

MCCOOK CITY COUNCIL

REGULAR MEETING

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

Roll Call.

Excuse Absences.

Open Meetings Act Announcement.

Invocation - McCook Ministerial Association - Jeff Kelley, Memorial Methodist Church.

Pledge of Allegiance.

Call to Order.

Items.

1. Announcements & Recognitions.

2. Consent Agenda.

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

A. Approve the minutes of the June 17, 2024 regular City Council meeting.

B. Approve the McCook Area Chamber of Commerce Heritage Days request for the use of Norris Park for the Arts & Crafts Show, including the bandshell and electricity, on September 21, 2024; for the closing of the north bound lane of Norris Avenue from "G" Street to "H" Street and the 100 block of East "G" Street beginning at 1:00 p.m. on Friday, September 20, 2024 until Saturday, September 21, 2024 at 8:00 p.m., the 700 and 800 blocks of East 1st, the 100 and 200 blocks of East "H" Street from 5:00 A.M. to 8:00 P.M. on September 21, 2024, the 100 block of West "G" Street from 5:00 a.m. on Saturday, September 21, 2024 until after the parade; to close Norris Avenue from East "D" Street to East "E" Street on September 21, 2024 between 3:00 p.m. and 10:00 p.m. for October festivities; to allow overnight parking for vendors around Norris Park; to conduct their parade on public streets on September 21, 2024; and to allow the use of the McCook City Library parking lot for additional parking.

C. Award the base bid and alternates #1 and #2 to Shelco Construction of Elsie, Nebraska in the amount of \$980,698.46, that being the lowest best bid.

D. Approve the request from the McCook Chamber of Commerce to close Norris Avenue from the north side of "C" Street through "D" Street and West "C" Street from the west side of Norris Avenue to the east side of West 1st Street on

July 18 from 4:00 P.M. to 10:00 P.M. for their Third Thursday Family Fun on the Bricks Event.

E. Receive and file Topics for Consideration received through June 20, 2024.

3. Regular Agenda.

A. Presentation by Grant Flamig from the Nebraska Public Power District.

B. Approve an increase of the City of McCook's lease payment from NPPD by .5%, increasing the percentage amount from 12.5% to 13%, starting October 1, 2024.

C. Ordinance No. 2024-3080 amending the City of McCook's Code of Ordinances by adding Chapter 75, Sections 75.01 through and including Section 75.99, under title VII Traffic Code.

1. Chairperson asks Clerk to read Ordinance by title.

2. Consider approval of Ordinance No. 2024-3080 upon its second of three readings.

D. Presentation by Randall Goltl of Topic for Consideration for City Council Agenda regarding a request to include golf cart or golf car vehicles in proposed Ordinance No. 2024-3080.

E. Update regarding the swimming pool project and ballpark project.

F. Presentation by Ryan Patrick of Sportsman Solutions.

G. Ordinance No. 2024-3081 amending Section 95.35 Weeds, Litter, Stagnant Water; adding additional provisions which include all specific nuisances listed in Section 95.02 of the McCook Code of Ordinances.

1. Chairperson asks Clerk to read Ordinance by title.

2. Consider approval of Ordinance No. 2024-3081 upon its second of three readings.

H. Council Comments.

Adjournment.

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

ITEM: 2.A.

Approve the minutes of the June 17, 2024 regular City Council meeting.

BACKGROUND:

Receive and approve the minutes.

**FISCAL
IMPACT:** None.

APPROVALS:



Lea Ann Doak, City Clerk

June 26, 2024

McCook City Council
June 17, 2024
5:30 P.M. Central

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

Present: Mayor Taylor, Councilmembers Calvin, Weedin, Rambali.

Absent: Councilmember Muehlenkamp.

I move to excuse the absence of Councilmember Muehlenkamp. This motion, made by Calvin and seconded by Weedin, passed.

Muehlenkamp: ABSENT, Taylor: YEA, Calvin: YEA, Weedin: YEA, Rambali: YEA
YEA: 4, NAY: 0, ABSENT: 1

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

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on June 13, 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. Councilmember Weedin provided the invocation. Following the Pledge of Allegiance to the flag of the United States of America, Mayor Taylor called the meeting to order.

1. Announcements & Recognitions.

City Manager Schneider shared with the Council information from the Business in Nebraska letter regarding McCook's Taxable Sales pull factor by population. Sales capture, the share of local spending power that is captured by area businesses, is an important measure of economic activity. Great sales capture, which is typically measured using data on local taxable sales, creates multiple benefits for the economy. The average pull factor for communities with a population similar to McCook/Red Willow County is .516. The pull factor for McCook/Red Willow County is 1.304. McCook is ranked fourth highest following Grand Island/Hall County at 1.589, Norfolk/Madison County at 1.571, and Kearney/Buffalo County at 1.327.

2. Public Hearing.

- 2.A. Regarding a real estate purchase of real property owned by John D. Walters, legally described as: Part of the Northwest Quarter (NW1/4) Northwest Quarter (NW1/4); Northeast Quarter (NE1/4) Northwest Quarter (NW1/4); Southwest Quarter (SW1/4) Northwest Quarter (NW1/4); and part of the Southeast Quarter (SE1/4) Northwest (NW1/4), Section Nineteen (19), Township Three (3), Range Twenty-nine (29), West of the 6th P.M., Red Willow County, Nebraska.

Motion to recess as a City Council and convene a public hearing for the purpose of receiving public comment with respect to a real estate purchase of real property owned by John D. Walters, legally described as: Part of the Northwest Quarter (NW1/4) Northwest Quarter (NW1/4); Northeast Quarter (NE1/4) Northwest Quarter (NW1/4); Southwest Quarter (SW1/4) Northwest Quarter (NW1/4); and part of the Southeast Quarter (SE1/4) Northwest (NW1/4), Section Nineteen (19), Township Three (3), Range Twenty-nine (29), West of the 6th P.M., Red Willow County, Nebraska, with the City Attorney to act as hearing officer. This motion, made by Calvin and seconded by Weedin, passed.

Muehlenkamp: ABSENT, Taylor: YEA, Calvin: YEA, Weedin: YEA, Rambali: YEA
YEA: 4, NAY: 0, ABSENT: 1

The City Attorney offered and received into evidence Exhibit #1 - City Manager's Report prepared for the June 17, 2024 City Council meeting (1 page) and Exhibit #2 - Notice of Public Hearing published (1 page).

City Manager Schneider reviewed the project, costs, and safety concerns leading to the change of location to the John Walters property.

No public comments were received.

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

Muehlenkamp: ABSENT, Taylor: YEA, Calvin: YEA, Weedin: YEA, Rambali: YEA
YEA: 4, NAY: 0, ABSENT: 1

3. Consent Agenda.

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

Muehlenkamp: ABSENT, Taylor: YEA, Calvin: YEA, Weedin: YEA, Rambali: YEA
YEA: 4, NAY: 0, ABSENT: 1

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

- 3.B. Receive and file the claims for the month of May 2024, published June 7, 2024.

- 3.C. Approve an application from Viaero Fiber Networks, LLC to occupy city right-of-way for the purpose of installing underground fiber optic conduit, cable, and new ground level vault for the Keystone Business Center.
- 3.D. Ratify the Mayor's appointments to the Airport Advisory Commission - reappoint Doug Skiles and Mike Kugler - terms expire November 2027; and to the Economic Development Plan Citizen's Advisory Review Committee - reappoint Sean Wolfe and Sarah Renner - terms expire July 2027.
- 3.E. Appoint Lance Gillen, Tom Bredvick, and Linda Taylor to the McCook Community Recreation Facilities Committee as required by the Interlocal Cooperation Agreement between the City of McCook and Red Willow County School District 0017 (McCook Public Schools).
- 3.F. Receive and file the Financial Report for the period ending May 31, 2024.

4. Regular Agenda.

- 4.A. Ordinance No. 2024-3082 authorizing the issuance of Combined Utilities Revenue Bonds, in a principal amount of not to exceed \$9 million, to pay the costs of improvements to the City's combined utilities, including the sewer system improvement project.

Mayor Taylor asked the Clerk to read Ordinance No. 2024-3082 by title.

AN ORDINANCE AUTHORIZING THE ISSUANCE BY THE CITY OF McCOOK, NEBRASKA OF ITS COMBINED UTILITIES REVENUE BONDS, SERIES 2024, IN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$9,000,000; PRESCRIBING THE FORM AND DETAILS OF THE BONDS AND THE COVENANTS AND AGREEMENTS TO PROVIDE FOR THE PAYMENT AND SECURITY THEREOF; AUTHORIZING CERTAIN OFFICIALS TO DETERMINE THE PRINCIPAL AMOUNT, THE MATURITIES, THE INTEREST RATES, THE REDEMPTION PROVISIONS, THE FINANCIAL COVENANTS AND OTHER TERMS AND PROVISIONS RELATING TO THE BONDS AND AUTHORIZING THE SALE AND DELIVERY OF THE BONDS TO THE PURCHASER THEREOF; DESIGNATING THE BONDS AS QUALIFIED TAX-EXEMPT OBLIGATIONS; ADOPTING CERTAIN POST ISSUANCE TAX COMPLIANCE AND DISCLOSURE POLICIES AND PROCEDURES WITH RESPECT TO THE BONDS; PROVIDING FOR THE PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM; AND AUTHORIZING CERTAIN ACTIONS AND DOCUMENTS AND PRESCRIBING OTHER MATTERS RELATING THERETO.

Ordinance No. 2024-3082 has been introduced, read by title, and I move that the statutory rule requiring reading on three different days be suspended. This motion, made by Calvin and seconded by Weedon, passed. Motion to suspend the rule must be adopted by three-fourths of the Council. Muehlenkamp: ABSENT, Taylor: YEA, Calvin: YEA, Weedon: YEA, Rambali: YEA
YEA: 4, NAY: 0, ABSENT: 1

Motion for final passage of Ordinance No. 2024-3082. This motion, made by Calvin and seconded by Taylor,

Discussion was held.

City Manager Schneider reviewed the information presented in his City Manager's reports for both Agenda Items 4.A. and 4.B.

Brad Slaughter, Northland Securities reviewed the process for the Combined Utility Bonds and the Bond Anticipation Notes.

Mayor called the question for the motion on the floor, passed.

Muehlenkamp: ABSENT, Taylor: YEA, Calvin: YEA, Weedon: YEA, Rambali: YEA
YEA: 4, NAY: 0, ABSENT: 1

Mayor Taylor stated for the record that Ordinance No. 2024-3082 is declared lawfully passed and adopted upon publication as required by law.

- 4.B. Ordinance No. 2024-3083 authorizing the issuance of Combined Utilities Revenue Bond Anticipation Notes, in a principal amount not to exceed \$8 million, to pay the construction costs of improvements to the City's combined utilities, including the sewer system improvement project, which notes are expected to be repaid with USDA financing or other long-term obligations upon completion of the project.

Mayor Taylor asked the Clerk to read Ordinance No. 2024-3083 by title.

AN ORDINANCE AUTHORIZING THE ISSUANCE BY THE CITY OF McCOOK, NEBRASKA OF ITS BOND ANTICIPATION NOTES, SERIES 2024, IN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$8,000,000; PRESCRIBING THE FORM AND DETAILS OF THE NOTES AND THE COVENANTS AND AGREEMENTS TO PROVIDE FOR THE PAYMENT AND SECURITY THEREOF; AUTHORIZING CERTAIN OFFICIALS TO DETERMINE THE PRINCIPAL AMOUNT, THE MATURITIES, THE INTEREST RATES, THE REDEMPTION PROVISIONS, THE FINANCIAL COVENANTS AND OTHER TERMS AND PROVISIONS RELATING TO THE NOTES AND AUTHORIZING THE SALE AND DELIVERY OF THE NOTES TO THE PURCHASER THEREOF; DESIGNATING THE NOTES AS QUALIFIED TAX-EXEMPT OBLIGATIONS; PROVIDING FOR THE PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM; AND AUTHORIZING CERTAIN ACTIONS AND DOCUMENTS AND PRESCRIBING OTHER MATTERS RELATING THERETO.

Ordinance No. 2024-3083 has been introduced, read by title, and I move that the statutory rule requiring reading on three different days be suspended. This motion, made by Weedon and seconded by Rambali, passed. Motion to suspend the rule must be adopted by three-fourths of the Council.

Muehlenkamp: ABSENT, Taylor: YEA, Calvin: YEA, Weedon: YEA, Rambali: YEA
YEA: 4, NAY: 0, ABSENT: 1

Motion for final passage of Ordinance No. 2024-3083. This motion, made by Rambali and seconded by Calvin, passed.

Muehlenkamp: ABSENT, Taylor: YEA, Calvin: YEA, Weedin: YEA, Rambali: YEA
YEA: 4, NAY: 0, ABSENT: 1

Mayor Taylor stated for the record that Ordinance No. 2024-3083 is declared lawfully passed and adopted upon publication as required by law.

4.C. Ordinance No. 2024-3084 authorizing the issuance of Municipal Improvement bond Anticipation Notes, in a principal amount not to exceed \$5 million, to pay the construction costs of ballpark facilities and other improvements authorized by the voters at the City's sales tax election held on November 8, 2023.

Mayor Taylor asked the Clerk to read Ordinance No. 2024-3084 by title.

AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF MUNICIPAL IMPROVEMENT BOND ANTICIPATION NOTES, IN ONE OR MORE SERIES, OF THE CITY OF McCOOK, NEBRASKA, OF THE AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED FIVE MILLION DOLLARS (\$5,000,000) FOR THE PURPOSE OF PROVIDING INTERIM FINANCING FOR A PORTION OF THE COSTS OF CONSTRUCTING INFRASTRUCTURE IMPROVEMENTS; PRESCRIBING THE FORM OF SAID NOTES; AGREEING TO ISSUE BONDS TO PAY THE NOTES AT MATURITY OR TO PAY THE NOTES FROM OTHER AVAILABLE FUNDS; ENTERING INTO A CONTRACT ON BEHALF OF THE CITY WITH THE HOLDERS OF SAID NOTES; AND ORDERING THIS ORDINANCE PUBLISHED IN PAMPHLET OR ELECTRONIC FORM.

Ordinance No. 2024-3084 has been introduced, read by title, and I move that the statutory rule requiring reading on three different days be suspended. This motion, made by Calvin and seconded by Weedin, passed. Motion to suspend the rule must be adopted by three-fourths of the Council.

Muehlenkamp: ABSENT, Taylor: YEA, Calvin: YEA, Weedin: YEA, Rambali: YEA
YEA: 4, NAY: 0, ABSENT: 1

City Manager Schneider reviewed the information presented in his City Manager's report.

Paul Grieger, D.A. Davidson, reviewed the process for the Municipal Improvement Bond anticipation Notes and addressed questions from the Council.

Motion for final passage of Ordinance No. 2024-3084. This motion, made by Weedin and seconded by Rambali, passed.

Muehlenkamp: ABSENT, Taylor: YEA, Calvin: YEA, Weedin: YEA, Rambali: YEA
YEA: 4, NAY: 0, ABSENT: 1

Mayor Taylor stated for the record that Ordinance No. 2024-3084 is declared lawfully passed and adopted upon publication as required by law.

- 4.D. Presentation from Erica Bush with WCNDD (West Central Nebraska Development District) in regards to properties identified to be in violation of McCook's Code of Ordinances.

Erica Bush with West Central Nebraska Development District (WCNDD) presented on properties that violate the McCook Code of Ordinance. They mailed 110 LETTERS to the property owners requesting that these violations be resolved. Of the 110, 52 of the properties have been cleared, 31 requested extensions, and 27 of those properties are being presented as nuisances that need to be taken care of.

Ms. Bush answered questions from the Council and public.

- 4.E. Approve Resolution No. 2024-13 approving the designation of nuisance properties as deemed by WCNDD and as declared in the Resolution.

Motion to approve Resolution No. 2024-13 approving the designation of nuisance properties as deemed by WCNDD and as declared in the Resolution. This motion, made by Calvin and seconded by Rambali, passed.

Muehlenkamp: ABSENT, Taylor: YEA, Calvin: YEA, Weedon: YEA, Rambali: YEA
YEA: 4, NAY: 0, ABSENT: 1

- 4.F. Discussion regarding increasing the City of McCook's lease payment from NPPD by .5%.

City Manager Schneider reviewed the information presented in his City Manager's report

After discussion, Mayor Taylor requested the staff move forward and placed consideration of the increase on the July 1 agenda.

- 4.G. Ordinance No. 2024-3080 amending the City of McCook's Code of Ordinances by adding Chapter 75, Sections 75.01 through and including Section 75.99, under title VII Traffic Code.

Mayor Taylor asked the Clerk to read Ordinance No. 2024-3080 by title.

AN ORDINANCE PROVIDING FOR THE AMENDMENT OF THE CITY OF MCCOOK CODE OF ORDINANCES; AMENDING TITLE VII: TRAFFIC CODE, ADDING CHAPTER 75: UTILITY-TYPE VEHICLES; PROHIBITING THE OPERATION OF ALL-TERRAIN VEHICLES AND ALLOW THE OPERATION OF UTILITY-TYPE VEHICLES ON CITY STREETS AND SETTING FORTH THE PROVISIONS UNDER WHICH UTILITY-TYPE VEHICLES MAY BE OPERATED; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE..

Ordinance No. 2024-3080 has been introduced, read by title, and I move to approve upon its first of three readings. This motion, made by Rambali and seconded by Calvin.

City Manager Schneider reviewed the information presented in his City Manager's report.

Police Chief Hodgson was present to address questions from the Council.

Maggie Repass spoke in support of the ordinance.

Mayor Taylor called the question for the motion on the floor, passed.

Muehlenkamp: ABSENT, Taylor: YEA, Calvin: YEA, Weedin: YEA, Rambali: YEA
YEA: 4, NAY: 0, ABSENT: 1

4.H. Ordinance No. 2024-3081 amending Section 95.35 Weeds, Litter, Stagnant Water; adding additional provisions which include all specific nuisances listed in Section 95.02 of the McCook Code of Ordinances.

Mayor Taylor asked the Clerk to read Ordinance No. 2024-3081 by title.

AN ORDINANCE OF THE CITY OF MCCOOK, NEBRASKA AMENDING THE CITY OF MCCOOK CODE OF ORDINANCES CHAPTER 95, ENTITLED "NUISANCE; HEALTH AND SANITATION", SECTION 95.35(G) - WEEDS, LITTER, STAGNANT WATER, ADDING SUBSECTION (F) LISTING SPECIFIC NUISANCES; 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.

Ordinance No. 2024-3081 has been introduced, read by title, and I move to approve upon its first of three readings. This motion, made by Calvin and seconded by Taylor.

City Manager Schneider reviewed the information presented in his City Manager's report.

Mayor Taylor called the question for the motion on the floor, passed.

Muehlenkamp: ABSENT, Taylor: YEA, Calvin: YEA, Weedin: YEA, Rambali: YEA
YEA: 4, NAY: 0, ABSENT: 1

Tysha Park stated that she had something to discuss with the Council that was not on the agenda. City Attorney Mustion informed Ms. Park that only items on the agenda can be discussed and requested that she stop by the office to set a time to meet with the appropriate individual to discuss her concerns.

4.I. Update regarding the swimming pool project and ballpark project.

Assistant City Manager Koetter gave a review of the June 10 progress meeting for the swimming pool. They are working hard to complete the project, no definite opening date has been given.

The ballpark project will be considered later on in the agenda.

4.J. Council Comments.

There were no council comments.

- 4.K. 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 6:57 P.M. This motion, made by Calvin and seconded by Weedin, passed.

Muehlenkamp: ABSENT, Taylor: YEA, Calvin: YEA, Weedin: YEA, Rambali: YEA
YEA: 4, NAY: 0, ABSENT: 1

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.

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

I move to come out of executive session at 7:30 P.M. This motion, made by Calvin and seconded by Weedin, passed.

Muehlenkamp: ABSENT, Taylor: YEA, Calvin: YEA, Weedin: YEA, Rambali: YEA
YEA: 4, NAY: 0, ABSENT: 1

- 4.L. Approve Resolution No. 2024 -14 approving a Real Estate Purchase Agreement between John D. Walters and Deborah D. Walters and the City of McCook for real property legally described as: Part of the Northwest Quarter (NW1/4) Northwest Quarter (NW1/4); Northeast Quarter (NE1/4) Northwest Quarter (NW1/4); Southwest Quarter (SW1/4) Northwest Quarter (NW1/4); and part of the Southeast Quarter (SE1/4) Northwest (NW1/4), Section Nineteen (19), Township Three (3), Range Twenty-nine (29), West of the 6th P.M., Red Willow County, Nebraska.

Motion to approve Resolution No. 2024 -14 approving a Real Estate Purchase Agreement between John D. Walters and Deborah D. Walters and the City of McCook for real property legally described as: Part of the Northwest Quarter (NW1/4) Northwest Quarter (NW1/4); Northeast Quarter (NE1/4) Northwest Quarter (NW1/4); Southwest Quarter (SW1/4) Northwest Quarter (NW1/4); and part of the Southeast Quarter (SE1/4) Northwest (NW1/4), Section Nineteen (19), Township Three (3), Range Twenty-nine (29), West of the 6th P.M., Red Willow County, Nebraska. This motion, made by Calvin and seconded by Taylor, passed.

Muehlenkamp: ABSENT, Taylor: YEA, Calvin: YEA, Weedin: YEA, Rambali: YEA
YEA: 4, NAY: 0, ABSENT: 1

- 4.M. 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 collective bargaining - the Fraternal Order of Police Lodge 57.

Motion to go into executive session for the protection of public interest for a strategy session with respect to collective bargaining - the Fraternal Order of Police Lodge 57 at 7:32 P.M. This motion, made by Calvin and seconded by Weedin, passed.

Muehlenkamp: ABSENT, Taylor: YEA, Calvin: YEA, Weedin: YEA, Rambali: YEA
YEA: 4, NAY: 0, ABSENT: 1

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 collective bargaining - the Fraternal Order of Police Lodge 57. The Council will reconvene in public session following this closed session.

Included in the executive session were City Manager Schneider, City Attorney Mustion, Assistant City Manager Koetter, City Clerk Doak, Police Chief Hodgson.

I move to come out of executive session at 7:44 P.M. This motion, made by Weedin and seconded by Calvin, passed.

Muehlenkamp: ABSENT, Taylor: YEA, Calvin: YEA, Weedin: YEA, Rambali: YEA
YEA: 4, NAY: 0, ABSENT: 1

4.N. Adopt Resolution No. 2024-12 ratifying the Collective Bargaining Agreement between the City of McCook and the Fraternal Order of Police, Lodge 57 for the period of October 1, 2024 to September 30, 2026, and authorize the Mayor to sign said agreement.

Motion to adopt Resolution No. 2024-12 ratifying the Collective Bargaining Agreement between the City of McCook and the Fraternal Order of Police, Lodge 57 for the period of October 1, 2024 to September 30, 2026, and authorize the Mayor to sign said agreement. This motion, made by Weedin and seconded by Calvin, passed.

Muehlenkamp: ABSENT, Taylor: YEA, Calvin: YEA, Weedin: YEA, Rambali: YEA
YEA: 4, NAY: 0, ABSENT: 1

Adjournment.

There being no further business to come before the Council, Mayor Taylor declared the meeting adjourned at 7:45 P.M.

Linda Taylor, Ex-officio Mayor
and Council President

ATTEST:

Lea Ann Doak, City Clerk-Treasurer

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

ITEM: 2.B.

Approve the McCook Area Chamber of Commerce Heritage Days request for the use of Norris Park for the Arts & Crafts Show, including the bandshell and electricity, on September 21, 2024; for the closing of the north bound lane of Norris Avenue from "G" Street to "H" Street and the 100 block of East "G" Street beginning at 1:00 p.m. on Friday, September 20, 2024 until Saturday September 21, 2024 at 8:00 p.m., the 700 and 800 blocks of East 1st, the 100 and 200 blocks of East "H" Street from 5:00 A.M. to 8:00 P.M. on September 21, 2024, the 100 block of West "G" street from 5:00 a.m. on Saturday September 21, 2024 until after the parade; to close Norris Avenue from East "D" Street to East "E" Street on September 21, 2024 between 3:00 p.m. and 10:00 p.m. for Oktober festivities; to allow overnight parking for vendors around Norris Park; to conduct their parade on public streets on September 21, 2024; and to allow the use of the McCook City Library parking lot for additional parking.

BACKGROUND:

The McCook Area Chamber of Commerce requests permission to conduct their annual Heritage Days activities in McCook on September 20th and 21st, 2024.

The Chamber of Commerce requests to conduct a parade beginning at 10:00 A.M. on Saturday, September 21, 2024. The parade will necessitate the temporary closing of much of Norris Avenue and West "C" Street during the parade.

The Chamber of Commerce also requests the use of Norris Park, including the bandshell and electricity, as well as the closing of the 700 and 800 blocks of East 1st Street, the 100 and 200 blocks of East "H", the 100 block of East "G" Street and Norris Avenue from East "G" to East "H". The Chamber is also requesting the closing of the 100 block of West "G" street prior to the parade for the staging of parade entries. Overnight parking is also requested for the craft show vendors.

The Chamber of Commerce is also requesting permission to close Norris Avenue between "D" Street and "E" Street for the Oktober festivities.

A certificate of Insurance Coverage has been requested.

From: Sarah Schneider <director@mccookchamber.org>
Sent: Tuesday, June 25, 2024 8:50 AM
To: Nate Schneider (nschneider@cityofmccook.com); Clerk Lea Ann Doak; potthoff@cityofmccook.com; Tera Koetter
Subject: Request for Council Meeting

Good morning,

I have made a revision to my request for July 18th. I have highlighted it in yellow.

Thanks,
Sarah

Please consider this a formal request to be added to the July 1st McCook City Council agenda for approval of the following requests from the McCook Chamber of Commerce in regard to ACE Funds, Third Thursday event, and Heritage Days. I have broken the request apart to ease in understanding but if it is still unclear, please let me know.

The McCook Chamber of Commerce is requesting \$6,000 in ACE Funds from the McCook City Council.

These funds would be allocated to:
Advertising for Chamber Events
Promoting local shopping
Social Media/Business Promotion
Stimulating Local Community Economic Development

Please consider this a formal request to have the following added to the July 1st City Council meeting for approval of the following requests from the McCook Chamber of Commerce in regard to Family Fun on the Bricks (Third Thursday) and Heritage Days. I have broken the request apart to ease in understanding but if it is still unclear, please let me know.

1. Permission to close Norris Avenue between East "C" and East "D" Streets, "C" Street between Norris and West 1st Street, leaving the intersection on Norris open; on July 18th for the Third Thursday event Family Fun on the Bricks from 4pm to 10pm.

2. Permission to hold the annual Heritage Days Parade on September 21st. The parade will begin at 10:00am with the flag ceremony at the Norris Avenue flagpole at 9:45am. The route is the same as in 2023, and begins at East "F" Street, proceeds south on Norris Avenue to East "C" Street and then turns west toward West 5th Street. The parade will fall out and disband when they arrive at West 5th St. Parade entries will be lined up on both sides of Norris Avenue from East "F" Street north to East "O" Street.

3. Norris Park and surrounding road area closure request
a. Permission to use Norris Park for our annual Heritage Days Arts and Crafts Show on Saturday, September 21st.

- b. Use of the electricity at Norris Park as in years past for the food vendors. Electricity will come from the power pole on the south side of the park as well as the bandshell.
 - c. Use of the bandshell for stage entertainment.
 - d. Permission to close East Norris Ave (north bound) and East "G" Street from Norris Avenue to East 1st Street on Friday, September 20th afternoon beginning at 1pm so that our vendors are able to set up.
 - e. Permission to close the streets around Norris Park for September 21st . These roads include East "H" Street, East "G" Street, and East 1st St. They should be blocked off at 5:00am Saturday and remain closed throughout the day opening back up at 8:00pm. East "H" Street should be closed from Norris Ave. to East 2nd Street. East 1st Street should be closed from East "G" Street to East "I" Street. (See attached map)
 - f. Permission to close East "G" St. between Norris Ave. and West 1st St. be closed to vehicle parking.
 - g. Permission to block Norris Ave. after the parade on Saturday from East "G" Street to East "H" Street.
4. Permission to use McCook City Library parking lot for additional parking for vendors attending arts and crafts shows.
5. Norris Avenue between East "D" and East "E" road closure request.
- a. Permission to close Norris Avenue between East "D" and East "E" street for Oktober festivities beginning at 3pm to 10pm.

I will be available to speak to this request at the July 1st City Council meeting. Please let me know if you need anything further.

Sarah Schneider

Director

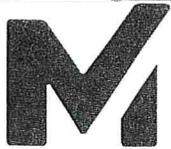
McCook Chamber of Commerce

402 Norris Avenue | Suite 316

McCook, NE 69001

308.345.3200

director@mccookchamber.org



**MCCOOK CHAMBER
OF COMMERCE**

Involvement | Education | Advocacy | Marketing

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

ITEM: 2.C.

RECOMMENDATION:

AWARD THE BASE BID AND ALTERNATES #1 AND #2 TO SHELCO CONSTRUCTION OF ELSIE, NE IN THE AMOUNT OF \$980,698.46, THAT BEING THE LOWEST BEST BID.

BACKGROUND

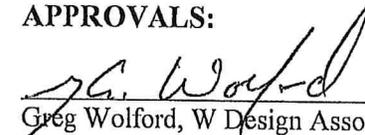
The base bid project on West C, West D and West 9th was the planned project for bidding on this year's One Year Plan. The alternate bids overlaying Norris Ave. from F to O Streets and West Q from West 3rd to West 5th were further down on the Six Year Plan. However, both these streets are heavily traveled and in the past couple of years have seen significant deterioration. Based on available funds these streets were moved up in priority.

The project was advertised statewide as well as advertisements sent directly to area asphalt contractors. Three contractors checked out plans but only one, Shelco Construction of Elsie submitted a bid. Shelco's bid on all three projects were under the Engineer's estimate and the City has sufficient funds on hand to complete the work. The bid documents require all work to be completed by November 25, 2024.

Attached is a summary bid tabulation and a detailed bid tabulation.

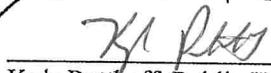
FISCAL IMPACT: None.

APPROVALS:



Greg Wolford, W Design Associates

Date: 26 Jun 24



Kyle Potthoff, Public Works Director

Date: 6/26/24



Nate Schneider, City Manager

Date: 6-26-24

BID TABULATION
 THE CITY OF MCCOOK
 2024 ASPHALT PAVING PROJECTS
 BID DATE: JUNE 25, 2024 TIME: 2:30 P.M

CONTRACTOR	BASE BID TOTAL	ALT BID #1 TOTAL (NORRIS)	ALT BID #2 TOTAL (WEST Q)	BID BOND	NOTES
Dustrol, Inc 7990 N 56th Lincoln, NE 68514 402-446-1184	No Bid				
Gerih Concrete Construction P. O. Box 817 McCook, NE 69001 308-345-6095	No Bid				
Paulsen Inc P. O. Box 17 Cozad, NE 69130 308-784-3333	No Bid				
Shelco Construction PO Box 53 Elsie, NE 69134 308-352-6741	\$561,562.21	\$385,101.00	\$34,035.25	Yes	
Werner Construction Company 129 E. 2nd Street Hastings, NE 68901 402-463-4545	No Bid				



THE CITY OF MCCOOK
 2024 ASPHALT PAVING PROJECTS
 McCOOK, NE
 BID DATE: June 25, 2024 @ 2:30 P.M.

		Shelco Construction PO Box 53 Elsie, NE 69134			
		Est. Quantity	Units	Unit Price	Total Price
1. BASE BID					
1	Mobilization	1	L.S.	\$ 16,000.00	\$ 16,000.00
2	Saw Cut Pavement	402	L.F.	\$ 4.00	\$ 1,608.00
3	Cold Milling Class 4	9194	S. Y.	\$ 4.50	\$ 41,373.00
4	Remove Concrete Sidewalk	174	S. Y.	\$ 18.25	\$ 3,175.50
5	Remove Concrete Curb and Gutter	273	L.F.	\$ 9.77	\$ 2,667.21
6	Remove Concrete Pavement	4	S. Y.	\$ 135.00	\$ 540.00
7	Subgrade preparation	9194	S. Y.	\$ 4.25	\$ 39,074.50
8	Bituminous Foundation Course 3" - Millings	9194	S. Y.	\$ 3.00	\$ 27,582.00
9	Build 4" Asphaltic concrete SPR	2146	Tons	\$ 172.00	\$ 369,112.00
10	Build 36" Curb and Gutter - 6" Thick	277	L.F.	\$ 48.00	\$ 13,296.00
11	Build 4" Sidewalk - 5-0" Wide	143	S. Y.	\$ 78.00	\$ 11,154.00
12	Build 4" Barrier Curb	235	L.F.	\$ 48.00	\$ 11,280.00
13	Detectable Warning Insert	130	S. F.	\$ 24.00	\$ 3,120.00
14	Adjust Manhole to Grade	1	EA	\$ 1,800.00	\$ 1,800.00
15	Adjust Water Valve Riser to Grade	1	EA	\$ 1,200.00	\$ 1,200.00
16	Signs and Barricades	1	L.S.	\$ 18,500.00	\$ 18,500.00
17	Over Excavation - Remove & Replace	1	Cu. Yd.	\$ 80.00	\$ 80.00
				Sub Total	\$ 561,562.21
				Written Bid:	\$ 561,562.21
* Denotes Math Error					
2. ALTERNATE BID #1 (NORRIS AVE)					
		Est. Quantity	Units	Unit Price	Total Price
1	Cold Milling Class 3	16068	S. Y.	\$ 3.25	\$ 52,221.00
2	Build 2" Asphaltic Concrete SPR	1875	Tons	\$ 172.00	\$ 322,500.00
3	Patching	40	Tons	\$ 172.00	\$ 6,880.00 *
4	Signs & Barricades	1	L.S.	\$ 3,500.00	\$ 3,500.00 *
				Sub Total	\$ 385,101.00 *
				Written Bid:	\$ 385,021.00
* Denotes Math Error					
3. ALTERNATE BID #2 (WEST Q ST)					
		Est. Quantity	Units	Unit Price	Total Price
1	Cold Milling Class 3	1697	S. Y.	\$ 3.25	\$ 5,515.25
2	Build 1-1/2" Asphaltic Concrete SPR	150	Tons	\$ 172.00	\$ 25,800.00
3	Patching	10	Tons	\$ 172.00	\$ 1,720.00
4	Signs & Barricades	1	L.S.	\$ 1,000.00	\$ 1,000.00
				Sub Total	\$ 34,035.25
				Written Bid:	\$ 34,035.25
* Denotes Math Error					
BASE BID TOTAL:					\$561,562.21
ALT BID #1 TOTAL					\$385,101.00
ALT BID #2 TOTAL					\$34,035.25
BID SECURITY					YES

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

ITEM: 2.D.

Approve the request from the McCook Chamber of Commerce to close Norris Avenue from the north side of "C" Street thru "D" Street and West "C" Street from the west side of Norris Avenue to the east side of West 1st Street on July 18 from 4:00 P.M. to 10:00 P.M. for their Third Thursday Family Fun on the Bricks Event.

BACKGROUND:

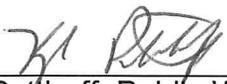
This request is from the McCook Chamber of Commerce for the closing of Norris Avenue from the north side of "C" Street thru "D" Street and West "C" Street from the west side of Norris Avenue to the east side of West 1st Street on Thursday July 18, 2024 from 4:00 p.m. to 10:00 p.m. for their Third Thursday Family Fun on the Bricks Event.

A previous request was approved on May 6, 2024 for the closing of Norris Avenue between "D" Street and "E" Street for other Third Thursday events.

By combining these requests, Norris Avenue will be closed from the north side of "C" Street to the south side of "E" Street on Thursday July 18th from 4:00 p.m. to 10:00 p.m.

**FISCAL
IMPACT:** None.

APPROVALS:



Kyle Potthoff, Public Works Director

June 26, 2024



Nate Schneider, City Manager

June 26, 2024

From: Sarah Schneider <director@mccookchamber.org>
Sent: Tuesday, June 25, 2024 8:50 AM
To: Nate Schneider (nschneider@cityofmccook.com); Clerk Lea Ann Doak; potthoff@cityofmccook.com; Tera Koetter
Subject: Request for Council Meeting

Good morning,

I have made a revision to my request for July 18th. I have highlighted it in yellow.

Thanks,
Sarah

Please consider this a formal request to be added to the July 1st McCook City Council agenda for approval of the following requests from the McCook Chamber of Commerce in regard to ACE Funds, Third Thursday event, and Heritage Days. I have broken the request apart to ease in understanding but if it is still unclear, please let me know.

The McCook Chamber of Commerce is requesting \$6,000 in ACE Funds from the McCook City Council.

These funds would be allocated to:
Advertising for Chamber Events
Promoting local shopping
Social Media/Business Promotion
Stimulating Local Community Economic Development

Please consider this a formal request to have the following added to the July 1st City Council meeting for approval of the following requests from the McCook Chamber of Commerce in regard to Family Fun on the Bricks (Third Thursday) and Heritage Days. I have broken the request apart to ease in understanding but if it is still unclear, please let me know.

1. Permission to close Norris Avenue between East "C" and East "D" Streets, "C" Street between Norris and West 1st Street, leaving the intersection on Norris open; on July 18th for the Third Thursday event Family Fun on the Bricks from 4pm to 10pm.

2. Permission to hold the annual Heritage Days Parade on September 21st. The parade will begin at 10:00am with the flag ceremony at the Norris Avenue flagpole at 9:45am. The route is the same as in 2023, and begins at East "F" Street, proceeds south on Norris Avenue to East "C" Street and then turns west toward West 5th Street. The parade will fall out and disband when they arrive at West 5th St. Parade entries will be lined up on both sides of Norris Avenue from East "F" Street north to East "O" Street.

3. Norris Park and surrounding road area closure request
a. Permission to use Norris Park for our annual Heritage Days Arts and Crafts Show on Saturday, September 21st.

- b. Use of the electricity at Norris Park as in years past for the food vendors. Electricity will come from the power pole on the south side of the park as well as the bandshell.
- c. Use of the bandshell for stage entertainment.
- d. Permission to close East Norris Ave (north bound) and East "G" Street from Norris Avenue to East 1st Street on Friday, September 20th afternoon beginning at 1pm so that our vendors are able to set up.
- e. Permission to close the streets around Norris Park for September 21st . These roads include East "H" Street, East "G" Street, and East 1st St. They should be blocked off at 5:00am Saturday and remain closed throughout the day opening back up at 8:00pm. East "H" Street should be closed from Norris Ave. to East 2nd Street. East 1st Street should be closed from East "G" Street to East "I" Street. (See attached map)
- f. Permission to close East "G" St. between Norris Ave. and West 1st St. be closed to vehicle parking.
- g. Permission to block Norris Ave. after the parade on Saturday from East "G" Street to East "H" Street.

4. Permission to use McCook City Library parking lot for additional parking for vendors attending arts and crafts shows.

5. Norris Avenue between East "D" and East "E" road closure request.

- a. Permission to close Norris Avenue between East "D" and East "E" street for Oktober festivities beginning at 3pm to 10pm.

I will be available to speak to this request at the July 1st City Council meeting. Please let me know if you need anything further.

Sarah Schneider

Director

McCook Chamber of Commerce

402 Norris Avenue | Suite 316

McCook, NE 69001

308.345.3200

director@mccookchamber.org



**MCCOOK CHAMBER
OF COMMERCE**

Involvement | Education | Advocacy | Marketing

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

ITEM: 2.E.

Receive and file Topics for Consideration received through June 20, 2024.

BACKGROUND:

The listed Topic for Considerations were received through June 20, 2024. Their current status and a brief description of the request is indicated.

**FISCAL
IMPACT:** None.

APPROVALS:



Lea Ann Doak, City Clerk-Treasurer

June 27, 2024



Nathan A. Schneider, City Manager

June 27, 2024

TOPIC FOR CONSIDERATION

4/12/2024	Jessica Bedore	Addressed (Utilities)
6/19/2023	Maggie Repass	Ordinance being considered by Council (UTV's)
4/18/2024	Kristen Veliz	Was invited to attend 6/17/24 Council meeting (ATV's)
6/20/2024	Randall Goltl	presenting to council 07/01/24 (Golf Cart/Car)
4/24/2024	Mark Currier	Met and discussed with Mr. Currier (abandoned propertites)
5/13/2024	Melissa Cary	Corresponding by email, request (animal ordinance/chickens) included in the ongoing review and update of the zoning ordinance staff unable to locate ordinances to address all lots in McCook requested Mrs. Cary to provide proposed language from other communities that would be suitable for McCook
5/13/2024	Kyle Cary	
5/13/2024	Ryan & Cassandra Armstrong	
5/13/2024	Dylan Schumacher	
6/13/2024	Kim Butler	continued staff discussion with Ms. Butler
6/14/2024	Kathy Gerver	contact has been made
6/17/2024	Olivia Johnson/Alexandria Murillo	emailed regarding possible solutions
6/20/2024	Austin Forbes	staff has discussed with Mr. Forbes

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

ITEM NO. 3.A. Presentation by Grant Flamig from the Nebraska Public Power District.

BACKGROUND:

Recently, Grant Flamig became the new account manager of the City of McCook's NPPD account, taking over for McCook's longtime NPPD account manager, Stan Clouse. Mr. Flamig would like to introduce himself to the McCook City Council and discuss McCook's and NPPD's ongoing relationship.

APPROVALS:



Nathan A. Schneider, City Manager

June 26, 2024



Lea Ann Doak, City Clerk

June 26, 2024

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

ITEM NO. 3.A. Presentation by Grant Flamig from the Nebraska Public Power District.

BACKGROUND:

Recently, Grant Flamig became the new account manager of the City of McCook's NPPD account, taking over for McCook's longtime NPPD account manager, Stan Clouse. Mr. Flamig would like to introduce himself to the McCook City Council and discuss McCook's and NPPD's ongoing relationship.

APPROVALS:



Nathan A. Schneider, City Manager

June 26, 2024



Lea Ann Doak, City Clerk

June 26, 2024

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

3.B.
ITEM NO. _____ Approve an increase of the City of McCook's lease payment from NPPD by .5%, increasing the percentage amount from 12.5% to 13%, starting October 1, 2024.

BACKGROUND:

Nebraska Public Power District operates an integrated electric utility system, leasing the City of McCook's electric distribution system to serve McCook's residents and businesses. In return, the City of McCook receives lease payments from NPPD.

On January 1, 2019, a new lease agreement was executed by the City and NPPD. The term of the lease was extended to 25 years. In return for the longer lease term, NPPD agreed to increase the lease payment from 12% to 12.5%. Additionally, the lease allows the City to implement an additional one-half percent annual incremental increase, with a cap established at 14%. The City of McCook has not increased its percentage since January 1, 2019.

Any one-half percent increase, if opted, must be done on an annual basis and sufficient notice must be given by the City to NPPD of the change. The lease establishes the notification period at 90 days prior to October 1st. Based on conversations with NPPD representatives, other municipalities have elected to increase its collection rates.

In support of said increase, it must be noted the City has received less revenue pursuant to its lease with NPPD over the past couple years. Specifically, from May of 2023 to May of 2024, the City received \$36,000 less in receipted lease payments due to a number of variables.

At the June 17, 2024 McCook City Council meeting, the City Council requested that this item be brought back to the Council as an action item.

APPROVALS:



Nathan A. Schneider, City Manager

June 26, 2024



Lea Ann Doak, City Clerk

June 26, 2024

FY19/20	NPPD Pay	FY20/21	NPPD Pay	FY21/22	NPPD Pay	FY22/23	NPPD Pay	FY23/24	NPPD Pay
Oct-19	\$ 140,441.53	Oct-20	\$ 142,346.08	Oct-21	\$ 143,967.25	Oct-22	\$ 145,544.00	Oct-23	\$ 141,470.35
Nov-19	\$ 109,155.97	Nov-20	\$ 105,882.59	Nov-21	\$ 105,615.91	Nov-22	\$ 103,702.82	Nov-23	\$ 101,410.68
Dec-19	\$ 97,746.20	Dec-20	\$ 95,142.21	Dec-21	\$ 88,818.31	Dec-22	\$ 89,504.28	Dec-23	\$ 91,706.10
Jan-20	\$ 103,025.18	Jan-21	\$ 99,775.83	Jan-22	\$ 99,176.97	Jan-23	\$ 108,007.65	Jan-24	\$ 97,675.36
Feb-20	\$ 112,949.43	Feb-21	\$ 112,754.18	Feb-22	\$ 110,020.60	Feb-23	\$ 118,879.32	Feb-24	\$ 115,884.85
Mar-20	\$ 108,933.32	Mar-21	\$ 112,493.03	Mar-22	\$ 114,843.19	Mar-23	\$ 111,617.71	Mar-24	\$ 109,097.65
Apr-20	\$ 98,926.80	Apr-21	\$ 106,561.91	Apr-22	\$ 106,514.91	Apr-23	\$ 103,199.38	Apr-24	\$ 93,499.56
May-20	\$ 97,683.69	May-21	\$ 97,095.63	May-22	\$ 95,738.62	May-23	\$ 98,395.61	May-24	\$ 91,579.86
Jun-20	\$ 88,320.79	Jun-21	\$ 90,106.55	Jun-22	\$ 89,643.30	Jun-23	\$ 85,742.53	Jun-24	\$ 87,629.18
TOTAL	\$ 957,182.91		\$ 962,158.01		\$ 954,339.06		\$ 964,593.30		\$ 929,953.59
MO AVG	\$ 106,353.66		\$ 106,906.45		\$ 106,037.67		\$ 107,177.03		\$ 103,328.18

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

ITEM: 3.C.

Approve Ordinance No. 2024-3080 amending the City of McCook's Code of Ordinances by adding Chapter 75, Sections 75.01 through and including Section 75.99, under title VII Traffic Code upon its second of three readings.

BACKGROUND:

Please refer to the attached City Manager's Report prepared for the June 17, 2024 City Council meeting.

This ordinance is ready for consideration on its second reading.

**FISCAL
IMPACT:** None.

APPROVALS:



Lea Ann Doak, City Clerk

June 26, 2024



Nathan A. Schneider, City Manager

June 26, 2024

**CITY MANAGER'S REPORT
JUNE 17, 2024 CITY COUNCIL MEETING**

ITEM: 4.G.

Introduce and approve Ordinance No. 2024-3080 on first reading, amending the City of McCook's Code of Ordinances by adding Chapter 75 Sections 75.01 through and including Section 75.99 under Title VII Traffic Code.

BACKGROUND:

City staff members have continued working on fleshing out necessary details for a potential UTV ordinance. City staff has authored and is ready to present to the Council Ordinance No. 2024-3080 by adding Chapter 75 Sections 75.01 through and including 75.99 under Title VII Traffic Code. The ordinance will come into effect on January 1, 2025. This will allow time for staff in the police department to work on the implementation of office procedures and to train on the inspection process of UTV's.

A UTV Application for Inspection & Permit and Acceptable Operations Map are included for the Council's review.

The ordinance is ready for consideration on its first reading.

**FISCAL
IMPACT:** None.

APPROVALS:



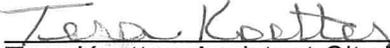
Nathan A. Schneider, City Manager

6/10/2024



Lea Ann Doak, City Clerk

6/10/2024



Tera Koetter, Assistant City Manager

June 10, 2024



Kevin Hodgson, Police Chief

June 10, 2024



Unauthorized Routes of Travel – City of McCook

- = Operation Prohibited by Statute & ordinance
- = Crossings Authorized by Ordinance



Note: Exemptions for Pub. Pwr. Utils. & Pol. Subs.



CITY OF MCCOOK



UTV APPLICATION FOR INSPECTION & PERMIT

Date: _____

Name: _____

(Last)

(First)

(Middle Initial)

Address: _____

Driver's License: (Number): _____ (State of Issuance): _____

Insurance Company: _____

Policy Number: _____

I am making application for a permit to operate a UTV vehicle on the streets, alleys, and other public right-of-way within the limits of the City of McCook, Nebraska. I attest that I am the owner of said UTV. I have supplied a copy of current proof of financial responsibility as required by Nebraska Revised State 60-6,167. I agree to comply with McCook City Ordinance. I certify that the contents of this application contained herein are true and correct.

Owner's Signature: _____

Make & Model: _____

VIN#: _____

Headlights Brake Lights Turn Signals Rear View Mirror

Front Reflectors Rear Reflectors Slow Moving Vehicle Emblem/Flag

Seat Belts U.S. Forrest Service – Qualified Spark Arrester Certificate of Title

Inspection Date: _____

Permit Fee \$100.00

Paid By: _____

Permit# _____ Valid From: _____ to _____

MPD Officer: _____

(OFFICE USE ONLY)

REGISTRATION STICKER NUMBER: _____ / EXPIRES: _____ NOTE: REGISTRATION STICKER MUST BE PROMINENTLY DISPLAYED ON UTILITY-TYPE VEHICLES AS PRESCRIBED IN CITY ORDINANCE. ADVISED REGISTRATION VALID FOR ONE CALENDAR YEAR PROVIDED COPY OF ORDINANCE PROVIDED COPY OF MAP

BY: _____ / DATE: _____ (McCook Police Department)

ORDINANCE NO. 2024-3080

AN ORDINANCE PROVIDING FOR THE AMENDMENT OF THE CITY OF MCCOOK CODE OF ORDINANCES; AMENDING TITLE VII: TRAFFIC CODE, ADDING CHAPTER 75: UTILITY-TYPE VEHICLES; PROHIBITING THE OPERATION OF ALL-TERRAIN VEHICLES AND ALLOW THE OPERATION OF UTILITY-TYPE VEHICLES ON CITY STREETS AND SETTING FORTH THE PROVISIONS UNDER WHICH UTILITY-TYPE VEHICLES MAY BE OPERATED; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

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

Section 1. That Title VII: Traffic Code, of the City of McCook Code of Ordinances is hereby amended, Chapter 75: Utility-Type Vehicles shall be added to read as follows:

CHAPTER 75: UTILITY-TYPE VEHICLES

§ 75.01 DEFINITIONS

For the purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ALL-TERRAIN VEHICLE. Any motorized off-highway vehicle which is (a) 50 inches or less in width, (b) has a dry weight of 1,200 pounds or less; (c) travels on 3 or more non-highway tires; (d) is designed for operator use only with no passengers or is specifically designed by the original manufacturer for the operator and 1 passenger.

CITY STREETS & ALLEYS. Those ways within the political subdivision that are platted and dedicated to the City of McCook for use as a street or alley.

LOW SPEED VEHICLE. Low-speed vehicle means a (a) four-wheeled motor vehicle (l) whose speed attainable on one mile is more than twenty miles per hour and not more than twenty-five miles per hour on a paved, level surface. (Neb. Rev. Stat. §60-501)

STATE HIGHWAY. A road or street, including the entire area within the right-of-way, which has been designated a part of the state highway system.

UTILITY-TYPE VEHICLE. Any motorized off-highway vehicle which (a) is 74 inches in width or less; (b) is not more than 180 inches, including the bumper, in length; (c) has a dry weight of 2,000 pounds or less; and (d) travels on 4 or more non-highway tires. **UTILITY-TYPE VEHICLE** does not include all-terrain vehicles, golf cart or golf car vehicles, or low speed vehicles. (Neb. Rev. Stat. §60-135.01)

§ 75.02 OPERATION OF ALL-TERRAIN VEHICLES PROHIBITED; EXCEPTIONS.

It shall be unlawful for any person to operate an all-terrain vehicle, golf cart, golf car, or low speed vehicles upon any street, highway, or state highway within the corporate limits of the city or upon any publicly owned parking lot or other publicly owned property within the corporate limits of the city. Except as otherwise provided, duly authorized all-terrain vehicles may be operated within the political subdivision by authorized city personnel during the course of their normal duties, educational personnel, and public power utilities.
(Neb. Rev. Stat. §60-6,356(2)(b))

§ 75.03 OPERATION OF UTILITY-TYPE VEHICLES ON STREETS AND HIGHWAYS.

A utility-type vehicle may be operated on streets and highways (excluding state highways) within the corporate limits of the city, in accordance with the following operating requirements:

- (A) Operation occurs only between the hours of sunrise and sunset;
- (B) The headlight and taillight of the vehicle shall be on at all times;
- (C) The total number of persons on the utility-type vehicle, including the operator and all passengers, shall not exceed the seating capacity as designed by the manufacturer of the utility-type vehicle;
- (D) The utility-type vehicle shall have a registration decal issued by the McCook Police Department as set forth in § 75.06;
- (E) Any person operating a utility-type vehicle as authorized in this section:
 - (1) Shall not operate such vehicle at a speed in excess of 30 miles per hour and shall observe posted speed limits if lower than 30 miles per hour;
 - (2) Shall have a valid Class O operator's license;
 - (3) Shall obey all applicable state and local traffic laws, ordinances, and regulations;
 - (4) Shall properly utilize seatbelts and all provided safety equipment in the utility-type vehicle;
 - (5) Shall have liability insurance coverage for the utility-type vehicle while operating the utility-type vehicle on any street or highway in accordance with the State of Nebraska's Financial

Responsibility Law as defined in N.R.S. 60-6,356 and;

(6) Shall provide proof of insurance coverage to any peace officer requesting such proof within 5 days of such request as defined in N.R.S. 60-6,356.

(H) Shall not operate a utility-type vehicle on the sidewalks or walking trails within the corporate limits of the city.

(Neb. Rev. Stat. §60-6,356(3))

§ 75.04 UTILITY-TYPE VEHICLE; EQUIPMENT REQUIRED

Every utility-type vehicle shall be equipped with:

(A) A brake system maintained in good operating condition;

(B) An adequate muffler system in good working condition;

(C) A United States Forest Service - qualified spark arrester;

(D) A rear-view mirror;

(E) A working headlight and taillight;

(F) Working turn signals; and

(G) Equipped with a bicycle safety flag which extends not less than 5 feet above the ground attached to the rear of the vehicle, said bicycle safety flag shall be triangular in shape with an area of not less than 30 square inches and shall be day glow in color.

(Neb. Rev. Stat. §60-6,356(3))

§ 75.05 MODIFICATION OF UTILITY-TYPE VEHICLE PROHIBITED.

No person shall:

(A) Equip the exhaust system of a utility-type vehicle with a cutout, bypass, or similar device,

(B) Operate a utility-type vehicle with an exhaust system so modified, and

(C) Operate a utility-type vehicle with a spark arrester removed or modified, except for use in a closed-course competition event.

(Neb. Rev. Stat. §60-6,359)

§ 75.06 REGISTRATION.

- (A) It shall be an offense for any person to operate any utility-type vehicle within the corporate limits of the city unless:
 - (1) The utility-type vehicle has passed an inspection by the City of McCook Police Department;
 - (2) The owner has demonstrated proof of insurance to the McCook Police Department; and
 - (3) The owner has obtained from the McCook Police Department a registration decal for the current year affixed to the utility-type vehicle in a conspicuous place. Any person obtaining a current year registration decal to operate a utility-type vehicle within the corporate limits of the city shall pay to the city a fee set by resolution of the City Council as set forth in Chapter 38, City of McCook's Fee Schedule. No registration decal fee shall be assessed for registration of any political subdivision utility-type or all-terrain type vehicle.
- (B) All registrations issued under the provisions of this chapter shall be effective from January 1 to December 31, and all registrations shall expire December 31 of the year in which they were issued.
- (C) The City reserves the right to suspend or revoke the registration of a utility-type vehicle within the city for violation of any provision of this chapter.

§ 75.07 OPERATION OF UTILITY-TYPE VEHICLE ON STATE HIGHWAY PROHIBITED; LIMITED CROSSING PERMITTED.

A utility-type vehicle shall not be operated on any state highway with two or more divided lanes, and the crossing of any state highway with two or more divided lanes shall only be permitted if:

- (A) The crossing is made at an angle of approximately 90 degrees to the direction of the state highway and at a place where no obstruction prevents a quick and safe crossing;
- (B) The vehicle is brought to a complete stop before crossing the shoulder or roadway of the state highway;
- (C) The operator yields the right-of-way to all oncoming traffic that constitutes an immediate potential hazard;
- (D) The crossing is made only at a traffic signal controlled intersection of such state highway with another street or highway when the state highway consists of more than two divided lanes; and

(E) Both the headlight and taillight of the utility-type vehicle are on when the crossing is made.
(Neb. Rev. Stat. §60-6,356(5))

§ 75.08 UTILITY-TYPE VEHICLE; ACCIDENT; REPORT REQUIRED.

If an accident results in the death of any person, the injury of any person which requires treatment of the person by a physician, or property damage in the amount of \$1,500 or more, the operator of each utility-type vehicle involved shall give notice of the accident in the same manner as provided by Nebraska Revised Statute 60-699.
(Neb. Rev. Stat. §60-6,361)

§ 75.09 OPERATION OF UTILITY-TYPE VEHICLES AND ALL-TERRAIN TYPE VEHICLES IN A PARADE.

All-terrain vehicles and utility-type vehicles may be operated on streets and highways without complying with this chapter while in parades which have been authorized by the State of Nebraska, or any department, board, commission, or political subdivision of the State of Nebraska.

§ 75.99 PENALTY.

Any person convicted of violating any provision of this chapter shall be punished by a fine of \$250 for a first offense. A second and subsequent violation(s) of any aforementioned provision shall be punished by a fine of \$500. In addition to any penalties for a violation hereof, the City of McCook Police Department may impound any all-terrain or utility-type vehicle when operated in violation of Nebraska law or this Code.

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

Section 3. This ordinance shall take effect and be in full force from January 1, 2025 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.

Linda Taylor, Ex-officio Mayor
and Council President

ATTEST:

Lea Ann Doak, City Clerk-Treasurer

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

ITEM NO. 3.D Presentation by Randall Goltl of Topic for Consideration for City Council Agenda regarding a request to include golf cart or golf car vehicle in proposed Ordinance No. 2024- 3080

BACKGROUND:

Randall Goltl has submitted a Topic For Consideration for City Council Agenda regarding his request to include golf carts or golf car vehicles as eligible vehicles to be driven in the City of McCook. The City of McCook is currently researching the feasibility of the request. Due to the fact that the City Council is currently considering a UTV ordinance, staff would like to include Mr. Goltl's request on the July 1, 2024 agenda.

APPROVALS:



Nathan A. Schneider, City Manager

June 26, 2024



Lea Ann Doak, City Clerk

June 26, 2024

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

ITEM NO. 3.E Update regarding the swimming pool project and ballpark 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

June 26, 2024



Lea Ann Doak, City Clerk

June 26, 2024

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

3.F.
ITEM NO. ___ Presentation by Ryan Patrick of Sportsman Solutions.

BACKGROUND:

The City of McCook has been approached by Sportsman Solutions to assist the City with respect to identifying potential revenue sources appurtenant to the new ballpark complex. Sportsman Solutions is an expert in securing supplemental revenue for projects by way of corporate sponsorships, naming rights, and other accessory means. These sponsorships help to offset costs associated with the ballpark, be it funding expenses or continued maintenance expenses. Sportsman Solutions have experience with small and large communities alike.

Ryan Patrick will be present to discuss how Sportsman Solutions could benefit the McCook Ballpark Project.

APPROVALS:



Nathan A. Schneider, City Manager

June 26, 2024



Lea Ann Doak, City Clerk

June 26, 2024

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

ITEM NO. 3-G Approve Ordinance No. 2024 - 3081 on second reading amending Section 95.35 Weeds, Litter, Stagnant Water; to add an additional provision which includes all specific nuisances listed in Section 95.02 of the McCook Code or Ordinances.

BACKGROUND:

Please review the June 17, 2024 City Manager's Report for background information.

APPROVALS:



Nathan A. Schneider, City Manager

June 26, 2024



Lea Ann Doak, City Clerk

June 26, 2024

**CITY MANAGER'S REPORT
JUNE 17, 2024 MCCOOK CITY COUNCIL MEETING**

4.H.
ITEM NO. Approve Ordinance No. 2024 - 3081 on first reading amending Section 95.35 Weeds, Litter, Stagnant Water; to add an additional provision which includes all specific nuisances listed in Section 95.02 of the McCook Code or Ordinances.

BACKGROUND:

Recently, the City of McCook adopted Ordinance No. 2024-3079 which repealed the unlicensed vehicles provision from the Code of Ordinances and amended the nuisance abatement provisions of the Code of Ordinances to comply with West Central Nebraska Development District's preferred nuisance language.

As a result of these changes, staff requests the Council amend Chapter 95 Weeds, Litter, Stagnant Water, Section 95.35 Litter, to include a provision that ties the new specific nuisance language found in newly amended Section 95.02 to Section 95.35. This item is necessary to authorize city staff to proceed against litter violations not currently contemplated in Section 95.35.

APPROVALS:



Nathan A. Schneider, City Manager

June 4, 2024



Lea Ann Doak, City Clerk

June 4, 2024



Tera Koetter, Assistant City Manager

June 4, 2024

ORDINANCE NO. 2024-3081

AN ORDINANCE OF THE CITY OF MCCOOK, NEBRASKA AMENDING THE CITY OF MCCOOK CODE OF ORDINANCES CHAPTER 95, ENTITLED "NUISANCE; HEALTH AND SANITATION", SECTION 95.35(G) - WEEDS, LITTER, STAGNANT WATER, ADDING SUBSECTION (F) LISTING SPECIFIC NUISANCES; 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 95 "Nuisance; Health and Sanitation", Section 95.35 be amended to read as follows:

§ 95.35 WEEDS, LITTER, STAGNANT WATER.

(A) Lots or pieces of ground within the municipality or within its extraterritorial zoning jurisdiction shall be drained or filled so as to prevent stagnant water or any other nuisance accumulating thereon.

(B) The owner or occupant of any lot or piece of ground within the municipality or within its extraterritorial zoning jurisdiction shall keep the lot or piece of ground and the adjoining streets and alleys free of any growth of 12 inches or more in height of weeds, grasses, or worthless vegetation.

(C) The throwing, depositing, or accumulation of litter on any lot or piece of ground within the municipality or within its extraterritorial zoning jurisdiction is prohibited.

(D) It is hereby declared to be a nuisance to permit or maintain any growth of 12 inches or more in height of weeds, grasses, or worthless vegetation on any lot or piece of ground within the municipality or within its extraterritorial zoning jurisdiction or on the adjoining streets or alleys or to litter or cause litter to be deposited or remain thereon except in proper receptacles.

(E) Any owner or occupant of a lot or piece of ground shall, upon conviction of violating this section, be guilty of an offense.

(F) (1) Notice to abate and remove such nuisance shall be given to each owner or owner's duly authorized agent and to the occupant, if any. Notice shall be given by first-class mail or by personal service. If notice is given by first-class mail, such mail shall be conspicuously marked as to its importance. Within five days after receipt of such notice, the owner or occupant of the lot or piece of ground may request a hearing with the municipality to appeal the decision to abate or remove a nuisance by filing a written appeal with the office of the Clerk. A hearing on the appeal shall be held within 14 days after the filing of the appeal

and shall be conducted by the City Manager. The City Manager shall render a decision on the appeal within five business days after the conclusion of the hearing. If the appeal fails, the municipality may have such work done. Within five days after receipt of such notice, if the owner or occupant of the lot or piece of ground 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.

(2) The costs and expenses of any such work shall be paid by the owner. If unpaid for two months after such work is done, the municipality may either:

(a) Levy and assess the costs and expenses of the work upon the lot or piece of ground so benefitted as a special assessment in the same manner as other special assessments for improvements are levied and assessed; or

(b) Recover in a civil action the costs and expenses of the work upon the lot or piece of ground and the adjoining streets and alleys.

(G) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

LITTER. Includes but is not limited to:

(a) Trash, rubbish, refuse, garbage, paper, rags, and ashes;

(b) Wood, plaster, cement, brick, or stone building rubble;

(c) Grass, leaves, and worthless vegetation except when used as ground mulch or in a compost pile;

(d) Offal and dead animals; and

(e) Any machine or machines, vehicle or vehicles, or parts of a machine or vehicle which have lost their identity, character, utility, or serviceability as such through deterioration, dismantling, or the ravages of time, are inoperative or unable to perform their intended functions, or are cast off, discarded, or thrown away or left as waste, wreckage, or junk.

(f) All specific nuisances listed in Section 95.02 of this code.

WEEDS.

(a) Includes, but are not limited to: bindweed (*Convolvulus arvensis*), puncture vine (*Tribulus terrestris*), leafy spurge (*Euphorbia esula*), Canada thistle (*Cirsium arvense*), perennial peppergrass (*Lepidium draba*), Russian knapweed (*Centaurea picris*), Johnson grass (*Sorghum halepense*), nodding or musk thistle, quack grass (*Agropyron repens*), perennial sow thistle

(*Sonchus arvensis*), horse nettle (*Solanum carolinense*), bull thistle (*Cirsium lanceolatum*), buckthorn (*Rhamnus sp.*) (tourn), hemp plant (*Cannabis sativa*), and ragweed (*Ambrosiaceae*).

(b) Weeds, grasses, and worthless vegetation does not include vegetation applied or grown on a lot or piece of ground outside the corporate limits of the municipality but inside the municipality's extraterritorial zoning jurisdiction expressly for the purpose of weed or erosion control.
(Neb. RS 17-563, 26-230)

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