

MCCOOK CITY COUNCIL

REGULAR MEETING

Monday, April 1, 2024
5:30 PM - City Council Chambers

Roll Call.

Excuse Absences.

Open Meetings Act Announcement.

Invocation - McCook Ministerial Association - Dr. Walter Ray, McCook Baptist Church.

Pledge of Allegiance.

Call to Order.

Items.

1. Announcements & Recognitions.
2. Public Hearings.
 - A. Public Hearing - Regarding the request from Rose Weskamp to move a house owned by Michael and Linda Nielsen from 409 West 1st Street to 71823 Road 386, said property located outside the limits of the City of McCook, Nebraska, within the City's extraterritorial jurisdiction.
 - B. Approve the request from Rose Weskamp to move a house owned by Michael and Linda Nielsen from 409 West 1st Street to 71823 Road 386, said property located outside the limits of the City of McCook, Nebraska, within the City's extraterritorial jurisdiction.
 - C. Public Hearing - Regarding the proposed "Incentive Plan" for construction of housing in the municipality targeted to house existing or new workers for the City of McCook (the "Incentive Plan"), which plan would authorize the use of tax increment financing for the construction of workforce housing in the redevelopment areas of the City of McCook.
 - D. Approve Resolution No. 2024-05 adopting and approving a workforce housing indent plan, pursuant to the Nebraska Community Development Law.
3. Consent Agenda.

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

 - A. Approve the minutes of the March 18, 2024 regular City Council meeting.
 - B. Approve Resolution No. 2024-04 establishing a handicap parking stall on the west side of the 400 block of Norris Avenue.

4. Regular Agenda.
 - A. Update regarding the swimming pool project.
 - B. Ordinance No. 2024-3079 amending the City of McCook's Code of Ordinances by removing Chapter 93 and amending Sections 95.01, 95.02, 95.03, and 95.04 in Title IX: General Regulations.
 1. Chairperson asks Clerk to read Ordinance by title.
 2. Consider approval of Ordinance No. 2024-3079 upon its first of three readings.
 - C. Ordinance No. 2024-3078 amending the City of McCook's Code of Ordinances by adding Chapter 121, entitled "Games of Skill" to Title XI Business Regulations".
 1. Chairperson asks Clerk to read Ordinance by title.
 2. Consider approval of Ordinance No. 2024-3078 upon its first of three readings.
 - D. Ordinance No. 2024-3076 providing for the amendment of Chapter 38: Appendix E, Water Department Rates and Fees.
 1. Chairperson asks Clerk to read Ordinance by title.
 2. Consider approval of Ordinance No. 2024-3076 upon its second of three readings.
 - E. Ordinance No. 2024-3077 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. 2024-3077 upon its second of three readings.
 - F. Council Comments.
 - G. An Executive Session may be held upon a majority vote of the Council for the protection of public interest for a strategy session with respect to real estate purchase for Sports Complex.
 1. Nebraska Open Meetings Act statement, if the motion to close passes.
 2. Close Executive Session.
 - H. An Executive Session may be held upon a majority vote of the Council for the protection of public interest for a strategy session with respect to potential litigation - property located at 1111 East "H" Street, Cindy and Ron Sabin.
 1. Nebraska Open Meetings Act statement, if the motion to close passes.
 2. Close Executive Session.
- Adjournment.

**CITY MANAGER'S REPORT
APRIL 1, 2024 CITY COUNCIL MEETING**

- ITEM: **2.A.** Public Hearing - Regarding the request from Rose Weskamp to move a house owned by Michael and Linda Nielsen from 409 West 1st Street to 71823 Road 386, said property located outside the limits of the City of McCook, Nebraska, within the City's extraterritorial jurisdiction.
- ITEM: **2.B.** Approve the request from Rose Weskamp to move a house owned by Michael and Linda Nielsen from 409 West 1st Street to 71823 Road 386, said property located outside the limits of the City of McCook, Nebraska, within the City's extraterritorial jurisdiction.
-

BACKGROUND:

Rose Weskamp has filed a structure moving application with the City of McCook, requesting that a house be moved from 409 West 1st Street to 71823 Road 386. The house it owned by Michael and Linda Nielsen. The application describes the proposed route and provides information regarding the request. All of the required supplemental material is included with the application. W Design has no concern with the proposed route, the street condition or the weight of the structure to be moved. Written documentation from W Design can be acquired if necessary.

**FISCAL
IMPACT:** None.

APPROVALS:



Barry Mooney, Building Official

March 27, 2024



Lea Ann Doak, City Clerk

March 27, 2024



Tera Koetter, Assistant City Manager

March 27, 2024



Nathan A. Schneider, City Manager

March 27, 2024

EXHIBIT #1

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NOTICE OF HEARING

A public meeting will be held in the City Council Chambers at the McCook Municipal Center, 505 West "C" Street, at 5:30 o'clock P.M., on the 1st day of April, 2024 for the purpose of conducting a hearing to consider the request from Michael & Linda Nielsen, land owners, Rose Weskamp, applicant, to move a structure, currently located at 409 West 1st Street, to 71823 Road 386, said property located outside the limits, within the City of McCook, Nebraska's extraterritorial jurisdiction.

-s- Lea Ann Doak
City Clerk-Treasurer

Publish: March 21, 2024

EXHIBIT #2

PAGE(S) - 1



City of McCook
 Building & Zoning Department
 505 West C Street * PO Box 1059
 McCook, NE 69001
 (308) 345-2022 * Fax (308) 345-1461
 bldginsp@cityofmccook.com
 www.cityofmccook.com

Structure Moving Application

Reviewed by Staff _____
 Hearing Held _____
 Reviewed by Council _____
 Application Granted _____ Denied _____
 Building Permit No. _____
 Signed: _____
 Permit Fee: \$100.00

Applicant Information

Name: Rose Westkamp Address: 1307 Norris Ave
 City/State/Zip: MCCOOK NE 69001 Phone: 530-448-2107
 Email address: rosewestkamp@gmail.com
 Current Building Location (Address) ~~409~~ 409 West 1st McCook, NE 69001
 (Legal Description) 1BR/1BA 672 sq ft single family residence
 Proposed Location (Address) ~~71823~~ Road 386 McCook NE
 (Legal Description) 2.2 miles North of Hospital on East 11th
 Current Use of Building: vacant Estimated Age of Building: Built 1910

Do you currently own this Building? Yes No Almost
 If not, current owner: Mike & Linda Nielson
 Do you currently own the Proposed Lot? Yes No
 If not, current owner: MCCOOK Community Hospital

Moving Contractor Information

Business name: Star Moving Gerald Hostetter Address: PO Box 339 Grant NE 69140
 City/State/Zip: Grant, NE 69140 Phone: 308 352 6579
 Email address: gerald@starhousemoving.com

Is the Contractor licensed? Yes No Bonded & insured
 Describe the route by which the building will be moved: West 1st South to B Street, West to 83 North, ~~on~~ North on 83 to 719, East on 719 to 386, South to property

EXHIBIT #3

PAGE(S) - 25

Complete information on back →

Jeff 308.346.1409
family
Benny

- Will power lines need to be moved? Yes No - pushed up
- Will telephone lines need to be moved? Yes No - ~~pushed up~~ 2 in way maybe
- Will CATV lines need to be moved? Yes No - most pushed up - may splice one - may not, any
- Will tree limbs need to be cut? Yes No - taking all trees down to build new. Will remove tree closest to house
- Will lawns or shrubs be affected? Yes No

Total estimated cost of the move; include moving, repairs, remodeling, temporary utility relocations, site improvements, etc. \$ 13,500 - 14,500

Does application comply with the City Code and Council policies? Yes No

If not, state exceptions: _____

Approx. weight of house is 80,000 lbs.
3-15-27

TERMITE INSPECTION

You are required to have the building inspected for termites as a part of this application. Please attach a copy of the report. can do on Monday but exterminator mentioned termites don't travel with structure

BUILDING INSPECTION REPORT

Each building to be moved shall be inspected by a Certified Inspector as a part of this application. A copy of the report must be attached.

T Pinkal Construction

PICTURES OF STRUCTURE

Take pictures (must be current) of the front, side and rear of the building and attach.

Attached

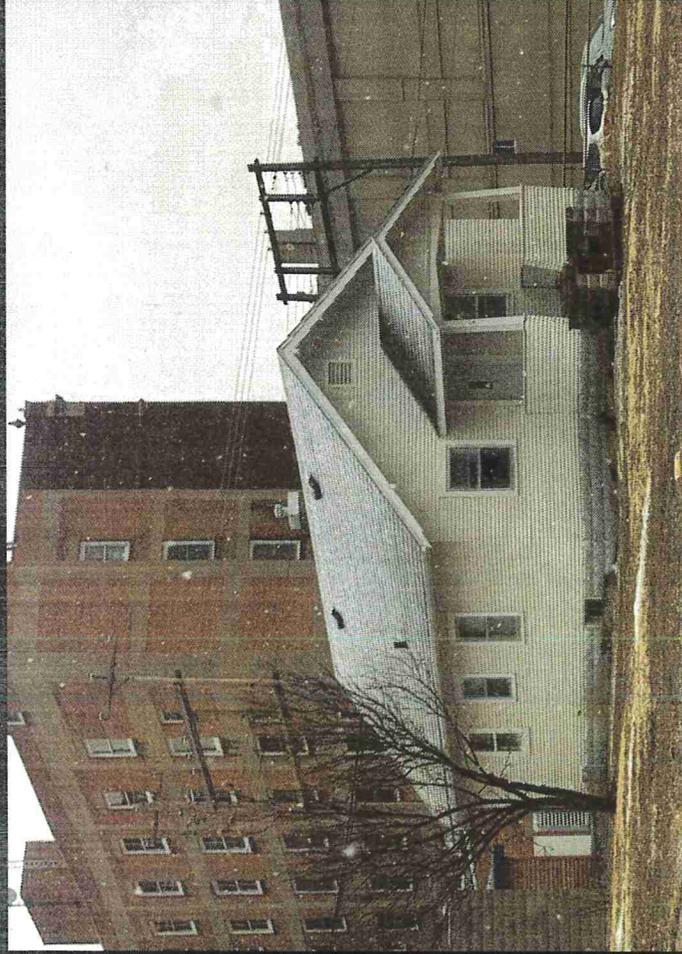
PICTURES OF NEW LOCATION

Take pictures (must be current) of the lot and adjacent structures to which the building is to be moved.

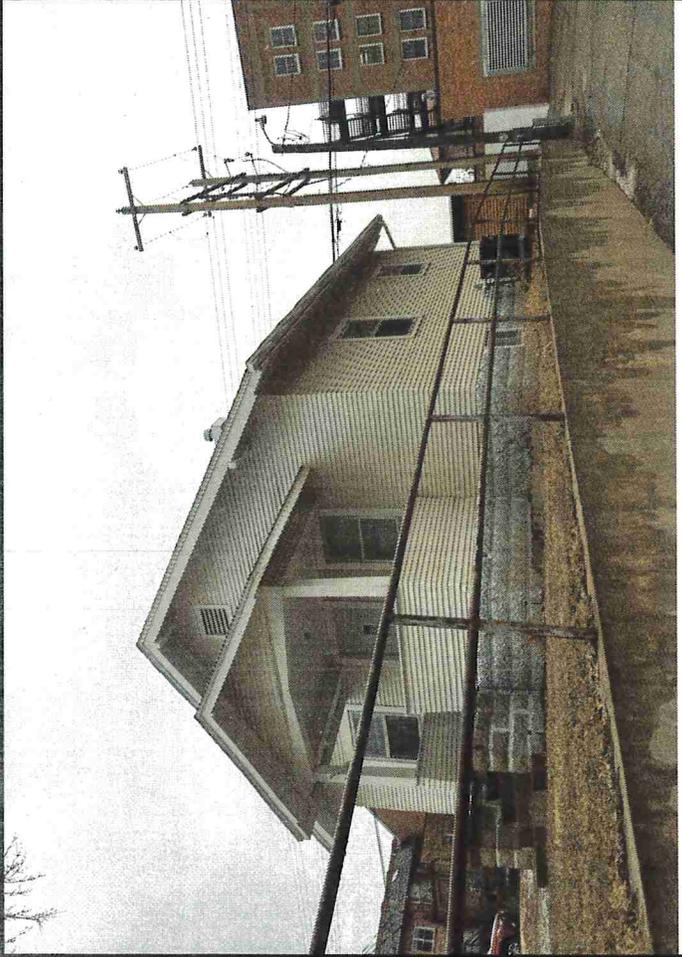
Attached

Please estimate and itemize the cost of all repairs and improvements to be made to the structure at its proposed new location.

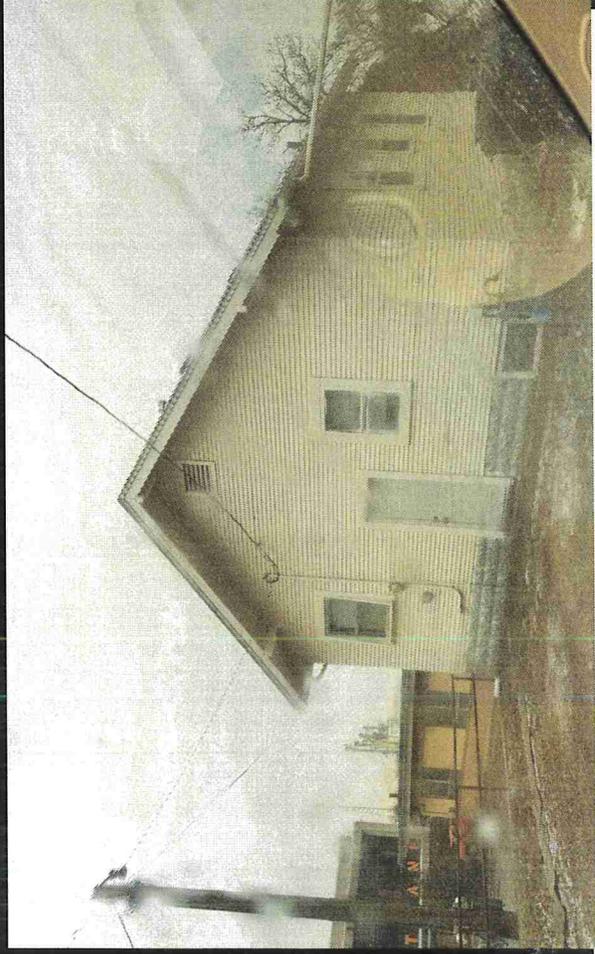
<u>ITEM</u>	<u>COST</u>
EXTERIOR: <u>rebuild front porch</u>	<u>1,350</u>
INTERIOR: <u>patch wall where fireplace was removed</u>	<u>200</u>
	<u>100</u>
ELECTRICAL: <u>re-attach</u>	<u>~ 5,000</u>
PLUMBING: <u>re-attach</u>	<u>~ 5,000</u>
SITE WORK: <u>dis. basement blocks for basement walls</u>	<u>24,000</u>
<u>Cement</u>	<u>4,950</u>
	<u>15,000</u>
TOTAL ESTIMATE	<u>\$ 34,500</u>



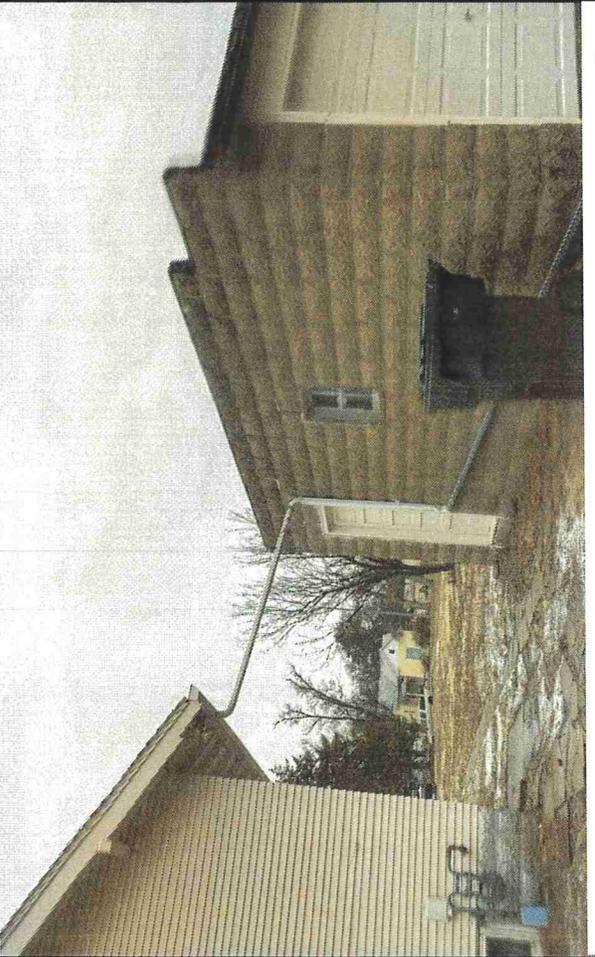
Front facing West



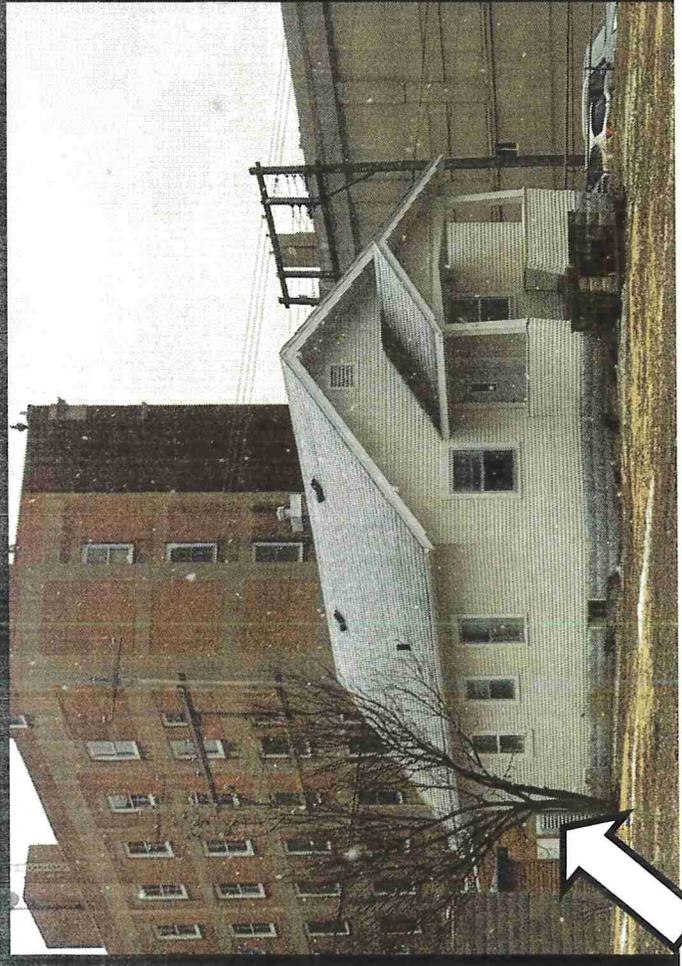
Side facing South



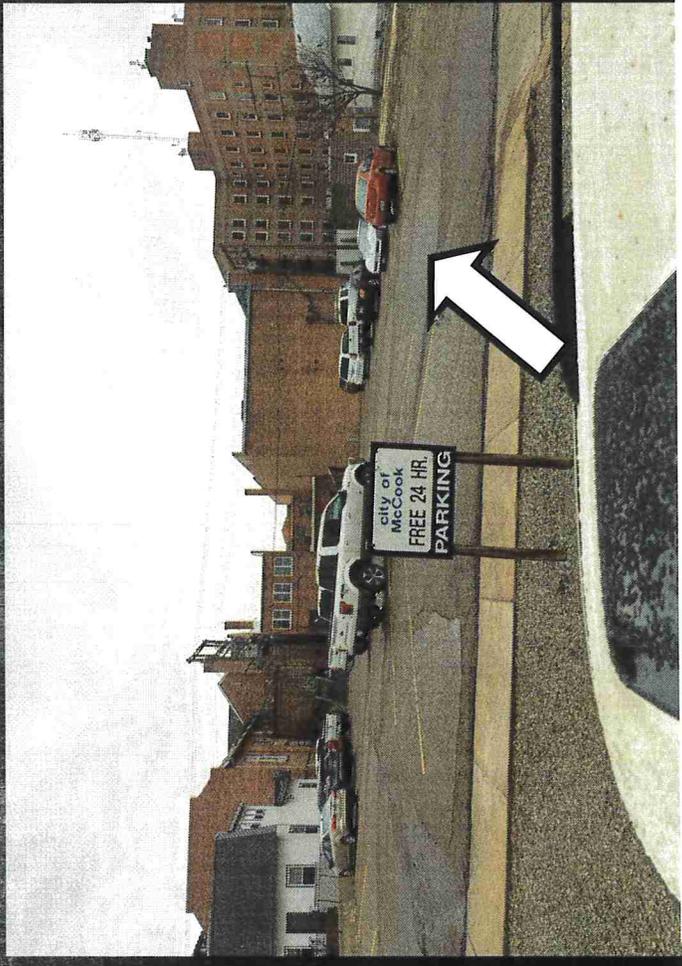
Back facing East



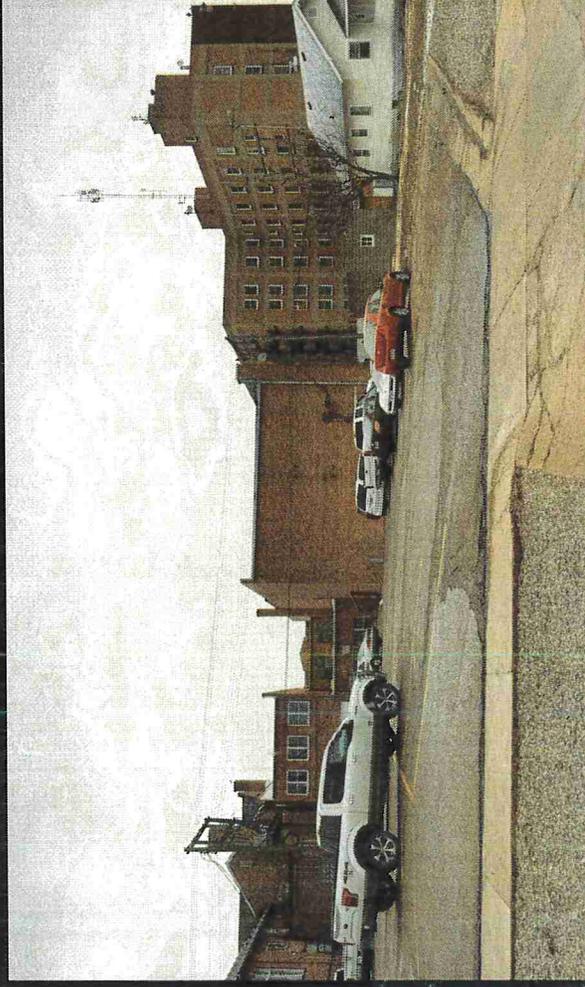
Side facing North



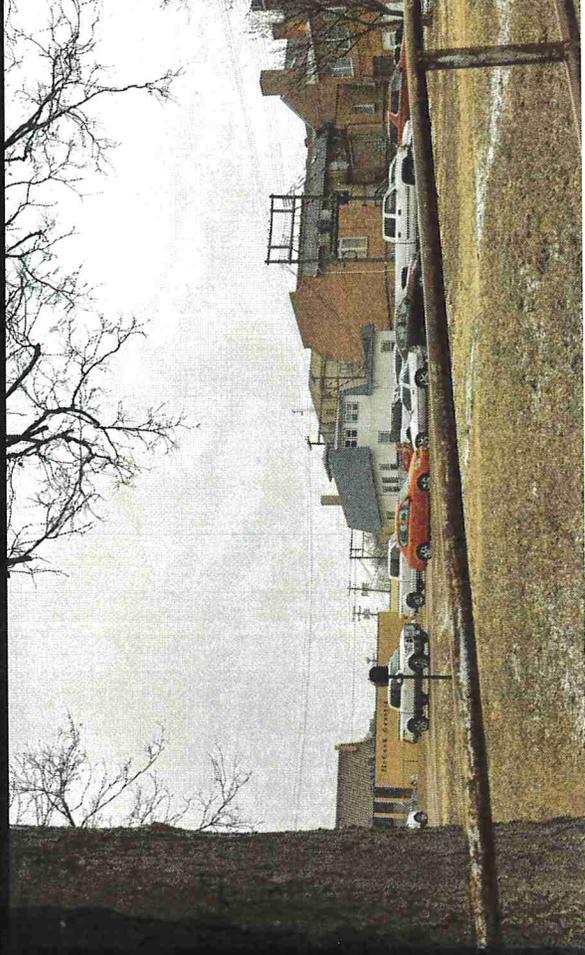
this tree removed



Rope off first row



Pull thru lot



Side facing North



Lea Ann Doak, City Clerk
City of McCook
505 West C St.
P.O. Box 1059
McCook, NE 69001

Telephone: (308)345-2022
E-mail: admin@cityofmccook.com
Website: www.cityofmccook.com

TOPIC FOR CONSIDERATION FOR CITY COUNCIL AGENDA

If you have a specific topic that you would like the City Council to consider at a future meeting, please complete the information below and submit to the City Clerk's office. The item will be reviewed and forwarded to city staff for appropriate action or scheduled for a future meeting of the City Council, if necessary. You will be notified of the staff recommendation or action taken on your request or when the item will be presented to the City Council for consideration.

Name: Rose Weskamp

Address: 1307 Norris Ave

Telephone Number: 530 448 2107

Email Address: roseweskamp@gmail.com

Date of Request: 3/8/2024

Description of Requested Topic: (Please be as specific as possible and use additional sheets of paper if needed.)

Approval to move small home ca 409 W. 1st
to 71823 Road 386. Currently working
w/ Community Hospital + Neilson to secure
date of ownership, removal + move with all
utility companies

For Administrative Purposes:

Date Request Received: _____ Received by: _____

Action Taken: _____

Follow-Up Needed: _____

Signed: _____ Date: _____



Wood Destroying Insect Inspection Report

Notice: Please read important consumer information on page 2.

Section I. General Information
Inspection Company, Address & Phone 308-655-0197

Company's Pest Control Business Lic. No. 20-8820718

Date of Inspection 3-12-24

Brico Pest Control
Box 82
BARTLEY, NE

Address of Property Inspected

409 W. 15th St.
McCook, NE

Inspector's Name, Signature & Certification, Registration, or Lic. #

Brian Foster NEB 3571

Structure(s) Inspected

DWELLING

Section II. Inspection Findings This report is indicative of the condition of the above identified structure(s) on the date of inspection and is not to be construed as a guarantee or warranty against latent, concealed, or future infestations or wood destroying insect damage. **Based on a careful visual inspection of the readily accessible areas of the structure(s) inspected:**

- A. No visible evidence of wood destroying insects was observed.**
- B. Visible evidence of wood destroying insects was observed as follows:**
 - 1. Live insects (description and location): _____
 - 2. Dead insects, insect parts, frass, shelter tubes, exit holes, or staining (description and location) _____
 - 3. Visible damage from wood destroying insects was noted as follows (description and location) _____

Rose
Weskamp.

NOTE: This is not a structural damage report. If box B above is checked, it should be understood that some degree of damage, including hidden damage, may be present. If any questions arise regarding damage indicated by this report, it is recommended that the buyer or any interested parties contact a qualified structural professional to determine the extent of damage and the need for repairs.

Section III. Recommendations

- No action and/or treatment recommended: (Explain if Box B in Section II is checked) _____
- Recommend action(s) and/or treatment(s) for the control of: _____

Section IV. Obstructions and Inaccessible Areas

The following areas of the structure(s) inspected were obstructed or inaccessible:

- Basement 3, 5, 6, 7, 8, 9, 13, 24
- Crawlspace
- Main Level 1, 3, 4, 6, 7, 9, 13
- Attic
- Garage
- Exterior 13, 17
- Porch
- Addition
- Other

The inspector may write out obstructions or use the following optional key:

- | | |
|-------------------------|--|
| 1. Fixed ceiling | 15. Standing water |
| 2. Suspended ceiling | 16. Dense vegetation |
| 3. Fixed wall covering | 17. Exterior siding |
| 4. Floor covering | 18. Window well covers |
| 5. Insulation | 19. Wood pile |
| 6. Cabinets or shelving | 20. Snow |
| 7. Stored items | 21. Unsafe conditions |
| 8. Furnishings | 22. Rigid foam board |
| 9. Appliances | 23. Synthetic stucco |
| 10. No access or entry | 24. Duct work, wiring, and/or plumbing |
| 11. Limited access | 25. Spray foam insulation |
| 12. No access beneath | 26. Equipment |
| 13. Only visual access | |
| 14. Cluttered condition | |

Section V. Additional Comments and Attachments (these are an integral part of the report)

Attachments _____

Signature of Seller(s) or Owner(s) if refinancing. Seller discloses to the buyer all information, to their knowledge, regarding W.D.I. infestation, damage, repair, and treatment history.

Signature of Buyer. The undersigned hereby acknowledges receipt of a copy of both page 1 and page 2 of this report and understands the information reported.

BRICO Pest Control

PO Box 82 • Bartley, NE 69020
308 655-0197

Brian Foster Landon S. Nate R.

Bill To: ROSE WESKAMP Inv.# 35302
 Address: 1307 NORRIS AVE Date 3-12-24
 City: McCook, NE Time 10:30

Location of Service: McCook, NE Acct. No. _____
 Service Period: _____
 Special Instructions: 1109 W. I ST.
McCook, NE Don't
 Regular Service Inspection
 One Shot Treatment
 Bin Spray Extended Warranty
 Fumigation
 Termite

CHEMICAL	EPA NO.	% A.I.	AMT. USED	CHEMICAL	EPA NO.	% A.I.	AMT. USED
Demand C.S.	100-1066			Terimidor H.E.	7969-329	.12%	
Suspend SC	432-763			Alpine WSG	499-561		
Crossfire	1021-2776	14.1%		CB-80	279-3393	4.5%	
Contra Blox	12455-79	.005%		Genrol	2724-351	.05%	
Contra Place-Pac	12455-76	.005%					
Weevil-Cide	70506-14	60%					
Vikane	1015-78	99.8%					
Profume	1015-79	99.8%					

Office Use Only:
 Received _____ / _____ / _____
 Invoice Amount 80.00
 State Tax 4.40
 City or County Tax 1.60
 Total Amount 86.00

Customer's Signature _____
 CALL US for Digital Payment Options

March 11, 2024 Home Inspection

I inspected the home located at 409 West 1st Street in McCook and found it to be in very good condition. The front porch will be removed and the front posts will be secured to be transported. Once moved to new property, posts will be added and supported and new porch added.

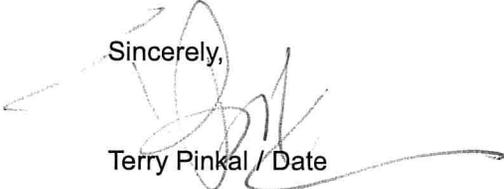
Furnace, Water Heater and all appliances are in good working order and will be reconnected using new pex line for plumbing and all new electrical. I did not see any evidence of termites as noted by Brian Foster.

The chimney will be removed by mover and roofing material will be replaced upon move.

All outlets, switches and plumbing worked as they should.

Overall, for the age of the home, it is in great condition and would be a shame not to move or to have it demolished.

Sincerely,



Terry Pinkal / Date

T Pinkal Construction

308.340.1810



Purchase Agreement/Contingency Statement

The 1 br/1 ba home located at 409 West 1st Street McCook, NE will be sold to Rose Weskamp from Mike and Linda Nielsen upon contingency that the City of McCook approves the relocation of said home to 71823 Road 386 in McCook, NE 69001. Application, Fees and documentation have been submitted to the city of McCook. Sale of the home can take place after city approval and Possession of the home will be between May 1 and May 14, 2024.

The home will be moved by Star Movers and has approval of all utility companies. The moving date will be between May 1 and May 15, 2024.

We appreciate your time and consideration in this matter. We are thrilled the home will not be destroyed and additional housing for the city of McCook will be made possible.

Thank you,

 3/15/2024

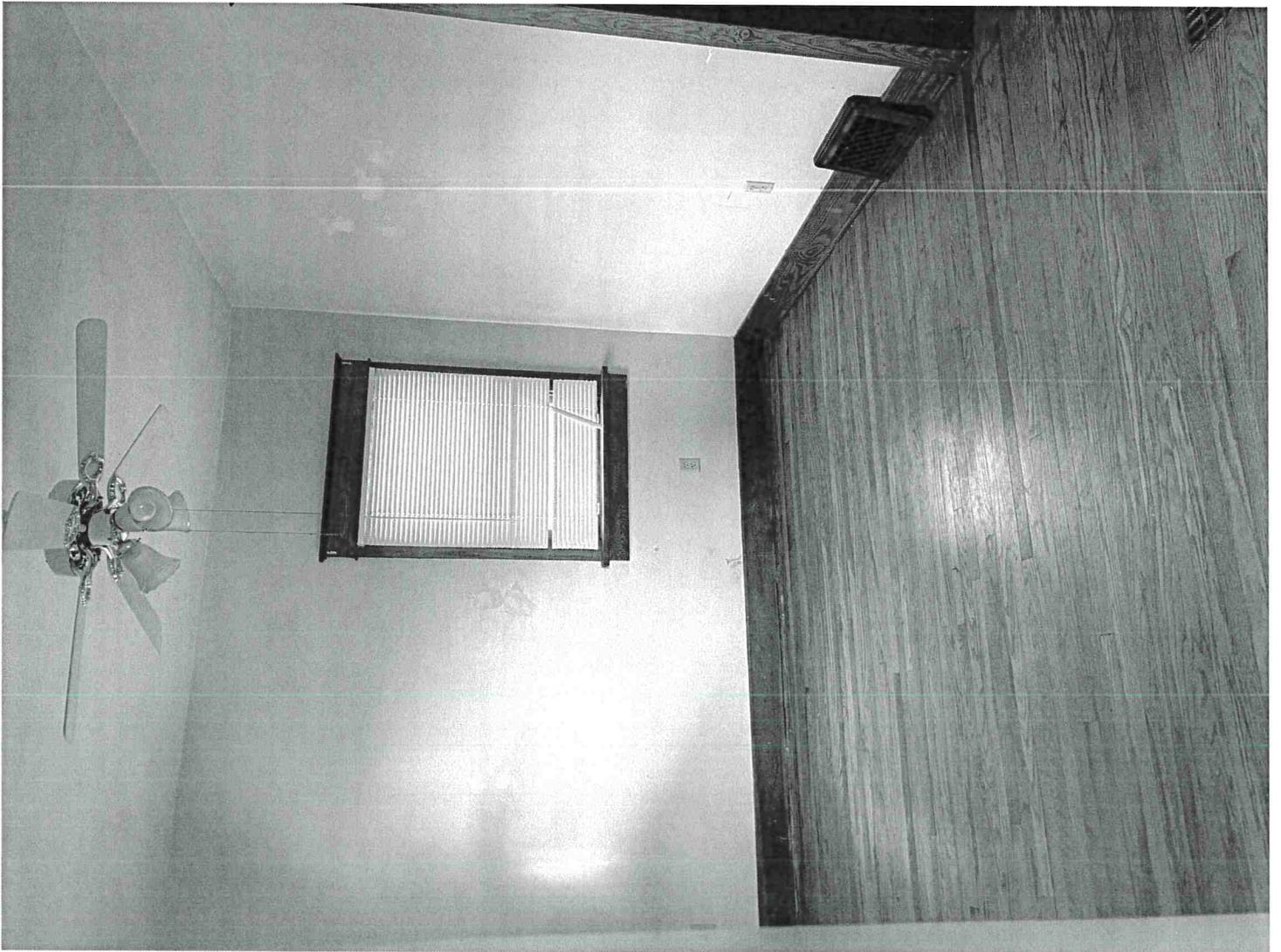
Rose Weskamp/ Date

 3/15/2024

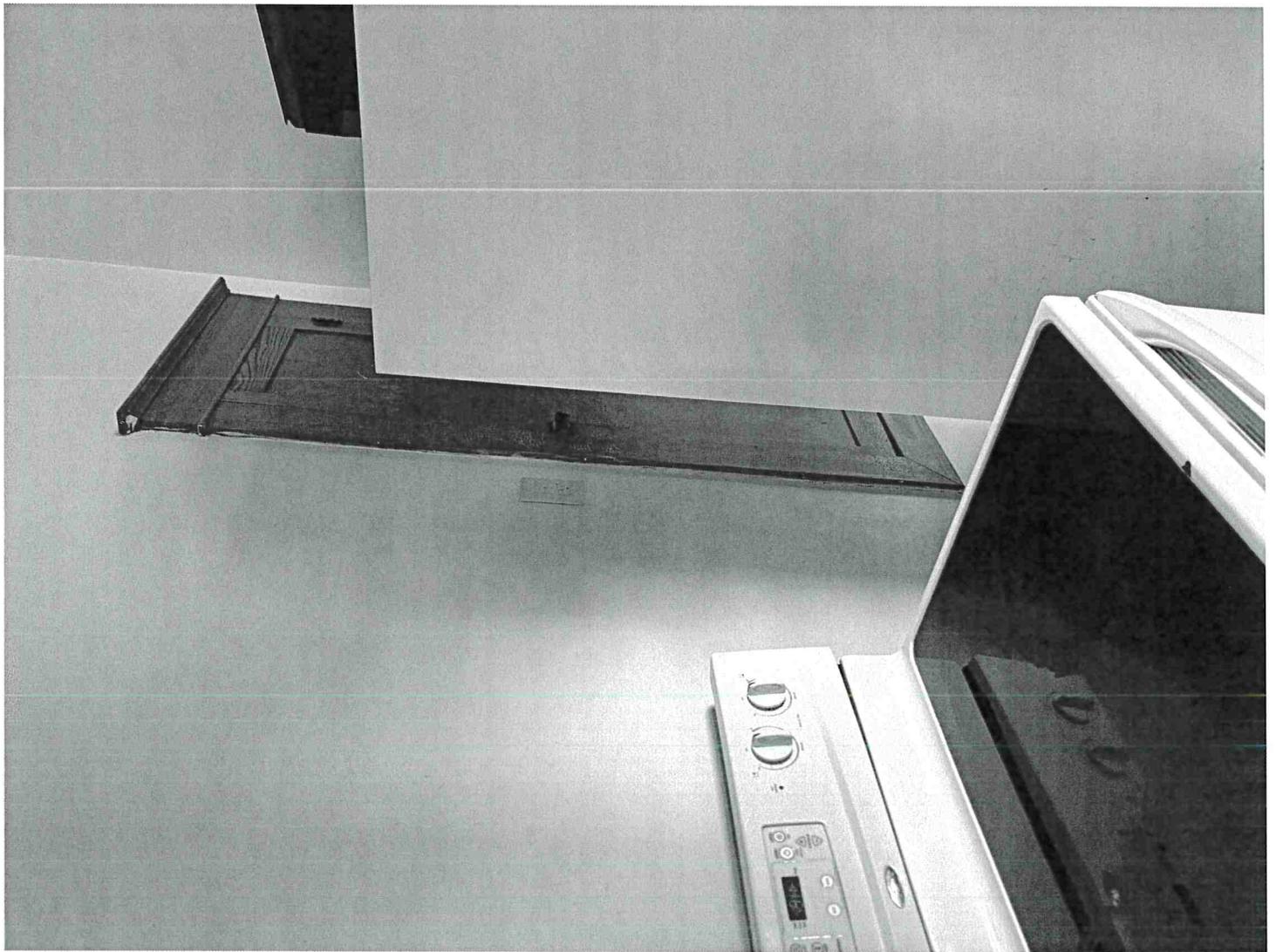
Mike Nielsen/ Date

 3/15/2024

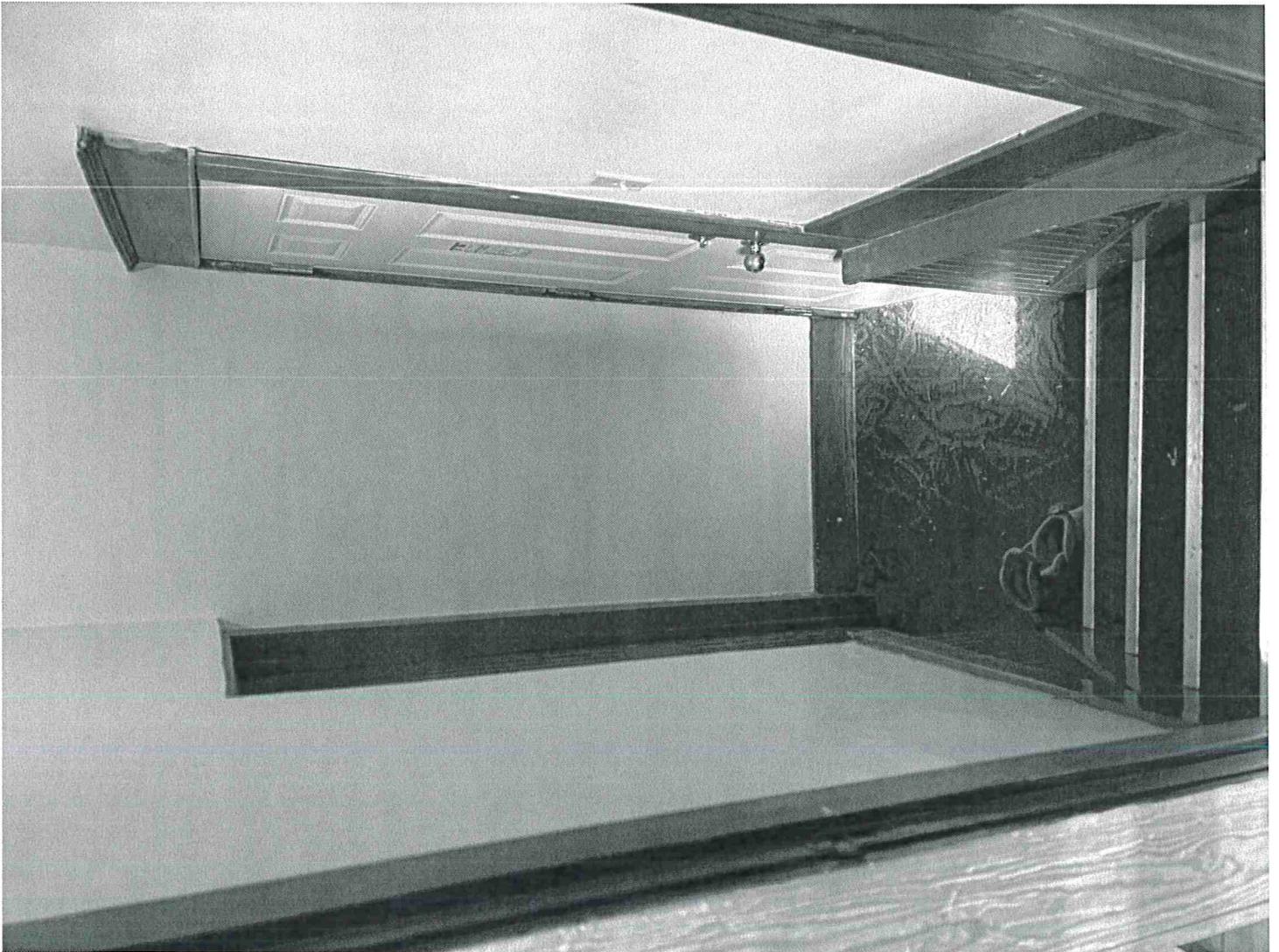
Linda Nielsen/ Date











From: Peterson, Jeff J. <jjpeter@nppd.com>
Sent: Monday, March 18, 2024 10:05 AM
To: 'Barry Mooney'
Subject: FW: McCook house move
Attachments: 1219_001.pdf

Barry

Nebraska Public Power District has received a request to survey the route for a possible house move starting at 409 West 1st Street going south down West 1st street then west on B street to North Highway 83 then North on Highway 83 to road 719. NPPD personnel have driven the route and believe we can accommodate this move with reasonable accommodations and minimal impacts to customers. Per NPPD house moving policy all costs are calculated and a deposit of 1.5 times estimated costs will be collected prior to the structure being moved. Final billing to the customer will be actual costs of labor and equipment. Attached is the amount that will be collected from the home owner prior to moving the structure,

Jeff Peterson
Distribution Supervisor
McCook Office



Nebraska Public Power District
Always there when you need us

W: 308-345-8553
M: 308-340-1409
1901 North US Highway 83
McCook, NE 69001-2177



Nebraska Public Power District

Always there when you need us

1901 North Hwy 83
 McCook, NE 69001-2177
 1-877-ASK-NPPD (1-877-275-6773)

TO:

Date	03/18/24
Customer Acct #	0
SAP/Serv/Work Order #	0
Customer PO #	0

Quantity	Description	Unit Cost	Amount
	Materials & Supplies Labor Subsistence/Travel Vehicle Expenses Misc Charges/Credits One-half of Estimated Costs		\$ - \$ 1,566.18 \$ - \$ 540.00 \$ - \$ 1,053.09
	ESTIMATED COSTS FOR HOUSE MOVE WITHIN THE CITY OF MCCOOK, NEBRASKA. ESTIMATED COSTS ARE \$2106.18. NPPD REQUIRES 1.5 TIMES THIS AMOUNT PRIOR TO HOUSE MOVE FOR A TOTAL OF \$3159.27.		
Accounting Use Only		Subtotal	\$ 3,159.27
		State SalesTax	
		City SalesTax	
		Total	\$ 3,159.27

If Applicable
 If Applicable

Issued by: **JEANNE OELSLIGLE**

Date: Fri, Mar 15, 2024 at 4:15 PM

Subject: House move 409 West First St. to 71823 Road 386

To: roseweskamp@gmail.com <roseweskamp@gmail.com>

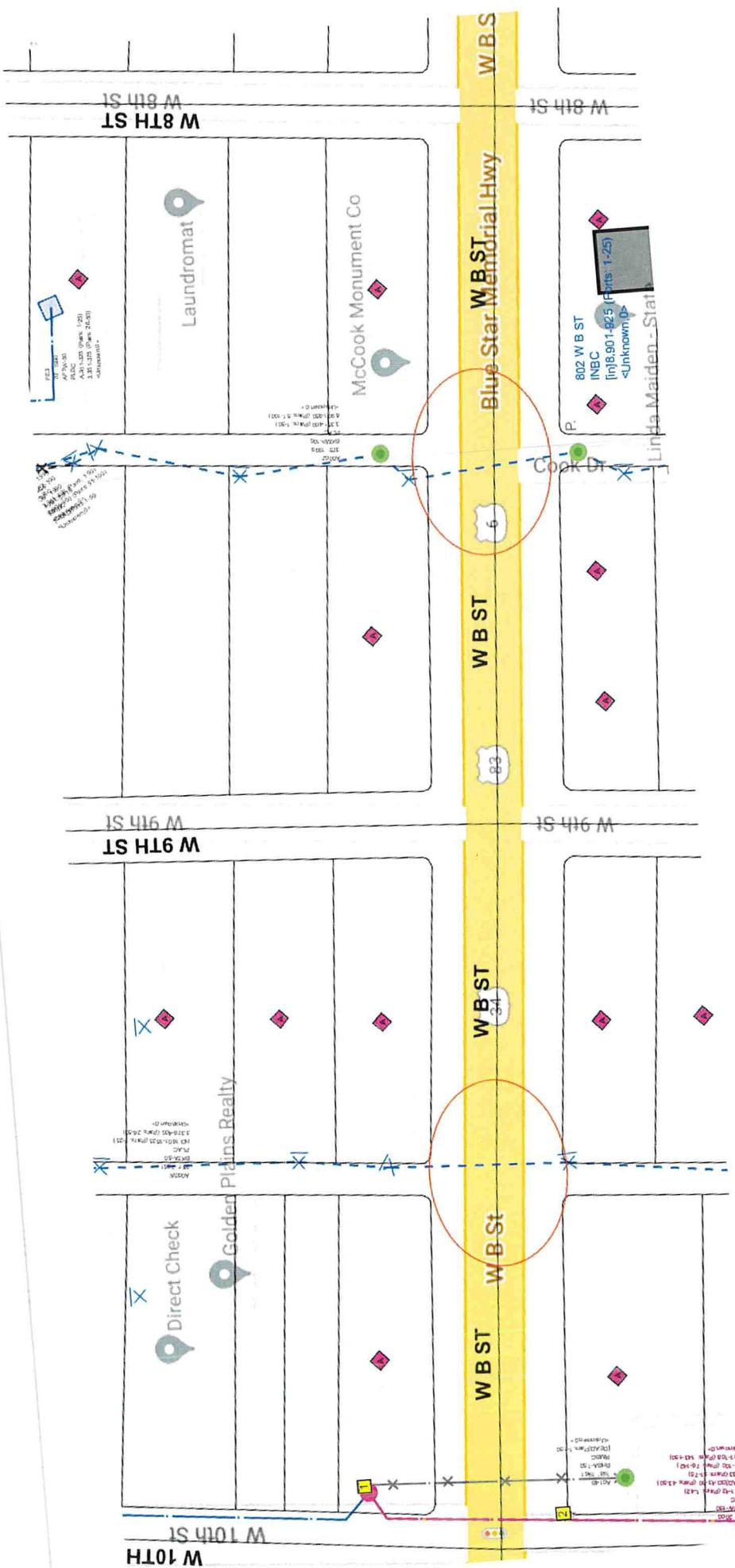
Cc: Harris, Andrew P <Andrew.Harris@lumen.com>

Lumen gives permission to Rose Weskamp to have the moving company or power company to raise 2 Centurylink Aerial cables to clear the house they are moving. Below are the cables that have the potential of conflict that will need raised to the clearance needed to move the house:

Aerial cable @ the Alley between W. 8th St. and W. 9th St. cable is 19'2" above road.

Aerial cable @ the Alley between W. 9th St. and W. 10th St. cable is 19' 10' above road.

Should the cable be damaged during raising or lowering of cable homeowner, Rose Weskamp will be responsible for the cost of the repair or replacement of the effected cable.



data ©2024 Google

**McCOOK
PUBLIC POWER DIST.**



P.O. Box 1147
1510 N Highway 83
McCook, NE 69001-4267
www.mppdonline.com

Phone: 308-345-2500
800-658-4285
Fax: 308-345-4772
E-mail: mppd@mppdonline.com

Rose-

Please find below our quote for your proposed house move. Please keep in mind that this quote is just an estimate and the price may go up or down according to actual time, equipment used, and all necessary replacement components involved.

1. Man hours-\$317.60
 2. Vehicles (time and milage)-\$5.36
- Total-\$322.60

If you have any questions, please give me a call (308-345-2500)

Thanks again-

Lane Wright

Oversized Load Proof of Notification

McCook Public Power District

P.O. Box 1147, 1510 North Highway 83, McCook NE 69001

Phone: (308) 345-2500, Fax: (308) 345-4772, email: mppdolpn@mppdonline.com

This section to be filled out by Mover and emailed or faxed to McCook Public Power District

Company name and address: <u>Sax Movers</u> <u>12 Prospect Drive Grand, NE 69140</u>	
Contact name: <u>Gerald Hostetter</u>	
Email: <u>gerald@hostetterstaging.com hostetterstaging@gmail.com</u>	
Phone number: <u>308 352-6579</u>	Fax: _____
Driver name: <u>Gerald</u>	Driver Mobile #: <u>308 352-6579</u>
DOT number: <u>X 2031486</u>	
Initial contact date: <u>Feb 2024</u>	
Date of move (must be at least 10 days after the initial contact): <u>May 1-15, 2024 May 1-15, 2024</u>	
Time of move: <u>May 1-15, 2024</u>	<u>7BD</u>
Load Description	
Show all measurements in feet-inches (i.e. 12 feet 6 inches is shown as 12-6)	
Object to be moved: <u>24x28 Single story house</u>	
Width: <u>28 Feet plus trailer</u>	
Length of load and transport vehicle combined: <u>60 ft</u>	
Height of object as loaded. Measure from ground to highest point: <u>20 Feet 19' 6"</u>	
Proposed route description (attach map): <u>West 1st & D South to B Street, West to Hwy 83, North on 83 to Rd 79, East on 79 to Rd 386 South on 386 to 71823rd 386</u>	
	The Mover is not authorized to manipulate MPPD lines or other infrastructure. Only MPPD staff is authorized to raise or lower power lines or remove other MPPD property to accommodate the oversized load.
A map of Nebraska electric utility boundaries is maintained at http://nprb.gisworkshop.com/	

This section to be filled out by MPPD Operations Personnel

Date notification received: <u>March 15 2024</u>	
Approved by: <u>Lane Wright</u>	Title: <u>Line Superintendent</u>
Approved route description/map attached* <u>4 crossings we are clear with lowest being 21' 3"</u>	
<input checked="" type="checkbox"/> Load requires an escort by MPPD	<input type="checkbox"/> Load does not require an escort
(Initial by MPPD representative)	
Additional requirements/restrictions <u>Will have some travel Front & Rear</u>	
	*Approved route map will bear the signature of MPPD representative and must be attached to this document.

From: Gerald Hostetler <hostetler87@gmail.com>
Sent: Monday, March 18, 2024 2:09 PM
To: bldginsp@cityofmccook.com
Subject: Rose Weskamp house move

Hello

This is in regards to our standard procedure for house move, NDOT requires that we submit application to move a house on state highways a minimum of 5 days prior to move but no more then 30 days prior to move taking place, NDOT also requires the we hire Nebraska state patrol to escort us while we are on state highways standard for them is 2 patrols in the front and one bringing up the rear, Red Willow county we always apply for permit to move a house on county roads 20 to 30 days in advance of the move happening,

Any questions to this please direct them to Gerald Hostetler
owner/manager

Star House Moving LLC
308-352-6579

--

Gerald Hostetler owner/manager
Star House Moving LLC
308-352-6579

Hi Barry,

In regards to some of your questions, I contacted the mover and this is the information he sent to me.

TROOP D (NORTH PLATTE)

Captain Tyler Schmidt

tyler.f.schmidt@nebraska.gov

(308) 535-8047

I spoke to Amy at the state patrol office and she will get back with me asap once she speaks to carrier patrol unit. According to the house mover, we would need their escort services on B Street and Hwy 83. This is also something Star Moving would coordinate along with the State and County permits as NDOT requires state patrol escort. Star Movers will contact both county and state once moving date has been confirmed. The agencies are notified about 2 weeks prior.

I have attached a photo of Star Movers vehicles. All trucks are set up with a 48 inch full led light bar.

From what I can tell, the sequence of events would be this:

City approves

I purchase house (you have the document between the Niensens and I)

We coordinate with utility companies which have all stated we have plenty of time and the mover. We choose date/ time which would be outside of busy traffic hours, double check with city to confirm then Star Movers contacts county and state to pull permits and schedule escort.

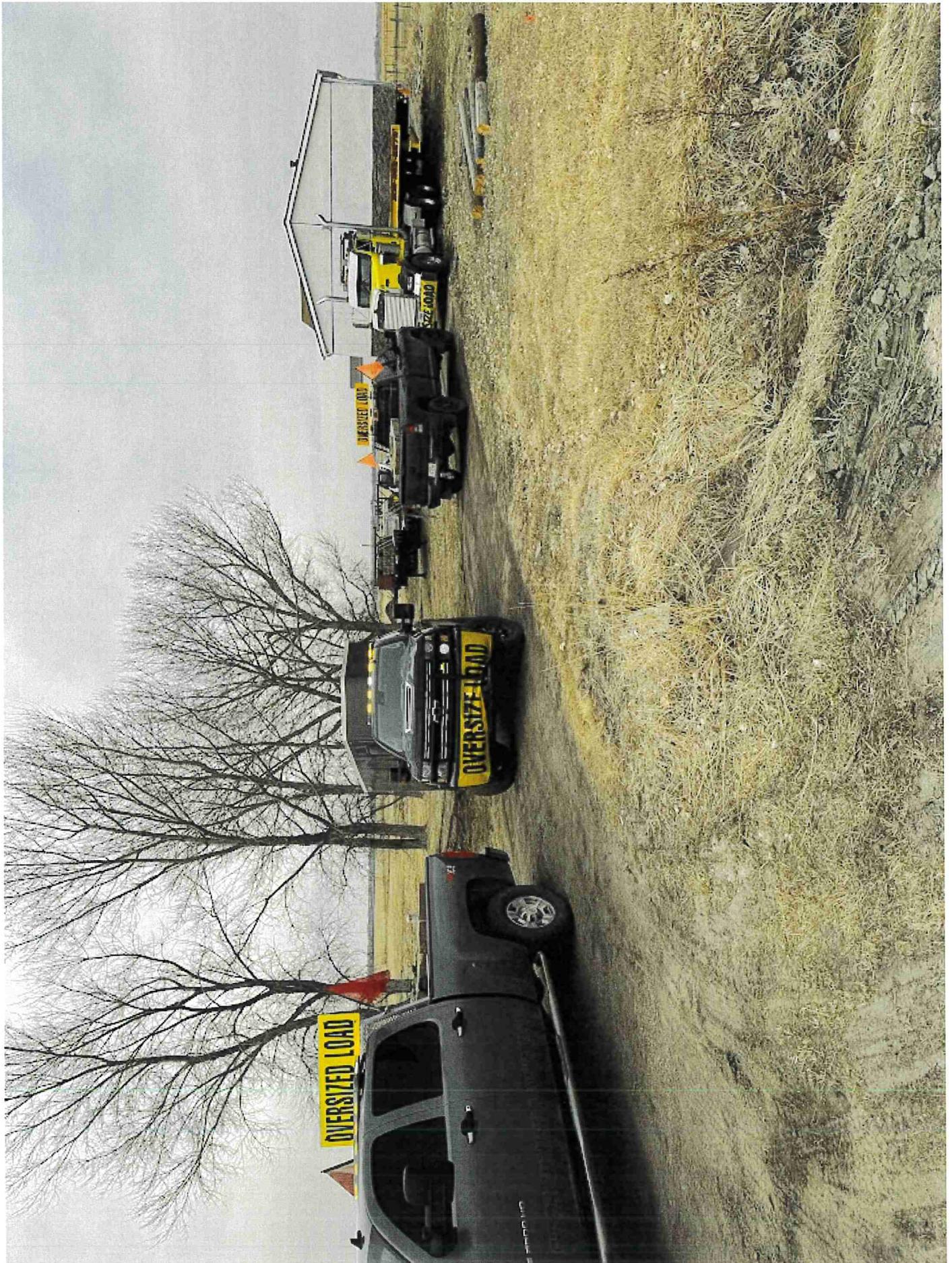
McCook Community Hospital (Sean) has been wonderful to work with and once I take possession between May 1 and 15, house is moved. Hospital is removing trees and can do so prior to move if need be. The only snag I can see is we would like to use the parking lot to the north owned by the city however, we would only be pulling the trailer across the first 2-3 stalls prior to exiting the driveway. Otherwise, we remove trees and slope the front yard to go out the front off curb. Should damage be done to the parking lot, I will repair that portion. I would think the hospital may also be utilizing that parking lot for some of their equipment.

The Community Hospital is thrilled with the shortage of housing in McCook that this home will be relocated as opposed to demolished. We all see this as a win-win-win for the city and pray we can work together to make this possible.

I truly appreciate your time in this matter.

Sincerely,

Rose Weskamp





March 18, 2024

Rose Weskamp
McCook, NE 69001

Re: House Move, Agreement for Aerial Lines

Dear Ms. Weskamp,

Great Plains Communications LLC (the “Company”) has been requested to assist with the moving of aerial telecommunications lines required for the relocation of your house. The Company is willing to assist with this project, but the Company will bill you for the following costs:

- \$150.00/hr per bucket truck – 2 trucks needed
- \$100.00/hr per technician – 4 technicians needed
- Estimate = \$2,000 to \$5,000

This letter is only an estimate. The final costs billed to you will depend on the actual number of hours required for this project. This letter only covers the costs owed to the Company.

The Company requires 72 hours advance notice prior to the move date, so please keep Barry Williams informed of your final plans. **You may contact Barry at 308-364-9020 or bwilliams@GPCOM.COM.**

We look forward to helping with this project and performing this work in a safe and efficient manner.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Nicholas Holle', with a long horizontal flourish extending to the right.

Nicholas Holle
General Counsel
402-456-6445
nholle@gpcom.com

Acknowledged and Agreed: If the foregoing is agreeable, please sign in the place provided below:

Sign:
Print: Rose Weskamp

CITY MANAGER'S REPORT
APRIL 1, 2024 CITY COUNCIL MEETING

ITEM: **2.C.** Public Hearing - Regarding the proposed "Incentive Plan" for construction of housing in the municipality targeted to house existing or new workers for the City of McCook (the "Incentive Plan"), which plan would authorize the use of tax increment financing for the construction of workforce housing in the redevelopment areas of the City of McCook.

BACKGROUND:

The purpose of this hearing is to obtain public comment prior to the review and consideration of the Incentive Plan.

**FISCAL
IMPACT:** None.

APPROVALS:



Lea Ann Doak, City Clerk

March 28, 2024

NOTICE OF PUBLIC HEARING

Public notice is hereby given by the Mayor and City Council of the City of McCook, Nebraska, that a public hearing will be held at 5:30 p.m. on Monday, April 1, 2024, in the City Council Chambers at the McCook Municipal Center, 505 West C Street, McCook, Nebraska.

The purpose of the hearing is to obtain public comment prior to the review and consideration of an incentive plan for construction of housing in the municipality targeted to house existing or new workers for the City of McCook (the "Incentive Plan"), which Incentive Plan would authorize the use of tax increment financing for the construction of workforce housing in the redevelopment areas of the City of McCook.

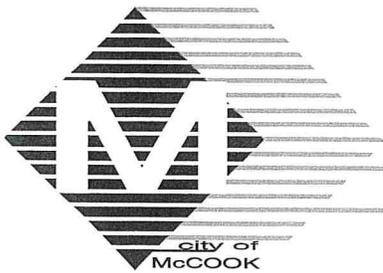
All interested parties shall be afforded at the public hearing a reasonable opportunity to express their views regarding the proposed Incentive Plan. A map of the redevelopment areas of the City of McCook and a copy of the Incentive Plan shall be maintained in the office of the City Clerk.

/s/ Lea Ann Doak, City Clerk

Publish: March 15 and 22, 2024

EXHIBIT #1

PAGE(S) - 1



P.O. BOX 1059 · 505 West C Street · McCOOK, NE 69001 · PHONE (308) 345-2022 · FAX (308) 345-1461

CERTIFIED MAIL

March 22, 2024

TO: McCook Community College
President
1205 East 3rd Street
McCook NE 69001

NOTICE OF PUBLIC HEARING

Public notice is hereby given by the Mayor and City Council of the City of McCook, Nebraska, that a public hearing will be held at 5:30 p.m. on Monday, April 1, 2024, in the City Council Chambers at the McCook Municipal Center, 505 West C Street, McCook, Nebraska.

The purpose of the hearing is to obtain public comment prior to the review and consideration of an incentive plan for construction of housing in the municipality targeted to house existing or new workers for the City of McCook (the "Incentive Plan"), which Incentive Plan would authorize the use of tax increment financing for the construction of workforce housing in the redevelopment areas of the City of McCook.

All interested parties shall be afforded at the public hearing a reasonable opportunity to express their views regarding the proposed Incentive Plan. A map of the redevelopment areas of the City of McCook and a copy of the Incentive Plan shall be maintained in the office of the City Clerk.

Lea Ann Doak, City Clerk

EXHIBIT #2

PAGE(S) - 5



P.O. BOX 1059 · 505 West C Street · McCOOK, NE 69001 · PHONE (308) 345-2022 · FAX (308) 345-1461

CERTIFIED MAIL

March 22, 2024

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

NOTICE OF PUBLIC HEARING

Public notice is hereby given by the Mayor and City Council of the City of McCook, Nebraska, that a public hearing will be held at 5:30 p.m. on Monday, April 1, 2024, in the City Council Chambers at the McCook Municipal Center, 505 West C Street, McCook, Nebraska.

The purpose of the hearing is to obtain public comment prior to the review and consideration of an incentive plan for construction of housing in the municipality targeted to house existing or new workers for the City of McCook (the "Incentive Plan"), which Incentive Plan would authorize the use of tax increment financing for the construction of workforce housing in the redevelopment areas of the City of McCook.

All interested parties shall be afforded at the public hearing a reasonable opportunity to express their views regarding the proposed Incentive Plan. A map of the redevelopment areas of the City of McCook and a copy of the Incentive Plan shall be maintained in the office of the City Clerk.

Lea Ann Doak, City Clerk



P.O. BOX 1059 · 505 West C Street · McCOOK, NE 69001 · PHONE (308) 345-2022 · FAX (308) 345-1461

CERTIFIED MAIL

March 22, 2024

TO: Chairman of the Board
Middle Republican NRD
208 Center Avenue
Po Box 81
Curtis NE 69025

NOTICE OF PUBLIC HEARING

Public notice is hereby given by the Mayor and City Council of the City of McCook, Nebraska, that a public hearing will be held at 5:30 p.m. on Monday, April 1, 2024, in the City Council Chambers at the McCook Municipal Center, 505 West C Street, McCook, Nebraska.

The purpose of the hearing is to obtain public comment prior to the review and consideration of an incentive plan for construction of housing in the municipality targeted to house existing or new workers for the City of McCook (the "Incentive Plan"), which Incentive Plan would authorize the use of tax increment financing for the construction of workforce housing in the redevelopment areas of the City of McCook.

All interested parties shall be afforded at the public hearing a reasonable opportunity to express their views regarding the proposed Incentive Plan. A map of the redevelopment areas of the City of McCook and a copy of the Incentive Plan shall be maintained in the office of the City Clerk.

Lea Ann Doak, City Clerk



P.O. BOX 1059 · 505 West C Street · McCOOK, NE 69001 · PHONE (308) 345-2022 · FAX (308) 345-1461

CERTIFIED MAIL

March 22, 2024

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

NOTICE OF PUBLIC HEARING

Public notice is hereby given by the Mayor and City Council of the City of McCook, Nebraska, that a public hearing will be held at 5:30 p.m. on Monday, April 1, 2024, in the City Council Chambers at the McCook Municipal Center, 505 West C Street, McCook, Nebraska.

The purpose of the hearing is to obtain public comment prior to the review and consideration of an incentive plan for construction of housing in the municipality targeted to house existing or new workers for the City of McCook (the "Incentive Plan"), which Incentive Plan would authorize the use of tax increment financing for the construction of workforce housing in the redevelopment areas of the City of McCook.

All interested parties shall be afforded at the public hearing a reasonable opportunity to express their views regarding the proposed Incentive Plan. A map of the redevelopment areas of the City of McCook and a copy of the Incentive Plan shall be maintained in the office of the City Clerk.

Lea Ann Doak, City Clerk



P.O. BOX 1059 · 505 West C Street · McCOOK, NE 69001 · PHONE (308) 345-2022 · FAX (308) 345-1461

CERTIFIED MAIL

March 22, 2024

TO: Board President
McCook School District
600 West 7th Street
McCook NE 69001

NOTICE OF PUBLIC HEARING

Public notice is hereby given by the Mayor and City Council of the City of McCook, Nebraska, that a public hearing will be held at 5:30 p.m. on Monday, April 1, 2024, in the City Council Chambers at the McCook Municipal Center, 505 West C Street, McCook, Nebraska.

The purpose of the hearing is to obtain public comment prior to the review and consideration of an incentive plan for construction of housing in the municipality targeted to house existing or new workers for the City of McCook (the "Incentive Plan"), which Incentive Plan would authorize the use of tax increment financing for the construction of workforce housing in the redevelopment areas of the City of McCook.

All interested parties shall be afforded at the public hearing a reasonable opportunity to express their views regarding the proposed Incentive Plan. A map of the redevelopment areas of the City of McCook and a copy of the Incentive Plan shall be maintained in the office of the City Clerk.

Lea Ann Doak, City Clerk

**CITY MANAGER'S REPORT
APRIL 1, 2024 MCCOOK CITY COUNCIL MEETING**

ITEM NO. ___ Approve Resolution 2024 - 05 adopting and approving a workforce housing incentive plan, pursuant to the Nebraska Community Development Law.

BACKGROUND:

In 2021, the Nebraska Community Development Law was updated to allow tax increment financing to be applied towards the costs to carry out the construction of workforce housing. The inclusion of workforce housing costs as an eligible TIF expense opens up the possibility of new workforce housing development projects in McCook that would not occur but for TIF. Pursuant to said enhancement of the Nebraska Community Development Law, Neb. Rev. Stat. 18-2142.05 of the Act requires that, prior to approving a redevelopment project that expressly carries out the construction of workforce housing, the governing body of the City of McCook must:

1) Receive a housing study completed within the past 60 months. McCook's most recent housing study was completed in August of 2022;

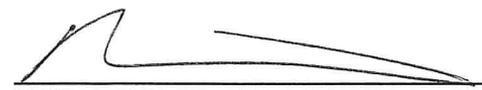
2) Prepare an Incentive Plan for construction of housing in the City of McCook targeted to house existing or new workers. The proposed Incentive Plan is attached for the City Council's consideration;

3) Hold a public hearing on the Incentive Plan; and

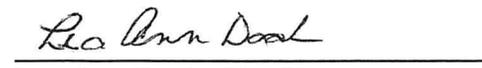
4) After the public hearing, the City Council must find that the Incentive Plan is necessary to prevent the spread of blight and substandard conditions within the City of McCook, will promote additional safe and suitable housing for individuals and families employed in the City of McCook, and will not result in the unjust enrichment of any individual or company.

A proposed Incentive Plan has been drafted for the McCook City Council's approval. The required criteria established in the Act are included in the proposed Incentive Plan. The adoption of the Incentive Plan requires the passage of a resolution.

APPROVALS:


Nathan A. Schneider, City Manager

March 27, 2024


Lea Ann Doak, City Clerk

March 27, 2024


Tera Koetter, Assistant City Manager

March 27, 2024

EXHIBIT #3

PAGE(S) - 1

**WORKFORCE HOUSING INCENTIVE PLAN
FOR THE CITY OF MCCOOK, NEBRASKA**

The workforce housing incentive plan (“Incentive Plan”) for the City of McCook, Nebraska (“City”) is presented below:

Introduction

Pursuant to Section 18-2103(28) of the Nebraska Community Development Law codified at Neb. Rev. Stat. §§ 18-2101 et seq. (the “Act”), tax increment financing (TIF) may be applied towards the costs to carry out the construction of workforce housing. Section 18-2142.05 of the Act requires that, prior to approving a redevelopment project that expressly carries out the construction of workforce housing, the governing body of the municipality must:

1. Receive a housing study which is current within 24 months for any city of the metropolitan class or current within 60 months for any other city or City;
2. Prepare an incentive plan for construction of housing in the municipality targeted to house existing or new workers;
3. Hold a public hearing on such incentive plan; and
4. After the public hearing find that such incentive plan is necessary to prevent the spread of blight and substandard conditions within the municipality, will promote additional safe and suitable housing for individuals and families employed in the municipality, and will not result in the unjust enrichment of any individual or company.

This Incentive Plan has been prepared pursuant to the Act in accordance with the foregoing requirements. Accordingly, upon the adoption of this Incentive Plan following a duly-noticed public hearing, the City shall be authorized to utilize TIF for workforce housing in the manner prescribed herein. This Incentive Plan may be modified by the City, from time to time, in accordance with the Act. To the extent any portion of this Incentive Plan conflicts with the Act, the Act shall control with respect to such conflicting provisions.

Workforce Housing

For purposes of the Act and this Incentive Plan, “workforce housing” means:

- a) Housing that meets the needs of today’s working families;
- b) Housing that is attractive to new residents considering relocation to a rural community;

EXHIBIT #4

- c) Owner-occupied housing units that cost no more than \$300,000 to construct or rental housing units that cost no more than \$235,000 per unit to construct;¹
- d) Owner-occupied and rental housing units for which the cost to substantially rehabilitate exceeds 50% of a unit's assessed value; and
- e) Upper-story housing.

Neb. Rev. Stat. § 18-2103(32).

Any redevelopment project in the City that: (1) is eligible for TIF under the Act, and (2) satisfies one or more of the above criteria, as applicable, shall be eligible for workforce housing TIF. Notwithstanding the foregoing, the City shall have full discretion with respect to the approval of workforce housing TIF for a redevelopment project, on a case-by-case and project-by-project basis. Accordingly, a redevelopment project which meets the above criteria shall not automatically be entitled to the use of workforce housing TIF.

Housing Study

In July 2022, the City received a housing study entitled "McCook, Nebraska Community Housing Study" prepared by Hanna:Keelan Associates, P.C., which is incorporated herein by this reference (the "Housing Study"). The Housing Study found, in relevant part, that:

- The Housing Unit Target Demand in McCook is 187 housing units, including 111 owner and 76 rental units, by 2027.
- Of the 187 housing units needed in McCook, 106 housing units (62 owner, 44 rental) should be built to support the local workforce.
- The most needed housing types for the workforce population in McCook during the next 5 years are: 3-bedroom owner units at a purchase price of \$180,000+, and 3+ bedroom rental units with a monthly rent of \$580+.

In accordance with the above findings set forth in the Housing Study, this Incentive Plan provides an economic incentive which can be used by the City to encourage development of needed workforce housing. The construction of new workforce housing units will address an important need within the City. The City and/or the Community Development Agency of the City ("CDA") should take into account the findings of the Housing Study in its administration of workforce housing TIF.

¹ Current limits as of December 8, 2023, pursuant to Nebraska Department of Economic Development Memo 23-02. Such costs may be updated by the Nebraska Department of Economic Development from time to time.

Eligible Area

TIF for workforce housing can only be used in a rural community or in an extremely blighted area within a municipality that is not a rural community. Neb. Rev. Stat. § 18-2103(28). For purposes of the Act, “rural community” means any municipality in a county with a population of fewer than 100,000 inhabitants as determined by the most recent federal decennial census. Neb. Rev. Stat. § 18-2103(30).

The City qualifies as a rural community.² For a redevelopment project to be eligible for workforce housing TIF, it must be located within an area of the City declared to be blighted and substandard and in need of redevelopment, in accordance with the Act (the “Redevelopment Area”).

Necessity of Incentive Plan

Pursuant to the Act, this Incentive Plan (i.e., the utilization of workforce housing TIF) must be necessary to prevent the spread of blight and substandard conditions and promote additional safe and suitable housing for individuals and families employed in the City. For the following reasons, this criterion is met with respect to the City.

A severe lack of safe and suitable housing, within an attainable price range, plagues the City and countless other communities across the state and country. In essence, it has become an epidemic for which there are very few tools available to communities to combat the same. This circumstance is due to a confluence of factors; the biggest factor being the sharp increase in construction and financing costs observed over the last few years. As a result, it is nearly impossible to build housing and related infrastructure within the price ranges set forth above, much less sell them for such amounts. The profit margins are too narrow, or in some cases nonexistent, to justify the same without the availability of economic incentives and or grant assistance for developers.

The implementation of workforce housing TIF will address these issues by allowing developers to utilize TIF for the cost to construct both the public and private improvements – thereby offsetting a portion of the increased construction costs. This will allow developers to sell and/or rent housing units at a reasonable price point, while maintaining an adequate profit margin. Workforce housing TIF is one of the few, if not the only, tools available to the City that can facilitate the same. Accordingly, this Incentive Plan will promote additional safe and suitable housing for individuals and families employed in the City. Without such additional housing, the City will be unable to grow – both in population and economically – which will lead to the spread and/or increase in blighted and substandard conditions throughout the community. Thus, the implementation of workforce housing TIF is necessary to prevent the same.

² The Red Willow County 2020 census indicates a population of 10,702.

No Unjust Enrichment

Pursuant to the Act, no redevelopment project shall receive workforce housing TIF if it will result in the unjust enrichment of any individual or company. In order for the City and/or CDA to make a knowledgeable determination on the same, each redeveloper seeking workforce housing TIF shall submit the following documentation:

- Detailed estimate of the costs associated with the project;
- A pro forma of the anticipated return on investment (ROI) for the project under the following scenarios: (1) the project's ROI without TIF; (2) the project's ROI with TIF; and
- Any other financial information requested by the City and/or CDA.

To be eligible for workforce housing TIF, the ROI associated therewith shall not be materially greater than what would ordinarily be considered adequate by prudent investors and developers.

Workforce Housing TIF Projects; Administration

As provided above, the City and/or CDA shall have full discretion and authority in determining whether a redevelopment project should receive workforce housing TIF, taking into account:

- The project's "fit" for the community's needs;
- Current market and economic conditions; and
- The Act, this Incentive Plan, the Housing Study, and the Comprehensive Plan.

The TIF incentives shall be determined by the City and the CDA in amounts required to accomplish the goal of incentivizing the development of safe and suitable housing, while avoiding unjust enrichment.

For a redevelopment project to utilize workforce housing TIF, the same must be expressly authorized and implemented via an amendment to the General Redevelopment Plan for the City ("Plan Amendment") approved by the City Council of City of McCook ("City Council") subsequent to the adoption of this Incentive Plan, all in accordance with the procedures set forth in the Act. In connection with the approval of any Plan Amendment for a workforce housing TIF project, the City Council shall find and document in writing that the project will not result in the unjust enrichment of the redeveloper.

All redevelopment agreements entered into between the CDA and a redeveloper for a workforce housing TIF project will be assessed and negotiated on a case-by-case basis. In each redevelopment agreement for a workforce housing TIF project, the CDA shall set standards appropriate for each project related to unit type/size and construction standards, and include any covenants, conditions, or restrictions necessary to carry out the purposes of this Incentive Plan (e.g., construction costs, sales price and/or rental rates).

4868-2200-1577, v. 2

CITY OF MCCOOK, NEBRASKA

RESOLUTION NO. 2024-05
(Workforce Housing Incentive Plan)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCCOOK, NEBRASKA, ADOPTING AND APPROVING A WORKFORCE HOUSING INCENTIVE PLAN, PURSUANT TO THE COMMUNITY DEVELOPMENT LAW.

RECITALS

- A. Pursuant to the Community Development Law, Neb. Rev. Stat. §§ 18-2101 et seq., as amended (the “Act”), the City of McCook, Nebraska (“City”), declared certain areas of the City as blighted and substandard and in need of redevelopment under the Act (the “Redevelopment Area”).
- B. The redevelopment of the Redevelopment Area will result in the elimination and prevention of blight and substandard conditions, and aligns with the purposes of the Act and the City of McCook Comprehensive Plan, as amended.
- C. The City has, within the prior sixty (60) months of this Resolution, received a housing study detailing the current conditions and future needs of the City in relation to housing.
- D. The housing study identifies a need for additional workforce housing.
- E. Pursuant to the Act, the City may authorize the administration of certain heightened tax increment financing incentives to promote and facilitate the construction of workforce housing (“Workforce Housing TIF”).
- F. Prior to such authorization, the City must adopt an “incentive plan”, pursuant to Section 18-2141.05 of the Act.
- G. In accordance with the foregoing, the City has prepared an incentive plan, a copy of which is attached hereto as Exhibit “A” and incorporated herein by this reference (the “Incentive Plan”), which authorizes the use of Workforce Housing TIF for eligible redevelopment projects, and sets forth the criteria and guidelines related thereto.
- H. On April 1, 2024, the City Council held a duly noticed public hearing on the Incentive Plan, in conformance with the Act.
- I. After the public hearing and review of the Incentive Plan, the City Council has determined that the Incentive Plan complies with the requirements of the Act and will result in the elimination and prevention of blight.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of McCook, Nebraska, as follows:

1. The Incentive Plan complies with, and furthers the objectives of, the Act, and addresses the needs of the City related to the construction of workforce housing for both existing and new workers.

2. The City has received a housing study within the prior sixty (60) months from the date hereof.

3. Based on the substantial evidence in the record of this proceeding, the City Council finds as follows:

(a) The Incentive Plan is necessary to prevent the spread of blight and substandard conditions within the City;

(b) The Incentive Plan will promote additional safe and suitable housing for individuals and families employed in the City; and

(c) The Incentive Plan and/or the use of Workforce Housing TIF will not result in the unjust enrichment of any individual or company.

4. Based on the foregoing and substantial evidence in the record of this proceeding, the Incentive Plan is hereby adopted and approved by the City Council as the governing body for the City of McCook; and therefore, the City and/or the Community Development Agency of the City may administer and approve the use of Workforce Housing TIF for eligible redevelopment projects, in accordance with the terms of the Incentive Plan and the Act.

Dated this 1st day of April, 2024.

CITY OF MCCOOK, NEBRASKA

By: _____
Linda Taylor, Ex-officio Mayor
and Council President

ATTEST:

Lea Ann Doak, City Clerk-Treasurer

EXHIBIT "A"
Incentive Plan

[Attached]

Exhibit "A"

CITY MANAGER'S REPORT
APRIL 1, 2024 MCCOOK CITY COUNCIL MEETING

ITEM NO. 2.D Approve Resolution 2024 - 05 adopting and approving a workforce housing incentive plan, pursuant to the Nebraska Community Development Law.

BACKGROUND:

In 2021, the Nebraska Community Development Law was updated to allow tax increment financing to be applied towards the costs to carry out the construction of workforce housing. The inclusion of workforce housing costs as an eligible TIF expense opens up the possibility of new workforce housing development projects in McCook that would not occur but for TIF. Pursuant to said enhancement of the Nebraska Community Development Law, Neb. Rev. Stat. 18-2142.05 of the Act requires that, prior to approving a redevelopment project that expressly carries out the construction of workforce housing, the governing body of the City of McCook must:

1) Receive a housing study completed within the past 60 months. McCook's most recent housing study was completed in August of 2022;

2) Prepare an Incentive Plan for construction of housing in the City of McCook targeted to house existing or new workers. The proposed Incentive Plan is attached for the City Council's consideration;

3) Hold a public hearing on the Incentive Plan; and

4) After the public hearing, the City Council must find that the Incentive Plan is necessary to prevent the spread of blight and substandard conditions within the City of McCook, will promote additional safe and suitable housing for individuals and families employed in the City of McCook, and will not result in the unjust enrichment of any individual or company.

A proposed Incentive Plan has been drafted for the McCook City Council's approval. The required criteria established in the Act are included in the proposed Incentive Plan. The adoption of the Incentive Plan requires the passage of a resolution.

APPROVALS:



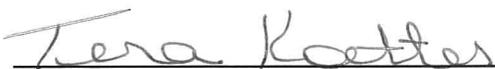
Nathan A. Schneider, City Manager

March 27, 2024



Lea Ann Doak, City Clerk

March 27, 2024



Tera Koetter, Assistant City Manager

March 27, 2024

CITY OF MCCOOK, NEBRASKA

RESOLUTION NO. 2024-05
(Workforce Housing Incentive Plan)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCCOOK, NEBRASKA, ADOPTING AND APPROVING A WORKFORCE HOUSING INCENTIVE PLAN, PURSUANT TO THE COMMUNITY DEVELOPMENT LAW.

RECITALS

- A. Pursuant to the Community Development Law, Neb. Rev. Stat. §§ 18-2101 et seq., as amended (the “Act”), the City of McCook, Nebraska (“City”), declared certain areas of the City as blighted and substandard and in need of redevelopment under the Act (the “Redevelopment Area”).
- B. The redevelopment of the Redevelopment Area will result in the elimination and prevention of blight and substandard conditions, and aligns with the purposes of the Act and the City of McCook Comprehensive Plan, as amended.
- C. The City has, within the prior sixty (60) months of this Resolution, received a housing study detailing the current conditions and future needs of the City in relation to housing.
- D. The housing study identifies a need for additional workforce housing.
- E. Pursuant to the Act, the City may authorize the administration of certain heightened tax increment financing incentives to promote and facilitate the construction of workforce housing (“Workforce Housing TIF”).
- F. Prior to such authorization, the City must adopt an “incentive plan”, pursuant to Section 18-2141.05 of the Act.
- G. In accordance with the foregoing, the City has prepared an incentive plan, a copy of which is attached hereto as Exhibit “A” and incorporated herein by this reference (the “Incentive Plan”), which authorizes the use of Workforce Housing TIF for eligible redevelopment projects, and sets forth the criteria and guidelines related thereto.
- H. On April 1, 2024, the City Council held a duly noticed public hearing on the Incentive Plan, in conformance with the Act.
- I. After the public hearing and review of the Incentive Plan, the City Council has determined that the Incentive Plan complies with the requirements of the Act and will result in the elimination and prevention of blight.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of McCook, Nebraska, as follows:

1. The Incentive Plan complies with, and furthers the objectives of, the Act, and addresses the needs of the City related to the construction of workforce housing for both existing and new workers.

2. The City has received a housing study within the prior sixty (60) months from the date hereof.

3. Based on the substantial evidence in the record of this proceeding, the City Council finds as follows:

(a) The Incentive Plan is necessary to prevent the spread of blight and substandard conditions within the City;

(b) The Incentive Plan will promote additional safe and suitable housing for individuals and families employed in the City; and

(c) The Incentive Plan and/or the use of Workforce Housing TIF will not result in the unjust enrichment of any individual or company.

4. Based on the foregoing and substantial evidence in the record of this proceeding, the Incentive Plan is hereby adopted and approved by the City Council as the governing body for the City of McCook; and therefore, the City and/or the Community Development Agency of the City may administer and approve the use of Workforce Housing TIF for eligible redevelopment projects, in accordance with the terms of the Incentive Plan and the Act.

Dated this 1st day of April, 2024.

CITY OF MCCOOK, NEBRASKA

By: _____
Linda Taylor, Ex-officio Mayor
and Council President

ATTEST:

Lea Ann Doak, City Clerk-Treasurer

EXHIBIT "A"
Incentive Plan

[Attached]

Exhibit "A"

**CITY MANAGER'S REPORT
APRIL 1, 2024 CITY COUNCIL MEETING**

ITEM: 3.A.

Approve the minutes of the March 18, 2024 regular City Council meeting.

BACKGROUND:

Receive and approve the minutes.

**FISCAL
IMPACT:** None.

APPROVALS:



Lea Ann Doak, City Clerk

March 28, 2024

McCook City Council
March 18, 2024
5:30 P.M. Central

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

Present: Mayor Taylor, Councilmembers Weedin, Muehlenkamp.

Absent: Councilmembers Calvin, Rambali.

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

Calvin: ABSENT, Rambali: ABSENT, Taylor: YEA, Weedin: YEA, Muehlenkamp: YEA
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, Fire Chief Harpham, Police Chief Hodgson, and Public Works Director Potthoff.

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on March 14, 2024, the designated method of giving notice, a copy of the proof of publication being attached to these minutes. Advance notice of the meeting was also given to the Mayor and members of the City Council and a copy of the Acknowledgement of Receipt of such notice is attached to these minutes. Availability of the agenda was communicated in the advance notice to the Mayor and Council. All proceedings hereafter shown were taken while the meeting was open to the attendance of the public.

Mayor Taylor announced that a copy of the Open Meetings Act was posted by the entrance to the Council Chambers and available for public review. Invocation was provided by Kyle Dellevoet, McCook Christian 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. Consent Agenda.

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

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

- 2.A. Approve the minutes of the March 4, 2024 regular City Council meeting.
- 2.B. Approve Resolution No. 2024-03 amending the rates for the ambulance service operated by the City of McCook, Nebraska.
- 2.C. Award the water west well field farm ground lease to Meyers Brothers in the amount of \$120.22 per acre and authorize the Mayor to sign the lease agreement.
- 2.D. Receive and file the claims for the month of February 2024, published March 12, 2024.
- 2.E. Receive and file the Financial Report for the period ending February 29, 2024.

3. Regular Agenda.

- 3.A. Ordinance No. 2024-3076 providing for the amendment of Chapter 38: Appendix E, Water Department Rates and Fees.

Mayor Taylor asked the Clerk to read Ordinance No. 2024-3076 by title.

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. 2023-3064 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.

Ordinance No. 2024-3076 has been introduced, read by title, and I move to approve upon its first of three readings. This motion, made by Muehlenkamp and seconded by Weedin, passed.
Calvin: ABSENT, Rambali: ABSENT, Taylor: YEA, Weedin: YEA, Muehlenkamp: YEA
YEA: 3, NAY: 0, ABSENT: 2

Utilities Director Fawver was present to address questions from the Council. Based on the 2023 Water Enterprise Fund Cashflow Model, as prepared by Public Financial Management (PFM), City Staff is recommending that the current sewer rate be increased by 8.5%. The rate increase provides the funds to cover inflation, pay for major capital projects and maintain a healthy budget.

- 3.B. Ordinance No. 2024-3077 providing for the amendment of Chapter 38: Appendix D, Sewer Department Rates and Fees.

Mayor Taylor asked the Clerk to read Ordinance No. 2024-3077 by title.

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. 2023-3065

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.

Ordinance No. 2024-3077 has been introduced, read by title, and I move to approve upon its first of three readings. This motion, made by Muehlenkamp and seconded by Weedin, passed.

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

Utilities Director Fawver was present to address questions from the Council. 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 7.5%. The rate increase provides the funds to cover inflation, pay for major capital projects and maintain a healthy budget.

3.C. Council Comments.

There were no council comments.

3.D. An Executive Session may be held upon a majority vote of the Council for the protection of public interest for a strategy session with respect to real estate purchase for Sports Complex.

Motion to go into executive session for the protection of public interest for a strategy session with respect to real estate purchase for a Sports Complex at 5:48 P.M. This motion, made by Taylor and seconded by Muehlenkamp, passed.

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

Included in the executive session were City Manager Schneider, City Attorney Mustion, Assistant City Manager Koetter, City Clerk Doak, Public Works Director Potthoff, and Utilities Director Fawver.

Mayor Taylor stated for the record that at this time, pursuant to the Nebraska Open Meetings Act, a closed session will be held for the purpose of the protection of public interest for a strategy session with respect to real estate purchase for a Sports Complex. The Council will reconvene in public session following this closed session.

Motion to come out of executive session at 6:17 P.M. This motion, made by Muehlenkamp and seconded by Weedin, passed.

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

Adjournment.

There being no further business to come before the Council, Mayor Taylor declared the meeting adjourned at 6:18 P.M.

Linda Taylor, Ex-officio Mayor
and Council President

ATTEST:

Lea Ann Doak, City Clerk-Treasurer

**CITY MANAGER'S REPORT
APRIL 1, 2024 CITY COUNCIL MEETING**

ITEM: **3.B.**

RECOMMENDATION:

**APPROVE RESOLUTION 2024-04 ESTABLISHING A HANDICAP
PARKING STALL ON THE WEST SIDE OF THE 400 BLOCK OF NORRIS
AVENUE.**

BACKGROUND:

The City of McCook has received a request from the McCook Economic Development Corporation to establish a handicap parking stall in the 400 block of Norris Avenue. The handicap stall will be established in the first stall north of West "D" Street on the west side of Norris Avenue directly east of the Keystone.

The painting of this stall will be completed by City Staff once weather conditions allow.

**FISCAL
IMPACT:** None.

APPROVALS:



Kyle Potthoff, Public Works Director

March 15 , 2024



Nate Schneider, City Manager

March 15, 2024

RESOLUTION NO. 2024-04

A RESOLUTION PROVIDING FOR THE DESIGNATION OF THE HANDICAPPED PARKING SPACES WITHIN THE CITY OF MCCOOK, NEBRASKA, PURSUANT TO THE AUTHORITY OF SECTION 72.16 OF THE CITY OF MCCOOK CODE OF ORDINANCES; AMENDING CITY OF MCCOOK CODE OF ORDINANCES, CHAPTER 74: PARKING SCHEDULES, BY ADDING SCHEDULE III - HANDICAP PARKING SPACES; AND PROVIDING FOR A TIME AND DATE FOR THIS RESOLUTION TO TAKE EFFECT AND BE IN FORCE.

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

SECTION 1. City of McCook Code of Ordinances, Chapter 74: Parking Schedules, is hereby amended to read as follows, adding Schedule III - Handicap Parking Spaces.

SECTION 2. Pursuant to authority of Section 72.16 of the City of McCook Code of Ordinances, the following parking spaces shall be designated as handicapped parking spaces.

SCHEDULE III. HANDICAP PARKING SPACES.

1. Seventh Street West, west side, first two (2) spaces south of intersection with West "D" Street.
2. West "E" Street, north side, first space west of intersection with Norris Avenue.
3. Norris Avenue, west side, first regular space south of the intersection with "C" Street.
4. Norris Avenue, west side, first regular space south of the intersection with "D" Street.
5. Norris Avenue, west side, first regular space south of the intersection with "E" Street.
6. Norris Avenue, east side, first regular space north of the intersection with "C" Street.
7. Norris Avenue, east side, first regular space north of the intersection with "D" Street.
8. Norris Avenue, east side, first regular space north of the intersection with "E" Street.
9. First Street West, east side, first space north of the intersection with West "C" Street.

10. Norris Avenue, east side, first space south of the intersection with "B" Street.
11. Municipal Auditorium parking lot, first stall, south side of the building.
12. First Street West, west side, first stall, parking lot between "B" and "C" Streets.
13. West "B" Street, south side, first stall by alley in parking lot between Norris Avenue and First Street West.
14. West "D" Street, north side, first space west of Norris Avenue.
15. East "C" Street, south side, first space east of the intersection with Norris Avenue.
16. East "C" Street, north side, first two (2) spaces east of the intersection with First Street East.
17. Norris Avenue, west side, first off street parking space north of intersection with "H" Street.
18. East "M" Street, south side, parking space 298' east of the intersection of Third Street East and parking space 371' east of the intersection of Third Street East.
19. Two (2) spaces on the north side of East "L" Street, beginning at a point 223' west of the west curb of East Fifth Street and extending westerly 45'.
20. Seventh Street West, west side, parking space 190' north of the intersection of Seventh Street West and West "E" Street.
21. Seventh Street West, west side, parking space 142' north of the intersection of West "F" Street.
22. Sunset Road, south side, parking space 412.5' west of the intersection of Seventh Street West.
23. First Street West, west side, parking space 132' north of the intersection of West "F" Street.
24. Third Street West, west side, parking space 20' north of the intersection of West "O" Street.
25. Norris Avenue, west side, first regular space north of the intersection with "A" Street.
26. First Street West, west side, first space south of "B" Street.

27. Norris Avenue, west side, first space north of "D" Street.

SECTION 3. This resolution shall repeal any and all other resolutions in conflict herewith.

SECTION 4. This resolution shall take effect and be in force from and after its passage and approval.

PASSED AND APPROVED THIS 1st day of April, 2024.

Linda Taylor, Ex-officio Mayor
and Council President

ATTEST:

Lea Ann Doak, City Clerk-Treasurer

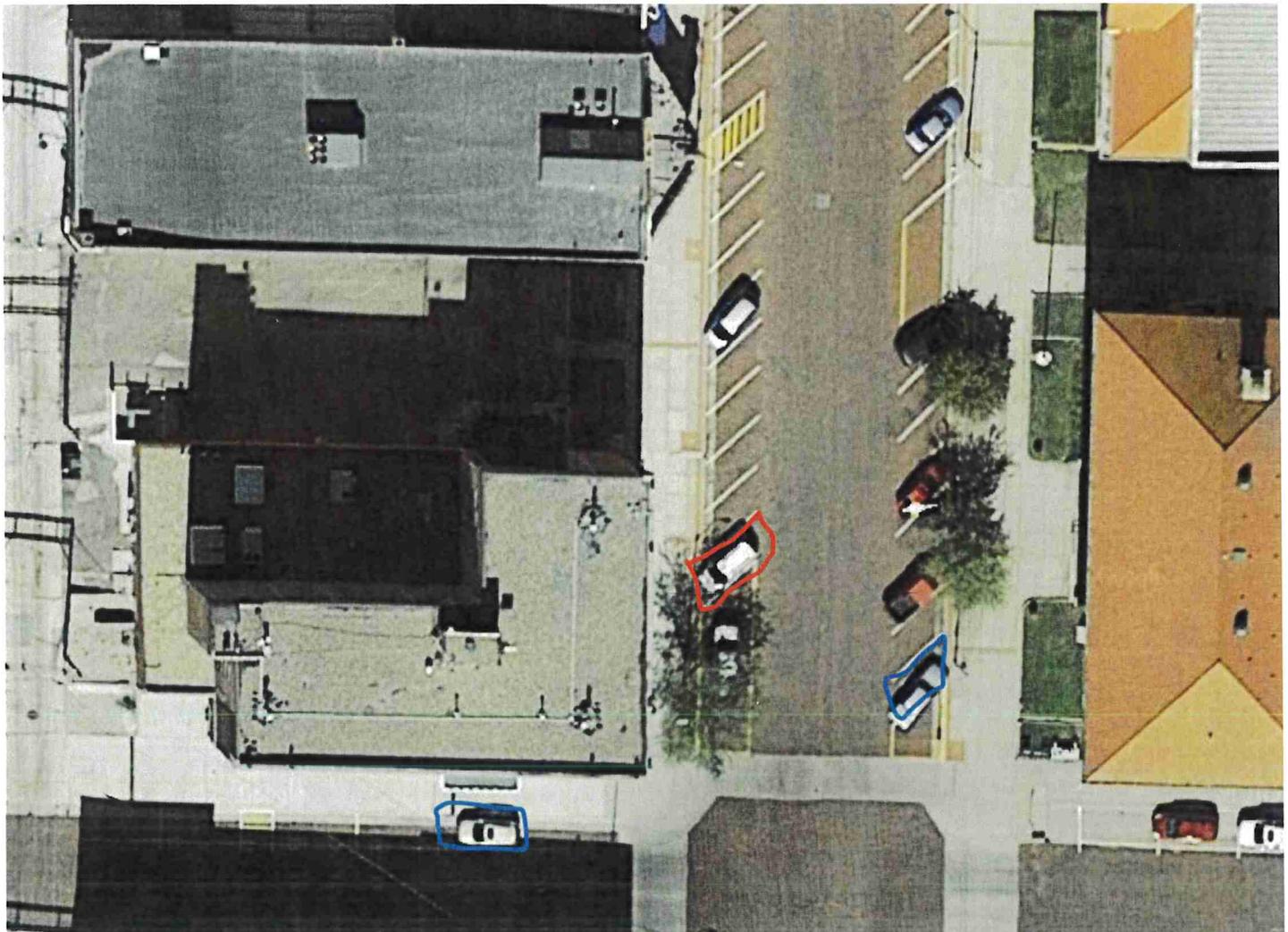
From: Charlie McPherson <charlie@mccookne.org>
Sent: Monday, April 3, 2023 11:34 AM
To: Kyle
Subject: Keystone Handicap Parking Space

Hi Kyle,

As it is starting to warm up a bit, I wanted to revisit with you about turning the front (east side of the building) parking stall into a handy-cap stall at the Keystone. As it stands now, we only have one available handy-cap stall available on the south side of the building on D Street. We get a good number of elderly individuals in the building and having another handy-cap stall would be beneficial to them accessing the building and not having to walk as far. There is one other handy-cap parking stall in front of the Keystone, but it is across the street (Norris) on the end. I will provide a photo below for reference.

Please let me know what next steps I need to take or if you have any questions.

***The red outline parking space indicates the stall in front of the Keystone I am requesting have made into a handicap parking space, the blue outline parking spaces indicates existing handicap parking spaces.



Thank you,

Charlie McPherson, MBA
Executive Director
McCook Economic Development Corporation
402 Norris Ave. | Suite 301
P: 308.345.1200 | C: 308.350.1117



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**CITY MANAGER'S REPORT
APRIL 1, 2024 MCCOOK CITY COUNCIL MEETING**

ITEM NO. **4.A.** Update regarding the swimming pool project.

BACKGROUND:

Staff would like to keep this item as a place keeper on the McCook City Council agendas while we work through the planning and construction process for both the swimming pool and the ballpark.

APPROVALS:



Nathan A. Schneider, City Manager

March 27, 2024



Lea Ann Doak, City Clerk

March 27, 2024



Tera Koetter, Assistant City Manager

March 27, 2024

**CITY MANAGER'S REPORT
APRIL 1, 2024 MCCOOK CITY COUNCIL MEETING**

4.B.
ITEM NO. ___ Approve Ordinance No. 2024-3079 on first reading, amending the City of McCook's Code of Ordinances by removing Chapter 93 and amending sections 95.01, 95.02, 95.03 and 95.04 in Title IX: General Regulations.

BACKGROUND:

On October 16, 2023, the City Council authorized city staff to submit a Nuisance Abatement Program Application to West Central Nebraska Development District (WCNDD). On February, 5, 2024, City Council approved and entered into an Interlocal Agreement with WCNDD.

City staff is requesting the accompanying ordinance be approved to incorporate WCNDD's preferred language as well as allow the City of McCook to still handle nuisance properties not in WCNDD's assigned section of the city.

APPROVALS:



Nathan A. Schneider, City Manager

March 28, 2024



Lea Ann Doak, City Clerk

March 28, 2024



Tera Koetter, Asst City Manager

March 28, 2024

ORDINANCE NO. 2024-3079

AN ORDINANCE OF THE CITY OF MCCOOK, NEBRASKA AMENDING THE CITY OF MCCOOK CODE OF ORDINANCES BY REPEALING CHAPTER 93, ENTITLED "UNLICENSED VEHICLES" IN IT'S ENTIRETY; AMENDING CHAPTER 95, ENTITLED "NUISANCE; HEALTH AND SANITATION", SECTIONS 95.01-DEFINE, 95.02-SPECIFIC NUISANCES, 95.03-ABATEMENT SERVICES & NOTICE PROCEDURE FOR NUISANCES, AND 95.04-JURISDICTION; TO PROVIDE THAT THIS ORDINANCE SHALL BE MADE A PART OF THE CITY OF MCCOOK CODE OF ORDINANCES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR THE EFFECTIVE DATE AND PUBLICATION THEREOF.

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

Section 1. The City of McCook Code of Ordinances Chapter 93, "Unlicensed Vehicles" is hereby repealed in it's entirety and Chapter 95 "Nuisance; Health and Sanitation", Sections 95.01, 95.02, 95.03, and 95.04 are amended to read as follows:

§ 95.01 DEFINED.

NUISANCE. A nuisance consists in doing any unlawful act, or omitting to perform a duty, or suffering or permitting any condition or thing to be or exist, which act, omission, condition, or thing:

- (A) Injures or endangers the comfort, repose, health, or safety of others;
- (B) Offends decency;
- (C) Is offensive to the senses
- (D) Unlawfully interferes with, obstructs, tends to obstruct, or renders dangerous for passage any stream, public park, parkway, square, street, or highway in the municipality;
- (E) In any way renders other persons insecure in life or the use of property;
or
- (F) Essentially interferes with the comfortable enjoyment of life and property; or
- (G) Tends to depreciate the value of the property of others.

§ 95.02 SPECIFIC NUISANCES.

Nuisance includes, but is not limited to, the maintaining, using, placing, depositing, leaving, or permitting of any of the following specific acts, omissions, places, conditions, and things of:

- (A) Any odorous, putrid, unsound, or unwholesome grain, meat, hides, skins, feathers, vegetable matter, or the whole or any part of any dead animal, fish, or fowl;
- (B) The emission of smoke, dust, fumes, gases, mists, odors, or polluted air from any source that is injurious or dangerous to human health and safety.
- (C) Privies, vaults, cesspools, dumps, pits or like places which are not securely protected from flies or rats or other insects and rodents, or which are foul or malodorous;
- (D) Filthy, littered or trash-covered cellars, house-yards, barnyards, stable-yards, factory-yards, mill yards, vacant areas in rear of stores, granaries, vacant lots, houses, buildings, or premises;
- (E) Dead animals or dead animals buried within the corporate limits;
- (F) Animal manure in any quantity which is not securely protected from flies and the elements, or which is kept or handled in violation of any ordinance of the municipality;
- (G) Hauling any garbage, waste, or refuse matter through the streets, alleys, and public ways except when the same is loaded and conveyed in such a way when none of the contents shall be spilled;
- (H) Liquid household waste, human excreta, garbage, butcher's trimmings and offal, parts of fish, or any waste vegetable or animal matter in any quantity. Nothing herein contained shall prevent the temporary retention of waste in receptacles nor the dumping of non-putrefying waste in a place and manner approved by the municipality;
- (I) Tin cans, bottles, glass, cans, ashes, small pieces of scrap iron, wire metal articles, bric-a-brac, broken stone or cement, broken crockery, broken glass, broken plaster, and all trash or abandoned material, unless the same be kept in covered bins or galvanized iron receptacles;
- (J) Trash, litter, rags, accumulations of barrels, boxes, crates, packing crates, mattresses, bedding, excelsior, packing hay, straw or other packing material, lumber not neatly piled, scrap iron, tin or other metal not neatly piled, old automobiles or parts thereof, or any other waste materials when any of the articles or materials create a condition in which flies or rats or other insects or rodents may breed or multiply, or which may be a fire danger, or which are so unsightly as to depreciate property values in the vicinity;
- (K) Any unsafe building, unsightly building, billboard, or other structure, or any old, abandoned or partially destroyed building or structure or any building or structure commenced and left unfinished, which buildings, billboards, or other structures are a fire hazard, or a menace to the

public health or safety, or are so unsightly as to depreciate the value of property in the vicinity;

- (L) All places used or maintained as junk yards, or dumping grounds, or for the wrecking and disassembling of automobiles, trucks, tractors, or machinery of any kind, or for the storing or leaving of worn-out, wrecked or abandoned automobiles, trucks, tractors, or machinery of any kind, or of any of the parts thereof, or for the storing or leaving of any machinery or equipment used by contractors or builders or by other persons, which places are kept or maintained so as to essentially interfere with the comfortable enjoyment of life or property by others, or which are so unsightly as to tend to depreciate property values in the vicinity thereof;
- (M) Stockyards, granaries, mills, pig pens, cattle pens, chicken pens or any other place, building or enclosure, in which animals or fowls of any kind are confined or on which are stored tankage or any other animal or vegetable matter, or on which any animal or vegetable matter including grain is being processed, when the places in which the animals are confined, or the premises on which the vegetable or animal matter is located are maintained and kept in such a manner that foul and noxious odors are permitted to emanate therefrom to the annoyance of inhabitants of the municipality or are maintained and kept in such a manner as to be injurious to the public health;
- (N) Dead, dying or diseased trees within the right-of-way of Streets within the corporate limits of the City, or on private property within the one mile zoning jurisdiction beyond the corporate limits (NRS §17-555);
- (O) Undrained lots which hold or may hold stagnant water or any other nuisance;
- (P) Any condition which allows the perpetuating of insects and rodents;
- (Q) Storage, accumulation, keeping, placing, or allowing to remain trash, garbage, scrap and wrecked, worn-out, broken or inoperable, or partially destroyed or disassembled personal or real property of any kind, including any junk or abandoned motor vehicles, tractors, trailers, machinery, and equipment;
- (R) Any vehicle which is not properly registered, or is inoperable, wrecked, junked, or partially dismantled and remaining longer than thirty (30) days on private property. This does not apply to a vehicle in an enclosed building, a vehicle on the premises of a business enterprise operated in a lawful place and manner, when necessary to the lawful operation of such business enterprise (such as a licensed salvage dealer, motor vehicle dealer or farm implement dealer), or a vehicle in an appropriate storage place or depository maintained in a lawful place and manner, and so long as the premises which said vehicle is located is not a nuisance and is maintained in a healthful and safe condition.

"Vehicle" means the same as defined by NRS Section 60-136: a "motor vehicle, all-terrain vehicle, minibike, trailer, or semitrailer. "Properly registered" means as required by Nebraska Statutes;

- (S) Lots, pieces of ground, and the adjoining streets and alleys with growth of weeds or noxious growth;
- (T) All other things specifically designated as nuisances elsewhere in the City Code. (NRS §18-1720)

§ 95.03 ABATEMENT SERVICES & NOTICE PROCEDURE FOR NUISANCES.

The City shall maintain two processes for abating nuisance properties. The first process shall utilize the Board of Health. The second process shall utilize a nuisance officer. The city shall be responsible for determining the appropriate process for the real estate that violates herein §95.01 and §95.02.

- (A) It shall be the duty of every owner, occupant, lessee, or mortgagee of real estate in the municipality to keep such real estate free of public nuisances.
- (B) The Board of Health shall meet as prescribed under §35.045 Section C.
 - (1) The Board of Health shall inspect the property as shall come to its attention as being in violation of these requirements. Should the owner of any property prohibit the Board of Health from entering upon the property to make inspection, the Board shall apply to the County or District Court for an order authorizing inspection of the property.
 - (2) Upon determination by the Board of Health or designated official that the owner or occupant of any such real estate has failed to keep the real estate free of nuisances, notice to abate and remove such nuisance and notice of the right to a hearing before the governing body and the manner in which it may be requested shall be given to each owner or owner's duly authorized agent and to the occupant, if any, by personal service or by certified mail. If notice by personal service or certified mail is unsuccessful, notice shall be given by publication in a newspaper of general circulation in the municipality or by conspicuously posting the notice on the real estate upon which the nuisance is to be abated and removed. The notice shall describe the condition as found by the Board of Health or designated official and state that the condition has been declared a nuisance and must be remedied at once.
 - (3) If within five days after receipt of such notice or publication or posting, whichever is applicable, the owner or occupant of the real estate does not request a hearing with the municipality or fails to comply with the order to abate and remove the nuisance, the municipality may have such work done.

- (4) If within five days after receipt of such notice of publication or posting, whichever is applicable, the owner or occupant requests in writing a hearing with the governing body, the governing body shall fix a time and place at which a hearing will be held. Notice of the hearing shall be given by personal service or certified mail and require the owner or occupant to appear before the governing body to show cause why such condition should not be found to be a nuisance and remedied. The notice shall be given not less than seven nor more than 14 days before the time of the hearing. Upon the date fixed for the hearing and pursuant to the notice, the governing body shall hear all objections made by the owner or occupant and shall hear evidence submitted by the Board of Health or designated official. If after consideration of all the evidence, the governing body finds that the condition is a nuisance, it shall, by resolution, order and direct the owner or occupant to remedy the nuisance at once. If the owner or occupant refuses or neglects to promptly comply with the order to abate and remove the nuisance, the governing body may have such work done.

(C) *NUISANCE OFFICER.* The City shall appoint an individual or organization to identify and enforce nuisance violations as prescribed herein. Said individual or organization appointed as the "Nuisance Officer" shall be identified by resolution of the City.

(1) IDENTIFYING NUISANCES.

- (a) The City may identify suspected nuisances, in which case the City Clerk, shall upon direction of the City Council, notify Nuisance Officer of the suspected location, person or persons in violation of any provision of this chapter and provide the address of such alleged nuisance.
- (b) The City may request that the Nuisance Officer audit the City for nuisances in the City as defined by the City Code. The Nuisance Officer shall then view the property or area for any violations of the nuisances of the City. Nuisance Officer shall not go upon private property for said audit unless granted permission by the resident/owner of suspected property.

(2) CONFIRMING, DOCUMENTING AND PRESENTING NUISANCES. Nuisance Officer shall identify and confirm that in his or her opinion a nuisance exists as defined by Federal, State, or City law.

- (a) Upon confirming that a nuisance appears to exist the Nuisance Officer shall document said nuisance with photographs and other evidence pertinent to the situation. Nuisance officer will also obtain the legal description of the property and identify the current owners and, if possible, the

occupants of the property upon which the nuisance exists.

- (b) Nuisance Officer shall then present this information to the City governing board at a regular or special meeting for its confirmation that a nuisance exists.
- (3) ENFORCEMENT PROCEDURES. The nuisance, health and/or sanitation violation is brought to the Governing Body by the City Nuisance Officer, or the Board of Health or upon the Governing Body's own action. The Governing Body then may declare by resolution a nuisance, health and/or sanitation violation. The nuisance, health, and/or sanitation ordinances may be enforced by: (1) City administration procedures; (2) Penal prosecutions through the Courts, and or; (3) by civil procedures in the Courts. Any of these procedures, or any combination of these procedures may be used to enforce the nuisance, health and/or sanitation ordinances of the City.
 - (a) ADMINISTRATIVE PROCEDURE. The City may proceed with abatement of the nuisance, sanitation, and/or health violation with or without court involvement after the following procedure is followed:
 - (1) After a nuisance is declared the City Clerk notifies the Nuisance Officer to serve notice upon the violator(s).
 - (2) The Nuisance Officer shall prepare and serve notice which shall describe the found nuisance and state the required date of abatement and removal of the nuisance shall be accomplished. The notice shall also provide information as to how the interested parties may request a hearing before the Governing Body described in paragraph 4 herein.
 - (3) The notice shall be given to each owner or owner's duly authorized agent and to the occupant, in any, by personal service or certified mail. If notice by personal service or certified mail is unsuccessful, said notice shall be given by a single publication in a newspaper of general circulation in the City or county of the City, and by conspicuously posting the notice on the lot or ground upon which the nuisance is to be abated and removed. The date of service is determined by the later of certified mail receipt, personal service, or publication date.
 - (4) The accused violator (owner/agent/occupant) may request in writing a hearing before the Governing Body of the City within five (5) days after notice of violation is served or published. For tree nuisance violations the period for requesting a hearing is extended to thirty (30)

days after service.

- (5) If no request for a hearing is received in the required time period, the Governing Body may cause a hearing to be held. This option is at the sole discretion of the Governing Body to be used in exceptional cases.
- (6) If a hearing is requested, the City Clerk shall fix date of said hearing to be no later than 15 days from receipt of the request for the hearing. Notice of said hearing and with the date and time shall be served upon the agent, owner, and of the nuisance property by certified and regular mail.
- (7) The Hearing shall be a "show cause" hearing in which the agent, owner, occupant of the nuisance property (objecting property) shall provide evidence why the alleged condition should not be found to be a public nuisance and remedied. This hearing shall be heard before a quorum of the governing body. The presiding official of the Governing Body may conduct the hearing or said presiding official may appoint another person as the hearing officer to conduct the hearing (said hearing officer may be the City Attorney or the Enforcement Officer). At the hearing, the hearing officer shall mark and receive evidence which was presented when the finding of a nuisance was made, relevant evidence of the nuisance since that time, and evidence that the notices were properly given. The objecting party shall then provide its evidence. The rules of evidence is not required at said hearing, but all evidence must be relevant to the particular nuisance being heard. Testimony shall be under oath as administered by the hearing officer or any person so designated by the hearing officer, and the person providing the testimony is subject to the laws of perjury. Evidence may be submitted in writing by affidavit.
- (8) No later than 14 days after the hearing and consideration of the evidence, the Governing Body may by majority vote to rescind the resolution of violation. If the resolution of violation is not rescinded, it shall stand. Furthermore, if the Objector or its designated agent fails to appear at the hearing or does not provide evidence, the nuisance shall stand. If the resolution is not rescinded, the Governing Body may, by resolution, extend the date that owner, occupant, lessee, or mortgagee shall abate and remedy the said public nuisance, but in no case shall this time exceed 60 days. The findings of the Governing Body shall be made no

later than 14 days after the hearing and notice of its finding shall be served upon the Objecting party by regular US Mail within 5 days of the finding. The finding of this hearing is final, provided that an interested party or parties may appeal such decision to the appropriate court for adjudication.

(9) If the Nuisance Officer determines the nuisance is not remedied and abated within the time period designated, the City may cause the abatement of the nuisance.

(10) If an interested party properly appeals to an appropriate court the findings and orders of the City, the City actions shall be stayed until such time that the legal proceedings are completed or dismissed. In cases of appeal from an action of the City condemning real property as a nuisance or as dangerous under the police powers of the municipality, the owners of the adjoining property may intervene in the action at any time before trial. (Neb. RS 19-710)

(b) PENAL COURT ENFORCEMENT PROCEDURE. If the declared nuisance, health, and/or sanitation are not abated within fifteen (15) days that the notice is served upon the owner and/or occupant, and the City Clerk has not received a request for hearing, the Nuisance Officer may cause issue of a citation for the code violation.

(1) The citation shall be prosecuted to the appropriate court by the City Attorney or other designated prosecutor for the City.

(2) A person or persons found guilty of these violations shall be guilty of a misdemeanor and fined up to \$500.00 per each offense.

(3) Each day that the nuisance as identified in the nuisance resolution and notice, is not abated shall be a separate offense and subject to a separate fine.

(c) CIVIL COURT PROCEDURE. The Governing Body may instruct by resolution the City Attorney to file a civil action for the abatement of a nuisance. Said civil suit may commence after fifteen (15) days notice has been served, and may be filed and prosecuted at the same time any other enforcement procedure has commenced, terminated or in progress.

(D) EXPENSES.

(1) When the City has effected the abatement of the nuisance, health

and/or sanitation violation through either City employees or through contract with a third party and has incurred expenses and costs thereof, the actual cost thereof shall be charged to the owner, agent, occupant or person in possession, charge or control of such property. The billing shall be calculated at the actual cost of abating the nuisance plus a twenty-five-dollar (\$25.00) administrative fee.

- (2) This billing shall be submitted to the last known address of the Owner of the nuisance property as found in the County Treasurer's office by regular US Mail.
- (3) If said costs are not paid within two months after the work is done and one month after the expenses and costs are submitted to the owner and/or occupant, the City may levy and assess the expenses and costs upon the real estate benefitted by the actions in the same manner as other special assessments are levied and assessed, and the City may collect said assessments in the same procedure as other special assessments are collected. The City may also recover said expenses and costs of abating the nuisance, health and/or sanitation violation(s) in a civil action in the courts of the appropriate county in Nebraska.

§ 95.04 JURISDICTION.

The City Manager and Chief of Police of the city are directed to enforce this city code against all nuisances. The jurisdiction of the Mayor, Chief of Police, and court shall extend to, and the territorial application of this chapter shall include, all territory adjacent to the limits of the city within two miles thereof and all territory within the corporate limits.

(Prior Code, § 4-304)

Authority, see Neb. RS 16-901, 18-1720

Section 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3. This ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

PASSED AND APPROVED THIS _____ DAY OF _____, 2024.

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

ATTEST:

Lea Ann Doak, City Clerk-Treasurer

CITY MANAGER'S REPORT
APRIL 1, 2024 MCCOOK CITY COUNCIL MEETING

ITEM NO. 4.C Approve Ordinance No. 2024 - 3078 on first reading, amending the City of McCook Code or Ordinances by adding Chapter 121, entitled "Games of Skill" to Title XI Business Regulations".

BACKGROUND:

As "Games of Skill" become more prominent throughout Nebraska, communities have started to levy occupation taxes on these devices. Columbus and North Platte are examples of cities that have implemented an occupation tax on "Games of Skill". As revenue raising options become more difficult to ascertain, occupation taxes on "Games of Skill" have gained popularity.

City staff is proposing the implementation of an occupation tax on these devices in McCook. The occupation tax would cover both mechanical amusement devices and "Games of Skill" devices with betting capabilities. The occupation tax for a non-betting device would be \$10 annually per machine. The occupation tax for a betting device would be \$500 annually per machine. Staff proposes that the occupation tax for these devices be paid on August 1st of each year.

Additionally, staff proposes that the accompanying ordinance make it unlawful for any person or company engaged in the occupation of conducting the use of "Games of Skill" with betting capabilities within the City of McCook to allow or permit a game of skill with betting capabilities to be operated within the City between the hours of 2:00 a.m. to 8:00 a.m. each and every day of the week.

A right of entry provision is included in the ordinance to allow police officers of the City the authority to enter at any time upon any premises of any person or company engaged in the occupation of conducting the use of "Games of Skill" with betting capabilities within the City to determine whether any of the provisions of the ordinance or any rules or regulations adopted by the City or by the State have been violated. Per the proposed ordinance, City police officers will have the authority to review the records associated with these games, including video surveillance footage of the licenses premises.

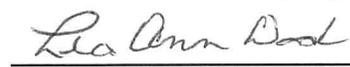
Per the ordinance, all persons or companies engaged in the occupation of conducting the use of "Games of Skill" with betting capabilities within the City must obtain appropriate licensing from the Department of Revenue.

APPROVALS:



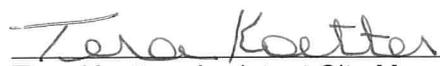
Nathan A. Schneider, City Manager

March 27, 2024



Lea Ann Doak, City Clerk

March 27, 2024



Tera Koetter, Assistant City Manager

March 27, 2024

ORDINANCE NO. 2024-3078

AN ORDINANCE OF THE CITY OF MCCOOK, NEBRASKA TO AMEND THE CITY OF MCCOOK CODE OF ORDINANCES BY ADDING CHAPTER 121, ENTITLED "GAMES OF SKILL" TO TITLE XI "BUSINESS REGULATIONS"; TO PROVIDE THAT THIS ORDINANCE SHALL BE MADE A PART OF THE CITY OF MCCOOK CODE OF ORDINANCES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR THE EFFECTIVE DATE AND PUBLICATION THEREOF.

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

Section 1. The City of McCook Code of Ordinances is hereby amended by adding Chapter 121 "Games of Skill" to Title XI "Business Regulations" to read as follows:

§ 121.01 DEFINITIONS

For the purposes of Title XI of the City of McCook Code of Ordinances and this Chapter, the definitions found in Neb. Rev. Stat. §§ 77-3001 through 77-3011 shall be used.

§ 121.02 OCCUPATION TAX IMPOSED

- (A) Effective July 1, 2024, an occupation tax is hereby imposed on any and all persons or companies engaged in the occupation of conducting mechanical amusement devices and/or games of skill with betting capabilities within the City of McCook as cited in the City of McCook Code of Ordinances § 36.01. The occupation tax owed is as follows:
- (1) Mechanical Amusement Device: \$10.00 per machine
 - (2) Games of skill with betting capabilities: \$500.00 per machine
- (B) Games of skill with betting capabilities are considered mechanical amusement devices. However, the required occupational tax in the amount of ten dollars (\$10.00) per machine for a mechanical amusement device is considered a part of and included in the occupational tax in the amount of five hundred dollars (\$500.00) per machine for a game of skill with betting capabilities. Therefore, the entire occupational tax owed under this Chapter for a game of skill with betting capabilities is five hundred dollars (\$500.00).
- (C) Payment of this occupation tax is due and payable on August 1st of each year.

§ 121.03 PROHIBITION

It shall be unlawful for any person or company to engage in the occupation of conducting the use of games of skill with betting capabilities within the City of McCook without first obtaining a license from the Department of Revenue pursuant to the Mechanical Amusement Device Tax Act, Neb. Rev. Stat.

§§ 77-3001 through 77-3011.

§ 121.04 HOURS OF OPERATION

It shall be unlawful for any person or company engaged in the occupation of conducting the use of games of skill with betting capabilities within the City of McCook to allow or permit a game of skill with betting capabilities to be operated within the City between the hours of 2:00 a.m. to 8:00 a.m. each and every day of the week.

§ 121.05 RIGHT OF ENTRY

All police officers of the City are hereby authorized to enter at any time upon any premises of any person or company engaged in the occupation of conducting the use of games of skill with betting capabilities within the City of McCook to determine whether any of the provisions of this Chapter or any rules or regulations adopted by the City or by the State have been or are being violated, and at such time to examine sufficiently the premises of the person or company in connection therewith. All persons or companies engaged in the occupation of conducting the use of games of skill with betting capabilities within the City of McCook shall further make available to all police officers of the City, at any officer's request, the licensee's books and records related to games of skill with betting capabilities, specifically including any and all video surveillance footage of the licensed premises.

§ 121.06 VIOLATION; PENALTY

Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

Section 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3. This ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

Section 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

PASSED AND APPROVED THIS _____ DAY OF _____, 2024.

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

ATTEST:

Lea Ann Doak, City Clerk-Treasurer

**CITY MANAGER'S REPORT
APRIL 1, 2024 CITY COUNCIL MEETING**

ITEM: **4.D.**

Approve upon its second reading, Ordinance No. 2024-3076 providing for the amendment of Chapter 38: Appendix E, Water Department Rates and Fees.

BACKGROUND:

Please refer to the attached City Manager's Report prepared for the March 18, 2024 City Council meeting.

**FISCAL
IMPACT:** None.

APPROVALS:



Lea Ann Doak, City Clerk

March 28, 2024

CITY MANAGER'S REPORT
MARCH 18, 2024 CITY COUNCIL MEETING

ITEM: 3.A.

RECOMMENDATION:

Introduce on first reading, Ordinance No. 2024-3076 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 2023 Water Enterprise Fund Cashflow Model, as prepared by Public Financial Management (PFM), City staff is recommending that the current water rate be increased by 8.5 %. The rate increase provides funds to cover inflation, staff wages, equipment, and prepare for future capital improvements. The current rates have been in place since May 2023.

The proposed adjustment would see the ready-to-serve fee increase from \$21.15 to **\$22.95/month** (+\$1.80). The price per 100 cubic feet (748 gallons) will also increase. The first 5,000 cubic feet will go from \$2.15 to **\$2.34** per 100 cubic feet (+18.5 cents). Usage above 5,000 cubic feet will go from \$1.59 to **\$1.734** per 100 cubic feet (+13.5 cents).

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

PFM's model uses annual water production of 70,000,000 cubic feet of water sales. This is a fair estimate based on conservation and annual averages.

FISCAL IMPACT:

APPROVALS:



Lea Ann Doak, City Clerk

Date



Pat Fawver, Utilities Director

3/12/2024

Date



Nate Schneider, City Manager

3-12-24

Date

ORDINANCE NO. 2024-3076

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. 2023-3064 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) 2.340 dollars per one hundred cubic feet for the first five thousand (5,000) cubic feet of water used;

(B) 1.734 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-two and 95/100 dollars (\$22.95) 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. 2023-3064 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 June 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, as the case may be.

PASSED AND APPROVED THIS _____ day of _____, 2024.

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

ATTEST:

-s- Lea Ann Doak, City Clerk

**CITY MANAGER'S REPORT
APRIL 1, 2024 CITY COUNCIL MEETING**

ITEM: 4.E.

Approve upon its second reading, Ordinance No. 2024-3077 providing for the amendment of Chapter 38: Appendix d, Sewer Department Rates and Fees.

BACKGROUND:

Please refer to the attached City Manager's Report prepared for the March 18, 2024 City Council meeting.

**FISCAL
IMPACT:** None.

APPROVALS:



Lea Ann Doak, City Clerk

March 28, 2024

CITY MANAGER'S REPORT
MARCH 18, 2024 CITY COUNCIL MEETING

ITEM:

RECOMMENDATION:

Introduce on first reading Ordinance No. 2024-3077 providing for the amendment to chapter 38: Appendix D. setting the rate to be charged for sewer by the McCook Wastewater Department.

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 7.5%. The rate increase provides the funds to cover inflation, pay for major capital projects and maintain a healthy budget.

The proposed increase would see the base fee for residential customers go from \$18.59 to **\$19.98** per month (+\$1.39). The commercial base fee will go from \$27.08 to **\$29.11** per month (+\$2.03). 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 7.5% from the current \$4.014 per 100 cubic feet (748 gallons) to **\$4.315** per 100 cubic feet of usage (+30.1 CENTS).

Using the PFM model as the guide, a 7.5% 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

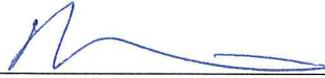
Date



Pat Fawver, Utilities Director

3/12/2024

Date



Nate Schneider, City Manager

3-12-24

Date

ORDINANCE NO. 2024-3077

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. 2023-3065 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 \$19.98 per month based on the first 333 cubic feet of water usage.

Residential Rate - \$4.315 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 \$29.11 per month based on the first 333 cubic feet of water usage.

Commercial Rate - \$4.315 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. 2023-3065 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 June 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, as the case may be.

PASSED AND APPROVED this _____ day of _____, 2024.

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

ATTEST:

-s- Lea Ann Doak, City Clerk