

MCCOOK CITY COUNCIL

REGULAR MEETING

Monday, August 19, 2024
5:30 PM - City Council Chambers

Roll Call.

Excuse Absences.

Open Meetings Act Announcement.

Invocation - McCook Ministerial Association - Kyle Dellevoet, McCook Christian Church.

Pledge of Allegiance.

Call to Order.

Items.

1. Announcements & Recognitions.

2. Public Hearings.

A. Public Hearing - Request for a special exception by Randy and Kimberely Bauer to locate a Bed and Breakfast/Vacation Rental in a Residential Medium Residential District (RM) - property located at 1205 West 3rd Street; legally described as Lot 9, Block 14, Hillcrest Addition to the City of McCook, Red Willow County, Nebraska.

1. Adjourn the Public Hearing.

B. Approve the application for a special exception by Randy and Kimberely Bauer to allow a Bed and Breakfast/Vacation Rental in a Residential Medium Density District (RM), said property located at 1205 West 3rd Street; legally described as Lot 9, Block 14, Hillcrest Addition to the City of McCook, Red Willow County, Nebraska, finding Special Exception considerations A-I are satisfied.

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 August 5, 2024 regular City Council meeting and the August 13, 2024 special City Council meeting.

B. Authorize City of McCook staff to complete an application for the Safe Streets and Roads for All grant.

C. Approve the St. Patrick Catholic Church request to close portions of East 4th, East "F", and East "G" Streets and to utilize city property for their Annual Fall Festival on September 29, 2024.

- D. Approve the lease agreement with Caterpillar Financial Services Corporation for financing of one new 2024 Caterpillar 926 Front End Wheel Loader for the Transfer Station with a rate of 5.99% and authorize the Mayor to sign.
 - E. Approve the McCook Area Chamber of Commerce Heritage Days request to close the southbound lane of Norris Avenue between "F" Street and "H" Street from 11:00 A.M. to 5:00 P.M. and the northbound lane of Norris Avenue between "F" Street and "G" Street from 5:00 A.M. to 6:00 P.M. on September 21, 2024.
 - F. Receive and file the claims for the month of July 2024, published August 9, 2024.
 - G. Accept the minutes of the April 16, 2024 Senior Center Advisory Board, the March 13, 2024 Library Advisory Board, and the August 12, 2024 Planning Commission meetings
4. Regular Agenda.
- A. Presentation and determination by Council regarding the request from Susan Doak for city support of two federal legislative bills approving land transfer of Lighthouse Marina's land from Bureau of Reclamation to Frontier County.
 - B. 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.
 - C. Approve Resolution No. 2024 -17 approving the designation of nuisance properties as deemed by WCNDD and as declared in the Resolution.
 - D. Approve WCNDD's Motion to Abate for the properties located at 1407 Fairacres, McCook, NE, 1203 Missouri, McCook, NE, 1007 Missouri, McCook, NE, and 1405 W 16th, McCook, NE be abated.
 - E. Approve Resolution No. 2024-18 approving rescinding a portion of previously declared nuisance properties as deemed by WCNDD and as declared in the Resolution.
 - 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.
 - 1. Chairperson asks Clerk to read Ordinance by title.
 - 2. Consider approval of Ordinance No. 2024-3080 upon its third and final reading.
 - 3. Chairperson declaration after vote and passage.
 - G. Ordinance No. 2024-3085 providing for the adoption of the budget for FY 2024/2025.
 - 1. Chairperson asks Clerk to read Ordinance by title.
 - 2. Consider approval of Ordinance No. 2024-3085 upon its first of three readings.
 - H. Ordinance No. 2024-3086 providing for the adoption of the FY 2024/2025 Fiscal Year Employee Classification Pay Plan.
 - 1. Chairperson asks Clerk to read Ordinance by title.
 - 2. Consider approval of Ordinance No. 2024-3086 upon its first of three readings.

- I. Council Comments.
- J. Meeting of the Community Development Agency - recess as City Council and convene meeting.
 - 1. Call to Order and Roll Call.
 - 2. Open Meetings Act Announcement.
 - 3. Adopt Resolution No. CDA 2024-04 authorizing and approving the First Amendment to the Redevelopment Agreement entered into by and between the Community Development Agency of the City of McCook and Emily and Jeremy Young for the Elevate Wellness Redevelopment Project.
- K. Adjourn the McCook Community Development Agency.
- L. 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 19, 2024 MCCOOK CITY COUNCIL MEETING**

ITEM: 2.A Public Hearing - Request for a special exception by Randy and Kim Bauer to locate a Bed and Breakfast/Vacation Rental in a Medium Density Residential District (RM) - property located at 1205 West 3rd Street, legally described as Lot Nine (9), Block Fourteen (14), Hillcrest Addition to the City of McCook, Red Willow County, Nebraska.

ITEM: 2.B Approve the special exception application by Randy and Kim Bauer to allow a Bed and Breakfast/Vacation Rental in a Medium Density Residential District (RM) - property located at 1205 West 3rd Street, legally described as Lot Nine (9), Block Fourteen (14), Hillcrest Addition to the City of McCook, Red Willow County, Nebraska, finding that Special Exception considerations A - I are satisfied.

BACKGROUND:

The City of McCook has received a special exception request from Randy and Kim Bauer. Specifically, the applicants have requested that the property located at 1205 West 3rd Street be granted special exception status for the purpose of operating a bed and breakfast and/or a vacation rental. The property at issue is located in the single-family residential district. There is a house and a garage on the lot.

The application addresses McCook's Zoning Ordinance, Article 24 Special Exception requirements relative to the RM District. Based on staff's review, it is believed a grant of special exception will not adversely impact ingress and/or egress. The property is located in a lightly traveled portion of McCook and a special exception designation should not impact traffic significantly. Additionally, there is adequate off-street parking on the lot to accommodate licensees due to the fact that the back of the lot has a three-stall parking garage that can be used, with additional depth to park vehicles two-deep. The residential structure's footprint will remain the same. Also, staff believes the request generally complies with the City of McCook's Comprehensive Plan.

At the August 12, 2024 McCook Planning Commission meeting, the Planning Commission voted 9-0 to recommend approval of the special exception. No members of the public spoke against the request.

APPROVALS:



Lea Ann Doak, City Clerk

August 14, 2024



Nathan A. Schneider, City Manager

August 14, 2024

EXHIBIT #1

PAGE(S) - 1

**NOTICE OF PUBLIC HEARING
REQUEST FOR A SPECIAL EXCEPTION**

NOTICE IS HEREBY GIVEN that a public hearing will be held by the City of McCook Planning Commission on August 12, 2024, at 5:15 P.M. and by the McCook City Council on August 19, 2024, at 5:30 P.M. The hearings will be held in the City Council Chambers, 505 West "C" Street, McCook, Nebraska, to consider a request for a special exception to allow a Bed and Breakfast/Vacation Rental in a Residential Medium Density (RM) District in the City of McCook. Property located at 1205 West 3rd Street; Lot 9, Block 14, Hillcrest Addition to the City of McCook, Red Willow County, Nebraska. Land Owner, Randy and Kimberly Bauer. Any and all persons desiring to comment on the above-described special exception may attend said public hearings and will be given an opportunity to be heard. For additional information regarding this notice please contact Nate Schneider, City of McCook City Manager, at 345-2022 ext. 225.

-s- Lea Ann Doak
City Clerk

Publish: August 2, 2024.

EXHIBIT #2

PAGE(S) - 1

**NOTICE OF HEARING
REQUEST FOR
SPECIAL EXCEPTION**

NOTICE IS HEREBY GIVEN that a public hearing will be held on a request to allow a Bed and Breakfast/Vacation Rental in a Residential Medium Density (RM) District in the City of McCook.

ADDRESS: 1205 West 3rd Street

LEGAL DESCRIPTION: Lot Nine (9), Block Fourteen (14), Hillcrest Addition to the City of McCook, Red Willow County, Nebraska.

LAND OWNER: Randy and Kimberely Bauer

Public Hearings will be held on the dates, times, and at the places listed below:

AUGUST 12, 2024 - 5:15 P.M.
MCCOOK PLANNING COMMISSION
CITY COUNCIL CHAMBERS
505 WEST "C" STREET

AUGUST 19, 2024 - 5:30 P.M.
MCCOOK CITY COUNCIL
CITY COUNCIL CHAMBERS
505 WEST "C" STREET

ANY AND ALL PERSONS desiring to comment on the above-described request will be given an opportunity to be heard. Please direct all inquiries to Nate Schneider, City Manager, at 308-345-2022 ext. 225.

-s- Lea Ann Doak
City Clerk

Publish: August 2, 2024
Post: August 2, 2024
Mail: August 2, 2024

EXHIBIT #3

PAGE(S) - 1

OWNERSHIP LIST FOR MAILING:

President
McCook Public Schools
600 West 7th Street
McCook NE 69001

Red Willow Co. School Dist. #17
700 West 7th Street
McCook NE 69001

Red Willow County
% Penny Cooper
502 Norris Avenue
McCook NE 69001

Red Willow County Planning Commission
502 Norris Avenue
McCook NE 69001

Dale Friehe
c/o Brad Friehe
72877 Ave 373
Culbertson, NE 69024

Jaret Matson and Kylie Messersmith
405 West M
McCook, NE 69001

Lynda Palmer
403 West M
McCook, NE 69001

Kyann Callander
1302 West 3rd
McCook, NE 69001

Jerry and Robin Wonderly
1303 West 3rd
McCook, NE 69001

Stephen and Diane Lytle
1304 West 2nd
McCook, NE 69001

Stephen and Dee Spicer
1302 West 2nd
McCook, NE 69001

Christian, Gerald, & Samantha Callahan
1303 West 2nd
McCook, NE 69001

McCook 1st Church of the Nazarene
c/o Melisa Rostvet
5650 W Pony Express Rd
Ayr, NE 68925

Merril Morris
212 West M
McCook, NE 69001

Robin Schaffert
3420 Appaloosa Drive
North Platte, NE 69101

Four B's Properties LLC
c/o James Brandt
512 West 4th
McCook, NE 69001

Ronnie and Gloria Rogers
38641 Ravenswood Road
McCook, NE 69001

Chad and Kimberly Lyons
1201 West 2nd
McCook, NE 69001

Tamera Marts
1111 West 2nd
McCook, NE 69001

Clarence Fritsch
1109 West 2nd
McCook, NE 69001

Michael Baumfalk
1107 West 2nd
McCook, NE 69001

Nickalaus Gerver
1108 West 2nd
McCook, NE 69001

EXHIBIT #4

PAGE(S) - 2

Jerry Larson
PO Box 631
McCook, NE 69001

Jessica and Kody Bedore
1112 West 2nd
McCook, NE 69001

Terry and Jana Sides
603 West 1st
McCook, NE 69001

Hedge of Protection Real Estate,. LLC
c/o Tyler Schmick
37956 Dr 715
McCook, NE 69001

Mark and Sunny Detty
1111 West 3rd
McCook, NE 69001

Barrington Hanslip
1110 West 3rd
McCook, NE 69001

Robert Brown and Hannah Clapp
1112 West 3rd
McCook, NE 69001

Erwin and Patricia Fredde
1109 West 4th
McCook, NE 69001

Christopher and Rebecca McLaud
408 West L St.
McCook, NE 69001

Adamark Investments, LLC
PO Box 222
Spring Grove, PA 17362

Helen Wilcox
1500 East 11th
Apt 205
McCook, NE 69001

Daniel & Theresa Shiers
402 West M
McCook, NE 69001

DCMJ Swanson LTD
907 West B
McCook, NE 69001

William and Angela Watts
1206 West 3rd
McCook, NE 69001

Emery Quint
1204 West 3rd
McCook, NE 69001

Dallas and Sarah Minnick
401 West L
McCook, NE 69001

Richard Seitz
507 West 4th
McCook, NE 69001

Gregory and Peggy Fyn
1207 West 3rd
McCook, NE 69001

Lane & Sarah Kuper
1209 West 3rd
McCook, NE 69001

Charles & Janet Gray
1211 West 3rd
McCook, NE 69001

Martin McCune
1210 West 2nd
McCook, NE 69001

Wesley Burkert
1208 West 2nd
McCook, NE 69001

Taylor Daniel
1206 West 2nd
McCook, NE 69001

Carolyn Woolard
1204 West 2nd
McCook, NE 69001

Tatem & Andy Stang
1202 West 2nd
McCook, NE 69001

CITY OF McCOOK

LAND USE ACTION REQUEST FORM

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

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

Name of Project: AIR BNB West 3RD
Description of Project: USING existing single family
rental dwelling AS Air BNB.

Project sponsor or developer:

Name: RANDY AND Kimberly Bauer
Address: 104 COURTNEY LANE McCook, NE 69001
Phone number: 308-340-9620
Fax number: _____
E-mail Address: rbauer@mbb.bank

Land owner or owners:

Name: SAME AS ABOVE
Address: _____
Phone number: _____
Fax number: _____
E-Mail Address: _____

Authorization of the land use action by land owner:

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

RANDY D. BAUER

Printed Name:

Randy Bauer

Signature:

7/22/24

Date:

Kimberely J. Bauer

Printed Name:

Kimberely Bauer

Signature:

Address and physical location of the Proposed Land Use Action: _____

1205 West 3RD St. McClure, NE

Property Description (Of the parent parcel for subdivisions): _____

Lot 9, Block 14, Hillcrest Addn to McClure
Rural

Required Information:

See Attached sheets for required information for:

- _____ Subdivisions
- _____ Zone Changes and special exceptions
- _____ Planned developments

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

Fee, complete application, and required attachments accepted by:

Printed name

Signature

Date

REQUIRED ATTACHMENTS:

For Zone Changes and Special Exceptions:

(For Zone Changes or Amendments see Article 27 of the Zoning Ordinance; for Special Exceptions see Article 24 Special Exceptions)

_____ Include a description of the reason for the request for a change of zone:

_____ Include a description of any special exception requested including the section of the zoning ordinance under which it is requested: (Example: Special exception to construct multi-family dwellings in (RM) Residential Medium Density area comprised of single family dwellings.)

Request special exception for use as an
Airbnb in a RM residential district.

_____ Include a site plan (minimum 17" X 11") and a letter of explanation showing and explaining the following special exception requirements:

- (A) ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe; *no change from current*
- (B) off-street parking and loading areas where required, with particular attention to the items in (A) above, the economic, noise, glare or odor effects of the special exception or change of zone on adjoining properties and the properties generally in the district or the area; *no change. Detached GARAGE can provide on site enclosed PARKING*
- (C) the location of refuse and service areas, with particular reference to the items in (A) and (B) above; *no change*
- (D) utilities, with reference to locations, availability, and compatibility; *NO CHANGE*
- (E) screening and buffering with reference to type, dimensions, and character; *NO CHANGE*
- (F) signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district; *NONE PROPOSED*

(G) required yards and other open space; *BACKYARD HAS PRIVACY fence*

(H) general compatibility with adjacent properties and other properties in the district;
Immediate AEA consists of both 1 family AND duplex.

(I) compatibility with existing and future land use plan in the McCook Comprehensive Plan.

_____ Explain how the project complies with the Comprehensive Plan: _____



Parcel Information	
Parcel ID:	001211600
Map Number	
State Geo Code	4281-00-0-00000-000-0000
Cadastral #	C1-59-4
	Photo #1 Sketch #1
Images	
Current Owner:	BAUER/RANDY D & KIMBERELY J PO BOX 91 MCCOOK, NE 69001-0091
Situs Address:	1205 WEST 3RD STREET MCCOOK
Tax District:	80
School District:	S.D. #17 GEN/SPEC BLD, 73-0017
Account Type:	Residential
Legal Description:	0 3 29 HILLCREST ADDITION MCCOOK BLK 14, LOT 9
Lot Width:	50.00
Lot Depth:	140.00
Total Lot Size:	7000.00 sq ft

Assessed Values				
Year	Total	Land	Outbuilding	Dwelling
2024	\$132,393	\$8,750	\$0	\$123,643
2023	\$132,393	\$8,750	\$0	\$123,643

Yearly Tax Information		
Year	Amount	Levy
2023	\$2,179.70	1.75769
2022	\$2,078.44	1.854491

2023 Tax Levy	
Description	Rate
ED UNIT #15	0.01470800
NATURAL RESOURCE	0.03242900
MID-PLAINS GEN/CAP IMP	0.07462600
S.D. #17 BOND	0.05528700
CITY OF MCCOOK GEN	0.34081400
HIGH PLAINS HISTORICAL	0.00300000
COUNTY	0.29046800
S.D. #17 GEN/SPEC BLD	0.94635800

Sales Information					
Sale Date	Sale Price	Book & Page	Grantor	Parcel Ids	
09/03/2020	\$120,000.00	2020 / 01457	GROSS/DAVID		
03/06/2018	\$98,000.00	2018 / 00345	BOONE/BARRY M & VALERIE A		
08/19/2009	\$0.00	2009 / 01434	BOONE/BARRY M	001211600 000761300	
01/23/2004	\$43,850.00	130 / 902	HOCHSTETLER/JANA		



Property Classification			
Status:	Improved	Location:	Urban
Property Class:	Residential	City Size:	5,001-12,000
Zoning:		Lot Size:	<10,000 sq. ft.

Property Notes	
Date	Note

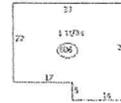
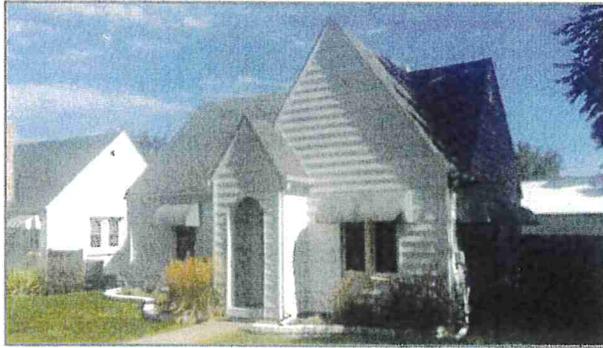
Land Information			
Lot Width (ft)	Lot Depth (ft)	Description	Lot Size
50.00	140.00	7000 S.F.	7000.00 sq ft

Residential Datasheet			
Zoning:		Condition:	Average - Good
Year Built:	1941	Style:	100% One Story
Exterior:	100% Frame, Siding, Metal	Bathrooms:	1.50
Bedrooms:	2	Heating/Cooling:	100% Warmed & Cooled Air
Roof Cover:	Composition Shingle	Min Finish:	806 sq. ft
Basement Size:	806 sq. ft	Part Finish:	0 sq. ft
Building Size:	806 sq. ft	Garage 1:	Detached Garage(SF)
Quality:	Average	Garage 1 Size:	1600 sq. ft

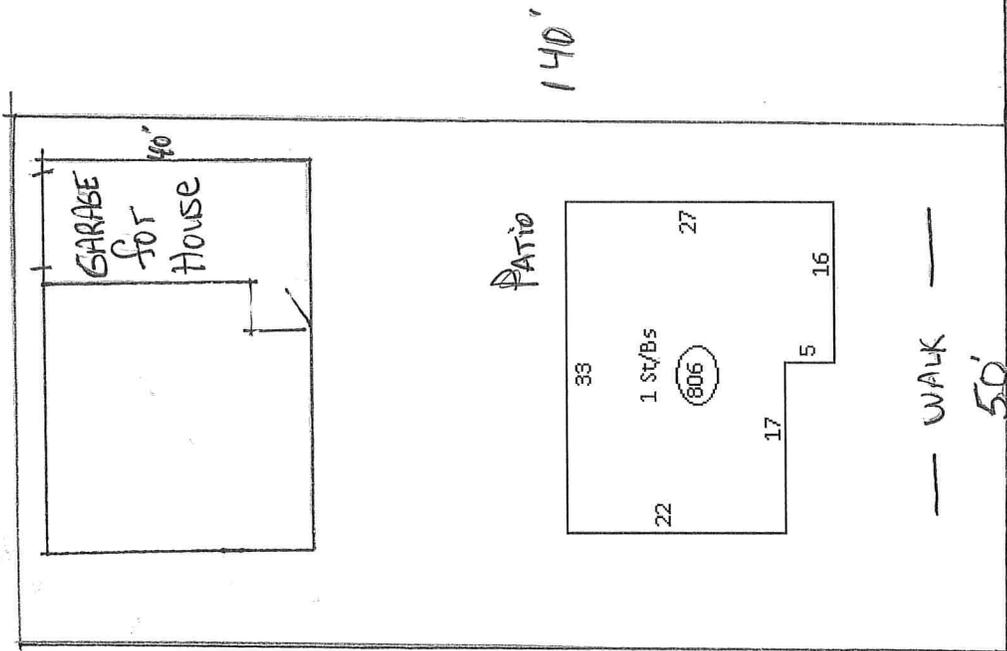
Dwelling Data		
Description	Units	Value

Outbuilding Data			
Description	Units	Year Built	Cost

Photo/Sketch



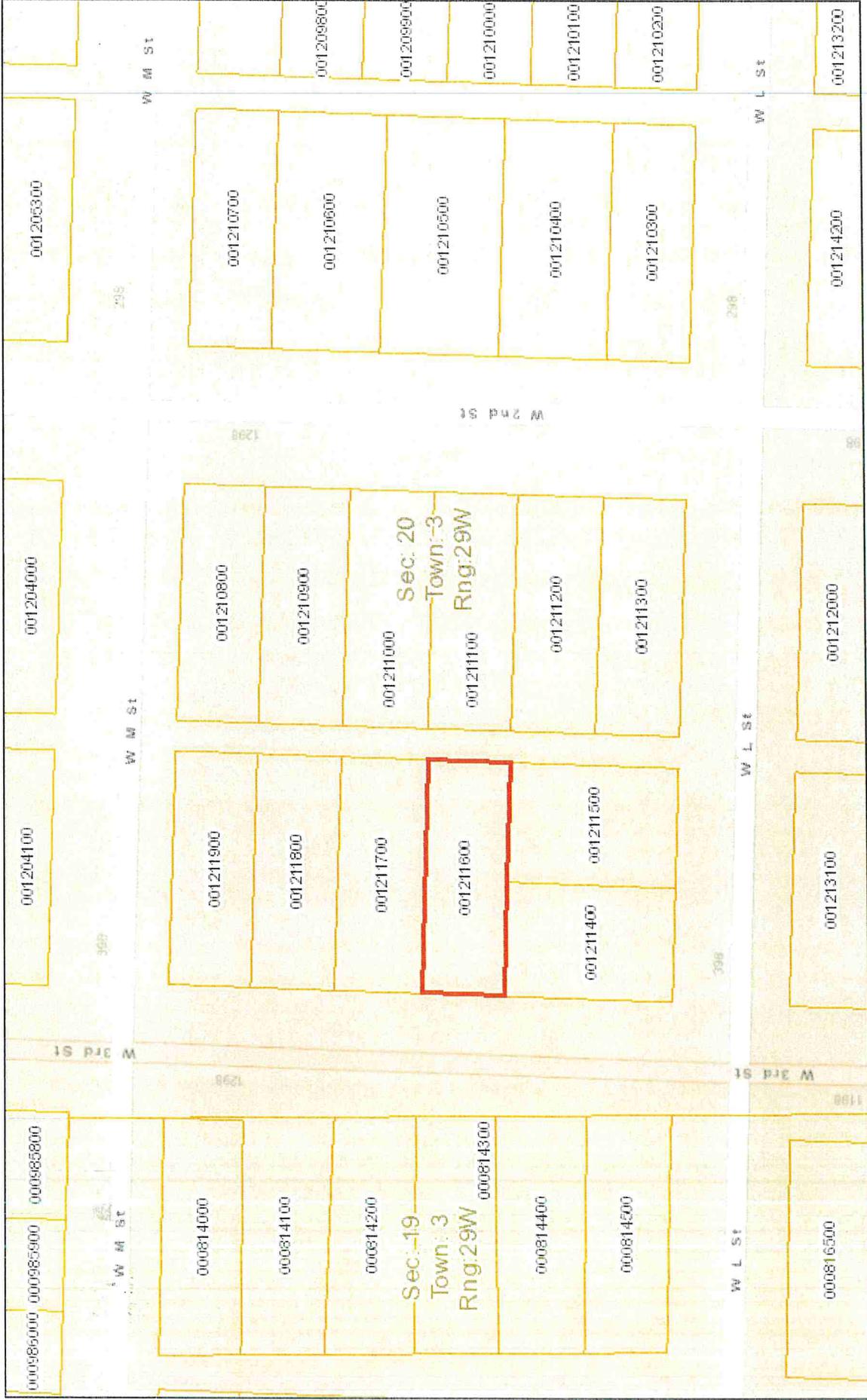
— PAVED ALLEY —



West 3RD Street



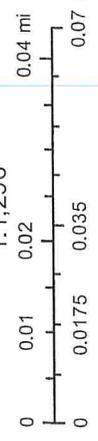
1205 West 3



July 22, 2024

DISCLAIMER: This map is not intended for conveyances, nor is it a legal survey. The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments.

- IOLL
- Parcels
- Sections



ARTICLE 9

RESIDENTIAL MEDIUM DENSITY DISTRICT (RM)

Article 9 - Residential Medium Density District (RM)

Section 901. Intent. The intent of a Residential - Medium Density District (RM) is to provide for medium density residential use areas together with certain prescribed compatible uses.

Section 902. Permitted Principal Uses and Structures. The following principal uses and structures shall be permitted in Residential - Medium Density Districts (RM):

1. Dwellings, single family.
2. Manufactured homes under the prescribed conditions of Section 2113 of this Ordinance.
3. Dwellings, duplex.
4. Churches, places of worship and cemeteries.
5. Public uses: including but not limited to parks, playgrounds, recreational uses, fire stations, public utilities and utility distribution systems.
6. Child care homes.
7. Group Homes.

Section 903. Permitted Accessory Uses and Structures. The following accessory uses and structures shall be permitted in Residential - Medium Density Districts (RM):

1. Home occupations under the prescribed conditions of Section 2116 of this Ordinance.
2. Mobile homes under the prescribed conditions of Section 2109 of this Ordinance.
3. Accessory uses and structures normally appurtenant to the permitted uses and structures when established within the space limits of this district, and under the prescribed conditions of Section 2103 of this Ordinance.

Section 904. Special Exceptions. After the provisions of this Ordinance relating to special exceptions have been fulfilled, the City Council may permit as special exceptions in Residential - Medium Density Districts (RM):

1. Dwellings, multiple-family
2. Professional offices.
3. Colleges and universities.
4. Dwellings, Townhouses.
5. Public and parochial nursery, primary, intermediate and secondary schools.
6. Alternative energy systems utilizing Biomass, Geothermal, Hydropower, Solar and/or Wind sources in conformance with "Net Metering" per Nebraska State Statutes §70-2001 to 2005 (August 30, 2009, as amended). Individual or "Small Wind Energy Conversion Systems (SWECS) shall also be in conformance with the provisions of Section 2117 of this Ordinance.

EXHIBIT #6

7. Private golf courses and country clubs.
8. Child care center.
9. Hospitals, nursing homes, retirement and elderly housing facilities.
10. Medical clinics and other health facilities.
11. Funeral homes and funeral chapels.
12. Mobile home parks under the prescribed conditions of Section 2110 of this Ordinance.
13. Museums; historic and monument sites.
14. Telecommunication Towers under the prescribed conditions of Article 30 of this Ordinance.
15. Boarding House, Rooming House, or Bed and Breakfast.
16. Timeshare and Vacation Rental.

Section 905. Prohibited Uses and Structures. All other uses and structures which are not specifically permitted or not permissible as special exceptions shall be prohibited from Residential Medium Density Districts (RM).

Section 906. Height and Area Regulations. The minimum lot and maximum height provisions shall be as follows:

	Lot Area (Sq. Ft.)	Lot Width	Front Yard	Side Yard	Rear Yard	Height Principle/Acces.
Single Family Dwelling	5,000	50' interior lots, or 60' for corner lots, or 45' on cul-de-sac curve.(4)	20' (1)	8' on 1 side & 5' on 2 nd side of interior lots. (2) (3)	15'	35' / 35'
Duplex Dwelling	2,500 per dwelling unit	50' interior lots, or 60' for corner lots, or 45' on cul-de-sac curve.(4)	20' (1)	8' on 1 side & 5' on 2 nd side of interior lots. (2) (3)	15'	35' / 35'
Multifamily Dwelling	2,500 per dwelling unit	50' interior lots, or 60' for corner lots, or 45' on cul-de-sac curve.(4)	20' (1)	8' on 1 side & 5' on 2 nd side of interior lots. (2) (3)	15'	45' / 35'
Townhouse dwelling	2,500 per dwelling unit	50' interior lots, or 60' for corner lots, or 45' on cul-de-sac curve.(4)	20' (1)	8' on 1 side & 5' on 2 nd side of interior lots. (2) (3)	15'	45' / 35'
Other Permitted Uses	5,000	50' interior lots, or 60' for corner lots, or 45' on cul-de-sac curve.(4)	20' (1)	8' on 1 side & 5' on 2 nd side of interior lots. (2) (3)	15'	35'

Notes: (1) In the case of structures erected on lots adjacent to lots which have structures existing at the effective date of this Ordinance, the required front yard may be the average of the front yards existing on the adjacent lots.

- (2) Side yards for corner lots facing the street shall be one-half of the front yard setback minimum requirements.
- (3) A non-combustible carport may be constructed with a minimum side yard clearance of three feet (3') feet and shall be attached to an existing structure.
- (4) Platted lots in existence as of the 2013 update of this Ordinance may have a lot width of fifty (50) feet or less, as long as the lot meets the front, side and rear yard setback requirements. (See Section 2202 of this Ordinance.

Section 907. Maximum Lot Coverage. The maximum lot coverage for all buildings shall not be more than fifty-five (55) percent of the total lot area.

Section 909. Parking Regulations. Parking within the Residential Medium Density District (RM) shall be in conformance with the provisions of Section 2111 of this Ordinance.

Section 910. Fence Regulations. Fences, walls and hedges within the Residential Medium Density District (RM) shall be in conformance with the provisions of Section 2102 of this Ordinance.

Section 911. Sign Regulations. Signs within the Residential Medium Density District (RM) shall be in conformance with the provisions of Section 2112 of this Ordinance.

ARTICLE 24

SPECIAL EXCEPTIONS

Article 24 - Special Exceptions

Section 2401. Special Exceptions. As the zoning ordinance is established at the present time, the McCook City Council has been given the authority to hear and decide requests for special exceptions. This is consistent with State Law; however, the City also has the option to delegating this power to the Planning Commission through the Zoning Ordinance.

Section 2402. Conditions for Granting Special Exceptions. A special exception shall not be granted by the City Council unless and until:

1. A written application for a special exception is submitted indicating the section of this ordinance under which the special exception is sought and stating the grounds on which it is requested;
2. Notice shall be given at least ten (10) days in advance of public hearing. The owner of the property for which special exception is sought or his agent shall be notified by certified mail. Notice of such hearings shall be posted on the property for which special exception is sought at least ten (10) days prior to the public hearing;
3. The public hearing shall be held. Any party may appear in person, or agent or attorney;
4. The City Council shall make a finding that is empowered under the section of this Ordinance described in the application to grant the special exception, and that the granting of the special exception will not adversely affect the public interest;
5. Before any special exception shall be issued, the City Council shall make written findings certifying compliance with the specific rules governing individual special exceptions and that satisfactory provisions and arrangements have been made concerning the following where applicable:
 - A. ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;
 - B. off-street parking and loading areas where required, with particular attention to the items in A above, and the economic, noise, glare or odor effects of the special exception on adjoining properties and properties generally in the district;
 - C. refuse and service area, with particular reference to the items in A and B above;
 - D. utilities, with reference to locations, availability, and compatibility;
 - E. screening and buffering with reference to type, dimensions, and character;
 - F. signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district;
 - G. required yards and other open space;
 - H. general compatibility with adjacent properties and other property in the district.
 - I. compatibility with the existing and future land use plans in the McCook Comprehensive Plan.

EXHIBIT #7

PAGE(S) - 1

FINDINGS AND DETERMINATIONS OF MCCOOK CITY COUNCIL

CASE NO. _____

SIGNED: _____
Mayor

DATE _____

ATTEST: _____
City Clerk

SPECIAL EXCEPTION CONSIDERATIONS:

YES NO

1. The proposed special exception use would satisfactorily provide for:

a) ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;

b) off street parking and loading areas where required, with particular attention to the items in a) above, and the economic, noise, glare, or odor effects of the special exception on adjoining properties and properties generally in the district;

c) refuse and service areas, with particular attention to the items in a) and b) above;

d) utilities, with reference to locations, availability and compatibility;

e) screening and buffering with reference to type, dimensions and character;

f) signs, if any, and proposed exterior lighting with reference to glare, traffic safety and economic effect and comparability and harmony with properties in the district;

g) required yard and other open space;

h) general compatibility with adjacent properties and other property in the district.

i) Compatibility with existing and future land use plan in the McCook Comprehensive Plan.

2. The specific rules governing special exceptions have been complied with.

CITY COUNCIL FINDINGS AND DECISION:

The McCook City Council hereby determines that the special exception will _____, will not _____ adversely affect the public interest. The special exception herein requested is _____, is not _____ hereby granted subject to the stipulations noted below, if any.

THIS _____ DAY OF _____, 20 _____.

McCook Planning Commission
August 12, 2024
5:15 P.M.

A MEETING OF THE PLANNING COMMISSION OF THE CITY OF MCCOOK, NEBRASKA convened in open, regular, and public session at 5:15 o'clock P.M. in the City Council Chambers.

Present: Chair Lyons; Vice Chair Hilker; Commissioners Bradley, Dueland, Friehe, McDowell, Stevens, Vosburg, Mockry.

Absent: Commissioner Davidson.

City Officials present: City Manager Schneider, Assistant City Manager Koetter, City Attorney Shifflet, City Clerk Doak.

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on August 8, 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 Planning Commission. Availability of the agenda was communicated in the advance notice. All proceedings hereafter shown were taken while the meeting was open to the attendance of the public.

Chair Lyons announced that a copy of the Open Meetings Act was posted by the entrance to the Council Chambers and available for public review.

1. Approve the minutes of the April 8, 2024 regular Planning Commission meeting.

Motion to approve the minutes of the April 8, 2024 regular Planning Commission meeting. This motion, made by McDowell and seconded by Vosburg, passed.

Bradley: YEA, Davidson: ABSENT, Dueland: YEA, Friehe: YEA, Hilker: YEA, Lyons: YEA, McDowell: YEA, Mockry: YEA, Stevens: YEA, Vosburg: YEA
YEA: 9, NAY: 0, ABSENT: 1

2. Public Hearings and Regular Agenda.

- 2.A. Public Hearing - Request for a special exception by Randy and Kimberely Bauer to locate a Bed and Breakfast/Vacation Rental in a Medium Density Residential District (RM) - property located at 1205 West 3rd Street; legally described as Lot 9, Block 14, Hillcrest Addition to the City of McCook, Red Willow County, Nebraska.

Motion to recess as a Planning Commission and convene a public hearing for the purpose of receiving public comment with respect to the request for a special exception by Randy and Kimberely Bauer to locate a Bed and Breakfast/Vacation Rental in a Medium Density Residential

District (RM) - property located at 1205 West 3rd Street; legally described as Lot 9, Block 14, Hillcrest Addition to the City of McCook, Red Willow County, Nebraska, with the City Attorney to act as hearing officer. This motion, made by Lyons and seconded by Vosburg, passed.

Bradley: YEA, Davidson: ABSENT, Dueland: YEA, Friehe: YEA, Hilker: YEA, Lyons: YEA, McDowell: YEA, Mockry: YEA, Stevens: YEA, Vosburg: YEA
YEA: 9, NAY: 0, ABSENT: 1

The City Attorney offered and received into evidence Exhibit #1 - City Manager's Report prepared for the August 12, 2024 Planning Commission meeting (1 page), Exhibit #2 - Notice of Hearing published (1 page); Exhibit #3 - Notice of Hearing mailed and posted (1 page); Exhibit #4 - ownership list for mailing of Notice of Hearing (2 pages); Exhibit #5 - Land Use Action Request Form and attachments (9 pages); Exhibit #6 - City of McCook Zoning Ordinance Article 9, Residential Medium Density District (RM) (3 pages); Exhibit #7 - City of McCook Zoning Ordinance Article 24, Special Exceptions (1 page); and Exhibit #8 - Findings and Determinations of McCook City Council (2 pages).

City Manager Schneider reviewed the information presented in Exhibit #1.

The applicants, Randy and Kimberly Bauer, were present to address questions from the Commission. Mr. Bauer stated that the property has been used as a rental and now they would like to use it as an Air BNB/Vacation rental. Occupant wise there would not be much difference between the two.

With no one else present to comment, motion to adjourn the public hearing and to reconvene as a Planning Commission. This motion, made by Lyons and seconded by Stevens, passed.

Bradley: YEA, Davidson: ABSENT, Dueland: YEA, Friehe: YEA, Hilker: YEA, Lyons: YEA, McDowell: YEA, Mockry: YEA, Stevens: YEA, Vosburg: YEA
YEA: 9, NAY: 0, ABSENT: 1

2.B. Recommend approval to the City Council the application for a special exception by Randy and Kimberly Bauer to allow a Bed and Breakfast/Vacation Rental in a Medium Density Residential District (RM), said property located at 1205 West 3rd Street; legally described as Lot 9, Block 14, Hillcrest Addition to the City of McCook, Red Willow County, Nebraska, finding Special Exception considerations A-I are satisfied.

Motion to recommend approval to the City Council the application for a special exception by Randy and Kimberly Bauer to allow a Bed and Breakfast/Vacation Rental in a Medium Density Residential District (RM), said property located at 1205 West 3rd Street; legally described as Lot 9, Block 14, Hillcrest Addition to the City of McCook, Red Willow County, Nebraska, finding Special Exception considerations A-I are satisfied. This motion, made by Lyons and seconded by McDowell.

Commissioners completed their Special Exception Findings and Determinations and all found that Considerations A - I have been made.

Motion on the floor was considered, passed.

Bradley: YEA, Davidson: ABSENT, Dueland: YEA, Friehe: YEA, Hilker: YEA, Lyons: YEA, McDowell: YEA, Mockry: YEA, Stevens: YEA, Vosburg: YEA
YEA: 9, NAY: 0, ABSENT: 1

City Manager Schneider updated the Commission regarding the update of the Comprehensive Plan, Zoning Ordinance, and Subdivision Ordinance.

Adjournment.

With no further business, Chair Lyons declared the Planning Commission meeting adjourned at 5:37 P.M.

Lea Ann Doak, City Clerk-Treasurer
Recording Secretary

**CITY MANAGER'S REPORT
AUGUST 19, 2024 CITY COUNCIL MEETING**

ITEM: **3.A.**

Approve the minutes of the August 5, 2024 regular City Council meeting and the August 15, 2024 special City Council meeting.

BACKGROUND:

Receive and approve the minutes.

**FISCAL
IMPACT:** None.

APPROVALS:



Lea Ann Doak, City Clerk

August 15, 2024

McCook City Council
August 5, 2024
5:30 P.M.

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, Weedon, Muehlenkamp, Rambali.

Absent: None.

City Officials present: City Manager Schneider, City Attorney Mustion, City Clerk Doak, Assistant City Manager Koetter, Library Director Crocker, Utilities Director Fawver, Fire Chief Harpham, Police Chief Hodgson, and Public Works Director Potthoff.

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on August 1, 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 Jeff Donelan, McCook Evangelical Free 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.

Police Chief Hodgson announced that the Police Department was recognized by Lexipol for excellence in training management and the amount of training completed this last year.

City Manager Schneider stated that the City of McCook tragically lost fellow employee Wayne Cook on July 18. He extended condolences to his wife Jenny, his family, and to the Transfer Station employees. He also informed the Council that a Planning Commission meeting is scheduled for Monday, August 12, 2024 at 5:15 and a special meeting for the Budget Workshop is scheduled for Tuesday, August 13, 2024 at 5:30 P.M.

2. Public Hearings.

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

Motion to recess as a City Council and convene a public hearing for the purpose of receiving public comment on a report from the Economic Development Plan Citizen's Advisory Review Committee regarding meeting held July 22, 2024 with the City Attorney to act as hearing officer. This motion, made by Calvin and seconded by Weedin, passed.

Taylor: YEA, Calvin: YEA, Weedin: YEA, Muehlenkamp: YEA, Rambali: YEA
YEA: 5, NAY: 0

The City Attorney offered and received into evidence Exhibit #1 - the City Manager's Report dated August 5, 2024 (1 page); Exhibit #2 - Notice of Hearing published (1 page); Exhibit #3 - Agenda for the July 22, 2024 meeting of the Economic Development Plan Citizen's Advisory Review Committee and attachments (10 pages); and Exhibit #4 - the minutes of the April 22, 2024 Economic Development Plan Citizen's Advisory Review Committee (4 pages).

Charlie McPherson, McCook Economic Development Director, reviewed the information presented in Exhibit #3 and Amanda Engell, McCook Economic Development Director of Housing Development, updated the Council on the various housing projects ongoing in McCook.

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

Motion to accept the minutes of the April 22, 2024 Economic Development Plan Citizen's Advisory Review Committee meeting. This motion, made by Muehlenkamp and seconded by Rambali, passed.
Taylor: YEA, Calvin: YEA, Weedin: YEA, Muehlenkamp: YEA, Rambali: YEA
YEA: 5, NAY: 0

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.*

Councilmember Weedin requested that Item 3.E. be removed from the Consent Agenda and placed on the Regular Agenda.

Councilmember Calvin requested that Item 3.B. be removed from the Consent Agenda and placed on the Regular Agenda.

Motion to approve the remaining Consent Agenda. This motion, made by Weedin and seconded by Muehlenkamp, passed.

Taylor: YEA, Calvin: YEA, Weedin: YEA, Muehlenkamp: YEA, Rambali: YEA
YEA: 5, NAY: 0

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

3.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.

- 3.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.
- 3.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.
- 3.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
- 3.H. Declare one 4,500-gallon poly tank surplus and authorize staff to dispose of it in the appropriate legal manner.

4. Regular Agenda.

- 3.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.

Councilmember Calvin questioned the map and the location of the area included in the Grant of License.

I move to 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. This motion, made by Calvin and seconded by Weedin, passed.

Taylor: YEA, Calvin: YEA, Weedin: YEA, Muehlenkamp: YEA, Rambali: YEA
YEA: 5, NAY: 0

- 3.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.

Motion to 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. This motion, made by Weedin and seconded by Calvin, passed.

Taylor: YEA, Calvin: YEA, Weedin: YEA, Muehlenkamp: YEA, Rambali: YEA
YEA: 5, NAY: 0

- 4.A. Update regarding the ballpark project.

A meeting is scheduled with Moody's at 2:30 P.M. tomorrow to begin the bond rating process for

the City of McCook, the proposed time line from D.A. Davidson has the closing of the bonds on September 20 and the closing of the land purchase on October 2; a meeting will be scheduled with the Ball Park Committee; and staff has discussed with Craig Bennett of Miller and Associates to begin planning of the area and subdivision for the sports complex.

4.B. Discussion regarding the proposed UTV ordinance.

Police Chief Hodgson presented information comparing McCook's proposed ordinance with the ordinances for Wahoo, Scottsbluff, Norfolk, Sidney, Crete, Columbus, and Ogallala.

City Attorney Mustion reviewed his memorandum to the Council which stated that after review of current safety standards and potential risks associated with using UTV's within the city limits, specifically concerning the age of the passengers; he recommended limiting the age of passengers in UTV's to those over eight.

City Manager Schneider expressed concerns regarding the addition of liability issues to the city by not enforcing an age restriction.

Members of the Wagner family spoke in support of an ordinance allowing the use of Golf Carts.

After discussion, it was the consensus of the Council to have the final reading of the ordinance, without the revision for an age restriction, at the August 19 meeting.

4.C. Council Comments.

There were no council comments.

4.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.

Motion to go into executive session for the annual evaluation of the job performance of City Manager Nathan A. Schneider at 6:27 P.M. This motion, made by Calvin and seconded by Taylor, passed.

Taylor: YEA, Calvin: YEA, Weedin: YEA, Muehlenkamp: YEA, Rambali: YEA
YEA: 5, NAY: 0

Mayor Taylor stated for the record that at this time, pursuant to the Nebraska Open Meetings Act, a closed session will be held for the purpose of the annual evaluation of the job performance of City Manager Nathan A. Schneider. The Council will reconvene in public session following this closed session.

City Manager Schneider and City Clerk Doak were included in the executive session.

Motion to come out of executive session at 6:32 P.M. This motion, made by Taylor and seconded

by Muehlenkamp, passed.

Taylor: YEA, Calvin: YEA, Weedon: YEA, Muehlenkamp: YEA, Rambali: YEA

YEA: 5, NAY: 0

Adjournment.

There being no further business to come before the Council, Mayor Taylor declared the meeting adjourned at 6:33 P.M.

Linda Taylor, Ex-officio Mayor
and Council President

ATTEST:

Lea Ann Doak, City Clerk-Treasurer

McCook City Council
August 13, 2024
5:30 P.M.

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

Present: Mayor Taylor, Councilmembers Calvin, Weedon, Muehlenkamp, Rambali.

Absent: City Attorney Mustion.

City Officials present: City Manager Schneider, City Clerk Doak, Assistant City Manager Koetter, Library Director Crocker, Utilities Director Fawver, Fire Chief Harpham, Police Chief Hodgson, Public Works Director Potthoff, Senior Services Director Siegfried, Water Superintendent Chitwood, and Wastewater Superintendent White.

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on August 8, 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 and called the meeting to order.

1. Budget Workshop.

1.A. Presentation from the McCook Humane Society with respect to increasing the contract amount the City of McCook pays for animal services.

Joyce Peterson, Treasurer of the McCook Humane Society and Bruce McDowell reviewed their request for a 5% increase in the amount that they receive from the City for animal services in FY24/25 and gave an update of the services they provide, the increase in numbers of strays and the additional cost of holding dogs for the Police Department.

1.B. McCook Chamber of Commerce, Sarah Schneider, Director, request that the Council consider allocating \$6,000 of ACE funds to the Chamber for promotional purposes during Fiscal Year 24/25.

Ms. Schneider gave an update of past events and upcoming events for the Chamber and requested the Council consider allocating \$6,000 of ACE funds to the Chamber for promotional purposes during Fiscal Year 24/25.

1.C. Review of the Proposed FY2024/2025 Annual Budget.

Proposed budget documents were presented at the meeting.

Departments Heads and members of their staff reviewed their proposed budgets with the Council.

Adjournment.

There being no further business to come before the Council, Mayor Taylor declared the meeting adjourned at 9:05 P.M.

Linda Taylor, Ex-officio Mayor
and Council President

ATTEST:

Lea Ann Doak, City Clerk-Treasurer

**CITY MANAGER'S REPORT
AUGUST 19, 2024 MCCOOK CITY COUNCIL MEETING**

ITEM NO. 3.B. Authorize City of McCook staff to complete an application for the Safe Streets and Roads for All grant.

BACKGROUND:

The Bipartisan Infrastructure Law established the Safe Streets and Roads for All (SS4A) discretionary program with \$5 billion in appropriated funds over 5 years, 2022-2026. The SS4A program funds regional, local and tribal initiatives through grants to prevent roadway deaths and serious injuries. Over \$3 billion is still available for future funding rounds.

The City of McCook is interested in applying for a SS4A planning grant this application cycle. If awarded a planning grant, the City stands a better chance to receive consideration for a construction and implementation grant in the future. The City must have its planning grant application in by August 29, 2024. Following a review by W Design and Kirkham Michael, the project is estimated to cost approximately \$400,000. A local match of \$80,000 will be required from the City of McCook.

APPROVALS:



Nathan A. Schneider, City Manager

August 14, 2024



Lea Ann Doak, City Clerk

August 14, 2024

CITY MANAGER'S REPORT
AUGUST 19, 2024 CITY COUNCIL MEETING

ITEM: 3.C.

RECOMMENDATION:

APPROVE THE ST. PATRICK CATHOLIC CHURCH REQUEST TO CLOSE PORTIONS OF EAST 4TH, EAST "F" AND EAST "G" STREETS AND TO UTILIZE CITY PROPERTY FOR THEIR ANNUAL FALL FESTIVAL ON SEPTEMBER 29, 2024.

BACKGROUND:

St. Patrick Catholic Church is conducting their annual Fall Festival on September 29, 2024. The church requests permission to close East 4th Street between F and G Streets and East F and East G Streets between 3rd and 4th Streets between the hours of 10:00 a.m. and 8:00 p.m. on Sunday September 29, 2024. The Church also requests the use of City property. The Church requests the use of eighteen to twenty extra trash containers, barricades/cones to close the streets and park benches for seating.

The Public Works Departments have sufficient manpower to respond to the request of St. Patrick Catholic Church without overtime cost or other added expense to the City. The City has assisted with this annual event for numerous years.

A certificate of insurance has been requested.

FISCAL
IMPACT: None.

APPROVALS:



Kyle Potthoff, Public Works Director

August 14, 2024



Nate Schneider, City Manager

August 14, 2024

ldoak@cityofmccook.com

From: Shannon Corder <Shannon-Corder@cdolinc.net>
Sent: Wednesday, July 31, 2024 4:46 PM
To: ldoak@cityofmccook.com
Subject: Fall Festival at St. Patrick School

Hello,

St. Patrick School Fall Festival Committee would like to request the closing of portions of East 4th and F and G streets to utilize city property for the annual Fall Festival to be held on Sunday, September 29, 2024 between 10am and 8pm. We would also like to request the use of 18-20 trash containers, barricades and cones, and park benches for seating.

Thank you,

Shannon Corder
Development Director
St. Patrick Church/School
308-345-8871

**CITY MANAGER'S REPORT
AUGUST 19, 2024 CITY COUNCIL MEETING**

ITEM: **3.D.**

RECOMMENDATION:

APPROVE THE LEASE AGREEMENT WITH CATERPILLAR FINANCIAL SERVICES CORPORATION FOR FINANCING OF ONE NEW 2024 CATERPILLAR 926 FRONT END WHEEL LOADER FOR THE TRANSFER STATION WITH A RATE OF 5.99% AND AUTHORIZE THE MAYOR TO SIGN.

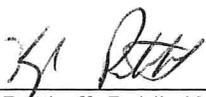
BACKGROUND:

This lease agreement is for the financing of the Caterpillar 926 front end wheel loader thru Caterpillar Financial Services Corporation, which will be used at the Transfer Station. The purchase price of this loader is \$278,000.00. In this agreement, there will be 5 annual payments in the amount of \$62,305.31 with the first payment due in October of 2024.

Funding for this loader is included in the budget.

**FISCAL
IMPACT:** None.

APPROVALS:



Kyle Potthoff, Public Works Director

August 14, 2024



Nate Schneider, City Manager

August 14, 2024

NEXT

Complete these five items to get started.



Complete and sign all documents in this package.

Submit completed and signed documents by clicking FINISH at the end of your documents.

Open and review your executed document package after you receive your confirmation email confirming all parties have signed.

Register for MyCatFinancial to manage your account anytime and anywhere via desktop or with the free mobile app.

Enroll in Auto Pay for one less thing to worry about. Skip the hassle of manually paying your bill every month and focus on running your business.



REGISTER FOR MYCATFINANCIAL

1. Visit mycatfinancial.com and select your country/language. You can also download the free app on your mobile device from the App Store or Google Play.
2. Click CREATE ACCOUNT in the white box
3. Input the required registration information
4. Click CONTINUE
5. Enter the code sent to your email
6. Click VERIFY
7. Create your password
8. Click CONTINUE
9. Click LINK A CONTRACT



a. Contract Number: 001-70151391

b. Serial/Customer Number: K8E00510

c. Commencement Date: _____

- Apply for a Cat Card
- Make a payment
- Enroll in Auto Pay
- Request a payoff quote
- Review your contracts and invoices
- And more!



ACCOUNT FEATURES



ENROLL IN AUTO PAY

1. Login to MyCatFinancial and click ENROLL/MANAGE AUTO PAY in account settings (located at the top right of your screen)
2. Select the contracts you want to enroll in Auto Pay and click ENROLL
3. Enter your banking information for the recurring payment
4. That's it. Your payment will be automatically withdrawn from your account every month



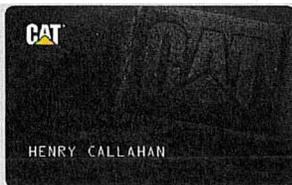
CONTACT US

Have questions about your account? We can help.

Hours: Monday – Friday | 7 a.m. – 6 p.m. CST

Phone: 1-800-651-0567

Email: NABC.CustomerService@cat.com



PUT IT ON YOUR CAT® CARD

Cat Card is the fast, easy way to pay for parts, service, rentals and more — with no annual fee, competitive rates, flexible payment terms* and Cat Vantage Points earned on every qualifying purchase.** Use your Cat Card at participating Cat dealers, The Cat Rental Store and online at Parts.cat.com and Cat Central to get what you need and get back to work. Learn more at catcard.com.

PREVENTING FRAUD TOGETHER

Cat Financial is committed to helping you keep your personal and financial information secure. Find out how you can protect yourself against fraudulent activity by [visiting our website](#).

* Financing is subject to credit approval by Caterpillar Financial Commercial Account Corporation for US customers, and Caterpillar Financial Services Limited for Canadian customers. Not all customers will qualify. Additional terms and conditions may apply. Visit Catcard.com or contact your Cat dealer for more information. Offers subject to change without prior notice. Additional terms and conditions may apply.

** Cat Vantage Points are earned on qualifying purchases at participating Cat dealers, The Cat Rental Store and approved online retailers — either Parts.Cat.Com or Cat Central. Cat Vantage Points can be redeemed for Cat Credits to be used on future purchases of parts, service, sales, rentals and work tools at participating Cat dealers, The Cat Rental Store and approved online retailers. Availability to use Cat Credits on Parts.Cat.Com and Cat Central varies by dealer. Not all dealers will participate. Visit cat.com/catcardrewards for full details on earning Cat Vantage Rewards through your Cat Card, as well as rules governing Cat Credits.

Document Checklist – Governmental Lease



These documents were prepared especially for:
 CITY OF MCCOOK
 P.O. BOX 1059
 MC COOK, NE 69001-1059

Dealer: NEBRASKA MACHINERY COMPANY, E330
 Contract Number 001-70151391
 Transaction Number: 4733863
 Comments:

Date: 08/02/2024
 Time: 03:21:42 PM

Customer Executed Documents	Comments
<input type="checkbox"/> Governmental Lease Document	_____
<input type="checkbox"/> Insurance-Liability and Physical Damage	_____
<input type="checkbox"/> Advance Payment (cross out if N/A)	_____
<input type="checkbox"/> Guaranty of Payment (cross out if N/A)	_____
<input type="checkbox"/> Tax Exemption Certif. (cross out if N/A)	_____
<input type="checkbox"/> Title applied for (cross out if N/A)	_____
<input type="checkbox"/> Customer Information Verification	_____
<input type="checkbox"/> Any necessary Riders/Amendments	_____
<input type="checkbox"/> CVA DOC ADDENDUM TO FINANCE LEASE (Multiple CVA offers at Doc Gen)	_____
<input type="checkbox"/> FINAL CVA AT ADDENDUM (Multiple CVA offers at Doc Gen)	_____
<input type="checkbox"/> FINAL CVA AT QUOTE (Customer Accepted CVA before Doc Gen)	_____
<input type="checkbox"/> Other _____	_____
<input type="checkbox"/> 8038G / CG Form	_____
<input type="checkbox"/> Request for Minutes	_____
<input type="checkbox"/> Opinion of Counsel	_____
<input type="checkbox"/> Governmental Resolution to Lease, Purchase and/or Finance	_____
<input type="checkbox"/> Governmental Buyback Agreement (cross out if N/A)	_____

Dealer Executed Documents	
<input type="checkbox"/> Purchase Agreement	_____
<input type="checkbox"/> Dealer Invoice	_____
<input type="checkbox"/> All Credit Conditions Met	_____

*If any of these documents are altered, or if the Lessee wishes to add or delete documents, please contact your CFSC Credit Analyst to obtain acceptance of any and all changes.

If you have any questions concerning these documents please call and ask for

Checklist completed and confirmed by: _____ Print Name: _____
 Date: _____

These Documents do not constitute any offer or commitment to offer financing by Caterpillar Financial Services Corporation without Caterpillar Financial Services Corporation's expressed written approval.

1. PARTIES

LESSOR (“we”, “us”, or “our”):

CATERPILLAR FINANCIAL SERVICES CORPORATION
 2120 West End Avenue
 Nashville, TN 37203

LESSEE (“you” or “your”):

CITY OF MCCOOK
 P.O. BOX 1059
 MC COOK, NE 69001-1059

In reliance on your selection of the equipment described below (each a “Unit”), we have agreed to acquire and lease the Units to you, subject to the terms of this Agreement. **Until this Agreement has been signed by our duly authorized representative, it will constitute an offer by you to enter into this Agreement with us on the terms stated herein.**

2. DESCRIPTION OF THE UNITS

DESCRIPTION OF UNITS Whether the Unit is new or used, the model number, the manufacturer, and the model name	SERIAL/VIN Unique ID number for this Unit	ANNUAL LEASE PAYMENT This is due per period, as stated below in section 3.	FINAL LEASE PAYMENT	DELIVERY DATE Enter date machine was delivered to you.
1 New 2024 Caterpillar 926-14 Wheel Loader	K8E00510	SEE ATTACHMENT	\$1.00	_____

TERMS AND CONDITIONS

- Lease Payments; Current Expense** You will pay us the lease payments, including the final lease payment set forth above (collectively, the "Lease Payments"). Lease Payments will be paid by you to us according to the attached payment schedule; provided that all amounts owing hereunder will be due by the final lease payment date. A portion of each Lease Payment constitutes interest and the balance of each Lease Payment is payment of principal. The Lease Payments will be due without demand. You will pay the Lease Payments to us at CATERPILLAR FINANCIAL SERVICES CORP., P.O. BOX 730681, DALLAS, TX 75373-0681 or such other location that we designate in writing. Your obligations, including your obligation to pay the Lease Payments due in any fiscal year, will constitute a current expense of yours for such fiscal year and will not constitute an indebtedness of yours within the meaning of the constitution and laws of the State in which you are located (the "State"). Nothing in this Agreement will constitute a pledge by you of any taxes or other moneys, other than moneys lawfully appropriated from time to time for the payment of the "Payments" (as defined in the last sentence of this Section) owing under this Agreement. **You agree that, except as provided in Section 7, your duties and liabilities under this Agreement and any associated documents are absolute and unconditional. Your payment and performance obligations are not subject to cancelation, reduction, or setoff for any reason. You agree to settle all claims, defenses, setoffs, counterclaims and other disputes you may have with the Supplier, the manufacturer of the Unit, or any other third party directly with the Supplier, the manufacturer or the third party, as the case may be. You will not assert, allege or make any such claim, defense, setoff, counterclaim or other dispute against us or with respect to the payments due us under this Agreement.** As used in this Agreement, "Payments" will mean the Lease Payments and any other amounts required to be paid by you.

The portion of the Lease Payments constituting principal will bear interest (computed on the basis of actual days elapsed in a 360 day year) at the rate of 5.99% per annum.
- Late Charges** If we do not receive a Payment on the date it is due, you will pay to us, on demand, a late payment charge equal to the lesser of five percent (5%) of such Payment or the highest charge allowed by law.
- Security Interest** To secure your obligations under this Agreement, you grant us a continuing first priority security interest in each Unit (including any Additional Collateral), including all attachments, accessories and optional features (whether or not installed on such Units) and all substitutions, replacements, additions, and accessions, and the proceeds of all the foregoing, including, but not limited to, proceeds in the form of chattel paper. You authorize the filing of such financing statements and will, at your expense, do any act and execute, acknowledge, deliver, file, register and record any document, which we deem desirable to protect our security interest in each Unit and our rights and benefits under this Agreement. You, at your expense, will protect and defend our security interest in the Units and will keep the Units free and clear of any and all claims, liens, encumbrances and legal processes however and whenever arising.
- Disclaimer of Warranties** WE HAVE NOT MADE AND DO NOT MAKE ANY WARRANTY, REPRESENTATION OR COVENANT OF ANY KIND, EXPRESS OR IMPLIED, AS TO THE UNITS. AS TO US, YOUR LEASE AND PURCHASE OF THE UNITS WILL BE ON AN "AS IS" AND "WHERE IS" BASIS AND "WITH ALL FAULTS". **Nothing in this Agreement is intended to limit, waive, abridge or otherwise modify any rights, claims, or causes of action that you may have against any person or entity other than us.**
- Non-Appropriation** You have an immediate need for, and expect to make immediate use of, the Units. This need is not temporary or expected to diminish during the term of this Agreement. To that end, you agree, to the extent permitted by law, to include in your budget for the current and each successive fiscal year during the term of this Agreement, a sufficient amount to permit you to discharge your obligations under this Agreement. Notwithstanding

any provision of this Agreement to the contrary, we and you agree that, in the event that prior to the commencement of any of your fiscal years you do not have sufficient funds appropriated to make the Payments due under this Agreement for such fiscal year, you will have the option of terminating this Agreement as of the date of the commencement of such fiscal year by giving us sixty (60) days prior written notice of your intent to terminate. No later than the last day of the last fiscal year for which appropriations were made for the Payments (the "Return Date"), you will return to us all of the Units, at your sole expense, in accordance with Section 14, and this Agreement will terminate on the Return Date without penalty or expense to you and you will not be obligated to pay the Lease Payments beyond such fiscal year; provided, that you will pay all Payments for which moneys have been appropriated or are otherwise available; and provided further, that you will pay month-to-month rent at the rate set by us for each month or part of any month that you fail to return the Units.

- 8. Tax Warranty** You will, at all times, do and perform all acts and things necessary and within your control to ensure that the interest component of the Lease Payments will, for the purposes of Federal income taxation, be excluded from our gross income. You will not permit or cause your obligations under this Agreement to be guaranteed by the Federal Government or any branch or instrumentality of the Federal Government. You will use the Units for the purpose of performing one or more of your governmental functions consistent with the scope of your authority and not in any trade or business carried on by a person other than you. You will report this Agreement to the Internal Revenue Service by filing Form 8038G, 8038GC or 8038, as applicable. Failure to do so will cause this Agreement to lose its tax exempt status. You agree that if the appropriate form is not filed, the interest rate payable under this Agreement will be raised to the equivalent taxable interest rate. If the use, possession or acquisition of the Units is determined to be subject to taxation, you will pay when due all taxes and governmental charges assessed or levied against or with respect to the Units.
- 9. Assignment** You may not, without our prior written consent, by operation of law or otherwise, assign, transfer, pledge, hypothecate or otherwise dispose of your right, title and interest in and to this Agreement and/or the Units and/or grant or assign a security interest in this Agreement and/or the Units, in whole or in part. We may not transfer, sell, assign, pledge, hypothecate, or otherwise dispose of our right, title and interest in and to this Agreement and/or the Units and/or grant or assign a security interest in this Agreement and/or the Units, in whole or in part.
- 10. Indemnity** To the extent permitted by law, you assume liability for, agree to and do indemnify, protect and hold harmless us and our employees, officers, directors and agents from and against any and all liabilities, obligations, losses, damages, injuries, claims, demands, penalties, actions, costs and expenses (including reasonable attorney's fees), of whatsoever kind and nature, arising out of the use, condition (including, but not limited to, latent and other defects and whether or not discoverable by you or us), operation, ownership, selection, delivery, storage, leasing or return of any item of Units, regardless of where, how and by whom operated, or any failure on your part to accept the Units or otherwise to perform or comply with any conditions of this Agreement.
- 11. Insurance; Loss and Damage** You bear the entire risk of loss, theft, destruction or damage to the Units from any cause whatsoever. No loss, theft, destruction or damage of the Units will relieve you of the obligation to make Lease Payments or to perform any obligation owing under this Agreement. You agree to keep the Units insured to protect all of our interests, at your expense, for

such risks, in such amounts, in such forms and with such companies as we may require, including but not limited to fire and extended coverage insurance, explosion and collision coverage, and personal liability and property damage liability insurance. Any insurance policies relating to loss or damage to the Units will name us as loss payee as our interests may appear and the proceeds may be applied toward the replacement or repair of the Units or the satisfaction of the Payments due under this Agreement. You agree to use, operate and maintain the Units in accordance with all laws, regulations and ordinances and in accordance with the provision of any policies of insurance covering the Units, and will not rent the Units or permit the Units to be used by anyone other than you. You agree to keep the Units in good repair, working order and condition and house the Units in suitable shelter, and to permit us or our assigns to inspect the Units at any time and to otherwise protect our interests in the Units. If any Unit is customarily covered by a maintenance agreement, you will furnish us with a maintenance agreement by a party acceptable to us.

- 12. Default; Remedies** An "Event of Default" will occur if (a) you fail to pay any Payment when due and such failure continues for ten (10) days after the due date for such Payment or (b) you fail to perform or observe any other covenant, condition, or agreement to be performed or observed by you under this Agreement and such failure is not cured within twenty (20) days after written notice of such failure from us. Upon an Event of Default, we will have all rights and remedies available under applicable law. In addition, we may declare all Lease Payments due or to become due during the fiscal year in which the Event of Default occurs to be immediately due and payable by you and/or we may repossess the Units by giving you written notice to deliver the Units to us in the manner provided in Section 14, or in the event you fail to do so within ten (10) days after receipt of such notice, and subject to all applicable laws, we may enter upon your premises and take possession of the Units. Further, if we financed your obligations under any extended warranty agreement such as an Equipment Protection Plan, Extended Service Contract, Extended Warranty, Customer Service Agreement, Total Maintenance and Repair Agreement or similar agreement, we may cancel such extended warranty agreement on your behalf and receive the refund of the extended warranty agreement fees that we financed but had not received from you as of the date of the Event of Default.
- 13. Miscellaneous** This Agreement may not be modified, amended, altered or changed except by a written agreement signed by you and us. In the event any provision of this Agreement is found invalid or unenforceable, the remaining provisions will remain in full force and effect. This Agreement, together with exhibits, constitutes the entire agreement between you and us and supersedes all prior and contemporaneous writings, understandings, agreements, solicitations, documents and representations, expressed or implied. Any terms and conditions of any purchase order or other documents submitted by you in connection with this Agreement which are in addition to or inconsistent with the terms and conditions of this Agreement will not be binding on us and will not apply to this Agreement. You agree that we may correct patent errors in this Agreement and fill in blanks including, for example, correcting or filling in serial numbers, VIN numbers, and dates. Any notices required to be given under this Agreement will be given to the parties in writing and by certified mail at the address provided in this Agreement, or to such other addresses as each party may substitute by notice to the other, which notice will be effective upon its receipt.
- 14. Title; Return of Units** Notwithstanding our designation as "Lessor," we do not own the Units. Legal title to the Units will be in you so long as an Event of Default has not occurred, and you have not exercised your right of non-appropriation. If an Event of Default

occurs or if you non-appropriate, full and unencumbered title to the Units will pass to us without the necessity of further action by the parties, and you will have no further interest in the Units. If we are entitled to obtain possession of any Units or if you are obligated at any time to return any Units, then (a) title to the Units will vest in us immediately, and (b) you will, at your expense, promptly deliver the Unit to us properly protected and in the condition required by Section 11. You will deliver the Unit, at our option, (i) to the nearest Caterpillar dealer selling equipment of the same type as the Unit; or (ii) on board a carrier named by us and shipping the Unit, freight collect, to a destination designated by us. If the Unit is not in the condition required by Section 11, you must pay us, on demand, all costs and expenses incurred by us to bring the Unit into the required condition. Until the Units are returned as required above, all terms of this Agreement will remain in full force and effect including, without limitation, your obligation to pay Lease Payments and to insure the Units.

15. Other Documents In connection with the execution of this Agreement, you will cause to be delivered to us (i) either (A) a certified copy of your authorizing resolution substantially in the form attached as Attachment B **and** a copy of the minutes of the relevant meeting or (B) an opinion of your counsel substantially in the form attached as Attachment C; (ii) a copy of the signed Form filed with the Internal Revenue Service required in Section 8 above as Attachment D; and (iii) any other documents or items required by us.

16. Applicable Law This Agreement will be governed by the laws, excluding the laws relating to the choice of law, of the State in which you are located.

SIGNATURES

LESSOR **CATERPILLAR FINANCIAL SERVICES CORPORATION**

LESSEE **CITY OF MCCOOK**

Signature _____
 Name (Print) _____
 Title _____
 Date _____

Signature _____
 Name (Print) **Linda Taylor**
 Title **Mayor**
 Date **August 19, 2024**



GOVERNMENTAL ENTITY RESOLUTION TO LEASE, PURCHASE AND/OR FINANCE

WHEREAS, the laws of the State of Nebraska (the "State") authorize CITY OF MCCOOK (the "Governmental Entity"), a duly organized political subdivision, municipal corporation or similar public entity of the State, to purchase, acquire and lease personal property for the benefit of the Governmental Entity and its inhabitants and to enter into any necessary contracts; and

the Governmental Entity wants to lease, purchase and/or finance equipment ("Equipment") from **Caterpillar Financial Services Corporation** and/or an authorized Caterpillar dealer ("Caterpillar") by entering into that certain Governmental Equipment Lease-Purchase Agreement (the "Agreement") with Caterpillar; and

the form of the Agreement has been presented to the governing body of the Governmental Entity at this meeting.

RESOLVED, that: (i) the Agreement, including all schedules and exhibits attached to the Agreement, is approved in substantially the form presented at the meeting, with any Approved Changes (as defined below), (ii) the Governmental Entity enter into the Agreement with Caterpillar and (iii) the Agreement is adopted as a binding obligation of the Governmental Entity; and

that changes may later be made to the Agreement if the changes are approved by the Governmental Entity's counsel or members of the governing body of the Governmental Entity signing the Agreement (the "Approved Changes") and that the signing of the Agreement and any related documents is conclusive evidence of the approval of the changes; and

that the persons listed below, who are the incumbent officers of the Governmental Entity (the "Authorized Persons"):

[PLEASE INSERT NAME AND TITLE OF EACH AUTHORIZED PERSON BELOW]

Name (Print or Type)	Title (Print or Type)
<u>Linda Taylor</u>	<u>Mayor, President</u>
<u>Jerry Calvin</u>	<u>Vice President</u>
_____	_____

be, and each is, authorized, directed and empowered, on behalf of the Governmental Entity, to (i) sign and deliver to Caterpillar, and its successors and assigns, the Agreement and any related documents, and (ii) take or cause to be taken all actions he/she deems necessary or advisable to acquire the Equipment, including the signing and delivery of the Agreement and related documents; and

that the signatory below is authorized to attest to these resolutions and affix the seal of the Governmental Entity to the Agreement, these resolutions, and any related documents; and

that nothing in these resolutions, the Agreement or any other document imposes a pecuniary liability or charge upon the general credit of the Governmental Entity or against its taxing power, except to the extent that the payments payable under the Agreement are special limited obligations of the Governmental Entity as provided in the Agreement; and

that a breach of these resolutions, the Agreement or any related document will not impose any pecuniary liability upon the Governmental Entity or any charge upon its general credit or against its taxing power, except to the extent that the payments payable under the Agreement are special limited obligations of the Governmental Entity as provided in the Agreement; and

that the authority granted by these resolutions will apply equally and with the same effect to the successors in office of the Authorized Persons.

I, Lea Ann Doak, City Clerk of CITY OF MCCOOK, certify that the resolutions above are a full, true and correct copy of resolutions of the governing body of the Governmental Entity. I also certify that the resolutions were duly and regularly passed and adopted at a meeting of the governing body of the Governmental Entity. I also certify that such meeting was duly and regularly called and held in all respects as required by law, at the Governmental Entity's office. I also certify that at such meeting, a majority of the governing body of the Governmental Entity was present and voted in favor of these resolutions.

I also certify that these resolutions are still in full force and effect and have not been amended or revoked.

IN WITNESS of these resolutions, the signatory named below executes this document on behalf of the Governmental Entity.

SIGNATURE [To be signed by authorized individual.]

Signature _____

Title City Clerk

Date August 19, 2024

Purchase Agreement
Contract Number 001-70151391



This Purchase Agreement is between **NEBRASKA MACHINERY COMPANY** ("Vendor") and **Caterpillar Financial Services Corporation** ("Cat Financial"). Vendor agrees to sell to Cat Financial and Cat Financial agrees to buy from Vendor the equipment described below (the "Unit(s)"), subject to the terms and conditions set forth below and on the reverse side hereof.

<u>Description of Unit(s)</u>	<u>Serial#</u>	<u>VIN #</u>	<u>Freight</u>	<u>Total Price</u>
(1) 926-14 CATERPILLAR Wheel Loader	K8E00510		\$	\$278,000.00

Lessee:	Subtotal	\$278,000.00
CITY OF MCCOOK	Federal Excise Tax	\$0.00
P.O. BOX 1059	Other Tax	\$0.00
MC COOK, NE 69001-1059	Total Purchase Price	\$278,000.00
	Unit(s) Delivery Point:	
	505 WEST C STREET	
	MC COOK, NE 69001-3618	

See next page for additional terms and conditions.

SIGNATURES

CATERPILLAR FINANCIAL SERVICES CORPORATION

NEBRASKA MACHINERY COMPANY

Signature _____

Signature _____

Name (Print) _____

Name (Print) _____

Title _____

Title _____

Date _____

Date _____

1. The lessee named on the front hereof (the "Lessee") has selected the Unit(s), instructed Cat Financial to purchase the Unit(s) from Vendor, and agreed to lease the Unit(s) from Cat Financial.
2. Cat Financial (or its assignee) will have no obligation hereunder (and any sums previously paid by Cat Financial to Vendor with respect to the Unit(s) shall be promptly refunded to Cat Financial) unless (a) all of the conditions set forth in Section 1.3 (if a master lease agreement) or Section 1 (if a non-master lease agreement) of the lease with the Lessee covering the Unit(s) have been timely fulfilled and (b) the Lessee has not communicated to Cat Financial (or its assignee), prior to "Delivery" (as hereinafter defined) of the Unit(s), an intent not to lease the Unit(s) from Cat Financial. All conditions specified in this paragraph shall be deemed timely fulfilled unless prior to Delivery of the Unit(s), Cat Financial (or its assignee) shall notify Vendor to the contrary in writing, which shall include fax or email. "Delivery" shall mean the later of the time (a) Cat Financial executes this Purchase Agreement or (b) the Lessee or its agent takes control and/or physical possession of the Unit(s).
3. Upon timely satisfaction of the conditions specified in Paragraph 2 above, ownership, title and risk of loss to the Unit(s) shall transfer to Cat Financial (or its assignee) upon Delivery of the Unit(s).
4. Vendor warrants that (a) upon Delivery of the Unit(s), Cat Financial (or its assignee) will be the owner of and have absolute title to the Unit(s) free and clear of all claims, liens, security interests and encumbrances and the description of the Unit(s) set forth herein is correct and (b) the Unit Transaction Price set forth on the front hereof for each unit of Unit(s) leased under a lease is equal to such Unit(s)'s fair market value.
5. Vendor shall forever warrant and defend the sale of the Unit(s) to Cat Financial (or its assignee), its successors and assigns, against any person claiming an interest in the Unit(s).
6. Provided that no event of default exists under any agreement between Lessee and Cat Financial and upon timely satisfaction of the conditions specified in Paragraph 2 above, and unless otherwise agreed to in this Purchase Agreement, Cat Financial (or its assignee) shall pay Vendor the total Purchase Price set forth on the front hereof for the Unit(s) within three business days following (a) the receipt and approval by Cat Financial of all documentation deemed necessary by Cat Financial in connection with the lease transaction and (b) all credit conditions have been satisfied.
7. Vendor shall deliver the Unit(s) to the Lessee at the delivery point set forth on the front hereof.
8. This Purchase Agreement may be assigned by Cat Financial to a third party. Vendor hereby consents to any such assignment.
9. This Purchase Agreement shall become effective only upon execution by Cat Financial.



1. PARTIES

LESSOR	LESSEE
CATERPILLAR FINANCIAL SERVICES CORPORATION	CITY OF MCCOOK

2. PAYMENT SCHEDULE

<u>PAYMENT NUMBER</u>	<u>PAYMENT DATE</u>	<u>PAYMENT AMOUNT</u>
1 - 5	_____	\$62,305.31
6	_____	\$1.00

SIGNATURES

CATERPILLAR FINANCIAL SERVICES CORPORATION	CITY OF MCCOOK
Signature _____	Signature _____
Name (Print) _____	Name (Print) Linda Taylor
Title _____	Title Mayor
Date _____	Date August 19, 2024

Re: Governmental Equipment Lease-Purchase Agreement (Contract Number 001-70151391) (the "Lease") Between CITY OF MCCOOK ("Lessee") and Caterpillar Financial Services Corporation ("Lessor")

Sir/Madam:

I am an attorney for Lessee, and in that capacity, I am familiar with the above-referenced transaction, the Lease, and all other documents pertaining to the Lease (the Lease and such other documents pertaining to the Lease being referred to as the "Lease Agreements").

Based on my examination of these and such other documents, records and papers and matters of fact and laws as I deemed to be relevant and necessary as the basis for my opinion set forth below, upon which opinion Lessor and any subsequent assignee of Lessor's interest may rely, it is my opinion that:

- 1. Lessee is a fully constituted political subdivision or agency duly organized and existing under the Constitution and laws of the State of Nebraska (the "State"), and is authorized by such Constitution and laws (i) to enter into the transaction contemplated by the Lease Agreements and (ii) to carry out its obligations thereunder.
2. The Lease Agreements (i) have been duly authorized, executed and delivered by Lessee and (ii) constitute valid, legal and binding obligations and agreements of Lessee, enforceable against Lessee in accordance with their terms, assuming due authorization and execution thereof by Lessor.
3. No further approval, license, consent, authorization or withholding of objections is required from any federal, state or local governmental authority with respect to the entering into or performance by Lessee of the Lease Agreements and the transactions contemplated by the Lease Agreements.
4. Lessee has sufficient appropriations or other funds available to pay all amounts due under the Lease Agreements for the current fiscal year.
5. The interest payable to Lessor by Lessee under the Lease Agreements is exempt from federal income taxation pursuant to Section 103 of the Internal Revenue Code of 1986, as amended.
6. The entering into and performance of the Lease Agreements will not (i) conflict with, or constitute a breach or violation of, any judgment, consent decree, order, law, regulation, bond, indenture or lease applicable to Lessee, or (ii) result in any breach of, or constitute a default under, or result in the creation of, any lien, charge, security interest or other encumbrance upon any assets of Lessee or the Units (as defined in the Lease) pursuant to any indenture, mortgage, deed of trust, bank loan, credit agreement or other instrument to which Lessee is a party, or by which it or its assets may be bound.
7. No litigation or proceeding is pending or, to the best of my knowledge, threatened to, or which may, (a) restrain or enjoin the execution, delivery or performance by Lessee of the Lease Agreements, (b) in any way contest the validity of the Lease Agreements, (c) contest or question (i) the creation or existence of Lessee or its governing body or (ii) the authority or ability of Lessee to execute or deliver the Lease Agreements or to comply with or perform its obligations under the Lease Agreements. There is no litigation or proceeding pending or, to the best of my knowledge, threatened that seeks to or could restrain or enjoin Lessee from annually appropriating sufficient funds to pay the Lease Payments (as defined in the Lease) or other amounts contemplated by the Lease Agreements. In addition, I am not aware of any facts or circumstances which would give rise to any litigation or proceeding described in this paragraph.
8. The Units are personal property and, when subjected to use by Lessee, will not be or become fixtures under the laws of the State.
9. The authorization, approval and execution of the Lease Agreements, and all other proceedings related to the transactions contemplated by the Lease Agreements, have been performed in accordance with all applicable open meeting, public records, public bidding and all other applicable laws, rules and regulations of the State.
10. The appropriation of moneys to pay the Lease Payments coming due under the Lease and any other amounts contemplated by the Lease Agreements does not and will not result in the violation of any constitutional, statutory or other limitation relating to the manner, form or amount of indebtedness which may be incurred by Lessee.
11. The Lessor will have a perfected security interest in the Units upon the filing of an executed UCC-1 or other financing statement at the time of acceptance of the Units with the Secretary of State for the State.

SIGNATURE

CITY OF MCCOOK

Name(Print): _____ Date: _____
Signature: _____ Address: _____
Title: _____

CATERPILLAR INSURANCE COMPANY (CIC) SELECTION FORM

Policy Number CIC - 70151391



Before financing your equipment, you must arrange physical damage insurance on the equipment identified below. The insurance may be provided through an insurance agent or insurance company of your choice, provided the insurance company satisfies minimum financial requirements.

As an alternative to obtaining your own insurance, you may elect to have your equipment insured under coverage arranged by Caterpillar Insurance Services Corporation, that has been designed specifically for the purchasers of Cat® equipment.

Please complete this form if you elect to insure your equipment with Caterpillar Insurance Company (CIC).

CIC Physical Damage Insurance Policy Summary

Please note: This is only a brief description of the CIC Physical Damage Insurance Program. Contractual provisions contained in the policy will govern.

Coverage

CIC Physical Damage Insurance protects your equipment against physical damage losses, including collision, fire, theft, vandalism, upset or overturn, floods, sinking, earthquakes and other unfortunate acts of nature. The protection has been designed for owners of heavy equipment and provides superior benefits you most likely would not find in other plans.

The CIC Physical Damage Insurance does include normal exclusions. Some important exclusions are wear and tear, rust, loss of income, war, nuclear damage, and mechanical breakdown, automobiles, watercraft, waterborne shipments, tires or tubes or mobile track belts damaged by blow-out, puncture, and road damage.

Repairs

When a covered loss occurs, this plan will pay for Cat® replacement parts on all your new or used Caterpillar equipment. On all equipment from other manufacturers, the plan will pay for comparable replacement parts.

Transportation

Your CIC plan will pay for round-trip transportation of covered damaged equipment to and from your Cat dealer's repair facility, up to \$2,500 limit.

Rental Reimbursement

The plan allows for rental costs up to \$2,500 that you incur to rent similar equipment following a covered loss. You are automatically protected with up to \$100,000 of coverage for damage to the similar equipment you rent.

Claims

In the event of a total loss, the policy will pay the greatest of the following:

- The payoff value of the loan on the damaged parts or equipment as of the date of loss or
- The actual cash value of that covered property; or
- The cost of replacing that property with property of like kind and quality

The policy will pay 10% of scheduled loss, up to a \$10,000 maximum for debris removal.

The policy will pay fire department service fees up to \$5,000.

Deductible

\$1,000 Construction and Agricultural Equipment Deductibles:
\$5,000 deductible all logging Equipment

Customer Service

If you have any questions or need additional details, see your Authorized Cat Dealer or call CIC toll free at **1-800-248-4228**.

You may also e-mail CIC at physicaldamage@cat.com

POLICYHOLDER DISCLOSURE

NOTICE OF TERRORISM RISK INSURANCE ACT OF 2002

(as extended by the Terrorism Risk Insurance Extension Act of 2005, and as amended in 2007)

You are hereby notified that under the Terrorism Risk Insurance Act, as amended in 2007, the definition of act of terrorism has changed. As defined in Section 102(1) of the Act: The term "act of terrorism" means any act that is certified by the Secretary of the Treasury - in concurrence with the Secretary of State, and the Attorney General of the United States - to be an act of terrorism; to be a violent act or an act that is dangerous to human life, property, or infrastructure; to have resulted in damage within the United States, or outside the United States in the case of certain air carriers or vessels or the premises of a United States mission; and to have been committed by an individual or individuals as part of an effort to coerce the civilian population of the United States or to influence the policy or affect the conduct of the United States Government by coercion.

Under your coverage, any losses resulting from certified acts of terrorism may be partially reimbursed by the United States Government under a formula established by the Terrorism Risk Insurance Act, as amended in 2007. However, your policy may contain other exclusions, which might affect your coverage, such as an exclusion for nuclear events. Under the formula, the United States Government generally reimburses 85% of covered terrorism losses exceeding the statutorily established deductible paid by the insurance company providing the coverage. The Terrorism Risk Insurance Act, as amended, contains a \$100 billion cap that limits U.S. Government reimbursement as well as insurers' liability for losses resulting from certified acts of terrorism when the amount of such losses exceeds \$100 billion in any one calendar year. If the aggregate insured losses for all insurers exceed \$100 billion, your coverage may be reduced. The portion of your premium that is attributable to coverage for terrorist acts certified under the Act is: \$ 0.00

APPLICATION FOR CIC PHYSICAL DAMAGE INSURANCE

Model #	Equipment Description	Serial #	VIN	Value Including Total Tax	Pymt Method-3 Total Premium	Pymt Method-1 Finance Pymt
1. 926-14	Caterpillar Wheel Loader	K8E00510		\$278,000.00	\$15,680.00	\$3,573.40

Marsha Blaisdell

Marsha Blaisdell, Authorized Insurance Producer

Arranged by Caterpillar Insurance Services Corporation

I understand that the total insurance premium for 60 months will be \$15,680.00, which is \$3136.00 per year based upon the total equipment value of \$278,000.00.

- Method 1 I will finance the insurance premium, including finance charges, of \$3,573.40 per scheduled equipment payment. The finance charge is calculated at 6.99% per annum on the total insurance premium covering the full term of the finance agreement. By choosing Method 1 and signing this document you are agreeing to finance the insurance along with the equipment payments with Caterpillar Financial Services Corporation.
- Method 2 I desire coverage for an initial 12 month term. I will pay the \$3136.00 premium and return the payment with the signed equipment documents. Please make check payable to CIC.
- Method 3 I will pay the total premium and return the payment with the signed equipment documents. Please make check payable to CIC.
- Method 4 I decline Caterpillar Insurance. I elect to obtain my own commercial insurance on the equipment shown from an agent or insurance company of my choice.

I understand that the quote I receive is not a binder of insurance. If I elect to obtain coverage from CIC, coverage will be effective in accordance with the terms and conditions of the issued Policy and that I may terminate the coverage at any time with advance written notice.

I acknowledge that I have been notified that, under the TERRORISM RISK INSURANCE ACT of 2002 (as extended by the Terrorism Risk Insurance Extension Act of 2005), any losses caused by certified acts of terrorism under my policy will result in coverage under my policy that will be partially reimbursed by the United States as outlined in the attached policyholder disclosure notification.

I also acknowledge I have been advised that, if I accept this insurance, an appointed licensed insurance producer will receive commission compensation.

Customer Name: CITY OF MCCOOK

Dealer Name: NEBRASKA MACHINERY COMPANY

Please note: If you would like a no obligation quote on your additional equipment, call 1-800-248-4228 extension 5754.

Accepted By: _____

Name (PRINT): _____

Title: _____

Date: _____

Fraud Warning:

Applicable in AL, AR, DC, LA, MD, NM, RI and WV: Any person who knowingly (or willfully)* presents a false or fraudulent claim for payment of a loss or benefit or knowingly (or willfully)* presents false information in an application for insurance is guilty of a crime and may be subject to fines and confinement in prison. *Applies in MD Only.

Applicable in CO: It is unlawful to knowingly provide false, incomplete, or misleading facts or information to an insurance company for the purpose of defrauding or attempting to defraud the company. Penalties may include imprisonment, fines, denial of insurance and civil damages. Any insurance company or agent of an insurance company who knowingly provides false, incomplete, or misleading facts or information to a policyholder or claimant for the purpose of defrauding or attempting to defraud the policyholder or claimant with regard to a settlement or award payable from insurance proceeds shall be reported to the Colorado Division of Insurance within the Department of Regulatory Agencies.

Applicable in FL and OK: Any person who knowingly and with intent to injure, defraud, or deceive any insurer files a statement of claim or an application containing any false, incomplete, or misleading information is guilty of a felony (of the third degree)*. *Applies in FL Only.

Applicable in KS: Any person who, knowingly and with intent to defraud, presents, causes to be presented or prepares with knowledge or belief that it will be presented to or by an insurer, purported insurer, broker or any agent thereof, any written statement as part of, or in support of, an application for the issuance of, or the rating of an insurance policy for personal or commercial insurance, or a claim for payment or other benefit pursuant to an insurance policy for commercial or personal insurance which such person knows to contain materially false information concerning any fact material thereto; or conceals, for the purpose of misleading, information concerning any fact material thereto commits a fraudulent insurance act.

Applicable in KY, NY, OH and PA: Any person who knowingly and with intent to defraud any insurance company or other person files an application for insurance or statement of claim containing any materially false information or conceals for the purpose of misleading, information concerning any fact material thereto commits a fraudulent insurance act, which is a crime and subjects such person to criminal and civil penalties (not to exceed five thousand dollars and the stated value of the claim for each such violation)*. *Applies in NY Only.

Applicable in ME, TN, VA and WA: It is a crime to knowingly provide false, incomplete or misleading information to an insurance company for the purpose of defrauding the company. Penalties (may)* include imprisonment, fines and denial of insurance benefits. *Applies in ME Only.

Applicable in NJ: Any person who includes any false or misleading information on an application for an insurance policy is subject to criminal and civil penalties.

Applicable in OR: Any person who knowingly and with intent to defraud or solicit another to defraud the insurer by submitting an application containing a false statement as to any material fact may be violating state law.

Applicable in PR: Any person who knowingly and with the intention of defrauding presents false information in an insurance application, or presents, helps, or causes the presentation of a fraudulent claim for the payment of a loss or any other benefit, or presents more than one claim for the same damage or loss, shall incur a felony and, upon conviction, shall be sanctioned for each violation by a fine of not less than five thousand dollars (\$5,000) and not more than ten thousand dollars (\$10,000), or a fixed term of imprisonment for three (3) years, or both penalties. Should aggravating circumstances [be] present, the penalty thus established may be increased to a maximum of five (5) years, if extenuating circumstances are present, it may be reduced to a minimum of two (2) years.

INSURANCE SELECTION FORM-OUTSIDE INSURANCE CARRIER



Before funding your equipment, you must arrange physical damage insurance on the equipment identified below. The insurance may be provided through an insurance agent or insurance company of your choice, provided the insurance company satisfies minimum financial requirements.

Physical Damage coverage must show that Caterpillar Financial Services Corporation has been named as loss payee for the equipment's replacement value. The deductible must be shown. Liability Coverage must be a minimum of \$1,000,000 or combined coverage for bodily injury and property damage per occurrence. Caterpillar Financial Services Corporation must be named as additional insured.

As an alternative to obtaining your own Physical Damage coverage, you may elect to have your equipment insured under coverage arranged by Caterpillar Financial Services Corporation designed specifically for the purchasers of Caterpillar equipment. If a quote is not included in your document package, please contact your Caterpillar Dealer, call **1-800-248-4228**, or e-mail PhysicalDamage@cat.com.

Please complete this form to provide contact information for your liability coverage, as well as your physical damage coverage if you did not elect Caterpillar Insurance for physical damage.

Transaction Number: 001-70151391 **Dealer Name:** NEBRASKA MACHINERY COMPANY
Customer's Name: CITY OF MCCOOK
Address: P.O. BOX 1059
MC COOK, NE 69001-1059

I have entered into the above agreement under which **I am responsible for providing insurance** against **ALL RISKS** of direct physical loss or damage for the actual cash value of the following equipment, subject to common exclusions such as damage caused by corrosion, rust, mechanical or electrical breakdown, etc.

Model #	Equipment Description	Serial #	VIN#	Value Including Tax
1. 926-14	2024 Caterpillar Wheel Loader	K8E00510		\$278,000.00

Insurance Agency _____ Insurance Agent's Name _____

Street Address _____

City _____ State _____ Zip _____

Agent's Phone Number _____ Fax Number _____ E-mail Address _____

TO CUSTOMER'S INSURANCE AGENT

I hereby instruct you to add Caterpillar Financial Services Corporation as a Loss Payee for physical damage and as an Additional Insured for general liability:

- To my existing policy number(s) _____, which now provide the coverage required, or
- To a policy or policies which you are authorized to issue in the name listed above which will provide the coverage required.

Signature _____

Name(Print) _____

Title _____

Date _____

PROCESSING OF THIS TRANSACTION MAY BE HELD PENDING RECEIPT OF THIS INFORMATION

**PLEASE FORWARD A COPY OF THE CERTIFICATE OR BINDER EVIDENCING COVERAGE TO:
CATERPILLAR FINANCIAL SERVICES CORPORATION
2120 West End Avenue
Nashville, TN 37203**

PLEASE ATTACH A COPY OF THIS NOTICE TO PROOF OF INSURANCE

CUSTOMER INFORMATION VERIFICATION
Contract Number 001-70151391



CUSTOMER INFORMATION **CHANGES TO CUSTOMER INFORMATION**

Customer Name: CITY OF MCCOOK _____

Physical Address: 505 WEST C STREET _____
MC COOK, NE, 69001-3618 _____

Mailing Address: P.O. BOX 1059 _____
MC COOK, NE, 69001-1059 _____

Equipment Location: 505 WEST C STREET _____
MC COOK, NE, 69001-3618 _____

Business Phone: _____

Mobile Phone: _____

E-mail Address: potthoff@cityofmccook.com _____

The changes above apply to: Current Request for financing All active contracts

TAX INFORMATION

Tax Exempt** Non-Exempt

Asset outside the City limits Yes _____ No _____

*** *A Tax Exemption Certificate is required for all tax exempt customer. If you are tax exempt – please enclose a current tax exemption certificate to be returned with your documents.**

AUTO PAY INFORMATION (Checking Account Information)

- I decline Auto Pay authorization at this time
- I request and authorize Caterpillar Financial Services Corporation ("Cat Financial") to begin debiting my account for the amounts due under the contract(s) indicated below, with debits made to my account and withdrawn by Cat Financial, provided my account has sufficient collected funds to pay the debit when presented. If my financial institution dishonors any debit for any reason, Cat Financial may issue another debit in substitution for the dishonored debit and will have no liability on account of a dishonored debit. I agree that Cat Financial's rights relating to each debit will be the same as if I had personally signed a check. I agree that I will be liable to make payment promptly, including any applicable late fees, if any debit is not paid, unless Cat Financial or its agents or affiliates are directly responsible for the nonpayment. I acknowledge that I may cancel this authorization at any time by written notice to Cat Financial, which notice will be effective 10 days after receipt; however, my cancellation of this authorization does not terminate, cancel or reduce my obligations under the contract(s). I understand that Cat Financial will not notify me in advance of any withdrawal and I agree to waive all pre-notification requirements in respect of all debits drawn under this authorization. Please use the information below to set up Auto Pay on:

Bank Name

Routing Number

 9 digits

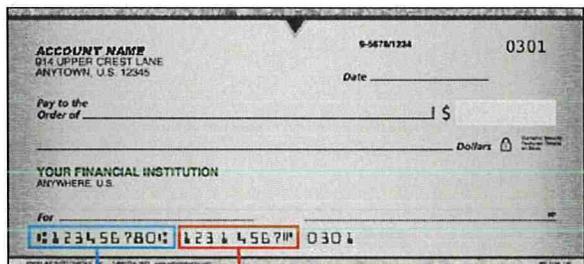
Account Number

 3-17 digits

Re-Enter Account Number

 3-17 digits

Account Name (exactly as it appears on Check)



Routing Number Account Number

CUSTOMER SIGNATURE

The information above has been reviewed and is accurate to the best of my knowledge. For a joint account, all account holders must sign if more than one signature is required on checks issued against the account.

Name _____

Title _____

For questions or assistance with Auto Pay, or for information about your account, please contact Customer Service, 1-800-651-0567.

Thank you for selecting Caterpillar products and for allowing Caterpillar Financial Services Corporation to serve your financing needs. Included in this document package are all of the forms that will be needed for standard tax exempt lease purchase transactions. The forms have been designed to be clear, concise and user friendly. We have also provided a brief explanation of the purpose of each form. If you wish to discuss any of the forms or have any questions about any aspect of this transaction, we encourage you to contact your Caterpillar Dealer or Caterpillar Financial Services Corporation at 1-866-263-3791 Option # 5.

A. Governmental Equipment Lease-Purchase Agreement. The Governmental Lease-Purchase Agreement contains the terms that govern each transaction between us. It is the standard Caterpillar Financial Services Corporation tax exempt lease-purchase agreement, and provides that we will lease to you the equipment described therein pursuant to a full payout amortization schedule. A new Governmental Equipment Lease-Purchase Agreement will have to be signed in connection with each transaction.

B. Lessee's Authorizing Resolution. The Authorizing Resolution is evidence you have taken the necessary governing body actions to approve the Governmental Equipment Lease-Purchase Agreement. Although the authorizing instrument is often a resolution, it may also take other forms such as an ordinance. We are agreeable to using your customary or standard form provided it contains specific approval for the lease-purchase agreement, designates persons who are authorized to sign on your behalf and either approves the document forms or delegates this authority to a named official **C. Verification of Insurance.** The Certificate of Insurance is intended to supply information regarding the insurance coverage for the equipment being lease-purchased. You will need to supply the requested information to us so we can verify coverage.

D. Opinion of Counsel. An opinion of counsel is required in connection with each Governmental Equipment Lease-Purchase Agreement. The opinion is intended to confirm that you have complied with all open meeting laws, publication and notice requirements, procedural rules for governing body meetings, and any other relevant state or local government statutes, ordinances, rules or regulations. We would be unable to confirm compliance with these laws and regulations ourselves absent long delays and higher costs so we rely upon the opinion of your attorney since he/she may have been involved in the process to approve our transaction and is an expert in the laws and regulations to which you are subject. The opinion also confirms that you are an entity eligible to issue tax-exempt obligations and that the Governmental Equipment Lease-Purchase Agreement will be treated as tax-exempt as it is your obligation to ensure that you have complied with relevant tax law.

E. Form of 8038G or GC. Form 8038 is required by the Internal Revenue Service in order to monitor the amount of tax-exempt obligations issued. You have to execute a Form 8038 for each Governmental Equipment Lease-Purchase Agreement. Whether a Form 8038 G or GC is required depends on the original principal amount of the Governmental Equipment Lease-Purchase Agreement. If the original principal amount is less than \$100,000 Form 8038GC is filed with the IRS. If the original principal amount is \$100,000 or more Form 8038G is filed with the IRS. Choose the appropriate 8038 form and complete according to IRS guidelines. Contact your TM or Sales Support Representative for assistance. IRS Form 8038G

<http://www.irs.gov/pub/irs-pdf/f8038g.pdf>

IRS Form 8038GC <http://www.irs.gov/pub/irs-pdf/f8038gc.pdf>

This Explanation of Contents is prepared as an accommodation to the parties named herein. It is intended as an example of some of the documents that Caterpillar Financial Services Corporation, in its reasonable judgment, may require and is not intended to constitute legal advice. Please engage and use your own legal counsel. We understand that the laws of the various states are different so nothing herein shall be construed as a warranty or representation that the documents listed herein are the only documents that may be required in any particular transaction or that any particular transaction, if documented in accordance with this Explanation of Contents, will be a valid, binding and enforceable obligation enforceable against the parties named herein in accordance with the terms of the documents named herein.

NEBRASKA MACHINERY COMPANY
11002 SAPP BROTHERS DR
OMAHA, NE 68138-4812

Reference:

CITY OF MCCOOK

We are requesting a copy of the minutes of the appropriation meeting during which the funds for this deal were allocated.

A copy of this information is necessary to complete the documentation package and to fund the deal. Your ability to return a complete package will ensure timely payment to you.

Thank you for your assistance.

CATERPILLAR FINANCIAL SERVICES CORPORATION
DOCUMENTATION DEPARTMENT

Caterpillar Financial Services Corporation

INVOICE

Page	Date	Invoice No.
I	08/02/2024	001-70151391

CITY OF MCCOOK
P.O. BOX 1059
MC COOK, NE 69001-1059

Description	Serial	VIN	Due Date	Pmt. No.	Amount
(1) 2024 CATERPILLAR 926-14 WHEEL LOADER	K8E00510		Upon Receipt.	1	\$62,305.31

WITHOUT THE APPROPRIATE TAX EXEMPTION CERTIFICATE, APPLICABLE SALES AND/OR USE TAX WILL BE CHARGED.

PLEASE PAY THIS AMOUNT \$ **\$62,305.31**

Invoice No.	Total Enclosed
001-70151391 - 1	\$

CITY OF MCCOOK
P.O. BOX 1059
MC COOK, NE 69001-1059

Remit To: Caterpillar Financial Services Corporation
5th Floor Document Services
Doc Specialist: NEBRASKA MACHINERY COMPANY
2120 West End Ave.
Nashville, TN 37203

RETURN INVOICE AND CHECK FOR SPECIFIED PAYMENT(S) WITH SIGNED DOCUMENTS.
Your check will be cashed by Caterpillar Financial Services Corporation (CFSC) upon receipt, but that act will not constitute acceptance by CFSC of the Loan, Lease or Schedule. If CFSC accepts and executes the Loan, Lease or Schedule, the proceeds of this check will be applied to the specified payments. If CFSC does not accept the Loan, Lease or Schedule, CFSC will return an amount equal to this check.

**CITY MANAGER'S REPORT
AUGUST 19, 2024 CITY COUNCIL MEETING**

ITEM: 3.E.

Approve the McCook Area Chamber of Commerce Heritage Days request to close the southbound lane of Norris Avenue between "F" Street and "H" Street on Saturday September 21st from 11:00 a.m. to 5:00 p.m and the northbound lane of Norris Avenue between "F" Street and "G" Street on Saturday September 21st from 6:00 a.m. to 6:00 p.m..

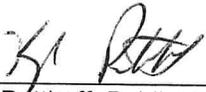
BACKGROUND:

In addition to their request that was approved on July 1, 2024, the McCook Area Chamber of Commerce is requesting permission to close the southbound lane of Norris Avenue between "F" Street and "H" Street on Saturday September 21, 2024 between 11:00 a.m. to 5:00 p.m. The Chamber is also requesting permission to close the northbound lane of Norris Avenue between "F" Street and "G" Street on Saturday September 21, 2024 between 11:00 a.m. to 5:00 p.m. for Heritage Days activities.

The intersection at Norris Avenue and "G" Street will be closed, but the intersection at Norris Avenue and "H" Street, as well as the intersection of Norris Avenue and "F" Street will remain open.

**FISCAL
IMPACT:** None.

APPROVALS:



Kyle Potthoff, Public Works Director

August 14, 2024



Nate Schneider, City Manager

August 14, 2024

potthoff@cityofmccook.com

From: Sarah Schneider <director@mccookchamber.org>
Sent: Thursday, August 15, 2024 9:05 AM
To: potthoff@cityofmccook.com
Subject: Street Closure

Good morning,

Please consider this a formal request to be added August 19th McCook City Council agenda for approval of the following request from the McCook Chamber of Commerce in regard to Heritage Days.

Permission to close southbound Norris Avenue between East "F", East "G" and East "H" with the intersection open on Norris Avenue and East "H" from 11am to 5pm; and also Norris Avenue northbound from East "G" to East "F" on September 21st from 6am to 6pm , for the Heritage Days event at Norris Park.

Please let me know if you have any questions.

Thank you,
Sarah

Sarah Schneider
Director
McCook Chamber of Commerce
402 Norris Avenue | Suite 316
McCook, NE 69001
308.345.3200

director@mccookchamber.org



**MCCOOK CHAMBER
OF COMMERCE**

Involvement | Education | Advocacy | Marketing

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

ITEM: _____

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

BACKGROUND:

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

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

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

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

A certificate of Insurance Coverage has been requested.

**CITY MANAGER'S REPORT
AUGUST 19, 2024 CITY COUNCIL MEETING**

ITEM: **3.F.**

Receive and file the claims for the month of July 2024, published August 9,2024.

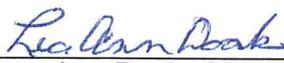
BACKGROUND:

Claims are presented to the Council and published each month as outlined in the City Code of Ordinances.

Staff is always available to address any questions that the Council may have regarding a specific claim.

**FISCAL
IMPACT:** None.

APPROVALS:



Lea Ann Doak, City Clerk

August 15, 2024

CITY OF MCCOOK

CLAIMS FOR JULY 2024

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

20/20 TECHS-SC 21817.12 S 1197.007 D LOCKSHOP-S 29.98; ACE-S 2291.85; ACME PRINTING-S 1350.00; AKRS-S 2924.46; AMERICAN AG LAB-SC 1222.96; AMERICAN ELECTRIC-S 23.70; AMERITAS-CLAIMS-SC 4423.41; AMERITAS-DENTAL-SC 818.89; ANYTIME TRI STATE TOWING SC 385.00; A/R REFUND-752.37; ARROW CAR WASH-S 8.10; AT&T-SC 445.76; AURORA COOP-S 10827.55; B STREET AUTO SPA-S 35.70; B2 ENVIRONMENTAL-S 7500.00; BLACK HILLS ENERGY-SC 1475.69; BOMGAARS-S 401.87; BRIGADE ENERGY-CO 17143.50; BSB CONSTRUCTION-CO 290461.10; BW TELECOM-SC 144.14; C&K-S 752.92; CAMBRIDGE TELEPHONE-SC 234.12; CAROLINA SOFTWARE-S 200.00; CARPENTER BRELAND-SC 375.00; CARQUEST-S 1359.19; CASH WA-S 21716.16; CDW-G-SC 1026.95; CENTURY LINK-SC 897.51; CITY OF MCCOOK-PS 672392.12; CITY SELF INS-BT 176559.66; SALES TAX-BT 47490.05; TRANSFER STATION-S 3251.11; UTILITIES-SC 10543.59; CIVIC PLUS-SC 6391.00; CORNHUSKER-SC 803.00; J. CROCKER-SC 108.25; CROELL-CO 2876.80; CULLIGAN-S 167.00; F. CUMMINS-SC 177.00; D&S HARDWARE-S 5424.20; DAS ACCT-SC 1069.50, S 66.00; DEMCO-S 150.22; DIAMOND VOGEL-S 3028.59; DULTMEIER SALES-S 215.04; DVORAK LAW GROUP-SC 671.50; EAKES-S 913.00; ELLERBROCK-NORRIS INS.-SC 625.00; ENVIRONMENTAL ANALYSIS-SC 231.88; FBINAA-NE CHAPTER-SC 150.00; FICA-PS 34501.23; FRENCHMAN VALLEY COOP-S 1174.37; FRONTIER COMMUNICATIONS-SC 34.19; GALLS-S 306.97; GARRISONS-S 1877.63; GARVER-SC 11390.71; GEO-COMM- SC 4594.00; GERIH CONCRETE-SC 397512.95; GILLEN'S CARPET CLEANING-S 2125.00; GLASS EXPRESS-S 1352.04; GOOGLE SVCS-SC 534.00; GREAT PLAINS COMM-SC 3061.49; HAMPTON INN-SC 535.00; HANCOCK LUMBER & SUPPLY-S 52.94; D HANRAHAN-SC 50.00; HAWKINS-S 1611.99, SC 5884.48; HENNING BROS-SC 59.00; HIGH PLAINS RADIO-SC 122.00; HOMETOWN LEASING-SC 757.83; HUTCHESON ENGINEERING-S 14149.68; IDEAL LINEN-S 249.48; IIMC-SC 125.00; INDELCO PLASTICS-S 36.50, CO 15806.32; IRS-SC 474.79; ISLAND SPRINKLERS-S 1998.47; J BAR J LANDFILL-SC 50428.51; K&C GRAIN-S 52402.24; K-C MOTOR & ELECTRIC-S 29.96; KEARNEY HUB-S 464.59; KIDS REF-S 493.67; KNL HOLDINGS-S 4434.37; KNOBEL'S REFRIGERATION-S 510.44; KOHL'S-S 497.15; K LARSON-SC 99.16; LAUTZENHISER STATIONERY-S 207.28; LIFE-ASSIST-S 648.65;

MACQUEEN EQ-S 4964.13; MARC-S 439.00, SC 32.36; MARIS GEN CONST-SC 7366.50; MATHESON-LINWELD-S 121.13; MC GAZETTE-SC 2316.55; MC HUMANE SOCIETY-S 4510.45; MPPD-SC 1786.04; MCNET SC 69.95; T. MCGINLEY-SC 108.00; MCKESSON MEDICAL-S 452.21; MEAD LUMBER-S 128.61; MEDICARE-PS 9433.65; MICROMARKETING-S 2767.34; MIDWEST CONNECT-S 325.44, SC 2059.95; MILLER & ASSOC.-CO 3596.25, SC 1312.50; MOUSEL, BROOKS, SCHNEIDER, MUSTION & SCHIFFLET-SC 4593.00; MUNICIPAL SUPPLY-S 3355.15; MURPHY TRACTOR-S 46.25; NDEE SWIMMING POOLS-SC 190.00; NE DEPT OF REV SALES TAX-SC 11694.76; NE DEPT OF REV-MOTOR FUELS-SC 3079.00; NE DEPT OF REV-LOTTERY TAX-SC 3808.00; NE LIBRARY COMM-S 1216.00; NE TRUCK CENTER-S 523.64; NEBRASKALAND TIRE-S 979.44; NEW FRONTIER AG-SC 75.00; NICK'S DIST-S 6764.07; NMC-S 8830.74; NPPD-SC 33834.85; NWEA-SC 450.00; OCLC, INC-SC 2026.84; ONE BILLING SOLUTIONS-SC 6633.03; ONE CALL-SC 204.66; ONSOLVE, LLC-SC 4068.75; PAULSEN-S 498.58, SC 126673.45; PETROTEK ENG-SC 17694.82; PICNIC FURNITURE-SC 1339.95; PINPOINT COMM-SC 69.99; PLATTE VALLEY COMM-S 310.00 SC 75.00; POLYDYNE-S 828.00; PRAIRIE STATES COMM-SC 17088.82; PRIME SOLUTION-CO 39319.50; PROPIO LS-S 455.00; QUADIENT FINANCE-S 138.64, SC 861.36; QUADIENT LEASING-SC 600.18; QUALITY IRRIGATION-S 201.84; QUILL CORP-S 112.97; RAMKOTA HOTEL-SC 232.00; RAPID FIRE PROTECTION-S 1564.00; RWCO CRT-SC 156.00; RWCO CLERK-SC 2566.42; RWCO TREAS-CO 3426.08; RESOURCE MGMT-SC 3363.00; RIVISTAS-S 1249.32; ROCHESTER MIDLAND-S 977.60; ROCKMOUNT RESEARCH-S 1106.96; RUGGLES TRAILER-S 1496.51; S & S TIRE S 2300.60; N SCHNEIDER-SC 463.78; SECRET PENGUIN-SC 19966.00; SENSEL WELDING & REPAIR-S 52.57; B. SIEGFRIED-SC 99.16; SOUTHWEST FARM & AUTO-S 847.92; STALKER RADAR-S 1353.00; SW NE LEADERSHIP-SC 575.00; TELEFLEX-S 38.50; TOPKOTE-CO 140672.43; TOTAL TURF-S 98.00; TURFWERKS-S 120.09; TYLER TECH-SC 14.60; UMR-SC 158194.64; US FOODS-S 1606.20; USA BLUE BOOK-S 351.10, SC 23.81; UTILITY REFUNDS-381.82; VAN DIEST-S 187.50; VERATHON-S 1092.93; VERIZON-SC 2805.73; VOLZ-S 1276.28; WAGNER FORD-CO 45481.00, S 873.26; WALMART-S 2605.04; WCNA-SC 5727.32; WCNDD-SC 4200.00; WEX BANK-S 16535.03; WPCI-SC 64.00; ZOLL MEDICAL-S 295.20.

-s-Lea Ann Doak, City Clerk

PUBLISH: AUGUST 9, 2024

**CITY MANAGER'S REPORT
AUGUST 19, 2024 CITY COUNCIL MEETING**

ITEM: 3.G.

RECOMMENDATION:

Accept the minutes of the April 16, 2024 Senior Center Advisory Board, the March 13, 2024 Library Advisory Board, and the August 12, 2024 Planning Commission meetings.

BACKGROUND:

Accept minutes from various board and commission meetings.

**FISCAL
IMPACT:** None.

APPROVALS:



Lea Ann Doak, City Clerk

August 15, 2024

Heritage Senior Center
 1312 West 5th St
 McCook NE 69001
 Advisory Board Minutes
 April 16 2024

A copy of the Open Meetings Act is posted by the entrance to the meeting room and is available for public review. All meetings begin at 10:00am and are open to the public.

- Meeting was called to order by President Dan Stramel

- Roll Call**

Jim Hamill P	Mary Keslin P	Natalie Mickey P	Milton Duffield P
Bob Pantenburg P	Dan Stramel P	Beth Siegfried P	John Zlomke P

Tara Koetter Assistant City Manager and Peggy Appleyard guest

- Approval of minutes:
 The Minutes from the January 16th 2024 meeting were approved by a motion made by Jim Hamill and seconded by Natalie Mickey. Motion carried.

- Open Forum:** No discussion

Public Transit

	<i>Riders</i>	<i>Miles</i>	<i>Different Riders</i>	<i>Wheel Chai</i>	<i>Days</i>	
January	437	1139	59	16	19	3 snow days
February	535	1478	73	25	21	
March	381	1038	59	14	19	2 snow days
Overall	1353	5 less than last quarter				
Average	451	2 less than last quarter		1day less than last quarter		

Meals at Center

	<i>Congregate</i>	<i>Home Delivered Meals</i>	<i>Curb Side</i>	<i>Days</i>
January	899	1362	592	19
February	1021	1435	624	21
March	900	1361	658	19
Overall,	2820	4158	1874	
Average	1045 (48 a day)	1386(71 a day)	625 (32 a day)	

Total Meals January 2853 average 150 meals a day
Total Meals February 3080 average 147 meals a day
Total Meals March 2919 average 154 meals a day
Total meals 8852
Total Average meals a day this quarter 154 6 more than last quarter
The average last year was 150 for this quarter. 4 more than same quarter last year

Statistics

Meal numbers have gone up from last quarter,. And up from the same quarter last year.

Old Business

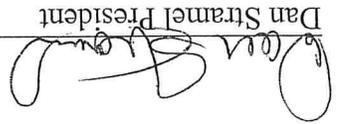
- Transit invoices are still a challenge. The Ford transit van ordered in 2020 is still not available.
- Beth attended legislative day in Lincoln. Governor signed the Transit Week Proclamation and meet the new Sara Soula who replaced Karrie Ruse as head of the Nebraska Transportation department in charge of the transit systems
- Milton gave us an update on the Area J Meting in North Platte and he will be attending another one in June.. He reported that Palisade is trying to get a program started again.
- Beth is still seeing a lot of Medicare recipients with the SHIP Program.

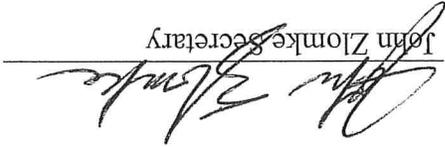
- Closed for 5 snow days this quarter.
- Viaro gave two fraud & Safety presentations, Southwest Department o Health gave presentation on Lead.
- Jen with the City of McCook Police Department spent 2 hours helping people set up their CODE RED Accounts get emergency notifications.
- The automatic doors are not working. Beth has contacted Tri State Glass to fix, Have been waiting for two weeks for them to come.

New Business

- Public Transit week is April 21st through the 27th. City of McCook Public Transit will be celebrating 50 years of providing transportation in McCook. We will be celebrating with drawings, giveaways and free rides to anyone who has never ridden before.
- Kinship Pointe will now be providing free ice cream every Tuesday in conjunction with Bingo for the rest of the year.
- WCNAAA will be conducting their audit May 16th.
- Beth will attend Spring HIP Training in North Platte
- Beth and Justin will be attending the National Transit Roadshow in West Palm Beach in June Beth will stay for the CTAA Conference.
- Nick Erdman will be regluing and replacing broken tiles in the Dining Room
- There is a piece of siding missing on the West side from the recent wind and there is a water stained tile in the divided meeting room that needs replaced.
- Jim Hamill volunteered to take Milton Duffield and do follow up calls to area businesses to see if we can get more sponsorships. He would like to have Beth mail out newsletters to businesses.
- With no further business the meeting was adjourned at 10:55

July 16, 2024


Dan Stramel President


John Zlomke Secretary

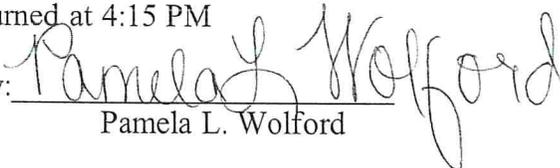
Over grown evergreens

McCook Public Library Advisory Board Meeting Minutes May 8, 2024 at 4:00 PM CDT

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

1. **Call to order / attendance:** Mary Dueland called the meeting to order with Jody Crocker, Staci Blomstedt, Kevin Cochran, and Pam Wolford in attendance.
2. **Opportunity for Comments from the Public:** No one was present.
3. Notice of the meeting was given in advance thereof by publication in the *McCook Gazette* on May 3, 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 Library Board. Availability of the agenda was communicated in the advance notice. All proceedings hereafter shown were taken while the meeting was open to the attendance of the public.
4. **Read and Approve March 2024, meeting minutes:** Kevin made the motion to approve the minutes with a second by Staci. The minutes were accepted 5-0.
5. **Open discussion from board members on items not on the agenda:** None
6. **Unfinished Business:** None
7. **Director's Report and update on upcoming activities:** 1.) National Library Week was last week, and it was busy with lots of kids. There was a popular coloring contest. 2.) The "1000 Books" celebration was attended by 88 patrons. 3.) Terrific Tuesday was done last week. 4.) Summer reading sign-up has started and preparations are in order. 5.) The librarians are working on inventory which is time consuming. 6.) A "Royalty for a Day" contest will be held this summer, so kids can experience being a librarian for a day. 7.) Story time attendance is up. 8.) Mandy's "Movin' and Groovin'" is well attended by preschoolers. 9.) Accreditation is up for next year. 10.) The microfilm machine isn't working very well; materials can't be printed. The genealogy society has one, but it's not working efficiently. Jody is checking into options.
8. **New Business:** None
9. **Set date for next board meeting:** The next meeting will be Wednesday, July 10, 2024 at 4 PM.
10. **Meeting adjournment:** The motion was made by Kevin to adjourn, and the meeting was adjourned at 4:15 PM

Secretary:


Pamela L. Wolford

McCook Planning Commission
August 12, 2024
5:15 P.M.

A MEETING OF THE PLANNING COMMISSION OF THE CITY OF MCCOOK, NEBRASKA convened in open, regular, and public session at 5:15 o'clock P.M. in the City Council Chambers.

Present: Chair Lyons; Vice Chair Hilker; Commissioners Bradley, Dueland, Friehe, McDowell, Stevens, Vosburg, Mockry.

Absent: Commissioner Davidson.

City Officials present: City Manager Schneider, Assistant City Manager Koetter, City Attorney Shifflet, City Clerk Doak.

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on August 8, 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 Planning Commission. Availability of the agenda was communicated in the advance notice. All proceedings hereafter shown were taken while the meeting was open to the attendance of the public.

Chair Lyons announced that a copy of the Open Meetings Act was posted by the entrance to the Council Chambers and available for public review.

1. Approve the minutes of the April 8, 2024 regular Planning Commission meeting.

Motion to approve the minutes of the April 8, 2024 regular Planning Commission meeting. This motion, made by McDowell and seconded by Vosburg, passed.

Bradley: YEA, Davidson: ABSENT, Dueland: YEA, Friehe: YEA, Hilker: YEA, Lyons: YEA, McDowell: YEA, Mockry: YEA, Stevens: YEA, Vosburg: YEA
YEA: 9, NAY: 0, ABSENT: 1

2. Public Hearings and Regular Agenda.

- 2.A. Public Hearing - Request for a special exception by Randy and Kimberely Bauer to locate a Bed and Breakfast/Vacation Rental in a Medium Density Residential District (RM) - property located at 1205 West 3rd Street; legally described as Lot 9, Block 14, Hillcrest Addition to the City of McCook, Red Willow County, Nebraska.

Motion to recess as a Planning Commission and convene a public hearing for the purpose of receiving public comment with respect to the request for a special exception by Randy and Kimberely Bauer to locate a Bed and Breakfast/Vacation Rental in a Medium Density Residential

District (RM) - property located at 1205 West 3rd Street; legally described as Lot 9, Block 14, Hillcrest Addition to the City of McCook, Red Willow County, Nebraska, with the City Attorney to act as hearing officer. This motion, made by Lyons and seconded by Vosburg, passed.

Bradley: YEA, Davidson: ABSENT, Dueland: YEA, Friehe: YEA, Hilker: YEA, Lyons: YEA, McDowell: YEA, Mockry: YEA, Stevens: YEA, Vosburg: YEA
YEA: 9, NAY: 0, ABSENT: 1

The City Attorney offered and received into evidence Exhibit #1 - City Manager's Report prepared for the August 12, 2024 Planning Commission meeting (1 page), Exhibit #2 - Notice of Hearing published (1 page); Exhibit #3 - Notice of Hearing mailed and posted (1 page); Exhibit #4 - ownership list for mailing of Notice of Hearing (2 pages); Exhibit #5 - Land Use Action Request Form and attachments (9 pages); Exhibit #6 - City of McCook Zoning Ordinance Article 9, Residential Medium Density District (RM) (3 pages); Exhibit #7 - City of McCook Zoning Ordinance Article 24, Special Exceptions (1 page); and Exhibit #8 - Findings and Determinations of McCook City Council (2 pages).

City Manager Schneider reviewed the information presented in Exhibit #1.

The applicants, Randy and Kimberly Bauer, were present to address questions from the Commission. Mr. Bauer stated that the property has been used as a rental and now they would like to use it as an Air BNB/Vacation rental. Occupant wise there would not be much difference between the two.

With no one else present to comment, motion to adjourn the public hearing and to reconvene as a Planning Commission. This motion, made by Lyons and seconded by Stevens, passed.

Bradley: YEA, Davidson: ABSENT, Dueland: YEA, Friehe: YEA, Hilker: YEA, Lyons: YEA, McDowell: YEA, Mockry: YEA, Stevens: YEA, Vosburg: YEA
YEA: 9, NAY: 0, ABSENT: 1

2.B. Recommend approval to the City Council the application for a special exception by Randy and Kimberly Bauer to allow a Bed and Breakfast/Vacation Rental in a Medium Density Residential District (RM), said property located at 1205 West 3rd Street; legally described as Lot 9, Block 14, Hillcrest Addition to the City of McCook, Red Willow County, Nebraska, finding Special Exception considerations A-I are satisfied.

Motion to recommend approval to the City Council the application for a special exception by Randy and Kimberly Bauer to allow a Bed and Breakfast/Vacation Rental in a Medium Density Residential District (RM), said property located at 1205 West 3rd Street; legally described as Lot 9, Block 14, Hillcrest Addition to the City of McCook, Red Willow County, Nebraska, finding Special Exception considerations A-I are satisfied. This motion, made by Lyons and seconded by McDowell.

Commissioners completed their Special Exception Findings and Determinations and all found that Considerations A - I have been made.

Motion on the floor was considered, passed.

Bradley: YEA, Davidson: ABSENT, Dueland: YEA, Friehe: YEA, Hilker: YEA, Lyons: YEA, McDowell: YEA, Mockry: YEA, Stevens: YEA, Vosburg: YEA
YEA: 9, NAY: 0, ABSENT: 1

City Manager Schneider updated the Commission regarding the update of the Comprehensive Plan, Zoning Ordinance, and Subdivision Ordinance.

Adjournment.

With no further business, Chair Lyons declared the Planning Commission meeting adjourned at 5:37 P.M.

Lea Ann Doak, City Clerk-Treasurer
Recording Secretary

**CITY MANAGER'S REPORT
AUGUST 19, 2024 CITY COUNCIL MEETING**

ITEM: **4.A.**

Presentation and determination by Council regarding the request from Susan Doak for city support of two federal legislative bills approving land transfer of Lighthouse Marina's land from Bureau of Reclamation to Frontier County.

BACKGROUND:

The attached "Topic for Consideration for City Council Agenda" was received from Ms. Doak on August 6, 2024.

**FISCAL
IMPACT:** None.

APPROVALS:



Lea Ann Doak, City Clerk

August 14, 2024



Tera Koetter, Assistant City Manager

August 14, 2024



Nathan A. Schneider, City Manager

August 14, 2024



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

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

TOPIC FOR CONSIDERATION FOR CITY COUNCIL AGENDA

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

Name: SUSAN DOAK

Address: 410 East 1st McCook

Telephone Number: 308-340-8221

Email Address: sdoak@swnebr.net

Date of Request: 8-6-24

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

Requesting City Support for 2 legislative bills (federal) approving land transfer of Lighthouse Marina's land from BOR to Frontier Co.

For Administrative Purposes:

Date Request Received: 8/6/24 Received by: DS

Action Taken: _____

Follow-Up Needed: _____

Signed: _____ Date: _____



CITY MANAGER'S REPORT
August 19, 2024 MCCOOK CITY COUNCIL MEETING

4.B.
ITEM NO. ___ 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.

4.C.
ITEM NO. ___ Approve Resolution No. 2024 -17 approving the designation of nuisance properties as deemed by WCNDD and as declared in the Resolution.

4.D.
ITEM NO. ___ Approve WCNDD's Motion to Abate for the properties located at 1407 Fairacres, McCook, NE, 1203 Missouri, McCook, NE, 1007 Missouri, McCook, NE, and 1405 W 16th, McCook, NE be abated.

4.E.
ITEM NO. ___ Approve Resolution No. 2024-18 approving rescinding a portion of previously declared nuisance properties as deemed by WCNDD and as declared in the Resolution.

BACKGROUND:

WCNDD initially evaluated properties in their designated area on April 30, 2024. Letters were then sent out by WCNDD to property owners that were in violation of McCook's Code of Ordinances requesting that these violations be resolved. On June 6, 2024, July 8, 2024, and August 7, 2024, WCNDD did a follow-up evaluations. Erica Bush, with WCNDD, will give a PowerPoint presentation showing properties in their designated area that should be declared a nuisance, properties that need to be abated, and evidence that a portion of the nuisance violations declared in Resolution No. 2024-13 have been abated and cleared of nuisances and should be rescinded from the resolution.

WCNDD is requesting the City Council to approve Resolution 2024-18 which approves their designation of the following properties as a nuisance:

- 2024 MCC 006 - 1110 West 13th, McCook, NE
- 2024 MCC 029 - 1112 West 12th, McCook, NE
- 2024 MCC 043 - 1111 West 12th, McCook, NE
- 2024 MCC 108 - 1201 West 13th, McCook, NE

WCNDD is requesting the City Council to approve their Motion to Abate the following properties:

- 2024 MCC 036 - 1407 Fairacres, McCook, NE
- 2024 MCC 072 - 1203 Missouri, McCook, NE
- 2024 MCC 077 - 1007 Missouri, McCook, NE
- 2024 MCC 103 - 1405 W 16th, McCook, NE

WCNDD is requesting the City Council to approve Resolution 2024-19 which rescinds portions of Resolution No. 2024-13 on the following properties:

- 2024 MCC 008 - PID001612800, McCook, NE
- 2024 MCC 012 - 1207 W 14th, McCook, NE
- 2024 MCC 027 - 1010 W 12th, McCook, NE
- 2024 MCC 044 - 1109 W 12th, McCook, NE
- 2024 MCC 052 - 1012 Missouri, McCook, NE
- 2024 MCC 101 - 1417 W 16th, McCook, NE

2024 MCC 104 - 1401 W 16th, McCook, NE
2024 MCC 107 - 1604 W J, McCook, NE
2024 MCC 110 - PID001056700, McCook, NE

APPROVALS:



Nathan A. Schneider, City Manager

August 14, 2024



Lea Ann Doak, City Clerk

August 14, 2024



Tera Koetter, Assistant City Manager

August 14, 2024

RESOLUTION NO. 2024-17
DECLARATION OF NUISANCE PROPERTIES

The City Council of the City of McCook (hereinafter the City), in regular session assembled at the City Administration Office in McCook, Nebraska on this 19th of August 2024, hereby resolve as follows:

WHEREAS, The City of McCook desires to declare Nuisances pursuant to the City of McCook Code of Ordinances (Nuisance Ordinance Chapter 95).

NOW THEREFORE:

BE IT RESOLVED that the following property located within the nuisance jurisdiction of the City of McCook, Nebraska has been submitted to the City Council at its regular meeting on August 19, 2024:

- 2024 MCC 006 - 1110 West 13th, McCook, NE;**
- 2024 MCC 029 - 1112 West 12th, McCook, NE;**
- 2024 MCC 043 - 1111 West 12th, McCook, NE;**
- 2024 MCC 108 - 1201 West 13th, McCook, NE; and**

BE IT FURTHER RESOLVED, that the City Council found the following property is declared to have nuisances upon it contrary to the City of McCook Code of Ordinances and that said nuisance is ratified by this resolution:

- 2024 MCC 006 - 1110 West 13th, McCook, NE;**
- 2024 MCC 029 - 1112 West 12th, McCook, NE;**
- 2024 MCC 043 - 1111 West 12th, McCook, NE;**
- 2024 MCC 108 - 1201 West 13th, McCook, NE;**

BE IT FINALLY RESOLVED, that the City shall proceed as determined under the administrative procedure of Chapter 95.03.

INTRODUCED AND PASSED THIS 19TH DAY OF AUGUST 2024.

Linda Taylor, Ex-officio Mayor
Council President

ATTEST:

Lea Ann Doak, City Clerk-Treasurer

RESOLUTION NO. 2024-18
Rescinding Resolution No. 2024-13

WHEREAS, the City of McCook (hereinafter the City) is engaged in a Nuisance Abatement Process; and

WHEREAS, the City appointed the West Central Nebraska Development District (WCNDD) as Nuisance Officer; and

WHEREAS, WCNDD identified and confirmed that in its opinion a nuisance exists as defined by Federal, State, City law; and City Council, at a regular meeting, identified nuisance property, supported by evidence; and

WHEREAS, WCNDD now has evidence that the nuisance violation declared in Resolution No. 2024-13, which is abated and the property cleared of nuisances.

NOW THEREFORE, BE IT RESOLVED, that the City of McCook rescinds Resolution No. 2024-13 on the following property:

<u>CASE NO.</u>	<u>PHYSICAL ADDRESS</u>
2024 MCC 008 -	PID 001612800, McCook, NE
2024 MCC 012 -	1207 W 14th, McCook, NE
2024 MCC 027 -	1010 W 12th, McCook, NE
2024 MCC 044 -	1109 W 12th, McCook, NE
2024 MCC 052 -	1012 Missouri, McCook, NE
2024 MCC 101 -	1417 W 16th, McCook, NE
2024 MCC 104 -	1401 W 16th, McCook, NE
2024 MCC 107 -	1604 W J, McCook, NE
2024 MCC 110 -	PID 001056700, McCook, NE

PASSED THIS 19TH DAY OF AUGUST 2024.

Linda Taylor, Ex-officio Mayor and
Council President

Attest

Lea Ann Doak, City Clerk-Treasurer

CITY MANAGER'S REPORT
August 19, 2024 MCCOOK CITY COUNCIL MEETING

4.B.
ITEM NO. ___ 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.

4.C.
ITEM NO. ___ Approve Resolution No. 2024 -17 approving the designation of nuisance properties as deemed by WCNDD and as declared in the Resolution.

4.D.
ITEM NO. ___ Approve WCNDD's Motion to Abate for the properties located at 1407 Fairacres, McCook, NE, 1203 Missouri, McCook, NE, 1007 Missouri, McCook, NE, and 1405 W 16th, McCook, NE be abated.

4.E.
ITEM NO. ___ Approve Resolution No. 2024-18 approving rescinding a portion of previously declared nuisance properties as deemed by WCNDD and as declared in the Resolution.

BACKGROUND:

WCNDD initially evaluated properties in their designated area on April 30, 2024. Letters were then sent out by WCNDD to property owners that were in violation of McCook's Code of Ordinances requesting that these violations be resolved. On June 6, 2024, July 8, 2024, and August 7, 2024, WCNDD did a follow-up evaluations. Erica Bush, with WCNDD, will give a PowerPoint presentation showing properties in their designated area that should be declared a nuisance, properties that need to be abated, and evidence that a portion of the nuisance violations declared in Resolution No. 2024-13 have been abated and cleared of nuisances and should be rescinded from the resolution.

WCNDD is requesting the City Council to approve Resolution 2024-18 which approves their designation of the following properties as a nuisance:

- 2024 MCC 006 - 1110 West 13th, McCook, NE
- 2024 MCC 029 - 1112 West 12th, McCook, NE
- 2024 MCC 043 - 1111 West 12th, McCook, NE
- 2024 MCC 108 - 1201 West 13th, McCook, NE

WCNDD is requesting the City Council to approve their Motion to Abate the following properties:

- 2024 MCC 036 - 1407 Fairacres, McCook, NE
- 2024 MCC 072 - 1203 Missouri, McCook, NE
- 2024 MCC 077 - 1007 Missouri, McCook, NE
- 2024 MCC 103 - 1405 W 16th, McCook, NE

WCNDD is requesting the City Council to approve Resolution 2024-19 which rescinds portions of Resolution No. 2024-13 on the following properties:

- 2024 MCC 008 - PID001612800, McCook, NE
- 2024 MCC 012 - 1207 W 14th, McCook, NE
- 2024 MCC 027 - 1010 W 12th, McCook, NE
- 2024 MCC 044 - 1109 W 12th, McCook, NE
- 2024 MCC 052 - 1012 Missouri, McCook, NE
- 2024 MCC 101 - 1417 W 16th, McCook, NE

2024 MCC 104 - 1401 W 16th, McCook, NE
2024 MCC 107 - 1604 W J, McCook, NE
2024 MCC 110 - PID001056700, McCook, NE

APPROVALS:



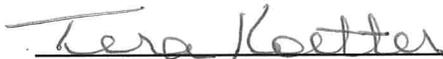
Nathan A. Schneider, City Manager

August 14, 2024



Lea Ann Doak, City Clerk

August 14, 2024



Tera Koetter, Assistant City Manager

August 14, 2024

RESOLUTION NO. 2024-17
DECLARATION OF NUISANCE PROPERTIES

The City Council of the City of McCook (hereinafter the City), in regular session assembled at the City Administration Office in McCook, Nebraska on this 19th of August 2024, hereby resolve as follows:

WHEREAS, The City of McCook desires to declare Nuisances pursuant to the City of McCook Code of Ordinances (Nuisance Ordinance Chapter 95).

NOW THEREFORE:

BE IT RESOLVED that the following property located within the nuisance jurisdiction of the City of McCook, Nebraska has been submitted to the City Council at its regular meeting on August 19, 2024:

- 2024 MCC 006 - 1110 West 13th, McCook, NE;**
- 2024 MCC 029 - 1112 West 12th, McCook, NE;**
- 2024 MCC 043 - 1111 West 12th, McCook, NE;**
- 2024 MCC 108 - 1201 West 13th, McCook, NE; and**

BE IT FURTHER RESOLVED, that the City Council found the following property is declared to have nuisances upon it contrary to the City of McCook Code of Ordinances and that said nuisance is ratified by this resolution:

- 2024 MCC 006 - 1110 West 13th, McCook, NE;**
- 2024 MCC 029 - 1112 West 12th, McCook, NE;**
- 2024 MCC 043 - 1111 West 12th, McCook, NE;**
- 2024 MCC 108 - 1201 West 13th, McCook, NE;**

BE IT FINALLY RESOLVED, that the City shall proceed as determined under the administrative procedure of Chapter 95.03.

INTRODUCED AND PASSED THIS 19TH DAY OF AUGUST 2024.

Linda Taylor, Ex-officio Mayor
Council President

ATTEST:

Lea Ann Doak, City Clerk-Treasurer

RESOLUTION NO. 2024-18
Rescinding Resolution No. 2024-13

WHEREAS, the City of McCook (hereinafter the City) is engaged in a Nuisance Abatement Process; and

WHEREAS, the City appointed the West Central Nebraska Development District (WCNDD) as Nuisance Officer; and

WHEREAS, WCNDD identified and confirmed that in its opinion a nuisance exists as defined by Federal, State, City law; and City Council, at a regular meeting, identified nuisance property, supported by evidence; and

WHEREAS, WCNDD now has evidence that the nuisance violation declared in Resolution No. 2024-13, which is abated and the property cleared of nuisances.

NOW THEREFORE, BE IT RESOLVED, that the City of McCook rescinds Resolution No. 2024-13 on the following property:

<u>CASE NO.</u>	<u>PHYSICAL ADDRESS</u>
2024 MCC 008 -	PID 001612800, McCook, NE
2024 MCC 012 -	1207 W 14th, McCook, NE
2024 MCC 027 -	1010 W 12th, McCook, NE
2024 MCC 044 -	1109 W 12th, McCook, NE
2024 MCC 052 -	1012 Missouri, McCook, NE
2024 MCC 101 -	1417 W 16th, McCook, NE
2024 MCC 104 -	1401 W 16th, McCook, NE
2024 MCC 107 -	1604 W J, McCook, NE
2024 MCC 110 -	PID 001056700, McCook, NE

PASSED THIS 19TH DAY OF AUGUST 2024.

Linda Taylor, Ex-officio Mayor and
Council President

Attest

Lea Ann Doak, City Clerk-Treasurer

CITY MANAGER'S REPORT
August 19, 2024 MCCOOK CITY COUNCIL MEETING

4.B.
ITEM NO. ___ 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.

4.C.
ITEM NO. ___ Approve Resolution No. 2024 -17 approving the designation of nuisance properties as deemed by WCNDD and as declared in the Resolution.

4.D.
ITEM NO. ___ Approve WCNDD's Motion to Abate for the properties located at 1407 Fairacres, McCook, NE, 1203 Missouri, McCook, NE, 1007 Missouri, McCook, NE, and 1405 W 16th, McCook, NE be abated.

4.E.
ITEM NO. ___ Approve Resolution No. 2024-18 approving rescinding a portion of previously declared nuisance properties as deemed by WCNDD and as declared in the Resolution.

BACKGROUND:

WCNDD initially evaluated properties in their designated area on April 30, 2024. Letters were then sent out by WCNDD to property owners that were in violation of McCook's Code of Ordinances requesting that these violations be resolved. On June 6, 2024, July 8, 2024, and August 7, 2024, WCNDD did a follow-up evaluations. Erica Bush, with WCNDD, will give a PowerPoint presentation showing properties in their designated area that should be declared a nuisance, properties that need to be abated, and evidence that a portion of the nuisance violations declared in Resolution No. 2024-13 have been abated and cleared of nuisances and should be rescinded from the resolution.

WCNDD is requesting the City Council to approve Resolution 2024-18 which approves their designation of the following properties as a nuisance:

- 2024 MCC 006 - 1110 West 13th, McCook, NE
- 2024 MCC 029 - 1112 West 12th, McCook, NE
- 2024 MCC 043 - 1111 West 12th, McCook, NE
- 2024 MCC 108 - 1201 West 13th, McCook, NE

WCNDD is requesting the City Council to approve their Motion to Abate the following properties:

- 2024 MCC 036 - 1407 Fairacres, McCook, NE
- 2024 MCC 072 - 1203 Missouri, McCook, NE
- 2024 MCC 077 - 1007 Missouri, McCook, NE
- 2024 MCC 103 - 1405 W 16th, McCook, NE

WCNDD is requesting the City Council to approve Resolution 2024-19 which rescinds portions of Resolution No. 2024-13 on the following properties:

- 2024 MCC 008 - PID001612800, McCook, NE
- 2024 MCC 012 - 1207 W 14th, McCook, NE
- 2024 MCC 027 - 1010 W 12th, McCook, NE
- 2024 MCC 044 - 1109 W 12th, McCook, NE
- 2024 MCC 052 - 1012 Missouri, McCook, NE
- 2024 MCC 101 - 1417 W 16th, McCook, NE

2024 MCC 104 - 1401 W 16th, McCook, NE
2024 MCC 107 - 1604 W J, McCook, NE
2024 MCC 110 - PID001056700, McCook, NE

APPROVALS:



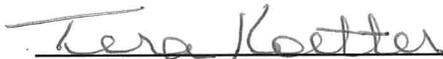
Nathan A. Schneider, City Manager

August 14, 2024



Lea Ann Doak, City Clerk

August 14, 2024



Tera Koetter, Assistant City Manager

August 14, 2024

RESOLUTION NO. 2024-17
DECLARATION OF NUISANCE PROPERTIES

The City Council of the City of McCook (hereinafter the City), in regular session assembled at the City Administration Office in McCook, Nebraska on this 19th of August 2024, hereby resolve as follows:

WHEREAS, The City of McCook desires to declare Nuisances pursuant to the City of McCook Code of Ordinances (Nuisance Ordinance Chapter 95).

NOW THEREFORE:

BE IT RESOLVED that the following property located within the nuisance jurisdiction of the City of McCook, Nebraska has been submitted to the City Council at its regular meeting on August 19, 2024:

- 2024 MCC 006 - 1110 West 13th, McCook, NE;**
- 2024 MCC 029 - 1112 West 12th, McCook, NE;**
- 2024 MCC 043 - 1111 West 12th, McCook, NE;**
- 2024 MCC 108 - 1201 West 13th, McCook, NE; and**

BE IT FURTHER RESOLVED, that the City Council found the following property is declared to have nuisances upon it contrary to the City of McCook Code of Ordinances and that said nuisance is ratified by this resolution:

- 2024 MCC 006 - 1110 West 13th, McCook, NE;**
- 2024 MCC 029 - 1112 West 12th, McCook, NE;**
- 2024 MCC 043 - 1111 West 12th, McCook, NE;**
- 2024 MCC 108 - 1201 West 13th, McCook, NE;**

BE IT FINALLY RESOLVED, that the City shall proceed as determined under the administrative procedure of Chapter 95.03.

INTRODUCED AND PASSED THIS 19TH DAY OF AUGUST 2024.

Linda Taylor, Ex-officio Mayor
Council President

ATTEST:

Lea Ann Doak, City Clerk-Treasurer

RESOLUTION NO. 2024-18
Rescinding Resolution No. 2024-13

WHEREAS, the City of McCook (hereinafter the City) is engaged in a Nuisance Abatement Process; and

WHEREAS, the City appointed the West Central Nebraska Development District (WCNDD) as Nuisance Officer; and

WHEREAS, WCNDD identified and confirmed that in its opinion a nuisance exists as defined by Federal, State, City law; and City Council, at a regular meeting, identified nuisance property, supported by evidence; and

WHEREAS, WCNDD now has evidence that the nuisance violation declared in Resolution No. 2024-13, which is abated and the property cleared of nuisances.

NOW THEREFORE, BE IT RESOLVED, that the City of McCook rescinds Resolution No. 2024-13 on the following property:

<u>CASE NO.</u>	<u>PHYSICAL ADDRESS</u>
2024 MCC 008 -	PID 001612800, McCook, NE
2024 MCC 012 -	1207 W 14th, McCook, NE
2024 MCC 027 -	1010 W 12th, McCook, NE
2024 MCC 044 -	1109 W 12th, McCook, NE
2024 MCC 052 -	1012 Missouri, McCook, NE
2024 MCC 101 -	1417 W 16th, McCook, NE
2024 MCC 104 -	1401 W 16th, McCook, NE
2024 MCC 107 -	1604 W J, McCook, NE
2024 MCC 110 -	PID 001056700, McCook, NE

PASSED THIS 19TH DAY OF AUGUST 2024.

Linda Taylor, Ex-officio Mayor and
Council President

Attest

Lea Ann Doak, City Clerk-Treasurer

CITY MANAGER'S REPORT
August 19, 2024 MCCOOK CITY COUNCIL MEETING

4.B.
ITEM NO. ___ 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.

4.C.
ITEM NO. ___ Approve Resolution No. 2024 -17 approving the designation of nuisance properties as deemed by WCNDD and as declared in the Resolution.

4.D.
ITEM NO. ___ Approve WCNDD's Motion to Abate for the properties located at 1407 Fairacres, McCook, NE, 1203 Missouri, McCook, NE, 1007 Missouri, McCook, NE, and 1405 W 16th, McCook, NE be abated.

4.E.
ITEM NO. ___ Approve Resolution No. 2024-18 approving rescinding a portion of previously declared nuisance properties as deemed by WCNDD and as declared in the Resolution.

BACKGROUND:

WCNDD initially evaluated properties in their designated area on April 30, 2024. Letters were then sent out by WCNDD to property owners that were in violation of McCook's Code of Ordinances requesting that these violations be resolved. On June 6, 2024, July 8, 2024, and August 7, 2024, WCNDD did a follow-up evaluations. Erica Bush, with WCNDD, will give a PowerPoint presentation showing properties in their designated area that should be declared a nuisance, properties that need to be abated, and evidence that a portion of the nuisance violations declared in Resolution No. 2024-13 have been abated and cleared of nuisances and should be rescinded from the resolution.

WCNDD is requesting the City Council to approve Resolution 2024-18 which approves their designation of the following properties as a nuisance:

- 2024 MCC 006 - 1110 West 13th, McCook, NE
- 2024 MCC 029 - 1112 West 12th, McCook, NE
- 2024 MCC 043 - 1111 West 12th, McCook, NE
- 2024 MCC 108 - 1201 West 13th, McCook, NE

WCNDD is requesting the City Council to approve their Motion to Abate the following properties:

- 2024 MCC 036 - 1407 Fairacres, McCook, NE
- 2024 MCC 072 - 1203 Missouri, McCook, NE
- 2024 MCC 077 - 1007 Missouri, McCook, NE
- 2024 MCC 103 - 1405 W 16th, McCook, NE

WCNDD is requesting the City Council to approve Resolution 2024-19 which rescinds portions of Resolution No. 2024-13 on the following properties:

- 2024 MCC 008 - PID001612800, McCook, NE
- 2024 MCC 012 - 1207 W 14th, McCook, NE
- 2024 MCC 027 - 1010 W 12th, McCook, NE
- 2024 MCC 044 - 1109 W 12th, McCook, NE
- 2024 MCC 052 - 1012 Missouri, McCook, NE
- 2024 MCC 101 - 1417 W 16th, McCook, NE

2024 MCC 104 - 1401 W 16th, McCook, NE
2024 MCC 107 - 1604 W J, McCook, NE
2024 MCC 110 - PID001056700, McCook, NE

APPROVALS:



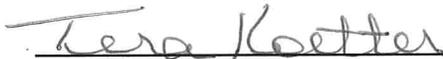
Nathan A. Schneider, City Manager

August 14, 2024



Lea Ann Doak, City Clerk

August 14, 2024



Tera Koetter, Assistant City Manager

August 14, 2024

RESOLUTION NO. 2024-17
DECLARATION OF NUISANCE PROPERTIES

The City Council of the City of McCook (hereinafter the City), in regular session assembled at the City Administration Office in McCook, Nebraska on this 19th of August 2024, hereby resolve as follows:

WHEREAS, The City of McCook desires to declare Nuisances pursuant to the City of McCook Code of Ordinances (Nuisance Ordinance Chapter 95).

NOW THEREFORE:

BE IT RESOLVED that the following property located within the nuisance jurisdiction of the City of McCook, Nebraska has been submitted to the City Council at its regular meeting on August 19, 2024:

2024 MCC 006 - 1110 West 13th, McCook, NE;

2024 MCC 029 - 1112 West 12th, McCook, NE;

2024 MCC 043 - 1111 West 12th, McCook, NE;

2024 MCC 108 - 1201 West 13th, McCook, NE; and

BE IT FURTHER RESOLVED, that the City Council found the following property is declared to have nuisances upon it contrary to the City of McCook Code of Ordinances and that said nuisance is ratified by this resolution:

2024 MCC 006 - 1110 West 13th, McCook, NE;

2024 MCC 029 - 1112 West 12th, McCook, NE;

2024 MCC 043 - 1111 West 12th, McCook, NE;

2024 MCC 108 - 1201 West 13th, McCook, NE;

BE IT FINALLY RESOLVED, that the City shall proceed as determined under the administrative procedure of Chapter 95.03.

INTRODUCED AND PASSED THIS 19TH DAY OF AUGUST 2024.

Linda Taylor, Ex-officio Mayor
Council President

ATTEST:

Lea Ann Doak, City Clerk-Treasurer

RESOLUTION NO. 2024-18
Rescinding Resolution No. 2024-13

WHEREAS, the City of McCook (hereinafter the City) is engaged in a Nuisance Abatement Process; and

WHEREAS, the City appointed the West Central Nebraska Development District (WCNDD) as Nuisance Officer; and

WHEREAS, WCNDD identified and confirmed that in its opinion a nuisance exists as defined by Federal, State, City law; and City Council, at a regular meeting, identified nuisance property, supported by evidence; and

WHEREAS, WCNDD now has evidence that the nuisance violation declared in Resolution No. 2024-13, which is abated and the property cleared of nuisances.

NOW THEREFORE, BE IT RESOLVED, that the City of McCook rescinds Resolution No. 2024-13 on the following property:

<u>CASE NO.</u>	<u>PHYSICAL ADDRESS</u>
2024 MCC 008 -	PID 001612800, McCook, NE
2024 MCC 012 -	1207 W 14th, McCook, NE
2024 MCC 027 -	1010 W 12th, McCook, NE
2024 MCC 044 -	1109 W 12th, McCook, NE
2024 MCC 052 -	1012 Missouri, McCook, NE
2024 MCC 101 -	1417 W 16th, McCook, NE
2024 MCC 104 -	1401 W 16th, McCook, NE
2024 MCC 107 -	1604 W J, McCook, NE
2024 MCC 110 -	PID 001056700, McCook, NE

PASSED THIS 19TH DAY OF AUGUST 2024.

Linda Taylor, Ex-officio Mayor and
Council President

Attest

Lea Ann Doak, City Clerk-Treasurer

**CITY MANAGER'S REPORT
AUGUST 19, 2024, 2024 MCCOOK CITY COUNCIL MEETING**

ITEM NO. **4.F.** Approve on third and final reading, Ordinance No. 2024-3080, amending the City of McCook's Code of Ordinances by adding Chapter 75, Sections 75.01 through and including Section 75.99, under title VII Traffic Code upon its third and final reading.

BACKGROUND:

Please refer to the attached City Manager's Reports prepared for the June 17, July 2, July 15, and August 5, 2024 City Council meetings.

APPROVALS:



Nathan A. Schneider, City Manager

August 14, 2024



Lea Ann Doak, City Clerk

August 14, 2024

Ordinance for Final Reading

ORDINANCE NO. 2024-3080

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

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

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

CHAPTER 75: UTILITY-TYPE VEHICLES

§ 75.01 DEFINITIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(Neb. Rev. Stat. §60-6,356(3))

§ 75.04 UTILITY-TYPE VEHICLE; EQUIPMENT REQUIRED

Every utility-type vehicle shall be equipped with:

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

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

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

(D) A rear-view mirror;

(E) A working headlight and taillight;

(F) Working turn signals; and

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

(Neb. Rev. Stat. §60-6,356(3))

§ 75.05 MODIFICATION OF UTILITY-TYPE VEHICLE PROHIBITED.

No person shall:

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

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

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

(Neb. Rev. Stat. §60-6,359)

§ 75.06 REGISTRATION.

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

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

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

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

highway consists of more than two divided lanes; and

(E) Both the headlight and taillight of the utility-type vehicle are on when the crossing is made.

(Neb. Rev. Stat. §60-6,356(5))

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

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

(Neb. Rev. Stat. §60-6,361)

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

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

§ 75.99 PENALTY.

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

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

Section 3. This ordinance shall take effect and be in full force from January 1, 2025 and be in full force from and after its passage, approval and publication as required by law in its entirety or in pamphlet form, as the case may be.

PASSED AND APPROVED this _____ day of _____, 2024.

Linda Taylor, Ex-officio Mayor
and Council President

ATTEST:

Lea Ann Doak, City Clerk-Treasurer

**CITY MANAGER'S REPORT
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

UTV Research

City, State	McCook, NE	Wahoo, NE	Scottsbluff, NE	Norfolk, NE	Sidney, NE	Crete, NE	Columbus, NE	Ogallala, NE
Define UTV/ATV	X 75.01	X 70.03(A)	X 22-7-5(A)	X 24-351	X 480.12(a)	X 5-901	X 71.014 (A)	X 70.02(A)
Declared to be Motor Vehicles per NE Rules of the Road		X 70.03(A)					Subject to the Rules of the Road 70.020(H)(1)	
Allow Use on City Streets	X 75.03		X 22-7-5(B)	X 24-353	X 480.12(b)(1)			
Prohibit Golf Carts and/or Cars	X 75.02			Allows Golf Cars 24-371 through 379				
Prohibit 3-Wheeled ATV			X 22-7-5(C)					X 70.02(C)
Prohibit Use on City Streets		X 70.03(B)(1)(a-f)		X 24-352 (ATVs)		X 5-902(2)		
Define Where Can Use	X 75.03, 75.03(H) & 75.07	X 70.03(B)(1)(a-f)		X24-353	X 480.12(b)(8)	X 5-903(4 & 5)	X 70.020(D)	
Age Restriction		X 70.03(B)(2)(a)		X 24-353(7)(c)				X 70.02(H)
Need Class O Operators License	X 75.03	X 70.03(B)(2)(b)	X 22-7-5(H)	X 24-353(7)(b)	X 480.12(b)(3)	X 5-902(6)	X 70.020(B)	X 70.02(H)
Require Liability Insurance	X 75.03(E)(5)	X 70.03(B)(2)(c)	X 22-7-5(J)	X 24-353(7)(f)	X 480.12(b)(3) & (6)	X 5-905(2)(c)	X 70.020(G)(2)	X 70.02(J)(1)(a)(b) & (2)
Require Seat Belts	X 75.03(E)(4)	X 70.03(B)(2)(d)		X 24-353(7)(e)	X 480.12(b)(2)	X 5-904(2)(a)	X 70.020(F)(2)	X 70.02(F)(2)(d) Has Paaenger Prohibitions
Require Use of a Helmet		X 70.03(B)(2)(d)	X 22-7-5(I)		X 480.12(b)(4) ATVs			
Must Have Required Equipment	X 75.04	X 70.03(C)(1-6)	X 22-7-5(F)	X 24-354	X 480.12(b)(5) & (10)	X 5-904(1) & (2)	X 70.020(E) & (F)(1)(a-d)	X 70.02(F)(1) & (2)(a-d)
Prohibit Operation on Controlled Access Highway	X 75.07	X 70.03(E)	X 22-7-5(L)	X 24-357	X 480.12(b)(9)	X 5-902(1)	X 70.020(D)	X 70.02(B) & 70.02(L)(1)
Accident Reporting Requirement	X 75.08	X 70.03(F)	X 22-7-5(M)	X 24-358		X 5-907		X 70.02(M)
Penalties Allow for Fine/Impoundment	X 75.99	X 70.03(G)(1&2)	X 22-7-5(N)	X 24-356(3)(c) Revoke Reg. & 24-360	X 480.99	X 5-908 Class IV Misdemeanor	70.020(H)(2) Revokation	X 70.99(B)
Prohibit the Attchment of a Trailer			X 22-7-5(E)					X 70.02(E)(2) Cargo Must Be Secured
Must Register	X 75.03(D) & 75.06		X 22-7-5(J)	X 24-353(6) & 24-356	X 480.12(b)(6)	X 5-905(1)	X 70.020(C)(1)	X 70.02(J)(2)(b)
Require a Rollbar						X 5-904(2)(d)	X 70.020(F)(d)	
Prohibit Children Under Age 8	X 75.10							

JUL 8-5-24
 City Council Meeting

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
Norfolk

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

Norfolk

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

© The City of Norfolk, Nebraska All Rights Reserved

Code of Ordinances
Beatrice

(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.

Beatrice

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)

**CITY MANAGER'S REPORT
JULY 15, 2024 CITY COUNCIL MEETING**

ITEM: 3.F.

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

BACKGROUND:

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

City Attorney Mustion is reviewing the state statute regarding safety and child restraint requirements. His information will be attached to the packet online and forwarded to the Council when received.

**FISCAL
IMPACT:** None.

APPROVALS:



Lea Ann Doak, City Clerk

July 11, 2024



Nathan A. Schneider, City Manager

July 11, 2024

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

ITEM: 4.G.

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

BACKGROUND:

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

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

The ordinance is ready for consideration on its first reading.

**FISCAL
IMPACT:** None.

APPROVALS:



Nathan A. Schneider, City Manager

6/10/2024



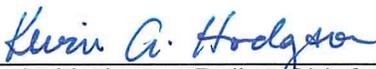
Lea Ann Doak, City Clerk

6/10/2024



Tera Koetter, Assistant City Manager

June 10, 2024



Kevin Hodgson, Police Chief

June 10, 2024



Unauthorized Routes of Travel – City of McCook

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



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



CITY OF MCCOOK



UTV APPLICATION FOR INSPECTION & PERMIT

Date: _____

Name: _____

(Last)

(First)

(Middle Initial)

Address: _____

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

Insurance Company: _____

Policy Number: _____

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

Owner's Signature: _____

Make & Model: _____

VIN#: _____

Headlights Brake Lights Turn Signals Rear View Mirror

Front Reflectors Rear Reflectors Slow Moving Vehicle Emblem/Flag

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

Inspection Date: _____

Permit Fee \$100.00

Paid By: _____

Permit# _____ Valid From: _____ to _____

MPD Officer: _____

(OFFICE USE ONLY)

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

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

ORDINANCE NO. 2024-3080

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

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

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

CHAPTER 75: UTILITY-TYPE VEHICLES

§ 75.01 DEFINITIONS

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

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

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

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

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

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

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

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

(Neb. Rev. Stat. §60-6,356(2)(b))

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

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

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

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

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

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

(Neb. Rev. Stat. §60-6,356(3))

§ 75.04 UTILITY-TYPE VEHICLE; EQUIPMENT REQUIRED

Every utility-type vehicle shall be equipped with:

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

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

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

(D) A rear-view mirror;

(E) A working headlight and taillight;

(F) Working turn signals; and

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

(Neb. Rev. Stat. §60-6,356(3))

§ 75.05 MODIFICATION OF UTILITY-TYPE VEHICLE PROHIBITED.

No person shall:

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

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

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

(Neb. Rev. Stat. §60-6,359)

§ 75.06 REGISTRATION.

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

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

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

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

(E) Both the headlight and taillight of the utility-type vehicle are on when the crossing is made.

(Neb. Rev. Stat. §60-6,356(5))

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

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

(Neb. Rev. Stat. §60-6,361)

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

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

§ 75.99 PENALTY.

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

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

Section 3. This ordinance shall take effect and be in full force from January 1, 2025 and be in full force from and after its passage, approval and publication as required by law in its entirety or in pamphlet form, as the case may be.

PASSED AND APPROVED this _____ day of _____, 2024.

Linda Taylor, Ex-officio Mayor
and Council President

ATTEST:

Lea Ann Doak, City Clerk-Treasurer

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

ITEM: 3.C.

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

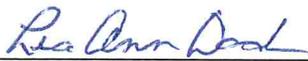
BACKGROUND:

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

This ordinance is ready for consideration on its second reading.

**FISCAL
IMPACT:** None.

APPROVALS:



Lea Ann Doak, City Clerk

June 26, 2024



Nathan A. Schneider, City Manager

June 26, 2024

**CITY MANAGER'S REPORT
AUGUST 19, 2024 CITY COUNCIL MEETING**

ITEM: 4.G.

Introduce and approve Ordinance No. 2024-3085 providing for the adoption of the budget for FY 2024/2025 upon its first of three readings.

BACKGROUND:

Ordinance No. 2024-3085 provides for the adoption of the budget for Fiscal Year 2024/2025 after discussion and consideration by the Council. This will be the first of three readings. The budget hearing is scheduled for the September 3rd meeting.

**FISCAL
IMPACT:** None.

APPROVALS:



Lea Ann Doak, City Clerk

August 14, 2024



Tera Koetter, Assistant City Manager

August 14, 2024



Nathan A. Schneider, City Manager

August 14, 2024

ORDINANCE NO. 2024-3085

AN ORDINANCE TO ADOPT THE BUDGET STATEMENT TO BE TERMED THE ANNUAL APPROPRIATION BILL; TO APPROPRIATE SUMS FOR NECESSARY EXPENSES AND LIABILITIES; TO PROVIDE FOR AN EFFECTIVE DATE.

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

Section 1. That after complying with all procedures required by law, the budget presented and set forth in the budget statement is hereby approved as the Annual Appropriation Bill for the fiscal year beginning October 1, 2024, through September 30, 2025. All sums of money contained in the budget statement are hereby appropriated for the necessary expenses and liabilities of the City of McCook. A copy of the budget document shall be forwarded as provided by law to the Auditor of Public Accounts, State Capitol, Lincoln, Nebraska, and the County Clerk of Red Willow County, Nebraska, for use by the levying authority.

Section 2. This ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

PASSED AND APPROVED THIS _____ day of _____, 2024.

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

ATTEST:

Lea Ann Doak, City Clerk-Treasurer

**CITY MANAGER'S REPORT
AUGUST 19, 2024 CITY COUNCIL MEETING**

ITEM: 4.H.

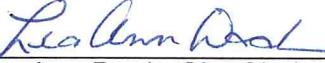
Introduce and approve Ordinance No. 2024-3086 providing for the adoption of the FY 2024/2025 Fiscal Year Employee Classification Pay Plan upon its first of three readings.

BACKGROUND:

The attached ordinance provides for the adoption of the Employee Classification and Pay Plan for Fiscal Year 2024/2025.

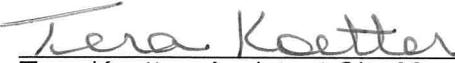
**FISCAL
IMPACT:** None.

APPROVALS:



Lea Ann Doak, City Clerk

August 14, 2024



Tera Koetter, Assistant City Manager

August 14, 2024



Nathan A. Schneider, City Manager

August 14, 2024

ORDINANCE NO. 2024-3086

AN ORDINANCE OF THE CITY OF MCCOOK, NEBRASKA PROVIDING FOR THE ADOPTION OF THE 2024/2025 FISCAL YEAR EMPLOYEE CLASSIFICATION AND PAY PLAN; PROVIDING FOR AN EFFECTIVE DATE FOR THE IMPLEMENTATION OF THE CLASSIFICATION AND PAY PLAN; REPEALING ANY AND ALL OTHER ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR A TIME AND DATE FROM AND AFTER WHICH THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE.

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

SECTION 1. The 2024/2025 Employee Classification and Pay Plan shall be and is hereby adopted. Said Classification and Pay Plan is incorporated herein by reference the same as if set out in full. A copy of the Classification and Pay Plan shall be on file in the office of the City Clerk and is available for public inspection at any reasonable time. (Ref. City of McCook Code of Ordinances, § 30.075).

SECTION 2. The Employee Classification and Pay Plan shall be effective October 1, 2024.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4. 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.

Linda Taylor, Ex-officio Mayor
and Council President

ATTEST:

Lea Ann Doak, City Clerk-Treasurer

Publish:

CITY OF MCCOOK
 CLASSIFICATION AND PAY PLAN
 FY 2024-2025 New Study Wages

<u>(PAY GRADE)</u>	<u>POSITION</u>	<u>HOURLY/MONTHLY RATE</u>	<u>12-MONTH ANNUAL RANGE</u>
(S1)	Pool Basket Help		
(S2T)	Temporary Seasonal - work less than 90-Days Part-Time Laborer Maintenance Man Part-Time Clerical	13.500 - 16.000	
(S4)	Pool Seasonal Pool Guard Seasonal II Assistant Pool Manager Pool Manager	13.500 - 16.000 14.000 - 16.000 13.500 - 17.000 15.000 - 17.000 15.000 - 18.000	
(3P)	Permanent Part-Time (No annual range adjustment - employees eligible for annual COLA & merit) Senior Center Aide Part-Time Transit Driver Part-Time Custodian/Maintenance Part-Time Clerical	15.252 - 20.900 15.570 - 22.384 16.841 - 23.298	
(100)	Public Transportation Driver	15.252 - 20.900	31,724 - 43,471
(105)	Full-Time Custodial/Maintenance	15.570 - 22.384	32,385 - 46,559
(110)	Assistant Cook	15.888 - 20.367	33,046 - 42,363

<u>(PAY GRADE)</u>	<u>POSITION</u>	<u>HOURLY/MONTHLY RATE</u>		<u>12-MONTH ANNUAL RANGE</u>
(115)	Clerk II (Public Transit Dispatcher)	16.400	- 23.063	34,112 - 47,970
(120)	Head Cook	17.169	- 25.625	35,711 - 53,300
(125)	Circulation Librarian	17.410	- 22.906	36,212 - 47,644
(130)	Laborer I Equipment Operator I	18.723	- 26.090	38,943 - 54,268
(135)	Juvenile Services Librarian	18.788	- 25.690	39,080 - 53,434
(140)	Transfer Station Administration Assistant	18.952	- 26.168	39,421 - 54,430
(145)	Public Safety Administration Assistant	19.101	- 26.471	39,730 - 55,059
(150)	Catalogue/Media Librarian	19.106	- 25.820	39,740 - 53,705
(155)	Administration Assistant - Admin Office	19.373	- 27.050	40,295 - 56,263
(160)	Laborer II	19.885	- 28.198	41,361 - 58,651
(165)	Refuse Collection Driver	19.895	- 26.312	41,382 - 54,728
(170)	Utility Service Technician I	20.177	- 28.418	41,968 - 59,110
(175)	Financial Administrative Assistant	20.305	- 28.413	42,235 - 59,099
(180)	Equipment Operator II	20.439	- 28.372	42,512 - 59,014
(185)	Disposal Plant Operator I	21.289	- 29.910	44,282 - 62,212

<u>(PAY GRADE)</u>	<u>POSITION</u>	<u>HOURLY/MONTHLY RATE</u>		<u>12-MONTH ANNUAL RANGE</u>
(190)	Equipment Operator III Tractor-Trailer Operator	21.325	- 29.248	44,356 - 60,837
(195)	E911 Office Coordinator	21.351	- 29.295	44,410 - 60,933
(200)	Disposal Plant Operator II	22.509	- 31.985	46,819 - 66,529
(205)	Utility Service Technician II	22.847	- 32.790	47,522 - 68,203
(210)	Mechanic	23.227	- 32.944	48,311 - 68,522
(215)	Disposal Plant Operator III Water Plant Operator I	23.729	- 34.061	49,356 - 70,846
(220)	Equipment Operator/Groundskeeper II - Parks Equipment Operator/Groundskeeper II - Street	23.883	- 31.970	49,676 - 66,497
(225)	Deputy City Clerk	23.903	- 34.272	49,718 - 71,286
(230)	Cemetery Sexton	24.108	- 33.446	50,145 - 69,567
(235)	Water Plant Operator II	24.898	- 33.446	51,788 - 69,567
(240)	Airport Maintenance Operator	25.745	- 33.116	53,549 - 68,881
(245)	Laborer Foreman	26.343	- 37.279	54,792 - 77,541
(250)	Building Inspector/Code Compliance Officer	28.311	- 37.064	58,886 - 77,093
(255)	Police Sergeant (42 hour) Sergeant/Patrol Supervisor	30.197	- 40.334	65,949 - 88,089

<u>(PAY GRADE)</u>	<u>POSITION</u>	<u>HOURLY/MONTHLY RATE</u>		<u>12-MONTH ANNUAL RANGE</u>
(260)	Human Resource Coordinator	30.251	- 43.573	62,922 - 90,631
(265)	Library Director Senior Services Director Public Works Superintendent Solid Waste Superintendent Wastewater Superintendent Water Superintendent	30.825	- 40.003	64,116 - 83,206
(270)	City Clerk/Treasurer	34.573	- 48.271	71,912 - 100,404
(275)	Utilities Director Public Works Director	38.896	- 53.556	80,903 - 111,397
(280)	Assistant City Manager	41.164	- 57.349	85,621 - 119,285
(285)	Fire Chief Chief of Police	42.948	- 55.227	89,331 - 114,872

NOTE:
20 hour/week = 1,040 hour/year
30 hour/week = 1,560 hour/year
40 hour/week = 2,080 hour/year
42 hour/week = 2,184 hour/year
56 hour/week = 2,912 hour/year

Firefighter/Paramedic - Union Contract

Contract Year	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10	Step 11
10/1/2024	\$ 20.121	\$ 20.772	\$ 21.423	\$ 22.073	\$ 22.724	\$ 23.375	\$ 24.026	\$ 24.677	\$ 25.328	\$ 25.979	\$ 26.630
- 9/30/2025											

The pay grid above is for firefighters/paramedics. New employees hired as firefighter/AEMT will receive 7.5% less than the salaries shown on this grid. New employees hired as firefighters/EMT will receive 12.5% less than the salaries shown on this pay grid. New employees hired as firefighters will receive 12.5% less than firefighter/EMT based on the salaries shown on this pay grid.
 *When an employee advances his/her EMT certification to a higher level, their salary will increase according to the pay grid of this new EMT Certification.

Firefighter/Paramedic (40 hour work week) - Union Contract

Contract Year	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10	Step 11
10/1/2024	\$ 25.426	\$ 26.490	\$ 27.241	\$ 28.205	\$ 29.217	\$ 30.210	\$ 31.275	\$ 32.362	\$ 33.490	\$ 34.661	\$ 35.873
- 9/30/2025											

The pay grid above is for firefighters/paramedics. New employees hired as firefighter/AEMT will receive 7.5% less than the salaries shown on this grid. New employees hired as firefighters/EMT will receive 12.5% less than the salaries shown on this pay grid. New employees hired as firefighters will receive 12.5% less than firefighter/EMT based on the salaries shown on this pay grid.
 *When an employee advances his/her EMT certification to a higher level, their salary will increase according to the pay grid of this new EMT Certification.

Police Officers/Detectives/Dispatchers - Union Contract

Contract Year	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8
10/1/2024								
9/30/2024								
Police Officers	\$ 25.638	\$ 26.730	\$ 27.932	\$ 29.188	\$ 30.502	\$ 32.026	\$ 33.629	\$ 35.310
Detectives	\$ 27.920	\$ 29.036	\$ 30.198	\$ 31.406	\$ 32.662	\$ 33.970	\$ 35.499	\$ 37.183
Dispatchers	\$ 19.524	\$ 20.193	\$ 20.884	\$ 21.604	\$ 22.346	\$ 23.139	\$ 23.965	\$ 24.863

Firefighter/Paramedic - Union Contract

Contract Year	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10	Step 11
10/1/2024	\$ 20.121	\$ 20.772	\$ 21.423	\$ 22.073	\$ 22.724	\$ 23.375	\$ 24.026	\$ 24.677	\$ 25.328	\$ 25.979	\$ 26.630
- 9/30/2025											

The pay grid above is for firefighters/paramedics. New employees hired as firefighter/AEMT will receive 7.5% less than the salaries shown on this grid. New employees hired as firefighters/EMT will receive 12.5% less than the salaries shown on this pay grid. New employees hired as firefighters will receive 12.5% less than firefighter/EMT based on the salaries shown on this pay grid.

*When an employee advances his/her EMT certification to a higher level, their salary will increase according to the pay grid of this new EMT Certification.

Firefighter/Paramedic (40 hour work week) - Union Contract

Contract Year	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10	Step 11
10/1/2024	\$ 25.426	\$ 26.490	\$ 27.241	\$ 28.205	\$ 29.217	\$ 30.210	\$ 31.275	\$ 32.362	\$ 33.490	\$ 34.661	\$ 35.873
- 9/30/2025											

The pay grid above is for firefighters/paramedics. New employees hired as firefighter/AEMT will receive 7.5% less than the salaries shown on this grid. New employees hired as firefighters/EMT will receive 12.5% less than the salaries shown on this pay grid. New employees hired as firefighters will receive 12.5% less than firefighter/EMT based on the salaries shown on this pay grid.

*When an employee advances his/her EMT certification to a higher level, their salary will increase according to the pay grid of this new EMT Certification.

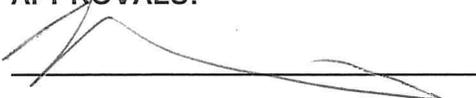
**CITY MANAGER'S REPORT
AUGUST 19, 2024 MCCOOK COMMUNITY DEVELOPMENT AGENCY MEETING**

4.J. ITEM NO. Adopt Resolution No. CDA 2024-~~04~~ authorizing and approving the First Amendment to the Redevelopment Agreement entered into by and between the Community Development Agency of the City of McCook and Emily and Jeremy Young for the Elevate Wellness Redevelopment Project.

BACKGROUND:

On September 18, 2023, the Community Development Agency of the City of McCook and Emily and Jeremy Young, entered into a Redevelopment Agreement to implement the Elevate Wellness Redevelopment Project. The Redevelopers (ie. Emily and Jeremy Young) request that the agreement be amended to adjust the Project Completion Date and Effective Date based on delays in the construction of the Project. The Project Completion date would be changed from December 31, 2024 to June 30, 2025. The effective date will remain January 1, 2025, however, this Amendment gives the Redeveloper the choice of deferring the Effective Date to January 1, 2026, depending on the amount of work completed and the corresponding change in valuation. The onus is on the Redeveloper to notify the Community Development Agency by July 1, 2025 if the Redeveloper wants to defer the Effective Date to January 1, 2026.

APPROVALS:



August 14, 2024

Nathan A. Schneider, City Manager



August 14, 2023

Lea Ann Doak, City Clerk

**COMMUNITY DEVELOPMENT AGENCY
OF THE CITY OF MCCOOK, NEBRASKA**

RESOLUTION NO. 2024-04

(First Amendment to Redevelopment Agreement
– Elevate Wellness Redevelopment Project)

**A RESOLUTION OF THE COMMUNITY DEVELOPMENT AGENCY OF THE CITY
OF MCCOOK, NEBRASKA, AUTHORIZING AND APPROVING THE FIRST
AMENDMENT TO REDEVELOPMENT AGREEMENT (ELEVATE WELLNESS
REDEVELOPMENT PROJECT).**

RECITALS

A. On September 18, 2023, the Community Development Agency of the City of McCook, Nebraska (“CDA”) and Emily Young and Jeremy Young, wife and husband (“Redeveloper”), entered into that certain Redevelopment Agreement (the “Redevelopment Agreement”) to implement the Elevate Wellness Redevelopment Project (the “Project”).

B. Redeveloper has requested that the Redevelopment Agreement be amended to adjust the Project Completion Date and Effective Date based on delays in the construction of the Project.

C. The CDA has prepared a First Amendment to Redevelopment Agreement for the Project to amend the Project Completion Date and Effective Date, a copy of which is attached hereto as Exhibit “A” and incorporated by this reference (the “First Amendment”).

NOW THEREFORE, BE IT RESOLVED, by the CDA, that the First Amendment to Redevelopment Agreement is hereby approved.

BE IT FURTHER RESOLVED, the CDA authorizes the Chairman of the CDA to execute and enter into the First Amendment.

BE IT FURTHER RESOLVED, the CDA authorizes the Chairman of the CDA to take all such actions that are required to fulfill the terms of the First Amendment and to consummate the agreement set forth therein.

BE IT FURTHER RESOLVED, the CDA hereby rescinds any other resolutions or actions that are contradictory or incompatible with this Resolution.

Dated this ____ day of _____, 2024.

COMMUNITY DEVELOPMENT
AGENCY OF THE CITY OF
MCCOOK, NEBRASKA

Chairman

ATTEST:

Secretary

EXHIBIT "A"
First Amendment to Redevelopment Agreement

[Attached]

Exhibit "A"

**FIRST AMENDMENT TO REDEVELOPMENT AGREEMENT
(ELEVATE WELLNESS REDEVELOPMENT PROJECT)**

This First Amendment to Redevelopment Agreement (“First Amendment”) dated this _____ day of _____, 2024 is entered into by and between the Community Development Agency of the City of McCook, Nebraska (“CDA”) and Emily Young and Jeremy Young, wife and husband (“Redeveloper”).

RECITALS

- A. The CDA and Redeveloper entered into that certain Redevelopment Agreement dated September 18, 2023 (the “Redevelopment Agreement”) to implement the Elevate Wellness Redevelopment Project (the “Project”).
- B. The construction of the Project has been delayed and construction is now anticipated to be completed in 2025.
- C. The CDA and Redeveloper desire to amend the Redevelopment Agreement to amend the Project Completion Date and Effective Date.

NOW THEREFORE, in consideration of mutual promises contained herein and in the Redevelopment Agreement, the parties agree to amend the Redevelopment Agreement as follows:

- 1. Section 1.01. The following definition in Section 1.01 of the Redevelopment Agreement is hereby deleted and restated as follows:

“J. “Project Completion Date” means June 30, 2025.”

- 2. Section 3.01. Section 3.01 of the Redevelopment Agreement is hereby deleted and restated as follows:

“Subject to the contingencies described below and to all of the terms and conditions of this Redevelopment Agreement, commencing for the tax year of the Effective Date and continuing thereafter, the CDA shall capture the Tax Increment from the Private Improvements pursuant to the Nebraska Community Development Law. The CDA shall capture the Tax Increment generated by the Project Site for a total period of not to exceed fifteen (15) years after the Private Improvements have been included in the assessed valuation of the Project Site and the Project Site is generating the Tax Increment subject to capture by the CDA.

The effective date for the Project shall be January 1, 2025 (the “Effective Date”) and the CDA shall file the “Notice to Divide Tax” with the Red Willow County Assessor on or prior to August 1, 2025. Provided, however, Redeveloper may defer the Effective Date to January 1, 2026, by providing written notice of such deferral to the CDA no later than to July 1, 2025, in which case the CDA shall file the “Notice to Divide Tax” with the Red Willow County Assessor on or prior to August 1, 2026.”

3. Exhibit "B". Exhibit "B" to the Redevelopment Agreement is hereby replaced with the Exhibit "B" attached hereto and incorporated by this reference.

4. Reconfirm other Terms. The CDA and Redeveloper hereby reconfirm all other terms and conditions of the Redevelopment Agreement, except as expressly modified by the terms of this First Amendment.

[SIGNATURE PAGE TO FOLLOW]

This First Amendment to Redevelopment Agreement is effective as of the date reflected in the first paragraph above.

CDA:
COMMUNITY DEVELOPMENT AGENCY
OF THE CITY OF MCCOOK, NEBRASKA

ATTEST: _____

By: _____
_____, Secretary

By: _____
_____, Chairman

REDEVELOPER:

Emily Young

Jeremy Young

EXHIBIT "B"
TIF INDEBTEDNESS

1. Projected Base Value: \$37,237
2. Projected Minimum Final Value: \$1,367,506
3. Projected Incremental Valuation: \$1,330,269
4. Assumed Tax Levy: 1.85441
5. Anticipated Tax Increment: \$24,670 annually
6. Assumed Interest Rate: 6.0%
7. Maximum TIF Indebtedness: \$239,000

- a. **Principal Amount.** The principal amount of the TIF Indebtedness shall be equal to or less than \$239,000, which is the maximum amount, together with interest accruing thereon, which can be amortized by December 31, 2040, solely from the Tax Increment Revenues based upon the Anticipated Tax Increment.
- b. **Payments.** Semi-annually commencing when real estate taxes are fully collected for the tax year 2025. The CDA shall utilize all Tax Increment received from the Project to pay debt service on the TIF Indebtedness until the TIF Indebtedness is fully repaid. Provided, however, the CDA does not warrant, represent, or guaranty that the Tax Increment will be sufficient to repay the entire amount of the TIF Indebtedness. The CDA has no obligation to make any payments other than the actual Tax Increment received from the Project.
- c. **Maturity Date.** On or before December 31, 2040.
- d. **TIF Period.** The period for the division of taxes for this Project shall be fifteen (15) years, commencing on the Effective Date of January 1, 2025 (2025 taxes paid in 2026) and terminating on December 31, 2040 (2039 taxes due on December 31, 2039, but paid in 2040). Payment of ad valorem taxes in arrears pursuant to customary payments in Nebraska shall not affect the fifteen (15) year TIF period.

Note: All calculations are based on assumptions and estimates of future values that may be different than the values used herein or may vary from year to year.

If Redeveloper establishes the Effective Date to be January 1, 2026, pursuant to Section 3.01 of this Redevelopment Agreement, the dates relating to the 15 year TIF Period set forth herein shall be automatically revised and corrected such that the Maturity Date shall be December 31, 2041 and the TIF Period shall commence on January 1, 2026 (2026 taxes paid in 2027) and terminate on December 31, 2041 (2040 taxes due on December 31, 2040, but paid in 2041).

nschneider@cityofmccook.com

From: Alison Janecek Borer <ABorer@clinewilliams.com>
Sent: Friday, August 9, 2024 9:14 AM
To: ldoak@cityofmccook.com; nschneider@cityofmccook.com
Cc: Andrew R. Willis; emily@elevatewellnesspt.com
Subject: RE: TIF for Elevate Wellness
Attachments: First Amendment to Redevelopment Agreement - Elevate Wellness Redevelopment Project.docx; CDA Resolution - First Amendment to Redevelopment Agreement - Elevate Wellness Redevelopment Project.docx

Flag Status: Flagged

Attached please find the First Amendment to Redevelopment Agreement and CDA resolution to approve the same. I would greatly appreciate a copy of the signed amendment for our file. Thank you.

CLINE WILLIAMS

ALISON JANECEK BORER | Partner
CLINE WILLIAMS WRIGHT JOHNSON & OLDFATHER, L.L.P.
233 South 13th Street | 1900 US Bank Bldg | Lincoln, NE 68508
Direct: 402.479.7136 | Main: 402.474.6900 | www.clinewilliams.com
Lincoln | Omaha | Aurora | Fort Collins | Holyoke

From: ldoak@cityofmccook.com <ldoak@cityofmccook.com>
Sent: Thursday, August 8, 2024 5:51 PM
To: nschneider@cityofmccook.com; Alison Janecek Borer <ABorer@clinewilliams.com>
Cc: Andrew R. Willis <awillis@clinewilliams.com>; emily@elevatewellnesspt.com
Subject: RE: TIF for Elevate Wellness

Thanks Alison,

Lea Ann Doak, CMC
City Clerk-Treasurer
505 West "C" Street
PO Box 1059
McCook NE 69001-1059
308-345-2022 ext. 226
308-345-1461 (Fax)

From: nschneider@cityofmccook.com <nschneider@cityofmccook.com>
Sent: Thursday, August 8, 2024 3:30 PM
To: 'Alison Janecek Borer' <ABorer@clinewilliams.com>; ldoak@cityofmccook.com
Cc: 'Andrew R. Willis' <awillis@clinewilliams.com>; emily@elevatewellnesspt.com
Subject: RE: TIF for Elevate Wellness

Thanks, Alison. That is very helpful.

From: Alison Janecek Borer <ABorer@clinewilliams.com>
Sent: Thursday, August 8, 2024 1:39 PM

To: nschneider@cityofmccook.com; ldoak@cityofmccook.com
Cc: Andrew R. Willis <awillis@clinewilliams.com>; emily@elevatewellnesspt.com
Subject: RE: TIF for Elevate Wellness

Nate and Emily:

The Redevelopment Agreement provides for a project completion date of December 31, 2024, and an effective date of 2025. Based on Emily's email, it sounds like the building will be partially constructed in 2024. The partial construction should result in an increase in the assessed value of the property for 2025 (property valued as of 1/1/25). If the assessed value of the property increases for 2025, Redeveloper will likely be better off starting the 15-year TIF clock in 2025 and keeping the extremely low base value of 2024 (\$37,237). If you push back the effective date to 2026, the base value would be the 2025 value (presumably much higher than \$37,237 based on whatever is constructed in 2024). We can run a calculation to help make this determination when the 2025 values come out around June 1, 2025.

That said, we can prepare an amendment to push back the project completion date to June 30, 2025 (just to be safe) and change the effective date to 2025 unless the CDA gets notice from Redeveloper that they want to push it back to 2026. My guess is that we end up sticking with 2025.

Let me know if you have any questions. Otherwise, I'll get started on the amendment.

Thanks,

Alison

CLINE WILLIAMS

ALISON JANECEK BORER | Partner
CLINE WILLIAMS WRIGHT JOHNSON & OLDFATHER, L.L.P.
233 South 13th Street | 1900 US Bank Bldg | Lincoln, NE 68508
Direct: 402.479.7136 | Main: 402.474.6900 | www.clinewilliams.com
Lincoln | Omaha | Aurora | Fort Collins | Holyoke

From: nschneider@cityofmccook.com <nschneider@cityofmccook.com>
Sent: Tuesday, August 6, 2024 11:55 AM
To: ldoak@cityofmccook.com; emily@elevatewellnesspt.com
Cc: Andrew R. Willis <awillis@clinewilliams.com>; Alison Janecek Borer <ABorer@clinewilliams.com>
Subject: RE: TIF for Elevate Wellness

Hi, Emily. Yes, we can change the effective date. I have included Andrew and Alison on this email so we can begin the amendment process.

Thanks,
Nate

From: admin@cityofmccook.com <admin@cityofmccook.com>
Sent: Tuesday, July 30, 2024 10:53 AM
To: 'Nate Schneider' <nschneider@cityofmccook.com>; ldoak@cityofmccook.com
Subject: FW: TIF for Elevate Wellness

From: Emily Young <emily@elevatewellnesspt.com>

Sent: Tuesday, July 30, 2024 8:27 AM

To: admin@cityofmccook.com

Subject: TIF for Elevate Wellness

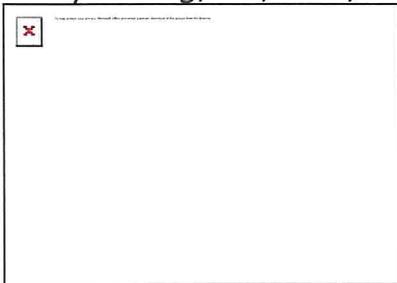
Good morning Lee Ann,

I was just wanting to touch base on the TIF project for Elevate. At this point with progress and waiting for contracted companies to finish their work it does not look as though our full project will be complete by the end of 2024. They are pouring the footings for the building this week. We are hoping the new timeline for completion will be Spring of 2025.

Is there a process to having the TIF contract extended? Do we need to wait til closer to the end of the year so we have a more solid idea on when the project will be completed?

--

Emily Young, PT, DPT, CLC



Elevate Wellness, LLC
801 W C Street, Suite 3
PO Box 565
McCook, NE 69001