

# MCCOOK CITY COUNCIL

## REGULAR MEETING

**Tuesday, September 3, 2024  
5:30 PM - City Council Chambers**

**THE REGULAR MEETING WILL START IMMEDIATELY  
FOLLOWING THE CONCLUSION OF THE BUDGET HEARING**

Roll Call.

Excuse Absences.

Open Meetings Act Announcement.

Call to Order.

Items.

1. Announcements & Recognitions.

2. Public Hearings.

A. Public Hearing - Set Final Tax Request at a different amount than the prior year.

1. Adjourn Public Hearing.

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 19, 2024 regular City Council meeting.

B. Approve a Memorandum of Understanding with the McCook Area Chamber of Commerce whereby ACE funds will be appropriated for promotional activities that benefit the City of McCook during Fiscal Year 24/25.

C. Approve the Addendum to the McCook Humane Society Agreement, increasing the contract amount the City of McCook pays for animal services for Fiscal Year 24/25 and authorize the Mayor to sign.

D. Approve the request from Autumn Miller, General Manager of Anytime Fitness, to host a 5K run utilizing city streets and walking rails on Saturday, September 21, 2024 from 7:00 A.M. to noon.

E. Approve Resolution No. 2024-19 approving the City of McCook's Social Media Policy.

F. Ratify the Mayor's appointments to the Building and Housing Code Advisory and Appeals Board - reappointing Brett Schmidt, Jon Stewart, and Paul Goodenberger - terms expire September 2028.

- G. Declare the attached list of equipment as surplus city property and authorize staff to dispose of them at the appropriate time and and the appropriate legal manner.
  - H. Approve the McCook Public Schools request to close the intersection of Norris Avenue and "C" Street at approximately 1:00 P.M. on Wednesday, September 18, 2024 to allow for school homecoming activities.
  - I. Authorize Conflict of Interest Waiver to allow City Attorney to represent surviving victim in a wrongful death case against the at-fault driver that caused the death of a City of employee.
  - J. Approve Employment Agreement with City Manager Nathan A. Schneider for fiscal Year 2024/2025 and authorize the Mayor to sign.
4. Regular Agenda.
- A. 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 second of three readings.
  - B. 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 second of three readings.
  - C. Approve increase of Restricted Funds Limit by an additional 1% for Unused Restricted Funds Authority.
  - D. Ordinance No. 2024-3088 providing for the amendment of Chapter 38: Appendix E, Water Department Rates and Fees.
    - 1. Chairperson asks Clerk to read Ordinance by title.
    - 2. Consider approval of Ordinance No. 2024-3088 upon its first of three readings.
  - E. Ordinance No. 2024-3089 providing for the amendment of Chapter 38: Appendix D, Sewer Department Rates and Fees.
    - 1. Chairperson asks Clerk to read Ordinance by title.
    - 2. Consider approval of Ordinance No. 2024-3089 upon its first of three readings.
  - F. Ordinance No. 2024-3072 providing for the amendment of Appendix F, Solid Waste Collection Fees of the City of McCook Code of Ordinances.
    - 1. Chairperson asks Clerk to read Ordinance by title.
    - 2. Consider approval of Ordinance No. 2024-3087 upon its first of three readings.
  - G. Council Comments.
  - H. An Executive Session may be held upon a majority vote of the Council for the protection of public interest for a strategy session with respect to potential litigation - property located at 1111 East "H" Street, Cindy and Ron Sabin.
    - 1. Nebraska Open Meetings Act statement, if the motion to close passes.
    - 2. Close Executive Session.

Adjournment.

**CITY MANAGER'S REPORT  
SEPTEMBER 3, 2024 CITY COUNCIL MEETING**

---

**ITEM: 2.A.** Public Hearing - Set Final Tax Request at a different amount than the prior year

---

**BACKGROUND:**

Public Hearing - Set Final Tax Request at a different amount than the prior year

The property tax request for the prior year shall be the property tax request for the current year for purposes of the levy set by the County Board of Equalization, unless the governing body passes by a majority vote a resolution or ordinance setting the tax request at a different amount. The resolution to set this amount will be considered after final approval of the budget and must be forwarded to the County Clerk by October 15. The levy generates a different amount as the assessed valuation changes from year to year. The County Assessor must certify assessed value on all taxable property by August 20. The levy amount is subject to change upon approval by the Council.

**FISCAL  
IMPACT:** None.

**APPROVALS:**

  
\_\_\_\_\_  
Lea Ann Doak, City Clerk

August 28, 2024

  
\_\_\_\_\_  
Tera Koetter, Assistant City Manager

August 28, 2024

  
\_\_\_\_\_  
Nathan A. Schneider, City Manager

August 28, 2024

**NOTICE OF BUDGET HEARING AND BUDGET SUMMARY**

PUBLIC NOTICE is hereby given, in compliance with the provisions of State Statute Sections 13-501 to 13-513, that the governing body will meet on the 3rd day of September 2024, at 5:30 o'clock P.M., at City Council Chambers for the purpose of hearing support, opposition, criticism, suggestions or observations of taxpayers relating to the following proposed budget. The budget detail is available at the office of the Clerk during regular business hours.

2022-2023 Actual Disbursements & Transfers	\$ 25,054,428.00
2023-2024 Actual/Estimated Disbursements & Transfers	\$ 36,520,283.00
2024-2025 Proposed Budget of Disbursements & Transfers	\$ 84,013,804.00
2024-2025 Necessary Cash Reserve	\$ 1,513,023.00
2024-2025 Total Resources Available	\$ 85,526,827.00
Total 2024-2025 Personal & Real Property Tax Requirement	\$ 2,593,593.14
Unused Budget Authority Created For Next Year	\$ 16,850.66

**Breakdown of Property Tax:**

Personal and Real Property Tax Required for Non-Bond Purposes	\$ 2,593,593.14
Personal and Real Property Tax Required for Bonds	\$ -

**NOTICE OF SPECIAL HEARING TO SET FINAL TAX REQUEST**

PUBLIC NOTICE is hereby given, in compliance with the provisions of State Statute Section 77-1632, that the governing body will meet on the 3rd day of September 2024, at 5:30 o'clock P.M., at City Council Chambers for the purpose of hearing support, opposition, criticism, suggestions or observations of taxpayers relating to setting the final tax request.

	2023	2024	Change
Operating Budget	86,529,873.00	84,013,804.00	-3%
Property Tax Request	\$ 1,897,419.33	\$ 2,593,593.14	37%
Valuation	556,731,490	589,452,888	6%
Tax Rate	0.340814	0.440000	29%
Tax Rate if Prior Tax Request was at Current Valuation	0.321895		

**CITY MANAGER'S REPORT  
SEPTEMBER 3, 2024 CITY COUNCIL MEETING**

---

**ITEM:**        3.A.

Approve the minutes of the August 19, 2024 regular City Council meeting.

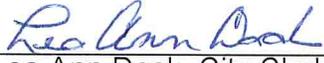
---

**BACKGROUND:**

Receive and approve the minutes.

**FISCAL  
IMPACT:**     None.

**APPROVALS:**

  
\_\_\_\_\_  
Lea Ann Doak, City Clerk

August 29, 2024

McCook City Council  
August 19, 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, Water Superintendent Chitwood, Fire Chief Harpham, Police Chief Hodgson, Public Works Director Potthoff, and Senior Services Director Siegfried.

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on August 15, 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 Jamie Mockry. Following the Pledge of Allegiance to the flag of the United States of America, Mayor Taylor called the meeting to order.

**1. Announcements & Recognitions.**

There were no announcements or recognitions.

**2. Public Hearings.**

- 2.A. Public Hearing - Request for a special exception by Randy and Kimberly 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.

Motion to recess as a City Council and convene a public hearing for the purpose of receiving public comment with respect to the request for a special exception by Randy and Kimberly 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, 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 into evidence Exhibit #1 - City Manager's Report prepared for the August 19, 2024 City Council 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); Exhibit #8 - Findings and Determinations of McCook City Council (2 pages); and Exhibit #9 - minutes of the August 12, 2024 Planning Commission (3 pages).

City Attorney Mustion received Exhibits #1 - #9 into evidence, took comment from City Staff, and the applicants, before opening to public comment.

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

The applicants, Randy and Kim Bauer, were present to address questions from the Council.

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

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

YEA: 5, NAY: 0

2.B. Approve the application for a special exception by Randy and Kimberly 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.

Motion to approve the application for a special exception by Randy and Kimberly 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. This motion, made by Calvin and seconded by Muehlenkamp

Councilmembers completed their Special Exception Findings and Determinations; all found that considerations A - I have been satisfied.

Motion on the floor was considered, 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 Calvin requested the Item 3.E. 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 August 5, 2024 regular City Council meeting and the August 13, 2024 special City Council meeting.
- 3.B. Authorize City of McCook staff to complete an application for the Safe Streets and Roads for All grant.
- 3.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.
- 3.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.
- 3.F. Receive and file the claims for the month of July 2024, published August 9, 2024.
- 3.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.**

- 3.E. Approve the McCook 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.

Motion to approve the McCook 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. This motion, made by Calvin and seconded by Muehlenkamp, passed.

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

YEA: 5, NAY: 0

- 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.

Susan Doak presented a request for a letter of support from the Council regarding two federal legislative bills approving the land transfer of Lighthouse Marina's land from Bureau of Reclamation to Frontier County.

Motion to approve a letter of support from the City Council, supporting the passage of two federal legislative bills - the House of Representatives, H. R. 8413 and the Senate, S. 4347 - approving the land transfer of Lighthouse Marina's land from the Bureau of Reclamation to Frontier County. This motion, made by Calvin and seconded by Taylor, passed.

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

- 4.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.

Erica Bush with WCNDD (West Central Nebraska Development District) updated the Council regarding 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. Approve Resolution No. 2024 -17 approving the designation of nuisance properties as deemed by WCNDD and as declared in the Resolution.

Motion to approve Resolution No. 2024 -17 approving the designation of nuisance properties as deemed by WCNDD and as declared in the Resolution. This motion, made by Calvin and seconded by Weedin, passed.

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

- 4.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.

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

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

- 4.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.

Motion to approve Resolution No. 2024-18 approving rescinding a portion of previously declared nuisance properties as deemed by WCNDD and as declared in the Resolution. This motion, made by Taylor and seconded by Weedin, passed.

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

- 4.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.

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

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

Ordinance No. 2024-3080 has been read by title and I move to approve upon its third and final reading. This motion, made by Muehlenkamp and seconded by Rambali.

Discussion included that the age requirements has been omitted; that UTVs are considered motor vehicles and must follow state laws, which includes the use of seat belts and child restraints when required; and the need to be responsible when operating a UTV.

Maggie Repass spoke in support of the ordinance. Susan Doak and Brian Calvin had questions regarding the proposed ordinance.

After discussion the motion on the floor was considered, passed.

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

Mayor Taylor stated for the record that Ordinance No. 2024-3080 is declared lawfully passed and adopted upon publication as required by law.

- 4.G. Ordinance No. 2024-3085 providing for the adoption of the budget for FY 2024/2025.

Mayor Taylor asked the Clerk to read Ordinance No. 2024-3085 by title.

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.

Ordinance No. 2024-3085 has been introduced, read by title, and I move to approve upon its first of three readings. This motion, made by Rambali and seconded by Weedin, passed.

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

City Manager Schneider noted that the budget is still a work in progress. The final evaluation amount will not be received from the County until tomorrow, the presented budget large capital requests have been removed from the budget, the implementation of the wage study changes have been included, more final numbers will be included at the Pubic Hearing at the September 3 meeting.

4.H. Ordinance No. 2024-3086 providing for the adoption of the FY 2024/2025 Fiscal Year Employee Classification Pay Plan.

Mayor Taylor asked the Clerk to read Ordinance No. 2024-3086 by title.

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.

Ordinance No. 2024-3086 has been introduced, read by title, and motion to approve upon its first of three readings. This motion, made by Weedin and seconded by Muehlenkamp, passed.

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

4.I. Council Comments.

Council comments included all of the positive comments that have received regarding the new swimming pool, it was a great addition to the City of McCook and thanking all staff for everything that did to help the pool open and to keep it going every day.

4.J. Meeting of the Community Development Agency - recess as City Council and convene meeting.

Motion to recess as a City Council and to convene as the McCook Community Development Agency for consideration of CDA Agenda at 6:36 P.M. This motion, made by Weedin and seconded by Muehlenkamp, passed.

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

4.J.1. Call to Order and Roll Call.

A meeting of the Mayor and City Council of the City of McCook, Nebraska, acting as the governing body of the Community Development Agency of the City of McCook, Nebraska was convened in open and public session at 6:30 o'clock P.M. on August 19, 2024, at the McCook Municipal Center in McCook, Nebraska. Agency Members present were: Taylor, Calvin, Weedon, Muehlenkamp, Rambali. Absent: None. Notice of the meeting was given in advance thereof by publication, one of the City's designated methods for giving notice, a copy of the proof of publication being attached to these minutes. Advanced notice of the meeting was given to each member of the Agency and a copy of their acknowledgment of receipt of notice and the agenda is attached to these minutes. Availability of the agenda was communicated in the advance notice and in the notice to the Mayor and all members of the Council. Mayor Taylor presided and City Clerk Doak recorded the proceedings. All proceedings hereafter shown were taken while the meeting was open to the attendance of the public.

#### 4.J.2. Open Meetings Act Announcement.

The Mayor publicly stated to all in attendance that a current copy of the Nebraska Open Meetings Act was available for review and indicated the location of such copy posted in the room where the meeting was being held.

#### 4.J.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.

Motion to 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. This motion, made by Weedon and seconded by Taylor, passed.

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

#### 4.K. Adjourn the McCook Community Development Agency.

Motion to adjourn the meeting of the McCook Community Development Agency at 6:38 P.M. and to reconvene as the McCook City Council. This motion, made by Weedon and seconded by Rambali, passed.

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

#### 4.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.

Motion to go into executive session for the annual evaluation of the job performance of City Manager Nathan A. Schneider at 6:39 P.M. This motion, made by Muehlenkamp and seconded by

Rambali, 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.

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

Motion to come out of executive session at 8:24 P.M. This motion, made by Weedin and seconded by Rambali, passed.

Taylor: YEA, Calvin: YEA, Weedin: 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 8:25 P.M.

---

Linda Taylor, Ex-officio Mayor  
and Council President

ATTEST:

---

Lea Ann Doak, City Clerk-Treasurer

**CITY MANAGER'S REPORT  
SEPTEMBER 3, 2024 CITY COUNCIL MEETING**

---

**ITEM:**                **3.B.**    

Approve a Memorandum of Understanding with the McCook Chamber of Commerce whereby ACE funds will be appropriated for promotional activities that benefit the City of McCook during Fiscal Year 24/25.

---

**BACKGROUND:**

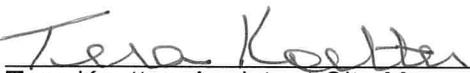
At the August 13, 2024 Budget Workshop, Chamber Director Sarah Schneider gave an update of what ACE funds have been used for this past fiscal year and requested that the City consider allocating \$6,000 of ACE funds to the Chamber of Commerce for event promotion purposes during Fiscal Year 24/25. In particular, the funds would be used for Noel on Norris, Heritage Days, promote local shopping, social media/business promotion, and advertizing for Chamber events. The City of McCook receives a benefit from these activities.

**FISCAL  
IMPACT:**        None.

**APPROVALS:**

  
\_\_\_\_\_  
Lea Ann Doak, City Clerk

August 28, 2024

  
\_\_\_\_\_  
Tera Koetter, Assistant City Manager

August 28, 2024

  
\_\_\_\_\_  
Nathan A. Schneider, City Manager

August 28, 2024

**MEMORANDUM OF UNDERSTANDING BETWEEN  
MCCOOK CHAMBER OF COMMERCE AND THE CITY OF MCCOOK**

THIS MEMORANDUM OF UNDERSTANDING, made and entered into on this \_\_\_\_ day of \_\_\_\_\_, 2024, by and between the City of McCook, Nebraska, a municipal corporation, hereinafter referred to as "City", and the McCook Chamber of Commerce, a Nebraska non-profit corporation, hereinafter referred to as "Chamber".

WHEREAS, the Chamber is committed to helping build and sustain a strong viable business community with the City.

WHEREAS, the City desires to contribute to the efforts of the Chamber in building and sustaining a strong viable business community within the City.

NOW, THEREFORE, IT IS AGREED BY AND BETWEEN THE CITY AND CHAMBER AS FOLLOWS:

1. The City has allocated Six Thousand Dollars (\$6,000.00) for the Chamber in its fiscal year 2024/2025 budget.
2. The funds allocated to the Chamber will be specifically derived from ACE Fund Program dollars.
3. The Chamber agrees to spend the \$6,000.00 allocated to it from the City on promoting the following community growth events and projects:
  - 3.1. Noel on Norris;
  - 3.2. Heritage Days;
  - 3.3. Promote local shopping;
  - 3.4. Social Media/Business Promotion;
  - 3.5. Advertizing for Chamber Events.
4. The City will hold the proceeds for disbursement to the Chamber upon the Chamber presenting invoices (or other sufficient documentation) of expenses related to the above described community growth events and projects.
5. The Chamber agrees that no funds allocated to it from the City will be deposited into the Chamber's general fund for any other purpose but those purposes described in this Memorandum of Understanding.
6. It is expressly understood that this Memorandum of Understanding does not commit the City to allocating future funds to the Chamber. Whether funds are allocated in the future and/or how much is allocated in the future will be a decision that is made by the City on a year by year basis.

Attest:

\_\_\_\_\_  
Lea Ann Doak, City Clerk

Attest:

\_\_\_\_\_  
Secretary

CITY OF MCCOOK, NEBRASKA,  
A Municipal Corporation

By: \_\_\_\_\_  
Linda Taylor, Ex-officio Mayor  
and President of the Council

MCCOOK CHAMBER OF COMMERCE  
A Nebraska non-profit corporation

By: \_\_\_\_\_  
President

**Idoak@cityofmccook.com**

---

**From:** Sarah Schneider <director@mccookchamber.org>  
**Sent:** Monday, August 5, 2024 6:00 PM  
**To:** Nate Schneider (nschneider@cityofmccook.com); Clerk Lea Ann Doak; potthoff@cityofmccook.com; Tera Koetter  
**Subject:** Request for Street Closure and Ace Funds

Good evening,

Please consider this a formal request to be added to the August 13<sup>th</sup> City Council Budget Retreat and August 19<sup>th</sup> McCook City Council agenda for approval of the following requests from the McCook Chamber of Commerce in regard to Ace Funds and Heritage Days. I have broken the request apart to ease in understanding but if it is still unclear, please let me know.

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

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

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

Thanks,

**SARAH SCHNEIDER**

**Director**

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

[director@mccookchamber.org](mailto:director@mccookchamber.org)



**MCCOOK CHAMBER  
OF COMMERCE**

**Involvement | Education | Advocacy | Marketing**

**CITY MANAGER'S REPORT  
SEPTEMBER 5, 2023 CITY COUNCIL MEETING**

---

**ITEM:**        3.C.

Approve the Addendum to McCook Humane Society Agreement, increasing the contract amount the City of McCook pays for animal services for Fiscal Year 24/25 and authorize the Mayor to sign.

---

**BACKGROUND:**

At the August 13, 2024 Budget Work Session Joyce Anderson, Treasurer and Bruce McDowell, of the McCook Humane Society, requested that the yearly contract amount paid by the City of McCook for animal service expenses be increased by 5%. The increase will offset inflationary increases and help cover costs of intake animals originating within the city limits of McCook. The Humane Society proposed increasing the monthly contract amount from the current payment of \$3,874.59 to \$4,068.32 and the annual cap on utilities will remain at \$9,000. The requested increase has been included in the proposed FY24/25 Budget.

Attached to this report is the letter of request from Ms. Anderson which provides details of the requested increase. A copy of the original agreement from January 18, 2021 is also include.

**FISCAL  
IMPACT:**     None.

**APPROVALS:**

  
\_\_\_\_\_  
Lea Ann Doak, City Clerk

August 26, 2024

  
\_\_\_\_\_  
Tera Koetter, Assistant City Manager

August 26, 2024

  
\_\_\_\_\_  
Nathan A. Schneider, City Manager

August 26, 2024

ADDENDUM TO MCCOOK HUMANE SOCIETY AGREEMENT

This addendum is made and entered into on the date of execution shown by and between the City of McCook, a Municipal Corporation, and the McCook Humane Society, a Nebraska non-profit corporation. The parties are hereinafter referred to as "City" and the "Society", respectively.

Commencing October 1, 2024 the parties hereby agree that paragraph number 2.02 is hereby amended to include the following:

The City of McCook shall pay for utilities (electric, gas, and water) but not to exceed \$9,000.00 per year.

The City of McCook, based on 2023 expenses, shall pay Forty-Eight Thousand Eight Hundred Nineteen and 84/100 Dollars (\$48,819.84) annually. Such sum shall be paid in equal monthly installments of Four Thousand Sixty-eight and 32/100 Dollars (\$4,068.32), each installment to be paid not later than the twentieth (20<sup>th</sup>) day of the month following each month in which the Society provides service under this agreement.

The annual rate will be adjusted yearly to reflect actual cost for the percentage of McCook animals handled the prior year.

All other terms and conditions of the original AGREEMENT dated January 18, 2021 shall continue to be in full force and effect.

Dated this 3<sup>rd</sup> day of September, 2024.

City of McCook  
A Municipal Corporation

By \_\_\_\_\_  
Linda Taylor, Ex-officio Mayor  
and Council President

ATTEST:

\_\_\_\_\_  
Lea Ann Doak, City Clerk

McCook Humane Society  
A Non-Profit Corporation,

By \_\_\_\_\_  
President



McCook Humane Society, Inc.  
P.O. Box 13 • 100 South Street  
McCook, NEBRASKA 69001

*Friend of the Friendless*

Email: [humanesociety@mccooknet.com](mailto:humanesociety@mccooknet.com) • [www.mccookhumanesociety.com](http://www.mccookhumanesociety.com)

June 10, 2024

McCook City Clerk  
Nate Schneider  
302 W 5<sup>th</sup>  
McCook, NE 69001

City Council and City Administration:

We appreciate all your past funding. We couldn't run without the funding from our city. All figures are based on a three-year average now for City of McCook animal intakes.

We found that 61% of the animals that we intake originated from within the city limits of McCook. Of the 332 McCook pets, 67% are strays. We have also had 21 MPD seizures/court holds in the last year with between a 10-day to 60-day hold per animal. Based on our operating expenses related to McCook pets of \$159,039, the City is only covering 30% of those costs. Thanks to our generous donors, we have been able to continue our mission without the city covering all their costs.

You are currently pay \$3874.59 toward the cost of City of McCook animals. We are requesting a 5% increase to \$4068.32 per month in addition to the utility reimbursements. The increased minimum wage is going to be increasing our payroll which is already 68% of our budget.

We are requesting an increase in funds to help cover the costs incurred from this area. We would be more than happy to speak at an upcoming meeting, please contact us if a time is set on the agenda or if we need to fill out a form beforehand.

We are contacting the other cities and counties that support our mission to help cover the costs of animals from their areas.

Sincerely,

Joyce Anderson

Treasurer  
[mccookhumanesociety@gmail.com](mailto:mccookhumanesociety@gmail.com)

## AGREEMENT

THIS AGREEMENT is made and entered into on the date of execution shown with the signatures on the sixth and final page hereof, by and between the CITY OF MCCOOK, a municipal corporation, and the MCCOOK HUMANE SOCIETY, a Nebraska non-profit corporation. These parties are hereinafter referred to as the "City" and the "Society," respectively.

WHEREAS, the City recognizes that the safe and humane keeping of impounded and stray animals is necessary for the public health, safety, and welfare; and

WHEREAS, the State of Nebraska has enacted statutes, and the City has enacted certain ordinances, dealing with animal control and authorizing impoundment and keeping of animals; and

WHEREAS, the Society is an organization dedicated to the humane care and keeping of animals and has certain pound and other facilities;

NOW THEREFORE, in consideration of the covenants contained herein, it is agreed to by and between the parties as follows:

### I. Obligations of the Society

The Society agrees:

1.01 Poundmaster.

To act as poundmaster and to perform all of the services necessary to the impoundment of animals under the Municipal Code within the City limits and, where applicable, agrees to utilize the assistance of the McCook Police Department for the enforcement of the applicable laws.

1.02 Services and Facilities Furnished.

To furnish the facilities and services of an animal shelter for the impoundment of animals.

1.03 Rabies Clinics.

To conduct rabies clinics, with the cooperation of local veterinarians, to ensure that as many animals as possible will be vaccinated against this disease.

Agreement

City of McCook - McCook Humane Society

Page 2 of 6 pages

1.04 Holding of Animals.

To hold and kennel animals for at least 72 hours after the Society receives each animal and until the claiming, adoption, or disposal of such animal as provided by law and by this Agreement and to provide during such holding adequate food, water, and sanitary conditions in accordance with good veterinary practices.

1.05 Maintaining of Records.

To maintain accurate, complete, and current records of all animals that are kenneled, disposed of, adopted, or returned to their owners and to hold such records for five years after their creation.

1.06 Advice to City.

To provide to the City and its Police Department such advice as shall be necessary for the City to comply with all statutes and regulations concerning rabid animals, their storage, and the determination of their condition.

1.07 Animals Suspected of Having Rabies.

To hold any animals suspected of having rabies, or having bit a person, for a period of ten (10) days. If such animal should exhibit the symptoms of rabies, or be found rabid by a licensed veterinarian, then the animal shall be destroyed. The Society will advise authorities on means of preservation and transportation of destroyed animals.

1.08 Employees Not to Make Arrests.

Neither the Society nor any of its employees, servants, or agents shall make arrests or issue citations for violations of any City ordinances, but shall properly and promptly bring existence of any violations to the attention of proper officers.

1.09 Independent Contractor.

The Society shall, in the performance of this Agreement, at all times be an independent contractor and not an employee or agent of the City. The Society, its officers, directors, employees and agents shall at no time represent the Society to be other than an independent contractor nor shall any of such persons represent themselves to be employees of the City.

1.10 Insurance.

The Society shall maintain the insurance coverage described hereafter in this section throughout the term of this Agreement and shall make the policy or policies available to the

City for copying upon request of the City's City Manager or his or her designee. The coverage described in this section shall be issued by insurers licensed to do business in Nebraska.

- (a.) The Society shall maintain comprehensive general liability insurance with limits of not less than three hundred thousand dollars (\$300,000.00) per occurrence and six hundred thousand dollars (\$600,000.00) aggregate bodily injury. Such comprehensive general liability insurance shall include independent contractor coverage, personal injury coverage, contractual coverage, and coverage for operations of the Society.
- (b.) The Society shall maintain worker's compensation insurance as required by applicable statute.

1.11 Indemnity.

The Society shall indemnify and save harmless the City, its officers" employees, and agents from all loss, claims, suits or actions of every kind and character made upon or brought against the City, its officers, employees, and agents, for or on account of any alleged injuries or damages received or sustained by any party or parties as a result of any act, error, omission negligence or intentional act of the said Society or its servants, agents, and subcontractors arising under and/or connected with this Agreement, or by or in consequence of any other act, error or omission, or negligence or intentional act of said Society or its servants, agents, and subcontractors.

1.23 Notification of owners of animals.

The Society shall notify the owner, if locatable after reasonable search, of any animal which the Society has in its possession under the provisions of this Agreement.

II. Obligations of the City

The City agrees:

2.01 Fees and other sums collected.

The Society shall retain all sums collected and amounts paid to it arising from transactions involving the boarding and keeping of animals and shall have the right to determine the use thereof in its sole discretion.

2.02 Compensation of Society.

The City of McCook shall continue to pay for utilities (electric, gas, and water) but not to exceed \$12,000.00 per year.

The City of McCook, based on 2020 expenses, shall pay Thirty-Four Thousand Two Hundred Eighty-One Dollar (\$34,281.00) annually. Such sum shall be paid in equal monthly installments of Two Thousand Eight Hundred Fifty-Six and 75/100 Dollars (\$2,856.75), each installment to be paid not later than the tenth (10<sup>th</sup>) day of the month following each month in which the Society provides service under this agreement.

The annual rate will be adjusted yearly to reflect actual cost for the percentage of McCook animals handled the prior year.

The City of McCook, based on 2020 expenses, shall make payment of an additional One Thousand Dollars (\$1,000.00). Such sum shall be paid in equal monthly installments of Eighty-Three and 33/100 Dollars (\$83.33), each installment to be paid not later than the tenth (10<sup>th</sup>) day of the month following each month in which the Society provides service under this Agreement.

2.03 Grant of ownership of dogs to Society.

The City hereby grants to the Society the City's right, and ownership of each and every dog hereafter acquired by the City under Section 90.30 of the McCook Municipal Code and applicable city ordinances when such dog has been held by the Society for a continuous period in excess of seventy-two (72) hours, upon the express conditions that:

- (a.) The Society shall not sell such dog, but may solicit donations from persons to whom it gives dog.
- (b.) The Society shall impose as conditions with the gift of any dog to any person residing within the corporate limits of the City the requirements that the new owner shall have the dog neutered or spayed, inoculated against rabies, and licensed in accordance with the current Municipal Code and ordinances of the City.

III. Miscellaneous

The parties further agree to the following provisions:

3.01 Applicable Law.

The parties to this Agreement shall comply with all existing applicable City ordinances and

with state and federal laws, rules, and regulations. Nebraska law will govern the interpretation of the terms and the performances under this Agreement.

3.02 Entire Agreement.

This document contains the entire agreement of the parties. No representations were made or relied upon by either party other than those that are expressly set forth herein. No agent, employee, or other representative of either party is empowered to alter any of the terms herein unless such alteration shall be done in writing and signed by an authorized officer of each of the respective parties.

3.03 Society Not to Assign.

The Society may not assign its rights under this Agreement without the express prior written consent of the City.

3.04 Compliance with Provisions as Written.

All provisions of this Agreement and of any documents that shall be attached shall be strictly complied with as written, and no substitution or change shall be made except upon written direction from authorized officers.

3.05 Term.

This Agreement shall be in effect from the date of its execution by the parties. This Agreement shall automatically be extended on a yearly basis, unless either party shall give written notice of their intent to terminate said Agreement sixty (60) days prior to termination.

3.06 Notice.

Notice given by one party to the other under this Agreement shall be deemed sufficient if mailed by United States Mail to the following addresses, respectively:

City of McCook  
PO Box 1059  
McCook, NE 69001

McCook Humane Society  
PO Box 13  
McCook, NE 69001

3.07 Communication of Information.

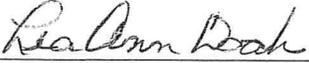
The parties shall promptly, accurately, and completely communicate to each other all information and inquiries received concerning the ownership and impoundment of animals under this Agreement so as to prevent improper disposition of such animals due to lack of

information. Preference shall be given to telephone or electronic communication of information in the interest of immediacy.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement consisting of six pages, of which this is the sixth, to be executed on January 18, 2021.

ATTEST:

CITY OF MCCOOK,  
A Municipal Corporation

  
\_\_\_\_\_  
Lea Ann Doak, City Clerk

By   
\_\_\_\_\_  
Michael D. Gonzales, Mayor

(Seal)

MCCOOK HUMANE SOCIETY,  
a Non-profit Corporation

By   
\_\_\_\_\_  
President

(Seal)

CITY MANAGER'S REPORT  
SEPTEMBER 3, 2024 CITY COUNCIL MEETING

---

ITEM: 3.D.

RECOMMENDATION:

APPROVE THE REQUEST FROM AUTUMN MILLER, GENERAL MANAGER OF ANYTIME FITNESS, TO HOST A 5K RUN UTILIZING CITY STREETS AND WALKING TRAILS ON SATURDAY SEPTEMBER 21, 2024 FROM 7:00 A.M. TO NOON.

---

BACKGROUND:

This is a request from Autumn Miller, General Manager of Anytime Fitness, to hold a 5K run during Heritage Days. This event will be held on September 21, 2024 with registration beginning at approximately 7:00 a.m. with the 5K being completed before noon. For safety purposes, the organizers will have volunteers present at the busier intersections, as well as using signs to warn motorists of the runners/walkers. A map of the proposed route is included with this report.

A certificate of insurance has been requested.

FISCAL  
IMPACT: None.

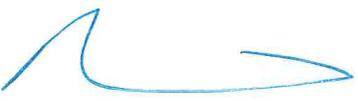
APPROVALS:

  
\_\_\_\_\_  
Kevin Hodgson, Chief of Police

August 28, 2024

  
\_\_\_\_\_  
Kyle Potthoff, Public Works Director

August 28, 2024

  
\_\_\_\_\_  
Nate Schneider, City Manager

August 28, 2024

**ldoak@cityofmccook.com**

---

**From:** Anytime Fitness McCook, NE <McCookNE@anytimefitness.com>  
**Sent:** Friday, August 23, 2024 1:58 PM  
**To:** nschneider@cityofmccook.com; ldoak@cityofmccook.com; potthoff@cityofmccook.com  
**Subject:** Heritage Days 5k Route  
**Attachments:** Heritage Days 5k Route.pdf

Good afternoon,

I am Autumn Miller, the General Manager at Anytime Fitness. We have wanted to get more involved in the community this year, and once we heard that the 5k was up for grabs, we jumped at the opportunity. I talked with Sarah at the Chamber and she said I needed to get this route idea submitted to you all, which I have attached as a PDF.

My assistant and I walked the route this morning, which took us roughly an hour. We wanted to stay away from the chaoticness of Norris, so we hope this route works.

Thank you for all you do and I look forward to hearing from you all!

*Autumn Miller - General Manager*

Anytime Fitness  
206 Norris Ave.  
McCook, NE 69001  
308-777-2099  
mccookne@anytimefitness.com

**potthoff@cityofmccook.com**

---

**From:** Anytime Fitness McCook, NE <McCookNE@anytimefitness.com>  
**Sent:** Monday, August 26, 2024 1:22 PM  
**To:** potthoff@cityofmccook.com; ldoak@cityofmccook.com; nschneider@cityofmccook.com  
**Subject:** Re: Heritage Days 5k Route

Yes, sir, we do.

We are planning for Saturday, September 21<sup>st</sup> with registration taking place a 7 am and the race starting at 7:30 am.

*Autumn Miller - General Manager*

Anytime Fitness  
206 Norris Ave.  
McCook, NE 69001  
308-777-2099  
mccookne@anytimefitness.com

---

**From:** potthoff@cityofmccook.com <potthoff@cityofmccook.com>  
**Sent:** Monday, August 26, 2024 12:40 PM  
**To:** Anytime Fitness McCook, NE <McCookNE@anytimefitness.com>; ldoak@cityofmccook.com <ldoak@cityofmccook.com>; nschneider@cityofmccook.com <nschneider@cityofmccook.com>  
**Subject:** RE: Heritage Days 5k Route

Autumn,

Thanks for the map. That helps a lot. I am assuming that this will be taking place on Saturday September 21<sup>st</sup>. Do you have a time scheduled?

Thanks,

Kyle

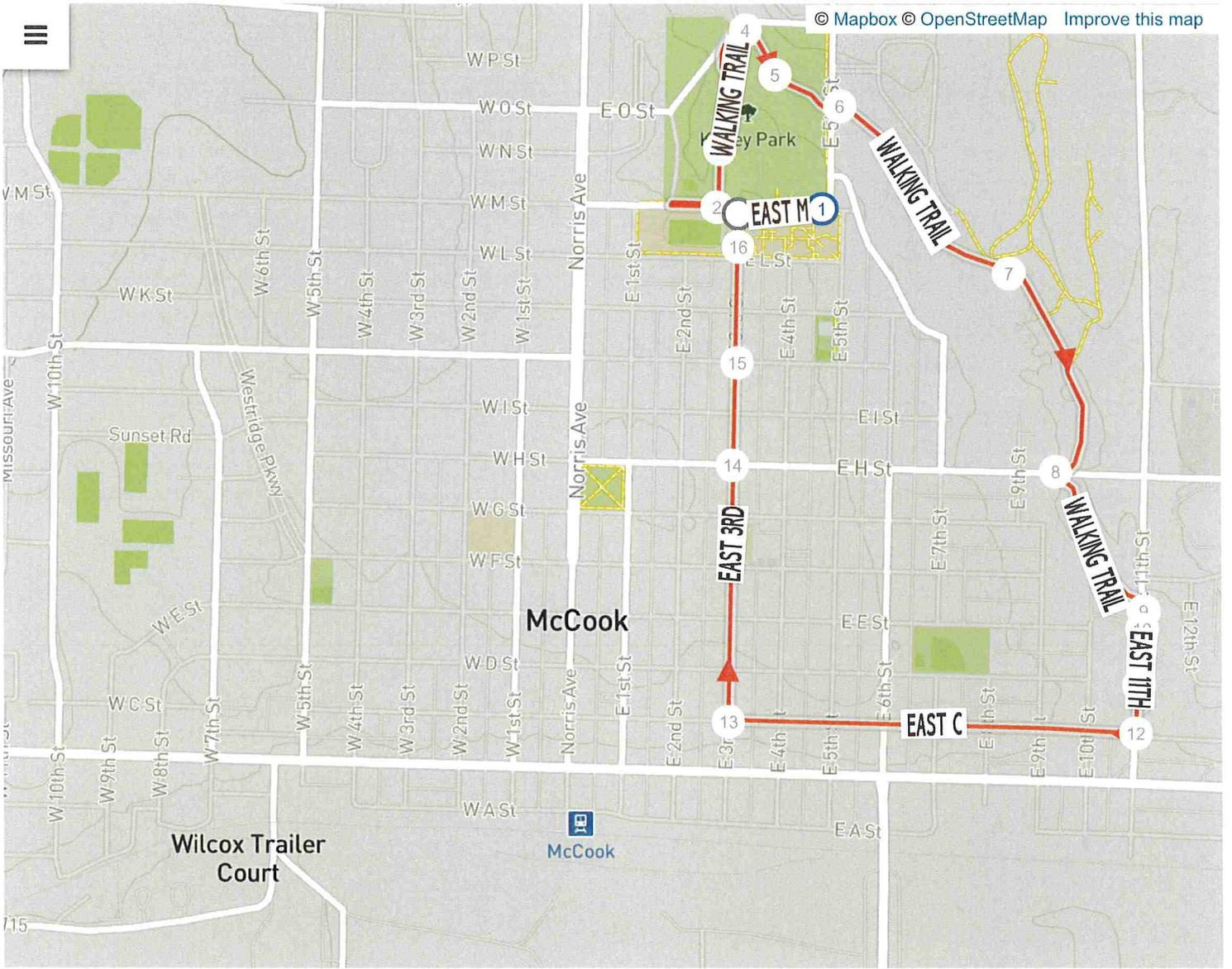
**From:** Anytime Fitness McCook, NE <McCookNE@anytimefitness.com>  
**Sent:** Monday, August 26, 2024 11:49 AM  
**To:** potthoff@cityofmccook.com; ldoak@cityofmccook.com; nschneider@cityofmccook.com  
**Subject:** Re: Heritage Days 5k Route

Google would not allow us to include the walking trail, but we used a different website.

Is that what you were looking for?

*Autumn Miller - General Manager*

Anytime Fitness



3.07 mi



**CITY MANAGER'S REPORT  
SEPTEMBER 3, 2024 MCCOOK CITY COUNCIL MEETING**

**3.E.**  
ITEM NO.      Approve Resolution No. 2024 - 19 approving the City of McCook's Social Media Policy.

---

**BACKGROUND:**

Social media is a vital communication tool for the City of McCook. The City uses social media to provide its residents with easy access to information. It is important to establish clear and transparent social media guidelines in order to define the role of both the City of McCook and social media users. The City of McCook recognizes the need to adopt an appropriate social media policy to establish the expectations and rules for the City's social media outlets.

**APPROVALS:**

  
\_\_\_\_\_

August 29, 2024

Nathan A. Schneider, City Manager

  
\_\_\_\_\_

August 29, 2024

Lea Ann Doak, City Clerk

  
\_\_\_\_\_

August 29, 2024

Tera Koetter, Assistant City Manager

RESOLUTION NO. 2024-19

WHEREAS, social media sites are being used by a growing number of people to receive up to the moment information; and

WHEREAS, the public seeks information about the community through social media sites which provide a way of relaying information about emergencies, local events, and other information available; and

WHEREAS, it is in the best interests of the City of McCook and its residents to adopt policies that address how the City and its employees and elected officials will use social media platforms on behalf of the City, and how the public may properly interact with the city's social media accounts; and

WHEREAS, it has been determined by City staff that a social Media Policy, which sets forth guidelines for the use and management of the City of McCook's various social media accounts, is needed.

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

SECTION 1. That the "City of McCook Social Media Policy", attached hereto and incorporated herein by this reference, is hereby approved.

SECTION 2. That this resolution shall be in full force and effect immediately upon its passage and adoption.

PASSED AND ADOPTED this 3<sup>rd</sup> day of September, 2024.

---

Linda Taylor, Ex-officio Mayor  
and Council President

ATTEST:

---

Lea Ann Doak, City Clerk-Treasurer

## INTERNAL POLICY

### Purpose

This document defines the social media policy for the City of McCook, Nebraska, the “City”. To address the fast-changing landscape of the Internet and the way residents communicate and obtain information online, City departments may consider using social media tools to reach a broader audience. The City encourages the use of social media to further the goals of the City and the missions of its departments, where appropriate.

The City has an overriding interest and expectation in deciding what is “spoken” on its behalf on social media sites. This policy establishes guidelines for the use of social media.

### Acceptable Use

#### **Personal Use**

All City employees may have personal social media sites. These sites should remain personal in nature and be used to share personal opinions or non-work-related information. Following this principle helps ensure a distinction between sharing personal and City views.

City employees must never use their City e-mail account or password in conjunction with a personal social media site.

The following guidance is for City employees who decide to have a personal social media site or who decide to comment on posts about official City business:

- ❖ State your name and, if relevant, role, when discussing City business;
- ❖ Use a disclaimer such as: “The postings on this site are my own and don’t reflect or represent the opinions of the City for which I work.”
  - If a disclaimer is not used, a comment can be deemed a public record and may be subject to public records requests.

#### **Professional Use**

All official City-related communication through social media outlets should remain professional in nature and should always be conducted in accordance with the City’s employee handbook. Employees must not use official City social media sites for political purposes, to conduct private commercial transactions, or to engage in private business activities.

Only individuals authorized by the City may publish content to a City web site or social media page.

## **Approval and Registration**

All City social media sites shall be (1) approved by the City Manager; and (2) published using approved social networking platform and tools.

## **Oversight and Enforcement**

Employees representing the City through social media outlets or participating in social media features on City websites must maintain a high level of ethical conduct and professional decorum. Failure to do so is grounds for revoking the privilege to participate in City social media sites, blogs, or other social media features.

Information must be presented following professional standards for good grammar, spelling, brevity, clarity and accuracy, and avoid jargon, obscure terminology, or acronyms.

City employees recognize that the content and messages they post on City social media websites are public and may be cited as official City statements. Social media should not be used to circumvent other City communication policies, including news media policy requirements.

City employees may not publish information on City social media sites that includes:

- Confidential information
- Copyright violations
- Profanity, racist, sexist, or derogatory content or comments
- Partisan political views
- Commercial endorsements or SPAM

## **Records Retention**

Social media sites contain communications sent to or received by the City and its employees, and such communications are therefore public records subject to Nebraska Public Records Statutes Neb. Rev. Stat. §§ 84-712 through 84-712.09 (2014, Cum. Supp. 2022). These retention requirements apply regardless of the form of the record (for example, digital text, photos, audio, and video). The Department maintaining a site shall preserve records pursuant to a relevant records retention schedule for the required retention period in a format that preserves the integrity of the original record and is easily accessible. Furthermore, retention of social media records shall fulfill the following requirements:

- Social media records are captured in a continuous, automated fashion throughout the day to minimize a potential loss of data due to deletion and/or changes on the social networking site.

- Social media records are maintained in an authentic format (i.e. ideally the native technical format provided by the social network, such as XML or JSON) along with complete metadata.
- Social media records are archived in a system that preserves the context of communications, including conversation threads and rich media, to ensure completeness and availability of relevant information when records are accessed.
- Social media records are indexed based on specific criteria such as date, content type, and keywords to ensure that records can be quickly located and produced in an appropriate format for distribution (e.g. PDF).
- Each employee who administers one or more social networking sites on behalf of the City has self-service, read-only access to search and produce relevant social media records to fulfill public information and legal discovery requests as needed.

### **EXTERNAL POLICY**

The following guidelines must be displayed to users on all social media sites or made available by hyperlink.

#### **Moderation of Third-Party Content**

The City social media site serves as a limited public forum and all content published is subject to monitoring. User-generated posts will be rejected or removed (if possible) when the content

- is off-subject or out of context
- contains obscenity or material that appeals to the prurient interest
- contains personal identifying information or sensitive personal information
- contains offensive terms that target protected classes
- is threatening, harassing or discriminatory
- incites or promotes violence or illegal activities
- contains information that reasonably could compromise individual or public safety
- advertises or promotes a commercial product or service, or any entity or individual
- promotes or endorses political campaigns or candidates

#### **Public Records Law**

City social media sites are subject to applicable public records laws. Any content maintained in a social media format related to City business, including communication posted by the City and

communication received from citizens, is a public record. The Department maintaining the site is responsible for responding completely and accurately to any public records request for social media content.

**CITY MANAGER'S REPORT  
SEPTEMBER 3, 2024 CITY COUNCIL MEETING**

---

**ITEM:**            3.F.

**RECOMMENDATION:**

Ratify the Mayor's appointments to the:

- Building and Housing Code Advisory and Appeals Board - reappoint Brett Schmidt, Jon Stewart, and Paul Goodenberger - terms expire September 2028.

---

**BACKGROUND:**

All appointees have been contacted and they are willing to serve another term on this board.

**FISCAL  
IMPACT:**        None.

**APPROVALS:**

  
\_\_\_\_\_  
Lea Ann Doak, City Clerk

August 26, 2024

  
\_\_\_\_\_  
Tera Koetter, Assistant City Manager

August 26, 2024

  
\_\_\_\_\_  
Nathan A. Schneider, City Manager

August 26, 2024

## BUILDING AND HOUSING CODE ADVISORY AND APPEALS BOARD

BRETT SCHMIDT  
512 Airport Rd  
Appointed - October 2020 (replaced Gary Wiemers) 340-6216 (C)  
Term Expires - September 2028  
[Brett@alloysp.com](mailto:Brett@alloysp.com)  
(Citizen)

ANDREW HEDKE  
312 Park Avenue  
Appointed - December 2023 (Replaced Steve Walter) 340-4870 (C)  
Term Expires - September 2025  
[308pipeworks@gmail.com](mailto:308pipeworks@gmail.com)  
(Plumber)

JON STEWART 345-5243 (O)  
409 N Cherokee Drive 345-1667 (H)  
Appointed - October 2020 (Replaced Steve Lyne)  
Term Expires - September 2028  
[doenuts@gmail.com](mailto:doenuts@gmail.com)  
(Qualified to do mechanical work)

AARON PETERSON 340-9959 (C)  
PO Box 99 345-2370 (O)  
Appointed - April 2017 (Replaced Kathy Lester)  
Reappointed - November 21  
Term Expires - September 2025  
[aaron@wdesigne.com](mailto:aaron@wdesigne.com)  
(Engineer, Architect, or building designer)

PAUL GOODENBERGER\* 345-6750 (H)  
205 Seminole Drive 340-0271 (C)  
Appointed - September 2009  
Reappointed - October 2020  
Term Expires - September 2028  
[paulg@mccookcontracting.com](mailto:paulg@mccookcontracting.com)  
(Contractor)

\*Denotes Chairperson  
4 yr. terms

**CITY MANAGER'S REPORT  
SEPTEMBER 3, 2024 CITY COUNCIL MEETING**

---

**ITEM:**          **3.G.**  

**RECOMMENDATION:**

**DECLARE THE ATTACHED LIST OF EQUIPMENT AS SURPLUS CITY PROPERTY AND AUTHORIZE STAFF TO DISPOSE OF THEM AT THE APPROPRIATE TIME AND IN THE APPROPRIATE LEGAL MANNER.**

---

**BACKGROUND:**

The attached list of equipment has been deemed as surplus city property and staff is recommending that this property be disposed of at the appropriate time and in the appropriate legal manner..

**FISCAL  
IMPACT:**     None.

**APPROVALS:**

  
\_\_\_\_\_  
Kyle Potthoff, Public Works Director

August 29, 2024

  
\_\_\_\_\_  
Nate Schneider, City Manager

August 29, 2024

# Public Works Surplus Equipment - Fall 2024

1995 f-150 4x4 Pickup  
6 cylinder, Auto  
1FTEF14YXSNA38478  
Runs - Rusty

1991 F-150 - 2 wheel drive Pickup  
6 cylinder, Auto, 97,102 miles  
1FTDF15Y9MKA55920  
Runs - Rusty

1994 Chevy K2500 Pickup  
Bad Transmission, No Reverse  
1GCGC24K5RE305085

Pontoon Trailer

Old Sweeper Water Tanks

John Deere Mower Decks(4)

Pontoon Boat and Trailer

Claw Foot Bathtub

Pond Pumps

8 - 400w High Pressure Sodium(HPS) lights

12 - 1000w Metal Halide(MH) lights

1 case 20"x30" Furnace Filters

Hydraulic Pump and Tank

Bumper Mount 12v Spreader

20 - 2'x2' Fluorescent Fixtures

10 - 8' Fluorescent Fixtures

1979 Ford 8000 Dump Truck w/plow  
3208 CAT 5 - 2 speed  
R80BYDE7086  
Runs and Drives - Rusty

1989 F-600  
370 V-\* 5 - 2 speed  
1FDNF60H8KVA43581

1988 C6500  
V-8 Diesel 5 - 2 speed  
Bucket Truck 35'  
1GBJ7D1FGJV102423

Perkins Leaf Vac  
Diesel, 231 hours

Bucket Forks for Front End Loader

Front End Loader Bucket

**CITY MANAGER'S REPORT  
SEPTEMBER 3, 2024 CITY COUNCIL MEETING**

---

**ITEM:**           3.H.   

**RECOMMENDATION:**

**APPROVE THE McCook Public Schools request to close the intersection of Norris Avenue and "C" Street at approximately 1:00 p.m. on Wednesday September 18<sup>th</sup> to allow for school homecoming activities.**

---

**BACKGROUND:**

The McCook Public Schools is planning to hold a homecoming pep rally on Wednesday September 18, 2024 at the intersection of Norris Avenue and "C" Street. They plan to have the students begin walking towards the intersection of Norris Avenue and "C" Street utilizing city streets at approximately 1:00 p.m. The pep rally will be completed prior to 2:00 p.m.

The route for the students will be to leave the high school and move south on West 7<sup>th</sup> Street to West "D" Street, turn east on West "D" Street to Norris Avenue and then turn south on Norris Avenue to the intersection of Norris Avenue and "C" Street. McCook Public Schools staff will escort the students along this route.

In order to accommodate the request, Norris Avenue will need to be closed at "B" Street and at "D" Street as well as "C" Street will need to be closed at the alley between Norris Avenue and East 1<sup>st</sup> Street and the alley between Norris Avenue and West 1<sup>st</sup> Street.

The Police Department and Fire Department will be needed to assist in controlling vehicle and pedestrian traffic during the event. The Public Works Department will have staff present to assist with locating and moving cones as needed.

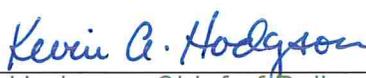
A certificate of insurance has been requested from McCook Public Schools.

**FISCAL  
IMPACT:**     None.

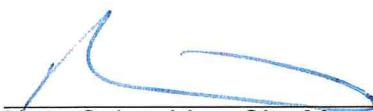
**APPROVALS:**

  
\_\_\_\_\_  
Kyle Potthoff, Public Works Director

August 29, 2024

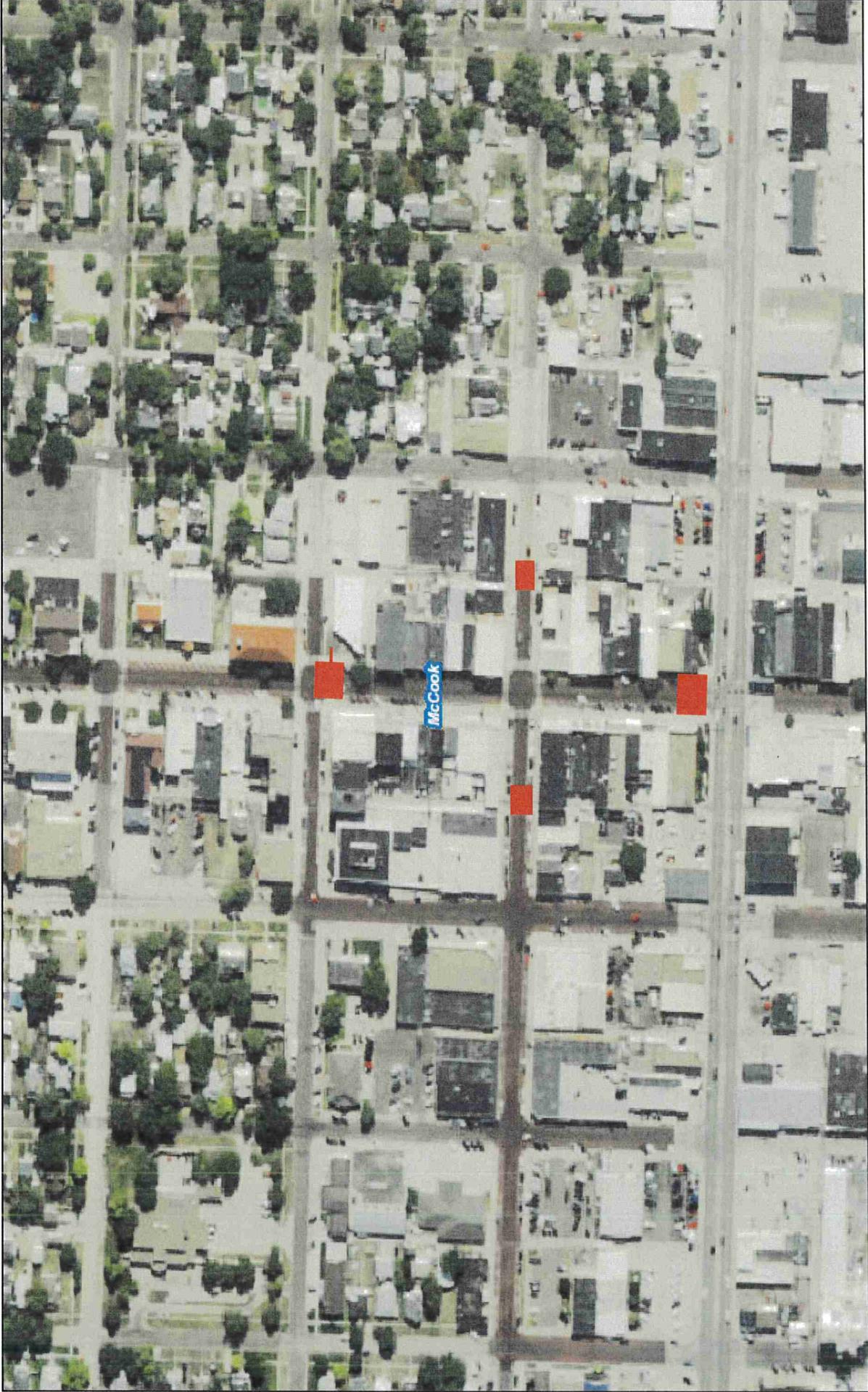
  
\_\_\_\_\_  
Kevin Hodgson, Chief of Police

August 29, 2024

  
\_\_\_\_\_  
Nate Schneider, City Manager

August 29, 2024

# STREET CLOSURES

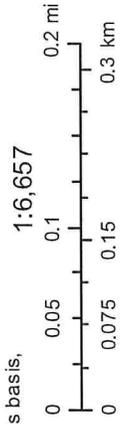
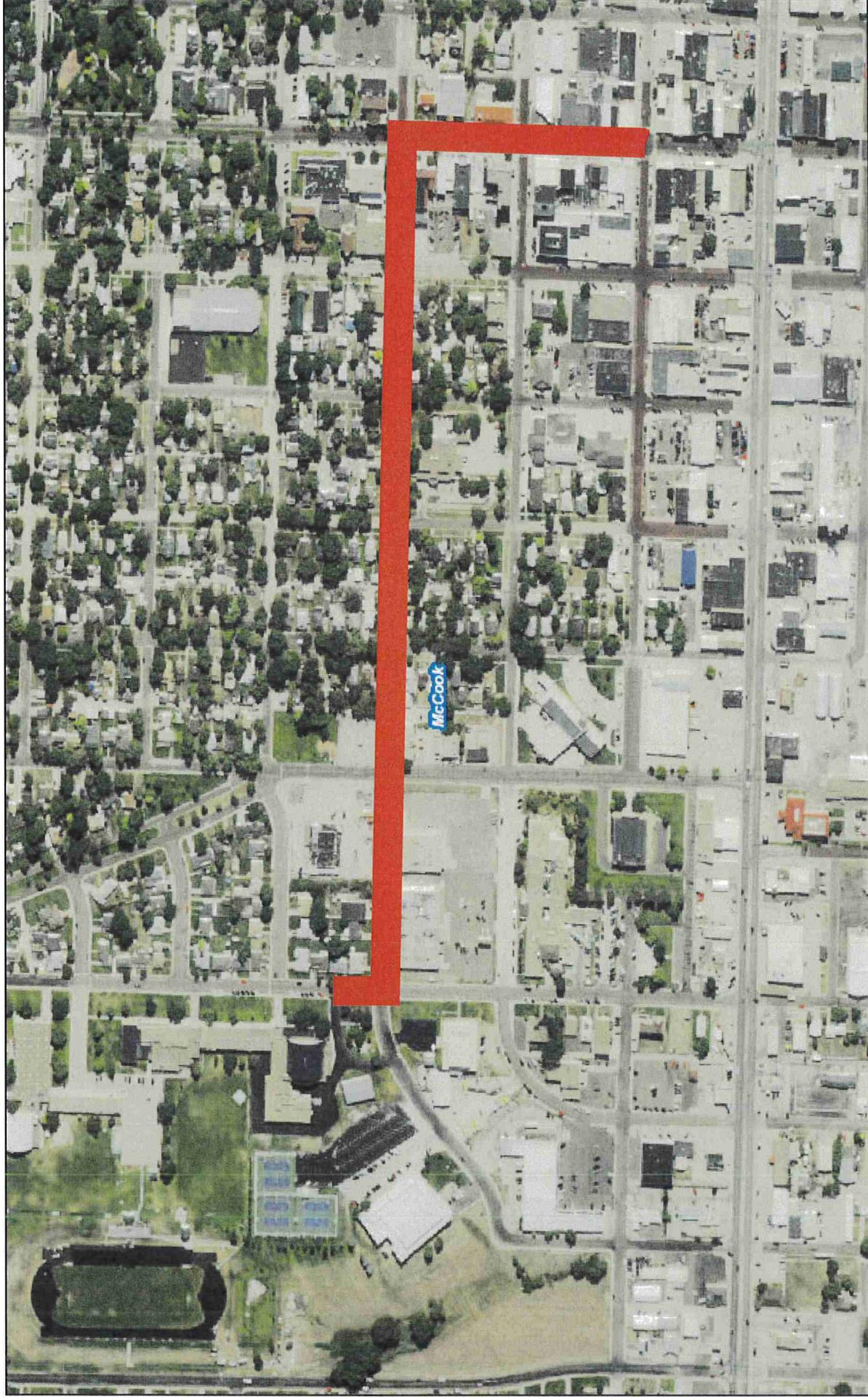


August 29, 2024

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.



# STUDENT ROUTE



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.

August 29, 2024

 Municipalities

**CITY MANAGER'S REPORT  
SEPTEMBER 2, 2024 CITY COUNCIL MEETING**

---

**ITEM: 3.I.**

**RECOMMENDATION:**

**Authorize Conflict of Interest Waiver to allow City Attorney to represent surviving victim in a wrongful death case against the at-fault driver that caused the death of a City employee.**

---

**BACKGROUND:**

A city employee was tragically killed in an automobile collision on July 18, 2024. Based upon the initial assessment by law enforcement, the other driver was 100% at fault for the accident which gives rise to a wrongful death claim for the victim's family. The family has asked City Attorney Nathaniel Mustion to be a part of the legal team representing them in the wrongful death claim against the at-fault driver.

A current conflict of interest does not exist based upon the known facts of the case. However, there is the potential for new facts to be uncovered causing a conflict of interest to occur. If a conflict of interest arises, Mr. Mustion would have to withdraw from representing the City and the surviving family member with all aspects of the wrongful death case.

**FISCAL IMPACT:** None.

*prepared by*  
\_\_\_\_\_  
Nathaniel Mustion, City Attorney

**CITY MANAGER'S REPORT  
SEPTEMBER 5, 2023 CITY COUNCIL MEETING**

---

**ITEM: 3.J.**

Approve Employment Agreement with City Manager Nathan A. Schneider for Fiscal Year 2024/2025 and authorize the Mayor to sign.

---

**BACKGROUND:**

The proposed employment agreement establishes the terms and conditions for the employment of City Manager Schneider.

**FISCAL  
IMPACT:** None.

**APPROVALS:**

  
\_\_\_\_\_  
Lea Ann Doak, City Clerk

August 29, 2024

## EMPLOYMENT AGREEMENT

THIS AGREEMENT is made and entered into this 3<sup>rd</sup> day of September, 2024, by and between the City of McCook, Nebraska, a municipal corporation, hereinafter called the "City", and Nathan A. Schneider, hereinafter called the "City Manager", both of whom understand and agree to the following:

### WITNESSETH:

WHEREAS, the City desires to contract for the professional services of said Nathan A. Schneider as City Manager of the City of McCook, Nebraska, as provided by Article 6 of Chapter 19 of the Statutes of the State of Nebraska, and the City of McCook Code of Ordinances, 2011, and

WHEREAS, it is the desire of the City Council to provide certain benefits, establish certain conditions of employment, and to set working conditions of said City Manager's position; and

WHEREAS, it is the desire of the City Council to (1) secure and retain the services of the City Manager and to provide inducement for him to remain in such employment; (2) to make possible full work productivity by assuring the City Manager with respect to his future security; (3) to act as a deterrent against malfeasance or dishonesty for personal gain on the part of the City Manager; and (4) to provide a just means for terminating the City Manager's services at such time as may be necessary; and

WHEREAS, Nathan A. Schneider desires to enter into and continue employment as City Manager of said City;

NOW, THEREFORE, in consideration of the mutual covenants herein contained, the parties hereto agree as follows:

### SECTION 1. DUTIES

The City hereby agrees to contract with Nathan A. Schneider as City Manager of said City to perform the functions and duties specified in the Statutes of the State of Nebraska and

the City of McCook Code of Ordinances, and to perform such other legally permissible and proper duties and functions as the City Council shall from time to time assign.

## SECTION 2. TERM

The term of this Agreement shall commence on the 1<sup>st</sup> day of October, 2024, and shall supersede all preceding Agreements. The City Manager shall be an "at will" employee, and shall serve at the pleasure of the City Council, without specific term or tenure.

## SECTION 3. SALARY

The City agrees to pay the City Manager for his services a base annual salary of \$149,343 plus longevity of \$2,986 for a gross annual salary of \$152,329, payable in equal bi-weekly installments.

The City may increase the salary from time to time, in such amount as it may deem appropriate, as reward for meritorious service.

The City Council shall review the City Manager's salary and benefits at a convenient date and time near August 1, 2025, and determine whether to take action to adjust the compensation of the City Manager. Annual performance evaluations, and salary reviews shall be scheduled at approximately twelve-month intervals thereafter.

## SECTION 4. HOURS OF WORK

The work week for the City Manager shall be 40 hours per week and such other hours as may be necessary to fulfill the duties of the position of City Manager.

## SECTION 5. AUTOMOBILE

The City and City Manager agree that the City Manager shall use his own, personal automobile for City related business. The City Manager shall be reimbursed \$5,000.00 annually, with said payment to cover the City Manager's costs for insurance, maintenance, repair, fuel and any other costs that can reasonably be expected for said job related usage. Said payments shall be paid to the City Manager by the City on a bi-weekly basis with each bi-weekly payment to be in the amount of \$192.31. The City Manager will use his own personal automobile to travel to and from any work related event(s) that may occur inside of the State of Nebraska. Travel will be provided by the City outside the State of Nebraska. City Manager

shall provide the City with a Certificate of Insurance.

SECTION 6. DUES, SUBSCRIPTIONS AND MEMBERSHIPS

The City shall pay, during his tenure, for the membership dues for the City Manager's membership in one local service organization, the International City Managers Association, and the Nebraska City Management Association.

SECTION 7. CELL PHONE (SMART PHONE) PROVISION

City agrees to provide the City Manager a cell phone (smart phone) and will pay for all monthly usage expenses.

SECTION 8. CONFERENCES

The City shall allow the City Manager to attend such conferences as the City may deem beneficial to the City and/or the professional development of the City Manager. The City shall pay all reasonable and necessary expenses of the City Manager while attending such conferences.

SECTION 9. VACATION

The City Manager will be granted vacation leave that shall be earned and accrued from the date of employment. Vacation shall accrue pursuant to the policies outlined in the City's Employee Handbook.

SECTION 10. SICK LEAVE

The City Manager shall accrue and take sick leave pursuant to the policies outlined in the City's Employee Handbook.

SECTION 11. OTHER TYPES OF LEAVE

Other types of leave, as outlined in the City's Employee Handbook, shall be applicable to the City Manager.

SECTION 12. HEALTH AND DENTAL INSURANCE

The City Manager shall receive health and dental insurance coverage for himself and his family pursuant to the policies outlined in the City's Employee Handbook. Coverage will begin the first of the month following thirty one (31) days of continuous full-time employment.

### SECTION 13. GROUP LIFE INSURANCE

The City Manager shall receive life insurance coverage for himself pursuant to the policies outlined in the City's Employee Handbook. Specifically, the City Manager shall be provided, through the City's health insurance program, a life insurance policy equal to one year's gross salary as is set forth in Section 5.3.

### SECTION 14. RETIREMENT

In addition to the salary paid by the City to the City Manager, the City agrees to pay an amount equal to eight percent (8%) of the City Manager's gross salary into a qualified retirement plan on the City Manager's behalf. The plan to be used shall be selected by the City Manager. The City Manager shall advise the City of his selection upon commencing employment so that any necessary participation agreements may be completed prior to payroll. The City Manager shall be responsible for all administrative, or custodial charges made by the plan.

### SECTION 15. LONGEVITY

The City Manager shall receive longevity pay at the rate of one percent (1%) of base pay for each five (5) years of continuous service. The years of service shall be figured from date of permanent, full time status.

### SECTION 16. PERFORMANCE EVALUATION

The Council shall review and evaluate the performance of the City Manager at least once annually in advance of the adoption of the annual operating budget after approval of this agreement. The City Council, by majority vote, may request more frequent evaluations. Said reviews will be written and oral. Said review and evaluation shall be in accordance with criteria developed jointly by the Council and the City Manager. The criteria may be added to or deleted from as the Council may from time to time determine, in consultation with the City Manager. Further, the Council shall provide the City Manager with a summary written statement of the findings of the Council and provide an adequate opportunity for the City Manager to discuss his evaluation with the Council.

Annually, the Council and the City Manager shall define such goals and performance objectives that they determine necessary for the proper operation of the City of McCook and in the attainment of the Council's policy objectives and shall further establish a relative priority among those various goals and objectives, said goals and objectives to be reduced to writing. They shall generally be attainable within the time limitations as specified and the annual operating and capital budgets and appropriations provided.

#### SECTION 17. TERMINATION OR DISCHARGE

A(1). Termination for Any or No Reason and Consideration Given for Release of All Claims Against City. In the event the City Council, during the term of this Agreement, terminates City Manager during the term of this Agreement, terminates Employee for any or no reason, the City shall make payments as specified in Paragraph A(2) of this section in exchange for the amounts specified in Paragraph A(2) of this section. Termination shall occur for any of the following reasons:

1. The majority of the governing body votes to terminate the City Manager at a duly authorized public meeting.
2. If the City, citizens or legislature acts to amend any provisions of the pertaining to the role, powers, duties, authority, responsibilities of the City Manager's position that substantially changes the form of government, the City Manager shall have the right to declare that such amendments constitute termination.
3. If the City reduces the base salary, compensation or any other financial benefit of the City Manager, unless it is applied in no greater percentage than the average reduction of all department heads, such action shall constitute a breach of this agreement and will be regarded as a termination.
4. If the City Manager resigns following an offer to accept resignation, whether formal or informal, by the City, then the City Manager may declare a termination as of the date of the suggestion.

A(2). Value of Claims Against City Released by City Manager and Participation in Post-Agreement Proceedings. City agrees to provide such a lump sum payment of five (5) months salary to the City Manager to avoid the expense of:

1. Conducting a pre- and post-termination grievance hearing.
2. Conducting a Loudermill hearing and "full blown" due process hearing.
3. Defending a discrimination charge brought under the municipal code, state law, and/or federal law.
4. Defending a breach of contract claim.
5. The City Manager, in accepting this lump sum payment, agrees after termination of employment with the City that he will voluntarily participate and cooperate with the City in the defense of the City and its elected officials and employees and the prosecution of any action or proceeding about which the Employee has knowledge, including any litigation related to these actions. Such participation and cooperation includes, for example, agreeing to speak with the City's attorneys at mutually convenient times regarding the fact of the matter and agreeing to make himself available for a deposition and/or trial.
6. The City shall prepare a release and waiver form to be signed by the City Manager in accordance with this paragraph.

A(3). Non-Renewal. The failure of the City to renew any employment contract containing language similar or identical to Section 15 of this Agreement shall be treated as a termination for any or no reason and shall trigger the payment of amounts set forth in Paragraph A(2) of this section.

#### SECTION 18. DEFENSE AND INDEMNIFICATION

City shall, at its expense or that of its insurers, defend and indemnify the City Manager from liability for his acts or omissions performed in connection with his duties as City Manager to the extent the acts or omissions constituting the grounds for alleged liability, if actionable at all, were based upon the City Manager's good faith judgment that the acts or omissions were not contrary to the best interests of the City.

SECTION 19. GENERAL PROVISIONS

The text herein shall constitute the entire Agreement between the City and the City Manager and shall be binding upon and inure to the benefit of the heirs at law and the executors of the City Manager.

If any provision or any portion hereof contained in this Agreement is held unconstitutional, invalid or unenforceable, the remainder of this Agreement or portion thereof, shall be deemed severable, shall not be affected and shall remain in full force and effect.

IN WITNESS WHEREOF, the City of McCook has caused this Agreement to be signed and executed in its behalf by its Mayor, and duly attested by its City Clerk, and the City Manager has signed and executed this Agreement both in duplicate, and day and year first written above.

CITY OF MCCOOK

\_\_\_\_\_  
Linda Taylor, Ex-officio Mayor  
and Council President

ATTEST:

\_\_\_\_\_  
Lea Ann Doak, City Clerk

CITY MANAGER

\_\_\_\_\_  
Nathan A. Schneider

<u>City</u>	<u>Years Employed</u>	<u>Salary (Year)</u>	<u>Number of City Mgrs Since 2014</u>
Alliance	3	\$147,203	4
Blair	1	\$137,375	2
Aurora	9	N/A	2
Beatrice	12	\$248,312	1
Chadron	2	N/A	4
Crete	40	\$173,667	1
Gering	3	\$126,068	2
Gretna	3	\$142,330	2
Holdrege	3	\$123,843	2
Lexington	27	\$145,000 1 (Elects larger contribution to retirement)	
McCook	10	\$133,200	1
Neb City	1	\$130,487	4
Ogallala	2	N/A	3
Plattsmouth	3	\$128,900	2
Ralston	4	\$135,935	N/A
Scottsbluff	2	\$152,800	4
Seward	7	\$158,484	2
Sidney	4	\$124,654	3
S S City	43	\$185,289	1
Wahoo	10	\$128,760	1
York	3	\$165,871	3
	9.14	\$149,343	2.25

**CITY MANAGER'S REPORT  
SEPTEMBER 3, 2024 CITY COUNCIL MEETING**

---

**ITEM:**        4.A.

Approve Ordinance No. 2024-3085 providing for the adoption of the budget for FY 2024/2025 on its second of three readings.

---

**BACKGROUND:**

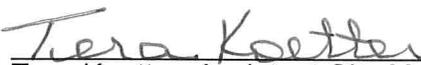
Ordinance No. 2024-3085, on its second reading, provides for the adoption of the budget for Fiscal Year 2024/2025 after discussion and consideration by the Council.

**FISCAL  
IMPACT:**     None.

**APPROVALS:**

  
\_\_\_\_\_  
Lea Ann Doak, City Clerk

August 28, 2024

  
\_\_\_\_\_  
Tera Koetter, Assistant City Manager

August 28, 2024

  
\_\_\_\_\_  
Nathan A. Schneider, City Manager

August 28, 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  
SEPTEMBER 3, 2024 CITY COUNCIL MEETING**

---

**ITEM:**        **4.B.**

Approve Ordinance No. 2024-3086 providing for the adoption of the FY 2024/2025 Fiscal Year Employee Classification Pay Plan on its second 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.

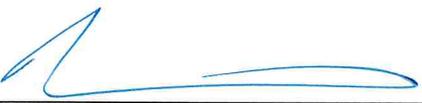
**APPROVALS:**

  
\_\_\_\_\_  
Lea Ann Doak, City Clerk

August 28, 2024

  
\_\_\_\_\_  
Tera Koetter, Assistant City Manager

August 28, 2024

  
\_\_\_\_\_  
Nathan A. Schneider, City Manager

August 28, 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>	
(S2T)	Temporary Seasonal - work less than 90-Days	13.500	- 16.000		
(S4)	Pool Seasonal	13.500	- 16.000		
	Seasonal II	13.500	- 17.000		
	Pool Guard	14.000	- 16.000		
	Assistant Pool Manager	15.000	- 17.000		
	Pool Manager	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	15.252	- 20.900		
	Part-Time Clerical/Library Clerical	15.483	- 21.120		
	Part-Time Custodian/Maintenance	15.570	- 22.384		
(100)	Full-Time Custodial/Maintenance Public Transportation Driver	15.570	- 22.384	32,385	- 46,559
(105)	Assistant Cook	15.888	- 20.367	33,046	- 42,363
(110)	Clerk II (Public Transit Dispatcher)	16.400	- 23.063	34,112	- 47,970
(115)	Head Cook	17.169	- 25.625	35,711	- 53,300

<u>(PAY GRADE)</u>	<u>POSITION</u>	<u>HOURLY/MONTHLY RATE</u>		<u>12-MONTH ANNUAL RANGE</u>	
(120)	Circulation Librarian	17.410	- 22.906	36,212	- 47,644
(125)	Laborer I Equipment Operator I	18.723	- 26.090	38,943	- 54,268
(130)	Juvenile Services Librarian	18.788	- 25.690	39,080	- 53,434
(135)	Transfer Station Administration Assistant	18.952	- 26.168	39,421	- 54,430
(140)	Public Safety Administration Assistant	19.101	- 26.471	39,730	- 55,059
(145)	Catalogue/Media Librarian	19.106	- 25.820	39,740	- 53,705
(150)	Administration Assistant - Admin Office	19.373	- 27.050	40,295	- 56,263
(155)	Laborer II	19.885	- 28.198	41,361	- 58,651
(160)	Refuse Collection Driver	19.895	- 26.312	41,382	- 54,728
(165)	Utility Service Technician I	20.177	- 28.418	41,968	- 59,110
(170)	Financial Administrative Assistant	20.305	- 28.413	42,235	- 59,099
(175)	Equipment Operator II	20.439	- 28.372	42,512	- 59,014
(180)	Disposal Plant Operator I	21.289	- 29.910	44,282	- 62,212
(185)	Equipment Operator III Tractor-Trailer Operator	21.325	- 29.248	44,356	- 60,837

<u>(PAY GRADE)</u>	<u>POSITION</u>	<u>HOURLY/MONTHLY RATE</u>		<u>12-MONTH ANNUAL RANGE</u>	
(190)	E911 Office Coordinator	21.351	- 29.295	44,410	- 60,933
(195)	Disposal Plant Operator II	22.509	- 31.985	46,819	- 66,529
(200)	Utility Service Technician II	22.847	- 32.790	47,522	- 68,203
(205)	Mechanic	23.227	- 32.944	48,311	- 68,522
(210)	Disposal Plant Operator III Water Plant Operator I	23.729	- 34.061	49,356	- 70,846
(215)	Equipment Operator/Groundskeeper II - Parks Equipment Operator/Groundskeeper II - Street	23.883	- 31.970	49,676	- 66,497
(220)	Deputy City Clerk	23.903	- 34.272	49,718	- 71,286
(225)	Cemetery Sexton	24.108	- 33.446	50,145	- 69,567
(230)	Water Plant Operator II	24.898	- 33.446	51,788	- 69,567
(235)	Airport Maintenance Operator	25.745	- 33.116	53,549	- 68,881
(240)	Laborer Foreman	26.343	- 37.279	54,792	- 77,541
(245)	Building Inspector/Code Compliance Officer	28.311	- 37.064	58,886	- 77,093
(250)	Police Sergeant (42 hour) Sergeant/Patrol Supervisor	30.197	- 40.334	65,949	- 88,089
(255)	Human Resource Coordinator	30.251	- 43.573	62,922	- 90,631

<u>(PAY GRADE)</u>	<u>POSITION</u>	<u>HOURLY/MONTHLY RATE</u>	<u>12-MONTH ANNUAL RANGE</u>
(260)	Library Director Senior Services Director Public Works Superintendent Solid Waste Superintendent Wastewater Superintendent Water Superintendent	30.825 - 40.003	64,116 - 83,206
(265)	City Clerk/Treasurer Utilities Director Public Works Director Assistant City Manager	41.164 - 57.349	85,621 - 119,285
(270)	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

**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
-	\$ 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/paradedics. 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/paradedics. 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  
SEPTEMBER 3, 2024 CITY COUNCIL MEETING**

---

**ITEM: 4.C.**

Approve increase of Restricted Funds Limit by an additional 1% for Unused Restricted Funds Authority.

---

**BACKGROUND:**

State law states no governmental unit shall adopt a budget containing a total of budgeted restricted funds more than the last prior year's total of budgeted restricted funds plus allowable increases.

Restricted funds are defined as:

1. Property Tax (includes Real Estate and Personal Property)
2. Payments in Lieu of Property Tax
3. Local Option Sales Tax
4. Motor Vehicle Tax
5. State Aid (Pro-Rate Motor Vehicle, Homestead Exemption, Municipal Infrastructure Redevelopment Fund or MIRF, Highway Allocation and Incentive Payments, Motor Vehicle Fees, State Aid to Cities, Municipal Equalization Aid, and insurance premium tax)
6. Surplus Fees (Transfers of surpluses from any user fee, permit fee, or regulatory fee if the fee surplus is used to fund a service or function not directly related to the fee and the costs of the activity funded from the fee)
7. Prior Year Budgeted Capital Improvements Amount that was used as a lid exception, but was not spent or is not expected to be spent for capital improvements.

Allowable Increases:

- ✓ Base Limitation - All political subdivisions have the ability to increase their base of restricted funds by 2.5%.
- ✓ Allowable Growth - If a political subdivision had allowable growth due to improvements to real property as a result of new construction, additions to existing buildings, any improvements to real property which increase the value of such property and any increase in valuation due to annexation and any personal property valuation over the prior year above the 2.5%, we can use the amount over the 2.5% to increase the base of restricted funds.
- ✓ Special Election - A governmental unit may exceed the applicable allowable growth percentage by an amount approved by a majority of legal voters on the issue at a special election called for such purpose.
- ✓ Additional 1% - An additional 1% is allowed if at least 75% of the governing body votes to approve the increase. There is no special hearing or notice required to consider the additional 1% increase.
- ✓ A vote for the increase has no effect on the tax dollars, just allows for future growth in restricted funds. For example, if it would become necessary to increase our levy to the maximum of \$.45 to maintain services, we may not be able to do so if we did not have any Unused Restricted Funds Authority available.

**CITY MANAGER'S REPORT**  
**SEPTEMBER 3, 2024 CITY COUNCIL MEETING**  
**Page - 2**

---

Attachment #1 is a copy of form LC-3 Supporting Schedule which shows the preliminary Calculation of Restricted Funds and the Total Unused Restricted Funds Authority (page 9),

Attachment #2 is a copy of the instructions for completing the schedule and the lid computation form, which are part of the budget document as prepared for the State Auditor's Office.

**FISCAL**  
**IMPACT:**     None.

**APPROVALS:**

  
\_\_\_\_\_  
Lea Ann Doak, City Clerk

August 28, 2024

  
\_\_\_\_\_  
Tera Koetter, Assistant City Manager

August 28, 2024

  
\_\_\_\_\_  
Nathan A. Schneider, City Manager

August 28, 2024

**CITY MANAGER'S REPORT  
SEPTEMBER 3, 2024 CITY COUNCIL MEETING**

---

**ITEM: 4.D.**

**RECOMMENDATION:**

Introduce on first reading, Ordinance No. 2024-3088 providing for the amendment to Chapter 38: Appendix E setting the rate to be charged for water by the McCook Water Department.

---

**BACKGROUND:**

Based on data from the 2023 Water Enterprise Fund Cashflow Model, as prepared by Public Financial Management (PFM), City staff is recommending that the current water rate be increased by 8.5%. The rate increase provides funds to cover inflation, staff wages, equipment, and prepare for future capital improvements. The current rates have been in place since June 2024.

The proposed adjustment would see the ready-to-serve fee increase from \$22.95 to **\$24.90/month** (+\$1.95). The price per 100 cubic feet (748 gallons) will also increase. The first 5,000 cubic feet will go from \$2.340 to **\$2.539** per 100 cubic feet (+\$.199). Usage above 5,000 cubic feet will go from \$1.734 to **\$1.881** per 100 cubic feet (+\$.147).

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

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

**FISCAL IMPACT:**

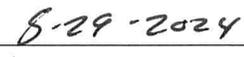
---

**APPROVALS:**

  
\_\_\_\_\_  
Lea Ann Doak, City Clerk

  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Pat Fawver, Utilities Director

  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Nate Schneider, City Manager

  
\_\_\_\_\_  
Date

ORDINANCE NO. 2024-3088

AN ORDINANCE PROVIDING FOR THE AMENDMENT OF CHAPTER 38: FEE SCHEDULE - APPENDIX E , WATER DEPARTMENT RATES AND FEES; OF THE CITY OF MCCOOK CODE OF ORDINANCES; PROVIDING FOR A RATE TO BE CHARGED FOR WATER BY THE MCCOOK WATER DEPARTMENT; PROVIDING FOR THE REPEAL OF ORDINANCE NO. 2024-3076 AND ANY AND ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR A TIME AND DATE FROM AND AFTER WHICH THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE.

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

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

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

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

(A) 2.539 dollars per one hundred cubic feet for the first five thousand (5,000) cubic feet of water used;

(B) 1.881 dollars per one hundred cubic feet for all water used over five thousand (5,000) cubic feet.

In addition to the above, a ready-to-serve fee of twenty-four and 90/100 dollars (\$24.90) per month shall be charged to each customer.

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

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

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

SECTION 2. Ordinance No. 2024-3076 and any and all other ordinances or parts of ordinances in conflict herewith shall be and are hereby repealed and abrogated.

SECTION 3. This ordinance shall take effect with the bills dated November 1, 2024 and be in full force from and after its passage, approval and publication as required by law in its entirety or in pamphlet form, as the case may be.

PASSED AND APPROVED THIS \_\_\_\_\_ day of \_\_\_\_\_, 2024.

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

ATTEST:

-s- Lea Ann Doak, City Clerk



February 19, 2024

Mr. Nate Schneider, City Manager  
City of McCook, Nebraska  
505 West C Street  
McCook, NE 69001

Dear Nate,

Attached for your review is an update to the Water Enterprise Fund Financial and Capital Planning Model which was previously presented to the McCook City Council on February 20, 2023. Based on this analysis PFM recommends implementing a 8.50% rate increase to all rate categories on May 1, 2024 and October 1, 2024. This recommendation is higher than the projections in the prior year's analysis driven primarily by a combination of actual usage below projected water sales as well as the expected capital costs for the water treatment plant and the distribution system.

**pfm**

801 Grand  
Suite 3300  
Des Moines, IA 50309  
515.243.2600

[pfm.com](http://pfm.com)

In updating this model, PFM Financial Advisors LLC ("PFM") has reviewed and incorporated information from the City's FY 2023 Audited Financial Statements and the FY 2024 Budget. In addition, we have incorporated the current capital improvement plan for the Water Enterprise Fund that includes \$18,193,500 for the high priority projects. The important points of the update are summarized below.

(i) Usage

- a. Total water sales decreased by 16.08% in FY 2023 after increasing by 2.64% in FY 2022. Actual usage has been up and down from year-to-year, but FY 2023 represents the lowest water sales since FY 2019 and is three million cubic feet below the 15-year average. This is likely attributed to the weather during FY 2023 more than a change in customer behaviors.
- b. PFM & City staff have made the assumption that future usage will be approximately 70 million cubic feet and remain flat at that level. This is a reduction to the previous assumption of 72 million cubic feet for future years.
- c. We have stress tested the cash flow between the range of selling 65 million cubic feet and to 80 million cubic feet. We observe that usage regularly fluctuates between 10% to 15% depending on the weather.

(ii) Revenues

- a. FY 2023 operating revenues were down 6.7% from the prior fiscal year after increasing 6.0% in FY 2022.
- b. On average, operating revenues have increased approximately 3.8% annually over the last 5 years and have exhibited volatility year to year.



- (iii) Expenditures
  - a. FY 2023 operating expenditures (excluding depreciation and sales tax) increased by 8.3% from the prior fiscal year after a 15.6% increase in FY 2022. Both years were above the projected increase of 7.0%.
  - b. The FY 2024 budget includes a 5.1% increase in total operating expenditures which is slightly below the long term estimate of 7.0%.
  - c. In FY 2025 and thereafter, this analysis assumes a moderate 7.0% annual growth rate for all operating expenditures.
- (iv) Debt service coverage
  - a. Coverage of 2.38 times in FY 2023 and budgeted 3.09 times FY 2024, is strong for a water system of this size.
  - b. In FY 2027 while the City is constructing the \$18,193,500 of improvements to the Water Treatment plant and distribution system, PFM is projecting only a slight buffer above the legally required minimum coverage. The projected coverage in FY 2027 is 1.21 times and satisfies the minimum requirement of 1.10 times. The projected decrease in coverage is a result of the debt incurred to fund the capital improvements currently in the capital budget.
  - c. The current projection model assumes USDA financing at the market rate of 3.75% with a 40-year term. This will require an interim loan during construction with a higher interest rate and interest only payments. Currently we have assumed a rate of 6.25% for the interim loan with a 30-month construction period.
- (v) Other Considerations
  - a. Pursuant to City staff's recommendation, we have assumed annual ongoing capital costs in the future will be \$255,000 per year, not including the high priority projects. In addition, we have assumed annual transfers to the following designated funds: \$3,200 to the Repermitting Fund, \$40,000 into the Equipment Replacement Fund, \$120,000 into the Water Plant Replacement Fund, and \$200,000 into the Capital Replacement Fund until FY 2026.
  - b. In FY 2027 when the high priority projects are constructed the City plans to use \$3,000,000 from its capital reserve to decrease the required loan amount. After this time the transfers to the Water Plan Replacement Fund and Capital Replacement fund are projected to decrease to \$100,000 to each fund annually in an effort to limit the required rate increases.



- (vi) Annual Surplus/Deficit
- a. FY 2023 ended with an operating cash deficit of <\$578,039> versus a projected deficit of <\$787,732> from our analysis last year.
  - b. The primary difference in FY 2023 was the decrease in usage leading to lower than projected revenues along with a delay on some capital projects. The financial projection model had included \$2,152,875 compared with the actual audited capital expenditures of \$968,315. Most of the planned capital expenditures that were not completed were moved forward into the FY 2024 budget or delayed for further evaluation.
  - c. Projected operating deficits in FY 2024 are expected due to \$2,928,776 of capital projects planned. FY 2025 and FY 2026 assume a surplus in preparation for the future debt service requirements. FY 2027 to FY 2029 are projecting deficits once the debt service to fund the high priority projects comes online. FY 2030 is designed to be a balanced budget once the projects are completed and the debt service is fixed for term of the debt. This projection includes annual transfers that will adjust as necessary to balance the budget and prepare for future capital needs.
- (vii) Cash Balance
- a. Ending operating cash balance on September 30, 2023 was \$2,424,748 which represents 143.7%, or approximately seventeen (17) months, of operating expenditures.
  - b. Overall, total cash in the Water Enterprise Fund is expected to decrease to \$6.18 million in FY 2024 from \$6.6 million in FY 2023 after capital expenditures of \$2.928 million.
  - c. Operating cash is expected to trend downward over the six-year planning period ending FY 2030 to approximately \$1.94 million. During that time total cash balance is expected to decrease to \$4.89 million after expending \$22.7 million on capital projects over that time period.
  - d. Through conservative financial management the \$120,000 annual set-aside to the Water Plant Replacement Fund will build this fund's cash balance to \$2.09 million in FY 2026 and then spend \$1.9 million of these funds for the high priority projects in FY 2027. The \$200,000 annual set-aside to the Capital Replacement Fund will help build this fund's cash balance to \$1.4 million in FY 2026 and then spend \$1.28 million of this fund's cash on the high priority projects in FY 2027.
- (viii) Recommended Future Rate Increases
- a. Based on the assumptions listed above, PFM is recommending a higher rate increase than previously projected during FY 2024 and the six-year planning horizon. This assumption is heavily reliant on trends in future water usage, realized growth in future operating expenditures, and planned capital expenditures for water system improvements and repairs.



- b. As the City considers the higher rate increases, it may consider evaluating its current rate structure to ensure equity among the various users. Currently the City has a declining block rate structure with usage over 5,000 cubic feet getting a 25% discount on the water consumed. This rate structure provides a financial benefit to larger users and encourages consumption.
- c. In the table below, we have incorporated the following rate adjustments as compared to the prior rate adjustments suggested in the February 20, 2023 study.

<u>Applicable Fiscal Year</u>	<u>Recommended Date of Change</u>	<u>February 20, 2023 Analysis</u>	<u>February 19, 2024 Analysis</u>
FY 2023-24	May 1, 2024	6.00% (all rates)	8.50% (all rates)
FY 2024-25	October 1, 2024	6.00% (all rates)	8.50% (all rates)
FY 2025-26	October 1, 2025	6.00% (all rates)	8.50% (all rates)
FY 2026-27	October 1, 2026	6.00% (all rates)	8.50% (all rates)
FY 2027-28	October 1, 2027	6.00% (all rates)	6.25% (all rates)
FY 2028-29	October 1, 2028	N/A	6.25% (all rates)
FY 2029-30	October 1, 2029	N/A	6.25% (all rates)

The Water Enterprise Fund is planning to accommodate future capital improvements while maintaining sufficient cash balances. Through continued strong management practices, coverage is anticipated to reduce significantly in FY 2027 once the high priority projects are funded. The recommended rate increases allow the utility to make debt service payments, cover estimated capital expenditures, and set aside some cash reserves for future capital projects. If total water sales to customers should decrease meaningfully below 70 million cubic feet, the operating expenses increase at a rate greater than 7.0%, or the high priority capital projects are significantly higher than \$18,193,000, larger rate adjustments may be needed in future years.

Please feel free to contact me with any questions regarding PFM's analysis and summary review. I look forward to presenting this Water Enterprise Fund Financial and Capital Planning Model to the City Council at its upcoming meeting.

Sincerely,

Matthew Stoffel, CFA  
 Director

---

**PFM Financial Advisors LLC**  
[stoffelm@pfm.com](mailto:stoffelm@pfm.com) | 515 724 5737 OFFICE | 515 201 0772 CELL  
 801 Grand Ave, Suite 3300 | Des Moines, IA 50309

**CITY MANAGER'S REPORT  
SEPTEMBER 3, 2024 CITY COUNCIL MEETING**

---

**ITEM: 4.E.**

**RECOMMENDATION:**

Introduce on first reading Ordinance No. 2024-3089 providing for the amendment to Chapter 38: Appendix D setting the rate to be charged for sewer by the McCook Wastewater Department.

---

**BACKGROUND:**

Based on the Sewer Enterprise Fund Cashflow Model prepared by Public Financial Management (PFM), City Staff is recommending that the current sewer rate be increased by 7.5%. The rate increase provides the funds to cover inflation, pay for major capital projects and maintain a healthy budget.

The proposed increase would see the base fee for residential customers go from \$19.98 to **\$21.48** per month (+\$1.499). The commercial base fee will go from \$29.11 to **\$31.29** per month (+\$2.183). Both residential and commercial monthly base fees include 333 cubic feet of usage. The fee for usage above 333 cubic feet (2,490 gallons) would also increase by 7.5% from the current \$4.315 per 100 cubic feet (748 gallons) to **\$4.639** per 100 cubic feet of usage (+\$.324 CENTS).

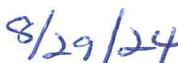
Using the PFM model as the guide, a 7.5% increase will generate additional revenue for future years and prepare the Wastewater Department for large capital expenditures.

**FISCAL IMPACT:**

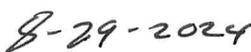
---

**APPROVALS:**

  
\_\_\_\_\_  
Lea Ann Doak, City Clerk

  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Pat Fawver, Utilities Director

  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Nate Schneider, City Manager

  
\_\_\_\_\_  
Date

ORDINANCE NO. 2024-3089

AN ORDINANCE PROVIDING FOR THE AMENDMENT OF CHAPTER 38: FEE SCHEDULE - APPENDIX D, SEWER DEPARTMENT RATES AND FEES, OF THE CITY OF MCCOOK CODE OF ORDINANCES; PROVIDING FOR THE REPEAL OF ORDINANCE NO. 2024-3077 AND ANY AND ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING A TIME AND DATE FROM AND AFTER WHICH THIS ORDINANCE SHALL TAKE EFFECT AND BE ENFORCED.

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

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

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

Minimum Charges of \$21.48 per month based on the first 333 cubic feet of water usage.

Residential Rate - \$4.639 per 100 cubic feet for everything over 333 cubic feet water usage.
  2. Commercial. The commercial sewer use charges provided for in Section 51.072 are as follows:

Minimum Charge of \$31.29 per month based on the first 333 cubic feet of water usage.

Commercial Rate - \$4.639 per 100 cubic feet for everything over 333 cubic feet water usage.

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

SECTION 2. Ordinance No. 2024-3077 and any and all other ordinances or parts of ordinances in conflict herewith shall be and are hereby repealed.

SECTION 3. This ordinance shall take effect with the bills dated November 1, 2024 and be in full force from and after its passage, approval, and publication as required by law in its entirety or in pamphlet form, as the case may be.

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

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

ATTEST:

-s- Lea Ann Doak, City Clerk



February 19, 2024

Mr. Nate Schneider, City Manager  
City of McCook, Nebraska  
505 West C Street  
McCook, NE 69001

Dear Nate,

Attached for your review is an update to the Wastewater Enterprise Fund Financial and Capital Planning Model which was previously presented to the McCook City Council on February 20, 2023. Based on this analysis PFM recommends implementing a 7.50% rate increase to all rate categories on May 1, 2024 and October 1, 2024. This recommendation is higher than the previous estimate of 6.00% and is primarily driven by the \$8.5M increase to the planned improvement to the wastewater treatment facility.

In updating this model, PFM Financial Advisors LLC ("PFM") has reviewed and incorporated information from the City's FY 2023 Audited Financial Statements and the FY 2024 Budget. In addition, we have incorporated the current capital improvement plan for the Wastewater Enterprise Fund that includes the \$13,436,500 for Alternative 3 that Miller and Association presented to the City Council on December 4, 2023. The important points of the updated rate analysis are below.

(i) Usage

- a. Wastewater usage decreased by 11.5% in FY 2023 after a decrease of 4.5% in FY 2022. The FY 2022 usage data include the adjustments made to the Parker Hannifin Corporation account in December 2021 for prior periods.
- b. Usage has been on a slow downward trend since 2001 but has stabilized at approximately 30 million cubic feet. The FY 2023 usage was lower than the 31 million cubic feet budgeted. We have projected future usage at 30 million cubic feet but we will want to watch this closely as it is a key input for the revenues of Wastewater Enterprise Fund.

(ii) Revenues

- a. FY 2023 operating revenue increased by 2.4% over the prior fiscal year to \$1.7M. This is the third consecutive increase after a period of flat revenues from FY 2017 to FY 2020 despite increases to the wastewater rates. The FY 2023 increase was not as large as planned but does reflect the 6.00% increase to rates in May 2023.
- b. FY 2024 operating revenues are projected to increase by 8.4% compared to FY 2023 due to the assumed billed consumption of 30 million cubic feet and the recommended rate increase.

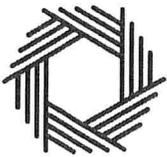
(iii) Expenditures

- a. FY 2023 operating expenditures (excluding depreciation and sales tax) increased by 3.7% over FY 2022. This is below our long-term assumption of 6.0%.
- b. The FY 2024 budget includes a conservative 19.7% estimated growth in total operating expenditures which reflects a return to normal operations after lower-than-expected operating expenses in FY 2020 through FY 2023.
- c. In FY 2025 and thereafter, this analysis assumes a 6.0% annual growth rate for all operating expenditures.

pfm

801 Grand  
Suite 3300  
Des Moines, IA 50309  
515.243.2600

pfm.com



- (iv) Debt service coverage
- a. Coverage of 4.45 times in FY 2023, is very strong for a wastewater system of this size.
  - b. The FY 2024 budget implies a strong projected coverage of 4.28 times.
  - c. In FY 2026, PFM is projecting coverage decreasing to 2.51 times when the wastewater portion of the Series 2021 Refunding Bonds are paid off. The final debt payment has a larger principal payment due to the release of the debt service reserve fund causing coverage to drop.
  - d. In FY 2027 to FY 2030 projected coverage is estimated to be between 1.42 times and 1.72 times revenue available for debt service. This includes a \$13,436,500 proposed USDA loan to be issued in FY 2027. The analysis assumes a market rate of 3.75% with a 40-year term. The USDA loan program requires the City to fund the construction of the project with an interim loan, we have assumed a 6.25% interim loan with a construction schedule matching the Miller and Associates presentation from December 2023.
- (v) Annual Surplus/Deficit
- a. FY 2023 ended with an operating cash surplus of \$409,103 versus a projected surplus of \$109,190 from our analysis last year.
  - b. FY 2024 budget indicates a deficit of \$734,407. A key component for FY 2024 is planned capital projects that will be paid from fund balance. Major capital expenditures include a Vactor 2100i combo wastewater truck and additional improvements to the sluge fan press.
  - c. Projected future operating results in FY 2025 is expected to be a deficit to fund the collection system improvements from fund balance. FY 2026 to FY 2030 fluctuate between surplus and deficits based on timing of capital projects and debt service but over the planning horizon are projected to be balanced budgets. These projections include annual transfers totaling \$195,000 to build the cash balances in the Capital Replacement Fund and Equipment Reserve Fund.
- (vi) Cash Balance
- a. Ending operating cash balance on September 30, 2023 was \$1,944,826 per the audited financial statements which represents 240.0%, or nearly twenty-nine months of operating expenditures.
  - b. Overall, total cash in the Wastewater Enterprise Fund increased by \$508,324 to \$2,718,163 in FY 2023.
  - c. Operating cash is expected to decrease in FY 2024 and FY 2025 and then remain stable between \$750,000 to \$908,000 from FY 2026 to FY 2030. However, this projection is heavily dependent on actual future usage, the actual final cost of the new treatment facility and the plan of finance and interest rates used to fund the facility.
  - d. During the same planning horizon, total cash balance is expected to reduce to \$1.9M and then build back up to the current level at approximately \$2.8 million. A primary driver of the overall cash position is the approximately \$16.5 million planned for capital projects over the planning horizon.



## (vii) Recommended Future Rate Increases

- a. Based on the assumptions listed above, PFM is recommending a higher rate increase in the coming years. This assumption is heavily reliant on trends in future wastewater usage, realized growth in future operating expenditures, and planned capital expenditures for wastewater system improvements and repairs.
- b. In the table below, we have incorporated the following rate adjustments as compared to the prior rate adjustments suggested in the February 20, 2023 study.

<u>Applicable Fiscal Year</u>	<u>Recommended Date of Change</u>	<u>February 20, 2023 Analysis</u>	<u>February 19, 2024 Analysis</u>
FY 2023-24	May 1, 2024	6.00% (all rates)	7.50% (all rates)
FY 2024-25	October 1, 2024	6.00% (all rates)	7.50% (all rates)
FY 2025-26	October 1, 2025	6.00% (all rates)	7.50% (all rates)
FY 2026-27	October 1, 2026	6.00% (all rates)	7.50% (all rates)
FY 2027-28	October 1, 2027	6.00% (all rates)	6.00% (all rates)
FY 2028-29	October 1, 2028	N/A	6.00% (all rates)
FY 2029-30	October 1, 2029	N/A	6.00% (all rates)

The Wastewater Enterprise Fund is positioned to accommodate future capital improvements while maintaining healthy cash balances. Through continued strong management practices, coverage is expected to drop to a strong but reduced level in FY 2028 and remain at adequate levels through FY 2030. This is a result of the sewer portion of the Series 2021 is paid off and the new debt for the new wastewater treatment plant comes online. The utility needs to begin preparing for the new debt service now to keep up with the inflationary cost pressures and still make debt service payments and cover estimated capital expenditures. If total usage should decrease meaningfully, operating expenses increase at a rate greater than 6.0%, or the actual capital costs come in higher for the treatment plant improvements, larger rate adjustments may be needed in future years. Both ending cash and debt service coverage will be important metrics to monitor and we plan for future expenses.

Please feel free to contact me with any questions regarding PFM's analysis and summary review. I look forward to presenting this Wastewater Enterprise Fund Financial and Capital Planning Model to the City Council at its upcoming meeting.

Respectfully,

Matthew Stoffel, CFA  
Director

**PFM Financial Advisors LLC**  
[stoffelm@pfm.com](mailto:stoffelm@pfm.com) | 515 724 5737 **OFFICE** | 515 201 0772 **CELL**  
 801 Grand Ave, Suite 3300 | Des Moines, IA 50309

**CITY MANAGER'S REPORT  
SEPTEMBER 3, 2024 CITY COUNCIL MEETING**

---

**ITEM:**        4.F.

**RECOMMENDATION:**

**INTRODUCE ON FIRST READING ORDINANCE NO. 2024-3087 PROVIDING FOR THE AMENDMENT OF APPENDIX F, SOLID WASTE COLLECTION FEES OF THE CITY MCCOOK CODE OF ORDINANCES AND APPROVE ON ITS FIRST READING.**

---

**BACKGROUND:**

This Ordinance provides for the increase to the solid waste collection fees as included in the proposed FY 2024-2025 budget.

The Transfer Station, in particular, the hauling segment of our operation utilizes a substantial amount of fuel. The Transfer Station hauls, on average, 4 semi loads of solid waste to J Bar J Landfill which is near Ogallala per day Monday thru Thursday. We occasionally haul additional loads on Friday and/or Saturday, depending on the amount of solid waste that is brought in each day. The landfill is located approximately 105 miles north/northwest of McCook making each roundtrip approximately 210 miles.

The solid waste that is received at the Transfer Station consists of both commercial waste and residential waste. The commercial waste makes up approximately 78% of all waste received at the Transfer Station, with residential waste making up the remaining 22%.

The fee for Residential Trash Collection will increase from \$27.25 to \$28.25 per month which includes a \$2.00/month recycling fee to help support the recycling program. The last increase was in October 2023 where the fee increased from \$26.25/month to \$27.25/month.

The fee for Household/Commercial Waste will increase from \$83.00/ton to \$86.00/ton. The last increase was in October 2023 where the fee increased from \$77.00 to \$83.00.

This Ordinance also includes a fee of \$6.00/month for the yard waste collection service. This service is provided beginning in April and running thru November. It includes the weekly pickup up of grass and leaves that are placed in a city provided roll out container. There are no planned increase for this service in FY 2024 - 2025.

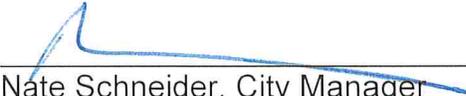
**FISCAL**

**IMPACT:**    None.

**APPROVALS:**

  
\_\_\_\_\_  
Kyle Potthoff, Public Works Director

September 29, 2024

  
\_\_\_\_\_  
Nate Schneider, City Manager

September 29, 2024

**ORDINANCE NO. 2024-3087**

AN ORDINANCE PROVIDING FOR THE AMENDMENT OF APPENDIX F, SOLID WASTE COLLECTION FEES, OF THE CITY OF MCCOOK, NEBRASKA CODE OF ORDINANCES; PROVIDING FOR A RATE TO BE CHARGED FOR SOLID WASTE COLLECTION AND DISPOSAL; PROVIDING FOR THE REPEAL OF ORDINANCE NO. 2023-3072 AND ANY AND ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM AND FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

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

SECTION 1. That Appendix F, Solid Waste Collection Fees, of the City of McCook, Nebraska Code of Ordinances, shall be and is hereby amended to read as follows:

**APPENDIX F: SOLID WASTE COLLECTION FEES**  
**SOLID WASTE COLLECTION FEES**

(A) In order to pay for the cost of operation and maintenance of the Transfer Station and to provide funds necessary for equipment and future land acquisition, the following fees are hereby established in compliance with Section 55.02:

(1) All residents of the corporate limits of the City of McCook shall not be charged a fee at the Transfer Station for any refuse or debris that is generated on their own residential property and personally delivered to the Transfer Station. Except as provided in Section E of this Appendix, residents and nonresidents delivering construction, demolition, or remodeling and all persons hauling for hire, commercial, contract for commercial tree trimmers, lawn caretakers, or nonresidents of the City of McCook shall be assessed according to the Solid Waste Collection schedule of fees.

(2) The City will operate in accordance with Nebraska Department of Environmental Quality's *Title 132 Integrated Solid Waste Management* regulations.

(B) (1) *Solid Waste Collection schedule of fees.* See Chapter 38, Fee Schedule.

Household/Commercial Waste No Yard Waste	\$.043000 per pound (\$86.00 per ton) minimum charge - \$5.00
Yard Waste Only	\$.012675 per pound (\$25.35 per ton) minimum charge - \$5.00
Non Solid Waste Scale Fee	\$5.00

(2) *Solid Waste Collection payment due.* Payment of the above fee(s) is due and payable upon entrance into the Transfer Station.

(C) *Fee for U-Load-It Clean-up program.* A fee of fifty dollars (\$50.00) for the use of a city truck is hereby provided for use of the City's U-Load-It Clean-Up Program. Scale fees will be charged according to the above schedule as outlined in Sections A and B of the Appendix.

(D) *Solid Waste Collection/Disposal fee.*

(1) All residential units within the corporate City Limits shall be charged a monthly solid waste collection/disposal fee of \$26.25 and a monthly recycling fee of \$2.00.

(2) All residential units within the corporate City Limits may request an additional container to be used for yard waste only, and shall be charged a monthly disposal fee of \$6.00 per month, effective April 1, 2024, during those months that yard waste is banned from Landfills.

(3) Tracts of land or buildings containing three (3) or more residential units may choose alternative solid waste collection/disposal methods upon the approval of the City Manager.

(4) All solid waste collection/disposal fees prescribed by this Appendix shall be a lien upon the premises and real estate for which the service is supplied and if not paid when due such charge shall be certified to the City Treasurer and may be recovered by the City in an action at law and it may be certified to the County Clerk and assessed against said real estate and premises served and be collected and returned in the same manner as other City taxes are certified, assessed, collected and returned.

(5) Bills for solid waste collection/disposal fees charged pursuant to this Appendix shall be rendered at the same time that bills are rendered for water service, and all collection/disposal fees levied by this Appendix which are not paid at or before water service charges are required to be paid, shall be deemed delinquent and the water service of such user may be discontinued.

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

SECTION 3. This ordinance shall take effect and be in full force November 1, 2024 and from and after its passage, approval and publication in pamphlet form 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