

MCCOOK CITY COUNCIL

REGULAR MEETING

Monday, August 5, 2024
5:30 PM - City Council Chambers

Roll Call.

Excuse Absences.

Open Meetings Act Announcement.

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

Pledge of Allegiance.

Call to Order.

Items.

1. Announcements & Recognitions.

2. Public Hearings.

A. Public Hearing - A report from the Economic Development Plan Citizen's Advisory Review committee regarding meeting held July 22, 2024.

B. Accept the minutes of the April 22, 2024 Economic Development Plan Citizen's Advisory Review Committee meeting.

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 July 15, 2024 regular City Council meeting.

B. Approve the Grant of License with Mark and Betty Wilcox for the use of City of McCook property on a portion of land located in the Southeast Quarter of Section 29, Range 3, Township 29 for the purpose of installing irrigation infrastructure to maintain the property and authorize the Mayor to sign.

C. Award the bid for two new Refuse Transport Trailers to KNL Holdings, LLC. in the amount of \$99,998 that being the best responsive bid.

D. Approve the request from Kris Hanchera on behalf of the Peace Lutheran Church to utilize city-owned property at Felling Field and to close the alley between Felling Field and Peace Lutheran Church for their annual Back to School of Religion Kickoff event on Wednesday, September 4, 2024 from 5:00 P.M. to 8:00 P.M.

- E. Approve an application from Great Plains Communications to occupy city right-of-way for the purpose of installing one above-ground fiber cabinet on East 11th Street.
 - F. Approve an application from Great Plains Communications to occupy city right-of-way for the purpose of installing underground fiber optic conduit and cable at East "C" Street and East 10th Street.
 - G. Approve an application from Great Plains Communications to occupy city right-of-way for the purpose of installing one underground fiber optic conduit, cable and two new ground level vaults located between East "C" Street and on the East side of East 9th Street
 - H. Declare one 4,500-gallon poly tank surplus and authorize staff to dispose of it in the appropriate legal manner.
4. Regular Agenda.
- A. Update regarding the ballpark project.
 - B. Discussion regarding the proposed UTV ordinance.
 - C. Council Comments.
 - D. Annual evaluation of the job performance of City Manager Nathan A. Schneider; as allowed by state law, upon a majority vote, the Council may go into Closed Session for consideration of this item.
 - 1. Nebraska Open Meetings Act statement, if a motion to close passes.
 - 2. If moved into Executive Session, motion to close.

Adjournment.

**CITY MANAGER'S REPORT
AUGUST 5, 2024 CITY COUNCIL MEETING**

ITEM: **2.A.** Public Hearing - A report from the Economic Development Plan Citizen's Advisory Review committee regarding meeting held July 22, 2024.

ITEM: **2.B.** Accept the minutes of the April 22, 2024 Economic Development Plan Citizen's Advisory Review Committee meeting.

BACKGROUND:

Quarter Economic Development Plan Citizen's Advisory Review Committee meetings were held on April 22, 2024 and July 22, 2024. Per the City's Plan, a public hearing will be held to discuss the contents of the meetings.

**FISCAL
IMPACT:** None.

APPROVALS:



Lea Ann Doak, City Clerk

July 31, 2024



Tera Koetter, Assistant City Manager

July 31, 2024



Nathan A. Schneider, City Manager

July 31, 2024

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Mayor and City Council of McCook, Nebraska will hold a public hearing on August 5, 2024 at 5:30 p.m. in the City Council Chambers of the McCook Municipal Center concerning the findings and suggestions of the LB840 Citizens Advisory Committee regarding the functions and progress of the economic development program for the City of McCook. Individuals requiring physical or sensory accommodations including interpreter services, braille, large print, or recorded materials, please contact the City Clerk at 308-345-2022.

-s- Lea Ann Doak,
City Clerk-Treasurer

Publish: July 25, 2024

EXHIBIT #2

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AGENDA

**ECONOMIC DEVELOPMENT PLAN
CITIZEN'S ADVISORY REVIEW COMMITTEE**

QUARTERLY MEETING

**MONDAY, JULY 22, 2024
12:00 P.M.**

HERITAGE SENIOR CENTER CONFERENCE ROOM

CALL TO ORDER

*A Copy of the Open Meetings Act is posted and available for public review in the meeting room at the Heritage Senior Center.

- ITEM NO. 1** Review and approve minutes of the April 22, 2024 meeting.
- ITEM NO. 2** Review McCook LB840 Economic Development Program Quarterly Reports.
- ITEM NO. 3** Update of LB840 Program Balances.
- ITEM NO. 4** MEDC Director's Report
- ITEM NO. 5** Open Discussion
- ITEM NO. 6** Next meeting date: October 21, 2024
- ITEM NO. 7** Adjournment

EXHIBIT #3

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McCook Growth Fund (LB840) PROGRAM BALANCES (MEDC format)

Program Year 10/01/23 - 9/30/24

Q3 - 6/30/2024

	Beginning	YTD	YTD	Ending	Program
	Cash on Hand	Receipts	Expenditures	Balance	Total
Loan & Grant Program	\$ 949,660.92	\$ 249,770.18	\$ 166,636.07	\$ 1,032,795.03	
Loan Repayments		\$ 102,758.32		\$ 102,758.32	
Legal					
Publishing			\$ 115.84	\$ (115.84)	
Miscellaneous				\$ -	
Interest		\$ 18,087.80		\$ 18,087.80	
TOTAL				<u>\$ 18,087.80</u>	\$ 1,153,525.31
 Ending Balance					 <u><u>\$ 1,153,525.31</u></u>
 MEDC Administration	\$ -	\$ 111,357.00	\$ 111,357.00	\$ -	

McCook Growth Fund (LB840) AVAILABLE FUNDS

Program Year 10/01/23 - 9/30/2024

Q3 - Balances as 06/30/2024

	<u>Program Balance</u>	<u>Reserved Funds</u>	<u>Available</u>
Loan, Grants and Projects	\$ 1,153,525.31		
McCook Business Park - Ph. II Studies/Rpts		\$23,525.00	
Retail Coach		\$1,456.93	
North Pointe LOC Interest (estimate)		\$55,000.00	
Business Park LOC Interest (estimate)		\$70,000.00	
Loan to MEDC for North Pointe Phase II		\$250,000.00	
Loan to MEDC for Business Park Phase II		\$105,000.00	
Grant Match for Microenterprise Loan		\$12,000.00	
 Early Childhood Education			
New Provider Scholarship/Startup Funds/Infant Incentives		\$31,156.00	
 Total Reserved and Committed		<u>\$548,137.93</u>	
 Total Funds Available			<u><u>\$ 605,387.38</u></u>

McCook Growth Fund (LB840) Loan Status Report

06-30-2024

Current Loans	Loan Amount (a)	Late Payment Fees (b)	Interest Rate	Loan Term (Years)	Date Loan Made	Interest Earned (c)	Payments Made (d)	Loan Balance Remaining (a+b+c-d)	Loan Status
HOKYL, LLC (Purchased Bee Little)	\$ 100,000.00		4%	5	4/1/2024	\$ 1,148.15	\$ 3,042.00	\$ 98,106.15	Current
Hot Tub Brokers	\$ 100,000.00		2	10	12/13/2021	\$ 4,379.89	\$ 27,586.80	\$ 76,793.09	Current
Early Morning Cackle, LLC	\$ 55,700.00	\$ 240.00	3%	10	3/19/2020	\$ 5,766.67	\$ 27,261.29	\$ 34,445.38	Current
Straight Align, LLC	\$ 50,000.00		3%	10	10/1/2019	\$ 5,558.40	\$ 27,036.80	\$ 28,521.60	Current
American Agricultural Laboratory	\$ 75,000.00		2%	10	2/5/2017	\$ 7,251.94	\$ 61,418.98	\$ 20,832.96	Current
MEDC North Pointe Phase I TIF Bond	\$ 208,000.00		0%	22	4/2/2015	\$ 0.00	\$ 190,619.09	\$ 17,380.91	Current
Clary Village Equity (Non-Recourse Loan - to be paid from residual cash flow)	\$ 120,000.00		4%	15	3/16/2015	\$ 43,483.99	\$ 28,103.60	\$ 135,380.39	Current*
MEDC Clary Village TIF	\$ 178,622.92		0%	17	3/16/2015	\$ 0.00	\$ 98,010.65	\$ 80,612.27	Current
East Ward Village (Non-Recourse Loan - to be paid from residual cash flow)	\$ 105,000.00		2%	15	7/11/2012	\$ 16,129.71	\$ 90,106.58	\$ 31,023.13	Current
Totals	\$ 992,322.92	\$ 240.00				\$ 83,718.75	\$ 553,185.79	\$ 523,095.88	

*This is a Non-Recourse Developer Loan/Agreement. Payments to the loan are comprised of residual income (available Net Cash Flow) from the property, when available, per the Operating Agreement, for the agreed term. Upon the Maturity Date, the entire unpaid principal balance and accrued interest is due from the borrower. Additionally, since it is a non-recourse agreement, there is the possibility of a balance could remain after the Maturity Date, MEDC would require the borrower for final payment, or consider a grant option. Nevertheless, at the end of the agreed term, MEDC would fully acquire all land, property, and equity derived from the development project, which is typically substantially of greater value.

LB840 PROGRAM BALANCES

6/30/2024

Unaudited

	(C) BEGINNING CASH ON HAND 10/1/2023	(D) FY 23/24 ANTICIPATED RECEIPTS	(E) FY 23/24 YTD RECEIPTS	(F) FY 23/24 YTD EXPENDITURES	(G) ENDING PROGRAM BALANCES (C + E - F = G)
Motor Vehicle Sales Tax ** (**Not available to MEDC)	\$ 363,817.27	\$ 43,055.00	\$ 47,088.98	\$ -	\$ 417,508.37
Interest			\$ 6,602.12		
Loan/Grant/Program	\$ 949,660.92	\$ 282,074.00	\$ 249,770.18		\$ 1,153,525.31
Loan Repayment		\$ 130,000.00	\$ 102,758.32	\$ 166,636.07	
Legal					
Publishing				\$ 115.84	
Miscellaneous					
Interest		\$ 10,000.00	\$ 18,087.80		
MEDC Administration	\$ -	\$ 148,476.00	\$ 111,357.00	\$ 111,357.00	\$ -
BALANCES	\$ 1,313,478.19	\$ 613,605.00	\$ 535,664.40	\$ 278,108.91	<u>\$ 1,571,033.68</u>

CITY OF MCCOOK
LB840
RECEIPT REGISTER
10/01/2023 - 06/30/2024

		Total Receipt	Receipt Breakdown		
			MV Sales Ta	Loan/Grant P	MEDC Adm
10/20/2023	Nebr Dept of Rev	\$ 38,633.80		\$ 26,260.80	\$ 12,373.00
11/21/2023	Nebr Dept of Rev	\$ 44,421.38		\$ 32,048.38	\$ 12,373.00
12/21/2023	Nebr Dept of Rev	\$ 43,851.71		\$ 31,478.71	\$ 12,373.00
10/20/2023	MV - Nebr Dept of Rev	\$ 5,300.41	\$ 5,300.41		
11/21/2023	MV - Nebr Dept of Rev	\$ 5,333.47	\$ 5,333.47		
12/21/2023	MV - Nebr Dept of Rev	\$ 5,266.49	\$ 5,266.49		
10/31/2023	Interest	\$ 3,472.01	\$ 2,475.86	\$ 996.15	
11/30/2023	Interest	\$ 2,755.85		\$ 2,755.85	
12/31/2023	Interest	\$ 3,031.15		\$ 3,031.15	
10/4/2023	Hot Tub Broker - Loan Repay	\$ 919.56		\$ 919.56	
10/17/1983	Str Align - Loan Repay	\$ 482.80		\$ 482.80	
10/17/2023	EMC - Loan Repay	\$ 538.40		\$ 538.40	
10/17/2023	American Ag Lab - Loan Repay	\$ 690.10		\$ 690.10	
10/17/2023	Mullen/Bee Little Loan Repay	\$ 545.61		\$ 545.61	
11/2/2023	Hot Tub Broker - Loan Repay	\$ 919.56		\$ 919.56	
11/2/2023	Mullen/Bee Little Loan Repay	\$ 545.61		\$ 545.61	
11/20/2023	Str Align - Loan Repay	\$ 482.80		\$ 482.80	
11/20/2023	EMC - Loan Repay	\$ 538.42		\$ 538.42	
11/20/2023	American Ag Lab - Loan Repay	\$ 690.10		\$ 690.10	
12/4/2023	Mullen/Bee Little Loan Repay	\$ 545.61		\$ 545.61	
12/4/2023	Hot Tub Broker - Loan Repay	\$ 919.56		\$ 919.56	
12/18/2023	Str Align - Loan Repay	\$ 482.80		\$ 482.80	
12/18/2023	EMC - Loan Repay	\$ 538.42		\$ 538.42	
12/18/2023	American Ag Lab - Loan Repay	\$ 690.10		\$ 690.10	
12/20/2023	East Ward Village	\$ 8,180.00		\$ 8,180.00	
12/29/2023	Mullen/Bee Little Loan Repay	\$ 545.61		\$ 545.61	
1/19/2024	Nebr Dept of Rev	\$ 38,850.72		\$ 26,477.72	\$ 12,373.00
2/21/2024	Nebr Dept of Rev	\$ 44,943.55		\$ 32,570.55	\$ 12,373.00
3/21/2024	Nebr Dept of Rev	\$ 34,952.67		\$ 22,579.67	\$ 12,373.00
1/19/2024	MV - Nebr Dept of Rev	\$ 5,501.29	\$ 5,501.29		
2/21/2024	MV - Nebr Dept of Rev	\$ 4,537.49	\$ 4,537.49		
3/21/2024	MV - Nebr Dept of Rev	\$ 5,038.54	\$ 5,038.54		
1/31/2024	Interest	\$ 2,992.88	\$ 2,077.89	\$ 914.99	
2/28/2024	Interest	\$ 2,386.37		\$ 2,386.37	
3/31/2024	Interest	\$ 2,345.24		\$ 2,345.24	
1/4/2024	Hot Tub Broker - Loan Repay	\$ 919.56		\$ 919.56	
1/25/2024	EMC - Loan Repay	\$ 538.48		\$ 538.48	
1/25/2024	Str Align - Loan Repay	\$ 482.80		\$ 482.80	
1/25/2024	Str Align - Loan Repay	\$ 482.80		\$ 482.80	
1/25/2024	American Ag Lab - Loan Repay	\$ 690.10		\$ 690.10	
1/26/2024	Clary - Loan Repay	\$ 3,521.43		\$ 3,521.43	
2/5/2024	Mullen/Bee Little Loan Repay	\$ 545.61		\$ 545.61	
2/5/2024	Hot Tub Broker - Loan Repay	\$ 919.56		\$ 919.56	
2/16/2024	Clary - Loan Repay	\$ 3,478.57		\$ 3,478.57	
2/22/2024	Mullen/Bee Little Loan Repay	\$ 37,317.33		\$ 37,317.33	
3/4/2024	Hot Tub Broker - Loan Repay	\$ 919.56		\$ 919.56	
3/14/2024	Str Align - Loan Repay	\$ 482.80		\$ 482.80	

		Receipt Breakdown			
		Total Receipt	MV Sales Ta:	Loan/Grant P	MEDC Adm
3/14/2024	EMC - Loan Repay	\$ 538.42	\$	538.42	
3/14/2024	American Ag Lab - Loan Repay	\$ 690.10	\$	690.10	
3/14/2024	American Ag Lab - Loan Repay	\$ 690.10	\$	690.10	
4/19/2024	Nebr Dept of Rev	\$ 36,395.20	\$	24,022.20	\$ 12,373.00
5/21/2024	Nebr Dept of Rev	\$ 39,278.59	\$	26,905.59	\$ 12,373.00
6/20/2024	Nebr Dept of Rev	\$ 39,799.56	\$	27,426.56	\$ 12,373.00
4/19/2024	MV - Nebr Dept of Rev	\$ 5,807.73	\$	5,807.73	
5/21/2024	MV - Nebr Dept of Rev	\$ 5,594.79	\$	5,594.79	
6/20/2024	MV - Nebr Dept of Rev	\$ 4,708.77	\$	4,708.77	
4/30/2024	Interest	\$ 2,954.57	\$	2,048.37	\$ 906.20
5/31/2024	Interest	\$ 2,092.50	\$	2,092.50	
6/30/2024	Interest	\$ 2,659.35	\$	2,659.35	
4/5/2024	Hot Tub Broker - Loan Repay	\$ 919.56	\$	919.56	
4/11/2024	Hokyl/Bee Little Loan Repay	\$ 1,014.00	\$	1,014.00	
4/15/2024	EMC - Loan Repay	\$ 538.42	\$	538.42	
4/15/2024	Str Align - Loan Repay	\$ 482.80	\$	482.80	
4/15/2024	American Ag Lab - Loan Repay	\$ 690.10	\$	690.10	
5/3/2024	Hot Tub Broker - Loan Repay	\$ 919.56	\$	919.56	
5/3/2024	Hokyl/Bee Little Loan Repay	\$ 1,014.00	\$	1,014.00	
5/13/2024	Str Align - Loan Repay	\$ 482.80	\$	482.80	
5/13/2024	EMC - Loan Repay	\$ 538.42	\$	538.42	
5/13/2024	EMC - Loan Repay	\$ 538.42	\$	538.42	
5/13/2024	American Ag Lab - Loan Repay	\$ 690.10	\$	690.10	
6/6/2024	Hot Tub Broker - Loan Repay	\$ 919.56	\$	919.56	
6/6/2024	Hokyl/Bee Little Loan Repay	\$ 1,014.00	\$	1,014.00	
6/6/2024	EMC - Loan Repay	\$ 538.42	\$	538.42	
6/14/2024	Str Align - Loan Repay	\$ 482.80	\$	482.80	
6/14/2024	American Ag Lab - Loan Repay	\$ 690.10	\$	690.10	
6/19/2024	North Pointe - Loan Repay	\$ 20,812.98	\$	20,812.98	
		\$535,664.40	\$53,691.10	\$370,616.30	\$111,357.00
			\$535,664.40		

CITY OF MCCOOK
 LB840 FUND
 CHECK REGISTER
 10/01/2023 - 06/30/2024

PAYEE	DESCRIPTION	ACCT. NO.	DATE	CK NO.	AMOUNT
McCook Economic Development	Elevate	45 068 54465	10/11/23	1423	\$ 17,500.00
	Administration	45 068 54885			\$ 12,373.00
McCook Gazette	Publishing	45 068 54020	10/11/23	1424	\$ 18.00
McCook Economic Development	Administration	45 068 54885	11/15/23	1425	\$ 12,373.00
McCook Gazette	Publishing	45 068 54020	11/15/23	1426	\$ 13.03
McCook Economic Development	Administration	45 068 54885	12/13/23	1427	\$ 12,373.00
McCook Gazette	Publishing	45 068 54020	12/13/23	1428	\$ 10.70
McCook Economic Development	Administration	45 068 54885	01/17/24	1429	\$ 12,373.00
McCook Economic Development	Administration	45 068 54885	02/13/24	1430	\$ 12,373.00
MNB Bank	Hokyl, LLC	45 068 54465	02/13/24	1431	\$ 100,010.00
VOID				1432	
McCook Economic Development	Administration	45 068 54465	03/13/24	1433	\$ 12,373.00
McCook Economic Development	Infant/Reward/Retail Coach	45 068 54885	04/10/24	1434	\$ 36,310.07
	Administration	45 068 54885			\$ 12,373.00
McCook Gazette	Publishing	45 068 54020	04/10/24	1435	\$ 51.06
McCook Economic Development	Administration	45 068 54885	05/08/24	1436	\$ 12,373.00
McCook Gazette	Publishing	45 068 54020	05/08/24	1437	\$ 23.05
McCook Economic Development	Infant/Retail Coach	45 068 54465	05/29/24	1438	\$ 11,716.00
McCook Economic Development	Infant Incentives	45 068 54465	06/28/24	1439	\$ 1,100.00
	Administration	45 068 54885			\$ 12,373.00

TOTAL \$ 278,108.91

TOTAL BY PROGRAM

Publishing	45 068 54020	\$ 115.84
Legal	45 068 54030	\$ -
LB840 Loan/Grant/Programs	45 068 54465	\$ 166,636.07
LB840 Street Sales Tax Res	45 068 54835	\$ -
LB840 MEDC Administration	45 068 54885	\$ 111,357.00

TOTAL \$ 278,108.91

**McCook Growth Fund (LB840) Economic Development Program
Third Quarter Report
October 1, 2023-September 30, 2024**

Approved, but not yet completed or paid:

The Retail Coach Consulting Firm **2023/2024** **\$1,456.93**

In 2023, the MEDC dedicated significant efforts to reassessing our local retail attraction strategies. While we initially explored promising leads, none materialized as expected. Seeking guidance, we contacted Economic Development organizations across the state and, based on recommendations, approached The Retail Coach, a consulting firm located in Mississippi. Subsequent discussions, culminating in a compelling proposal, led the retail committee to endorse the decision to engage their services before presenting the recommendation to the MEDC Board of Directors. The contract was formalized in December 2023, and our inaugural meeting with The Retail Coach took place in January 2024.

Early Childhood / MEDC Infant Incentive Program **2023/2024** **\$31,156**

MEDC Board of Directors has officially authorized the continuation of their commitment to the McCook C4K initiatives, allocating an additional \$10,000 from LB840 funds this past fall. This funding will continue to be divided into available funding for the Infant program and for Startup/Expansion funds, aiming to sustain and further bolster the efforts of local early childcare providers and centers.

McCook Business/Industrial Park Expansion **2024** **\$70,000**

The subsequent phase of the business park's development involves extending the streets and infrastructure into this expanded zone. This includes tasks like road construction, the establishment of a rail spur connected to the BNSF main line, as well as the provision of water, sewer, and electrical utilities. The MEDC is actively exploring a range of local and state funding options to support this vital infrastructure expansion. Ideally, a combination of Tax Increment Financing (TIF) and grants would be sought to cover the majority of these associated costs. Work on this area's infrastructure is planned to begin this coming spring.

Business Park Expansion Proj. – Environmental Studies **2024** **\$23,525**

As part of our due diligence process, the MEDC has ordered a series of environmental studies for the newly expanded business park area. These comprehensive reports are essential for the ongoing development and aim to meet the requirements of the BNSF Certified Site program. By ensuring compliance with these standards, the MEDC facilitates the attraction and recruitment of businesses and industries to the expanded park, driving economic growth and development in McCook.

Business Park Expansion Proj. – Infrastructure Loan to MEDC **2024** **\$105,000**

The business park expansion project has helped the MEDC to demonstrate its commitment to attracting new businesses and industries to McCook. This initiative includes paving streets and extending water, sewer, and electrical utilities to the new business park area. To facilitate this

development, the MEDC will utilize LB840 funds to help cover and lower the interest costs of the financing until Tax Increment Financing (TIF) revenue begins to flow in. This strategic financial support ensures the project's momentum and will be able to promote McCook and our business park on a national level. The LB840 funds will be replenished after the commercial loan has been repaid.

North Pointe Street & Infrastructure **2024** **\$55,000**

The MEDC is actively progressing with plans to install street paving and relocate water and sewer lines within the North Pointe Addition housing development project area. Our strategy involves leveraging Tax Increment Financing (TIF) along with other funding sources to facilitate the infrastructure enhancements. Street paving, water, sewer, and electrical service installation is scheduled to begin this coming spring with housing slated this summer.

North Pointe Street & Infrastructure - Infrastructure Loan to MEDC **2024** **\$250,000**

The McCook Economic Development Corporation (MEDC) is instrumental in jump-starting the development of the North Pointe subdivision project. This initiative includes paving streets and extending water, sewer, and electrical utilities to the new subdivision. To facilitate this development, the MEDC will utilize LB840 funds to help cover and lower the interest costs of the financing until Tax Increment Financing (TIF) revenue begins to flow in. This strategic financial support ensures the project's momentum and underscores MEDC's commitment to enhancing McCook's infrastructure and residential growth. The LB840 funds will be replaced on the back side of the project after the commercial loan has been paid.

Micro-enterprise Loan Program **2024** **\$12,000**

Earlier this year, the MEDC played a crucial role in assisting with the smooth transition of a prominent childcare center in McCook. This center offers approximately 150 childcare slots, catering to infants through school-age children, and it was vital for the MEDC to provide support during this transition. Through the utilization of the Economic Development Revolving Loan Fund (LB-840 Gap Loan) Program, we ensured that these essential childcare services remained available to our local families. Upon the MEDC Loan Committee's recommendation to approve the loan, the Board of Directors and the McCook City Council approved the gap loan to Hokyl, LLC to purchase Bee Little Daycare.

Other Expenses

Program Administration and Operations	4/19/2024	\$12,373.00
Program Administration and Operations	5/21/2024	\$12,373.00
Program Administration and Operations	6/20/2024	\$12,373.00

**ECONOMIC DEVELOPMENT PLAN
CITIZEN'S ADVISORY REVIEW COMMITTEE
MEETING MINUTES**

Monday – April 22, 2024
12:00 P.M. at the Heritage Senior Center Conference Room

The Economic Development Plan Citizen's Advisory Review Committee of the City of McCook was called to order by Alexis Davidson and began at 12:15 P.M.

A copy of the Open Meetings Act is posted on the in the Heritage Senior Center Conference room and is available for public review.

Present: Nate Schneider, City Manager; Tera Koetter, Assistant City Manager; Tracy Burkey, Recording Secretary; Members: Sarah Renner, Alexis Davidson, Warren Jones, Jordan Johnson (by phone) and Charlie McPherson, MEDC Director.

Absent: Sean Wolfe, Jeanette, and Rick.

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on April 18, 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 all members of the Economic Development Plan Citizen's Advisory Review Committee. Availability of the agenda was communicated in advance notice. All proceedings hereafter shown were taken while the meeting was open to the attendance of the public.

(1) REVIEW AND APPROVE MINUTES OF JANUARY 22, 2024, MEETING.

Renner introduced a motion to approve the January 22, 2024, minutes; Davidson seconded the motion. All members present voted in the affirmative. Motion passed. 4 VOTES YEA, 0 NAY, 3 ABSENT.

(2) REVIEW LB840 ECONOMIC DEVELOPMENT PROGRAM QUARTERLY REPORTS.

MEDC Director McPherson reviewed the McCook Growth Fund Program Balances and McCook Growth Fund Available Funds reports prepared by MEDC for the 10/01/23 – 09/30/24 program year with the committee.

As of 3/31/2024 the LB840 Program balance is \$1,086,427.05. Funds are currently allocated in the amount of \$228,673.00. This leaves an available balance of \$857,754.05.

(3) UPDATE OF REVENUES COLLECTED The McCook Growth Fund Loan Status Report shows all loans are current. The LB840 Program Balances report, receipt register and check register were provided.

EXHIBIT #4

(4) ECONOMIC DEVELOPMENT DIRECTOR REPORT

Approved, but not yet completed or paid:

The Retail Coach Consulting Firm

“In 2023, the MEDC dedicated significant efforts to reassessing our local retail attraction strategies. While we initially explored promising leads, none materialized as expected. Seeking guidance, we contacted Economic Development organizations across the state and, based on recommendations, approached The Retail Coach, a consulting firm located in Mississippi. Subsequent discussions, culminating in a compelling proposal, led the retail committee to endorse the decision to engage their services before presenting the recommendations to the MEDC Board of Directors. The contract was formalized in December 2023, and our inaugural meeting with The Retail Coach took place in January 2024.” They have been to town a few times already. It will take them approximately a year to gain all the necessary knowledge of the community.

Early Childhood Education New Provider Scholarship/Startup Funds

“MEDC Board of Directors has officially authorized the continuation of their commitment to C4K initiatives, allocating an additional \$20,000 from LB840 funds. This funding will be divided into \$15,000 for the infant program and \$5,000 for Expansion, aiming to sustain and further bolster the efforts of local early childcare providers and centers.” Community Hospital, MNB, and EDC have partnered so that this program can run year-round.

Potential Future Projects

McCook Business Industrial Park Expansion

“The subsequent phase of the business park’s development involves extending the streets and infrastructure into this expanded zone. This includes tasks like road construction, the establishment of a rail spur connected to the BNSF main line, as well as the provision of water, sewer, and electrical utilities. The MEDC is actively exploring a range of local and state funding options to support this vital infrastructure expansion. Ideally, a combination of Tax Increment Financing (TIF) and grants would be sought to cover the majority of these associated costs. Work on the area’s infrastructure is planned to begin this coming spring.”

North Pointe Street & Infrastructure

“The MEDC is actively progressing with plans to install street paving and relocate water and sewer lines within the North Pointe Addition housing development project area. Our strategy involves leveraging TIF along with other funding sources to facilitate the infrastructure enhancements. Street paving, water, sewer, and electrical service installation is scheduled to begin this coming spring with housing slated this summer.” McPherson mentioned that there

will be a ceremony on April 25, 2024, to let the community know what the plans are. There are a couple of local entities that are wanting to build at least 5 spec homes. Have had calls from others interested in building as well. This information will be shared at the ceremony.

LB840 Expenses in the 2nd Quarter

LB840 Gap Loan

“Earlier this year, the MEDC played a crucial role in assisting with the smooth transition of a prominent childcare center in McCook. This center offers approximately 150 childcare slots, catering to infants through school-age children, and it was vital for the MEDC to provide support during this transition. Through the utilization of the Economic Development Revolving Loan Fund (LB840 Gap Loan) Program, we ensured that these essential childcare services remained available to our local families. Upon the MEDC Loan Committee’s recommendation to approve the loan, the Board of Directors and the McCook City Council approved the gap loan to Hokyl, LLC to purchase Bee Little Daycare.”

REWARDS Membership Dues

“The REWARDS Committee comprises representatives from the City of McCook, Red Willow County, Community Hospital, McCook Public Schools, and the MEDC. This coalition collaborates on identifying grant opportunities beneficial to the community, thereby supporting each organization’s funding endeavors. These funds are allocated towards employing a third-party grant writer who conducts research, and drafts grant applications on behalf of the member organizations within the REWARDS committee. Additionally, the committee extends and invitation to external organizations to propose projects for which they may seek assistance from the grant writer.”

NIFA Outreach Partnership Application

The Outreach Partnership Program supports nonprofit organizations and helps increase their long-term capacity to meet community needs including affordable housing in Nebraska. Eligible applicants include any nonprofit housing, community development, or economic development entity in Nebraska.

Amanda Engell is currently the housing director that is paid through this program. Her position is paid for with a grant for a total of 5 years. MEDC is currently looking at how to fund keeping her on staff.

(5) OPEN DISCUSSION

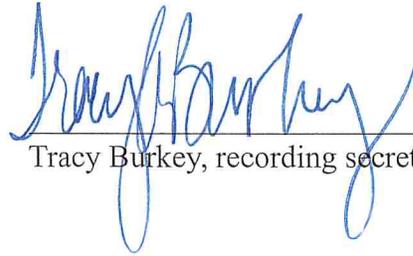
Sales tax remains up. Ballpark is making some progress. The swimming pool is getting closer. Probably will not be open by Memorial Day, but hoping it will be ready July 1st.

(6) NEXT MEETING DATE

Next meeting date will be July 22, 2024, at 12:00 PM at the Heritage Senior Center conference room.

(7) ADJOURNMENT

Meeting adjourned at 12:40 PM.

A handwritten signature in blue ink, appearing to read "Tracy Burkey", is written over a horizontal line. The signature is fluid and cursive.

Tracy Burkey, recording secretary.

**CITY MANAGER'S REPORT
AUGUST 5, 2024 CITY COUNCIL MEETING**

ITEM: 3.A.

Approve the minutes of the July 15, 2024 regular City Council meeting.

BACKGROUND:

Receive and approve the minutes.

**FISCAL
IMPACT:** None.

APPROVALS:



Lea Ann Doak, City Clerk

July 31, 2024

McCook City Council
July 15, 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, Muehlenkamp.

Absent: Councilmember Rambali.

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

Taylor: YEA, Calvin: YEA, Weedin: YEA, Muehlenkamp: YEA
YEA: 4, NAY: 0

City Officials present: City Manager Schneider, City Attorney Mustion, City Clerk Doak, Assistant City Manager Koetter, Library Director Crocker, Utilities Director Fawver, Police Chief Hodgson, Public Works Director Potthoff, Senior Services Director Siegfried, Public Works Administrative Assistant Thrope.

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on July 11, 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 Jeremy Labrie, Memorial Methodist 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.

Grant Flamig, Account Manager for Nebraska Public Power, introduced himself to the Council and gave an update of the services they provide to the community.

2. Consent Agenda.

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

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

YEA: 4, NAY: 0, ABSENT: 1

- 2.A. Approve the minutes of the July 1, 2024 regular City Council meeting.
- 2.B. Receive and file the Financial Report for the period ending June 30, 2024.
- 2.C. Receive and file the claims for the month of June 2024, published July 9, 2024.
- 2.D. Approve and authorize the Mayor to sign a Professional Engineering Services Agreement with Miller & Associates, Consulting Engineers, P.C. for the Preliminary and Final Design, and Construction Phase Services for the Water Resources Recovery Facility (WRRF) upgrades [Alternative No. 3 - Sequencing Batch Reactor (SBR) with no clarifier], including replacement of the rotating biological contractor process with an activated sludge process employing an SBR process configuration, a new screen and grit removal system, a permanent location for the dewatering fan press, and collection system improvements.
- 2.E. Approve the bid specifications for one (1) new Refuse Transport Trailer for the City of McCook Transfer Station and set the date to receive bids as July 30, 2024 at 2:30 P.M.
- 2.F. Approve the application of the McCook Rotary Club for the temporary closure of City streets for the celebration of National Night Out around Norris Park including the northbound lane of the 700 block of Norris Avenue, the 700 block of East 1st Street, the 100 block of East "H" Street, and the 100 block of East "G" Street from 6:00 P.M. to 8:00 P.M. on August 6, 2024.
- 2.G. Approve the McCook Recreational Improvement Project.
- 2.H. Authorize city staff to negotiate a real estate lease with Frenchman Valley for an aerial application facility to be located at the McCook Ben Nelson Regional Airport.

3. Regular Agenda.

- 3.A. Presentation from Erica Bush with WCNDD (West Central Nebraska Development District) in regards to properties in their designated area that should be declared a nuisance, properties that should be rescinded from previous declaration of nuisance, and properties that need abatement.

Ms. Bush gave an update on properties in their designated area that should be declared a nuisance, properties that should be rescinded from previous declaration of nuisance, and properties that need abatement. Every motion or step the Council takes, provides the property owner with additional time to clear the nuisance. When a property is declared a nuisance, the property owner is issued a letter with a further deadline of three to four weeks to clear nuisance items. A motion to abate is another step forward, those property owners will receive another letter giving them additional time to clean up the nuisances.

- 3.B. Approve Resolution No. 2024-15 approving the designation of nuisance property as deemed by WCNDD (West Central Nebraska Development District), and as declared in the Resolution.

Motion to adopt Resolution No. 2024-15 approving the designation of nuisance property as deemed by WCNDD (West Central Development District), and as declared in the Resolution. This motion, made by Weedin and seconded by Muehlenkamp, passed.

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

- 3.C. Approve the request of WCNDD (West Central Nebraska Development District) that properties located at 1012 Missouri Avenue, McCook NE and 1413 West 14th, McCook, NE be abated.

Motion to approve the request of WCNDD (West Central Development District) that properties located at 1012 Missouri Avenue, McCook NE and 1413 West 14th, McCook, NE be abated. This motion, made by Weedin and seconded by Muehlenkamp, passed.

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

- 3.D. Adopt Resolution No. 2024-16 approving rescinding a portion of previously declared nuisance properties as deemed by WCNDD (West Central Nebraska Development District) and as declared by Resolution No. 2024-13.

Motion to adopt Resolution No. 2024-16 approving rescinding a portion of previously declared nuisance properties as deemed by WCNDD (West Central Nebraska Development District) and as declared by Resolution No. 2024-13. This motion, made by Calvin and seconded by Muehlenkamp, passed.

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

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

Public Works Director Potthoff gave an update regarding the opening of the McCook Aquatic Park; everything is on target for the opening on Wednesday, July 17, 2024 1 P.M. with the ribbon cutting at 12:30 P.M. The pool plans to be open 1:00 P.M. to 7:00 P.M. daily. He thanked the McCook Community Foundation for covering the costs of the training of the life guards.

- 3.F. 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.

City Attorney Mustion informed the Council that staff met on Friday to address their desire to require child safety seats in UTV's. He found that there are some voluntary national standards and safety standards for UTVs, like the federal standards for cars which are mandatory. These would be voluntary for UTV users, but they do at least set some good guidelines. He requested more time to

look at the guidelines to ensure that we are applying those safety standards to the ordinances we bring to the Council.

Motion was made to postpone consideration of Ordinance No. 2024-3080. This motion, made by Muehlenkamp and seconded by Taylor, passed.

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

3.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.

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 read by title and I move to approve upon its third and final reading. This motion, made by Weedon and seconded by Calvin, passed.

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

Mayor Taylor stated for the record that Ordinance No. 2024-3081 is declared lawfully passed and adopted upon publication as required by law.

3.H. Update regarding the comprehensive plan and zoning/subdivision regulation projects.

City Manager Schneider informed the Council that work continues with Miller and Associates for the update of the comprehensive plan and zoning/subdivision regulations. Staff is currently review the zoning ordinance and hope to take it to the Zoning Committee in August before taking it to the Planning Commission, The same process will occur with the comprehensive plan and subdivision regulations.

3.I. Council Comments.

There were no council comments.

Adjournment.

There being no further business to come before the Council, Mayor Taylor declared the meeting adjourned at 6:17 P.M.

Linda Taylor, Ex-officio Mayor
and Council President

ATTEST:

Lea Ann Doak, City Clerk-Treasurer

CITY MANAGER'S REPORT
AUGUST 5, 2024 CITY COUNCIL MEETING

ITEM: 3.B.

RECOMMENDATION:

APPROVE THE GRANT OF LICENSE WITH MARK AND BETTY WILCOX FOR THE USE OF A PORTION OF CITY OF MCCOOK PROPERTY LOCATED IN THE SOUTHEAST QUARTER OF SECTION 29, RANGE 3, TOWNSHIP 29 FOR THE PURPOSE OF INSTALLING IRRIGATION INFRASTRUCTURE TO MAINTAIN THE PROPERTY AND AUTHORIZE THE MAYOR TO SIGN.

BACKGROUND:

Mark and Betty Wilcox have made a request for permission to occupy property for the extension of irrigation infrastructure behind the Wilcox property located at 1514 Centennial Drive, said irrigation infrastructure to extend onto city property located in the SE1/4 of Section 29, Range 3, Township 29. The irrigation infrastructure would be located within a 60' by 200' tract of the city property. The property cannot be developed due to a creek running east of the property at issue making the request feasible. An agreement will be developed memorializing the terms of the grant of license.

APPROVALS:



Lea Ann Doak, City Clerk

July 31, 2024



Nate Schneider, City Manager

July 31, 2024

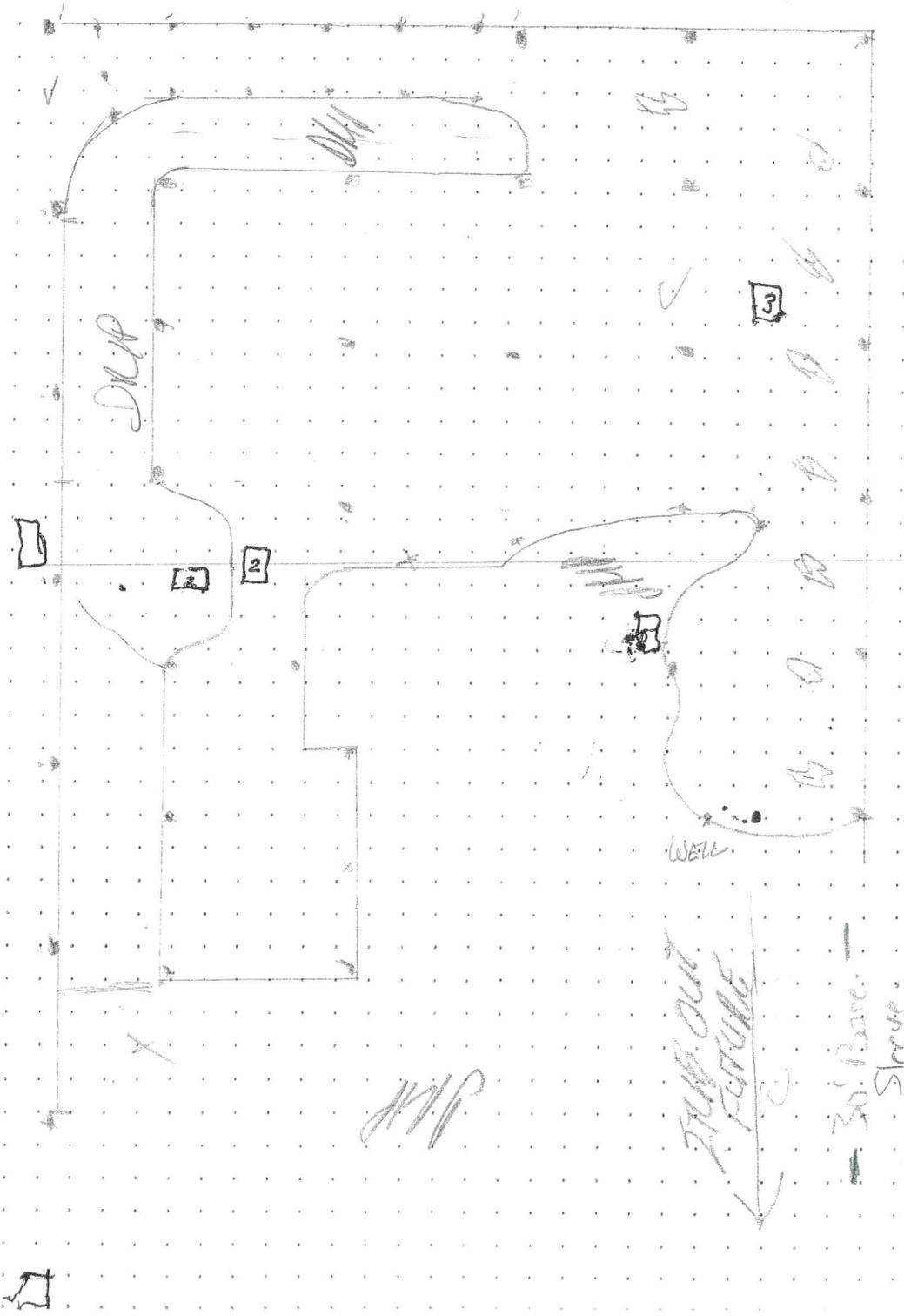
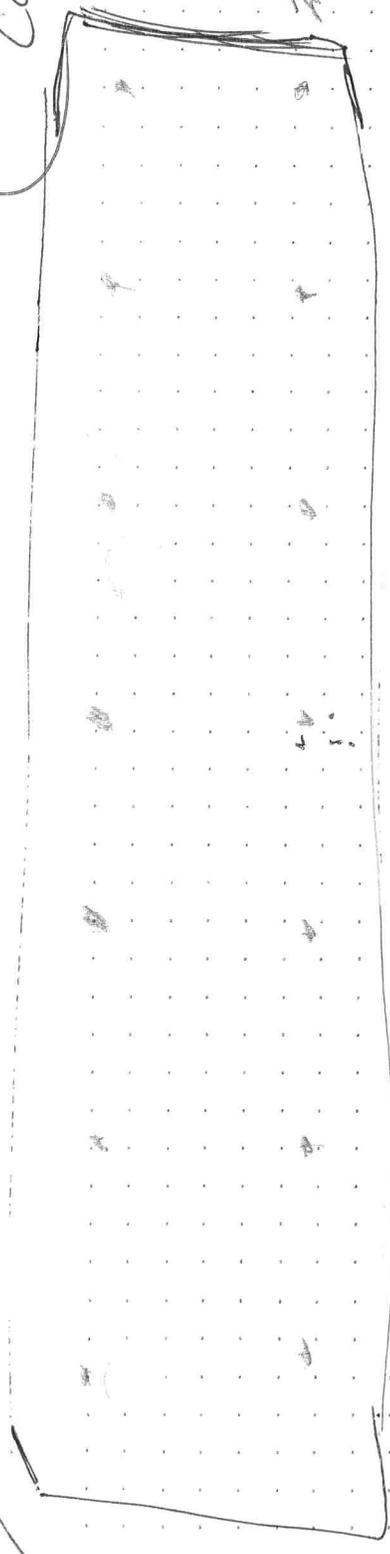
- 1K drop pipe
- 1 1/4" ML
- Hydroise

7574
Cent.

13 JOINS DROPPES
TO LEADS TO EDGE
DIP.

8 JOINS
7 1/2"

Mark
1/2" x 1/2"



TRAP-OUT
FEATURE
- 30' Base -
Street

After Recording Return to:

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

GRANT OF LICENSE

This Agreement is made and entered into this 5th day of August, 2024, by and between the City of McCook, Nebraska, hereinafter referred to as the Licensor, and Mark and Betty Wilcox, hereinafter referred to as the Licensee.

Licensor hereby grants to Licensee the revocable right, privilege, and permission to use the following described real property for the purpose of installing irrigation infrastructure to maintain the property encroaching on the City's right of way described as:

Part of the Southeast Quarter of Section 29, Range 3, Township 29, Red Willow County, Nebraska, more particularly described as follows:

A strip of land beginning at the SE corner of Lot 3, Block 2, Parkview East Subdivision to the City of McCook, thence northeast along the east lot line of Lot 3 and Lot 4, Block 2, Parkview East Subdivision 200.0 feet to the NE corner of Lot 4, Parkview East Subdivision; thence southeast a distance of 60.0 feet; thence southwest a distance of 200.0 feet in a line parallel to the east line of Lot 4 and Lot 3, Block 2, Parkview East Subdivision; thence northwest a distance of 60.0 feet to the Point of beginning, containing 12,000.0 square feet, more or less.

This License is granted and restricted to the above described improvements situated on the subject real property and is further restricted to repairing said structures only and does not extend to any material improvement or modification of the structure or replacement thereof.

This License is further subject to the condition that the Licensor retains the right, at its sole discretion, to have removed any portion of said improvement when deemed necessary by the Licensor. The Licensee shall bear any and all expense pertaining to any access said Licensor may require. This license is nonexclusive to the Licensee.

The Licensee shall assume all liability with use of Licensor property and indemnify Licensor from all liability.

The term of the License shall be the life of the existing structure with the restrictions set forth herein.

CITY OF MCCOOK, NEBRASKA

By: _____
Linda Taylor, Mayor

ATTEST:

Lea Ann Doak, City Clerk

Acknowledgement

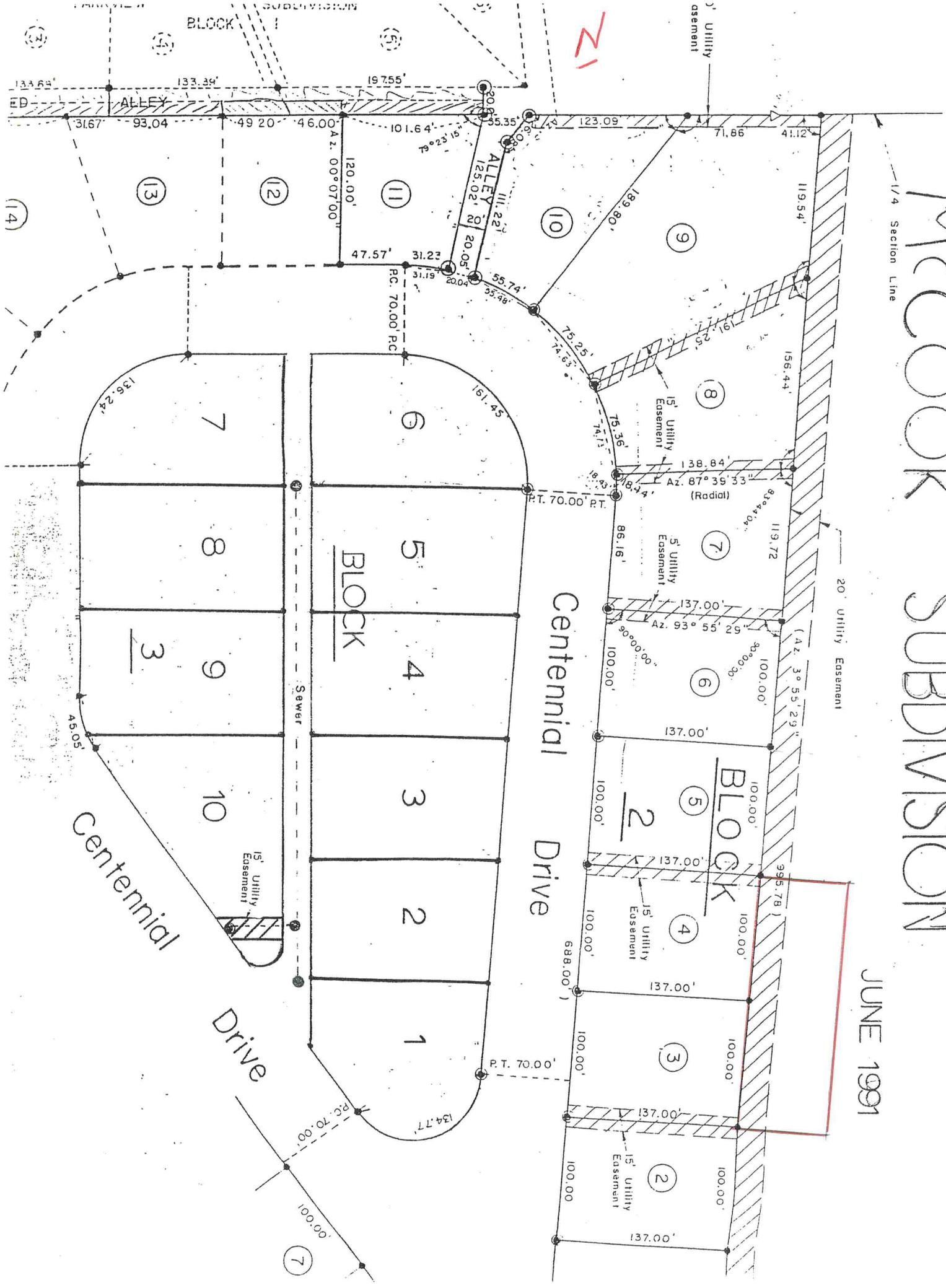
State of Nebraska)
) s.s.
County of Red Willow)

The foregoing instrument was acknowledged before me this 5th day of August, 2024 by Linda Taylor, Mayor of the City of McCook and Lea Ann Doak, Clerk of the City of McCook, Nebraska.

Notary Public

MCCOOK SUBDIVISION

JUNE 1991



1/4 Section Line

20' Utility Easement

Utility Easement

15' Utility Easement

5' Utility Easement

15' Utility Easement

15' Utility Easement

Sewer

Centennial Drive

BLOCK

BLOCK

Centennial Drive

ALLEY

BLOCK

BLOCK

ALLEY

BLOCK



**CITY MANAGER'S REPORT
AUGUST 5, 2024 CITY COUNCIL MEETING**

ITEM: **3.C.**

RECOMMENDATION:

**AWARD THE BID FOR TWO NEW REFUSE TRANSPORT TRAILERS TO
KNL HOLDINGS, LLC. IN THE AMOUNT OF \$99,998.00 EACH.**

BACKGROUND:

On July 30, 2024 sealed bids were opened for the purchase of two new refuse transport trailers for use at the transfer station. An amount of \$135,000 was included in the FY 2023-2024 budget for one trailer. An addendum was sent out to vendors following the tragic accident that occurred on July 18th. This addendum requested a price for a second trailer of the same make and model as an alternate to the original specification. We received a total of 3 bids for the trailers. The bid from KNL Holdings, LLC. in the amount of \$99,998.00 per trailer was the lowest responsible bid.

The other bids that were received are as follows:

Wilkins Industries, Inc.: \$131,583.00
Travis Body & Trailer, Inc.: \$108,025.00

Delivery is estimated to be 98 days from the date of award of bid.

FISCAL

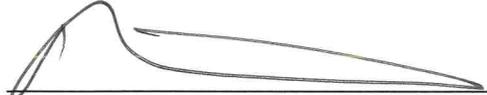
IMPACT: The second trailer will be paid for by anticipated insurance funds.

APPROVALS:



Kyle Potthoff, Public Works Director

August 1, 2024



Nate Schneider, City Manager

August 1, 2024

**ONE (1) NEW REFUSE TRANSPORT TRAILER
SOLID WASTE**

**JULY 30, 2024
2:30 P.M.**

<p>BIDDER: Wilkens Industries, Inc. Morris, MN</p>	<p>BIDDER: Travis Body & Trailer, Inc. Houston TX</p>	<p>BIDDER: KNL Holdings, LLC Paragould AR</p>
<p><u>ONE (1) NEW TRANSPORT TRAILER</u></p> <p>Trailer Manufacturer: <u>Wilkens Industries</u> Model Number: <u>53138AOTW</u></p> <p>COST (1) TRAILER \$ 131,583 In Lieu of Hallco System Deduct \$5,700</p> <p>ALTERNATE BID #1</p> <p>One (1) additional trailer \$ <u>131,583</u></p> <p>Delivery within 180 days</p>	<p><u>ONE (1) NEW TRANSPORT TRAILER</u></p> <p>Trailer Manufacturer: <u>Traivis Body & Trailer</u> Model Number: <u>53ft. WAVE Live Floor</u></p> <p>COST (1) TRAILER \$ 108,025</p> <p>ALTERNATE BID #1</p> <p>One (1) additional trailer \$ <u>108,025</u></p> <p>Delivery within 140 days</p>	<p><u>ONE (1) NEW TRANSPORT TRAILER</u></p> <p>Trailer Manufacturer: <u>KNL Holdings LLC</u> Model Number: <u>53'-RTSSF</u></p> <p>COST (1) TRAILER \$101,598</p> <p>ALTERNATE BID #1</p> <p>One (1) additional trailer <u>\$99,998</u> each, if two trailers are ordered</p> <p>Delivery within 98 days</p>
<p>BIDDER:</p>	<p>BIDDER:</p>	<p>BIDDER:</p>
<p><u>ONE (1) NEW TRANSPORT TRAILER</u></p> <p>Trailer Manufacturer _____ Model Number _____</p> <p>COST (1) TRAILER \$ _____</p> <p>ALTERNATE BID #1</p> <p>One (1) additional trailer \$ _____</p>	<p><u>ONE (1) NEW TRANSPORT TRAILER</u></p> <p>Trailer Manufacturer _____ Model Number _____</p> <p>COST (1) TRAILER \$ _____</p> <p>ALTERNATE BID #1</p> <p>One (1) additional trailer \$ _____</p>	<p><u>ONE (1) NEW TRANSPORT TRAILER</u></p> <p>Trailer Manufacturer _____ Model Number _____</p> <p>COST (1) TRAILER \$ _____</p> <p>ALTERNATE BID #1</p> <p>One (1) additional trailer \$ _____</p>



Kyle Potthoff, Public Works Director



Rick Province, Solid Waste Superintendent

**PROPOSAL FOR PURCHASE OF
ONE (1) NEW REFUSE TRANSPORT TRAILER
JULY 24, 2024**

TO: The City of McCook
505 West "C" Street
PO Box 1059
McCook NE 69001-1059

The undersigned hereby certify that we have personally and carefully examined the specifications for your purchase of One (1) New Refuse Transport Trailer. We understand and agree that the City of McCook reserves the right to reject any or all bids, to award the bid in part or in whole, and to waive any technicalities in awarding the bid.

Having made such examination, the undersigned hereby agrees to provide the following One (1) New Refuse Transport Trailer provided that the units bid are acceptable after an inspection by the City of McCook personnel and that the bid is accepted by the McCook City Council.

KNL Holdings LLC.
Trailer Manufacturer

53' - RTSSF
Model Number

\$ 101,598.00
Cost for one(1) Trailer

Alternate Bid #1

\$ 99,998.00 if two trailers are ordered.
Cost of 2nd Trailer of same make and model

The undersigned further agrees to deliver the One (1) New Refuse Transport Trailer plus any alternates to the City of McCook Transfer Station at 1501 West Old Highway 6 & 34, McCook, Nebraska within 98 days of notification of bid acceptance. Delivery of the vehicle will be at the bidder's expense and the City of McCook will not be responsible for any delivery expenses incurred.

Dated this 24th day of July, 2024.

KNL Holdings LLC.
Bidder/Company Name

870-236-7753
(Telephone Number)

P.O. Box 760, Paragould, AR 72451
(Business Address)

emalone@KNL LLC.com
(E-Mail Address)

By: Carl K. Malone
Authorized Signature

PROPOSAL FOR PURCHASE OF
ONE (1) NEW REFUSE TRANSPORT TRAILER
JULY 15, 2024

TO: The City of McCook
505 West "C" Street
PO Box 1059
McCook NE 69001-1059

The undersigned hereby certify that we have personally and carefully examined the specifications for your purchase of Two (2) New Refuse Transport Trailer. We understand and agree that the City of McCook reserves the right to reject any or all bids, to award the bid in part or in whole, and to waive any technicalities in awarding the bid.

Having made such examination, the undersigned hereby agrees to provide the following One (1) New Refuse Transport Trailer provided that the units bid are acceptable after an inspection by the City of McCook personnel and that the bid is accepted by the McCook City Council.

Wilkens Industries Inc. 53138AOTW
Trailer Manufacturer Model Number

\$ 131,583.00
Cost for one(1) Trailer

LINE #16. Keith 3.5" DRIVE w/#2299 FLOOR
DEDUCT \$ 5,700.00
IN LIEU OF HALCO SYSTEM

The undersigned further agrees to deliver the One (1) New Refuse Transport Trailer to the City of McCook Transfer Station at 1501 West Old Highway 6 & 34, McCook, Nebraska within 180 days of notification of bid acceptance. Delivery of the vehicle will be at the bidder's expense and the City of McCook will not be responsible for any delivery expenses incurred.

Dated this 23 day of July, 2024.

Wilkens Ind. Inc.
Bidder/Company Name

800-833-6045
(Telephone Number)

184 South County Road 22
(Business Address)
Morris, MN 56267

dougs@wilkens-ind.com
(E-Mail Address)

By: [Signature]
Authorized Signature

**PROPOSAL FOR PURCHASE OF
ONE (1) NEW REFUSE TRANSPORT TRAILER
JULY 24, 2024**

TO: The City of McCook
505 West "C" Street
PO Box 1059
McCook NE 69001-1059

The undersigned hereby certify that we have personally and carefully examined the specifications for your purchase of One (1) New Refuse Transport Trailer. We understand and agree that the City of McCook reserves the right to reject any or all bids, to award the bid in part or in whole, and to waive any technicalities in awarding the bid.

Having made such examination, the undersigned hereby agrees to provide the following One (1) New Refuse Transport Trailer provided that the units bid are acceptable after an inspection by the City of McCook personnel and that the bid is accepted by the McCook City Council.

Travis Body & Trailer, Inc. 53ft. WAVE Live Floor
Trailer Manufacturer Model Number

\$ 108,025.00
Cost for one(1) Trailer

Alternate Bid #1

\$ 108,025.00
Cost of 2nd Trailer of same make and model

The undersigned further agrees to deliver the One (1) New Refuse Transport Trailer plus any alternates to the City of McCook Transfer Station at 1501 West Old Highway 6 & 34, McCook, Nebraska within 140 days of notification of bid acceptance. Delivery of the vehicle will be at the bidder's expense and the City of McCook will not be responsible for any delivery expenses incurred.

Dated this 25 day of July, 2024.

Travis Body & Trailer, Inc.
Bidder/Company Name

918-640-2178
(Telephone Number)

13955 FM 529, Houston, TX., 77041
(Business Address)

bsewell@travistrailers.com
(E-Mail Address)

By: 
Authorized Signature

**CITY MANAGER'S REPORT
AUGUST 5, 2024 CITY COUNCIL MEETING**

ITEM: 3.D.

APPROVE THE REQUEST FROM KRIS HANCHERA ON BEHALF OF PEACE LUTHERAN CHURCH TO UTILIZE CITY OWNED PROPERTY AT FELLING FIELD AND TO CLOSE THE ALLEY BETWEEN FELLING FIELD AND PEACE LUTHERAN CHURCH FOR THEIR ANNUAL BACK TO SCHOOL OF RELIGION KICKOFF EVENT ON WEDNESDAY SEPTEMBER 4TH FROM 5:00 P.M. TO 8:00 P.M.

BACKGROUND:

This request is for the use of City owned property at Felling Field, as well as the closing of the alley between Felling Field and Peace Lutheran Church. This request is being made for their Annual Back to School of Religion Kickoff Event. The event will take place on Wednesday September 4th from 5:00 p.m. - 8:00 p.m.

Peace Lutheran Church will be submitting a copy of their liability insurance to the City of McCook prior to the event.

The City Street Department will be providing cones for the closing of the alley.

**FISCAL
IMPACT:** None.

APPROVALS:



Kyle Potthoff, Public Works Director

August 1, 2024



Nate Schneider, City Manager

August 1, 2024

nschneider@cityofmccook.com

From: Hanchera Farms <hancherafarms@hotmail.com>
Sent: Friday, July 12, 2024 10:04 AM
To: nschneider@cityofmccook.com
Subject: Re: Request of use of City Property for 9/4/24

Nate,
Sending this again, hopefully you see it, please let me know. Thank you.

Kris

From: Hanchera Farms <hancherafarms@hotmail.com>
Sent: Sunday, July 7, 2024 3:17 PM
To: nschneider@cityofmccook.com <nschneider@cityofmccook.com>
Subject: Request of use of City Property for 9/4/24

July 7, 2024

To: City of McCook
Attention: Nate Schneider
RE: Reservation September 4th, 2024

I am requesting use of the grass, t-ball field and playground area west of Felling Field and to the east of Peace Lutheran Church for our annual Back to School of Religion Kickoff event. The area would be needed from approximately 5:00pm until 8:00pm on September 4, 2024. I also am requesting that the ally way between Peace Lutheran Church at 411 East 6th Street and Felling Field could be blocked off for the same time period on September 4th. A copy of our liability insurance will be forwarded to your email address. Would you please let me know that you received this request? Thank you for the consideration.

Sincerely,
Kris Hanchera

Peace Lutheran Church

CITY MANAGER'S REPORT
August 5, 2024 CITY COUNCIL MEETING

ITEM: **3.E.**

RECOMMENDATION:

Approve an application from Great Plains Communications to occupy city right-of-way for the purpose of installing one above ground fiber cabinet on East 11th Street.

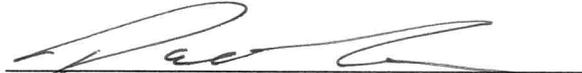
BACKGROUND:

Great Plains Communications (GPC) of Blair, NE is seeking permission to occupy City utility right-of-way to install one fiber optic cabinet replacing the current underground vault.

The construction will be 180' North of the intersection of East C Street & East 11th Street on the west side of East 11th. The cabinet will replace the ground level vault that is currently in place. The cabinet is needed for future fiber optic growth to the East side of McCook and create redundancy for the Hospital.

FISCAL IMPACT:(None)

APPROVALS:



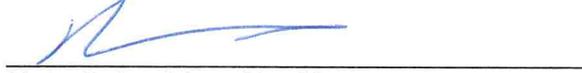
Pat Fawver Utilities Dir.

August 5, 2024



Kyle Potthoff, Public Works Dir.

August 5, 2024



Nate Schneider, City Manager

August 5, 2024



P.O. BOX 1059 • 505 WEST C • McCook, NE 69001-1059 • PHONE (308) 345-2022 • FAX (308) 345-1461

APPLICATION TO OCCUPY RIGHT-OF-WAY

APPLICANT NAME: Great Plains Communications DATE: 7-22-2024
ADDRESS: 1009 West B St. PHONE: 402-278-2325
FAX: _____ START DATE: August 2024 FINISH DATE: September 2024

A CASH BOND IS REQUIRED FOR ALL RIGHT-OF-WAY ENCROACHMENTS

Type: (circle)
Over-Cross
Under-Cross
Occupy
Miscellaneous

With a: (circle)
Water Line
Sewer Line
Gas Line
Telephone Line
(Underground Aerial)
Fiber cabinet
(Underground Aerial)
Tree Trimming/Removal
Grading
Other
Electric Line
(Underground Aerial)

Location: Beginning 180 feet (East West North South) of Intersection EC St.
E 11th St. and ending (East West North South) _____ feet of Intersection
Cabinet only NO fiber work

Requirements: The applicant agrees to complete this work in accordance with the terms and conditions of the City of McCook. Any permit issued **will be cancelled** if the work specified is **not completed within the term listed on the permit** or within any **additional length of time granted**. Request for an extension of time to complete the work must be made in writing. Any extension granted will be acknowledged in writing by the City of McCook. **The Applicant may cancel the permit with written notification** at any time prior to beginning work on right-of-way.

Performance Guarantee: (Make Payable to City of McCook)
Amount: \$2,500.00 Check No. _____ Or FID No. _____
This guarantee is for the faithful compliance by the Applicant to the terms of the permit. It is understood that should the Applicant fail to perform the work as set forth in the permit, the City of McCook will have the right to keep the performance guarantee as liquidated damages for its necessary supervisory and inspection expenses and to initiate such legal proceedings as are necessary to secure either performance of the work in compliance with the terms of the permit or the restoration of the right-of-way to its previous condition prior to the activities of the Applicant.

NOTE: Please provide a location plan for over-cross or under-cross of location to occupy City of McCook right-of-way. When your project requires engineering plans, please submit four sets of plans, no larger than 18"x24". The engineering plans shall show the general features of the work to be completed and all information such as sizes, distances, dimensions, sleeves, cuts and fills, erosion control measures, etc., when applicable. City of McCook Municipal Code §94.34.

[Signature]
Applicant's Signature

Recommended By _____ Date _____ Director of Public Works Approval _____



Will be on
E. 11th st

This pic. is
the one we
put up at
Fairgrounds

Untitled Map

Write a description for your map.

Legend

Remove
EXT. Vault
Put In
New Vault
With cabinet
Pic. :
Included

E. 11th st

E. Cst

311



CITY MANAGER'S REPORT
August 5, 2024 CITY COUNCIL MEETING

ITEM: **3.F.**

RECOMMENDATION:

Approve an application from Great Plains Communications to occupy city right-of-way for the purpose of installing underground fiber optic Conduit and cable @ East C Street & East 10th Street.

BACKGROUND:

Great Plains Communications (GPC) of Blair, NE is seeking permission to occupy City utility right-of-way to install underground fiber optic conduit and cable.

The construction will originate 50' East of the intersection of East 10th Street & East C Street at an existing ground level vault. The cable will then run south under East C Street to the back of the curb, then continue East 123' to its end point at the power pole.

FISCAL IMPACT:(None)

APPROVALS:



Pat Fawver Utilities Dir.

August 5, 2024



Kyle Potthoff, Public Works Dir.

August 5, 2024



Nate Schneider, City Manager

August 5, 2024

Untitled Map

Write a description for your map.

Legend



CITY MANAGER'S REPORT
August 5, 2024 CITY COUNCIL MEETING

ITEM: 3.G.

RECOMMENDATION:

Approve an application from Great Plains Communications to occupy city right-of-way for the purpose of installing underground fiber optic Conduit, cable and 2 new ground level vaults @ Between East C Street & East E Street & on the East side of East 9th Street.

BACKGROUND:

Great Plains Communications (GPC) of Blair, NE is seeking permission to occupy City utility right-of-way to install underground fiber optic cable, conduit and 2 new ground level vaults.

The construction will originate 180' North of the intersection of East C Street & East 9th Street with the installation of one ground level vault. Project will continue North 170' to its end point and installation of the second ground level vault.

FISCAL IMPACT:(None)

APPROVALS:



August 5, 2024

Pat Fawver Utilities Dir.



August 5, 2024

Kyle Potthoff, Public Works Dir.



August 5, 2024

Nate Schneider, City Manager



P.O. BOX 1059 • 505 WEST C • McCook, NE 69001-1059 • PHONE (308) 345-2022 • FAX (308) 345-1461

APPLICATION TO OCCUPY RIGHT-OF-WAY

APPLICANT NAME: Great Plains Communications DATE: 7-22-2024
ADDRESS: 1009 West 15th PHONE: 402-278-2325
FAX: _____ START DATE: August 2024 FINISH DATE: September 2024

A CASH BOND IS REQUIRED FOR ALL RIGHT-OF-WAY ENCROACHMENTS

Type: (circle)
Over-Cross
Under-Cross
<u>Occupy</u>
Miscellaneous

With a: (circle)	<u>Fiber</u>
	(Underground Aerial)
Water Line	Tree Trimming/Removal
Sewer Line	Grading
Gas Line	Other
Telephone Line	Electric Line
(Underground Aerial)	(Underground Aerial)

Location: Beginning 190 feet (East West North South) of Intersection EC St. & E 9th
Continuing and ending (East West North South) 170 feet of Intersection

Requirements: The applicant agrees to complete this work in accordance with the terms and conditions of the City of McCook. Any permit issued **will be cancelled** if the work specified is **not completed within the term listed on the permit** or within any **additional length of time granted**. Request for an extension of time to complete the work must be made in writing. Any extension granted will be acknowledged in writing by the City of McCook. **The Applicant may cancel the permit with written notification** at any time prior to beginning work on right-of-way.

Performance Guarantee: (Make Payable to City of McCook)

Amount: \$2,500.00 Check No. _____ Or FID No. _____
This guarantee is for the faithful compliance by the Applicant to the terms of the permit. It is understood that should the Applicant fail to perform the work as set forth in the permit, the City of McCook will have the right to keep the performance guarantee as liquidated damages for its necessary supervisory and inspection expenses and to initiate such legal proceedings as are necessary to secure either performance of the work in compliance with the terms of the permit or the restoration of the right-of-way to its previous condition prior to the activities of the Applicant.

NOTE: Please provide a location plan for over-cross or under-cross of location to occupy City of McCook right-of-way. When your project requires engineering plans, please submit four sets of plans, no larger than 18"x24". The engineering plans shall show the general features of the work to be completed and all information such as sizes, distances, dimensions, sleeves, cuts and fills, erosion control measures, etc., when applicable. City of McCook Municipal Code §94.34.

[Signature]
Applicant's Signature

Recommended By _____

Date _____

Director of Public Works Approval _____

Untitled Map

Write a description for your map.

Legend

*New vault
Fed with Aerial Fiber*

*E, 9th
st*

E, Dst

*New 1 1/4 duct
& 72 Fiber
In Duct*

*New vault
Fed with Aerial
Fiber*

901

903

905

907

402

401

1003

1005

1007

1009

902

906

908

307

308

306

Google Earth

Image © 2024 Airbus

100 ft



**CITY MANAGER'S REPORT
AUGUST 5, 2024 CITY COUNCIL MEETING**

ITEM: 3.H.

Declare one 4,500-gallon poly tank surplus and authorize staff to dispose of it in the appropriate legal manner.

BACKGROUND:

The tank was purchased in 2014 for the water treatment plant. The tank was our sodium hypochlorite tank @ the Water Treatment Plant. The tank is designed and produced to hold sodium hypochlorite which gives it a life span of around ten to twelve years. The tank started showing small cracks that were leaking fluid.

**FISCAL
IMPACT:** None

APPROVALS:



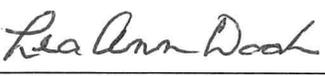
Pat Fawver, Utilities Director

August 5, 2024



Nate Schneider, City Manager

August 5, 2024



Lea Ann Doak, City Clerk

August 5, 2024

**CITY MANAGER'S REPORT
AUGUST 5, 2024 MCCOOK CITY COUNCIL MEETING**

4.A.
ITEM NO. Update regarding the 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 the recreational complex.

APPROVALS:



Nathan A. Schneider, City Manager

July 31, 2024



Lea Ann Doak, City Clerk

July 31, 2024

**CITY MANAGER'S REPORT
AUGUST 5, 2024 CITY COUNCIL MEETING**

ITEM: 4.B.

RECOMMENDATION:

DISCUSSION REGARDING THE PROPOSED UTV ORDINANCE.

BACKGROUND:

Mayor Taylor has requested staff to schedule a discussion of the UTV ordinance prior to moving forward with its third reading. The impetus of the discussion is to address potential safety concerns associated with the potential UTV ordinance. Included with this item are ordinances from Beatrice and Norfolk that address the potential safety concerns.

APPROVALS:



Lea Ann Doak, City Clerk

July 31, 2024



Nate Schneider, City Manager

July 31, 2024

Ordinance as presented 07/15/2024

REVISED

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;~~
Shall properly utilize seatbelts and all provided safety equipment in the utility-type vehicle, including supplemental child restraint systems as defined in state statute not withstanding Ne. Rev. Stat. §60-339 excepting UTVs as a motor vehicle;

REVISED

- (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), §60-6,267)

§ 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; and
- (H) Occupant protection system that is capable of allowing for the use of a supplemental child restraint system.
(Neb. Rev. Stat. §60-6,356(3), §60-6,267)

§ 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;

REVISED

(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

REVISED

REVISED

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 or owner's representative 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: _____

NOTICE: YOU, THE REGISTRANT, ARE SOLELY RESPONSIBLE FOR THE REGISTRATION DECAL. DECALS THAT BECOME LOST, DAMAGED, STOLEN OR OTHERWISE MAY BE REPLACED AT YOUR COST.

(OFFICE USE ONLY)

REGISTRATION STICKER NUMBER: _____ / EXPIRES: _____ NOTE: REGISTRATION STICKER MUST BE CONSPICUOUSLY 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)

Memorandum from
City Attorney Mustion

MEMORANDUM

TO: City Council of the City of McCook, Nebraska

FROM: Nathaniel J. Mustion, City Attorney

DATE: July 31, 2024

SUBJECT: Recommendation to Limit the Age of Passengers in Utility Task Vehicles (UTVs) within City Limits

Introduction:

I have conducted a review of the current safety standards and potential risks associated with the use of Utility Task Vehicles (UTVs) within city limits, specifically concerning the age of passengers. Based on discussions with local experts and existing legal requirements, I recommend that the city council pass an ordinance to prohibit passengers under the age of eight (8) years from riding in UTVs.

Expert Consultations:

1. **Jim Lewis, Owner of Lewis Motor Sports:**

- Mr. Lewis, a knowledgeable expert in UTVs, informed me that, to the best of his knowledge, UTV-specific car seats do not exist.
- Furthermore, to the best of his knowledge, UTVs are not equipped with car seat anchors, making it impossible to securely install any car seat in a UTV.

2. **Stacy Aguillar, McCook Community Hospital:**

- Ms. Aguillar, who assists with the hospital's car seat safety program, highlighted that state and federal laws mandate that car seats must be installed according to the manufacturer's installation instructions.
- These instructions explicitly prohibit installing car seats in anything other than automobiles, thereby making it unsafe and illegal to use them in UTVs.

Legal Considerations:

Under Nebraska law, specifically Neb. Rev. Stat. § 60-6,267, all children up to the age of eight (8) years must be secured in a federally approved child safety seat while riding in a motor vehicle. This requirement underscores the importance of proper restraint systems for young children, which are not available in UTVs.

Rationale for the Ordinance:

- **Safety Concerns:** Given the lack of appropriate car seat options and anchors in UTVs, young children cannot be securely restrained, increasing the risk of injury or fatality in the event of an accident.

- **Compliance with Legal Standards:** Adopting this ordinance aligns with Nebraska's child restraint laws, ensuring that our local regulations support state safety standards and protect the youngest and most vulnerable passengers.
- **Expert Recommendations:** The input from Mr. Lewis and Ms. Aguillar confirms that current UTV designs, and available safety equipment are inadequate for safely transporting children under the age of eight.

Conclusion:

In light of the above considerations, it is my recommendation that the City Council adopt an ordinance to limit the age of UTV passengers to eight (8) years and older. This measure will enhance the safety of our residents and ensure compliance with state laws regarding child restraints.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE CITY CODE OF THE CITY OF MCCOOK, NEBRASKA, RELATING TO THE USE OF UTILITY TASK VEHICLES (UTVs); TO LIMIT THE AGE OF PASSENGERS; TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES; AND TO PROVIDE FOR AN EFFECTIVE DATE.

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

Section 1. That Section 75 of the City Code of McCook, Nebraska, is hereby amended to read as follows:

75.10 Age Restriction for Passengers on UTVs.

It shall be unlawful for any person to operate a Utility Task Vehicle (UTV) within the city limits of McCook, Nebraska, with any passenger under the age of eight (8) years old.

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

Section 3. This ordinance shall be in full force and effect from and after its passage, approval, and publication according to law.

PASSED AND APPROVED this ___ day of _____, 2024.

Code of Ordinances
Beatrice

Wattier's Auto Body, Inc.	802 Riverside Blvd.
Wells Fargo Bank	227 West Norfolk Avenue

Source: Ord. No. 3865, § 2, 5-18-92; Ord. No. 3894, § 2, 8-17-92; Ord. No. 3897, § 1, 9-2-92; Ord. No. 3912, § 1, 11-2-92; Ord. No. 3950, § 1, 5-3-93; Ord. No. 3995, § 1, 10-4-93; Ord. No. 4002, § 1, 1-17-94; Ord. No. 4036, § 1, 7-5-94; Ord. No. 4634, § 1, 3-17-03; Ord. No. 5047, § 1, 11-17-08; Ord. No. 5142, § 1, 11-1-10; Ord. No. 5437, § 1, 11-7-16; Ord. No. 5462, § 1, 3-20-17; Ord. No. 5476, § 1, 6-5-17; Ord. No. 5577, § 1, 11-5-18;

Sec. 24-294. Prohibition on utilization of a dynamic braking device or engine brakes.

(a) It shall be unlawful, except to avert imminent danger, for any person to use a dynamic braking device or engine brakes, or to otherwise discharge into the ambient air the blowdown at any stream or the exhaust of any internal combustion engine, unless such discharge be through an appropriate muffler.

(b) For the purpose of this section, use of a dynamic braking device or engine brakes shall be defined as a device which when activated retards one or more pistons on the engine of a truck or other motor vehicle in order to assist the truck or motor vehicle in braking and in the process of doing so creates a loud and offensive noise from the truck or motor vehicle.

Source: Ord. No. 4353, § 1, 7-20-98; Ord. No. 4458, § 1, 4-3-00

Beatrice

ARTICLE XI. ALL-TERRAIN VEHICLES AND UTILITY-TYPE VEHICLES

Sec. 24-351. Definitions.

For purposes of this article, the following definitions shall apply:

All-terrain vehicle means any motorized off-highway vehicle which is (a) fifty inches (50") or less in width, (b) has a dry weight of twelve hundred pounds (1,200 lbs.) or less, (c) travels on three (3) or more nonhighway tires, (d) is designed for operator use only with no passengers or is specifically designed by the original manufacturer for the operator and one (1) passenger.

Utility-type vehicle means any motorized off-highway vehicle which is (a) seventy-four inches (74") in width or less, (b) is not more than one hundred eighty inches (180"), including the bumper, in length, (c) has a dry weight of two thousand pounds (2,000 lbs.) or less, and (d) travels on four (4) or more nonhighway tires. Utility-type vehicle does not include all-terrain vehicles, golf car vehicles, or low-speed vehicles.

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

Ord. No. 5663, § 2, 5-18-2020;

State law reference--Similar provisions, R.R.S. 2010, 60-6.355.

Sec. 24-352. Operation of all-terrain vehicles prohibited.

It shall be unlawful for any person to operate an all-terrain vehicle 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.

Ord. No. 5663, § 2, 5-18-2020;

Sec. 24-353. 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:

- (1) Operation occurs only between the hours of sunrise and sunset.
- (2) The headlight and taillight of the vehicle shall be on.

- (3) The vehicle shall be equipped with brake and turn signal lights in good working order.
- (4) The vehicle shall be equipped with a bicycle safety flag which extends not less than five feet (5') 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 thirty square inches and shall be day-glow in color.
- (5) 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.
- (6) The utility-type vehicle shall have a registration plate with validation decal issued by the police division as set forth in Section 24-356 of this Code.
- (7) Any person operating a utility-type vehicle as authorized in this section:
 - a. Shall not operate such vehicle at a speed in excess of thirty miles per hour (30 mph) and shall observe posted speed limits if lower than thirty miles per hour;
 - b. Shall have a valid Class O operator's license or a farm permit as provided for in Section 60-4,126 of the *Nebraska Revised Statutes*;
 - c. Shall be eighteen (18) years of age or older;
 - d. Shall obey all applicable state and local traffic laws, ordinance, and regulations;
 - e. Shall properly utilize seatbelts and all provided safety equipment in the utility-type vehicle;
 - f. Shall have liability insurance coverage for the utility-type vehicle while operating the utility-type vehicle on a street or highway; and
 - g. Shall provide proof of insurance coverage to any peace officer requesting such proof within five (5) days of such request.

Ord. No. 5663, § 2, 5-18-2020;

Sec. 24-354. Utility-type vehicle; equipment required.

Every utility-type vehicle shall be equipped with:

- (1) A brake system maintained in good operating condition;
- (2) An adequate muffler system in good working condition; and
- (3) A United States Forest Service-qualified spark arrester.

Ord. No. 5663, § 2, 5-18-2020;

State law reference - Similar provisions, R.R.S. 2010, 60-6,358

Sec. 24-355. 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 the spark arrester removed or modified, except for use in a closed-course competition event.

Ord. No. 5663, § 2, 5-18-2020;

State law reference - Similar provisions, R.R.S. 2010, 60-6,359

Sec. 24-356. Registration.

- a. It shall be an offense for any person to operate any utility-type vehicle within the city unless:
 - (1) The utility-type vehicle has passed an inspection by the police division;
 - (2) The owner has demonstrated proof of insurance to the police division; and
 - (3) The owner has obtained from the police division a registration plate with validation decal for the current year affixed to the plate. The registration plate with validation decal for the current year must be affixed to the rear of the utility-type vehicle in a conspicuous place. Any person obtaining a registration plate and/or current year validation decal to operate a utility-type vehicle within the city shall pay a fee to the city as set forth in Section 2-5 of this Code. No registration plate or validation decal fee shall be assessed for registration of any city-owned utility-type vehicle.
- b. All registrations issued under the provisions of this article shall be effective from January 1 to December 31, and all registrations shall expire December 31 of the year in which they were issued unless the registration is issued after December 1 in which case the registration will expire on the second December 31 following the date of issue.
- 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 article.

Ord. No. 5663, § 2, 5-18-2020;

Sec. 24-357. Operation of utility-type vehicle on state highway prohibited; limited crossing permitted.

A utility-type vehicle shall not be operated on any state highway, and the crossing of any state highway shall only be permitted if:

- (1) The crossing is made at an angle of approximately ninety degrees (90°) to the direction of the state highway and at a place where no obstruction prevents a quick and safe crossing;
- (2) The vehicle is brought to a complete stop before crossing the shoulder or the roadway of the state highway;
- (3) The operator yields the right of way to all oncoming traffic that constitutes an immediate potential hazard;
- (4) The crossing is made only at an intersection of such state highway with another street or highway; and
- (5) Both the headlight and taillight of the vehicle are on when crossing is made.

Ord. No. 5663, § 2, 5-18-2020;

Sec. 24-358. 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 one thousand dollars (\$1,000.00) or more, the operator of each utility-type vehicle involved in the accident shall give notice of the accident in the same manner as provided by *Neb. Rev. Stat.* §60-699.

Ord. No. 5663, § 2, 5-18-2020;
State law reference--Similar provisions, R.R.S. 2010, 60-6.361.

Sec. 24-359. Operation of all-terrain vehicles and utility-type vehicles in parades.

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

Ord. No. 5663, § 2, 5-18-2020;

Sec. 24-360. Penalty for violation of article.

Any person convicted of violating any provision of this article shall be punished by a fine of \$250.00 for a first offense. A subsequent violation of any provision of this article shall be punished by a fine of \$250.00 to \$500.00. In addition to any penalties for violation hereof, the police division may impound any all-terrain or utility-type vehicle when operated in violation of Nebraska law or this Code.

Ord. No. 5663, § 2, 5-18-2020;

ARTICLE XII. GOLF CAR VEHICLES

Sec. 24-371. Definitions.

For the purposes of this article, the following definitions shall apply:

Golf car vehicle means a vehicle that has at least four (4) wheels, has a maximum level ground speed of less than twenty (20) miles per hour, has a maximum payload capacity of one thousand two hundred pounds (1,200 lbs.), has a maximum gross vehicle weight of two thousand five hundred pounds (2,500 lbs.), has a maximum passenger capacity of not more than four (4) persons, is designed and manufactured for operation on a golf course for sporting and recreational purposes, and is not being operated within the boundaries of a golf course.

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

Ord. No. 5821, § 1, 03-20-23;
State law reference--Similar provisions, R.R.S. 2010, 60-622.01.

Sec. 24-372. Operation of golf car vehicles on streets and highways.

A golf car 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:

- (1) Operation occurs only on streets with a speed limit of twenty-five miles per hour or less and on the following residential one-way streets:

<i>Street</i>	<i>From</i>	<i>To</i>
3rd Street	Madison Ave.	Omaha Ave.
4th Street	Omaha Ave.	Madison Ave.
5th Street	Madison Ave.	Omaha Ave.
6th Street	Omaha Ave.	Madison Ave.

- (2) Operation occurs only between the hours of sunrise and sunset.
- (3) The headlight and taillight of the golf car vehicle shall be on.
- (4) The total number of persons on the golf car vehicle, including the operator and all passengers, shall not exceed the seating capacity as designed by the manufacturer of the golf car vehicle.

- (5) The golf car vehicle shall have a registration plate with validation decal issued by the police division as set forth in Section 24-375 of this Code.
- (6) Any person operating a golf car vehicle as authorized in this section:
 - a. Shall not operate such vehicle at a speed in excess of twenty miles per hour (20 mph) and shall observe posted speed limits if lower than twenty miles per hour;
 - b. Shall have a valid Class O operator's license as provided for in Section 60-6,381 of the Nebraska Revised Statutes;
 - c. Shall be eighteen (18) years of age or older;
 - d. Shall obey all applicable state and local traffic laws, ordinances, and regulations;
 - e. Shall properly utilize seatbelts and all provided safety equipment in the golf car vehicle;
 - f. Shall have liability insurance coverage for the golf car vehicle while operating the golf car vehicle on a street or highway in the following amounts, exclusive of interest and costs:
 - 1) Twenty-five thousand dollars (\$25,000) for bodily injury to or death of one person in any one accident, subject to such limit for one person;
 - 2) Fifty thousand dollars (\$50,000) for bodily injury to or death of two or more persons in any one accident; and
 - 3) Twenty-five thousand dollars (\$25,000) for injury to or destruction of property of others in any one accident;
 - g. Shall provide proof of insurance coverage to any peace officer requesting such proof within five (5) days of such request.

Ord. No. 5821, § 1, 3-20-2023; Ord. No. 5835, § 1, 6-5-23;

Sec. 24-373. Golf car vehicle; equipment required.

Every golf car vehicle shall be equipped with:

- (1) Headlights, taillights, brake lights and turn signal lights in good working order;
- (2) Seat belts in good working order which conform to federal motor vehicle safety standards for passenger restraint systems applicable for golf car vehicles;
- (3) A bicycle safety flag which extends not less than five feet (5') 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 thirty square inches and shall be day-glow in color;
- (4) A brake system maintained in good operating condition; and
- (5) An adequate muffler system in good working condition.

Ord. No. 5821, § 1, 3-20-2023; Ord. No. 5835, § 2, 6-5-23;

Sec. 24-374. Modification of golf car vehicle; prohibited.

No person shall:

- a. Equip the exhaust system of a golf car vehicle with a cutout, bypass or similar device; and
- b. Operate a golf car vehicle with an exhaust system so modified.

Ord. No. 5821, § 1, 3-20-2023;

Sec. 24-375. Registration.

- (a) It shall be an offense for any person to operate any golf car vehicle within the city unless:
 - (1) The golf car vehicle has passed an inspection by the police division;
 - (2) The owner has demonstrated proof of insurance to the police division; and
 - (3) The owner has obtained from the police division a registration plate with validation decal for the current year affixed to the plate. The registration plate with validation decal for the current year must be affixed to the rear of the golf car vehicle in a conspicuous place. Any person obtaining a registration plate and/or current year validation decal to operate a golf car vehicle within the city shall pay a fee to the city as set forth in Section 2-5 of this Code. No registration plate or validation decal fee shall be assessed for registration of any city-owned golf car vehicle.
- (b) All registrations issued under the provisions of this article shall be effective from January 1 to December 31, and all registrations shall expire December 31 of the year in which they were issued unless the registration is issued after December 1 in which case the registration will expire on the second December 31 following the date of issue.
- (c) Golf car vehicle registrations from other communities are not recognized as valid in the City of Norfolk.
- (d) The city reserves the right to suspend or revoke the registration of a golf car vehicle within the city for violation of any provision of this article.

Ord. No. 5821, § 1, 3-20-2023;

Sec. 24-376. Operation of golf car vehicle on state highway prohibited; limited crossing permitted.

A golf car vehicle shall not be operated on any state highway, and the crossing of any state highway shall only be permitted if:

- (1) The crossing is made at an angle of approximately ninety degrees (90°) to the direction of the state highway and at a place where no obstruction prevents a quick and safe crossing;
- (2) The crossing is made at an intersection controlled by a lighted traffic control signal;
- (3) The golf car vehicle is brought to a complete stop before crossing the shoulder or the roadway of the state highway;
- (4) The operator yields the right of way to all oncoming traffic that constitutes an immediate potential hazard;
- (5) The crossing is made only at an intersection of such state highway with another street or highway; and
- (6) Both the headlight and taillight of the vehicle are on when crossing is made.

Ord. No. 5821, § 1, 3-20-2023;

Sec. 24-377. Golf car 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 one thousand five hundred dollars (\$1,500.00) or more,

the operator of each golf car vehicle involved in the accident shall give notice of the accident in the same manner as provided by *Neb. Rev. Stat. §60-699*.

Ord. No. 5821, § 1, 3-20-2023; Ord. No. 5835, § 3, 6-5-23;

Sec. 24-378. Operation of golf car vehicles in parades.

Golf car vehicles may be operated on streets and highways without complying with this article while in parades which have been authorized by the State of Nebraska, any department, board, commission or political subdivision of the State of Nebraska.

Ord. No. 5821, § 1, 3-20-2023;

Sec. 24-379. Penalty for violation of article.

Any person convicted of violating any provision of this article shall be punished by a fine of \$250.00 for a first offense. A subsequent violation of any provision of this article shall be punished by a fine of \$250.00 to \$500.00. In addition to any penalties for violation hereof, the police division may impound any golf car vehicle when operated in violation of Nebraska law or this Code.

Ord. No. 5821, § 1, 3-20-2023;

The public information contained herein is furnished as a public service by the City of Norfolk. The official record is maintained by the City Clerk's Office as required by Neb. Rev. Stat. § 16-317. A printed version of the Norfolk Municipal Code is available at the City Clerk's Office and the Norfolk Public Library.

The City Clerk's Office may be contacted at (402) 844-2000 or by email bduerst@norfolkne.gov

To contact us regarding this web site, send email to bduerst@norfolkne.gov

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Code of Ordinances
Norfolk

(Ord. No. 96-59, § 26, 11-4-96)

Sec. 16-653. - Same—Restrictions on operation.

It shall be unlawful for any person who operates a moped to: (a) ride such moped upon anything other than a permanent and regular seat attached to such moped; (b) carry any other person upon such moped unless the moped is designed by the manufacturer to carry more than one person; (c) ride upon a moped in a reckless manner or in any manner other than while sitting astride the seat, facing forward, with both hands on the handle bars; (d) carry any package, bundle, person, or any article that interferes with the operation or control of the moped, view of the operator, or which prevents the operator from keeping both hands on the handle bars; or (e) operate any handlebars more than fifteen (15) inches above the mounting point of the handlebars.

(Ord. No. 96-59, § 27, 11-4-96)

Sec. 16-654. - Operating mopeds on roadways laned for traffic and on sidewalks.

- (a) A moped shall be entitled to full use of a traffic lane of any street or highway with an authorized speed limit of forty-five (45) miles per hour or less.
- (b) It shall be unlawful for any person operating any vehicle to operate such vehicle so as to deprive any moped of the full use of such lane.
- (c) It shall be unlawful for any person to operate a moped between lanes of traffic between adjacent lines or rows of vehicles.
- (d) It shall be unlawful for any person to operate any moped more than two (2) abreast in a single lane.
- (e) It shall be unlawful for any person who operates a moped on a roadway with an authorized speed limit of more than forty-five (45) miles per hour to fail to ride as near to the right side of the roadway as practicable.
- (f) It shall be unlawful for any person who operates a moped on a roadway with an authorized speed limit of more than forty-five (45) miles per hour to fail to ride such moped in single file.
- (g) It shall be unlawful for any person who rides upon a moped to attach himself, herself or moped to any other roadway.
- (h) It shall be unlawful for any person to operate a moped upon a sidewalk or at a speed in excess or thirty (30) miles per hour.

(Ord. No. 96-59, § 28, 11-4-96)

Secs. 16-655—16-659. - Reserved.

Norfolk

Sec. 16-660. - Definitions.

All-terrain vehicle ("ATV") or four-wheeler means any motorized off-highway vehicle which:

- (1) Is fifty (50) inches or less in width;
- (2) Has a dry weight of twelve hundred (1,200) pounds or less;
- (3) Travels on four (4) or more non-highway tires; and
- (4) Is designed for operator use only with no passengers or is specially designed by the original manufacture for the operator and one (1) passenger.

Utility-type vehicle ("UTV") means any motorized off-highway device which:

- (1) Is seventy-four (74) inches in width or less;
- (2) Is not more than one hundred eighty (180) inches, including the bumper, in length;
- (3) Has a dry weight of two thousand (2,000) pounds or less;
- (4) Travels on four (4) or more nonhighway tires; and
- (5) UTV does not include ATVs, golf car vehicles, or low-speed vehicles as the same are defined by Nebraska law.

(Ord. No. 23-6, § 1, 4-3-23; Ord. No. 23-35, § 1, 11-20-23)

Sec. 16-661. - Operation and equipment; restrictions.

A UTV may be operated upon city streets and highways within the corporate limits of the city only if the operator and vehicle are in compliance with the following provisions:

- (1) Operation occurs only between the hours of sunrise and sunset.
- (2) A UTV shall not be operated at a speed faster than thirty (30) miles per hour or the posted speed limit, whichever is less.
- (3) All UTVs operating within the corporate limits of the city shall be equipped with working headlights and taillights.
- (4) When in operation, the headlights and taillights of the UTV shall be on.
- (5) All UTVs shall be equipped with a safety flag which extends no less than five (5) feet above the ground when attached to the rear of such vehicle. The flag shall be dayglow in color, triangular in shape, and of a size with an area of not less than thirty (30) square inches.
- (6) Whenever a UTV is moving, all cargo must be securely attached to the UTV in such a manner that the cargo will remain secured without any assistance of the operator.
- (7) Any person operating a UTV as authorized by this code shall:
 - a. Beginning on January 1, 2024, have a valid registration plate or sticker issued by the city pursuant to section 16-662 or 16-663;

- b. Have a valid Class O operator's license;
 - c. Have liability insurance coverage for the UTV while in operation within the corporate limits of the city and provide such insurance proof of coverage upon the demand of any peace officer within five (5) calendar days of requesting such proof;
 - d. Obey all applicable state and local traffic laws, ordinances, and regulations;
 - e. If operating or riding on a UTV, utilize manufacturer installed seat belts or wear a helmet approved for lawful operation of a motorcycle in the State of Nebraska. The total number of persons allowed in a UTV, including the operator and all passengers, shall not exceed the seating capacity as designed by the manufacturer of the UTV; and
 - f. Have at least one (1) rearview mirror equipped.
- (8) No person shall:
- a. Equip the exhaust system of a UTV with a cutout, bypass, or similar device;
 - b. Operate a UTV with an exhaust system so modified;
 - c. Operate a UTV with the spark arrester removed or modified, except for use in a closed-course competition event;
 - d. Except for the operator, no person shall be permitted to be pulled, pushed, or otherwise propelled by a UTV, or on any object attached to the UTV; or
 - e. Operate an ATV within the corporate limits of the city.

(Ord. No. 23-6, § 2, 4-3-23; Ord. No. 23-35, § 2, 11-20-23)

Sec. 16-662. - Registration.

- (1) Effective January 1, 2024, it shall be unlawful for any person to operate a UTV on the streets or highways of the City of Beatrice without first registering said UTV in accordance with this article, unless exempted under this article.
- (2) Registrations stickers or plates issued pursuant to this article must be affixed to the UTV in a conspicuous place.
- (3) Registrations issued under this section shall be unique to the specific owner and vehicle and shall not be transferrable. Any transfer of ownership shall cause the existing registration to expire. A separate application, and registration is required for each individual vehicle.
- (4) All registrations issued under this article shall be effective from January 1 to December 31, and all registrations shall expire on December 31 of the year in which they were issued.
- (5) Any person issued a registration under this article may renew the registration for the following year by filing with the city clerk a renewal application updating or confirming the information provided in the immediately preceding application, and paying a renewal fee established by resolution adopted by the city council.

- (6) In the event the original registration plate or sticker is lost or destroyed, a replacement may be issued by the city upon the payment of a replacement fee established by resolution adopted by the city council.

(Ord. No. 23-6, § 3, 4-3-23; Ord. No. 23-35, § 3, 11-20-23)

Sec. 16-663. - Dealer registration.

Effective January 1, 2024, it shall be unlawful for any authorized dealers of UTVs to operate a UTV on the streets or highways of the City of Beatrice without first registering said UTV in accordance with this article. A dealer shall make only one (1) application to the city clerk for a dealer registration plate or sticker, in lieu of registering each UTV which the dealer owns, to be used solely for the purposes of testing or demonstrating a UTV.

A dealer registration plate or sticker shall be issued upon the dealer submitting the following:

- (1) The registration application form provided by the city and submitted the same to the city clerk;
- (2) A nonrefundable dealer registration fee established by resolution adopted by the city council; and
- (3) Such other information as the city clerk may require and as requested in the said application form.

(Ord. No. 23-6, § 4, 4-3-23; Ord. No. 23-35, § 4, 11-20-23)

Sec. 16-664. - Applications.

- (1) An applicant for individual UTV registration shall be filed with the city clerk a signed application on a form to be furnished by the city clerk, which shall contain the following information:
 - a. The applicant's name, address, phone number, and e-mail address;
 - b. The UTV's VIN number;
 - c. The description of the make, model, and color of the UTV to be registered;
 - d. A nonrefundable application fee established by resolution adopted by the city council; and
 - e. Such other information as the city clerk may require and as requested in the said application form.

(Ord. No. 23-6, § 5, 4-3-23; Ord. No. 23-35, § 5, 11-20-23)

Sec. 16-665. - Issuance or denial.

- (1) Upon receipt of a complete application for a UTV registration and payment of all applicable fees pursuant to this article, the city clerk shall verify that the information provided is accurate and to determine whether the applicant is in compliance with the provisions of all applicable laws and this Code.
- (2) After receipt of the completed application and application fee, the city clerk shall either approve or deny the UTV registration. Grounds for denial may include, but are not limited to, the following:
 - a. A finding that the application is incomplete;
 - b. The nonpayment of applicable fees;
 - c. A finding that the application is not in conformance with all applicable laws or all provisions of this Code; and
 - d. A finding that the statements within the application are materially untrue or incorrect.
- (3) The city clerk shall keep a permanent record of all UTV registrations issued.

(Ord. No. 23-6, § 6, 4-3-23; Ord. No. 23-35, § 6, 11-20-23)

Sec. 16-666. - Appeal hearing.

- (a) *Denials of registration.* Applicants or registrants whose registrations under this article have been denied may request an appeal of such decision within twenty (20) calendar days of receipt of the notice. Such request for appeal shall be in writing to the city clerk or his/her designee accompanied by the non-refundable appeal fee. The appeal fee shall be set by resolution adopted by the city council. Such appeal shall be heard by the city administrator. The city administrator shall set such hearing within twenty (20) business days from the date of receipt the written request.
- (b) A written notice of the decision by the city administrator or his/her designee following the hearing shall be sent to the property owner by regular U.S. mail or shall be provided at the conclusion of the meeting.

(Ord. No. 23-6, § 7, 4-3-23; Ord. No. 23-35, § 7, 11-20-23)

Sec. 16-667. - Penalties.

- (1) It shall be unlawful for any person to operate a UTV upon any street or highway in violation of this article, or in such a manner as to constitute a menace to the health, safety, or general welfare of the public.
 - a. Any person convicted of a violation described in subsection (1) of this section shall be guilty of a misdemeanor, and the person shall be fined in an amount not to exceed five hundred

dollars (\$500.00).

(Ord. No. 23-6, § 8, 4-3-23; Ord. No. 23-35, § 8, 11-20-23)

Sec. 16-668. - Prohibited locations.

Unless engaged by the city for municipal government purposes, it shall be unlawful to operate a UTV in the following locations:

- (a) Anywhere on Highway 77;
- (b) On Highway 136, except such operation shall be allowed only on Highway 136 between Center Street and 2nd Street;
- (c) Anywhere on city-owned trails;
- (d) Anywhere on sidewalks, except as permitted in section 16-664 of this article; or
- (e) In city-owned parks, except that such operation shall be allowed only in city-owned parks on the hard surfaced roads specifically designed for vehicular travel.

(Ord. No. 23-6, § 9, 4-3-23; Ord. No. 23-35, § 9, 11-20-23)

Sec. 16-669. - Crossing highways.

For the purpose of this article, the crossing of a highway shall be permitted only if:

- (1) The crossing is made at an angle of approximately ninety (90) degrees perpendicular to the direction of travel being made on such highway and at a place where no obstruction prevents a timely and safe crossing;
- (2) The vehicle is brought to a complete stop before crossing shoulder or roadway of said highway;
- (3) The operator yields the right-of-way to all traffic which constitutes an immediate or potential hazard;
- (4) In crossing a divided highway, the crossing shall only be made at an intersection of another highway or roadway; and
- (5) Both headlights and taillights must be on when crossing is made.

(Ord. No. 23-6, § 10, 4-3-23; Ord. No. 23-35, § 10, 11-20-23)

Sec. 16-670. - Exemptions.

ATVs and UTVs may be operated without complying with section 16-661(1), 16-661(8)(e), 16-662, or 16-668(a), (b), and (d) only:

- (1) During parades which have been authorized by the state or any department, board,

commission, or political subdivision of the state;

- (2) On sidewalks, if the operator is removing snow from the sidewalk within twenty-four (24) hours from and after the conclusion of the snowstorm which deposited snow upon the sidewalks to be cleaned;
- (3) Employees of the city, Gage County, and the State of Nebraska, while operating UTVs as part of their employment with the city, Gage County, or the state, and vendors, contractors, and subcontractors of the city, while operating UTVs during the course of their work for the city, shall be exempt from registering said UTVs.

(Ord. No. 23-6, § 11, 4-3-23; Ord. No. 23-35, § 11, 11-20-23)

Sec. 16-671. - Severability.

If any provision, clause, sentence, paragraph or other portion of this article or the application thereof to any person or circumstances shall be held to be invalid, that invalidity shall not affect the other provisions of this article which can be given effect without the invalid provision or application, and to this end the provisions of this article are declared to be severable.

(Ord. No. 23-6, § 12, 4-3-23; Ord. No. 23-35, § 12, 11-20-23)