

TYPE OF INVESTIGATION:

- | | |
|--|---|
| <input type="checkbox"/> Purchase of Business | <input type="checkbox"/> New and Additional License |
| <input type="checkbox"/> Upgrade of Existing License | <input type="checkbox"/> Transfer of Location |
| <input type="checkbox"/> Expansion of Present Business | <input checked="" type="checkbox"/> Manager |
| <input type="checkbox"/> Renewal - Long Form | |

TYPE OF BUSINESS:

- | | |
|--|--|
| <input type="checkbox"/> Hotel/Motel | <input type="checkbox"/> Restaurant/Food Service |
| <input checked="" type="checkbox"/> Liquor /On-Off Sale Beer | <input type="checkbox"/> Liquor/On-Sale Only |
| <input checked="" type="checkbox"/> Liquor/Off-Sale Only | <input type="checkbox"/> Entertainment/Bottle Club |
| <input type="checkbox"/> Other - Convenience Store | |

TYPE OF OWNERSHIP: Corporation Partnership Individual
 Limited Liability Company (LLC)

Investigation Completed by: Keerin A. Hodgson

Date: 2/19/23

PERSONAL HISTORY – MANAGER:

58. Manager's Name: **Justin J. West**
59. Date of Birth:
60. Sex:
61. Home Address: **15 Wedgewood Dr. McCook, NE**
62. Citizen of the United States? () Yes () No
If Naturalized, Certificate Number: .
Place:
63. Proper residence has been established? () Yes () No
If no, explain:
64. Criminal History – Has manager been arrested and/or pled guilty to any
() misdemeanor? () felony? (If felony, attach detailed description.)
65. Has manager been cited for and/or found in violation of the Liquor Laws of the State of
Nebraska or other State in which previously licensed?
() Yes () No
66. Has manager had a beneficial interest in another liquor license? () Yes () No
If yes, Name, City, Address, Type of License:
67. Records check made (civil history). () Yes () No (attach records)
68. Investigation made of character/reputation of manager, report details of investigation:
69. Number of Hours that will be spent by manager at licensed premises each week:
Seasonal, March till November, will be spending about 60-70hrs/week
70. Number of Hours that will be spent by manager working in occupation other than
licensed premises each week: **None**



Jim Pillen
Governor

STATE OF NEBRASKA

NEBRASKA LIQUOR CONTROL COMMISSION

Hobert B. Rupe
Executive Director
301 Centennial Mall South
P.O. Box 95046
Lincoln, Nebraska, 68509-5046
Phone (402) 471-2571
Fax (402) 471-2814 or (402) 471-2374
TRS USER 800-833-7352 (TTY)
Web Address <https://www.lcc.nebraska.gov>

Today's Date: February 13, 2023
From: Rebecca Roberts (rebecca.roberts@nebraska.gov)
To: McCook City Clerk

I have attached a copy of a new corporate manager application submitted to the Nebraska Liquor Control Commission. Please complete the following information below to indicate your recommendation.

Licensee Name: Heritage Hills Golf Corp
Trade Name (DBA): Heritage Hills Golf Course
License Number: IB-010450
Manager Name: West, Justin J
Due Date: March 30, 2023

- APPROVED
- NO LOCAL RECOMMENDATION
- DENIED

COMMENTS: (YOU MAY ATTACH MINUTES AND/OR ADDITIONAL NOTES)

Clerk's Name: _____ Date: _____

Kim Lowe
Commissioner

Bruce Bailey
Chairman

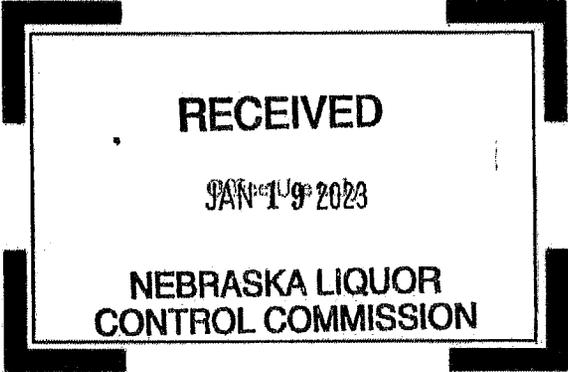
Harry Hoch
Commissioner

**MANAGER APPLCATION
FORM 103**

NEBRASKA LIQUOR CONTROL COMMISSION
301 CENTENNIAL MALL SOUTH
PO BOX 95046
LINCOLN, NE 68509-5046
PHONE: (402) 471-2571
FAX: (402) 471-2814
EMAIL: lcc.frontdesk@nebraska.gov
WEBSITE: www.lcc.nebraska.gov

License
Class: 1B

License Number:
010450



MANAGER MUST:

- ✓ Be at least 21-years of age
- ✓ Complete all sections of the application.
- ✓ Form must be signed by a **member or corporate officer**
- ✓ Include Form 147 –Fingerprints are required
- ✓ Provide a copy of one of the following: US birth certificate, US Passport or naturalization papers
- ✓ Be a resident of the state of Nebraska and be a registered voter in the State of Nebraska,
- MA ✓ Spouse who **will** participate in the business, the **spouse must meet the same requirements as the manager applicant:**

Spouse who **will not** participate in the business

- ✓ Complete the Spousal Affidavit of Non Participation (Form 116). **Be sure to complete both halves of this form.**

CORPORATION/LLC INFORMATION

Name of Corporation/LLC: Heritage Hills Golf Corp

PREMISES INFORMATION

Premises Trade Name/DBA: Heritage Hills Golf Course

Premises Street Address: 6000 Clubhouse Dr

City: McCook County: Red Willow Zip Code: 69001

Premises Phone Number: 308 - 345- 5032

Premises Email address: info @ golfmccook.com

 Ben Anderson President

SIGNATURE REQUIRED BY CORPORATE OFFICER / MANAGING MEMBER
The individual whose name is listed as a corporate officer or managing member as reported or listed with the Commission.



0400
0019

Last Name: WEST - SPOUSE First Name: JUSTIN MI: J
 Home Address: 15 WEDGEWOOD DR
 City: MCCOOK County: RED WILLOW Zip Code: 69001 4412
 Home Phone Number: 402 708 3508
 Driver's License Number: [REDACTED]
 Social Security Number: [REDACTED]
 Date of Birth: [REDACTED] Place of Birth: AINSWORTH, NE
 Email address: JUSTIN@GOLFMCCOOK.COM

YES NO

Spouses Last Name: WEST First Name: CHELSEY MI: J
 Social Security Number: [REDACTED]
 Driver's License Number: [REDACTED]
 Date of Birth: [REDACTED] Place of Birth: BENKELMAN, NE

CITY & STATE	YEAR FROM	YEAR TO	CITY & STATE	YEAR FROM	YEAR TO
OMAHA, NE	2013	2015	LINCOLN, NE	2013	2017
SMYTHSTOWN, NE	2015	2016	SAN DIEGO, CA	2017	2020
SAN DIEGO, CA	2016	2020	COLORADO SPRINGS, CO	2020	PRESENT
COLORADO SPRINGS, CO	2020	PRESENT			

MANAGER'S LAST TWO EMPLOYERS

YEAR FROM TO		NAME OF EMPLOYER	NAME OF SUPERVISOR	TELEPHONE NUMBER
2021	2021	BROADMOOR	JUSTIN WINK	763.443.4192
2022	PRESENT	THE FIRST TEE - SOCO	SANDY JOHNSON	719.547.1932

1. READ CAREFULLY. ANSWER COMPLETELY AND ACCURATELY.

Must be completed by both applicant and spouse, unless spouse has filed an affidavit of non-participation.

Has anyone who is a party to this application, or their spouse, EVER been convicted of or plead guilty to any charge. Charge means any charge alleging a felony, misdemeanor, violation of a federal or state law; a violation of a local law, ordinance or resolution. List the nature of the charge, where the charge occurred and the year and month of the conviction or plea, include traffic violations. Also list any charges pending at the time of this application. If more than one party, please list charges by each individual's name. Commission must be notified of any arrests and/or convictions that may occur after the date of signing this application.

YES NO

If yes, please explain below or attach a separate page.

Name of Applicant	Date of Conviction (mm/yyyy)	Where Convicted (City & State)	Description of Charge	Disposition
JUSTIN WEST	2006	JOHNSTOWN, NE	MIP	
"	2006	JOHNSTOWN, NE	DRIVING ON SCHOOL PERMIT	
"	2008	KINGSWORTH, NE	SPEEDING TICKET	
"	2009	KINGSWORTH, NE	STOP SIGN VIOLATION	
"	2009	VALENTINE, NE	MIP	
"	2009	VALENTINE, NE	SPEEDING TICKET	

SEE REVERSE SIDE FOR COMPLETED LIST.

2. Have you or your spouse ever been approved or made application for a liquor license in Nebraska or any other state?

YES NO

IF YES, list the name of the premise(s):

3. Do you, as a manager, qualify under Nebraska Liquor Control Act (§53-131.01) and do you intend to supervise, in person, the management of the business?

YES NO

2010	NE	SPEEDING TICKET
2018	SAN DIEGO, CA	PARKING VIOLATION
2020	CS , CO	RED LIGHT
2022	BENKELMAN, NE	SPEEDING TICKET

4. List the alcohol related training and/or experience (when and where) of the person making application.

Applicant Name	Date (mm/yyyy)	Name of program (attach copy of course completion certificate)
Justin West	01/2023	NE ON Premises Responsible Serving

*For list of NLCC Certified Training Programs see [training](#)

Experience:

Applicant Name / Job Title	Date of Employment:	Name & Location of Business:
JUSTIN WEST / ASSISTANT GOLF PRO	2015	OAK HILLS GOLF CLUB
JUSTIN WEST / ASSISTANT GOLF PRO	2021	BROADMOOR
/ GOLF COACH	2022	THE FIRST TEE

5. Have you enclosed Form 147 regarding fingerprints?

YES NO

SIGNATURE PAGE – PLEASE READ CAREFULLY

The undersigned applicant(s) hereby consent(s) to an investigation of his/her background and release present and future records of every kind and description including police records, tax records (State and Federal), and bank or lending institution records, and said applicant(s) and spouse(s) waive(s) any right or causes of action that said applicant(s) or spouse(s) may have against the Nebraska Liquor Control Commission, the Nebraska State Patrol, and any other individual disclosing or releasing said information. Any documents or records for the proposed business or for any partner or stockholder that are needed in furtherance of the application investigation of any other investigation shall be supplied immediately upon demand to the Nebraska Liquor Control Commission or the Nebraska State Patrol. The undersigned understand and acknowledge that any license issued, based on the information submitted in this application, is subject to cancellation if the information contained herein is incomplete, inaccurate or fraudulent.

Applicant Notification and Record Challenge: Your fingerprints will be used to check the criminal history records of the FBI. You have the opportunity to complete or challenge the accuracy of the information contained in FBI identification record. The procedures for obtaining a change, correction, or updating an FBI identification record are set forth in Title 28, CFR, 16.34.

Must be signed by applicant and spouse.



Signature of **APPLICANT**

JUSTIN WEST

Printed Name of **APPLICANT**



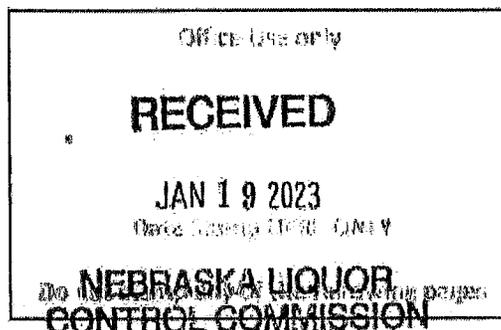
Signature of **SPOUSE**

CHELSEY WEST

Printed Name of **SPOUSE**

**PRIVACY ACT STATEMENT/
SUBMISSION OF FINGERPRINTS /
PAYMENT OF FEES TO NSP-CID**

NEBRASKA LIQUOR CONTROL COMMISSION
301 CENTENNIAL MALL SOUTH
PO BOX 95046
LINCOLN, NE 68509-5046
PHONE: (402) 471-2571
FAX: (402) 471-2814
Website: www.lcc.nebraska.gov



**THIS FORM IS REQUIRED TO BE SIGNED BY EACH PERSON BEING FINGERPRINTED:
DIRECTIONS FOR SUBMITTING FINGERPRINTS AND FEE PAYMENTS:**

- **FAILURE TO FILE FINGERPRINT CARDS AND PAY THE REQUIRED FEE TO THE NEBRASKA STATE PATROL WILL DELAY THE ISSUANCE OF YOUR LIQUOR LICENSE**
- Fee payment of \$45.25 per person **MUST** be made **DIRECTLY** to the Nebraska State Patrol;
It is recommended to make payment through the NSP PayPort online system at www.ne.gov/go/nsp
Or a check made payable to **NSP** can be mailed directly to the following address:
*****Please indicate on your payment who the payment is for (the name of the person being fingerprinted) and the payment is for a Liquor License*****
The Nebraska State Patrol – CID Division
4600 Innovation Drive
Lincoln, NE 68521
- Fingerprints taken at NSP LIVE SCAN locations will be forwarded to NSP – CID
Applicant(s) will not have cards to include with license application.
- Fingerprints taken at local law enforcement offices may be released to the applicants;
Fingerprint cards should be submitted with the application.

Applicant Notification and Record Challenge: Your fingerprints will be used to check the criminal history records of the FBI. You have the opportunity to complete or challenge the accuracy of the information contained in the FBI identification record. The procedures for obtaining a change, correction, or updating a FBI identification record are set forth in Title 28, CFR, 16.34.

****Please Submit this form with your completed application to the Liquor Control Commission****

Trade Name Heritage Hills Golf Course

Name of Person Being Fingerprinted: JUSTIN WEST

Date of Birth: Last 4 SSN:

Date fingerprints were taken: 1/13/23

Location where fingerprints were taken: McCook, NE

How was payment made to NSP?

NSP PAYPORT CASH CHECK SENT TO NSP CK # 6183

My fingerprints are already on file with the commission – fingerprints completed for a previous application less than 2 years ago? YES

SIGNATURE REQUIRED OF PERSON BEING FINGERPRINTED

DRIVER'S LICENSE
WITH DRIVING PRIVILEGES

NEBRASKA

Good Life. Great Future.

DEPARTMENT OF MOTOR VEHICLES

██████████	O	01/17/2023	02/16/2023
Driver's License #	Class	Issued	Expires
None	None	None	██████████
Endorsements	Restrictions	CDL Restrictions	Date of Birth
JUSTIN	J	WEST	
First Name	Middle Name	Last Name	Suffix
15 WEDGEWOOD DR		MCCOOK	NE 69001
Address		City	State Zip Code

Organ Donor

This is your receipt. It is valid until the expiration noted above.

Your permanent document will be mailed in an unmarked envelope to the address noted above (unless you provided a mailing address). **THE U.S. POSTAL SERVICE WILL NOT FORWARD IT TO ANOTHER ADDRESS.**

You may check the mailing status of your document at <https://www.nebraska.gov/dmv/dls-status-check/#/>. Please allow 10 days from the mailing date to receive your new document. If you do not receive your permanent document within 5 days of expiration of this receipt, please call **402-471-3861** for assistance.

****Please retain this temporary receipt with any voided document(s) DMV returns to you until you receive your permanent document.****



[Back to Lookup](#) / Registrant Detail

Justin James West

Political Party
Republican

Precinct
Ward 3 Precinct 3

Election Details

11/08/2022 2022 General Election

We did not find an absentee or provisional ballot associated with the selected election. This website does not track the status of a traditional ballot voted at the polls. If you voted a traditional ballot at the polls, your ballot has been accepted and counted.

Polling Location

Cornerstone Fellowship

402 West 5th McCook, NE 69001
Next to old Alco Store



Ballot Styles

15.01

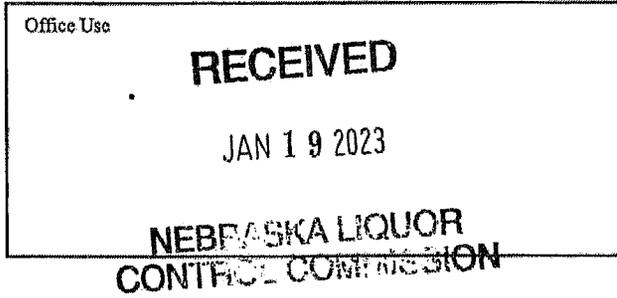
Districts

Show

© Copyright 2023 - ESSVR, LLC. All rights reserved.

**SPOUSAL AFFIDAVIT OF
NON PARTICIPATION INSERT**

NEBRASKA LIQUOR CONTROL COMMISSION
301 CENTENNIAL MALL SOUTH
PO BOX 95046
LINCOLN, NE 68509-5046
PHONE: (402) 471-2571
FAX: (402) 471-2814
Website: www.lcc.nebraska.gov



I acknowledge that I am the spouse of a liquor license holder. My signature below confirms that I will not have any interest, directly or indirectly in the operation of the business (§53-125(13)) of the Liquor Control Act. I will not tend bar, make sales, serve patrons, stock shelves, write checks, sign invoices, represent myself as the owner or **in any way participate in the day to day operations of this business in any capacity.** The penalty guideline for violation of this affidavit is cancellation of the liquor license.

I acknowledge that I am the applicant of the non-participating spouse of the individual signing below. I understand that my spouse and I are responsible for compliance with the conditions set out above. If, it is determined that my spouse has violated (§53-125(13)) the commission may cancel or revoke the liquor license.

Chelsey West
Signature of **NON-PARTICIPATING SPOUSE**

Chelsey West
Print Name

Justin West
Signature of **APPLICANT**

Justin West
Print Name

State of Nebraska, County of RED WILLOW

State of Nebraska, County of RED WILLOW

The foregoing instrument was acknowledged before me
this January 17, 2023 (date)

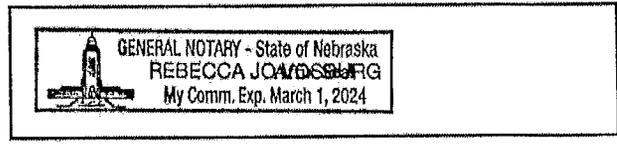
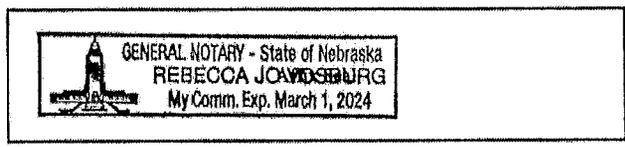
The foregoing instrument was acknowledged before me
this January 17, 2023 (date)

by Chelsey West
Name of person acknowledged
(Individual signing document)

by Justin West
Name of person acknowledged
(Individual signing document)

Rebecca Jo Vossburg
Notary Public Signature

Rebecca Jo Vossburg
Notary Public Signature



In compliance with the ADA, this spousal affidavit of non participation is available in other formats for persons with disabilities. A ten day advance period is requested in writing to produce the alternate format.

CITY MANAGER'S REPORT
MARCH 6, 2023 CITY COUNCIL MEETING

ITEM: **2.G.**

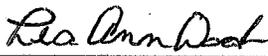
Approve the application for a Special Designated Liquor License submitted by Uppa Crik Hops LLC/Uppa Crik Tap Room, Liquor License #CKG-123586, for a wedding reception to be held at the Red Willow County Fairgrounds - Community Building, 1412 West 5th Street, on April 15, 2023 from 6:00 P.M. to 12:00 A.M.

BACKGROUND:

Uppa Crik will be catering this event. They are making application to allow them to serve alcohol at this temporary location. Approval of the City Council is required with all applications.

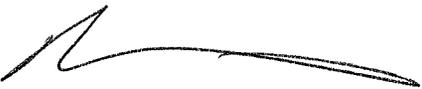
FISCAL
IMPACT: None.

APPROVALS:



Lea Ann Doak, City Clerk

March 1, 2023



Nathan A. Schneider, City Manager

March 1, 2023

**Special Designated License
Local Recommendation (Form 200)**

Applications must be entered on the portal after local approval – no exceptions
Late applications are non-refundable and will be rejected

Uppa Crik Hops Taproom / Uppa Crik Hops LLC

Retail Liquor License Name or *Non-Profit Organization (*Must include Form #201 as Page 2)

32621 Rock Creek Rd, Parks, NE 69041

Retail Liquor License Address or Non-Profit Business Address

123586

Retail License Number or Non-Profit Federal ID #

Consecutive Dates only 4/15/2023

Event Date(s):

Event Start Time(s): 6pm

Event End Time(s): 12am

Alternate Date:

Alternate Location Building & Address:

Event Building Name: Red Willow County Fairgrounds- Community Building

Event Street Address/City: 1412 W 5th Street, McCook, NE 69001

Indoor area to be licensed in length & width: 50 x 150

Outdoor area to be licensed in length & width: ___ X ___ (Diagram Form #109 must be attached)

Type of Event: Wedding Reception Estimate # of attendees: 125

Type of alcohol to be served: Beer Wine ___ Distilled Spirits
(If not marked, you will not be able to serve this type of alcohol)

Event Contact Name: Sye Tecker Event Contact Phone Number: 308-340-1411

Event Contact Email: uppacrikhops@gmail.com

*Signature Authorized Representative: _____ Printed Name Sye Tecker

I declare that I am the authorized representative of the above named license applicant and that the statements made on this application are true to the best of my knowledge and belief. I also consent to an investigation of my background including all records of every kind including police records. I agree to waive any rights or causes of action against the Nebraska Liquor Control Commission, the Nebraska State Patrol or any other individual releasing said information to the Liquor Control Commission or the Nebraska State Patrol. I further declare that the license applied for will not be used by any other person, group, organization or corporation for profit or not for profit and that the event will be supervised by persons directly responsible to the holder of this Special Designated License.

*Retail licensee – Must be signed by a member listed on permanent license

*Non-Profit Organization – Must be signed by a Corporate Officer

Local Governing Body completes below:

The local governing body for the City/Village of McCook OR County of _____ approves the issuance of a Special Designated License as requested above. (Only one should be written above)

Local Governing Body Authorized Signature

Date

**CITY MANAGER'S REPORT
MARCH 6, 2023 CITY COUNCIL MEETING**

ITEM: 2.H.

Receive and file information regarding ACE, the Public Alliance for Community Energy, distribution of \$10,760.00 to the City as its share of \$200,000 being distributed to 76 Nebraska member communities of the not-for-profit, community-owned natural gas supplier.

BACKGROUND:

The ACE Board of Directors may return any excess revenue beyond cost of operating to its member communities. The City may use this revenue as we wish. To date we have received \$186,074. The attached balance sheet lists the receipts from ACE and the expenditures of those funds, given the balance as of December 31, 2022, which does not include the current distribution.

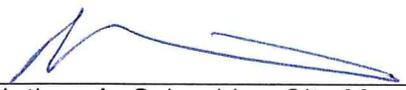
**FISCAL
IMPACT:** None.

APPROVALS:



Lea Ann Doak, City Clerk

March 1, 2023



Nathan A. Schneider, City Manager

March 1, 2023



STILL in it for you

February 2, 2023

Greetings!

At the January 18, 2023, ACE Board of Directors meeting, **the Board voted to distribute \$200,000 to its members using the current member distribution formula.** Because of this action, MCCOOK will either receive a check or an ACH transaction in the amount of \$10760 which represents your community's share of the ACE distribution for Fiscal Year 2022-2023. It is yours to use as you wish.

Enclosed you will find a presentation check and press release. Feel free to personalize it with details of any specific projects funded completely or in part by this distribution. No matter how big or small your project may be, it impacts your community. The world needs more good news!

We would love to hear about it too! ACE will once again accept nominations for the annual Project of the Year Awards which focuses on community projects made possible with the help of the Revenue Return program. Communities have a chance to win \$200 for future community betterment projects. I have included details about the program as well as a nomination form. I am excited to see everyone's projects.

Thank you for all you do in support of ACE.

Best Regards,

Beth Ackland

Beth Ackland
Director of Retail Gas Services

Enclosures



*Public Alliance for
Community Energy*

800.454.4759
ACEenergy.org

**Has Returned
\$183,074.26**

**Back To
McCook**

25 Years Later...STILL In It For You!



***Public Alliance for
Community Energy***

Press Release

FOR IMMEDIATE RELEASE
February 2023

Contact: Communications Dept.
(800) 234-2595

ACE Board approves \$200,000 distribution to Nebraska member communities

ACE, the Public Alliance for Community Energy, is distributing \$10,760 to the **City of McCook** as its share of \$200,000 being distributed through ACE's revenue return program to the 76 Nebraska member communities of the not-for-profit, community-owned natural gas supplier.

Through the program, the ACE board of directors may vote to return revenue to its member communities. The board approved the distribution at its board meeting in January. Since forming in 1998, ACE has returned more than \$3.5 million back to its Nebraska member communities, including more than \$183,000 to McCook. The funds are used in various ways to benefit each ACE member community, including helping fund recreational trails, community swimming pool and park improvements.

Now in its 25th year, ACE was formed by Nebraska communities to provide competition in the Nebraska Choice Gas program while retaining local control. It also provides advocacy for Choice Gas customers and strives to keep revenue in Nebraska's ACE member communities.

The Nebraska Choice Gas program selection period will run from April 6 through April 26. During this period, customers can choose a competitive rate and pricing option online at www.ACEenergy.org or by calling ACE at (800) 454-4759. Selection forms will be mailed out to all eligible customers prior to the start of the selection period. Learn more about ACE, its support of Nebraska communities, and role in the Nebraska Choice Gas program at www.ACEenergy.org.

	ACE REVENUE	PROJECTS	INTEREST
ACE Revenue Sharing 1st Pay	\$ 8,000.00		
ACE Revenue Sharing FY03/04	\$ 15,870.61		
ACE Revenue Sharing FY04/05	\$ 2,107.63		
ACE Revenue Sharing FY06/07	\$ 9,617.05		
ACE Revenue Sharing FY08/09	\$ 8,858.97		
ACE Revenue Sharing FY11/12	\$ 7,813.38		
ACE Revenue Sharing FY12/13	\$ 10,428.39		
ACE Revenue Sharing FY13/14	\$ 4,776.90		
ACE Revenue Sharing FY14/15	\$ 7,915.67		
ACE Revenue Sharing FY15/16	\$ 10,879.96		
ACE Revenue Sharing FY16/17	\$ 10,825.02		
ACE Revenue Sharing FY17/18	\$ 12,586.68		
ACE Revenue Sharing FY18/19	\$ 14,104.00		
ACE Revenue Sharing FY19/20	\$ 19,800.00		
ACE Revenue Sharing FY20/21	\$ 19,652.00		
ACE Revenue Sharing FY21/22	\$ 9,078.00		
Accrued Interest thru 9/30/22			\$ 4,194.72
Accrued Interest thru 12/31/22			\$ 194.00

PROJECTS COMPLETED

Playground Equipment	\$ (8,000.00)
Band Shell Restoration	\$ (36,487.09)
Skate Park	\$ (5,416.16)
Auditorium Feasibility Study	\$ (6,600.00)
Excavation 1107 W 4	\$ (7,900.00)
Asbestos Inspection 1107 W 4	\$ (765.00)
Public Transit Bus/City Match	\$ (5,838.50)
Stage Curtains	\$ (21,500.00)
Flex Barrier	\$ (757.00)
Chamber of Commerce FY19/20	\$ (2,000.00)
Chamber of Commerce FY20/21	\$ (1,117.80)
Rural Workforce Housing	\$ (25,000.00)
Norris Alley Project	\$ (10,000.00)
Chamber of Commerce FY21/22	\$ (6,960.00)
Police Body Cameras	\$ (12,000.00)

BALANCE 12/31/2022 \$ 172,314.26 \$ (150,341.55) \$ 4,388.72 \$ 26,361.43

**CITY MANAGER'S REPORT
MARCH 6, 2023 CITY COUNCIL MEETING**

ITEM: 2.I.

RECOMMENDATION:

APPROVE RESOLUTION NUMBER 2023-03 ACQUIRING TEMPORARY AND PERMANENT STORM SEWER EASEMENTS FROM JOHN WALTERS FOR THE PURPOSE OF CONSTRUCTING AND MAINTAINING SURFACE AND SUBSURFACE STORM SEWER DRAINAGE AND AUTHORIZE THE MAYOR TO SIGN.

BACKGROUND:

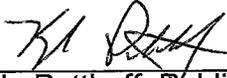
These easements will allow for the City to reconstruct and maintain the surface and subsurface storm sewer system within the easement. The project is located along the east side of North Hwy 83, just north of NPPD. These improvements to the storm sewer system are scheduled to be completed in 2023. The improvements were bid out and awarded by the City Council to Cahoj Earthmoving, Inc. of Atwood, KS in the amount of \$170,429.30 at their regular meeting that was held on October 17, 2022. The improvements will include complete demolition reconstruction of the existing drainage infrastructure. Most of the new infrastructure will be placed underground.

The existing infrastructure has been undermined for several years. Due to the estimated cost of \$300,000 to complete these drainage improvements, it has been difficult the past few years to fund the project. With the availability of ARPA funding, this project was prioritized by the City Council and \$300,000.00 of funding is included in the current FY budget. The great news is that we will be well under the pre-bid estimate.

We received 3 bids for this particular project. The other two bids were from BSB Construction in the amount of \$271,229.45 and Myers Construction Inc. in the amount of \$685,444.00.

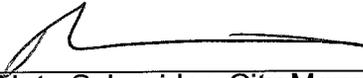
**FISCAL
IMPACT:** None

APPROVALS:



Kyle Potthoff, Public Works Director

March 1, 2023



Nate Schneider, City Manager

March 1, 2023

RESOLUTION NO. 2023-03

WHEREAS, the City Council has held a public meeting to consider the proposed acquisitions for the purpose of constructing, reconstructing, repairing, replacing, perpetually maintaining, surface and subsurface storm sewer drainage and desires to vote in favor to proceed with the acquisitions; and

WHEREAS, the John D. Walters, has granted to the City of McCook, Nebraska, a Temporary Stormwater Infrastructure Construction Easement in consideration of the amount of One Dollar (\$1.00) and other good and valuable consideration as indicated on "Easement 1" (Temporary) and described as follows:

A Infrastructure construction easement located in the NW 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M. in Red Willow County, Nebraska, which is part of Block 15, FOUR CORNERS ADDITION, more particularly described as follows:

Referring to the NW corner of the said NW 1/4 of said Section 19, thence S88°10'33"E (assumed and all bearing relative to) along the section line a distance of 259.92 feet to a point, which is the Point of Beginning, thence S88°10'33"E a distance of 73.38' to a point which is the west line of a platted 70' street, thence S02°46'33"E along said west line, a distance of 67.64' to a point, thence S27°00'04"W a distance of 160.44 feet to a point, thence S45°23'27"W a distance of 152.89 feet to a point on the west line of Block 15, Four Corners Addition, thence N02°39'04"W along the west line of Block 15, Four Corners Addition, a distance of 134.47 feet to a point, thence N45°23'27"E a distance of 46.80 feet to a point, thence N27°00'04"E a distance of 171.74 feet to the Point of Beginning.

Said infrastructure construction easement containing .67 acres more or less.

WHEREAS, John D. Walters, has granted to the City of McCook, Nebraska, a Perpetual Stormwater Infrastructure Easement in consideration of the amount of One Dollar (\$1.00) and other good and valuable consideration as indicated on "Easement 2" (Perpetual) and described as follows:

An Infrastructure Maintenance Easement located in the NW 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M. in Red Willow County, Nebraska, which is part of Block 15, FOUR CORNERS ADDITION, more particularly described as follows:

Referring to the NW corner of the said NW 1/4 of said Section 19, thence S88°10'33"E (assumed and all bearing relative to) along the section line a distance of 259.92 feet to a point, which is the Point of Beginning, thence S88°10'33"E a distance of 73.38' to a point which is the west line of a platted 70' street, thence S02°46'33"E along said west line, a distance of 67.64' to a point, thence S27°00'04"W a distance of 160.44 feet to a point, thence S45°23'27"W a distance of 152.89 feet to a point on the west line of Block 15, Four Corners

Addition, thence N02°39'04"W along the west line of Block 15, Four Corners Addition, a distance of 134.47 feet to a point, thence N45°23'27"E a distance of 46.80 feet to a point, thence N27°00'04"E a distance of 171.74 feet to the Point of Beginning.

Said Infrastructure Maintenance Easement containing .67 acres more or less.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of McCook, Nebraska, the Temporary and Perpetual Stormwater Infrastructure Easements granted by John D. Walters to the City of McCook be and are hereby approved.

PASSED AND APPROVED this 6th day of March, 2023.

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

ATTEST:

Lea Ann Doak, City Clerk-Treasurer

Upon Recording, return to:
MOUSEL, BROOKS, SCHNEIDER, MUSTON & SHIFFLET, P.C., L.L.O.
101 WEST C STREET
MCCOOK, NE 69001

STORMWATER INFRASTRUCTURE CONSTRUCTION EASEMENT

THIS INDENTURE made this 6th day of March, 2023, between John D. Walters, hereinafter referred to as "Grantor", whether one or more, and the City of McCook, Nebraska, a Municipal Corporation, hereinafter referred to as "Grantee."

WITNESSETH:

That said Grantor in consideration of the sum of One dollar (\$1.00) and other valuable consideration, to Grantor in hand paid by said Grantee, the receipt of which is hereby acknowledged, does hereby grant, sell, convey, and confirm unto said Grantee and its assigns for a period of eighteen (18) months from the date of execution, a non-exclusive easement for the right to construct, repair and replace stormwater infrastructure, together with the necessary fittings, manholes, inlets, pipe, etc. and the right to enter said premises for the purpose of repairing, replacing and constructing stormwater infrastructure in, over, under, above, through, and across the property at the following location:

A Infrastructure construction easement located in the NW 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M. in Red Willow County, Nebraska, which is part of Block 15, FOUR CORNERS ADDITION, more particularly described as follows:

Referring to the NW corner of the said NW 1/4 of said Section 19, thence S88°10'33"E (assumed and all bearing relative to) along the section line a distance of 259.92 feet to a point, which is the Point of Beginning, thence S88°10'33"E a distance of 73.38' to a point which is the west line of a platted 70' street, thence S02°46'33"E along said west line, a distance of 67.64' to a point, thence S27°00'04"W a distance of 160.44 feet to a point, thence S45°23'27"W a distance of 152.89 feet to a point on the west line of Block 15, Four Corners Addition, thence N02°39'04"W along the west line of Block 15, Four Corners Addition, a distance of 134.47 feet to a point, thence N45°23'27"E a distance of 46.80 feet to a point, thence N27°00'04"E a distance of 171.74 feet to the Point of Beginning.

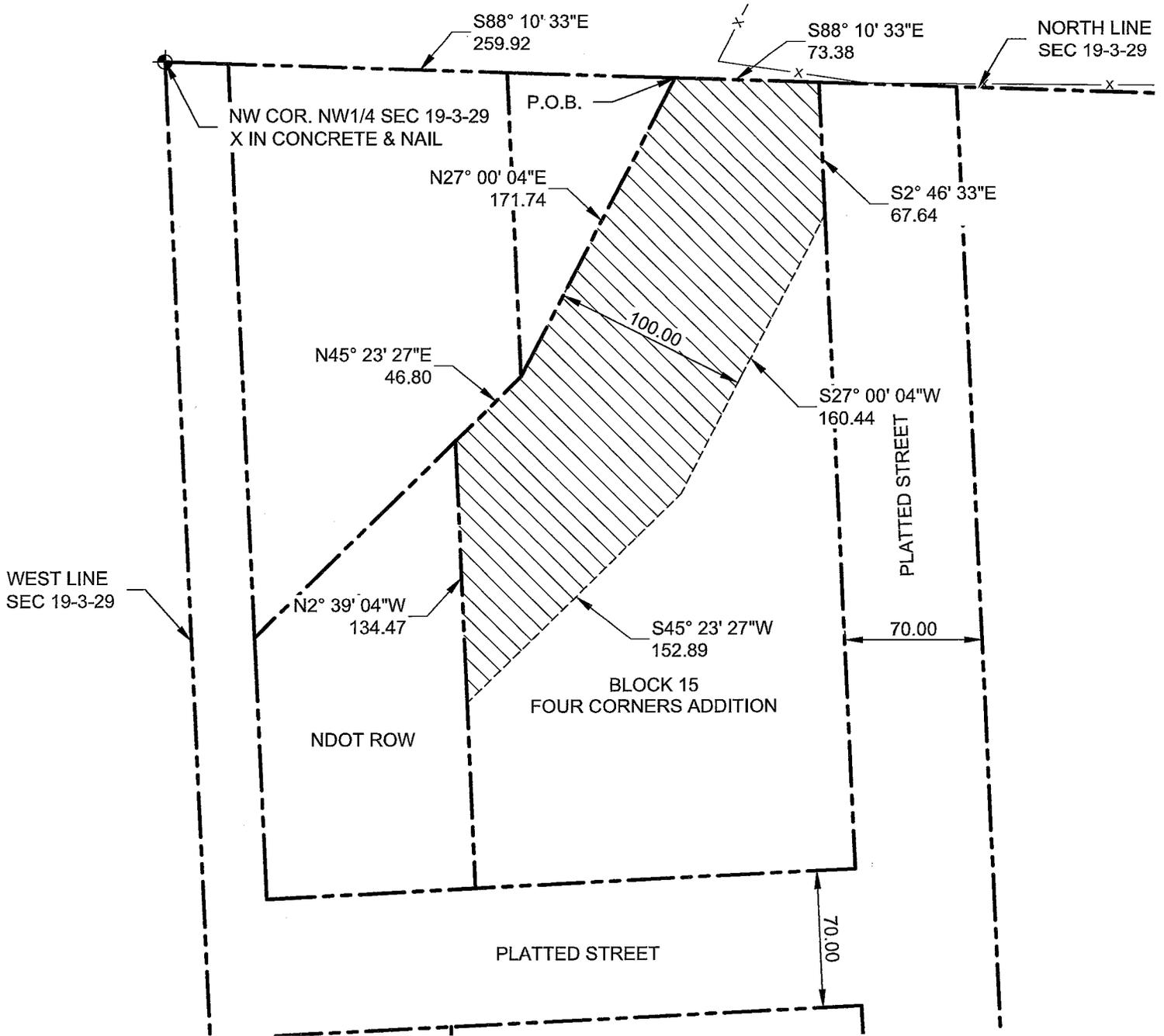
Said infrastructure construction easement containing .67 acres more or less.

A map of the infrastructure construction easement area is attached hereto as Exhibit "A".

Grantee shall cause any damage made on aforesaid realty to be properly refilled and shall cause the premises to be left in a neat and orderly condition. This easement is also for the benefit of any contractor, agent, employee, and representative of Grantee.

Grantee agrees to pay Grantor for any damage to land, improvements and personal property and to take all reasonable steps to restore any land, improvements and personal property which is damaged as a result of the construction of the infrastructure.

Grantor for itself does confirm with Grantee and its assigns, Grantor is well seized in fee of the above described property and that Grantor has the right to grant and convey this easement



INFRASTRUCTURE CONSTRUCTION EASEMENT

LEGAL DESCRIPTION

An Infrastructure Construction Easement located in the NW 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M. in Red Willow County, Nebraska, which is part of Block 15, FOUR CORNERS ADDITION, more particularly described as follows:

Referring to the NW corner of the said NW 1/4 of said Section 19, thence S88°10'33"E (assumed and all bearing relative to) along the section line a distance of 259.92 feet to a point, which is the Point of Beginning, thence S88°10'33"E a distance of 73.38' to a point which is the west line of a platted 70' street, thence S02°46'33"E along said west line, a distance of 67.64' to a point, thence S27°00'04"W a distance of 160.44 feet to a point, thence S45°23'27"W a distance of 152.89 feet to a point on the west line of Block 15, Four Corners Addition, thence N02°39'04"W along the west line of Block 15, Four Corners Addition, a distance of 134.47 feet to a point, thence N45°23'27"E a distance of 46.80 feet to a point, thence N27°00'04"E a distance of 171.74 feet to the Point of Beginning.

Said Infrastructure Construction Easement containing .67 acres more or less.

EXHIBIT "A"

Upon Recording, return to:
MOUSEL, BROOKS, SCHNEIDER, MUSTION & SHIFFLET, P.C., L.L.O.
101 WEST C STREET
MCCOOK, NE 69001

PERPETUAL STORMWATER INFRASTRUCTURE EASEMENT

THIS INDENTURE made this 6th day of March, 2023, between John D. Walters, hereinafter referred to as "Grantor", whether one or more, and the City of McCook, Nebraska, a Municipal Corporation, hereinafter referred to as "Grantee."

WITNESSETH:

That Grantor in consideration of the sum of One dollar (\$1.00) and other valuable consideration, to Grantor in hand paid by Grantee, the receipt of which is hereby acknowledged, does hereby grant, sell, convey, and confirm unto Grantee and its assigns forever, a non-exclusive easement for the right to repair, replace, perpetually maintain and operate stormwater infrastructure, together with the necessary fittings, manholes, inlets, pipe, etc. and the right to enter said premises for the purpose of repairing, replacing, perpetually maintaining, and operating said stormwater infrastructure in, over, under, above, through, and across the property at the following location:

An Infrastructure Maintenance Easement located in the NW 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M. in Red Willow County, Nebraska, which is part of Block 15, FOUR CORNERS ADDITION, more particularly described as follows:

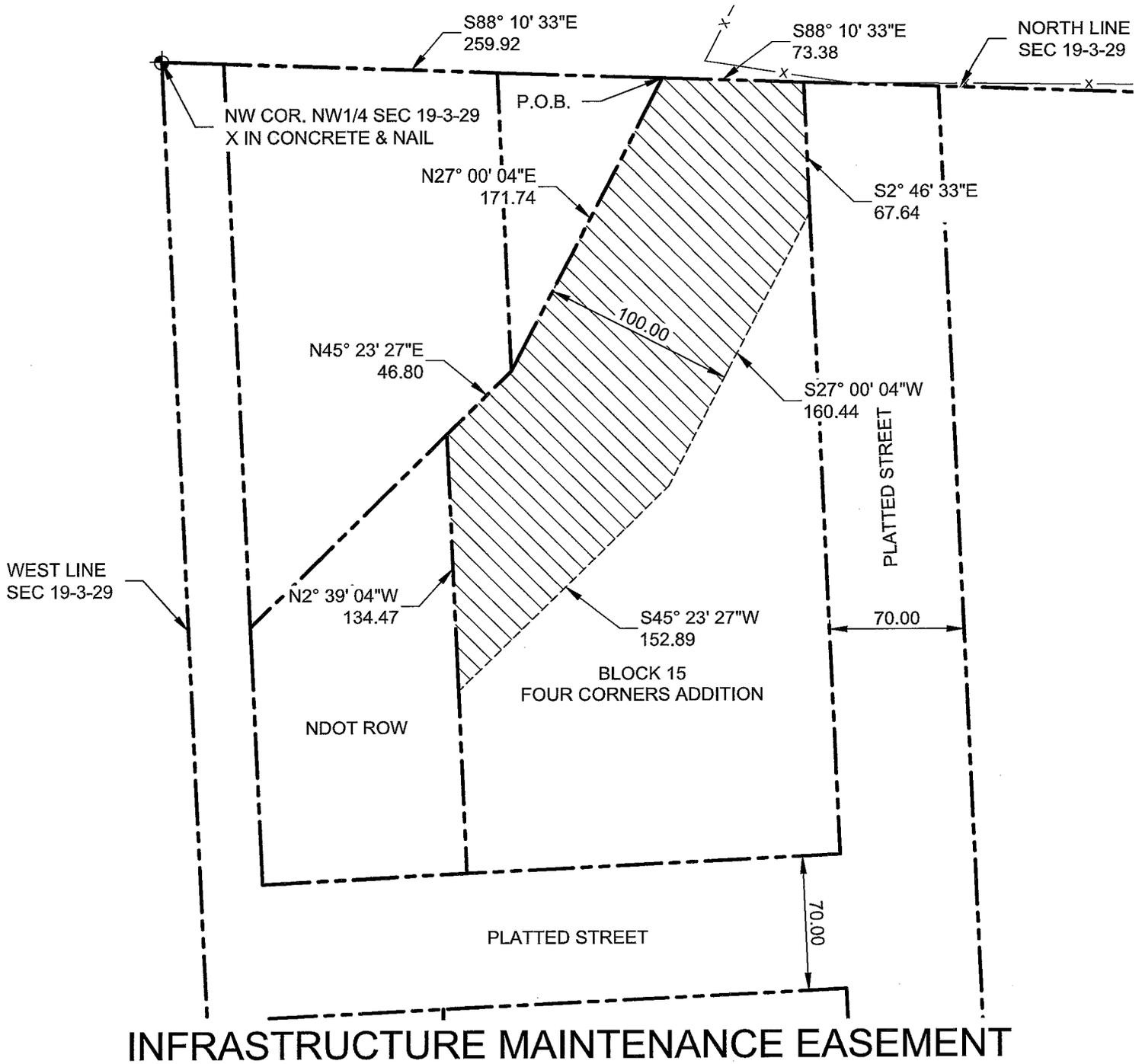
Referring to the NW corner of the said NW 1/4 of said Section 19, thence S88°10'33"E (assumed and all bearing relative to) along the section line a distance of 259.92 feet to a point, which is the Point of Beginning, thence S88°10'33"E a distance of 73.38' to a point which is the west line of a platted 70' street, thence S02°46'33"E along said west line, a distance of 67.64' to a point, thence S27°00'04"W a distance of 160.44 feet to a point, thence S45°23'27"W a distance of 152.89 feet to a point on the west line of Block 15, Four Corners Addition, thence N02°39'04"W along the west line of Block 15, Four Corners Addition, a distance of 134.47 feet to a point, thence N45°23'27"E a distance of 46.80 feet to a point, thence N27°00'04"E a distance of 171.74 feet to the Point of Beginning.

Said Infrastructure Maintenance Easement containing .67 acres more or less.

A map of the Infrastructure Maintenance Easement area is attached hereto as Exhibit "A"

Provided that no buildings, improvements, or structure shall be placed in, on, over, or across the Infrastructure Maintenance Easement area by Grantor or Grantor's successors and assigns without express approval by Grantee, Grantor may otherwise use and enjoy the land within the Infrastructure Maintenance Easement area, provided that such use shall not be a hazard to or prevent the Grantor from operating, repairing or maintaining the infrastructure.

Grantee shall cause any damage made on aforesaid realty to be properly refilled and shall cause the premises to be left in a neat and orderly condition. This easement is also for the benefit of any contractor, agent, employee, and representative of the City.



INFRASTRUCTURE MAINTENANCE EASEMENT
LEGAL DESCRIPTION

An Infrastructure Maintenance Easement located in the NW 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M. in Red Willow County, Nebraska, which is part of Block 15, FOUR CORNERS ADDITION, more particularly described as follows:

Referring to the NW corner of the said NW 1/4 of said Section 19, thence S88°10'33"E (assumed and all bearing relative to) along the section line a distance of 259.92 feet to a point, which is the Point of Beginning, thence S88°10'33"E a distance of 73.38' to a point which is the west line of a platted 70' street, thence S02°46'33"E along said west line, a distance of 67.64' to a point, thence S27°00'04"W a distance of 160.44 feet to a point, thence S45°23'27"W a distance of 152.89 feet to a point on the west line of Block 15, Four Corners Addition, thence N02°39'04"W along the west line of Block 15, Four Corners Addition, a distance of 134.47 feet to a point, thence N45°23'27"E a distance of 46.80 feet to a point, thence N27°00'04"E a distance of 171.74 feet to the Point of Beginning.

Said Infrastructure Maintenance Easement containing .67 acres more or less.

EXHIBIT "A"

**CITY MANAGER'S REPORT
MARCH 6, 2023 CITY COUNCIL MEETING**

ITEM: 2.J.

Receive and file letter from Karen K. Barrett, Tax Specialist for the Nebraska Department of Revenue, as a reminder that McCook's local sales and use tax rate will increase from 1.5% to 2% on April 1, 2023.

BACKGROUND:

Attached is a copy of the letter received from Ms. Barrett. They do not mail written notices to each retailer notifying them of the increase and encourage the City to provide reminders of this rate change at the local level. They will issue a news release around March 8 that will be posted on their website regarding the increase. At that time, staff will forward the news release to the newspaper, local radio stations, post on the City's website and facebook page.

They also encourage all retailers to sign up for their free "Subscribe to notifications" service. Registering for this free service on their website, "revenue.nebraska.gov" will provide them with a notification whenever a change occurs in any of the tax programs that they have selected.

**FISCAL
IMPACT:** None.

APPROVALS:



Lea Ann Doak, City Clerk-Treasurer

March 2, 2023



Nathan A. Schneider, City Manager

March 2, 2023

NEBRASKA

Good Life. Great Service.

February 9, 2023

DEPARTMENT OF REVENUE

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

Dear City Clerk:

This letter is sent as a reminder that McCook's local sales and use tax rate will increase from 1.5% to 2% on April 1, 2023.

This Department does NOT mail written notices to each retailer; however, we want to make you aware that this information has been posted on our website on December 2, 2022 under the sales and use tax link. We encourage you to provide reminders of this rate change at the local level. This will be beneficial to ensure the correct collection of your new sales and use tax rate. You are welcome to use information from our website to assist you.

Additionally, we encourage you to sign up for, and encourage others that are involved with taxes, to sign up for our free "Subscribe to Notifications" service. Registering for this free service on our website, "revenue.nebraska.gov" will provide you with a notification whenever a change occurs in any of the tax programs that you select.

I have also sent letters to local and national tax services regarding this change. Additionally, your County Treasurer has also been notified and a copy of that letter is enclosed.

If you have additional questions, please contact me at karen.barrett@nebraska.gov or call me at (402) 471-5980.

For the Tax Commissioner

Sincerely,



Karen K. Barrett
Tax Specialist
Policy Section

KKB
Enclosure

NEBRASKA

Good Life. Great Service.

DEPARTMENT OF REVENUE

February 9, 2023

Crystal Dack
Red Willow County Treasurer
PO Box 490
McCook, NE 69001

Dear County Treasurer:

This letter is to inform you that McCook will increase its local sales and use tax rate from 1.5% to 2% effective April 1, 2023.

The local (**city**) sales tax must be collected along with the **state** sales tax on all licensable motor vehicles, trailers, semi-trailers, motor boats, all-terrain vehicles (ATVs), and utility-type vehicles (UTVs) unless a statutory exemption applies, when the registration address is within McCook's actual boundaries. The new 2% city sales tax rate should not be collected on taxable sales **purchased before** April 1, 2023, even though registration occurs after April 1, 2023.

On a separate issue, enclosed is a copy of a Notice on "How Boundary Changes Affect a City Sales and Use Tax" which explains the effective date of the city sales and use tax when an annexation occurs. It is important that the county treasurer also knows the correct effective date of the city sales tax in the annexed area, which is not the same effective date of the annexation ordinance. This Notice and other local tax issues are available on the "Local Government Information" link, which was created to assist local government officials in tax related issues. It is on our website "revenue.nebraska.gov".

If you have any questions regarding these matters, please feel free to contact me at 402-471-5980 or by e-mail at karen.barrett@nebraska.gov.

FOR THE TAX COMMISSIONER

Sincerely,



Karen K. Barrett
Tax Specialist
Policy Division

KKB

Enclosure

✓ Cc: McCook City Clerk

**CITY MANAGER'S REPORT
MARCH 6, 2023 MCCOOK CITY COUNCIL MEETING**

ITEM NO. 3.A Update regarding the swimming pool, ballpark, and park projects and matters.

BACKGROUND:

Staff would like to keep this item as a place keeper on the McCook City Council agendas while we work through the construction process for both the swimming pool and the ballpark. For the March 6th council meeting, staff is also including City parks in the discussion.

APPROVALS:



Nathan A. Schneider, City Manager

March 1, 2023



Lea Ann Doak, City Clerk

March 1, 2023

**CITY MANAGER'S REPORT
MARCH 6, 2023 MCCOOK CITY COUNCIL MEETING**

3.B.
ITEM NO. Approve the selection of Carrothers Construction Company, L.L.C. to serve as the construction manager for the McCook Municipal Swimming Pool project.

BACKGROUND:

In February, the McCook City Council appointed Linda Taylor, Gene Weedon, Andy Smith, Mike Gonzales, Jody Crocker, Grant Norgaard, Matthew Clause, Kyle Potthoff, and Nate Schneider to serve on the City's CMAR selection committee. The committee reviewed construction management RFP's submitted by four firms: Carrothers Construction, Sampson Construction, Hackel Construction, and RMV Construction. On February 21st, the committee conducted in-person interviews with representatives of each firm. On February 28th, the committee held a meeting to discuss the qualifications of each firm relative to the scoring criteria outlined in the RFP. Each member of the committee ranked the four firms based on the criteria specified in the RFP via a uniform scorecard.

Based upon the criteria established in the RFP, the committee recommends Carrothers Construction Company, L.L.C. to serve as the City's construction manager for the McCook Municipal Swimming Pool project. Staff would like to thank each of the firms for submitting RFP's for the swimming pool project. All of the firms performed extremely well during the selection process. Additionally, staff would like to acknowledge the work and effort the committee put into the selection process. The selection committee, comprised primarily of volunteers, spent numerous hours evaluating the candidates. The City of McCook appreciates the committee's hard work.

APPROVALS:



Nathan A. Schneider, City Manager

March 1, 2023



Lea Ann Doak, City Clerk

March 1, 2023

**CITY MANAGER'S REPORT
MARCH 6, 2023 CITY COUNCIL MEETING**

ITEM 3.C Discussion regarding setting a time to hold a special city council meeting whereat a tour of the City of McCook's various departments will occur.

BACKGROUND:

In March of 2021, the City of McCook held a special council meeting to provide a tour, review, and discussion of the various City of McCook departments. Staff would like to conduct a similar tour of City facilities in April of 2023. The special meeting would be open to the public and public participation is encouraged. Notice of the special meeting would be published as required by state and local law. A date needs to be selected in order to give advanced notice of the meeting to interested individuals. Also, it would be good for the City Council to discuss the preferred format of the meeting. Finally, it will be important to discuss the best method of transportation for the meeting.



Lea Ann Doak, City Clerk

March 1, 2023



Nathan A. Schneider, City Manager

March 1, 2023

**CITY MANAGER'S REPORT
MARCH 6, 2023 CITY COUNCIL MEETING**

ITEM NO. 3.D. Approve on third and final reading, Ordinance No. 2023-3061, allowing for the voluntary annexation of a tract of land located in the S ½ of the SE 1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska, said tract of land now known as Heritage Pointe Addition Lot 3.

BACKGROUND:

An application has been filed by Jerry Gohl to voluntarily annex portions of the proposed Heritage Pointe Addition No. 3 subdivision created at the January 16, 2023 McCook City Council meeting. A part of the proposed subdivision is located within the City's corporate limits, while a portion of the property is not. The annexation request focuses on the real estate currently located outside of McCook's corporate limits, but within McCook's Two Mile Extra Territorial Jurisdiction. Mr. Gohl is requesting that the entirety of Heritage Pointe Addition No. 3 be located within McCook's corporate limits.

The McCook City Council voted unanimously to approve the zoning change request ordinance on its first and second reading. Staff has received no inquiries on this agenda item since the first reading of Ordinance No. 2023-3061. This matter was moved by the City Council to March 6th due to a lack of a super majority at the February 20th meeting.

APPROVALS:



Nathan A. Schneider, City Manager

March 1, 2023



Lea Ann Doak, City Clerk

March 1, 2023

ORDINANCE NO. 2023-3061

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

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

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

A tract of land in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska, more particularly described as follows:

Considering the South line of Lot 1, Heritage Pointe Addition No. 2, an addition to the City of McCook, Nebraska and north right-of-way line of "J" Street in the City of McCook, Nebraska, with the platted bearing being S81°48'19"W and with all bearings contained herein relative thereto:

Commencing at the Southwest corner of said Lot 1, Heritage Pointe Addition No. 2, a distance of 116.81 feet to the POINT OF BEGINNING;
Thence continuing S81°48'19"W on south line of said Lot 1, Heritage Pointe Addition No. 2 and the north right-of-way line of said "J" Street, a distance of 189.12 feet;
Thence leaving said north right-of-way line N00°33'22"E, a distance of 244.66 feet;
Thence N81°59'10"E, a distance of 248.98 feet;
Thence S78°53'56"E, a distance of 60.00 feet;
Thence southerly on a non-tangent curve to the left having a central angle of 10°32'54", a radius of 170.00 feet, an arc length of 31.30 feet, and a chord bearing of S05°49'37"W, a distance of 31.25 feet to the Northwest corner of said Lot 1, Heritage Pointe Addition No. 2;
Thence N89°26'50"W, a distance of 60.00 feet to the West line of Heritage Drive in McCook, Nebraska;
Thence S00°33'10"W on said west right-of-way line, a distance of of 19.10 feet;
Thence S81°49'56"W, a distance of 56.10 feet;
Thence S00°33'10"W, a distance of 183.00 feet to the Point of Beginning.

The above described tract contains 51264 square feet more or less.

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

SECTION 3. The real property hereby included within the corporate limits of the City of McCook and the persons residing thereon shall hereinafter be subject to all of the rules,

regulations, ordinances, taxes and all other burdens and benefits of other persons and territory included with the City of McCook, Nebraska.

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

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

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

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

PASSED AND APPROVED this _____ day of _____, 2023.

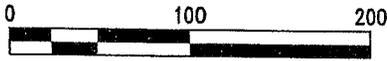
Linda Taylor, Ex-Officio Mayor
and President of the Council

ATTEST:

Lea Ann Doak, City Clerk

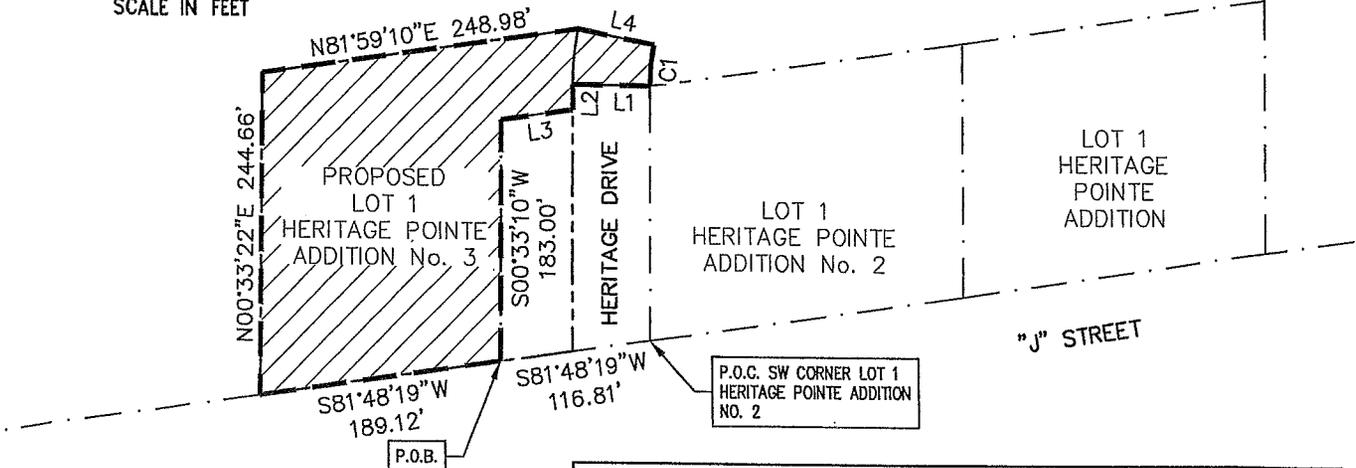
Publish:

ANNEXATION LEGAL DESCRIPTION HERITAGE POINTE ADDITION



SCALE IN FEET

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N89°26'50"W	60.00'
L2	S00°33'10"W	19.10'
L3	S81°49'56"W	56.10'
L4	S78°53'56"E	60.00'



CURVE DATA					
NUMBER	CENTRAL ANGLE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD DISTANCE
C1	10°32'54"	170.00'	31.30'	S 05°49'37" W	31.25'

ANNEXATION TRACT DESCRIPTION

A tract of land in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska, more particularly described as follows:

Considering the South line of Lot 1, Heritage Pointe Addition No. 2, an addition to the City of McCook, Nebraska and north right-of-way line of "J" Street in the City of McCook, Nebraska, with the platted bearing being S81°48'19"W and with all bearings contained herein relative thereto;

Commencing at the Southwest corner of said Lot 1, Heritage Pointe Addition No. 2, a distance of 116.81 feet to the POINT OF BEGINNING;
 Thence continuing S81°48'19"W on south line of said Lot 1, Heritage Pointe Addition No. 2 and the north right-of-way line of said "J" Street, a distance of 189.12 feet;
 Thence leaving said north right-of-way line N00°33'22"E, a distance of 244.66 feet;
 Thence N81°59'10"E, a distance of 248.98 feet;
 Thence S78°53'56"E, a distance of 60.00 feet;
 Thence southerly on a non-tangent curve to the left having a central angle of 10°32'54", a radius of 170.00 feet, an arc length of 31.30 feet, and a chord bearing of S05°49'37"W, a distance of 31.25 feet to the Northwest corner of said Lot 1, Heritage Pointe Addition No. 2
 Thence N89°26'50"W, a distance of 60.00 feet to the West line of Heritage Drive in McCook Nebraska;
 Thence S00°33'10"W on said west right-of-way line, a distance of 19.10 feet;
 Thence S81°49'56"W, distance of 56.10 feet;
 Thence S00°33'10"W, a distance of 183.00 feet to the Point of Beginning.

The above described tract contains 51264 square feet more or less.

LEGEND

P.O.B. = POINT OF BEGINNING
 P.O.C. = POINT OF COMMENCEMENT

NOTE:
 This exhibit is not a boundary survey and no field measurements were performed

 Miller & Associates Consulting Engineers, P.C.	109 EAST 2ND STREET McCOOK, NE 69001 Tel: 308-345-3710 Fax: 308-345-7370 www.miller-engineers.com
--	---

**CITY MANAGER'S REPORT
MARCH 6, 2023 CITY COUNCIL MEETING**

ITEM: 3.E.

Approve on third and final reading Ordinance No. 2023-3062 amending the City of McCook Code of Ordinances, pertaining to Contractor's License Sections 150.400 - 150.412.

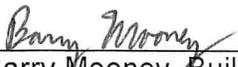
BACKGROUND:

McCook's Building Inspector and the Building and Housing Code Advisory and Appeals Board are recommending a revision to the Contractor's License requirements found in Chapter 150, Building Codes and Regulations of the McCook Code of Ordinances. Staff would like to have discussion with the city council for approval and adoption of the proposed changes.

The McCook City Council voted unanimously to approve the presented ordinance on its first and second reading at the February 6 and February 20 meetings. Staff has received no inquiries on this item.

**FISCAL
IMPACT:** None.

APPROVALS:



Barry Mooney, Building Inspector

March 1, 2023



Lea Ann Doak, City Clerk-Treasurer

March 1, 2023



Nathan A. Schneider, City Manager

March 1, 2023

ORDINANCE NO. 2023-3062

AN ORDINANCE PROVIDING FOR THE AMENDMENT OF THE CITY OF MCCOOK CODE OF ORDINANCES, PERTAINING TO CONTRACTOR'S LICENSE, REPEALING CURRENT SECTIONS 150.400- 150.412 AND INSERTING SECTIONS 150.400 - 150.414; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

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

Section 1. That the City of McCook Code of Ordinances, Contractor's License, current Sections 150.400 - 150.412, shall be amended to read as follows:

CONTRACTOR'S LICENSE

§150.400 LICENSE REQUIRED.

No person or corporation shall engage in the practice of General Contractor, Building Contractor, Residential Contractor, Plumbing Contractor, Mechanical Contractor, Roofing Contractor or Limited Contractor in the City of McCook and the extraterritorial jurisdiction (ETJ) without first having obtained a license to engage in any such practice and without giving the proof of surety as hereinafter provided for in this subchapter.

(Ord. 2016-2928, passed 5-16-2016; Ord. 2020-2996, passed 2-17-2020)

§150.402 PERSONS EXEMPT FROM LICENSE REQUIREMENT.

Any owner of record of a residential property, including the usual primary and accessory structures, shall be exempt from the contractor's licensing requirements and may be granted a building permit to improve said property and corresponding structures provided he or she personally purchases and installs all materials used, and further provided, all work shall be inspected and approved by the Building Inspector.

(Ord. 2016-2928, passed 5-16-2016; Ord. 2020-2996, passed 2-17-2020; Ord. 2021-3032, passed 12-6-2021)

§150.404 CONTRACTOR LICENSE; TYPES AND QUALIFICATIONS.

Any person or persons desiring to engage in the practice as a contractor or as a limited contractor as hereinafter defined, shall first make application to the Building Inspector for the license(s) to engage in such practice(s). The contractor licenses and qualifications for each are as follows:

A. General Contractor. A General Contractor shall have an unlimited scope

of work. In order to qualify as a General Contractor, one (1) of the following requirements must be met: A college degree in Architecture, Construction Science or Engineering and proof of two (2) years on the job experience; a certification from a two (2) year program in the trade from an accredited community college, technical school or technical college with three (3) years documented field experience; or must have five (5) years documented field experience in the trade and proof of passing the ICC General Building Contractor (A) exam. Documented field experience for a general contractor application requires written certification by the applicant that he or she has worked in the trade and been licensed for the same by this city or another jurisdiction for the applicable period of time as established herein.

B. Building Contractor. A Building Contractor shall have a scope of work limited to construction of commercial buildings, single-family dwellings, duplex dwellings, buildings consisting of three (3) or more townhouse units not exceeding three (3) stories in height and remodeling of all structures. In order to qualify as a Building Contractor, one (1) of the following requirements must be met: A college degree in Architecture, Construction Science or Engineering and two (2) years on the job experience; a certification from a two (2) year program in the trade from an accredited community college, technical school or technical college with three (3) years documented field experience; or must have five (5) years documented experience in the trade and proof of passing the ICC Building Contractor (B) exam. Documented field experience for a building contractor application requires written certification by the applicant that he or she has worked in the trade and been licensed for the same by this city or another jurisdiction for the applicable period of time as established herein.

C. Residential Contractor. A Residential Contractor shall have a scope of work limited to construction of single-family dwellings, duplex dwellings, buildings consisting of three (3) or more townhouse units not exceeding three (3) stories in height and remodeling of all structures. In order to qualify as a Residential Contractor, one (1) of the following requirements must be met: A certification from a one (1) year program in the trade from an accredited community college, technical school or technical college with two (2) years documented field experience; or must have three (3) years documented experience in the trade and proof of passing the ICC Residential Building Contractor (C) exam. Documented field experience for a residential contractor application requires written certification by the applicant that he or she has worked in the trade and been licensed for the same by this city or another jurisdiction for the applicable period of time as established herein.

D. Plumbing Contractor. A Plumbing Contractor shall have an unlimited scope of plumbing work. In order to qualify as a Plumbing Contractor, one (1) of the following requirements must be met: Proof of Certification of Master Plumber or Journeyman Plumber; a certification from a one (1) or two (2) year program in the trade through an accredited community college, technical school, technical college; or must have a Master's certificate that requires five (5) years documented field experience or a Journeyman's certificate that requires three (3) years documented field experience **and** proof of passing the ICC Master

Plumber or Journeyman Plumber exam. Documented field experience for plumbing contractor application requires written certification by the applicant that he or she has worked in the trade and been licensed for the same by this city or another jurisdiction for the applicable period of time as established herein. Apprentice Plumber shall work only under the direct supervision of a certified master plumber or a certified journeyman plumber.

E. Mechanical Contractor. Heating, Ventilation and Air Conditioning (HVAC). A Mechanical Contractor shall have an unlimited scope of mechanical heating, ventilation and air conditioning work. In order to qualify as a Mechanical Contractor, one (1) of the following requirements must be met: Proof of certification of Master or Journeyman in heating, ventilation and air conditioning mechanics; a certification from a one (1) or two (2) year program in the trade through an accredited community college, technical school, or technical college; or must have a Master's certificate that requires five (5) years documented field experience or a Journeyman's certificate that requires three (3) years documented field experience **and** proof of passing the ICC Master Mechanical or Journeyman Mechanical exam. Documented field experience for a HVAC contractor application requires written certification by the applicant that he or she has worked in the trade and been licensed for the same by this city or another jurisdiction for the applicable period of time as established herein. Apprentice to a Mechanical contractor shall work only under the direct supervision of a certified master mechanical installer or a certified journeyman mechanical installer.

F. Roofing Contractor. A Roofing Contractor shall be authorized to install, repair and replace residential and commercial roof coverings. In order to qualify as a Roofing Contractor, one (1) of the following requirements must be met: Two (2) years documented field experience in the trade; or proof of passing the ICC Roofing Contractor exam. Documented field experience for a roofing contractor application requires written certification by the applicant that he or she has worked in the trade and been licensed for the same by this city or another jurisdiction for the applicable period of time as established herein.

G. Limited Contractor. A Limited Contractor license may be issued for each of the following types of work: Concrete, demolition, excavation, fencing, roofing, sign installation and structure moving. A Limited contractor must have two (2) years documented field experience in the trade for which a license is sought. Documented field experience requires written certification by the applicant that he or she has worked in the trade and been licensed for the same by this city or another jurisdiction for the applicable period of time as established herein.

H. Where a lawful contractor's license exists at the effective date of adoption or amendment of this Ordinance, such license may be continued so long as it remains otherwise lawful.

§150.406 APPLICATION REVIEW PROCESS, TERM AND APPEALS.

A. Any person or persons desiring a contractor's license to perform work within the City of McCook and the City of McCook's extraterritorial jurisdiction (ETJ) shall complete an application and provide the required evidence of relevant education, experience, skills, and proficiency. All contractor license applications shall be accompanied by an application fee, as specified in Chapter 38, Appendix M Fee Schedule. The application fee is non-refundable.

B. All applicants for a contractor's license shall submit an application to the Building Inspector. Those applicants that meet the requirements of Section 150.403 shall be issued a contractor's license. The Building Inspector shall have fourteen (14) days for review. Unsuccessful applicants will be notified by certified mail. Any person whose application is disapproved must wait a minimum of forty-five (45) days before they can reapply. Reapplication shall be accompanied by an additional application fee.

C. All contractor's licenses issued by the Building Inspector shall be valid for a one (1) year term beginning January 1st and ending December 31st of every year. **The city will not prorate any license fee regardless of when the license is purchased.** All licenses shall be renewable annually as in the case of an original license on or before December 31st of every year. **Renewals received after January 31st will be subject to the initial license fee.**

D. An applicant that has been denied a contractor's license by the Building Inspector may file an appeal to the Building and Housing Code Advisory and Appeals Board. Such appeal shall be taken within thirty (30) days by filing with the Building Inspector from whom the appeal is taken and with the Building and Housing Code Advisory and Appeals Board a notice of appeal specifying the grounds thereof. The Building Inspector from whom the appeal is taken shall forthwith transmit to the Building and Housing Code Advisory and Appeals Board all the papers constituting the record upon which the action appealed from was taken. The Building and Housing Code Advisory and Appeals Board shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person, by agent or by attorney.

1. The Building and Housing Code Advisory and Appeals Board shall have the power to hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Building Inspector based on or made in the enforcement of the requirements of the contractor's license.

2. Notice of public hearing shall be given as described above; the public hearing shall be held; any party may appear in person, by agent or by attorney; the Building and Housing Code Advisory and Appeals Board shall make findings that the requirements of this section have been met by the

applicant for a contractor's license; the Building and Housing Code Advisory and Appeals Board shall further make a finding that the reasons set forth in the application justify the granting of a contractor's license.

3. Any person or persons, jointly or severally, aggrieved by any decision of the Building and Housing Code Advisory and Appeals Board, may appeal as provided by Section 19-912 Neb. Rev. Stat., 1943.
(Ord. 2016-2928, passed 5-16-2016; Ord. 2020-2996, passed 2-17-2020)

§150.408 INSURANCE REQUIREMENTS.

Every person or company applying for a contractor's license shall present to the Building Inspector, to be filed, a certificate or policy of insurance with a minimum limit of one million (\$1,000,000) dollars for each occurrence (combined single limit of bodily injury and property damage). Minimum limit of one million (\$1,000,000) dollars aggregate for products - completed operations and with a minimum limit of two million (\$2,000,000) dollars general aggregate. This general aggregate limit shall apply separately to the Contractor's work under this agreement. Further that the issuing insurance company agrees to provide thirty (30) day written notice in the event of expiration or of proposed cancellation of the insurance policy as the City of McCook is listed as the Certificate Holder. Surety shall be conditioned that the principal, and all employees, will comply with all the ordinances of the City relating to model codes and to hold the City harmless on account of any damages arising from faulty performance or neglect of duty by the holder of such license.

(Ord. 2016-2928, passed 5-16-2016; Ord. 2020-2996, passed 2-17-2020)

§150.410 REVOCATION OF LICENSE

Any license issued under the provisions of this subchapter may be revoked by the Building Inspector upon proof that the licensee(s) has failed, neglected, or refused to comply with any of the provisions of this subchapter or with other ordinances of the City relating to or regulating the particular type of work for which such license was granted. No such license shall be revoked without the giving of a written notice of the intention to revoke such license and without giving such licensee a full opportunity to be heard before the Building and Housing Code Advisory and Appeals Board as to any complaint made against him or her. Upon the revocation of any license granted under the provisions of this subchapter, no refund shall be made of any part of the license fee previously paid by the licensee.

(Ord. 2016-2928, passed 5-16-2016; Ord. 2020-2996, passed 2-17-2020)

§150.412 UNLAWFUL USE OF LICENSE.

No license issued hereunder shall be assignable or transferable, and it shall

be unlawful for any licensee to permit its license to be used or allow permits to be taken out in the name of such licensee by any other person, firm, or corporation.

(Ord. 2016-2928, passed 5-16-2016; Ord. 2020-2996, passed 2-17-2020)

§150.414 RECORDS RETENTION.

The Building & Zoning Department shall keep a complete record of all licenses issued and Certificate or Policy of Insurance registered under the provisions of this subchapter and shall cause suitable records of all official actions taken hereunder to be kept and preserved.

(Ord. 2016-2928, passed 5-16-2016; Ord. 2020-2996, passed 2-17-2020)

Section 2. Any other ordinance or code section passed and approved prior to passage, approval, and publication or posting of this ordinance and in conflict with its provisions is repealed.

Section 3. This ordinance shall take effect January 1, 2024 and be in full force from and after its passage, approval, and publication as required by law in its entirety or in pamphlet form.

PASSED AND APPROVED this _____ day of _____, 2023.

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

ATTEST:

Lea Ann Doak, City Clerk

Publish:

**CITY MANAGER'S REPORT
MARCH 6, 2023 CITY COUNCIL MEETING**

ITEM: 3.F.

Approve on third and final reading Ordinance No. 2023-3063 providing for an amendment of Chapter 38: Fee Schedule – Appendix M, Building Regulation and Zoning Application Fees; of the City of McCook Code of Ordinances.

BACKGROUND:

McCook's Building Inspector and the Building and Housing Code Advisory and Appeals Board are recommending a revision to the building regulation and zoning application fees found in Chapter 38, Appendix M of the McCook Code of Ordinances. McCook's current fee structure for contractor's license needs updated to reflect the changes being made to the contractor's license requirements as listed in Chapter 150. Staff would like to have the city council's approval and adoption of the proposed changes.

The McCook City Council voted unanimously to approve the presented ordinance on its first and second reading at the February 6 and February 20 meetings. Staff has received no inquiries on this item.

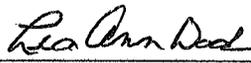
**FISCAL
IMPACT:** None.

APPROVALS:



Barry Mooney, Building Inspector

March 1, 2023



Lea Ann Doak, City Clerk

March 1, 2023



Nathan A. Schneider, City Manager

March 1, 2023

ORDINANCE NO. 2023-3063

AN ORDINANCE OF THE CITY OF MCCOOK, NEBRASKA AMENDING CHAPTER 38: FEE SCHEDULE, APPENDIX M: BUILDING REGULATION AND ZONING APPLICATION FEES, OF THE MUNICIPAL CODE OF THE CITY OF MCCOOK, NEBRASKA; TO PROVIDE FOR THE REPEAL OF ANY OTHER CONFLICTING ORDINANCES; AND PROVIDING A TIME AND DATE FROM AND AFTER WHICH THIS ORDINANCE SHALL TAKE EFFECT AND BE ENFORCED.

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

SECTION 1. That Chapter 38, FEE SCHEDULE, APPENDIX M: BUILDING REGULATION AND ZONING APPLICATION FEES, of the City of McCook, Nebraska, Code of Ordinances is hereby amended to read as follows:

APPENDIX M: BUILDING REGULATION AND ZONING APPLICATION FEES

PERMIT	FEE
Building Permits Construction Cost: \$0 - \$5,000 \$5,001 - \$25,000 \$25,001 - \$50,000 \$50,001 - \$100,000 \$100,001 - \$500,000 \$500,001 - \$1,000,000 \$1,000,001 and up	\$25.00 \$25.00 for first \$5,000 plus \$5.00 for each additional \$1,000 or fraction thereof up to and including \$25,000 \$125.00 for first \$25,000 plus \$4.00 for each additional \$1,000 or fraction thereof up to and including \$50,000. \$225.00 for first \$50,000 plus \$3.00 for each additional \$1,000 or fraction thereof up to and including \$100,000. \$375.00 for first \$100,000 plus \$2.50 for each additional \$1,000 or fraction thereof up to and including \$500,000. \$1,375.00 for first \$500,000 plus \$2.00 for each additional \$1,000 or fraction thereof up to and including \$1,000,000. \$2,375.00 for first \$1,000,000 plus \$1.50 for each additional \$1,000 or fraction thereof.
Plan Review - by City Staff or its agents of drainage report, sanitary sewage disposal report, and water distribution report.	\$100.00 minimum fee, or the appointed agents standard hourly rate plus 10%, whichever is greater. Additional fees will be assessed should the project require extraordinary review by City Staff or its appointed agents.
Curb Cut Permit	\$25.00
Demolition Permit	\$100.00

Fence Permit	\$25.00
Mechanical Permit	\$25.00 minimum fee, plus \$3.00 per item over six (6) items
Mobile Home Set Down Permit	\$25.00
Plumbing Permit	\$25.00 minimum fee, plus \$3.00 per item over six (6) items
Sidewalk Permit (New Construction)	\$25.00
Sign Permit	\$25.00 for first \$1,000 plus \$2.50 for each additional \$1,000 or fraction thereof.
Structure Moving Permit	\$100.00
Right-of-Way Encroachment Permit	\$25.00
Zoning Applications:	
Change of Zoning	\$75.00
Lot Split/Lot Line Adjustment	\$75.00
Special Exception	\$75.00
Variance	\$75.00
Subdivisions:	
Preliminary Plat	\$500.00
Final Plat	\$200.00 per lot, with a maximum of \$5,500
Mobile Home Park	\$100.00
Contractors License	
General Contractor	\$200.00 Initial License/nonconsecutive renewals \$100.00 Renewal
Building Contractor	\$180.00 Initial License/nonconsecutive renewals \$ 90.00 Renewal
Residential Contractor	\$150.00 Initial License/nonconsecutive renewals \$ 75.00 Renewal
Plumbing Contractor	\$150.00 Initial License/nonconsecutive renewals \$ 75.00 Renewal
Mechanical Contractor	\$150.00 Initial License/nonconsecutive renewals \$ 75.00 Renewal
Roofing Contractor	\$120.00 Initial License/nonconsecutive renewals \$ 60.00 Renewal
Limited Contractor	\$120.00 Initial License/nonconsecutive renewals \$ 60.00 Renewal

(Ord. 95-2335, passed 10-2-1995; Ord. 2000-2544, passed 2-21-2000; Ord. 2004-2688, passed 3-15-2004; Ord. 2004-2703, passed 8-16-2004)

SECTION 2. Any and all ordinances or parts of ordinances in conflict herewith shall be and are hereby repealed.

SECTION 3. This ordinance shall take effect and be in full force from and after its passage, approval, and publication in pamphlet form as required by law.

PASSED AND APPROVED _____ day of _____, 2023.

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

ATTEST:

Lea Ann Doak, City Clerk

Publish:

CITY MANAGER'S REPORT
MARCH 6, 2023 CITY COUNCIL MEETING

ITEM: 3.G.

RECOMMENDATION:

Introduce and approve on first reading Ordinance no. 2023-3064 providing for the amendment to chapter 38: Appendix E. setting the rate to be charged for water by the McCook Water Department.

BACKGROUND:

Based on data from the 2022 Water Enterprise Fund Cashflow Model, as prepared by Public Financial Management (PFM), City Staff is recommending that the current water rate be increased by six percent (6%). The rate increase provides funds to cover inflation, staff wages, equipment, and current and future capital improvements. The current rates have been in place since May 2022. The Ready to Serve fee is \$19.95, the first 5,000 cu. ft. is \$2.035 per 100 cu. ft. and over 5,000 cu ft costs \$1.508 per 100 cu. ft.

The proposed increase would see the ready-to-serve fee increase by \$1.20 to **\$21.15 per month**. The price per 100 cubic feet (748 gallons) would also increase. The first 5,000 cubic feet will cost **\$2.157** per 100 cubic feet (+12.2 cents). Usage above 5,000 cubic feet will increase to **\$1.598** per 100 cubic feet (+8.8 cents).

The PFM recommendation of an annual inflationary increase is to avoid larger increases in future years.

PFM's model uses annual water production of 75,000,000 cubic feet of water sales. This is less than the nearly 80 million cubic feet in 2021 but a fair estimate based on conservation and annual averages. If forecasted drought conditions continue in the midwestern states water restrictions may also affect annual production.

FISCAL IMPACT:

APPROVALS:

Lea Ann Doak, City Clerk

Date



Pat Fawver, Utilities Director

Date



Nate Schneider, City Manager

Date

3-1-23

3-1-23

ORDINANCE NO. 2023-3064

AN ORDINANCE PROVIDING FOR THE AMENDMENT OF CHAPTER 38: FEE SCHEDULE - APPENDIX E , WATER DEPARTMENT RATES AND FEES; OF THE CITY OF MCCOOK CODE OF ORDINANCES; PROVIDING FOR A RATE TO BE CHARGED FOR WATER BY THE MCCOOK WATER DEPARTMENT; PROVIDING FOR THE REPEAL OF ORDINANCE NO. 2022-3055 AND ANY AND ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR A TIME AND DATE FROM AND AFTER WHICH THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE.

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

SECTION 1. That Chapter 38: Fee Schedule - Appendix E, Water Department Rates and Fees; Section A - Water Rates, of the City of McCook Code of Ordinances, shall be and is hereby amended to read as follows:

A. Water Rates. The following rates for water have been set by the City Council in accordance with the provisions of Section 52.01 of this Code.

1. CUSTOMERS WITHIN THE CITY. The rates for water used by customers within the City shall be as follows:

(A) 2.157 dollars per one hundred cubic feet for the first five thousand (5,000) cubic feet of water used;

(B) 1.598 dollars per one hundred cubic feet for all water used over five thousand (5,000) cubic feet.

In addition to the above, a ready-to-serve fee of twenty-one and 15/100 dollars (\$21.15) per month shall be charged to each customer.

2. CUSTOMERS OUTSIDE THE CITY. The amount to be charged for water used by customers outside the city boundaries shall be computed by taking the water consumption of the customer times the rates fixed in division (A)(1) above, plus additional charges as specified therein, and multiplying the final sum times the factor of one and one-half to get the total charge to be billed the customer.

3. BULK WATER. The rate for bulk water purchases shall be \$5.00 per one thousand (1,000) gallons.

4. FIRE HYDRANT METER. Fire hydrant meter rent shall be \$50.00 per week, plus water usage charged at the rate for bulk water. The deposit required for a fire hydrant meter is set at \$1,000.00.

SECTION 2. Ordinance No. 2022-3055 and any and all other ordinances or parts of ordinances in conflict herewith shall be and are hereby repealed and abrogated.

SECTION 3. This ordinance shall take effect with the bills dated May 1, 2023 and be in full force from and after its passage, approval and publication as required by law in its entirety or in pamphlet form, as the case may be.

PASSED AND APPROVED THIS _____ day of _____, 2023.

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

ATTEST:

-s- Lea Ann Doak, City Clerk

CITY MANAGER'S REPORT
MARCH 6, 2023 CITY COUNCIL MEETING

ITEM: 3.H.

RECOMMENDATION:

APPROVE ON FIRST READING ORDINANCE NO. 2023-3065 PROVIDING FOR THE AMENDMENT TO CHAPTER 38: APPENDIX D. SEWER DEPARTMENT RATES AND FEES.

BACKGROUND:

Based on the Sewer Enterprise Fund Cashflow Model prepared by Public Financial Management (PFM), City Staff is recommending that the current sewer rate be increased by six percent (6%). The rate increase provides the funds to cover inflation, pay for capital projects and maintain a healthy budget.

The proposed increase would see the base fee for residential customers go from \$17.541 to **\$18.59** per month (+\$1.04). The commercial base fee will go from \$25.554 to **\$27.08** per month (+\$1.52). Both residential and commercial monthly base fees include 333 cubic feet of usage. The fee for usage above 333 cubic feet (2,490 gallons) would also increase by 6% from the current \$3.787 per 100 cubic feet (748 gallons) to **\$4.014** per 100 cubic feet of usage (+22.7 CENTS).

Using the PFM model as the guide, a 6% increase will generate additional revenue for future years and prepare the Wastewater Department for large capital expenditures.

FISCAL IMPACT:

APPROVALS:



Lea Ann Doak, City Clerk

Date



Pat Fawver, Utilities Director

3-1-23

Date



Nate Schneider, City Manager

3-1-23

Date

ORDINANCE NO. 2023-3065

AN ORDINANCE PROVIDING FOR THE AMENDMENT OF CHAPTER 38: FEE SCHEDULE - APPENDIX D, SEWER DEPARTMENT RATES AND FEES, OF THE CITY OF MCCOOK CODE OF ORDINANCES; PROVIDING FOR THE REPEAL OF ORDINANCE NO. 2022-3037 AND ANY AND ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING A TIME AND DATE FROM AND AFTER WHICH THIS ORDINANCE SHALL TAKE EFFECT AND BE ENFORCED.

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

SECTION 1. That Chapter 38: Fee Schedule - Appendix D, Sewer Department Rates and Fees; shall be amended to read as follows:

- A. Sewer connection permit. The fee required for the obtaining of a sewer connection permit as required by § 51.020 is hereby set at \$500.
- B. Sewer connection fees. The fees required by § 51.022 pertaining to sewer connections are hereby set as follows:
 1. Where connection to an existing sewer main is requested, a sewer connection fee of \$150 will be required.
 2. In certain cases, where a larger than normal service connection is required, a fee will be charged to the applicant based on labor and material charges involved in installing the sewer connection.
 3. All fees required by this section are due and payable in advance of the inspection or sewer connection.
- C. Private sewage disposal permit. The fee required by § 51.055 pertaining to private sewage disposal permits is hereby set at \$10.
- D. Sewer Use Charges.
 1. Residential. The residential sewer use charges provided for in Section 51.072 are as follows:

Minimum Charges of \$18.59 per month based on the first 333 cubic feet of water usage.

Residential Rate - \$4.014 per 100 cubic feet for everything over 333 cubic feet water usage.
 2. Commercial. The commercial sewer use charges provided for in Section 51.072 are as follows:

Minimum Charge of \$27.08 per month based on the first 333 cubic feet of water usage.

Commercial Rate - \$4.014 per 100 cubic feet for everything over 333 cubic feet water usage.

3. Sewage Disposal at the Treatment Plant. All sewage that is transported by truck or any vehicle to the plant for disposal will be assessed a fee of \$0.10 per gallon during regular business hours. Non-business hours will be assessed an additional \$35.00 per load.

SECTION 2. Ordinance No. 2022-3037 and any and all other ordinances or parts of ordinances in conflict herewith shall be and are hereby repealed.

SECTION 3. This ordinance shall take effect with the bills dated May 1, 2023 and be in full force from and after its passage, approval, and publication as required by law in its entirety or in pamphlet form, as the case may be.

PASSED AND APPROVED this _____ day of _____, 2023.

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

ATTEST:

-s- Lea Ann Doak, City Clerk

Publish: