

# MCCOOK CITY COUNCIL

## REGULAR MEETING

**Monday, February 5, 2024  
5:30 PM - City Council Chambers**

Roll Call.

Excuse Absences.

Open Meetings Act Announcement.

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

Pledge of Allegiance.

Call to Order.

Items.

1. Announcements & Recognitions.

2. Public Hearings.

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

1. Adjourn the Public Hearing.

B. Accept the minutes of the October 23, 2023 Economic Development Plan Citizen's Advisory Review Committee meeting.

3. Consent Agenda.

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

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

B. Accept the minutes of the July 18, 2023 and the October 17, 2023 Senior Center Advisory Board meeting.

C. Award bid for two (2) new current model year all-wheel drive or 4-wheel drive police interceptor/pursuit utility vehicles to Deveny Motors in the amount of \$80,828.00, that being the lowest responsive bid, for use by the Police Department.

D. Receive and file the Financial Report for the period ending December 31, 2023.

E. Approve the application for a Special Designated Liquor License submitted by Arapahoe Municipal Golf Course & County Club, Liquor License #IB-076467 for a wedding reception to be held at the Red Willow County Fairgrounds Community Building, 1412 West 5th Street, on June 1, 2024 from 3:00 P.M. to 1:00 A.M.

- F. Approve the LB840 Economic Revolving Loan Fund Program loan with HOKYL, LLC in the amount of \$100,000 with a term of 10 years and an interest rate of 4% and authorize the Mayor to sign all required documents.
  - G. Approve a Microenterprise Lending Program loan with Red Willow Properties, LLC in the amount of \$120,000 with a term of 10 years and an interest rate of 4% and authorize Mayor to sign all required documents.
  - H. Approve an application for Lumen (Century Link) to occupy city right-of-way for the purpose of installing one new ground level vault & underground fiber optic duct and cable from the north-east corner of West 3rd and West "O" Streets to the west side of West 5th Street.
  - I. Approve a Memorandum of Understanding between the City of McCook and the McCook Economic Development Corporation, Graff Charitable Foundation, McCook Community Foundation, and Community Hospital for the purpose of establishing the joint financial obligations of each entity relative to the Civic and Community Center Financing Fund grant application, said grant to be used for McCook Creative District preliminary planning purposes.
  - J. Approve and enter into an Interlocal Agreement with West Central Nebraska Development District, Inc.
  - K. Award the bid for the 2024 Crack Sealing Project to Shelco Construction of Elsie, Nebraska in the amount of \$64,350.00, that being the lowest best bid.
  - L. Approve the selection of W Design and Associates for engineering services at McCook Regional Airport for airport improvement project engineering services for a period of five years from 2024 to 2028.
4. Regular Agenda.
- A. Consider and approve the recommendation from the McCook Parks Advisory Board to construct a Disc Golf Course in Barnett Park.
  - B. Discussion and update on the work completed to date by City staff regarding a potential UTV ordinance.
  - C. Update regarding the swimming pool project.
  - D. Council Comments.
  - E. An Executive Session may be held upon a majority vote of the Council for the protection of public interest for a strategy session with respect to real estate purchase for Sports Complex.
    - 1. Nebraska Open Meetings Act statement, if the motion to close passes.
    - 2. Close Executive Session.
  - F. 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  
FEBRUARY 5, 2024 CITY COUNCIL MEETING**

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

ITEM: **2.B.** Accept the minutes of the October 23, 2023 Economic Development Plan Citizen's Advisory Review Committee meeting.

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**BACKGROUND:**

Quarter Economic Development Plan Citizen's Advisory Review Committee meetings were held on October 23, 2023 and January 22, 2024. Per the City's Plan, a public hearing will be held to discuss the contents of the meetings.

**FISCAL  
IMPACT:** None.

**APPROVALS:**

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

January 31, 2024

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

January 31, 2024

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

January 31, 2024

**EXHIBIT #1**

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NOTICE OF PUBLIC HEARING

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

-s- Lea Ann Doak,  
City Clerk-Treasurer

Publish: January 25, 2024

**EXHIBIT #2**

**PAGE(S) - 1**

**AGENDA**

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

**QUARTERLY MEETING**

**MONDAY JANUARY 22, 2024**

**12:00 P.M.**

**AT THE HERITAGE SENIOR CENTER CONFERENCE ROOM**

**CALL TO ORDER**

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

- ITEM NO. 1**      Review and approve minutes of October 23, 2023 meeting
- ITEM NO. 2**      Review LB840 Economic Development Program quarterly reports
- ITEM NO. 3**      Update of Revenues Collected to Date
- ITEM NO. 4**      Economic Development Director Report
- ITEM NO. 5**      Open discussion
- ITEM NO. 6**      Next meeting date:    April 22, 2024
- ITEM NO. 7**      Adjournment

**EXHIBIT #3**

**PAGE(S) - 9**

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

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

**Q1 - 12/31/2023**

	<b>Beginning</b>	<b>YTD</b>	<b>YTD</b>	<b>Ending</b>	<b>Program</b>
	<b>Cash on Hand</b>	<b>Receipts</b>	<b>Expenditures</b>	<b>Balance</b>	<b>Total</b>
<b>Loan &amp; Grant Program</b>	\$ 949,660.92	\$ 89,787.89	\$ 17,500.00	\$ 1,021,948.81	
Loan Repayments		\$ 18,255.06		\$ 18,255.06	
Legal			\$ -	\$ -	
Publishing			\$ 41.73	\$ (41.73)	
Miscellaneous				\$ -	
Interest		\$ 6,783.15		\$ 6,783.15	
<b>TOTAL</b>				<u>\$ 1,046,945.29</u>	\$ 1,046,945.29
 <b>Ending Balance</b>					 <u><u>\$ 1,046,945.29</u></u>
 MEDC Administration	\$ -	\$ 37,119.00	\$ 37,119.00	\$ -	

**McCook Growth Fund (LB840) AVAILABLE FUNDS**

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

**Q1 - Balances as 12/31/2023**

	<b>Program Balance</b>	<b>Funds Allocated</b>	<b>Available</b>
<b>Loan, Grants and Projects</b>	<u>\$ 1,046,945.29</u>		
2022 RWFH Round 2 Grant Match		\$ 250,000.00	
The Retail Coach - Retail Recruitment		\$ 32,500.00	
Early Childhood Education			
New Provider Scholarship/Startup Funds/Infant Incentives		\$ 34,848.00	
Infant Incentive 2023 Board allocation		\$ 10,000.00	
Total Reserved and Committed		<u>\$ 327,348.00</u>	
<b>Total Funds Available</b>			<u><u>\$ 719,597.29</u></u>

**LB840 PROGRAM BALANCES**

**12/31/2023**

Unaudited

	(C) BEGINNING CASH ON HAND 10/1/2023	(D) FY 23/24 ANTICIPATED RECEIPTS	(E) FY 23/24 YTD RECEIPTS	(F) FY 23/24 YTD EXPENDITURES	(G) ENDING PROGRAM BALANCES (C + E - F = G)
Motor Vehicle Sales Tax ** (**Not available to MEDC)	\$ 363,817.27	\$ 43,055.00	\$ 15,900.37	\$ -	\$ 382,193.50
Interest			\$ 2,475.86		
Loan/Grant/Program	\$ 949,660.92	\$ 282,074.00	\$ 89,787.89		\$ 1,046,945.29
Loan Repayment		\$ 130,000.00	\$ 18,255.06	\$ 17,500.00	
Legal					
Publishing				\$ 41.73	
Miscellaneous					
Interest		\$ 10,000.00	\$ 6,783.15		
MEDC Administration	\$ -	\$ 148,476.00	\$ 37,119.00	\$ 37,119.00	\$ -

**BALANCES**

\$ 1,313,478.19    \$ 613,605.00    \$ 170,321.33    \$ 54,660.73    \$ 1,429,138.79

CITY OF MCCOOK  
 LB840  
 RECEIPT REGISTER  
 10/01/2023 - 12/31/2023

		Total Receipt	Receipt Breakdown		
			MV Sales Ta:	Loan/Grant P	MEDC Adm
10/20/2023	Nebr Dept of Rev	\$ 38,633.80		\$ 26,260.80	\$12,373.00
11/21/2023	Nebr Dept of Rev	\$ 44,421.38		\$ 32,048.38	\$12,373.00
12/21/2023	Nebr Dept of Rev	\$ 43,851.71		\$ 31,478.71	\$12,373.00
10/20/2023	MV - Nebr Dept of Rev	\$ 5,300.41	\$ 5,300.41		
11/21/2023	MV - Nebr Dept of Rev	\$ 5,333.47	\$ 5,333.47		
12/21/2023	MV - Nebr Dept of Rev	\$ 5,266.49	\$ 5,266.49		
10/31/2023	Interest	\$ 3,472.01	\$ 2,475.86	\$ 996.15	
11/30/2023	Interest	\$ 2,755.85		\$ 2,755.85	
12/31/2023	Interest	\$ 3,031.15		\$ 3,031.15	
10/4/2023	Hot Tub Broker - Loan Repay	\$ 919.56		\$ 919.56	
10/17/1983	Str Align - Loan Repay	\$ 482.80		\$ 482.80	
10/17/2023	EMC - Loan Repay	\$ 538.40		\$ 538.40	
10/17/2023	American Ag Lab - Loan Repay	\$ 690.10		\$ 690.10	
10/17/2023	Mullen/Bee Little Loan Repay	\$ 545.61		\$ 545.61	
11/2/2023	Hot Tub Broker - Loan Repay	\$ 919.56		\$ 919.56	
11/2/2023	Mullen/Bee Little Loan Repay	\$ 545.61		\$ 545.61	
11/20/2023	Str Align - Loan Repay	\$ 482.80		\$ 482.80	
11/20/2023	EMC - Loan Repay	\$ 538.42		\$ 538.42	
11/20/2023	American Ag Lab - Loan Repay	\$ 690.10		\$ 690.10	
12/4/2023	Mullen/Bee Little Loan Repay	\$ 545.61		\$ 545.61	
12/4/2023	Hot Tub Broker - Loan Repay	\$ 919.56		\$ 919.56	
12/18/2023	Str Align - Loan Repay	\$ 482.80		\$ 482.80	
12/18/2023	EMC - Loan Repay	\$ 538.42		\$ 538.42	
12/18/2023	American Ag Lab - Loan Repay	\$ 690.10		\$ 690.10	
12/20/2023	East Ward Village	\$ 8,180.00		\$ 8,180.00	
12/29/2023	Mullen/Bee Little Loan Repay	\$ 545.61		\$ 545.61	
		<b>\$170,321.33</b>	<b>\$18,376.23</b>	<b>\$114,826.10</b>	<b>\$37,119.00</b>
				<b>\$170,321.33</b>	

CITY OF MCCOOK  
 LB840 FUND  
 CHECK REGISTER  
 10/01/2022 - 12/31/2023

PAYEE	DESCRIPTION	ACCT. NO.	DATE	CK NO.	AMOUNT
McCook Economic Development	Elevate	45 068 54465	10/11/23	1423	\$ 17,500.00
	Administration	45 068 54885			\$ 12,373.00
McCook Gazette	Publishing	45 068 54020	10/11/23	1424	\$ 18.00
McCook Economic Development	Administration	45 068 54885	11/15/23	1425	\$ 12,373.00
McCook Gazette	Publishing	45 068 54020	11/15/23	1426	\$ 13.03
McCook Economic Development	Administration	45 068 54885	12/13/23	1427	\$ 12,373.00
McCook Gazette	Publishing	45 068 54020	12/13/23	1428	\$ 10.70
<b>TOTAL</b>					<b><u>\$ 54,660.73</u></b>
 <b>TOTAL BY PROGRAM</b>					
	Publishing	45 068 54020			\$ 41.73
	Legal	45 068 54030			\$ -
	LB840 Loan/Grant/Programs	45 068 54465			\$ 17,500.00
	LB840 Street Sales Tax Res	45 068 54835			\$ -
	LB840 MEDC Administration	45 068 54885			\$ 37,119.00
<b>TOTAL</b>					<b><u>\$ 54,660.73</u></b>

McCook Growth Fund (LB840) Loan Status Report  
12/31/2023

Current Loans	Loan Amount (a)	Late Payment Fees (b)	Interest Rate	Loan Term (Years)	Date Loan Made	Interest Earned (c)	Payments Made (d)	Loan Balance Remaining (a+b+c-d)	Loan Status
Hot Tub Brokers	\$ 100,000.00		2	10	12/13/2021	\$ 3,584.38	\$ 22,069.44	\$ 81,514.94	Current
J and A Mullen, LLC	\$ 56,500.00		3%	10	4/30/2020	\$ 5,229.52	\$ 24,006.84	\$ 37,722.68	Current
Early Morning Cackle, LLC	\$ 55,700.00	\$ 240.00	3%	10	3/19/2020	\$ 5,226.67	\$ 24,030.71	\$ 37,135.96	Current
Straight Align, LLC	\$ 50,000.00		3%	10	10/1/2019	\$ 5,109.13	\$ 24,140.00	\$ 30,969.13	Current
American Agricultural Laboratory	\$ 75,000.00		2%	10	2/5/2017	\$7,020.78	\$ 57,278.38	\$ 24,742.40	Current
MEDC North Pointe Phase I TIF Bond	\$ 208,000.00		0%	22	4/2/2015	\$0.00	\$ 169,806.11	\$ 38,193.89	Current
Clary Village Equity (Non-Recourse Loan - to be paid from residual cash flow)	\$ 120,000.00		4%	15	3/16/2015	\$43,483.99	\$ 28,103.60	\$ 135,380.39	Current*
MEDC Clary Village TIF	\$ 178,622.92		0%	17	3/16/2015	\$0.00	\$ 91,010.65	\$ 87,612.27	Current
East Ward Village (Non-Recourse Loan - to be paid from residual cash flow)	\$ 105,000.00		2%	15	7/11/2012	\$16,129.71	\$ 90,106.58	\$ 31,023.13	Current
<b>Totals</b>	\$ 948,822.92	\$ 240.00				\$85,784.18	\$530,552.31	\$ 504,294.79	

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

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

**Approved, but not yet completed or paid:**

<b>The Retail Coach Consulting Firm</b>	<b>2023</b>	<b>\$32,500</b>
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In 2023, the MEDC dedicated significant efforts to reassessing our local retail attraction strategies. While we initially explored promising leads, none materialized as expected. Seeking guidance, we contacted Economic Development organizations across the state and, based on recommendations, approached The Retail Coach, a consulting firm located in Mississippi. Subsequent discussions, culminating in a compelling proposal, led the retail committee to endorse the decision to engage their services before presenting the recommendation to the MEDC Board of Directors. The contract was formalized in December 2023, and our inaugural meeting with The Retail Coach took place in January 2024.

<b>2022 Rural Workforce Housing - Round 2 Grant Match</b>	<b>2023</b>	<b>\$250,000</b>
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With around \$7 million still available in the 2022 Rural Workforce Housing program funds, NDED has made the decision to initiate a second round of funding. MEDC is in the process of submitting an application to DED for participation in this second round of the 2022 RWFH program. While the MEDC Executive Board has given their preliminary approval to utilize LB840 funds as a matching contribution for this new round, the specific dollar amount for the match has not been officially confirmed. Nevertheless, the MEDC staff holds a high degree of confidence that the board will ultimately approve a \$250,000 contribution.

<b>Early Childhood / MEDC Infant Incentive Program</b>	<b>2023</b>	<b>\$44,848</b>
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MEDC Board of Directors has officially authorized the continuation of their commitment to the McCook C4K initiatives, allocating an additional \$10,000 from LB840 funds this past fall. This funding will continue to be divided into available funding for the Infant program and for Startup/Expansion funds, aiming to sustain and further bolster the efforts of local early childcare providers and centers.

**Potential Future Projects:**

**McCook Business Industrial Park Expansion**

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

**North Pointe Street & Infrastructure**

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

**LB 840 Expenses in the 4th Quarter**

**Loan, Grant, and Program Fund**

**MEDC Micro-enterprise Loan Program** **2023** **\$17,500**

In this quarter, the MEDC sanctioned a second Micro-enterprise Loan to support the establishment of a new local medical provider operating within the Elevate Wellness team. The recipient secured a \$50,000 loan aimed at addressing working capital, equipment, and inventory requirements. Notably, \$17,500 represents the matching portion of the loan proceeds from the NE Dept. of Economic Development program.

**Other Expenses**

<b>Program Administration and Operations</b>	<b>10/11/2023</b>	<b>\$12,373.00</b>
<b>Program Administration and Operations</b>	<b>11/15/2023</b>	<b>\$12,373.00</b>
<b>Program Administration and Operations</b>	<b>12/13/2023</b>	<b>\$12,373.00</b>

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

Monday – October 23, 2023  
12:00 P.M. at the Heritage Senior Center Conference Room

The Economic Development Plan Citizen's Advisory Review Committee of the City of McCook was called to order by Chairperson Sean Wolfe and began at 12:10 P.M.

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

**Present:** Chairperson Sean Wolfe; Tera Koetter, Assistant City Manager; Tracy Burkey, Recording Secretary; Members: Jeanette Peters, Sarah Renner, Alexis Davidson, and Charlie McPherson, MEDC Director.

**Absent:** Rick Sinner, Nate Schneider, Warren Jones, and Jordan Johnson.

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on October 17, 2023, the designated method of giving notice, a copy of the proof of publication being attached to these minutes. Advance notice of the meeting was also given to all members of the Economic Development Plan Citizen's Advisory Review Committee. Availability of the agenda was communicated in advance notice. All proceedings hereafter shown were taken while the meeting was open to the attendance of the public.

(1) REVIEW AND APPROVE MINUTES OF JULY 24, 2023 MEETING.

Davidson introduced a motion to approve the July 24, 2023 minutes; Renner seconded the motion. All members present voted in the affirmative. Motion passed. 4 VOTES YEA, 0 NAY, 3 ABSENT.

(2) REVIEW LB840 ECONOMIC DEVELOPMENT PROGRAM QUARTERLY REPORTS.

MEDC Director McPherson reviewed the McCook Growth Fund Program Balances and McCook Growth Fund Available Funds reports prepared by MEDC for the 10/01/22 – 09/30/23 program year with the committee.

As of 9/30/2023 the LB840 Program balance is \$947,682.13. Funds are currently allocated in the amount of \$327,534.00 and Project Commitments in the amount of \$17,500.00. This leaves an available balance of \$602,648.13.

**EXHIBIT #4**

**PAGE(S) - 4**

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

(4) ECONOMIC DEVELOPMENT DIRECTOR REPORT

**Approved, but not yet completed or paid:**

**McCook Business Industrial Park Expansion**

McCook Business Park Phase II addition has added 35 acres of land to the existing subdivision. The new section allots for four individual lots varying in sizes and all will be classified as Industrial Heavy.

This phase of the business park's development will involve infrastructure and street development. The infrastructure will include water, sewer, electrical utilities, as well as establishment of a rails spur connected to BNSF's main line. The MEDC is exploring options for funding this expansion.

**North Pointe Street & Infrastructure**

"The MEDC is actively progressing with plans to install street paving and relocate water and sewer lines within the North Pointe Addition housing development project area. Our strategy involves leveraging TIF along with other funding sources to facilitate the infrastructure enhancements.

This project unfolds in two phases. Phase II is slated to kick off in January or February 2024, with an anticipated completion date in June 2024. It encompasses the installation of fresh street paving and the newly added "S" Street and the southern section of West 9<sup>th</sup> Street.

As the residential lots in this phase gradually fill up with houses, Phase III will come into play. Phase III entails the completion of the northern section of West 9<sup>th</sup> Street and the introduction of "T" Street to the addition. Any remaining TIF funds from the entire housing development endeavor will be allocated toward improvements for the existing West 7<sup>th</sup> Street."

**2022 Rural Workforce Housing-Round 2 Grant Match**

"With around \$7 million still available in the 2022 Rural Workforce Housing program funds, NDED has made the decision to initiate a second round of funding. MEDC is in the process of submitting an application to DED for participation in this second round of the 2022 RWFH program. While the MEDC Executive Board has given their preliminary approval to utilize LB840 funds as a matching contribution for this new round, the specific dollar amount for the match has not been officially confirmed. Nevertheless, the MEDC staff holds a high degree of confidence that the board will ultimately approve a \$250,000 contribution. It's important to note that these funds will only be utilized if we are successfully awarded the grant from DED."

### **MEDC Micro-enterprise Lending Program Grant**

“The MEDC is actively promoting the Micro-enterprise Lending Program (MELP) to facilitate access to capital for both budding startups and existing businesses in the region. This program opens doors for individuals and businesses to seek smaller loans, typically ranging from \$1,000 to \$50,000, which might not align with conventional bank criteria. The MEDC extends a 35% matching contribution towards these loans, as stipulated by the grant.

Up to the present day, the MEDC has disbursed two MELP loans: one to support a local business owner’s expansion/relocation and another to aid the establishment of a new medical startup. Under our agreement with the NDED, we still have nearly \$40,000 available to provide as loan matches, a commitment that holds through the conclusion of 2024.”

### **Early Childhood Education New Provider Scholarship/Startup Funds**

“In April, the three-year grant provided by the Nebraska Children and Family Foundation reached its conclusion. This program was designed to address the community’s need by promoting awareness and education regarding the scarcity of early childcare resources within our area. It led to the establishment of the McCook Community for Kids (C4K) group, which received funding to establish and enhance early childcare programs for providers and centers through incentive initiatives, ongoing education, training opportunities, business support, and more.

MEDC Board of Directors has officially authorized the continuation of their commitment to C4K initiatives, allocating an additional \$20,000 from LB840 funds. This funding will be divided into \$15,000 for the infant program and \$5,000 for Expansion, aiming to sustain and further bolster the efforts of local early childcare providers and centers.”

### **LB840 Expenses in the 4<sup>th</sup> Quarter**

#### **Townhome Housing Development Utilities Extension**

“The MEDC is collaborating with a developer to build six townhome duplexes, totaling 12 units, on a parcel situated to the north of Our Savior’s Lutheran Church. Financial resources were granted to extend NPPD electrical utilities to the construction site, with the expenses divided equally between NPPD and the MEDC, each covering 50% of the costs.”

#### **Hormel Business Plan Competition**

“The MEDC allocated a \$5,000 contribution to support the forthcoming 2022/2023 Hormel Business Plan Competition. In previous years, the MEDC has consistently supported this competition, assisting more than 12 businesses in McCook and Southwest Nebraska to secure funding for starting or expanding their enterprises over the past decade.

Unfortunately, due to unforeseen health challenges and program manager complications, the competition had to be postponed for a year.”

(5) OPEN DISCUSSION

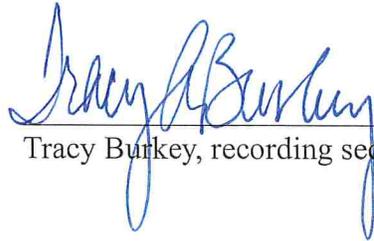
Koetter again stated that Sales Tax revenues remain good.

(6) NEXT MEETING DATE

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

(7) ADJOURNMENT

Meeting adjourned at 12:45 PM.

  
Tracy Burkey, recording secretary.

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

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**ITEM:**            3.A.

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

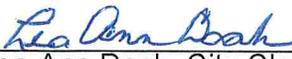
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**BACKGROUND:**

Receive and approve the minutes.

**FISCAL  
IMPACT:**        None.

**APPROVALS:**

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

January 31, 2024

McCook City Council  
January 15, 2024  
5:30 P.M. Central

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

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

Absent: None.

City Officials present: City Manager Schneider, City Attorney Mustion, City Clerk Doak, Assistant City Manager Koetter, Utilities Director Fawver, 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 January 11, 2024, the designated method of giving notice, a copy of the proof of publication being attached to these minutes. Advance notice of the meeting was also given to the Mayor and members of the City Council and a copy of the Acknowledgement of Receipt of such notice is attached to these minutes. Availability of the agenda was communicated in the advance notice to the Mayor and Council. All proceedings hereafter shown were taken while the meeting was open to the attendance of the public.

Mayor Taylor announced that a copy of the Open Meetings Act was posted by the entrance to the Council Chambers and available for public review. Invocation was provided by Councilmember Weedon. 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. Presentation.**

2.A. Accept the Financial Statements and Supplemental Information for Fiscal Year ending September 30, 2023 prepared by AMGL CPA's and Advisors.

Via Zoom, Marcy Luth of AMGL presented the Financial Statements to the Council for the Fiscal Year ending September 30, 2023 and answered questions from the Council. Ms. Luth noted that it is an unqualified report in their opinion, the financial statements of the City present fairly in all material aspects, the respective financial of the City.

Motion to accept the Financial Statements and Supplemental Information for Fiscal Year ending September 30, 2023 prepared by AMGL CPA's and Advisors. This motion, made by Calvin and

seconded by Weedin, passed.

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

### **3. Consent Agenda.**

Motion to approve the 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 January 2, 2024 regular City Council meeting.
- 3.B. Approve the specifications for the 2024 Armor Coating Project and set the time and date to receive bids as 2:30 P.M. February 6, 2024.
- 3.C. Approve the bid specifications for Ballpark Concessions at Felling Field for the Calendar Years 2024, 2025, and 2026 and set the date to receive bids as February 6, 2024 at 2:00 P.M.
- 3.D. Adopt the Disadvantaged Business Enterprise (DBE) Program for McCook Ben Nelson Regional Airport for the years 2022, 2023, and 2024 and authorize the Mayor to sign.
- 3.E. Receive and file the claims for the month of December 2023, published January 9, 2024.
- 3.F. Forward to the City's insurance carrier for review and appropriate action a property damage claim from Larry Fields.
- 3.G. Set a meeting of the Comprehensive Plan & Zoning Regulations Steering committee for February 20, 2024 at 6:00 P.M.
- 3.H. Approve the plans and specifications for the McCook Business Park Phase II Grading and Paving Project and set the time and date to receive bids as 2:30 P.M. February 6, 2024.
- 3.I. Reject the one bid received for the 2024 Crack Sealing Project and authorize staff to re-advertise the project and receive bids at 2:30 P.M. on January 30, 2024.

### **4. Regular Agenda.**

- 4.A. Update regarding the swimming pool project.

Because of weather, no monthly progress meeting was held, staff had no information to present.

- 4.B. Council Comments.

Mayor Taylor thanked staff for everything they have done to keep the City of McCook going through

the recent snows and very cold temperatures.

- 4.C. 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 against Manitex International, Inc. regarding equipment purchased by the City of McCook.

Motion to go into executive session for the protection of public interest for a strategy session with respect to potential litigation against Manitex International, Inc. regarding equipment purchased by the City of McCook at 6:00 P.M. This motion, made by Calvin and seconded by Taylor, passed.

Taylor: YEA, Calvin: YEA, Weedon: 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 protection of public interest for a strategy session with respect to potential litigation against Manitex International, Inc. regarding equipment purchased by the City of McCook. The Council will reconvene in public session following this closed session.

City Manager Schneider, City Attorney Schneider, Assistant City Manager Koetter, City Clerk Doak, and Public Works Director Potthoff stayed for the executive session.

Motion to come out of executive session at 6:13 P.M. This motion, made by Calvin and seconded by Weedon, passed.

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

With Council consent, Agenda Item 4.E. was considered at this time.

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

Motion to go into executive session for the protection of public interest for a strategy session with respect to real estate purchase for a Sports Complex at 6:14 P.M. This motion, made by Taylor and seconded by Muehlenkamp, passed.

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

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

City Manager Schneider, City Attorney Schneider, Assistant City Manager Koetter, City Clerk Doak, and Public Works Director Potthoff stayed for the executive session.

I move to come out of executive session at 6:41 P.M. 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.D. An Executive Session may be held upon a majority vote of the Council for the protection of public interest for a strategy session with respect to potential litigation - property located at 1111 East "H" Street, Cindy and Ron Sabin.

Motion to go into executive session 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 at 6:42 P.M. This motion, made by Taylor and seconded by Weedin, 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 protection of public interest for a strategy session with respect to potential litigation - property located 1111 East "H" Street, Cindy and Ron Sabin. The Council will reconvene in public session following this closed session.

City Manager Schneider, City Attorney Schneider, Assistant City Manager Koetter, and City Clerk Doak stayed for the executive session.

Motion to come out of executive session at 6:44 P.M. This motion, made by Calvin and seconded by Weedin, 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 6:45 P.M.

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Linda Taylor, Ex-officio Mayor  
and Council President

ATTEST:

---

Lea Ann Doak, City Clerk-Treasurer

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

---

**ITEM:**        3.B.

**RECOMMENDATION:**

Accept the minutes of the July 18, 2023 and the October 17, 2023 Senior Center Advisory Board meeting.

---

**BACKGROUND:**

Accept minutes from various board and commission meetings.

**FISCAL  
IMPACT:**     None.

**APPROVALS:**

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

January 31, 2024

Heritage Senior Center  
 1312 West 5th St  
 McCook NE 69001  
 Advisory Board Minutes  
 July 18, 2023

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

- Meeting was called to order by Secretary John Zlomke

- **Roll Call**

- Jim Hamill P                      Mary Keslin A                      Natalie Mickey P                      John Deon A  
     Bob Pantenburg P              Dan Stramel A                      Beth Siegfried P                      John Zlomke P

- Approval of minutes:

The Minutes from the April 18, 2023 meeting were approved by a motion made by Jim Hamill and seconded by Natalie Mickey. Motion carried.

- **Open Forum:** John Zlomke discussed that he thought the meals prices should be increased. Suggesting that the congregate should go to \$4.00 and Home Delivered and Carry out \$4.25. This was discussed at length, with many pros and cons discussed. Some of the discussion was the increase cost of food, very limited income of some of our participants, even if it is a suggested cost some may not eat if they felt they couldn't afford the meal. It was decided after Beth finished the budget we can discuss in October to see if we want to make a recommendation.

- **Statistics**

**Public Transit**

	<i>Riders</i>	<i>Miles</i>	<i>Different Riders</i>	<i>Wheel Chair</i>	<i>Days</i>
<i>April</i>	436	1187	55	20	20
<i>May</i>	492	1473	55	20	22
<i>June</i>	564		63	23	22
<i>Overall</i>	1492	<i>10 more riders less last quarter</i>			
<i>Average</i>	497	<i>3 more than last quarter</i>			

**Meals at Center**

	<i>Congregate</i>	<i>Home Delivered Meals</i>	<i>Curb Side</i>	<i>Days</i>
<i>April</i>	953	1426	541	20
<i>May</i>	1060	1491	662	22
<i>June</i>	1123	1413	564	22
<i>Overall</i>	3136	4330	1808	
<i>Average</i>	1045 (49 a day)	1443 (68 a day)	542 (28 a day)	5 less

*day from previous quarter*

**Total Meals April 2920    average 146 meals a day**  
**Total Meals May 3213    average 146 meals a day**  
**Total Meals June 3463    average 141 meals a day**  
**Total meals 9596**  
**Total Average meals a day this quarter 150    2 more than last quarter**  
**Average last year was 157 for this quarter.**

Old Business

- Natalie Mickey was approved by the City Council as our new Board member taking Joe Ryland's place.
- Transit Budget for 2023-2024 and 2024-2025 was approved by the state
- Ice Machine was still under warranty and fixed by Knobler refrigeration out of North Platte

- Beth and Mike Towery attended the National Rodeo in Oklahoma City in May.
- Shelly Berndt finished up her second 6 week Tai Chi Class. It was not well attended. Will consider starting back up this fall.
- Annual Senior Center State Conference will be held in Cozad this year Our Prairie Region is responsible for planning this event, since I am the President of our region, I am helping plan.
- Beth passed her SHIP (Senior Health Insurance Plan) exam and is all ready for open enrollment in the fall.
- Nice turn out for the both the Ladies Tea and Men's Breakfast.
- Transit magnets are being placed by the Chamber in strategic locations advertising our transit system along with Tri Valley in Cambridge and Hitch & Hay in Stratton. We refer to both of these others transit systems for out of town rides.
- The Shred Day was poorly attended due to a down pour of rain.
- Liz Kanedlik held her violin recital at the Senior Center and it was enjoyed by all. The students and families joined us for lunch. Some of the grandparents even attended.
- The phone system issues were finally addressed after being down for two days Wayne Needem who put the system in when he was with Phones ETC. was able to help. I no longer think the whole system needs to be replaced. The box has been sent in to Com-Dail and hopefully will not cost much to refurbish.
- The summer library program drew pictures which were attached to Home Delivered and Carry out Meal containers. These pictures were very much enjoyed by the recipients.

#### Statistics

- Transit is seeing a large increase in ridership.
- Congregate Meal numbers are down

#### New Business

- John Deon moved back to Colorado so once again we are looking for another Advisory Board member. Milton Duffield was suggested. Mary Keslin's term expires in October and has agreed to serve another term. The Volunteer lunch is planned for August 11th
- Justin Randolph is our new Transit driver and is doing very well.
- Advertising for another Substitute Driver.
- Justin attended Boot Camp for two days in Kearney for transit training
- We finally got our large bus back after 18 months. Laveanders did an excellent job finishing it up.
- Mike Towery took the bus to Kearney for a lift inspection. We are short staffed due to an employee surgery so, Natale Micky and Jody Radel have been helping in the Kitchen
- Beth will attend State Transit Managers Conference in Kansa City September 5-7th. Every three years it is held in Kansas City along with Missouri and Kansas.
- The State Transit Rodeo and driver training will be held in Kearney the end of September.
- West Central Area Agency on Aging is telling us we do not have enough supportive services. We need to have 1 unit for every three meals we provide as an example of this for June we had a total of 3,227 meals after you take out the under 60 meals, the Waiver, Title XX meals and the meals paid for by others, we had a total of 2,952 meals. They then take our information and assistance 296 units, 187units for the hours we are open and then 386 units for social the total is 982.25 unit. You then divide 2,952 by 3 and it totaled 98, so we came very close last month.
- A motion was made by Jim Hamill and seconded by Bob Pantenburg to adjourn the meeting. Motion carried to adjourn the meeting at 11:05

The next meeting will be October 17, 2023

  
 Dan Stramel President

  
 John Zlomke Secretary

Heritage Senior Center  
 1312 West 5th St  
 McCook NE 69001  
 Advisory Board Minutes  
 October 17, 2023

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

- Meeting was called to order by President Dan Stramel

- **Roll Call**

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

- Approval of minutes:  
 The Minutes from the July 18, 2023 meeting were approved by a motion made by Jim Hamill and seconded by Bob Patenburg. Motion carried.

- **Open Forum:** With further discussion on the suggested cost of meals. The general consensus and recommendation was that a meal increase would not be a good idea at this time. Discussed need for extended hours for Transit. Suggested we have a bring a friend to Lunch Day. This would be for anyone who hasn't eaten here in the effort to get more dine in participation.

- **Statistics**

*Public Transit*

	<i>Riders</i>	<i>Miles</i>	<i>Different Riders</i>	<i>Wheel Chai</i>	<i>Days</i>
<i>July</i>	498	1385	61	28	21
<i>August</i>	588	1473	55	20	22
<i>September</i>	464	1303	52	23	20
<i>Overall,</i>	1550	<i>58 more riders less last quarter</i>			
<i>Average</i>	516	<i>19 more than last quarter</i>			

*Meals at Center*

	<i>Congregate</i>	<i>Home Delivered Meals</i>	<i>Curb Side</i>	<i>Days</i>
<i>July</i>	989	1440	558	20
<i>August</i>	1073	1596	712	24
<i>September</i>	917	1474	662	20
<i>Overall,</i>	2979	4510	1932	
<i>Average</i>	1045 (47 a day)	1443(70 a day)	542 (30 a day)	

**Total Meals July                      2987    average 149 meals a day**

**Total Meals August                    3381    average 141 meals a day**

**Total Meals September              3053    average 153 meals a day**

**Total meals                              9421**

**Total Average meals a day this quarter 148    2 less than last quarter**

**The average last year was 149 for this quarter.**

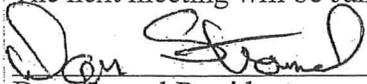
Old Business

- Milton Duffield was approved by the City Council to serve on the Advisory Board
- Brent Klein has been hired as the Substitute Bus Driver, and has completed his training in Kearney
- Justin Randolph won the Body over Chassis competition at the State Roadeo Competition and will be attending the National competition in West Palm Beach Florida in 2024
- Gene Meints continues to volunteer by mowing and doing general grounds clean up, he has hauled away several pickup loads of debris. The pine trees to the North of the center are hard to clean up after winds storms, they drop both pinecones and needles. Mowers will not pick up the needles and need to be raked. The needles also fill up the gutters. He does an amazing job keeping our grounds looking good.
- Beth Attended the Transit Manager Conference in Kansa City
- Volunteer Lunch was well attended, password books were given as appreciation gifts
- Ice machine repaired, it was still under warranty

New Business

- Election of Officers President Dan Stramel, Vice President Natalie Mickey, Secretary John Zlomke.
- Food budget was increased by \$10,000 to \$214,000 Both Transit and Senior Center Budget s were approved.
- Volz fixed another copper pipe leak in furnace room.
- Transit funds were increase with a supplementary agreement with the Nebraska Department of Transportation
- It is still a struggle to have enough supportive services for the number of meals we serve. We need to have 1 unit for every three meals we serve
- Holiday meals are being planned.
- Need Volunteers for elementary school program
- A motion was made by Dan Stramel and seconded by Mary Keslin to adjourn the meeting. Motion carried to adjourn the meeting at 10:50

The next meeting will be January 16, 2024



Dan Stramel President



John Zlomke Secretary

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

---

**ITEM: 3.C. 3.C.**

Award bid for two (2) new current model year all-wheel drive or 4-wheel drive police interceptor/pursuit utility vehicles to Deveny Motors in the amount of \$80,828.00, that being the lowest responsive bid, for use by the Police Department

---

**BACKGROUND:**

Bids were received from two vehicles dealers for two (2) new current model year all-wheel drive or 4-wheel drive police interceptor/pursuit utility vehicles for use by the Police Department. Bids were sent out with two dealers responding. Below is a list of the bid amounts.

<u>VENDOR</u>	<u>BID</u>	<u>MODEL</u>
Deveny Motors	\$80,828	Dodge Durango Pursuit Vehicle AWD
G. Steffy Auto Grp.	\$79,754	Dodge Durango Pursuit Vehicle AWD

Staff recommends accepting the bid from Deveny Motors, in the amount of \$80,828. When breaking down the bid specifications, Staff had to consider not just the price but the secondary or behind the scenes costs. For example, the cost of getting the vehicles from Fremont, NE (the location of Steffy Auto Group). The cost of future service work beyond the standard warranty in which Deveny Motors will bid \$110/hr and Steffy Auto Group bid \$165/hr.

In consideration of awarding the bid, Staff looked to the City Ordinance for direction.

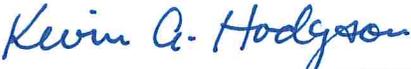
In particular, McCook City Ordinance §34.30(E)(4) states, "Contracts shall be awarded to the lowest responsible and responsive bidder. In determining "lowest responsible bidder", in addition to price, the City Council shall consider: The quality of performance of previous contract." To date Staff has been satisfied with the service work that has been performed by Deveny Motors. Staff do not presume Steffy Auto Group doesn't provide a quality service, it is just an unknown and a risk not having worked with this group in the past. Especially considering the distance to be traveled for warranty and/or service work.

Staff also considered City Ordinance §34.30(E)(6) which states, "The life-cost of the personal property in relation to the purchase price and specific use of the item shall be considered". This refers to the behind-the-scenes costs which, for example is travel time to and from Fremont, NE and time that officers are not in the city along with any extra cost to the budget's overtime allotment.

Based on the overall costs and in reliance of McCook City Ordinance §34.30 et al, Staff recommends that Deveny Motors' bid is the lowest responsive and responsible bid.

**FISCAL IMPACT:** \$140,000 budgeted, the difference of \$59,172 will be used to upfit the vehicles for use by the Department.

**APPROVALS:**

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

January 31, 2024

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

January 31, 2024

### § 34.30 FORMAL CONTRACT PURCHASE.

(A) When the estimated cost of supplies, equipment, or contractual services exceeds \$30,000, no formal contract for purchase shall be authorized until the contract has been reviewed by the City Attorney, and without prior approval of the City Council. All supplies, equipment, and contractual services in this category shall be purchased by formal written contract, from the lowest responsible and responsive bidder, after due notice inviting bids.

(B) Notice inviting bids shall be published once in at least one official newspaper in the city and at least seven days preceding the last day set for the receipt of bids. The notice shall include a general description of the items to be purchased, and shall state where bid blanks and specifications may be secured, and the date, time and place for opening bids. The city shall also endeavor to distribute bid documents to responsible prospective suppliers of whom the Purchasing Agent, or his or her designee, may be aware.

(C) When deemed necessary, bid deposits shall be prescribed in the public notice inviting bids. Unsuccessful bidders shall be entitled to a return of surety required. The successful bidder shall forfeit his or her bid deposit upon failure on his or her part to enter a contract within ten days after the award.

(D) Bids shall be submitted sealed to the City Clerk and shall be identified as bids on the envelope. Bids shall be opened in public on the date and at the time and place stated in the public notices. A tabulation of all bids received shall be available for public inspection.

(1) The City Council shall have the authority to reject all bids, parts of all bids, or all bids for any one or more supplies or contractual services included in the proposed contract, when the public interest will be served thereby.

(2) If the city receives fewer than two on a contract, or if the bids received contain a price which exceeds the estimated cost, the governing body may negotiate a contract in an attempt to complete the proposed enlargement or general improvements at a cost commensurate with the estimate given.

(3) The City Council shall have the authority to not accept the bid of a contractor who is in default on the payment of taxes, licenses, or other monies due the city.

(E) Contracts shall be awarded to the lowest responsible and responsive bidder. In determining "lowest responsible bidder", in addition to price, the City Council shall consider:

(1) The ability, capacity, and skill of the bidder to perform the contract required;

(2) The character, integrity, reputation, judgment, experience, and efficiency of the bidder;

(3) Whether the bidder can perform the contract within the time specified;

(4) The quality of performance of previous contracts;

(5) The previous and existing compliance by the bidder with laws and ordinances relating to the contract;

(6) The life-cost of the personal property in relation to the purchase price and specific use of the item;

(7) The performance of the personal property, taking into consideration any commonly accepted tests and standards of product usability and user requirements;

(8) Energy efficiency ratio as stated by the bidder for alternative choices of appliances or equipment;

(9) The information furnished by each bidder when deemed applicable by the Purchasing Agent, or his or her designee, concerning life-cycle costs between alternatives for all classes of equipment,

evidence of expected life, repair and maintenance costs, and energy consumption on a per-year basis; and

(10) Such other information as may be secured having a bearing on the decision to award the contract.

(F) A **RESPONSIVE BIDDER** shall be defined as a person or company who has submitted a bid that conforms in all material respects to the "invitation for bids".

(G) When the award is not given to the lowest bidder, a full and complete statement of the reasons for placing the order elsewhere shall be prepared by the Purchasing Agent, or his or her designee, and filed with other papers relating to the transaction.

(H) No contract in excess of \$30,000 for enlargements or general improvements, such as (by way of illustration, not limitation) water/sewer main extensions, street improvements, park improvements, or airport improvements, shall be awarded by the City Council until the plans/specifications and estimate of the cost are approved by the City Council.

(I) Except in the case of tie bids, there shall be neither formal nor tacit local vendor's preference policies. The city shall neither impose nor condone any bidding or procurement policies that result in exclusionary or anti-competitive bidding or violate state or federal antitrust laws. If all bids received are for the same total amount or unit price, quality and service being equal, the contract shall be awarded to a local bidder. Where there is no local bidder or when two or more local bidders are equal, the Purchasing Agent, or his or her designee, shall award the contract to one of the tie bidders by drawing lots in public.

(J) The city, whenever applicable, may, by the use of purchasing under a state contract, purchase supplies, equipment, or services without the necessity of using the formal bid requirements as set forth in this section.

(K) The Purchasing Agent, or his/her designee, shall have the authority to join with other units of government in cooperative purchasing of supplies, equipment or services when the best interests of the city would be served thereby.

(Ord. 2007-2787, passed 3-5-2007; Ord. 2012-2873, passed 5-7-2012; Ord. 2019-2990, passed 11-4-2019)



# ATTACHMENT

A

City of McCook, Nebraska  
 TREASURER'S REPORT  
 Period Ending December 31, 2023 (unaudited)

Beginning Cash on Hand, October 1, 2023			
McCook National Bank - Public Funds	\$	24,891,382.03	
McCook National Bank - Primary Operating	\$	(238,986.17)	
McCook National Bank - LB840 Funds	\$	1,313,478.19	
McCook National Bank - Payroll	\$	(30,640.55)	
McCook National Bank - CRA	\$	57.93	
Purchases Account	\$	10,000.00	
Petty Cash	\$	1,150.00	
NDEQ Irrevocable Escrow	\$	89,029.76	
McCook National Bank - Pension	\$	4,565.82	
<b>TOTAL BEGINNING CASH</b>			<b>\$ 26,040,037.01</b>
Receipts:			
Taxes	\$	1,437,895.85	
Fees, Permits and Licenses	\$	131,708.20	
Intergovernmental Services	\$	390,083.10	
Charges - Current Services	\$	532,684.15	
Public Utilities	\$	1,143,378.69	
Use of Money & Property	\$	775,310.03	
Interfund Transfers	\$	1,062,552.43	
Other Revenue	\$	533,729.40	
Unapplied/Accounts Payable	\$	1,695.00	
<b>PLUS TOTAL RECEIPTS</b>			<b>\$ 6,009,036.85</b>
Disbursements:			
Personal Services	\$	1,740,600.26	
Supplies	\$	332,883.15	
Services & Charges	\$	2,327,275.51	
Budget Transfers	\$	805,055.11	
Capital Outlay	\$	1,535,055.44	
Unapplied/Accounts Payable	\$	(180.84)	
<b>MINUS TOTAL DISBURSEMENTS</b>			<b>\$ 6,740,688.63</b>
Ending Cash Balance December 31, 2023			
McCook National Bank - Public Funds	\$	24,067,875.36	
McCook National Bank - Primary Operating	\$	(315,302.03)	
McCook National Bank - LB840 Funds	\$	1,429,138.79	
McCook National Bank - Payroll	\$	1,000.00	
McCook National Bank - CRA	\$	57.93	
Petty Cash	\$	1,150.00	
Purchase Account	\$	10,000.00	
NDEQ Irrevocable Escrow	\$	94,586.41	
McCook National Bank - Pension	\$	19,878.77	
<b>TOTAL ENDING CASH</b>	\$	25,308,385.23	<b>\$ 25,308,385.23</b>

Dated: December 31, 2023

-s- Lea Ann Doak, City Clerk

# ATTACHMENT

## B

City of McCook, Nebraska  
 TREASURER'S REPORT  
 CASH BALANCE BY FUNDS  
 Period Ending December 31, 2023 (unaudited)

Beginning Cash on Hand, October 1, 2023	Beginning Cash	YTD Revenue	YTD Expenditures	Ending Cash
General Fund - 10	\$ 3,713,273.61	\$ 1,799,360.06	\$ 2,127,707.03	\$ 3,384,926.64
General Fund Unapplied/Accts. Payable	\$ 2,519.00	\$ 1,695.00	\$ -	\$ 4,214.00
Street Fund - 15	\$ 542,044.26	\$ 6,250.00	\$ -	\$ 548,294.26
Special Revenue - 20	\$ 6,915,980.44	\$ 99,147.04	\$ 1,262,962.39	\$ 5,752,165.09
Special Revenue Unapplied/Accts. Payable	\$ -		\$ -	\$ -
Debt Service - 30	\$ 413,572.43	\$ 4,756.00	\$ -	\$ 418,328.43
Community Redevelopment Authority - 40	\$ 83,322.24	\$ 55,858.93	\$ -	\$ 139,181.17
Economic Development Fund - 45	\$ 1,313,478.19	\$ 170,321.33	\$ 54,660.73	\$ 1,429,138.79
Pension Trust - 50	\$ 4,565.82	\$ 20,031.44	\$ 4,718.49	\$ 19,878.77
Trust & Agency - 60	\$ 342,798.60	\$ 33,987.76	\$ 22,781.48	\$ 354,004.88
Internal Service Fund - 65	\$ 812,266.31	\$ 748,466.70	\$ 663,642.38	\$ 897,090.63
Enterprise Fund - 70	\$ 10,389,917.22	\$ 2,606,105.80	\$ 2,554,707.47	\$ 10,441,315.55
Enterprise Fund Unapplied/Accts. Payable	\$ 482.46	\$ -	\$ (180.84)	\$ 663.30
Capital Improvement - 80	\$ 1,505,816.43	\$ 463,056.79	\$ 49,689.50	\$ 1,919,183.72
<b>BALANCES</b>	<b>\$ 26,040,037.01</b>	<b>\$ 6,009,036.85</b>	<b>\$ 6,740,688.63</b>	<b>\$ 25,308,385.23</b>

Dated: December 31, 2023

-s- Lea Ann Doak, City Clerk

# ATTACHMENT C

CITY OF MCCOOK  
STATEMENT OF REVENUES - BUDGET VS. ACTUAL  
AS OF: DECEMBER 31ST, 2023

10 -GENERAL FUND  
FINANCIAL SUMMARY

% OF YEAR COMPLETED: 25.00

	ORIGINAL BUDGET	CURRENT BUDGET	MONTHLY REVENUE	YEAR-TO-DATE REVENUE	PRIOR YEAR YEAR-TO-DATE	BUDGET REMAINING	% BUDGET REMAINING
<b>REVENUE SUMMARY</b>							
GENERAL REVENUE	11,414,579	11,414,579	624,150.91	1,773,067.67	1,895,468.67	9,641,511.33	84.47
RESERVES/CO TREASURER BAL	<u>1,887,442</u>	<u>1,887,442</u>	<u>18,750.00</u>	<u>26,292.39</u>	<u>31,186.00</u>	<u>1,861,149.61</u>	<u>98.61</u>
TOTAL REVENUES	13,302,021	13,302,021	642,900.91	1,799,360.06	1,926,654.67	11,502,660.94	86.47
	=====	=====	=====	=====	=====	=====	=====
	ORIGINAL BUDGET	CURRENT BUDGET	MONTHLY EXPENDITURES	YEAR-TO-DATE EXPENDITURES	PRIOR YEAR YEAR-TO-DATE	BUDGET REMAINING	% BUDGET REMAINING
ADMINISTRATION	879,209	879,209	54,077.01	170,859.66	159,456.63	708,349.34	80.57
PUBLICITY	6,750	6,750	206.06	1,534.26	3,031.00	5,215.74	77.27
AUDITORIUM	57,603	57,603	2,560.11	20,834.41	10,828.86	36,768.59	63.83
COUNCIL	631,558	631,558	29,950.75	82,610.56	72,444.06	548,947.44	86.92
POLICE	2,342,951	2,342,951	139,015.17	450,115.10	472,422.50	1,892,835.90	80.79
MUNICIPAL CENTER	130,120	130,120	15,002.49	42,011.27	34,017.21	88,108.73	67.71
FIRE	2,393,557	2,393,557	89,040.15	356,933.86	315,999.59	2,036,623.14	85.09
AMBULANCE	529,995	529,995	6,875.35	25,644.41	28,421.56	504,350.59	95.16
CIVIL DEFENSE	10,456	10,456	31.58	499.75	261.74	9,956.25	95.22
BUILDING & ZONING	100,190	100,190	6,508.37	23,434.06	24,763.07	76,755.94	76.61
LIBRARY	404,757	404,757	25,870.56	89,186.89	94,425.81	315,570.11	77.97
STREET	1,203,175	1,203,175	67,754.45	286,692.12	272,707.73	916,482.88	76.17
CEMETERY	234,407	234,407	10,351.47	58,272.33	47,733.53	176,134.67	75.14
PARKS	304,222	304,222	12,705.40	64,496.90	66,603.35	239,725.10	78.80
BALL PARKS	142,129	142,129	5,106.32	24,845.75	23,862.01	117,283.25	82.52
POOL	120,000	120,000	175.27	1,475.38	6,837.07	118,524.62	98.77
AIRPORT	195,336	195,336	10,528.81	53,189.48	42,125.69	142,146.52	72.77
UNEMPLOYMENT	10,000	10,000	0.00	0.00	0.00	10,000.00	100.00
UNCOLLECTABLE TAX	16,000	16,000	69.71	640.41	741.65	15,359.59	96.00
SENIOR CENTER	537,343	537,343	40,091.01	110,086.86	102,608.56	427,256.14	79.51
PUBLIC TRANSPORTATION	200,864	200,864	9,373.39	39,939.97	39,420.43	160,924.03	80.12
HEALTH OPERATING	916,900	916,900	0.00	152,816.66	215,313.00	764,083.34	83.33
RESERVES/CO TREASURER BAL	<u>637,442</u>	<u>637,442</u>	<u>0.00</u>	<u>71,586.94</u>	<u>13,941.57</u>	<u>565,855.06</u>	<u>88.77</u>
TOTAL EXPENDITURES	12,004,964	12,004,964	525,293.43	2,127,707.03	2,047,966.62	9,877,256.97	82.28
	=====	=====	=====	=====	=====	=====	=====
REVENUES OVER/(UNDER) EXPENDITURES	1,297,057	1,297,057	117,607.48	( 328,346.97)	( 121,311.95)	1,625,403.97	125.31

CITY OF MCCOOK  
 STATEMENT OF REVENUES - BUDGET VS. ACTUAL  
 AS OF: DECEMBER 31ST, 2023

15 -STREET FUND  
 FINANCIAL SUMMARY

% OF YEAR COMPLETED: 25.00

	ORIGINAL BUDGET	CURRENT BUDGET	MONTHLY REVENUE	YEAR-TO-DATE REVENUE	PRIOR YEAR YEAR-TO-DATE	BUDGET REMAINING	% BUDGET REMAINING
<u>REVENUE SUMMARY</u>							
STREET IMPROVEMENTS	<u>702,413</u>	<u>702,413</u>	<u>2,023.00</u>	<u>6,250.00</u>	<u>2,783.00</u>	<u>696,163.00</u>	<u>99.11</u>
TOTAL REVENUES	<u>702,413</u>	<u>702,413</u>	<u>2,023.00</u>	<u>6,250.00</u>	<u>2,783.00</u>	<u>696,163.00</u>	<u>99.11</u>
	=====	=====	=====	=====	=====	=====	=====
	ORIGINAL BUDGET	CURRENT BUDGET	MONTHLY EXPENDITURES	YEAR-TO-DATE EXPENDITURES	PRIOR YEAR YEAR-TO-DATE	BUDGET REMAINING	% BUDGET REMAINING
STREET IMPROVEMENTS	<u>702,413</u>	<u>702,413</u>	<u>0.00</u>	<u>0.00</u>	<u>88,000.00</u>	<u>702,413.00</u>	<u>100.00</u>
TOTAL EXPENDITURES	<u>702,413</u>	<u>702,413</u>	<u>0.00</u>	<u>0.00</u>	<u>88,000.00</u>	<u>702,413.00</u>	<u>100.00</u>
	=====	=====	=====	=====	=====	=====	=====
REVENUES OVER/(UNDER) EXPENDITURES	0	0	2,023.00	6,250.00 (	85,217.00)(	6,250.00)	0.00

CITY OF MCCOOK  
STATEMENT OF REVENUES - BUDGET VS. ACTUAL  
AS OF: DECEMBER 31ST, 2023

20 -SPECIAL REVENUE  
FINANCIAL SUMMARY

% OF YEAR COMPLETED: 25.00

	ORIGINAL BUDGET	CURRENT BUDGET	MONTHLY REVENUE	YEAR-TO-DATE REVENUE	PRIOR YEAR YEAR-TO-DATE	BUDGET REMAINING	% BUDGET REMAINING
<b>REVENUE SUMMARY</b>							
FAA GRANTS	376,861	376,861	9,253.00	9,253.00	7,389.00	367,608.00	97.54
PUBLIC TRANSIT GRANTS	90,000	90,000	0.00	0.00	0.00	90,000.00	100.00
ACE REVENUE SHARING	31,922	31,922	122.00	370.00	194.00	31,552.00	98.84
MCCOOK RECREATIONAL TRAIL	56,179	56,179	209.00	649.00	413.00	55,530.00	98.84
CCCF GRANT-SWIMMING POOL	0	0	0.00	0.00	0.00	0.00	0.00
MCCOOK COMM FOUNDATION	0	0	0.00	0.00	0.00	0.00	0.00
COVID-19 CARES ACT	150,460	150,460	567.00	1,752.00	1,073.00	148,708.00	98.84
ENHANCED E911	60,063	60,063	410.00	3,886.10	4,420.23	56,176.90	93.53
RAVENSWOOD RD PROJECT	0	0	0.00	0.00	0.00	0.00	0.00
INSURANCE REIMBURSEMENT	436,121	436,121	1,631.00	5,035.00	3,587.00	431,086.00	98.85
PSAP FUNDS	102,112	102,112	4,108.98	12,356.94	16,173.80	89,755.06	87.90
MUNICIPAL FACILITY CONST	34,785	34,785	0.00	0.00	0.00	34,785.00	100.00
SKATE PARK IMPROVEMENTS	0	0	0.00	0.00	0.00	0.00	0.00
AME RESCUE PLAN ACT-ARPA	325,199	325,199	1,125.00	3,477.00	6,927.00	321,722.00	98.93
BIRDELLA NELSON TECH CTR	25,000	25,000	0.00	0.00	0.00	25,000.00	100.00
SWIMMING POOL PROJECT	<u>6,699,072</u>	<u>6,699,072</u>	<u>17,275.00</u>	<u>62,368.00</u>	<u>0.00</u>	<u>6,636,704.00</u>	<u>99.07</u>
<b>TOTAL REVENUES</b>	<b>8,387,774</b>	<b>8,387,774</b>	<b>34,700.98</b>	<b>99,147.04</b>	<b>40,177.03</b>	<b>8,288,626.96</b>	<b>98.82</b>

	ORIGINAL BUDGET	CURRENT BUDGET	MONTHLY EXPENDITURES	YEAR-TO-DATE EXPENDITURES	PRIOR YEAR YEAR-TO-DATE	BUDGET REMAINING	% BUDGET REMAINING
FAA GRANTS	376,861	376,861	43.35	29,057.75	0.00	347,803.25	92.29
PUBLIC TRANSIT GRANTS	90,000	90,000	0.00	0.00	0.00	90,000.00	100.00
ACE REVENUE SHARING	31,922	31,922	0.00	0.00	0.00	31,922.00	100.00
MCCOOK RECREATIONAL TRAIL	56,179	56,179	0.00	0.00	0.00	56,179.00	100.00
CCCF GRANT-SWIMMING POOL	0	0	0.00	0.00	0.00	0.00	0.00
MCCOOK COMM FOUNDATION	0	0	0.00	0.00	0.00	0.00	0.00
COVID-19 CARES ACT	150,460	150,460	0.00	21,138.00	40,343.62	129,322.00	85.95
ENHANCED E911	60,063	60,063	0.00	1,800.00	2,529.09	58,263.00	97.00
RAVENSWOOD RD PROJECT	0	0	0.00	0.00	0.00	0.00	0.00
INSURANCE REIMBURSEMENT	436,121	436,121	0.00	0.00	40,850.00	436,121.00	100.00
PSAP FUNDS	102,112	102,112	1,534.81	12,382.09	5,286.73	89,729.91	87.87
MUNICIPAL FACILITY CONST	34,785	34,785	0.00	0.00	0.00	34,785.00	100.00
SKATE PARK IMPROVEMENTS	0	0	0.00	0.00	0.00	0.00	0.00
AME RESCUE PLAN ACT-ARPA	325,199	325,199	0.00	0.00	22,598.44	325,199.00	100.00
BIRDELLA NELSON TECH CTR	25,000	25,000	0.00	0.00	8,695.00	25,000.00	100.00
SWIMMING POOL PROJECT	<u>6,699,072</u>	<u>6,699,072</u>	<u>604,412.95</u>	<u>1,198,584.55</u>	<u>0.00</u>	<u>5,500,487.45</u>	<u>82.11</u>
<b>TOTAL EXPENDITURES</b>	<b>8,387,774</b>	<b>8,387,774</b>	<b>605,991.11</b>	<b>1,262,962.39</b>	<b>120,302.88</b>	<b>7,124,811.61</b>	<b>84.94</b>

REVENUES OVER/(UNDER) EXPENDITURES 0 0 ( 571,290.13) ( 1,163,815.35) ( 80,125.85) 1,163,815.35 0.00

CITY OF MCCOOK  
 STATEMENT OF REVENUES - BUDGET VS. ACTUAL  
 AS OF: DECEMBER 31ST, 2023

30 -DEBT SERVICE  
 FINANCIAL SUMMARY

% OF YEAR COMPLETED: 25.00

	ORIGINAL BUDGET	CURRENT BUDGET	MONTHLY REVENUE	YEAR-TO-DATE REVENUE	PRIOR YEAR YEAR-TO-DATE	BUDGET REMAINING	% BUDGET REMAINING
<u>REVENUE SUMMARY</u>							
GENERAL OBLIGATION	0	0	0.00	0.00	0.00	0.00	0.00
SPECIAL ASSESSMENTS	411,745	411,745	1,544.00	4,756.00	3,023.00	406,989.00	98.84
BOND RESERVE	0	0	0.00	0.00	0.00	0.00	0.00
TOTAL REVENUES	411,745	411,745	1,544.00	4,756.00	3,023.00	406,989.00	98.84
	=====	=====	=====	=====	=====	=====	=====
	ORIGINAL BUDGET	CURRENT BUDGET	MONTHLY EXPENDITURES	YEAR-TO-DATE EXPENDITURES	PRIOR YEAR YEAR-TO-DATE	BUDGET REMAINING	% BUDGET REMAINING
GENERAL OBLIGATION	0	0	0.00	0.00	0.00	0.00	0.00
SPECIAL ASSESSMENTS	411,745	411,745	0.00	0.00	0.00	411,745.00	100.00
BOND RESERVE	0	0	0.00	0.00	0.00	0.00	0.00
TOTAL EXPENDITURES	411,745	411,745	0.00	0.00	0.00	411,745.00	100.00
	=====	=====	=====	=====	=====	=====	=====
REVENUES OVER/(UNDER) EXPENDITURES	0	0	1,544.00	4,756.00	3,023.00 (	4,756.00)	0.00

CITY OF MCCOOK  
 STATEMENT OF REVENUES - BUDGET VS. ACTUAL  
 AS OF: DECEMBER 31ST, 2023

40 -COMMUNITY DEVELOPMENT  
 FINANCIAL SUMMARY

% OF YEAR COMPLETED: 25.00

	ORIGINAL BUDGET	CURRENT BUDGET	MONTHLY REVENUE	YEAR-TO-DATE REVENUE	PRIOR YEAR YEAR-TO-DATE	BUDGET REMAINING	% BUDGET REMAINING
<u>REVENUE SUMMARY</u>							
KEYSTONE BUS CENTER PROJ	31,000	31,000	0.00	0.00	0.00	31,000.00	100.00
CITY INVESTMENTS	82,656	82,656	314.00	964.00	551.00	81,692.00	98.83
NORTH POINTE	30,000	30,000	0.00	0.00	7,818.05	30,000.00	100.00
CLARY VILLAGE LLC	9,500	9,500	0.00	3,521.43	0.00	5,978.57	62.93
MCCOOK HOTEL GROUP/COBBL	60,000	60,000	0.00	0.00	0.00	60,000.00	100.00
QUILLAN COURTS	15,000	15,000	0.00	4,749.16	463.46	10,250.84	68.34
MCCOOK LODGING/HOLIDAY I	100,000	100,000	0.00	43,479.22	45,323.83	56,520.78	56.52
NEXT GENERATION	220,000	220,000	0.00	0.00	101,572.63	220,000.00	100.00
N-STANT CONVENIENCE	20,000	20,000	0.00	0.00	0.00	20,000.00	100.00
BLACKWOOD ENTERPRISES	20,400	20,400	0.00	3,145.12	0.00	17,254.88	84.58
<b>TOTAL REVENUES</b>	<b>588,556</b>	<b>588,556</b>	<b>314.00</b>	<b>55,858.93</b>	<b>155,728.97</b>	<b>532,697.07</b>	<b>90.51</b>
<hr/>							
	ORIGINAL BUDGET	CURRENT BUDGET	MONTHLY EXPENDITURES	YEAR-TO-DATE EXPENDITURES	PRIOR YEAR YEAR-TO-DATE	BUDGET REMAINING	% BUDGET REMAINING
KEYSTONE BUS CENTER PROJ	31,000	31,000	0.00	0.00	0.00	31,000.00	100.00
CITY INVESTMENTS	82,656	82,656	0.00	0.00	0.00	82,656.00	100.00
NORTH POINTE	30,000	30,000	0.00	0.00	7,818.05	30,000.00	100.00
CLARY VILLAGE LLC	9,500	9,500	0.00	0.00	0.00	9,500.00	100.00
MCCOOK HOTEL GROUP/COBBL	60,000	60,000	0.00	0.00	0.00	60,000.00	100.00
QUILLAN COURTS	15,000	15,000	0.00	0.00	463.46	15,000.00	100.00
MCCOOK LODGING/HOLIDAY I	100,000	100,000	0.00	0.00	45,323.83	100,000.00	100.00
NEXT GENERATION	220,000	220,000	0.00	0.00	101,572.63	220,000.00	100.00
N-STANT CONVENIENCE	20,000	20,000	0.00	0.00	0.00	20,000.00	100.00
BLACKWOOD ENTERPRISES	20,400	20,400	0.00	0.00	0.00	20,400.00	100.00
<b>TOTAL EXPENDITURES</b>	<b>588,556</b>	<b>588,556</b>	<b>0.00</b>	<b>0.00</b>	<b>155,177.97</b>	<b>588,556.00</b>	<b>100.00</b>
<hr/>							
REVENUES OVER/(UNDER) EXPENDITURES	0	0	314.00	55,858.93	551.00 (	55,858.93)	0.00

CITY OF MCCOOK  
 STATEMENT OF REVENUES - BUDGET VS. ACTUAL  
 AS OF: DECEMBER 31ST, 2023

45 -ECONOMIC DEVELOPMENT FUND  
 FINANCIAL SUMMARY

% OF YEAR COMPLETED: 25.00

	ORIGINAL BUDGET	CURRENT BUDGET	MONTHLY REVENUE	YEAR-TO-DATE REVENUE	PRIOR YEAR YEAR-TO-DATE	BUDGET REMAINING	% BUDGET REMAINING
<u>REVENUE SUMMARY</u>							
ECONOMIC DEVELOPMENT FUN	<u>1,925,222</u>	<u>1,925,222</u>	<u>64,051.45</u>	<u>170,321.33</u>	<u>159,076.28</u>	<u>1,754,900.67</u>	<u>91.15</u>
TOTAL REVENUES	<u>1,925,222</u>	<u>1,925,222</u>	<u>64,051.45</u>	<u>170,321.33</u>	<u>159,076.28</u>	<u>1,754,900.67</u>	<u>91.15</u>
	=====	=====	=====	=====	=====	=====	=====
	ORIGINAL BUDGET	CURRENT BUDGET	MONTHLY EXPENDITURES	YEAR-TO-DATE EXPENDITURES	PRIOR YEAR YEAR-TO-DATE	BUDGET REMAINING	% BUDGET REMAINING
ECONOMIC DEVELOPMENT FUN	<u>1,925,222</u>	<u>1,925,222</u>	<u>12,383.70</u>	<u>54,660.73</u>	<u>51,617.54</u>	<u>1,870,561.27</u>	<u>97.16</u>
TOTAL EXPENDITURES	<u>1,925,222</u>	<u>1,925,222</u>	<u>12,383.70</u>	<u>54,660.73</u>	<u>51,617.54</u>	<u>1,870,561.27</u>	<u>97.16</u>
	=====	=====	=====	=====	=====	=====	=====
REVENUES OVER/(UNDER) EXPENDITURES	0	0	51,667.75	115,660.60	107,458.74 (	115,660.60)	0.00

CITY OF MCCOOK  
 STATEMENT OF REVENUES - BUDGET VS. ACTUAL  
 AS OF: DECEMBER 31ST, 2023

50 -PENSION TRUST  
 FINANCIAL SUMMARY

% OF YEAR COMPLETED: 25.00

	ORIGINAL BUDGET	CURRENT BUDGET	MONTHLY REVENUE	YEAR-TO-DATE REVENUE	PRIOR YEAR YEAR-TO-DATE	BUDGET REMAINING	% BUDGET REMAINING
<u>REVENUE SUMMARY</u>							
POLICE OFFICER DISABILIT	23,470	23,470	18.62	20,031.44	18,004.97	3,438.56	14.65
TOTAL REVENUES	23,470	23,470	18.62	20,031.44	18,004.97	3,438.56	14.65
	=====	=====	=====	=====	=====	=====	=====
	ORIGINAL BUDGET	CURRENT BUDGET	MONTHLY EXPENDITURES	YEAR-TO-DATE EXPENDITURES	PRIOR YEAR YEAR-TO-DATE	BUDGET REMAINING	% BUDGET REMAINING
POLICE OFFICER DISABILIT	23,470	23,470	1,572.83	4,718.49	4,718.49	18,751.51	79.90
TOTAL EXPENDITURES	23,470	23,470	1,572.83	4,718.49	4,718.49	18,751.51	79.90
	=====	=====	=====	=====	=====	=====	=====
REVENUES OVER/(UNDER) EXPENDITURES	0	0	( 1,554.21)	15,312.95	13,286.48	( 15,312.95)	0.00

CITY OF MCCOOK  
STATEMENT OF REVENUES - BUDGET VS. ACTUAL  
AS OF: DECEMBER 31ST, 2023

60 -AGENCY FUND  
FINANCIAL SUMMARY

% OF YEAR COMPLETED: 25.00

	ORIGINAL BUDGET	CURRENT BUDGET	MONTHLY REVENUE	YEAR-TO-DATE REVENUE	PRIOR YEAR YEAR-TO-DATE	BUDGET REMAINING	% BUDGET REMAINING
<u>REVENUE SUMMARY</u>							
PERPETUAL CARE	147,583	147,583	1,045.00	3,482.00	1,967.00	144,101.00	97.64
SENIOR CENTER CONTRIBUTIO	89,012	89,012	6,515.00	9,516.00	6,331.00	79,496.00	89.31
SCHOOL	8,050	8,050	310.00	1,010.00	910.00	7,040.00	87.45
FIRE CONTRIBUTIONS	10,417	10,417	0.00	0.00	14,192.76	10,417.00	100.00
LIBRARY MEMORIAL	63,082	63,082	0.00	0.00	5,500.00	63,082.00	100.00
COMMUNITY BETTERMENT	102,771	102,771	6,411.61	18,404.10	25,539.81	84,366.90	82.09
DARE CONTRIBUTIONS	3,388	3,388	0.00	200.00	600.00	3,188.00	94.10
PUBLIC WORKS CONTRIBUTION	7,370	7,370	159.20	546.20	75.60	6,823.80	92.59
AMBULANCE CONTRIBUTIONS	13,046	13,046	100.00	620.00	300.00	12,426.00	95.25
COMMUNITY PARAMEDIC PROG	4,316	4,316	0.00	0.00	0.00	4,316.00	100.00
POLICE CONTRIBUTIONS	22,822	22,822	109.46	109.46	15,252.93	22,712.54	99.52
FIRE TRAINING TRAILER	11,348	11,348	0.00	100.00	100.00	11,248.00	99.12
TOTAL REVENUES	483,205	483,205	14,650.27	33,987.76	70,769.10	449,217.24	92.97
=====							
	ORIGINAL BUDGET	CURRENT BUDGET	MONTHLY EXPENDITURES	YEAR-TO-DATE EXPENDITURES	PRIOR YEAR YEAR-TO-DATE	BUDGET REMAINING	% BUDGET REMAINING
PERPETUAL CARE	147,583	147,583	250.00	3,400.00	0.00	144,183.00	97.70
SENIOR CENTER CONTRIBUTIO	89,012	89,012	0.00	0.00	4,294.90	89,012.00	100.00
SCHOOL	8,050	8,050	25.00	25.00	600.00	8,025.00	99.69
FIRE CONTRIBUTIONS	10,417	10,417	174.82	473.52	0.00	9,943.48	95.45
LIBRARY MEMORIAL	63,082	63,082	502.62	2,213.85	0.00	60,868.15	96.49
COMMUNITY BETTERMENT	102,771	102,771	12,497.00	16,591.00	24,695.00	86,180.00	83.86
DARE CONTRIBUTIONS	3,388	3,388	78.11	78.11	76.58	3,309.89	97.69
PUBLIC WORKS CONTRIBUTION	7,370	7,370	0.00	0.00	0.00	7,370.00	100.00
AMBULANCE CONTRIBUTIONS	13,046	13,046	0.00	0.00	0.00	13,046.00	100.00
COMMUNITY PARAMEDIC PROG	4,316	4,316	0.00	0.00	0.00	4,316.00	100.00
POLICE CONTRIBUTIONS	22,822	22,822	0.00	0.00	1,106.09	22,822.00	100.00
FIRE TRAINING TRAILER	11,348	11,348	0.00	0.00	0.00	11,348.00	100.00
TOTAL EXPENDITURES	483,205	483,205	13,527.55	22,781.48	28,560.39	460,423.52	95.29
=====							
REVENUES OVER/(UNDER) EXPENDITURES	0	0	1,122.72	11,206.28	42,208.71	( 11,206.28)	0.00

CITY OF MCCOOK  
 STATEMENT OF REVENUES - BUDGET VS. ACTUAL  
 AS OF: DECEMBER 31ST, 2023

65 -INTERNAL SERVICE FUND  
 FINANCIAL SUMMARY

% OF YEAR COMPLETED: 25.00

	ORIGINAL BUDGET	CURRENT BUDGET	MONTHLY REVENUE	YEAR-TO-DATE REVENUE	PRIOR YEAR YEAR-TO-DATE	BUDGET REMAINING	% BUDGET REMAINING
<u>REVENUE SUMMARY</u>							
FLEX DEPENDENT CARE	5,851	5,851	4,550.00	4,550.00	960.00	1,301.00	22.24
FLEX - MEDICAL	66,687	66,687	1,231.27	6,566.94	13,075.76	60,120.06	90.15
SELF INSURED HEALTH INSUR	<u>3,100,211</u>	<u>3,100,211</u>	<u>202,395.66</u>	<u>737,349.76</u>	<u>603,106.25</u>	<u>2,362,861.24</u>	<u>76.22</u>
TOTAL REVENUES	3,172,749	3,172,749	208,176.93	748,466.70	617,142.01	2,424,282.30	76.41
	=====	=====	=====	=====	=====	=====	=====
	ORIGINAL BUDGET	CURRENT BUDGET	MONTHLY EXPENDITURES	YEAR-TO-DATE EXPENDITURES	PRIOR YEAR YEAR-TO-DATE	BUDGET REMAINING	% BUDGET REMAINING
FLEX DEPENDENT CARE	5,851	5,851	0.00	0.00	0.00	5,851.00	100.00
FLEX - MEDICAL	66,687	66,687	1,521.88	3,440.15	3,428.65	63,246.85	94.84
SELF INSURED HEALTH INSUR	<u>3,100,211</u>	<u>3,100,211</u>	<u>247,730.68</u>	<u>660,202.23</u>	<u>565,467.84</u>	<u>2,440,008.77</u>	<u>78.70</u>
TOTAL EXPENDITURES	3,172,749	3,172,749	249,252.56	663,642.38	568,896.49	2,509,106.62	79.08
	=====	=====	=====	=====	=====	=====	=====
REVENUES OVER/(UNDER) EXPENDITURES	0	0	( 41,075.63)	84,824.32	48,245.52	( 84,824.32)	0.00

CITY OF MCCOOK  
STATEMENT OF REVENUES - BUDGET VS. ACTUAL  
AS OF: DECEMBER 31ST, 2023

70 -ENTERPRISE FUND  
FINANCIAL SUMMARY

% OF YEAR COMPLETED: 25.00

	ORIGINAL BUDGET	CURRENT BUDGET	MONTHLY REVENUE	YEAR-TO-DATE REVENUE	PRIOR YEAR YEAR-TO-DATE	BUDGET REMAINING	% BUDGET REMAINING
<u>REVENUE SUMMARY</u>							
SOLID WASTE-LANDFILL POST	0	0	0.00	0.00	0.00	0.00	0.00
SOLID WASTE - RECYCLING	176,800	176,800	5,848.24	17,659.55	20,438.92	159,140.45	90.01
SOLID WASTE - COLLECTION	1,057,127	1,057,127	78,496.78	238,088.07	228,075.30	819,038.93	77.48
SOLID WASTE - TRANSFER ST LANDFILL RESERVE	1,586,962	1,586,962	109,839.95	297,691.57	298,098.24	1,289,270.43	81.24
SOLID WASTE - DISPOSAL	932,954	932,954	26,703.00	33,148.00	25,864.00	899,806.00	96.45
WATER MAINTENANCE & OPERA	600,639	600,639	22,215.79	90,717.86	50,216.94	509,921.14	84.90
WATER BOND & INTEREST RED	4,968,513	4,968,513	181,883.43	745,561.47	819,337.10	4,222,951.53	84.99
WATER CAPITAL - REPLACEME	1,265,750	1,265,750	102,337.00	111,937.00	99,373.00	1,153,813.00	91.16
WATER CAPITAL - DEVELOPME	23,396,301	23,396,301	101,689.00	124,446.00	112,342.00	23,271,855.00	99.47
WATER QUALITY SOLUTION	0	0	0.00	0.00	0.00	0.00	0.00
SEWER MAINTENANCE & OPERA	177,888	177,888	795.28	2,521.41	1,380.80	175,366.59	98.58
SEWER BOND & INTEREST RES	3,560,285	3,560,285	165,010.15	485,421.62	430,155.72	3,074,863.38	86.37
SEWER CAPITAL - REPLACEME	129,138	129,138	480.00	1,475.00	931.00	127,663.00	98.86
SEWER CAPITAL - DEVELOPME	16,107,069	16,107,069	117,679.00	122,823.00	120,822.00	15,984,246.00	99.24
COMBINED UTILITIES	1,430	1,430	9.00	28.00	14.00	1,402.00	98.04
ELECTRIC UTILITY	500,846	500,846	0.00	0.00	0.00	500,846.00	100.00
	<u>1,330,000</u>	<u>1,330,000</u>	<u>91,706.10</u>	<u>334,587.25</u>	<u>338,751.10</u>	<u>995,412.75</u>	<u>74.84</u>
TOTAL REVENUES	55,791,702	55,791,702	1,004,692.72	2,606,105.80	2,545,800.12	53,185,596.20	95.33

	ORIGINAL BUDGET	CURRENT BUDGET	MONTHLY EXPENDITURES	YEAR-TO-DATE EXPENDITURES	PRIOR YEAR YEAR-TO-DATE	BUDGET REMAINING	% BUDGET REMAINING
SOLID WASTE-LANDFILL POST	14,550	14,550	3,458.60	3,458.60	0.00	11,091.40	76.23
SOLID WASTE - RECYCLING	216,328	216,328	7,234.23	27,500.22	24,292.98	188,827.78	87.29
SOLID WASTE - COLLECTION	1,057,127	1,057,127	87,664.65	197,133.36	192,336.09	859,993.64	81.35
SOLID WASTE - TRANSFER ST LANDFILL RESERVE	1,532,884	1,532,884	83,035.38	268,112.77	249,767.71	1,264,771.23	82.51
SOLID WASTE - DISPOSAL	932,954	932,954	254,537.00	254,537.00	0.00	678,417.00	72.72
WATER MAINTENANCE & OPERA	600,639	600,639	29,715.79	98,217.86	53,966.94	502,421.14	83.65
WATER BOND & INTEREST RED	4,968,513	4,968,513	288,529.36	585,248.43	596,358.27	4,383,264.57	88.22
WATER CAPITAL - REPLACEME	1,265,750	1,265,750	0.00	51,603.18	43,263.89	1,214,146.82	95.92
WATER CAPITAL - DEVELOPME	23,396,301	23,396,301	194,266.91	260,140.79	50,789.73	23,136,160.21	98.89
WATER QUALITY SOLUTION	0	0	0.00	0.00	0.00	0.00	0.00
SEWER MAINTENANCE & OPERA	177,888	177,888	0.00	0.00	0.00	177,888.00	100.00
SEWER BOND & INTEREST RES	3,560,285	3,560,285	272,467.44	447,687.12	321,332.88	3,112,597.88	87.43
SEWER CAPITAL - REPLACEME	129,138	129,138	0.00	0.00	0.00	129,138.00	100.00
SEWER CAPITAL - DEVELOPME	16,107,069	16,107,069	55,839.22	57,730.89	29,303.24	16,049,338.11	99.64
COMBINED UTILITIES	1,430	1,430	0.00	0.00	0.00	1,430.00	100.00
ELECTRIC UTILITY	500,846	500,846	0.00	0.00	0.00	500,846.00	100.00
	<u>1,330,000</u>	<u>1,330,000</u>	<u>60,456.10</u>	<u>303,337.25</u>	<u>338,751.10</u>	<u>1,026,662.75</u>	<u>77.19</u>
TOTAL EXPENDITURES	55,791,702	55,791,702	1,337,204.68	2,554,707.47	1,900,162.83	53,236,994.53	95.42
REVENUES OVER/(UNDER) EXPENDITURES	0	0	( 332,511.96)	51,398.33	645,637.29	( 51,398.33)	0.00

CITY OF MCCOOK  
 STATEMENT OF REVENUES - BUDGET VS. ACTUAL  
 AS OF: DECEMBER 31ST, 2023

80 -CAPITAL IMPROVEMENTS FUND  
 FINANCIAL SUMMARY

% OF YEAR COMPLETED: 25.00

	ORIGINAL BUDGET	CURRENT BUDGET	MONTHLY REVENUE	YEAR-TO-DATE REVENUE	PRIOR YEAR YEAR-TO-DATE	BUDGET REMAINING	% BUDGET REMAINING
<u>REVENUE SUMMARY</u>							
2022 RECREATION BOND	1,292,868	1,292,868	99,600.71	289,826.80	0.00	1,003,041.20	77.58
CAPITAL IMPROVE 2018	1,319,378	1,319,378	55,975.33	168,167.99	162,615.99	1,151,210.01	87.25
CAPITAL IMPROVE PRE 2018	<u>425,827</u>	<u>425,827</u>	<u>1,639.00</u>	<u>5,062.00</u>	<u>3,342.00</u>	<u>420,765.00</u>	<u>98.81</u>
TOTAL REVENUES	3,038,073	3,038,073	157,215.04	463,056.79	165,957.99	2,575,016.21	84.76
	=====	=====	=====	=====	=====	=====	=====
	ORIGINAL BUDGET	CURRENT BUDGET	MONTHLY EXPENDITURES	YEAR-TO-DATE EXPENDITURES	PRIOR YEAR YEAR-TO-DATE	BUDGET REMAINING	% BUDGET REMAINING
2022 RECREATION BOND	1,292,868	1,292,868	0.00	0.00	0.00	1,292,868.00	100.00
CAPITAL IMPROVE 2018	1,319,378	1,319,378	10,878.00	34,752.00	14,313.40	1,284,626.00	97.37
CAPITAL IMPROVE PRE 2018	<u>425,827</u>	<u>425,827</u>	<u>0.00</u>	<u>14,937.50</u>	<u>0.00</u>	<u>410,889.50</u>	<u>96.49</u>
TOTAL EXPENDITURES	3,038,073	3,038,073	10,878.00	49,689.50	14,313.40	2,988,383.50	98.36
	=====	=====	=====	=====	=====	=====	=====
REVENUES OVER/(UNDER) EXPENDITURES	0	0	146,337.04	413,367.29	151,644.59 (	413,367.29)	0.00



## Special Designated License Local Recommendation (Form 200)

Applications must be entered on the portal after local approval – no exceptions  
Late applications are non-refundable and will be rejected

Arapahoe Municipal Golf Course & Country Club

Retail Liquor License Name or \*Non-Profit Organization (\*Must include Form #201 as Page 2)

72371 Rd 719 Arapahoe, NE 68922

Retail Liquor License Address or Non-Profit Business Address

IB-076467

Retail License Number or Non-Profit Federal ID #

Event Date(s): 6/1/24 \_\_\_\_\_

Event Start Time(s): 3:00 pm \_\_\_\_\_

Event End Time(s): 1:00am \_\_\_\_\_

Alternate Date: \_\_\_\_\_

Alternate Location Building & Address: \_\_\_\_\_

Event Building Name: Community Building at Fair Grounds

Event Street Address/City: 1412 W 5th St, McCook, NE 69001

Indoor area to be licensed in length & width: 80' X 120'

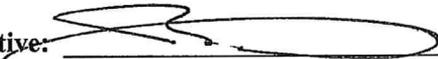
Outdoor area to be licensed in length & width: \_\_\_\_\_ X \_\_\_\_\_ (Diagram Form #109 must be attached)

Type of Event: Wedding Estimate # of attendees: 300

Type of alcohol to be served: Beer  Wine  Distilled Spirits   
(If not marked, you will not be able to serve this type of alcohol)

Event Contact Name: Billie Taylor Event Contact Phone Number: 308-340-5943

Event Contact Email: arapacity@arapahoenebraska.com

\*Signature Authorized Representative: 

\*Retail licensee – Must be signed by a member listed on permanent license  
\*Non-Profit Organization – Must be signed by a Corporate Officer

**Local Governing Body completes below:**

The local governing body for the City of McCook OR County of \_\_\_\_\_ approves the issuance of a Special Designated License as requested above.

\_\_\_\_\_  
Local Governing Body Authorized Signature \_\_\_\_\_  
Date

## RESOLUTION NO. 2023-19

### RESOLUTION ESTABLISHING CRITERIA FOR APPROVAL OR DENIAL OF A SPECIAL DESIGNATED LIQUOR LICENSE AND DESIGNATING THE CITY CLERK TO DETERMINE APPROVAL OR DENIAL OF THE APPLICATION FOR SPECIAL DESIGNATED LIQUOR LICENSE.

WHEREAS, pursuant to Nebraska Rev. Statute Section 53-124.11, all applications for special designated licenses for the sale or consumption of alcoholic liquor must have approval or denial of the local governing body or its designated agent; and,

WHEREAS, said application must be to the Nebraska Liquor Control Commission at least ten working days prior to the event for their consideration; and,

WHEREAS, there are circumstances when this time frame does not allow for an application to be considered at a regular scheduled meeting of the City Council; and,

WHEREAS, in order to avoid holding special council meetings and to expedite the process of the local governing body to determine when an application for a special designated liquor license is to be approved or denied and establishing guidelines to be followed by such agent; and,

WHEREAS, criteria should be established for approval or denial of a special designated license.

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of McCook, Nebraska, that the City Clerk, or approved designee, is hereby designated as the "Agent" of the City of McCook to determine when an application for a special designated liquor license is to be approved or denied.

The City Council hereby designates its Agent to review special designated license application requests. Applications that are:

1. From an applicant for a special designated license who has not previously applied for a special designated liquor license within the City of McCook; or
2. The Agent determines that unusual or special circumstances are involved with the application. Examples, an outdoor beer garden, outdoor special events where music will be present, or a new/unfamiliar location;

shall be referred to the City Council for approval or denial.

BE IT FURTHER RESOLVED that the following criteria will be applied in reviewing applications for special designated licenses for the sale or consumption of alcoholic liquor:

1. Applications shall be submitted two (2) City of McCook working days prior to the due date listed in the Nebraska Liquor Control Commission's SDL 10-Day Calendar for

the current year. Special circumstances maybe considered for applications not meeting the City of McCook's two (2) business days requirement.

2. That a favorable police report has been issued relating to the type and level of security to be provided to insure that the liquor laws will be complied with.
3. In all cases, the nature of the business, location, and character of the person or persons applying for a license are material factors to be considered in determining whether or not a license shall be approved.
4. That the granting of such a license will not create traffic congestion or hazards, and will not violate any of the provisions of the Municipal Code relating to noise control.
5. For requests to be held on City of McCook property, no license shall be approved unless the applicant shall file with the City a Certificate by an insurance company authorized to do business in the State of Nebraska certifying that the applicant has in full force and effect a policy or policies of insurance providing for liability, including liquor Liability and property insurance coverage in the sum of \$1,000,000.00. Such Certificate shall clearly set forth the name of the insurance carrier, the policy number, a description of the coverages, the limits of liability and period of coverage.
6. That the application complies with the requirements of the Nebraska Rev. Statute Section 53-134 and with the City of McCook Municipal Code.

PASSED AND APPROVED this 2<sup>nd</sup> day of October, 2023.

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Linda Taylor, Ex-officio Mayor  
and Council President

ATTEST:

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Lea Ann Doak, City Clerk-Treasurer

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

ITEM NO. **3.F.** Approve the LB840 Economic Revolving Loan Fund Program loan with HOKYL, LLC in the amount of \$100,000 with a term of 10 years and an interest rate of 4% and authorize the Mayor to sign all required documents.

---

**BACKGROUND:**

This loan and application have been reviewed and approved by the Loan Committee for the McCook LB840 McCook Economic Development Plan. Due to the fact real estate is involved, approval from the City Council is required.

**APPROVALS:**

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

January 31, 2024

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

January 31, 2024

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

January 31, 2024



# City of McCook, Nebraska Economic Development Revolving Loan Fund Program Application

Applicant Name: Kyle Rollenhagen Title: Owner

Company Name: Bee Little LLC (subject to change)

Address: 409 west Q st. McCook NE 69061  
Street City State Zip

Telephone: (308) 737-1977 Hollie

Contact Person (if different than applicant): \_\_\_\_\_

Telephone: (308) 350-1081 Kyle

Business Type:  Corporation  Partnership  Sole Proprietor

**If Corporation or Partnership, list officers/partners below:**

Name: Kyle Title: Owner Ownership: 50 %

Name: Hollie Title: Owner/operator Ownership: 50 %

Name: \_\_\_\_\_ Title: \_\_\_\_\_ Ownership: \_\_\_\_\_ %

Name: \_\_\_\_\_ Title: \_\_\_\_\_ Ownership: \_\_\_\_\_ %

Project Type:  Business Start-Up  Business Expansion

Business Activity (Product or Service): Daycare; Acquiring an existing business  
to maintain operation

Years in Business: 2 Current Employment: Bee little Daycare  
(Full-Time Equivalent)

Proposed Employment: Wife (Hollie will manage daycare) (New/Added Jobs Related to Project)

Project Narrative: See Attached narrative

**Type of Assistance Requested:**

Loan Amount: \$ 100,000 Term: 10 yrs Rate: 4 %

Use of Funds:  Purchase Land  Purchase Building  
 (Check all that apply)  Construction  Renovation  
 Mach/Equip  Working Capital  
 Interim Financing

Training Assistance Amount \$ \_\_\_\_\_

Public Improvements Amount \$ \_\_\_\_\_

Describe: This is to close the gap between building and asking price

**Sources and Uses of all Project Funds**

Description	Cost	Bank Loan	City Loan	Equity
Land/Building	\$ <u>225,000</u>	\$ _____	\$ _____	\$ _____
Mach/Equip	\$ _____	\$ _____	\$ _____	\$ _____
Work Capital	\$ _____	\$ _____	\$ _____	\$ _____
Interim Finance	\$ _____	\$ _____	\$ _____	\$ _____
Training	\$ _____	\$ _____	\$ _____	\$ _____
Public Improve	\$ _____	\$ _____	\$ _____	\$ _____
Other: <u>Gap</u>	\$ <u>100,000</u>	\$ _____	\$ _____	\$ _____
<b>Project Totals</b>	\$ <u>325,000</u>	\$ _____	\$ _____	\$ _____

**To be included with the Application:**

1. Resume of Principal (s)
2. Business Plan (including):
  - Cash flow and income projections monthly 1st yr. annually for next two years, including your assumptions.
  - Management Plan
  - Market demand summary/purchase orders.
3. Personal Financial Statement of Principal (s)
4. Two years complete corporate tax returns, if over 25% ownership (signed)
5. Corporate balance sheets for the last 2 years (except startup)
6. Articles of Incorporation, By-Laws, and Minutes of last meeting.
7. Corporate Resolution authorizing loan application
8. Credit Bureau Report (CBR) for Shareholders with over 25% ownership
9. Other information as requested by the Program Administrator or Loan Committee

The applicant hereby certifies that all information in this application, and all information furnished in support of this application is given for the purpose of obtaining assistance under the Economic Development Loan Program and is true and complete to the best of the Applicant's knowledge and belief. Verification may be obtained from any source named herein. Provided that any and all information related to the financial status of the business shall be held confidential and not subject to review by the public.

Signature of Applicant: [Handwritten Signature]

Date Signed: 12 / 29 / 2023 Title: Owner

Referred to Loan Committee: 1 / 12 / 2024

Reccomendations:  
Loan Review Committee: X Approval        Disapproval  
(Reasons for Disapproval): \_\_\_\_\_

[Handwritten Signature]

City Council Action: Date: \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ Resolution No: \_\_\_\_\_  
       Approval        Disapproval

(Reasons for Disapproval): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

**3.G.**  
ITEM NO. \_\_\_ Approve a Microenterprise Lending Program loan with Red Willow Properties, LLC in the amount of \$120,000 with a term of 10 years and an interest rate of 4% and authorize the Mayor to sign all required documents.

---

**BACKGROUND:**

This loan and application have been reviewed and approved by the Loan Committee for the McCook LB840 McCook Economic Development Plan. Due to the fact real estate is involved, approval from the City Council is required. LB840 funds are used for MEDC's microenterprise loans.

**APPROVALS:**

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

January 31, 2024

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

January 31, 2024

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

January 31, 2024



# McCook Economic Development Corporation: Microenterprise Lending Program Application

Applicant Name: Robert & Jennifer Hinze Title: \_\_\_\_\_

Company Name: Red Willow Properties LLC

Address: 306 West D Street McCook NE 69001  
Street City State Zip

Telephone: (308) 340 5256

Contact Person (if different than applicant): \_\_\_\_\_

Telephone: (\_\_\_\_) \_\_\_\_\_

Business Type:  Corporation  Partnership  Sole Proprietor

If Corporation or Partnership, list officers/partners below:

Name: Robert Hinze Title: \_\_\_\_\_ Ownership: 50 %

Name: Jennifer Hinze Title: \_\_\_\_\_ Ownership: 50 %

Name: \_\_\_\_\_ Title: \_\_\_\_\_ Ownership: \_\_\_\_\_ %

Name: \_\_\_\_\_ Title: \_\_\_\_\_ Ownership: \_\_\_\_\_ %

Project Type:  Business Start-Up  Business Expansion

Business Activity (Product or Service): \_\_\_\_\_

Years in Business: 20 Current Employment: High Plains Podiatry PC  
(Full-Time Equivalent)

Proposed Employment: \_\_\_\_\_ (New/Added Jobs Related to Project)

Project Narrative: \_\_\_\_\_

Refer to Attached Narrative

**Type of Assistance Requested:**

Loan Amount: \$ 120,000 Term: 10 yrs Rate: 4 %

Use of Funds:  Purchase Land  Purchase Building  
 (Check all that apply)  Construction  Renovation  
 Mach/Equip  Working Capital  
 Interim Financing

Training Assistance Amount \$ Ø

Public Improvements Amount \$ Ø

Describe: Down payment for purchase of building.

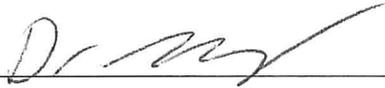
**Sources and Uses of all Project Funds**

Description	Cost	Bank Loan	City Loan	Equity
Land/Building	\$ _____	\$ _____	\$ _____	\$ _____
Mach/Equip	\$ _____	\$ _____	\$ _____	\$ _____
Work Capital	\$ _____	\$ _____	\$ _____	\$ _____
Interim Finance	\$ _____	\$ _____	\$ _____	\$ _____
Training	\$ _____	\$ _____	\$ _____	\$ _____
Public Improve	\$ _____	\$ _____	\$ _____	\$ _____
Other: _____	\$ _____	\$ _____	\$ _____	\$ _____
<b>Project Totals</b>	\$ _____	\$ _____	\$ _____	\$ _____

**To be included with the Application:**

1. Resume of Principal (s)
2. Business Plan (including):
  - Cash flow and income projections monthly 1st yr. annually for next two years, including your assumptions.
  - Management Plan
  - Market demand summary/purchase orders.
3. Personal Financial Statement of Principal (s)
4. Two years complete corporate tax returns, if over 25% ownership (signed)
5. Corporate balance sheets for the last 2 years (except startup)
6. Articles of Incorporation, By-Laws, and Minutes of last meeting.
7. Corporate Resolution authorizing loan application
8. Credit Bureau Report (CBR) for Shareholders with over 25% ownership
9. Other information as requested by the Program Administrator or Loan Committee

The applicant hereby certifies that all information in this application, and all information furnished in support of this application is given for the purpose of obtaining assistance under the Economic Development Loan Program and is true and complete to the best of the Applicant's knowledge and belief. Verification may be obtained from any source named herein. Provided that any and all information related to the financial status of the business shall be held confidential and not subject to review by the public.

Signature of Applicant:  

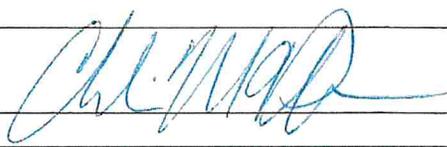
Date Signed: 12 / 12 / 2023 Title: OWNERS

Referred to Loan Committee: 12 / 28 / 2023

Reccomendations:

Loan Review Committee:  Approval (1/12/24)  Disapproval

(Reasons for Disapproval): Needed additional information from bank/lender.  
Loan committee met again on 1-12-2024 to review application



City Council Action: Date:        /        /        Resolution No:       

Approval  Disapproval

(Reasons for Disapproval):





Lumen Job# P.196505

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

### APPLICATION TO OCCUPY RIGHT-OF-WAY

APPLICANT NAME: Lumen (CenturyLink) DATE: 01/22/2024  
ADDRESS: 2806 Ave D, Scotts Bluff, NE 69361 PHONE: 805-858-0038  
FAX: NA START DATE: 01/29/2024 FINISH DATE: 05/03/2024

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

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

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

Location: Beginning 32' feet (East) West North South) of Intersection of W 3rd St & W O St  
and ending (East (West) North South) 785' feet of Intersection  
of W 5th St & W O St

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

**Performance Guarantee: (Make Payable to City of McCook)**

Amount: \$ 2,500 Check No. \_\_\_\_\_ Or FID No. \_\_\_\_\_

This guarantee is for the faithful compliance by the Applicant to the terms of the permit. It is understood that should the Applicant fail to perform the work as set forth in the permit, the City of McCook will have the right to keep the performance guarantee as liquidated damages for its necessary supervisory and inspection expenses and to initiate such legal proceedings as are necessary to secure either performance of the work in compliance with the terms of the permit or the restoration of the right-of-way to its previous condition prior to the activities of the Applicant.

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

p.p. Leslie Shupp  
Applicant's Signature

\_\_\_\_\_  
Recommended By

\_\_\_\_\_  
Date

\_\_\_\_\_  
Director of Public Works Approval



	Right of Way (ROW) / Municipal Land – Permit Required		Existing MH/HH
	New Conduit Route		NEW MH/HH
	Existing Conduit Route		

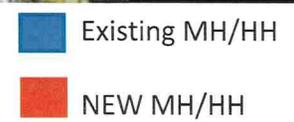
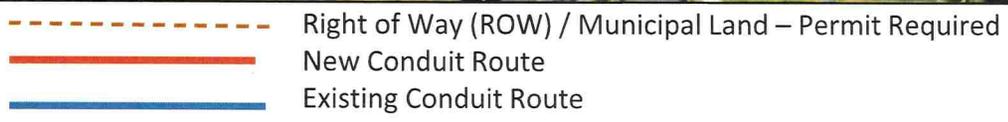


**LUMEN REQUIREMENTS:**

- Push Counts LMC1, 1-2 from HH UN-9 to HH\_W\_O\_3rdST.
- Splice New 72MF in HH\_W\_O\_3rdST (0+00) to Pick Counts LMC1, 1-2. Leave a loop of 50'.
- Bore & Place 785' of 7-Way FP & Jet 72MF from HH\_W\_O\_3rdST (0+00) to New HH-1 (7+85).
- Place New HH-1 (7+85), 6' from EOP on W O St & 10' from EOP on W 5th St. Leave a Loop of 100'.
- Bore & Place 395' of 7-Way FP & Jet 72MF from New HH-1 (7+85) to New HH-2 (11+80).
- Place New HH-2 (11+85), Near Pole Base. Leave a Loop of 100'.
- Bore & Place 90' of 2-Way FP & Jet 72MF from New HH-2 (11+80) to Building Wall(12+70). Place 6' Riser & Junction Box (12+76) to Core-Drill & Enter the MPOP.
- After entering MPOP Leave a Loop of 20' & Terminate Cable in FDP.
- Place New FDP & RAD Device on Backboard Mounted on West Wall.
- Turn-Up New RAD Device Using Counts LMC1, 1-2.
- 5' Jumper needs to be placed b/w FDP & RAD.

**CUSTOMER REQUIREMENTS:**

- Customer should Provide 4X4 Backboard & Grounding in MPOP.
- No Clear Path Required as FDP, RAD & Customer equipment are in same Room.



**JOB LOCATION:** 1400 W 5TH ST, MCCOOK, NE 69001

ST.NUMBER	FW PROJECT	WFMT PROJECT
P-495977	P.196505	A.3007141

LCON: KEN CARRIKER      LCON #: 308-737-3131      LCON EMAIL: Ken.carriker@usda.gov

**CONTRACT ENGINEER**  
**NAME:** ADITYA SUMAN



**ENGINEERING CONTACT**  
**NAME:** ANDREW HARRIS  
**PHONE:** 531-263-1485

**CONSTRUCTION COORDINATOR**  
**NAME:** ANDREW HARRIS  
**PHONE:** 531-263-1485

**SPlicing COORDINATOR**  
**NAME:** ANDREW HARRIS  
**PHONE:** 531-263-1485

**ORDER INFORMATION**

CUSTOMER TERMINAL:	1400 W 5TH ST
CUSTOMER NAME:	USDA
CABLE ASSIGNMENT:	F1: LMC1,1-2 F2:
CROSS CONNECT:	
ARMOR#:	
ORDER:	###
ISP ENG. NAME:	N/A
ISP ENG. NO.:	N/A
CONST START:	
FIBER COMP:	

**MISC. INFORMATION**

ASSOCIATED PROJECTS:	
FW CONTRACTS:	2023LE000015

**PERMIT INFORMATION**

RR PERMIT REQUIRED:	NO
DOT PERMIT REQUIRED:	NO
COUNTY PERMIT REQUIRED:	NO
CITY PERMIT REQUIRED:	YES - CITY OF MCCOOK
ADDITIONAL PERMIT REQUIRED:	NO



**WORK LOCATION**

**NARRATIVE/SPECIAL REMARKS**

THIS JOB WILL BRING COUNT LMC1,1-2 TO 1400 W 5TH ST, MCCOOK, NE 69001  
 AT HH UN-9 SPLICE LMC1,1-2. FROM EX 96CT [FM1] TO EX 144CT [A05HR]  
 AT HH\_W\_O\_3RDST SPLICE LMC1,1-2. FROM EX 144CT [A05HR] TO NEW 72CT MF [A05HQ]  
 BORE & PLACE 785' OF 7-WAY FP & JET 72MF FROM HH\_W\_O\_3RDST TO HH\_W\_5TH\_ST.  
 BORE & PLACE 395' OF 7-WAY FP & JET 72MF FROM NEW HH\_W\_5TH\_ST TO NEW HH\_W\_O\_3RDST.  
 BORE & PLACE 90' OF 2-WAY FP & JET 72MF FROM NEW TO BUILDING WALL.  
 PLACE 6' RISER & JUNCTION BOX TO CORE-DRILL & ENTER THE MPOP.  
 PLACE NEW FDP & RAD ON EXISTING BACKBOARD .  
 PLACE NEW FDP & RAD ON BACKBOARD MOUNTED ON WEST WALL.

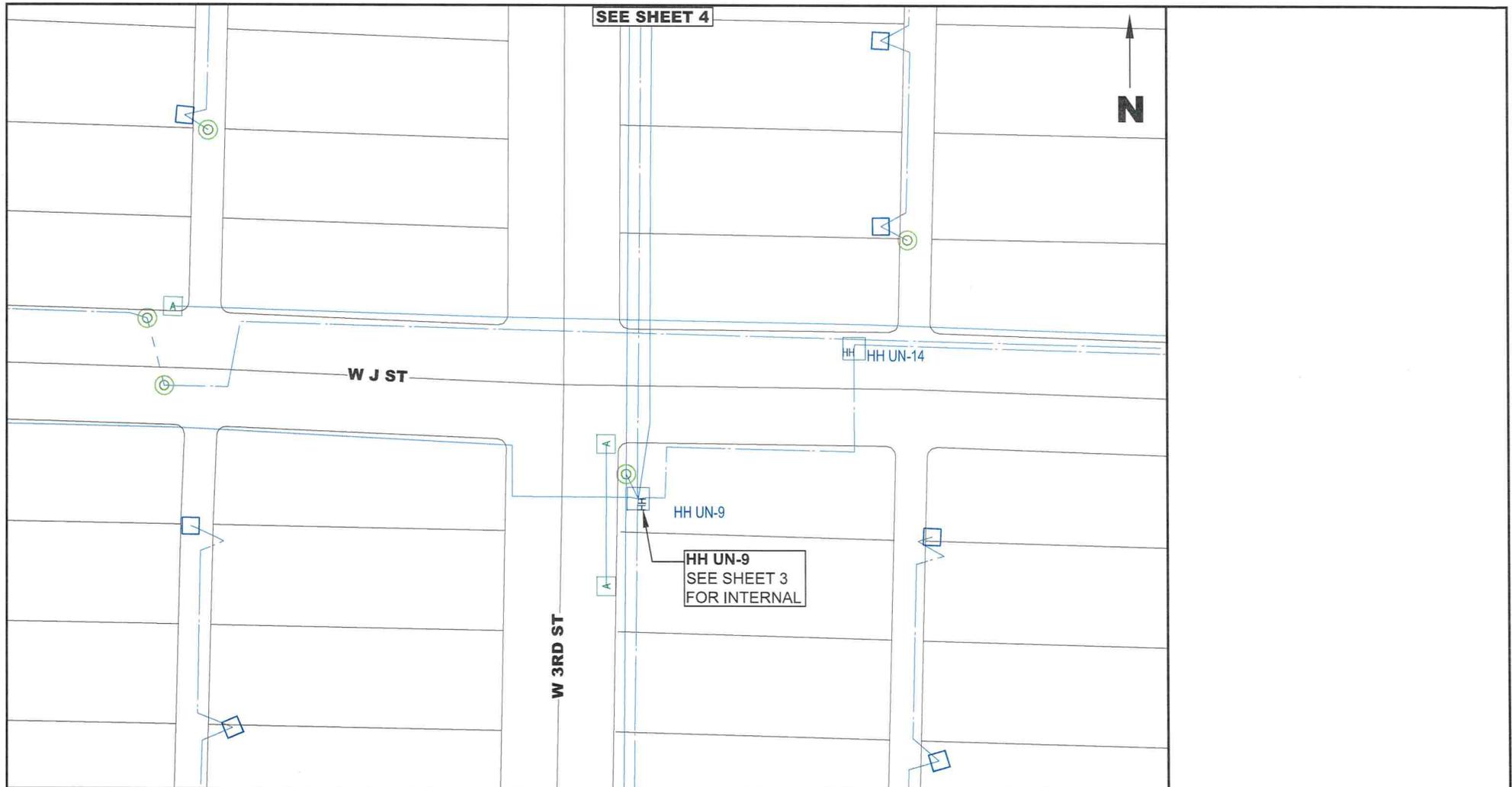
ISSUE: 1

**REVISIONS**

DATE	REVISION DESCRIPTION

EXCEPT AS MAY BE OTHERWISE PROVIDED BY CONTRACT, THESE DRAWINGS AND SPECIFICATIONS SHALL REMAIN THE PROPERTY OF LUMEN BEING ISSUED IN STRICT CONFIDENCE AND SHALL NOT BE REPRODUCED, COPIED, OR USED FOR ANY PURPOSE WITHOUT SPECIFIC WRITTEN PERMISSION.

		<b>ECD:</b>	
DESC: NE - MCKK - PL - MCKKNENW-100 Mbps-1400 W 5TH ST-MCKKNE12-EIS0061-L309158			
WC CLLI:	MCKKNENW	REM KEY:	N/A
SECTION:	S19	DATE:	12/26/2023
TOWNSHIP:	T3N	EXCH KEY:	3890
RANGE:	R29W	SCALE:	NTS



**LUMEN** JOB LOCATION: 1400 W 5TH ST, MCCOOK, NE 69001



**PEARCE**  
SERVICES

**FW PROJECT**

**CONTRACT ENGINEER**

**CONSTRUCTION COORDINATOR**

**DESC:** NE - MCCK - PL - MCCKNENW-100 Mbps-1400 W 5TH ST-MCCKNE12-EIS0061-L309158

**ECD:**

P.196505

**NAME:** ADITYA SUMAN

**NAME:** ANDREW HARRIS  
**PHONE:** 531-263-1485

**WFMT PROJECT**

**ENGINEERING CONTACT**

**SPLICING COORDINATOR**

EXCEPT AS MAY BE OTHERWISE PROVIDED BY CONTRACT, THESE DRAWINGS AND SPECIFICATIONS SHALL REMAIN THE PROPERTY OF LUMEN BEING ISSUED IN STRICT CONFIDENCE AND SHALL NOT BE REPRODUCED, COPIED, OR USED FOR ANY PURPOSE WITHOUT SPECIFIC WRITTEN PERMISSION.

**ISSUE:** 1  
**REM KEY:** N/A  
**EXCH KEY:** 3890  
**SCALE:** 1:50

**WC CLI:** MCCKNENW | **DATE:** 12/26/2023  
**SECTION:** S19  
**TOWNSHIP:** T3N  
**RANGE:** R29W

A.3007141

**NAME:** ANDREW HARRIS  
**PHONE:** 531-263-1485

**NAME:** ANDREW HARRIS  
**PHONE:** 531-263-1485

**SHEET:** 2 OF 7

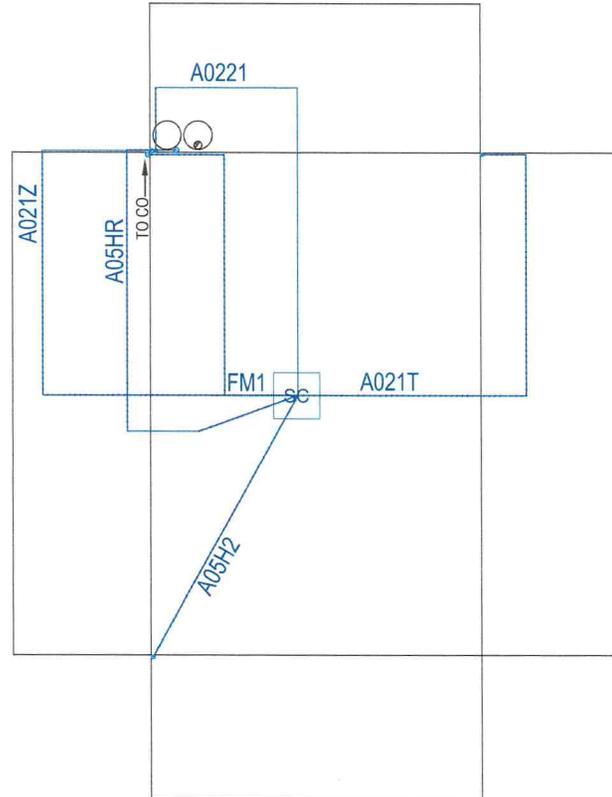
**SOURCE FIBER**

FM1  
 3310' 1995  
 PC-3XR2LT-096  
 PLBF  
 TLG4,1-24 (Fibers: 1-24)  
 TLG2,1-8 (Fibers: 25-32)  
 DD,9-12 (Fibers: 33-36)  
 [REV]LMC1,1-24 (Fibers: 37-60)  
 [REV]LMC1,25-30 (Fibers: 61-66)  
 [DEAD][REV]DD,31-36 (Fibers: 67-72)  
 [REV]LMC1,37-60 (Fibers: 73-96)  
 <n.216090,1>

A021Z  
 1220' 1966  
 PC-3412L6-024  
 PLBF  
 LMC1,1-2 **HH UN-9** (Fibers: 1-2)  
 LMC1,9-10 **NC** (Fibers: 3-4)  
 LMC1,11-12 **NC** (Fibers: 5-6)  
 LMC1,43-54 **NC** (Fibers: 7-18)  
 LMC1,55-60 **NC** (Fibers: 19-24)  
 <Unknown,0> <**P.196505,1**>

**SEE SHEET 2  
 FOR WORK LOCATION**

**HH UN-9**



**\*\*P-1**  
 (P.196505,C.50 - PLUF)  
 RE-ENTER EXIST FIBER CASE qty: 1.00  
 SPLICE FIBER FUSION 1-4 qty: 2.00  
 SPL SETUP-TEARDOWN HH-FIB qty: 1.00

**FIELD FIBER**

A05HR  
 PC-5B12LT-144  
 LMC1,35-36 **NC** (Fibers: 1-2)  
 [DEAD]DD,3-12 **NC** (Fibers: 3-12)  
 ([DEAD]DD,13-14) **LMC1,1-2** (Fibers: 13-14)  
 [DEAD]DD,15-144 **NC** (Fibers: 15-144)  
 <N.328356,1> <**P.196505,1**>

A0221  
 1687' 2012  
 PC-5X11LT-072  
 PLUF  
 LMC1,31-42 NC (Fibers: 1-12)  
 LMC1,19-24 NC (Fibers: 13-18)  
 LMC1,29-30 NC (Fibers: 19-20)  
 LMC1,37-40 NC (Fibers: 21-24)  
 LMC1,25-28 NC (Fibers: 25-28)  
 [DEAD]DD,29-60 NC (Fibers: 29-60)  
 ([DEAD]DD,61-72) LMC2,133-144 (Fibers: 61-72)  
 <N.769013,1> <N.809112,1>

A05H2  
 1289' 6.91"  
 PC-3412L6-024  
 PLBF  
 LMC1,3-4 NC (Fibers: 1-2)  
 B,3-12 NC (Fibers: 3-12)  
 (B,13-24)[REV]LMC2,133-144 (Fibers: 13-24)  
 <Unknown,1> <N.809112,1>

**SPLICE DETAILS:  
 HH UN-9**  
  
 FROM FM1  
 LMC1,1-2  
  
 TO A05HR  
 LMC1,1-2

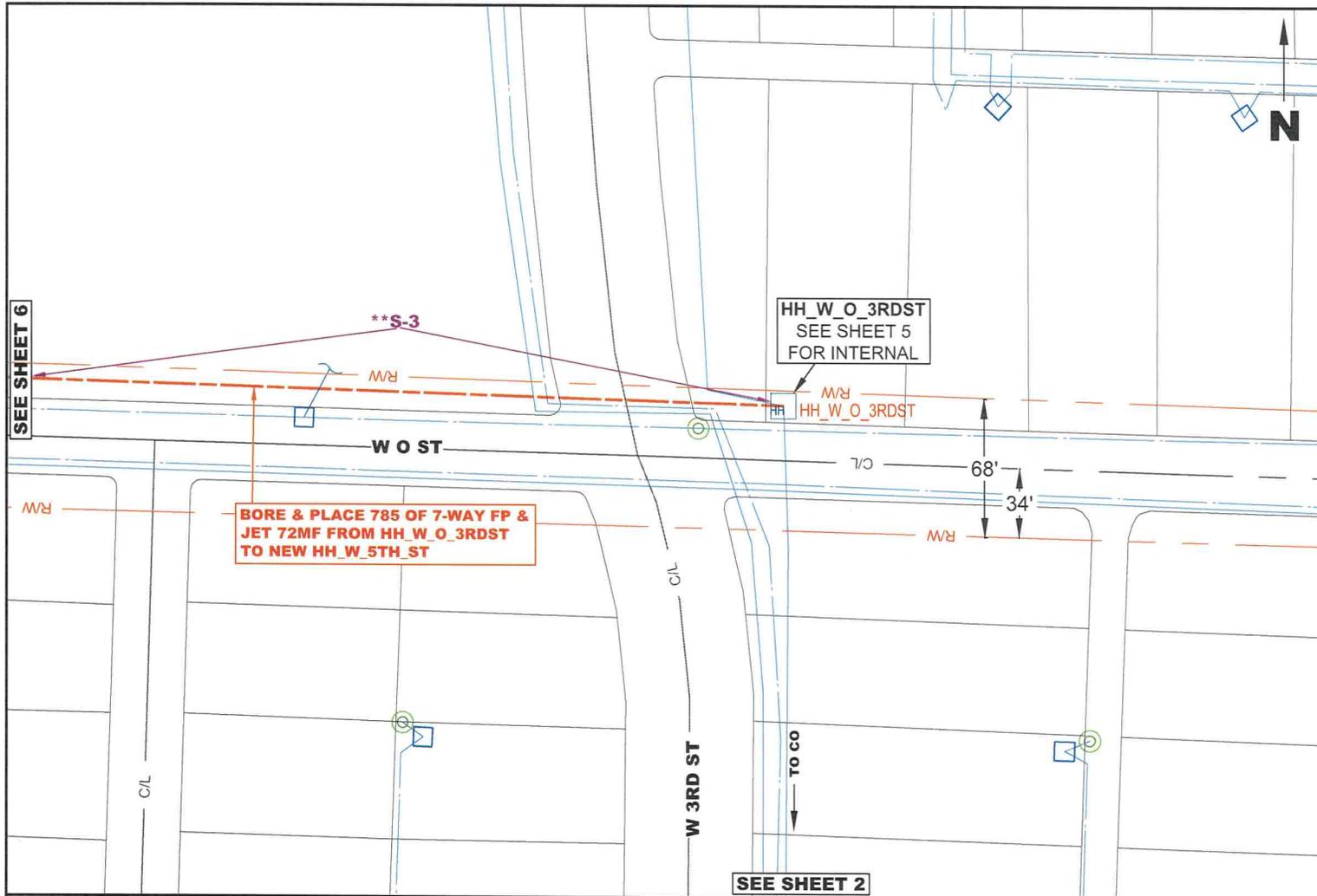
A021T  
 6910' 1996  
 PC-3XR2LT-036  
 PLBF  
 TLG4,1-24 (Fibers: 1-24)  
 TLG2,1-8 (Fibers: 25-32)  
 DD,9-12 (Fibers: 33-36)  
 <n.216090,1>

**LUMEN** **JOB LOCATION:** 1400 W 5TH ST, MCCOOK, NE 69001



<b>FW PROJECT</b> P.196505	<b>CONTRACT ENGINEER</b> NAME: ADITYA SUMAN	<b>CONSTRUCTION COORDINATOR</b> NAME: ANDREW HARRIS PHONE: 531-263-1485	<b>DESC:</b> NE - MCCK - PL - MCCKNENW-100 Mbps-1400 W 5TH ST-MCCKNE12-EIS0061-L309158	<b>ISSUE:</b> 1 <b>REM KEY:</b> N/A <b>EXCH KEY:</b> 3890 <b>SCALE:</b> 1:50	<b>ECD:</b>	<b>WC CLI:</b> MCCKNENW	<b>DATE:</b> 12/26/2023
<b>WFMT PROJECT</b> A.3007141	<b>ENGINEERING CONTACT</b> NAME: ANDREW HARRIS PHONE: 531-263-1485	<b>SPLICING COORDINATOR</b> NAME: ANDREW HARRIS PHONE: 531-263-1485				<b>SECTION:</b> S19	<b>TOWNSHIP:</b> T3N

EXCEPT AS MAY BE OTHERWISE PROVIDED BY CONTRACT, THESE DRAWINGS AND SPECIFICATIONS SHALL REMAIN THE PROPERTY OF LUMEN BEING ISSUED IN STRICT CONFIDENCE AND SHALL NOT BE REPRODUCED, COPIED, OR USED FOR ANY PURPOSE WITHOUT SPECIFIC WRITTEN PERMISSION.



**\*\*P-2**  
(P.196505.C.52 - PLCF)  
DIG FACILITY INTO EXIST HH qty: 1.00

**\*\*S-3**  
(P.196505.C.52 - PLCF)  
BORE <= 2.5in CABLE-HDPE qty: 785.00  
INRDCT FUT PATH 7 WAY 10mm qty: 795.00  
(P.196505.C.50 - PLUF)  
FIB 72 MICRO LT COR qty: 895.00  
FIBER PL IN CONDUIT qty: 795.00

SEE SHEET 6

SEE SHEET 2

<b>LUMEN</b>		<b>JOB LOCATION:</b> 1400 W 5TH ST, MCCOOK, NE 69001				<b>PEARCE SERVICES</b>	
<b>FW PROJECT</b> P.196505	<b>CONTRACT ENGINEER</b> NAME: ADITYA SUMAN	<b>CONSTRUCTION COORDINATOR</b> NAME: ANDREW HARRIS PHONE: 531-263-1485	<b>DESC:</b> NE - MCCK - PL - MCKKNENW-100 Mbps-1400 W 5TH ST-MCCKNE12-EIS0061-L309158	<b>ECD:</b>			
<b>WFMT PROJECT</b> A.3007141	<b>ENGINEERING CONTACT</b> NAME: ANDREW HARRIS PHONE: 531-263-1485	<b>SPLICING COORDINATOR</b> NAME: ANDREW HARRIS PHONE: 531-263-1485		<small>EXCEPT AS MAY BE OTHERWISE PROVIDED BY CONTRACT, THESE DRAWINGS AND SPECIFICATIONS SHALL REMAIN THE PROPERTY OF LUMEN BEING ISSUED IN STRICT CONFIDENCE AND SHALL NOT BE REPRODUCED, COPIED, OR USED FOR ANY PURPOSE WITHOUT SPECIFIC WRITTEN PERMISSION.</small>	<b>ISSUE:</b> 1	<b>WC CLLI:</b> MCCKNENW	<b>DATE:</b> 12/26/2023
					<b>REM KEY:</b> N/A	<b>SECTION:</b> S19	
				<b>EXCH KEY:</b> 3890	<b>TOWNSHIP:</b> T3N		
				<b>SCALE:</b> 1:50	<b>RANGE:</b> R29W	<b>SHEET:</b> 4 OF 7	

**SOURCE FIBER**

A05HR  
 PC-5B12LT-144  
 LMC1,35-36 **NC**(Fibers: 1-2)  
 [DEAD]DD,3-12 **NC**(Fibers: 3-12)  
 ([DEAD]DD,13-14) **LMC1,1-2**(Fibers: 13-14)  
 [DEAD]DD,15-144 **NC**(Fibers: 15-144)  
 <N.328356,1> <**P.196505,1**>

**FIELD FIBER**

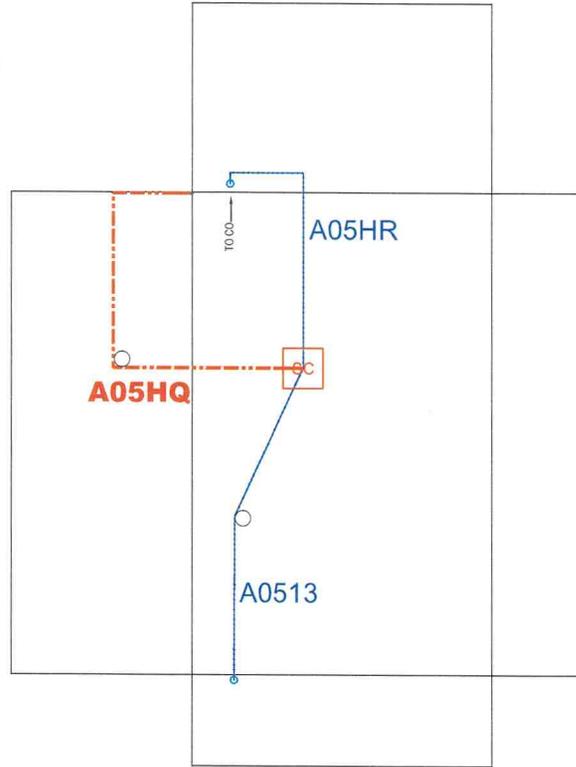
**A05HQ**  
**1490'**  
**072ZM4-T4F22A20**  
**PLUF**  
**LMC1,1-2 (Fibers: 1-2)**  
**[DEAD]DD,3-72 (Fibers: 3-72)**  
 <**P.196505,1**>

A0513  
 PC-5B12LT-144  
 LMC1,35-36 (Fibers: 1-2)  
 [DEAD]DD,3-144 (Fibers: 3-144)  
 <N.328356,1>

**SEE SHEET 4  
 FOR WORK LOCATION**

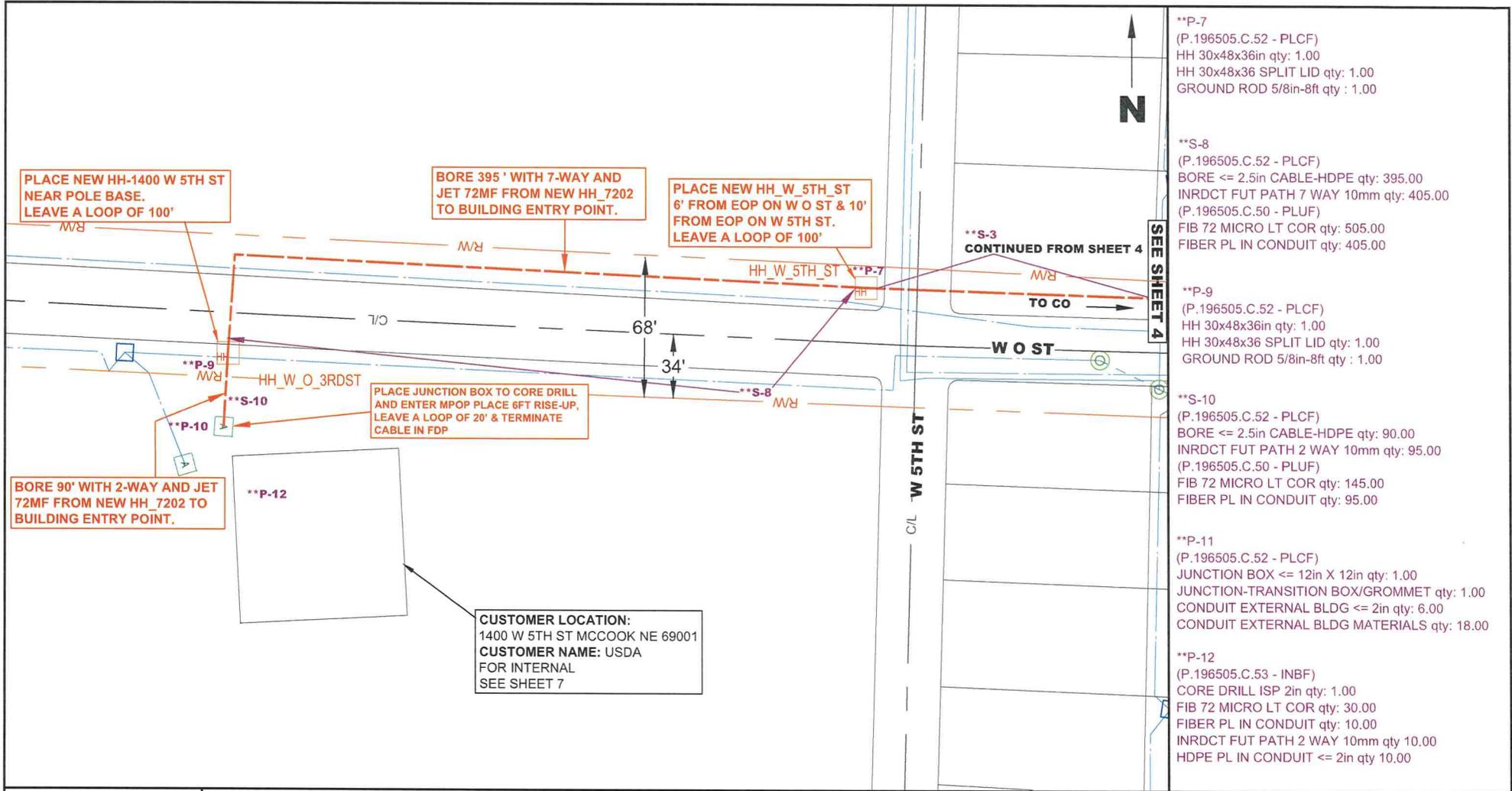
**SPLICE DETAILS:  
 HH\_W\_O\_3RDST**  
  
 FROM A05HR  
 LMC1,1-2  
  
 TO A05HQ  
 LMC1,1-2  
  
 LEAVE 50' SLACK LOOP

**HH\_W\_O\_3RD ST**



\*\*P-6  
 (P.196505.C.50 - PLUF)  
 SPL SETUP-TEARDOWN HH-FIB qty: 1.00  
 SPLICE FIBER FUSION 1-4 qty: 2.00  
 CASE UG FIB D 11.5X30 GEL 36 TRAY qty: 1.00  
 FIB TRAY 36 FOSC 600 D qty: 1.00  
 ADD FIBER TRAY OR BASKET qty: 1.00  
 CASE FIBER NEW qty: 1.00

<b>LUMEN</b>		<b>JOB LOCATION:</b> 1400 W 5TH ST, MCCOOK, NE 69001				<b>PEARCE SERVICES</b>	
<b>FW PROJECT</b> P.196505	<b>CONTRACT ENGINEER</b> NAME: ADITYA SUMAN	<b>CONSTRUCTION COORDINATOR</b> NAME: ANDREW HARRIS PHONE: 531-263-1485	<b>DESC:</b> NE - MCCK - PL - MCCKNENW-100 Mbps-1400 W 5TH ST-MCCKNE12-EIS0061-L309158	<b>ECD:</b>		<b>WC CLI:</b> MCCKNENW	<b>DATE:</b> 12/26/2023
<b>WFMT PROJECT</b> A.3007141	<b>ENGINEERING CONTACT</b> NAME: ANDREW HARRIS PHONE: 531-263-1485	<b>SPLICING COORDINATOR</b> NAME: ANDREW HARRIS PHONE: 531-263-1485	<small>EXCEPT AS MAY BE OTHERWISE PROVIDED BY CONTRACT, THESE DRAWINGS AND SPECIFICATIONS SHALL REMAIN THE PROPERTY OF LUMEN BEING ISSUED IN STRICT CONFIDENCE AND SHALL NOT BE REPRODUCED, COPIED, OR USED FOR ANY PURPOSE WITHOUT SPECIFIC WRITTEN PERMISSION.</small>	<b>ISSUE:</b> 1 <b>REM KEY:</b> N/A <b>EXCH KEY:</b> 3890 <b>SCALE:</b> 1:50	<b>SECTION:</b> S19 <b>TOWNSHIP:</b> T3N <b>RANGE:</b> R29W	<b>SHEET:</b> 5 OF 7	



- \*\*P-7**  
(P.196505.C.52 - PLCF)  
HH 30x48x36in qty: 1.00  
HH 30x48x36 SPLIT LID qty: 1.00  
GROUND ROD 5/8in-8ft qty: 1.00
- \*\*S-8**  
(P.196505.C.52 - PLCF)  
BORE <= 2.5in CABLE-HDPE qty: 395.00  
INRDCT FUT PATH 7 WAY 10mm qty: 405.00  
(P.196505.C.50 - PLUF)  
FIB 72 MICRO LT COR qty: 505.00  
FIBER PL IN CONDUIT qty: 405.00
- \*\*P-9**  
(P.196505.C.52 - PLCF)  
HH 30x48x36in qty: 1.00  
HH 30x48x36 SPLIT LID qty: 1.00  
GROUND ROD 5/8in-8ft qty: 1.00
- \*\*S-10**  
(P.196505.C.52 - PLCF)  
BORE <= 2.5in CABLE-HDPE qty: 90.00  
INRDCT FUT PATH 2 WAY 10mm qty: 95.00  
(P.196505.C.50 - PLUF)  
FIB 72 MICRO LT COR qty: 145.00  
FIBER PL IN CONDUIT qty: 95.00
- \*\*P-11**  
(P.196505.C.52 - PLCF)  
JUNCTION BOX <= 12in X 12in qty: 1.00  
JUNCTION-TRANSITION BOX/GROMMET qty: 1.00  
CONDUIT EXTERNAL BLDG <= 2in qty: 6.00  
CONDUIT EXTERNAL BLDG MATERIALS qty: 18.00
- \*\*P-12**  
(P.196505.C.53 - INBF)  
CORE DRILL ISP 2in qty: 1.00  
FIB 72 MICRO LT COR qty: 30.00  
FIBER PL IN CONDUIT qty: 10.00  
INRDCT FUT PATH 2 WAY 10mm qty 10.00  
HDPE PL IN CONDUIT <= 2in qty 10.00

<b>LUMEN</b>		<b>JOB LOCATION:</b> 1400 W 5TH ST, MCCOOK, NE 69001				<b>PEARCE</b> <small>SERVICES</small>	
<b>FW PROJECT</b> P.196505	<b>CONTRACT ENGINEER</b> NAME: ADITYA SUMAN	<b>CONSTRUCTION COORDINATOR</b> NAME: ANDREW HARRIS PHONE: 531-263-1485	<b>DESC:</b> NE - MCCK - PL - MCCKNENW-100 Mbps-1400 W 5TH ST-MCCKNE12-EIS0061-L309158	<b>ECD:</b>			
<b>WFMT PROJECT</b> A.3007141	<b>ENGINEERING CONTACT</b> NAME: ANDREW HARRIS PHONE: 531-263-1485	<b>SPLICING COORDINATOR</b> NAME: ANDREW HARRIS PHONE: 531-263-1485		EXCEPT AS MAY BE OTHERWISE PROVIDED BY CONTRACT, THESE DRAWINGS AND SPECIFICATIONS SHALL REMAIN THE PROPERTY OF LUMEN BEING ISSUED IN STRICT CONFIDENCE AND SHALL NOT BE REPRODUCED, COPIED, OR USED FOR ANY PURPOSE WITHOUT SPECIFIC WRITTEN PERMISSION.	<b>ISSUE:</b> 1	<b>WC CLLI:</b> MCCKNENW	<b>DATE:</b> 12/26/2023
			REW KEY: N/A EXCH KEY: 3890 SCALE: 1:50		<b>SECTION:</b> S19	<b>TOWNSHIP:</b> T3N	<b>SHEET:</b> 6 OF 7
					<b>RANGE:</b> R29W		

**FIREWORKS NUMBER:** P.196505  
**WFMT NUMBER:** A.3007141  
**ARMOR TICKET:** 1208-2363386  
**ORDER:** N33729809  
**LUMEN FIBER PLANNER:** ANDREW HARRIS  
**LUMEN EQUIPMENT ENGINEER:** PEARCE SERVICES  
**CUSTOMER NAME:** 1400 W 5TH ST, MCCOOK, NE 69001  
**HANDOFF TYPE:** N/A  
**LCON NAME:** KEN CARRIKER  
**LCON PHONE:** 308-737-3131  
**CUSTOMER ADDRESS:**  
**CUSTOMER CLLI CODE / DEVICE CLLI:** MCCKNE12 / N/A  
**WIRE CENTER / AREA:** MCCKNENW / N/A  
**SERVICE SPEED / EQUIPMENT:** 100MBPS / RAD  
**RETAIL/WHOLESALE:** WHOLESALE  
**EXISTING FIBER / EXISTING EQUIP:** NO/ NO  
**PLACEMENT POF:** HH\_W\_O\_3rdST  
**HEAT-UP POF:** UN-9  
**FIBER COUNT:** LMC1,1-2  
**FIBERS REQ'D FOR SERVICE:** 2 WORKING  
**DISTANCE TO CO:** N/A

LUMEN TO INSTALL A NEW 24 PORT FDP AND RAD ON CUSTOMER BACKBOARD AT MPOP.

FIBER COUNT: LMC1,1-2 TEST BACK TO CO.

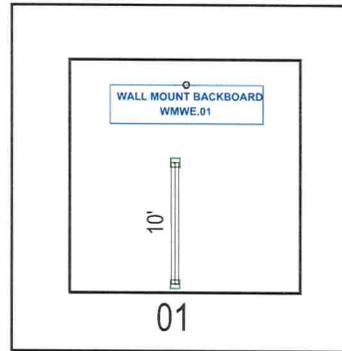
PLACE 6FT OF RISER UP LEAVE LOOP OF 20' & TERMINATE CABLE IN FDP

\*\*P-13  
 (P.196505.C.53 - INBF)  
 FDP 24 PORT 6ft TAIL w/TRAY qty: 1.00  
 TERMINATION PANEL - OSP qty: 1.00  
 SPL SETUP-TEARDOWN BUILDING-FIB qty: 1.00  
 SPLICE FIBER FUSION 1-4 qty: 2.00

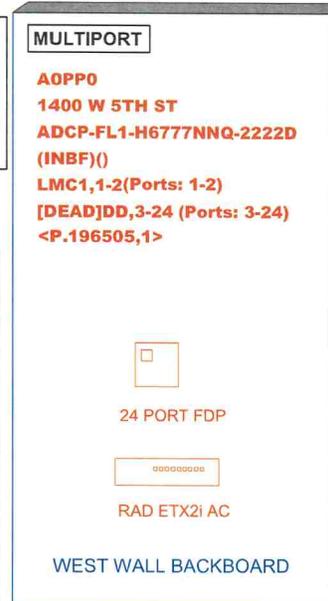
SEE SHEET 6 FOR WORK LOCATION

**BUILDING EXTENSION - INSIDE WIRING REQUESTED**  
 -NO  
**CUSTOMER REQUIREMENTS:**  
 - CUSTOMER SHOULD PROVIDE 4X4 BACKBOARD & GROUNDING IN MPOP.  
 -NO CLEAR PATH REQUIRED AS FDP, RAD & CUSTOMER EQUIPMENT ARE IN SAME ROOM.

1400 W 5TH ST MCCOOK NE 69001



BEA REQUIRED: YES



**OSP FIBER**

**AOPNY**  
**30'**  
**072ZM4-T4F22A20**  
**INBF**  
**LMC1,1-2 (Fibers: 1-2)**  
**[DEAD]DD,3-72 (Fibers: 3-72)**  
**<P.196505,1>**

<b>LUMEN</b>		<b>JOB LOCATION:</b> 1400 W 5TH ST, MCCOOK, NE 69001					<b>PEARCE</b>	
<b>FW PROJECT</b>		<b>CONTRACT ENGINEER</b>	<b>CONSTRUCTION COORDINATOR</b>				<b>DESC:</b> NE - MCCK - PL - MCCKNENW-100 Mbps-1400 W 5TH ST-MCCKNE12-EIS0061-L309158	<b>ECD:</b>
P.196505		<b>NAME:</b> ADITYA SUMAN <b>PHONE:</b> 531-263-1485	<b>NAME:</b> ANDREW HARRIS <b>PHONE:</b> 531-263-1485		EXCEPT AS MAY BE OTHERWISE PROVIDED BY CONTRACT, THESE DRAWINGS AND SPECIFICATIONS SHALL REMAIN THE PROPERTY OF LUMEN BEING ISSUED IN STRICT CONFIDENCE AND SHALL NOT BE REPRODUCED, COPIED, OR USED FOR ANY PURPOSE WITHOUT SPECIFIC WRITTEN PERMISSION.	<b>ISSUE:</b> 1 <b>REM KEY:</b> N/A		<b>WC CLLI:</b> MCCKNENW   <b>DATE:</b> 12/26/2023
<b>WFMT PROJECT</b>		<b>ENGINEERING CONTACT</b>	<b>SPLICING COORDINATOR</b>			<b>EXCH KEY:</b> 3890 <b>SCALE:</b> 1:50	<b>SECTION:</b> S19 <b>TOWNSHIP:</b> T3N	<b>RANGE:</b> R29W   <b>SHEET:</b> 7 OF 7
A.3007141		<b>NAME:</b> ANDREW HARRIS <b>PHONE:</b> 531-263-1485	<b>NAME:</b> ANDREW HARRIS <b>PHONE:</b> 531-263-1485					

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

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**ITEM 3.1.** Approve a Memorandum of Understanding between the City of McCook and the McCook Economic Development Corporation, Graff Charitable Foundation, McCook Community Foundation, and Community Hospital for the purpose of establishing the joint financial obligations of each entity relative to the Civic and Community Center Financing Fund grant application, said grant to be used for McCook's Creative District preliminary planning purposes.

---

**BACKGROUND:**

In October of 2023, the State of Nebraska approved the City of McCook's status as a Creative District. Money has been appropriated by the State of Nebraska through NDED's CCCFF program to allow Creative District communities to plan for potential improvement projects within their respective Creative Districts. The minimum grant award through the CCCFF for the Creative District program is \$100,000. Per the program guidelines, the City of McCook would have to provide a \$100,000 match. Due to the size of the match, City staff expressed concern about funding the entirety of the match through the City's general fund.

As such, City staff has been working with the MEDC, MCF, Community Hospital, and the Graff Charitable Foundation to determine a partnership plan regarding the City of McCook's CCCFF planning grant application. As a result of numerous discussions, the group intends for each entity to donate \$20,000 toward the planning grant match, alleviating the burden on the City of McCook to fund the entire match itself. In order to memorialize the parties' intent, an MOU has been drafted outlining each parties' obligation.

The CCCFF grant application is due on February 15, 2024. As a reminder, the City Council approved a resolution authorizing the City of McCook's application for the grant. Pursuant to the resolution, a Letter of Intent was delivered to NDED prior to January 15, 2024.

**APPROVALS:**

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

January 31, 2024

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

January 31, 2024

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

January 31, 2024

## MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (the "MOU") is entered into as of February \_\_\_\_, 2024, by and among the undersigned parties: the City of McCook, Nebraska, Community Hospital McCook, McCook Economic Development Corporation, Graff Charitable Foundation and McCook Community Foundation. Collectively referred to as the "Parties."

### BACKGROUND:

WHEREAS, all Parties to this MOU share a common vision and want to see a creative district succeed in McCook for the betterment of the community;

WHEREAS, the Parties wish to collaborate on securing funds through the CCCFF Planning Grant to be awarded in 2024;

WHEREAS, each Party commits to pledge \$20,000.00 in matching funds for the purpose of applying for the CCCFF Planning Grant;

WHEREAS, the City of McCook will act as the applicant for the Grant;

WHEREAS, the funds pledged by each Party will be committed to the City for the purpose of the grant application;

WHEREAS, if the grant is awarded, and the pledged funds are received by the City, said funds must be used strictly for the purposes allowed under the CCCFF Planning Grant Criteria, with any remaining funds used for the support of the creative district as deemed fit and proper by the City.

### TERMS OF AGREEMENT:

#### 1. **Financial Commitment:**

- 1.1. Each Party commits to providing \$20,000.00 as matching funds for the CCCFF Planning Grant.

#### 2. **Grant Application and Administration:**

- 2.1. The City of McCook will serve as the applicant for the CCCFF Planning Grant.
- 2.2. The pledged funds from each Party will be transferred to the City only if the CCCFF Planning Grant is awarded to the City.

#### 3. **Grant Utilization:**

- 3.1. If the CCCFF Planning Grant is awarded, the funds pledged by each Party and received

by the City must be used exclusively for the purposes allowed under the CCCFF Planning Grant Criteria. Any remaining funds can be used for any purpose deemed fit and proper by the City for the support of the creative district.

**4. Reporting and Accountability:**

4.1. The City of McCook will provide regular updates to the Parties regarding the status of the grant application and, if successful, the utilization of the granted funds.

**5. Duration of MOU:**

5.1. This MOU will be effective as of February 1, 2024 and will continue until the earlier of:

5.1.1. The grant being awarded and the individual pledges are paid in full; or

5.1.2. The date on which the City knows that the grant was not awarded in this year's grant cycle, in which all pledges of funds are void.

**6. Amendments:**

6.1. Any amendments to this MOU must be made in writing and signed by all Parties.

**7. Governing Law:**

7.1. This MOU will be governed by the laws of the State of Nebraska.

IN WITNESS WHEREOF, the Parties hereto have executed this Memorandum of Understanding as of the date first above written.

City of McCook:

McCook Economic Development Corporation:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
President

Community Hospital McCook:

Graff Charitable Foundation:

\_\_\_\_\_  
President and CEO

\_\_\_\_\_  
Chairman

McCook Community Foundation:

\_\_\_\_\_  
Chairman

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

ITEM NO. 3.J. Approve and enter into an Interlocal Agreement with West Central Nebraska Development District, Inc.

---

**BACKGROUND:**

Historically, the City of McCook has operated its own nuisance abatement program. Over the past few years, city staff has been inundated with more and more nuisance complaints. Staff has reached out to West Central Nebraska Development District to assist McCook with addressing nuisance property issues. WCNDD operates a nuisance abatement program that can work hand in hand with the City's current abatement efforts. In order to participate in WCNDD's nuisance abatement program, the City of McCook must enter into an Interlocal Agreement with WCNDD.

In conjunction with this agenda item, City of McCook staff members and its city attorney are working on an ordinance modification to allow WCNDD to operate its nuisance abatement program in a similar fashion as WCNDD operates in other communities. The ordinance will be brought to the City Council for consideration upon finalization by staff.

**APPROVALS:**



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

January 31, 2024



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

January 31, 2024



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

January 31, 2024

# WEST CENTRAL NEBRASKA DEVELOPMENT

## DISTRICT, INC.

### INTERLOCAL AGREEMENT

This AGREEMENT, is made and entered into by and between the undersigned county, city or village within the geographical region of Thomas, Logan, Lincoln, McPherson, Hooker, Grant, Arthur, Keith, Perkins, Dawson, Hayes, Chase, Frontier, Dundy, Hitchcock, Red Willow, Furnas, and Gosper Counties in the State of Nebraska (hereinafter "Region"). Said undersigned is made and entered into by and between one or more of those local governments within the above named geographical region (specifically designated in attachment 1 as same may be amended)

#### RECITALS:

WHEREAS, the Nebraska Legislature adopted the Interlocal Cooperation Act as set forth in Nebraska Revised Statutes '13-801, *et. seq.* as same may be amended; and

WHEREAS, the purpose of the Interlocal Cooperation Act is to permit local governmental units to make the most efficient use of their powers by enabling them to cooperate with other localities and governmental instrumentalities on a basis of mutual advantage, and thereby to provide services and facilities in a manner and pursuant to forms of governmental organization that will accord best with geographic, economic, population, and other factors influencing the needs and development of local communities; and

WHEREAS, Nebraska Revised Statutes Section '13-1901, *et. seq* provides for the formation of a "Planning and Development District" within the Region who shall, as directed by its policy board, serve as regional resource center and provide planning, community, and economic development, technical assistance to local governments which are members of the

district and may provide assistance to industrial development organizations, tourism or promotion organizations, community development groups and similar organizations on request.

and

WHEREAS, West Central Nebraska Development District, Inc. (“District”) was formed as a non-profit corporation pursuant to said statutes and continues to operate therefrom; and

WHEREAS, District performs some or all of the duties stated in the statute; and:

and

WHEREAS, the undersigned County, City, or Village is within the Region and wishes to benefit from services the District provides by entering into this agreement with one or more parties; and

WHEREAS, the parties to this Interlocal Cooperation Act Agreement wish to enter into such an agreement to enable them to achieve the purposes and goals of the Interlocal Act; and

WHEREAS, the parties desire to continue the District as a joint entity pursuant to the Nebraska Statutes for the purpose of exercising the powers granted and to act on behalf of the Members for their general benefit.

**In consideration of the covenants stated herein, the Members mutually agree as follows:**

1. ENTITY: The name of the non-profit corporation formed by the mutual agreement of the parties is: West Central Nebraska Development District, Inc.
2. DURATION: This agreement is perpetual, but may be terminated as to any party by submitting to the District an Ordinance or Resolution terminating this Agreement and after thirty (30) days notice.
3. OBJECTIVES AND PURPOSE: The objectives and purposes of this Agreement are to

effectively and efficiently provide for a planning and economic development district for the mutual benefit of the parties to this Agreement who, by entering into this Agreement, become Members of the District.

4. DUES: There are no dues or financial obligation of a party to this Agreement for membership in the District. A Member is eligible for District services by paying for same and limited voting rights. However, a Member may acquire all of the benefits of District services, full voting rights and the right to serve on the Administrative Board as stated in the Articles, By Laws, and by determination of the Administrative Board by paying its allocated dues.
5. ADMINISTRATION AND CONTROL: The administration and control of the District is stated in the Articles and ByLaws of the District as same may be amended from time to time. A copy of the current Articles and ByLaws are attached and marked as attachments 2 and 3 respectively.
6. REPRESENTATIVES: Parties to this Agreement of the District appoint representatives and alternative representatives who are either elected officials or employees of the Member.
7. GOVERNING BODY: The District shall be governed by a governing body known as the Administrative Board which also serves as the policy board as stated in Neb. Rev. Stat. 13-1903. The governing board is described and identified in the ByLaws of the Corporation.
8. MEETINGS: The District will have an annual general member meeting held on the third Wednesday of June of every year and every member will be notified of the meeting at least 10 days prior to the meeting.

9. SEPARATE COPIES OF THIS AGREEMENT: Separate copies of this Agreement are executed by the separate parties to the Agreement. The parties agree that the said individual Agreements are considered the entire Agreement with all of the signing parties subject to the terms of said Agreement.

**CITY of McCook, Nebraska:**

DATED this \_\_\_\_\_ day of \_\_\_\_\_ 2024.

\_\_\_\_\_  
Linda Taylor- Mayor

ATTEST:

\_\_\_\_\_  
Lea Ann Doak- City Clerk

APPROVED TO FORM:

\_\_\_\_\_  
City Attorney

**WEST CENTRAL NEBRASKA DEVELOPMENT DISTRICT, INC.**

**BY LAWS**

**Amended**  
**November 18, 1987**  
**(Article I, Section 1 and Section 2)**

**Revised**  
**February 21, 1996**  
**(Article II, Section 3, B)**  
**(Article III, Section 2 and Section 3)**  
**(Article V, Section 1, B)**  
**(Article IX, Section 1)**

**Amended**  
**May 16, 2001**  
**(Article IV, Section 1, Section 2, Section 3, and Section 4)**

**Amended**  
**June 26, 2002**  
**(Article III, Section 4)**

**REVISED IN ENTIRETY**  
**November 15, 2006**

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**WEST CENTRAL NEBRASKA DEVELOPMENT DISTRICT,  
INC.  
BYLAWS  
November 15, 2006**

Pursuant to the Nebraska Nonprofit Corporation Act, the Nebraska Interlocal Cooperation Act, and Articles of Incorporation, the Members of West Central Nebraska hereby adopt these By Laws to provide as follows:

**ARTICLE I  
General Membership**

**Section 1: General Membership**

**1.1 Eligibility.** All local counties, cities, and villages within the Region 3 Planning and Development region is eligible to be a member of West Central Nebraska Development District (WCNDD or DISTRICT). Region 3 includes the counties of Grant, Hooker, Thomas, Arthur, McPherson, Logan, Keith, Lincoln, Perkins, Dawson, Chase, Hayes, Frontier, Gosper, Dundy, Hitchcock, Red Willow, and Furnas in the State of Nebraska. (Neb. Rev. Stat. §13-1901) Private entities and individuals within the Region 3 planning and development district may become General Members by complying with the "C" membership requirements.

**1.2 Types of Membership, Definitions;**

There are three (3) General Membership types in the DISTRICT. Those are defined as:

**A MEMBERS**—"A" Members are eligible counties, cities and villages who have full voting rights and pay required membership dues. "A" members may serve on the governing board. "A" Members must pass a resolution to become a WCNDD General Member and must enter into an interlocal agreement with the DISTRICT (which is kept on file at the DISTRICT'S office). "A" Members are eligible to receive publications and the professional and technical services provided by WCNDD. "A" Members generally receive these services at a reduced amount or at no further cost as determined by the DISTRICT.

**B MEMBERS**—"B" Members are eligible counties, cities and villages who have not paid required membership dues. "B" Members have limited voting rights at the annual General Membership Meeting, but may not serve on the Administrative Boards. "B" Members must pass a resolution to become a WCNDD General Member) and must enter into an interlocal agreement with the DISTRICT (which is kept on file at

the DISTRICT'S office. "B" Members are eligible to receive publications and may contract for professional and technical services provided by WCNDD.

**C MEMBERS--** "C" Members are individuals, private businesses, for profit or not-for-profit businesses organizations, and non-city, village or county governmental agencies or pseudo governmental agencies within Region 3 DISTRICT who pay dues to the DISTRICT. "C" Members may be elected as a "private sector representative" on the Administrative Board. "C" Members have no voting rights except as may be allowed as a "private sector representative" on the Administrative Board. "C" Members are entitled to DISTRICT publications, newsletters and special mailings.

**1.3 Withdrawal of Membership:** Any Member may withdraw its membership in the District by giving 30 days written notice. "A" and "B" Members must provide the DISTRICT with a resolution withdrawing their membership and there must also be a termination of any interlocal agreements. The DISTRICT will not pay refunds for withdrawing members.

**1.4 Rejoining:** Re-admittance may be achieved upon full compliance with all membership requirements stated in these By-Laws.

## **ARTICLE II REPRESENTATIVES OF MEMBERS**

**2.1 Appointment of Representative:** Each General Member of the DISTRICT shall appoint a representative and alternate representative. The names of those representatives shall be received by WCNDD to update its books no later than January 10 of each year. Each representative and alternative representative shall serve at the pleasure of his/her respective General Member. A General Member may at any time replace its representative or alternative representative, but said replacement(s) are not effective until WCNDD staff is notified in writing of said replacement.

**2.2 Representative Requirements:** "A" and "B" Members must appoint representatives who are either elected officials or employees of the county, city or village. "C" members may appoint any senior management official or executive holding a key decision-making position in a for-profit enterprise, and any governing board member or employee of a non-profit or governmental agency which is not a county, city or village as representative to the DISTRICT.

## **ARTICLE III GENERAL MEMBER MEETINGS**

**3.1 Annual General Member Meeting:** An "Annual General Member Meeting" shall be held on the third Wednesday in June of every year. Every member will be notified of the meeting at least 10 days prior to the meeting.

**3.2 Duties, Responsibilities, and Voting:** Each General Member of WCNDD may attend the Annual Member Meeting with both its representative and alternate representative. However, each General Member is allowed only one vote (except for "C" members who are not allowed any voting authority at this meeting). Each General Member shall notify in writing prior to the beginning of the meeting who is casting votes for said member as stated in section 2.2 herein. A quorum shall consist of a majority of "A" and "B" Members (voting members).

**3.3 Purpose of Annual Meeting:** The primary purpose of the Annual Member Meeting is to review policies of WCNDD, review the previous years activities, elect the Administrative Board, and adopt the annual budget proposed by the Administrative Board.

**3.4: Proxy Voting:** A General Member may, if neither its representative or alternate representative is unable to attend a meeting, give another General Member representative (replacement voting member) his/her a signed, dated proxy. Proxies may be given on a temporary basis for the purpose of voting at only one (1) general member meeting. Temporary proxies must specify to which meeting the proxy is in effect.

**3.5 Special General Member Meetings:** One-third (1/3) of the General Members, four (4) of the Administrative Board Members, or the Executive Director with consensus of the Administrative Board Chair may call a "Special General Member Meeting". Notice shall be given to all General Members at least ten (10) days prior to the meeting along with a general outline of the purpose of said meeting. A majority of voting General Members will be a quorum for said meeting. The current Robert's Rules of Order shall be the controlling authority for the parliamentary procedure of the meetings.

#### ARTICLE IV

#### ADMINISTRATIVE BOARD (GOVERNING BODY)

**4.1 Governing Board:** The Governing Body of WCNDD shall be known as the "WCNDD Administrative Board" or the "Administrative Board". This is the "policy board" as defined in Neb. Rev. Stat. §13-1903. There shall be eight (8) elected members on this Board (whose composition shall comply with the Economic Development Administration Reauthorization Act of 2004 (13 CFR 300)) and the WCNDD Executive Director who shall be a non voting *ex officio*. The elected members shall be elected from all of the General Members of WCNDD at the annual General Membership Meeting and shall serve until a replacement is elected to their position.

#### **4.2 Administrative Board Membership;**

4.2.1. Five (5) members of the Administrative Board shall be elected from the "A" Members. The term of these members shall be two (2) years and they shall be elected at the Annual General Member Meeting or any special meeting called for the purpose of replacing an Administrative Board Member because

of resignation, death, or ineligibility. The terms of the Administrative Board shall be staggered, and the first election of said board shall identify the term each Administrative Board member shall serve.

- 4.2.2. Three (3) members of the Administrative Board membership shall consist of one (1) private sector representative and two (2) members (which shall consist of one or more of the Executive Directors of Chambers of Commerce, or representatives of institutions of post-secondary education, workforce development groups, or labor groups). The term of these members shall be two (2) years and shall be elected at the Annual General Meeting. The term of the Administrative Board shall be staggered, and the first election of said board shall identify the term each Administrative Board member shall serve. "C" Members shall be nominated and elected to fill these positions if available. If there are no "C" Members available to fill these respective positions, then nominations may be taken for eligible members within the Region 3 district.

- 4.2.3. The Executive Director of WCNDD shall be an *ex officio* non voting member of the Administrative Board.

**4.3 Duties:** The Administrative Board shall implement WCNDD as a regional resource center for Region 3. It shall oversee planning, community and economic development, and technical assistance to local governments which are members of the DISTRICT and to industrial development organizations, tourism promotion organizations, community development groups, and similar organizations within Region 3..

**4.4 Voting Rights:** Each member of the Administrative Board shall have one (1) vote on all matters that come before the Board (except the *ex officio* who shall have no voting rights).

**4.5 Voting Requirements for Action:** When a quorum is present (four [4] or more excluding the *ex officio* member), a majority of those present and voting shall adopt motions which are in order; except where a two-thirds (2/3) vote is required by Robert's Rules of Order or by these By-Laws.

**4.6 Meetings:** The Administrative Board shall conduct monthly meetings to be designated by said Board. Notice of these meetings shall be given at least 5 days prior to the meeting to the General Members who, as well as the public, shall have the right to attend the meetings. The Board Chair, Executive Director for WCNDD, or any four (4) Members of the Administrative Board may call for a special meeting. The current Robert's Rules of Order shall be the controlling authority for the parliamentary procedure of the meetings.

**4.7 Members Non-physical Presence at Meeting:** Members of the Administrative Board or any of the committees appointed by the Board may participate and vote in any meeting of such board or committee, as the case may be, means of conference telephone or other similar communication equipment by which all person participating in the meeting can hear each other

at the same time. Participation by telephonic means shall be subject to the provisions of these by-laws for notification of member of the Board or committee of such meeting and shall constitute presence in person at the meeting. Written minutes of all action taken at such meeting shall be circulated to all members of that Board or committee as the case may be. Any member requesting to attend by telephone or video conference shall contact WCNDD staff at least 3 days prior to the meeting to make arrangements. Members of the Administrative Board may not vote by proxy.

**4.8 Removal of Board Members and Officers:** Any Administrative Board Member or officer may be removed from office by the affirmative vote of a majority of the General Membership of WCNDD cast either in person or with proxy in a regular or special General Meeting called for that purpose.

**4.9 Action by Consent:** Any action required or permitted to be taken by the Administrative Board may be taken without a meeting, if the action is taken by all of the members of the Administrative Board and thereafter evidenced by one or more written consents describing the action taken, signed by each Board member and included in the minutes filed with WCNDD records reflecting the action taken.

## ARTICLE V Administrative Board Officers And Their Duties

**5.1 Officers:** The officers of the Administrative Board shall be the Chairman, Vice-Chairman and Secretary-Treasurer. These officers shall perform the duties prescribed by these By-Laws and the parliamentary authority adopted by WCNDD. The *ex officio* member shall not hold any officer duties but he/she may be delegated clerical duties for the Board.

**5.2 Officers' Election:** At the regular meeting held in June, the Administrative Board shall re-organize by electing the officers of the Administrative Board. Every officer shall be elected for a one (1) year term or until their successor is elected.

**5.3 Merger of Offices - Consecutive Terms:** No board member shall hold more than one (1) office at a time, except Secretary-Treasurer, and no member shall be eligible to serve more than three (3) consecutive terms in the same elected office.

**5.4 Duties of the Chairperson:** The Chairperson shall be the Chief Executive of the Administrative Board and shall preside at all meetings of the General Member meetings and of meetings of the Administrative Board. The Chairman shall appoint committees with the consensus of the Administrative Board and shall be the *ex officio* member of all committees of WCNDD.

**5.5 Duties of the Vice-Chairman:** The Vice-Chairman shall serve as first assistant to the Chairperson performing the duties of that office in his/her absence.

**5.6 Duties of the Secretary-Treasurer:** The Secretary-Treasurer shall insure that adequate records of all business transacted by the Board are properly kept, serve notification to all members of all meetings, unless expressly waived, perform such other duties in regard to records as the Board or Chairperson may direct, and shall have the authority to sign vouchers, checks and other official documents as deemed appropriate. The Executive Director or his/her staff secretary will assist the Secretary-Treasurer in the performance of such other duties as may be required.

**5.7 Vacancies:** Should a vacancy occur in any elected office of the Administrative Board, all General Members of WCNDD will be notified of such vacancy and a special election will be called to take place at the next regular or special General Membership meeting to fill such vacancy. Notification shall be made at least ten (10) days prior to said meeting. Persons so elected shall serve only the unexpired term of office to which they have been elected.

## **ARTICLE VI**

### **Standing Committees**

**6.1 Standing Committees :** Standing Committees are constituted to perform specific and continuing functions and remain in existence permanently.

- 6.1.1** The Administrative Board shall create standing committees as it shall determine are beneficial to the District by resolution of the Administrative Board.
- 6.1.2** The members of the Standing Committees shall be selected by the Administrative Board from the General Members of WCNDD with the chair of each Standing Committee being one member of the Administrative Board. The terms of the members of Standing Committees coincide with the terms of the officers of the Administrative Board.
- 6.1.3** A Standing Committee may or may not be "appointed with power", such appointment shall be evident in resolution creating the Standing Committee.
- 6.1.4** The Administrative Board shall create any other standing committees it sees fit and in the best interests hereby authorized the following Standing Committee be created for as long as the function, causing their creation, exists.

**6.2 Revolving Loan Fund Management Committee** There is created a "Revolving Loan Fund Management Committee (RLF Committee). It shall consist of the following:

- 6.2.1** The Revolving Loan Fund Management Committee shall be appointed "with power". This Committee shall have a chairperson and secretary/treasurer elected from among the Committee. The Committee shall meet no less than quarterly and said meetings shall be noticed and open to the General Members of WCNDD.
- 6.2.2** The Chairperson of the Administrative Board shall appoint, with approval of the Administrative Board, three (3) members of the Administrative Board and three (3) General "A" Members, to serve as the Revolving Loan Fund

Management Committee. The Executive Director shall be an *ex officio* member of this Committee.

- 6.2.3** The Revolving Loan Fund Management Committee may, as deemed advantageous, nominate resource consultants to be elected by the Board to serve as members of the loan committee.
- 6.2.4** It shall be the duty of the RLF Committee to manage the revolving loan funds, to attract private sector investment, and to support of economic development in the WCNDD region.

## **ARTICLE VII**

### **Fiscal Year**

**7.1 Term:** The fiscal year of the West Central Nebraska Development District shall begin on July 1 and end on June 30 of each successive year.

## **ARTICLE VIII**

### **Finances, Budgets, Contracts and Funds**

**8.1 Funding:** The Administrative Board shall propose the WCNDD annual budget at the regular General Membership meeting in June of each year, which shall be acted upon at said meeting. A membership fee will be assessed each financially participating political subdivision to provide for an operating budget. Each political subdivision shall be notified forty-five (45) days prior to the first day of each fiscal year as to its membership assessment. Payment shall be made to West Central Nebraska Development District.

**8.2 Contracts:** The Administrative Board may authorize any officer, agent or agents of West Central Nebraska Development District, in addition to the officers so authorized by these By-Laws, to enter into a contract or execute and deliver any instrument on behalf of West Central Nebraska Development District and such authority may be general or confined to specific instances. Said authority must be made by resolution and kept on the books at the WCNDD office.

**8.3 Encumbrances and Payments:** All checks, drafts, or orders for the payment of money, notes or other evidences of indebtedness issued in the name of the West Central Nebraska Development District, shall be signed by such officer or officers, agent or agents of the West Central Nebraska Development District and in such manner as shall from time to time, be determined by resolution of the Administrative Board. In the absence of such determination by the Board, such instruments shall be signed by the Treasurer and counter-signed by the Chairman or Vice-Chairman of the Board.

**8.4 Deposits:** All funds shall be deposited to the credit of West Central Nebraska Development District in such banks, trust companies, or other depositories as the Administrative Board may select.

**8.5 Bonding:** The Executive Director, Chairman, Treasurer and Fiscal Officer shall be covered by an adequate bond.

**8.6 Audit:** The accounts of West Central Nebraska Development District shall be audited annually by a qualified accountant, after the close of the fiscal year. The audit shall be made available to all General Members.

## **ARTICLE IX Executive Director**

**9.1 Powers and Responsibilities:** The Administrative Board shall employ an Executive Director who shall serve at the pleasure of the Administrative Board and who shall be subject to West Central Nebraska Development District Personnel Policies.

**9.1.1** The Executive Director shall be the chief administrative officer of WCNDD, and shall act for and in the name of the Administrative Board in all matters, subject to the rules and regulations of said Board. The Executive Director shall have the full authority to appoint and remove all subordinate personnel.

**9.1.2** The Executive Director shall insure the preparation of an annual work program and prepare the annual budget for approval by the Administrative Board for submission to the General Members. The Executive Director shall faithfully execute all other duties and responsibilities vested in or required by the Administrative Board.

## **ARTICLE X Special Studies and Activities**

**10.1 Special Studies and Activities:** The Administrative Board shall review all requests made by political subdivisions for special studies and activities not outlined in the work program. A charge may be made for such studies or activities.

## **ARTICLE XI RESTRICTIVE ACTIVITIES**

**11.1 501(c)(3) Compliance.** Notwithstanding any other provision of these By Laws, no member, officer, employee or representative of the Corporation shall take any action or carry on any activity by or on behalf of the corporation not permitted to be taken or carried on by an organization exempt under the provisions of Section 501(c)(3) of the Internal Revenue Code and its regulations as they may now exist or as they may hereafter be amended from time to time.

**11.2 Interlocal Compliance.** All members, officers, employees and representatives shall comply with the Nebraska Interlocal Act in their performance of duties.

**ARTICLE XII**  
**Adoption**

**12.1 Adoption:** These By-Laws shall be effective on January 1, 2007, upon adoption by a majority of the general members of the West Central Nebraska Development District.

**ARTICLE XIII**  
**Amendments of the By-Laws**

**13.1 Amendments:** These By-Laws may be amended by a majority vote of those present at an annual or special General Membership meeting and voting; provided, that such amendment be stated in writing in the call for said meeting, which shall be mailed to all General Members at least ten (10) days prior to the meeting.

**ARTICLE XIV**  
**By Law History**

ORIGINAL ADOPTION:	July 1, 1980
AMENDED:	October 21, 19
REVISED:	July 21, 1982
AMENDED:	September 21, 1983
AMENDED:	August 15, 1984
REVISED:	March 20, 1985
AMENDED:	October 15, 1986
AMENDED:	November 19, 1987
AMENDED:	February 21, 1996
AMENDED:	May 16, 2001
AMENDED:	June 16, 2002
REVISED	November 15, 2006

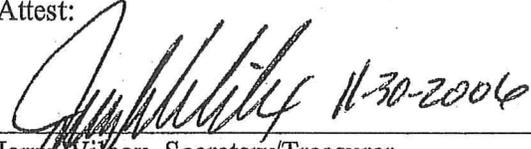
**ARTICLE XV**  
**Adoption**

**13.1 Adoption:** Adopted on this 15<sup>th</sup> day of November, 2006, unanimously at a regular meeting in which a quorum was present by those members in attendance.



Richard Colson, Chairman  
West Central Nebraska Development District, Inc.

Attest:



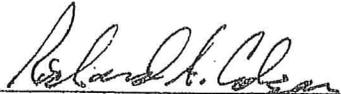
Jerry Waco, Secretary/Treasurer  
West Central Nebraska Development District, Inc

1<sup>ST</sup> AMENDMENT TO THE BYLAWS REVISED ON NOVEMBER 15, 2007

*The ByLaws of West Central Nebraska Development District are amended as to Article 5, Section 5.7 to read as follows:*

5.7 Vacancies. Should a vacancy occur in any elected office of the Administrative Board, the remaining Administrative Board members shall appoint the replacement for said vacancy by a majority vote of all remaining members of the Administrative Board. The replacement member shall have the same qualification requirements of Article 4, Section 4.2 as the member being replaced, and the appointment shall be for the term of the replaced Board member.

Approved at a Special Meeting of the General Membership of West Central Nebraska Development District held on September 19, 2007.

  
Richard Colson  
Chairman

Attested:   
Drew Krab  
Secretary



**REVISED ARTICLES OF INCORPORATION OF  
WEST CENTRAL NEBRASKA DEVELOPMENT DISTRICT, Inc.**

Pursuant to the Nebraska Nonprofit Corporation Act ( Neb. Rev. Stat. §21-1901 et seq)-and the Nebraska Interlocal Cooperation Act (Neb. Rev. Stat. §13-801, et seq.), West Central Nebraska Development District, Inc, adopts the following Revised Articles of Incorporation.

**ARTICLE I  
REVISE ARTICLES**

The corporate Articles of Incorporation are hereby revised. The Revised Articles of Incorporation supercede and replace the Articles of Incorporation as previously revised.

**ARTICLE II  
NAME**

The Name of the Corporation is:

WEST CENTRAL NEBRASKA DEVELOPMENT DISTRICT, Inc.

**ARTICLE III  
ORGANIZATIONAL AUTHORITY**

The Corporation is organized pursuant to the provisions of the Nebraska Nonprofit Corporation Act and the Nebraska Interlocal Cooperation Act.

**ARTICLE IV  
DURATION**

The period of duration of the Corporation shall be perpetual.

**ARTICLE V  
PURPOSE**

1. **General purposes.** To operate exclusively for charitable, educational, religious, or scientific purposes within the meaning of Section 501 (c)(3) of the Internal Revenue Code.

**2. Ancillary Purposes.** This Corporation is a public benefit Corporation. Its objectives are to join together the local governments within the geographical region of Thomas, Logan, Lincoln, McPherson, Hooker, Grant, Arthur, Keith, Perkins, Dawson, Hayes, Chase, Frontier, Dundy, Hitchcock, Red Willow, Furnas and Gosper Counties in the State of Nebraska, as a planning and development district pursuant to (Nebr. Rev. Stat. §13-1901 et seq) Nebraska Development Districts: to serve as a regional resource district and to provide planning, community and economic development; and assistance to local governments within its geographic area; to qualify for federal, state, and local government programs; to promote intergovernmental cooperation, through communication, planning, policy making, coordination and technical assistance; address issues and needs which cross city, county and state boundaries; participate in identifying and prioritizing local and regional problems; advise local officials in the geographical area on trends in state and federal programs and the availability of state and federal funding; to create joint service opportunities; provide technical, administrative and professional services to its Members; eliminate duplication. and promote efficiency in local government; and provide assistance to industrial development organizations, tourism promotion organizations, community development groups, and similar organizations upon request; and purchase or hold obligations of municipalities and governmental subdivisions of the State and to borrow money for such purposes.

In carrying out the above objectives, the Corporation shall have and possess all the powers and authority conferred on Corporations through the Non-profit Corporation Act of the State of Nebraska and the Nebraska Interlocal Agreement Act.

## **ARTICLE VI GENERAL MEMBERSHIP**

The Corporation will have general members with voting rights as provided in its By Laws.

## **ARTICLE VII GOVERNING BODY**

**1. Duties and Responsibilities.** The Administrative Board (also known as the Policy Board)

shall be the Governing Body and shall be responsible for all corporate policies and for the control of all funds.

**2. Board Composition.** The Administrative Board shall have eight (8) members who are elected by the General Members of the corporation. The Administrative Board shall consist of the following:

- (a) five (5) who shall be elected from the General Members of the corporation who qualify as stated in the By Laws.
- (b) one (1) who shall consist of a "private sector representative"
- (c) two (2) who shall consist of an Executive Directors of Chambers, or representatives of institutions of post-secondary education, workforce development groups, or labor groups.
- (d) the Executive Director of the corporation shall be an ex officio non-voting member.

**3. Voting Rights.** Each member of the Administrative Board shall have one (1 ) vote on all matters that come before the Board except the ex officio which has no voting rights.

**4. Voting Requirements for Action.** When a quorum is present (four or more), a majority of those present and voting shall adopt motion which are in order; except where a two thirds ( 2/3 ) vote is required by Robert's Rules of Order or by the By Laws.

## **ARTICLE VII EARNINGS**

No part of the net earnings of the Corporation shall inure to the benefit of, or be distributed to, it's members, trustees, officers or other private persons except that the Corporation shall be authorized and empowered to pay reasonable compensation for services rendered.

## **ARTICLE VIII POLITICAL ACTIVITY**

No substantial part of the activities of the Corporation shall be the carrying of propaganda or otherwise attempting to influence legislation and the Corporation shall not participate in or intervene in (including the publishing or distribution of statements) any political campaign on

behalf of any candidate for public office.

**ARTICLE IX  
ACTIVITIES LIMITED BY INTERNAL REVENUE CODE**

Notwithstanding any other provisions of these articles, the Corporation shall not carry on any other activities not permitted to be carried on ( a ) by the Corporation exempt from Federal Income Tax under Section 501(c)(3) of the Internal revenue Code of 1986 (or corresponding provision on any future United States Internal Revenue Law), or by a Corporation, contributions to which are deductible under Section 170(c)(2) of the Internal Revenue Code of 1986 (or corresponding provision of any future United States Internal Revenue Law).

**ARTICLE X  
DISSOLUTION**

Upon the dissolution of the Corporation, the Corporation shall after paying or making provisions for the payment of all the liabilities of the Corporation, dispose of all the assets of the Corporation exclusively for the purposes of the Corporation in such manner, or to such organization or organizations organized and operated exclusively for charitable, educational, religious, or scientific purposes as shall at the time qualify as an exempt organization or organizations under Section 501(c)(3) of the Internal Revenue Code of 1986 (or corresponding provision of any future United States Internal Revenue Law) as the Board of Directors shall determine. Any assets not so disposed of shall be disposed of by the District Court of the county in which the principle office of the Corporation is then located, exclusively for such purposes or to such organization or organizations, as said court shall determine, which are organized and operated exclusively for such purposes

**ARTICLE XI  
AMENDMENT OF ARTICLES**

The Articles of Incorporation may be amended by a two thirds ( 2/3 ) vote of those General Members present and voting at a meeting of the general members called for that purpose,

provided that such amendment be stated in writing in the Call of the General Meeting, which shall be mailed to all members at least three (3) days prior to the meeting.

**ARTICLE XII  
APPROVAL OF THESE AMENDED ARTICLES**

The Articles of Incorporation were presented at a duly called meeting of the members on November 15, 2006. A motion to adopt the amendments to the Articles of Incorporation was made by Drew Krab and seconded by Harold Brummer. The motion carried unanimously.

**ARTICLE XII  
REGISTERED OFFICE AND AGENT**

The street address of the registered office of the corporation is: 201 East Second Street, Suite C, Ogallala, Nebraska 69153. The name of the registered agent at such address is Karl Elmshaeuser.

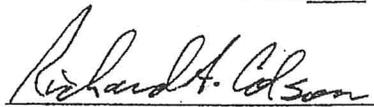
**ARTICLE XIII  
CAPITAL STOCK AND DIVIDENDS**

This Corporation shall have no capital stock and shall declare no dividends.

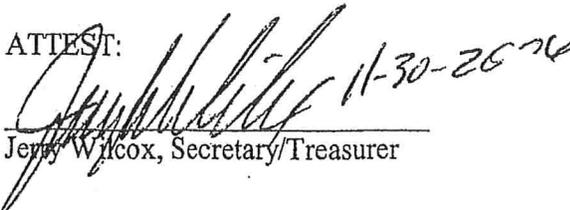
**ARTICLE XIV  
DATE THESE ARTICLES BECOME EFFECTIVE**

These revised Articles become effective on January 1, 2007.

Dated this 30<sup>th</sup> day, of November, 2006.

  
Richard Colson, Chairman

ATTEST:

  
Jerry Wilcox, Secretary/Treasurer

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

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**ITEM: 3.K.**

**AWARD THE BID FOR THE 2024 CRACK SEALING PROJECT TO SHELCO CONSTRUCTION OF ELSIE, NEBRASKA IN THE AMOUNT OF \$64,350.00, THAT BEING THE LOWEST BEST BID.**

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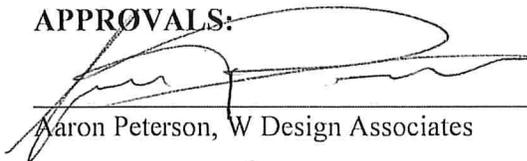
**BACKGROUND**

On January 30<sup>th</sup>, bids were opened for the 2024 Crack Sealing Project. Attached is the tabulation of the bids received.

This cost is within the City's budget for street maintenance this year.

**FISCAL IMPACT:** None.

**APPROVALS:**

  
\_\_\_\_\_  
Aaron Peterson, W Design Associates

Date: 30 Jan 24

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

Date: 1/30/24

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

Date: 1-31-24

Bid Tabulation  
 McCook Public Works - 2024 Crack Sealing Project Re-Bid  
 McCook, NE 69001

Re-Bid Date: 01/30/2024@ 2:30 PM

CONTRACTOR	TOTAL BASE BID	START DATE	COMPLETION DATE	ADD #1	BID BOND	NOTES
American Pavement Solutions 1455 Gruber Rd. Green Bay, WI 54313 920-593-7386	No Bid					
Armor Proseal, LLC 563 Road 6530 Montrose, CO 51401 970-249-3030	No Bid					
B & H Paving P.O. Box 524 Scott City, KS 67871 620-872-3580	No Bid					
Bauer Infrastructure, LLC 18570 SW 29th St. Martell, NE 68404 402-525-0631	No Bid					
Diamond Drilling & Sawing Co. 1157 S. Bannock St. Denver, CO 80223 303-733-3741	No Bid					
Hein Construction 919 I Street Fairbury, NE 68352 402-239-9629	No Bid					
McCormick Excavation & Paving 30887 US 34 Stratton, CO 80836 719-348-5383	No Bid					
Scodeller Construction 4410 S 40th Street, Ste. C St. Joseph, MO 64503 816-288-5069	\$ 123,000.00	6/17/2024	7/2/2024	Yes	Yes	
Shelco Construction dba Stulich's Asphalt LLC Quincy Ave Elsie, NE 69134 308-352-6741	\$ 64,350.00	3/18/2024	4/14/2024	Yes	Yes	
Thunder Road, LLC W297S3549 Boettcher Rd. Waukesha, WI 53189 715-310-4555	No Bid					
Wolverine Sealcoating, LLC 3235 County Farm Rd. Jackson, MI 49201 517-962-4261	No Bid					

**WDA**

W Design Associates  
 McCook/Hastings, NE

**CITY MANAGER’S REPORT  
FEBRUARY 5, 2024 CITY COUNCIL MEETING**

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**ITEM:**            3.L.

**RECOMMENDATION:**

**CONSIDER AND APPROVE THE SELECTION OF W DESIGN AND ASSOCIATES FOR ENGINEERING SERVICES AT MCCOOK REGIONAL AIRPORT FOR AIRPORT IMPROVEMENT PROJECT ENGINEERING SERVICES FOR A PERIOD OF 5 YEARS FROM 2024 THRU 2028.**

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**BACKGROUND:**

The selection committee, consisting of City Manager Nate Schneider, Public Works Director Kyle Potthoff and Airport Maintenance Operator Ken Vontz for engineering services at McCook Ben Nelson Regional Airport, is recommending W Design and Associates. This selection will include engineering services for all projects at the airport where engineering services are needed thru 2028. The City of McCook sent out requests for qualifications to seven engineering firms as well as published the RFQ in the Airports Consultants Council’s weekly newsletter. We received responses back from four. W Design Associates, Kirkham Michael and M.C. Schaaf submitted their qualifications. Miller and Associates submitted a letter stating that they were unable to commit the necessary resources due to a lack of airport experience to ensure a successful project. Kirkham Michael’s proposal does include a partnership with Miller and Associates to assist them with the airport projects. All three firms that submitted qualifications were interviewed either by video call or in person on January 22, 2024 and prior to the interviews, references were contacted. The committee was impressed with the qualifications and references of all firms.

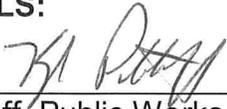
W Design and Associates has extensive experience in all types and phases of airport construction and improvements. Since 1982 they have been the engineer on many different projects at McCook Ben Nelson Regional Airport. With this experience, W Design is familiar with the facilities, the airport’s needs and the personnel at McCook Ben Nelson Regional Airport.

**FISCAL  
IMPACT:**        None.

**RECOMMENDATION:**

**APPROVE THE SELECTION OF W DESIGN AND ASSOCIATES FOR ENGINEERING SERVICES AT MCCOOK REGIONAL AIRPORT FOR AIRPORT IMPROVEMENT PROJECT ENGINEERING SERVICES FOR A PERIOD OF 5 YEARS FROM 2024 THRU 2028.**

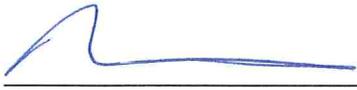
**APPROVALS:**

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

January 31, 2024

  
\_\_\_\_\_  
Ken Vontz, Airport Maintenance Operator

January 31, 2024

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

January 31, 2024

**RECORD OF QUALIFICATIONS BASED SELECTION (QBS) OF CONSULTANT  
City of McCook, Nebraska**

ARCHITECTURAL/ENGINEERING SERVICES *or* PLANNING SERVICES

1. **ADVERTISEMENT.** A Request for Qualifications (RFQ) was advertised on the following dates (10/27/2023, 11/03/2023 and 11/10/2023 in the McCook Daily Gazette local newspaper(s) with wide circulation. The Statement of Qualifications (SOQ) was due from consultants on 11/17/2023. RFQ was also placed on the City of McCook's website.
2. **TRADE JOURNAL(S).** The RFQ was submitted for publication in the Airports Consultants Council's weekly newsletter. The RFQ was transmitted to Grace Healey ([graceh@ACConline.org](mailto:graceh@ACConline.org)) via e-mail on 10/26/2023.
3. **DIRECT SOLICITATION.** The RFQ was also directly e-mailed to the following consulting firms on 10/26/2023.

**Olsson Associates – Lincoln, NE – e-mailed**

**Kirkham Michael & Associates – Lincoln, NE – e-mailed**

**M. C. Schaaf & Associates – Scottsbluff, NE – e-mailed**

**Miller and Associates – Kearney, NE – e-mailed**

**W Design Associates – McCook, NE – e-mailed**

**EA Collective – McCook, NE – e-mailed**

**Garver – Lincoln, NE – e-mailed**

4. **SELECTION COMMITTEE.** On November 6, 2023, the McCook City Council appointed a selection committee which included the following members:
  - a. Nate Schneider, City Manager/Airport Manager, (308)345-2022
  - b. Kyle Potthoff, Public Works Director, (308)345-2022
  - c. Ken Vontz, Airport Maintenance Operator, (308)345-2022
5. **RFQ SELECTION CRITERIA:** The RFQ contained the following selection criteria:
  - a. Capability to perform all aspects of the projects – qualifications of prime firm (and subconsultants, if any); 25%
  - b. Relevant experience of key personnel from prime firm (and subconsultants, if any) and role; 20%
  - c. Knowledge of FAA standards, policies, and procedures; 15%
  - d. Recent experience with comparable projects at similarly sized airports; 15%
  - e. History of meeting schedules and staying within budget; 15%
  - f. Understanding of the project's potential challenges and Sponsor's concerns; 10%
6. **RFQ PROJECT LIST.** The RFQ included the following list of projects that may be completed:

- a. FY2024. Revise Declared Distances on Runway 04/22, Repaint Runway, Relocate PAPI, Adjust MIRL. Estimated Construction Cost \$271,000.00.
- b. FY2024. Revise Runway Designations on Runways 12/30 and 17/35 to 13/31 and 18/36, Repaint Runway 13/31. Estimated Construction Cost \$318,000.00.
- c. FY2026 Acquire RPZ Easements for Runways 13, 04 and 22. Estimated Construction Cost \$125,000.00.
- d. FY2028 New 100LL Self-service Fuel Facility. Estimate Construction Cost \$165,000.00
- e. FY2028 Add Apron Space for Itinerate Aircraft. Estimated Construction Cost \$417,000.00.

7. Firms responding to RFQ:

Kirkham Michael, Eric Johnson Vice President and Cory Gaston Project Manager  
 MC Schaff, David Schaff, President  
 W Design, Greg Wolford, President  
 Miller and Associates, Letter stating that they have elected to not submit qualifications

8. **STATEMENT OF QUALIFICATIONS REVIEW.** The Statement of Qualifications were distributed to the selection committee members on November 20, 2023. After the advertisement and e-mailing the RFQ to 7 different firms, the City of McCook received qualifications from 3 firms. These 3 firms were evaluated by the selection committee to determine a short list. The following are the firms that responded with qualifications and were included in the short list:

- a. Kirkham Michael – Eric Johnson, President/Cory Gaston, Project Manager, (402)858-8853
- b. MC Schaff – David Schaff, President, (308)635-1926
- c. W Design Associates – Greg Wolford, President, (308)345-2370

9. **CONSULTANT INTERVIEWS.** The committee conducted interviews with the short-listed consultant firms on January 22, 2024. References were also checked for all 3 firms. In the last 5 years, W Design and Associates has concentrated their work on airports to McCook Ben Nelson Regional Airport, therefore the City of McCook was the one reference that was checked. W Design is extremely familiar with the airport and has been the airport consultant since 1982.

10. **COMMITTEE REVIEW/CONSULTANT SELECTION.** The selection committee met to review the RFQ, interview and other pertinent data concerning each firm. The short list of firms were ranked in order of preference based upon the selection criteria developed for the RFQ. On February 5, 2024 the selection committee made their recommendation to the McCook City Council to select W Design and Associates as the firm to provide the requested services.

The Qualifications Based Selection was conducted in accordance with AC150/5100-14.

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Sponsor's Signature                      Date

## NOTICE TO AIRPORT CONSULTANTS

The City of McCook (Sponsor) is hereby soliciting Statement of Qualifications from consultants for airfield development projects that are anticipated to occur within the next five Federal fiscal years 2024 to 2028 at the McCook Ben Nelson Regional Airport (MCK) located near McCook, Nebraska. Subject to receipt of Federal funding and/or State funding, these projects may include the following:

1. FY2024. Revise Declared Distances on Runway 04/22, Repaint Runway, Relocate PAPI, Adjust MIRL. Estimated Construction Cost \$271,000.00.
2. FY2024. Revise Runway Designations on Runways 12/30 and 17/35 to 13/31 and 18/36, Repaint Runway 13/31. Estimated Construction Cost \$318,000.00.
3. FY2026 Acquire RPZ Easements for Runways 13, 04 and 22. Estimated Construction Cost \$125,000.00.
4. FY2028 New 100LL Self-service Fuel Facility. Estimate Construction Cost \$165,000.00
5. FY2028 Add Apron Space for Itinerate Aircraft. Estimated Construction Cost \$417,000.00.

These projects have been developed from the Sponsor's Airport Capital Improvement Plan (CIP), prepared with assistance from the NDOT Division of Aeronautics. A copy of each project CIP Data Sheet will be made available upon request.

The services to be provided may include, but are not limited to, preliminary design, final design, bidding, construction observation, and incidental special services such as geotechnical/subsurface investigations and topographic surveying.

### Federal Provisions for Solicitations

Civil Rights Title VI (49 USC § 47123 and FAA Order 1400.11). The Sponsor, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all consultants that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this notice/solicitation/invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.

The following seven Federal provisions are incorporated into this Notice by reference:

- Buy American Preference (Title 49 USC § 50101)
- Davis-Bacon Requirements (2 CFR § 200, Appendix II(D) and 29 CFR Part 5)
- Debarment and Suspension (2 CFR Part 180 (Subpart C), 2 CFR Part 1200, and DOT Order 4200.5)
- Disadvantaged Business Enterprise (49 CFR Part 26)
- Foreign Trade Restriction (49 USC § 50104 and 49 CFR Part 30)
- Lobbying and Influencing Federal Employees (31 USC § 1352 – Byrd Anti-Lobbying Amendment; 2 CFR Part 200, Appendix II(J); and 49 CFR Part 20, Appendix A)
- Procurement of Recovered Materials (2 CFR § 200.322, 40 CFR Part 247, and Solid Waste Disposal Act)

### Selection Criteria

In selecting a consultant, the Sponsor is using a qualifications-based selection process conforming to FAA Advisory Circular 150/5100-14E *Architectural, Engineering, and Planning Consultant Services for Airport*

*Grant Projects.* As such, fee information will not be considered in the selection process and shall not be submitted with the Statement. Fees will be negotiated for projects as federal funds become available. The agreement(s) between the Sponsor and the selected consultant will be subject to Federal Contract Provisions for A/E Agreements.

The Sponsor intends to select the most qualified firm directly from submittals but reserves the option to short list up to three (3) of the highest rated firms and perform phone, informal, and/or formal interviews. Consultants will be rated by a selection committee according to the following selection criteria and the weight given to each:

1. Capability to perform all aspects of the projects (25%) – qualifications of prime firm (and subconsultants, if any);
2. Relevant experience of key personnel from prime firm (and subconsultants, if any) and role (20%);
3. Knowledge of FAA standards, policies, and procedures (15%);
4. Recent experience with comparable projects at similarly sized airports (15%);
5. History of meeting schedules and staying within budget (15%); and
6. Understanding of the project's potential challenges and Sponsor's concerns (10%).

#### **Submittal Requirements**

Statements must be concise and contain no more than twenty-eight (28) pages of material (14 sheets of paper, double sided). This excludes the front and back covers, the two-page cover letter (1 sheet of paper, double sided), table of contents, section dividers, and resumes.

Consultants shall submit five (5) hard copies of their Statement in a package marked "Airport Statement of Qualifications" in the lower left hand corner and the sender's name and address in the upper left hand corner. In addition to the hard copy(s), the Consultant must submit a PDF of their Statement by the same via email with the subject line "Airport Statement of Qualifications" and request delivery/read receipts to confirm receipt. Statements are due by 4:00 p.m. CST on November 17, 2023, to the following person: Kyle Potthoff, Public Works Director, P.O. Box 1059, 505 West "C" Street, McCook, Nebraska, 69001  
E-mail: potthoff@cityofmccook.com

Statements received after the deadline will not be considered. The Sponsor reserves the right to reject any and/or all Statements. Statements once submitted become property of the Sponsor.

#### **Inquiries**

All questions must be submitted via email to the above contact by 4:00 p.m. CST on November 8, 2023. Answers will be sent via reply email no later than 4:00 p.m. CST on November 10, 2023. For more information, please contact Kyle Potthoff via e-mail at potthoff@cityofmccook.com.

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

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**ITEM:**            4.A.

**RECOMMENDATION:**

**CONSIDER AND APPROVE THE RECOMMENDATION FROM THE MCCOOK PARKS ADVISORY BOARD TO CONSTRUCT A DISC GOLF COURSE IN BARNETT PARK.**

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**BACKGROUND:**

A group of disc golf enthusiasts approached City Staff several months ago to discuss the possibilities of constructing a disc golf course in Barnett Park.

They visited with City Staff on several occasions to iron out any concerns. In particular, ice on the ponds during the winter months, keeping some distance away from the shelter houses and playground and not increasing the Parks Staff's workload. Once this was accomplished, they hired a designer with funding help from Community Hospital and a grant from the Red Willow County visitors bureau to cover the cost of the design. The cost of this design was \$10,000.00.

The estimated total cost of the new Barnett Park Disc Golf Course is estimated to be roughly \$30,000.00. The committee will fund raise the additional dollars to complete the project.

On Monday January 29, 2024 the group consisting of David Brewster, Caleb Taylor, Sean Wolfe and Karen Kliment Thompson met with the City of McCook's Parks Advisory Board to present their plan. After hearing the plan, the Parks Advisory Board voted unanimously to make the recommendation to the City Council to move forward with the installation of the City of McCook's second 18 hole disc golf course in Barnett Park. This course will be shorter and much more flat, but has been designed to have the potential to be challenging for even the most experienced players. Our goal is to provide a course that is more appealing to the younger players, as well as those that find the Kelley Park course a little tough to navigate.

This second course will allow for larger tournaments which have seen participants from at least 5 states. These tournaments affect the local economy by having as many as 180 players participate. These numbers very likely could increase with this additional course.

Included with this report is a copy of the information that was presented to the Parks Advisory Board and presented by disc golf group.

**FISCAL  
IMPACT:**        None.

**APPROVALS:**



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

January 31, 2024



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

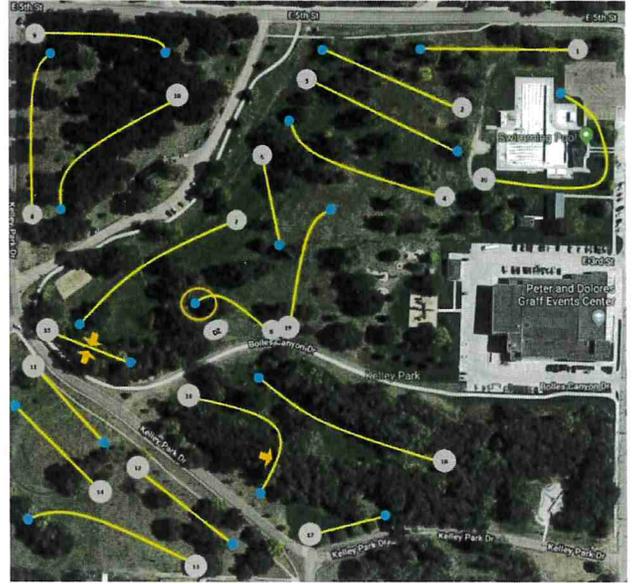
January 31, 2024

# Disc Golf in McCook

## Background

Established in 2006, the Kelley Park Disc Golf course in McCook has become the #2 ranked course in the state of Nebraska. Featuring 18 holes spanning the entirety of Kelley Park, challenging distances, significant elevation changes, and well-manicured fairways courtesy of the City of McCook, Kelly Park Disc Golf course is a destination spot for competitive disc golfers across Nebraska, Kansas, and Colorado.

April 1-2, 2023, marked the 6<sup>th</sup> annual McCook Open Disc Golf Tournament with registration of 180 players selling out weeks prior to the event. 6 states were represented, and players spent 3-4 days in McCook and surrounding areas. The event, one of the biggest in Nebraska, will continue to grow as 2024 marks the first year it qualifies as a Professional Disc Golf Association (PDGA) Sanctioned A-Tier Event. This will expand player registration to over 200 and will draw competitors from further distances. To accommodate 180+ person player pools, a second course is provided by the City of Cambridge at Cross Creek Golf Links. Cambridge also hosts the player party at their community building and in 2023 sold out all hotel rooms in town for the event.



Casual play in McCook has grown as rapidly as the tournaments. Beginning in 2020, McCook's course has experienced steadily increasing numbers of players including more families, youth, and larger groups of junior/senior high school aged players.

## Kelley Park Disc Golf Course Reviews



Jay Williams › July 22, 2021

A One of the nicest around



Ray Johnson › February 12, 2018

A+ This is a great course a lot of elevation



Phoenix Kalinski › January 24, 2013

A+ This is a great course! It's fun and its challenging!



Brad Wessels › February 25, 2023

A+ Great course and use of the park! You get everything you need with this course from elevation change to different shot shapes! If you catch this course in peak season! I promise you the scenery will not disappoint!

+0 votes



Patrick Atkins › June 22, 2015

A This course is absolutely beautiful! Played yesterday for the first time, and plan to make it my home course. This is easily one of the best courses I have ever played for the following reasons: 1) The course layout was very well thought out 2) There is a post with a sign on it for almost every hole (2 or 3 of them have fallen off) 3) They have every kind of shot one could ask for 4) Plenty of elevation changes 5) The locals are very helpful and finally 6) This community takes real good care of the course and keeps it very, very clean. With that out of the way, if it is your first time there you need to look for the local pool and park in that parking lot if you can as hole one starts there. Upon arriving to hole one you will see an awesome over all course layout, and pamphlets that have the course layout as well as a score card. When this course what built the community did almost everything right.

+0 votes

## Growth of the Sport

When it comes to disc golf, "growth" seems to be the default descriptor over the past two years. At this point, one would be hard-pressed to find a podcast, article or interview that doesn't bring up the growth of the game. In short, 44,420 people joined the PDGA, with another 65,442 renewing an existing membership in 2021. Junior membership and female membership each grew by close to 75 percent year-over-year. Not surprisingly, every measured age range experienced a year-over-year increase in membership, with growth rates ranging from 37 to 91 percent. Of note, the most significant growth rates in membership by age are occurring in the youngest – below age 25, or the oldest – above age 75 – age brackets.

# Disc Golf and the Community

## Communities of Excellence Pillars Related to Disc Golf

### Family

As awareness of disc golf grows in McCook, so too does the course's use by families. An accessible, easy to learn, easy to enjoy sport, disc golf is perfectly suited to families encompassing all ages. McCook routinely hosts junior players and players of advanced age. The weekly league includes players under 17 and over 60 every week.

### Health

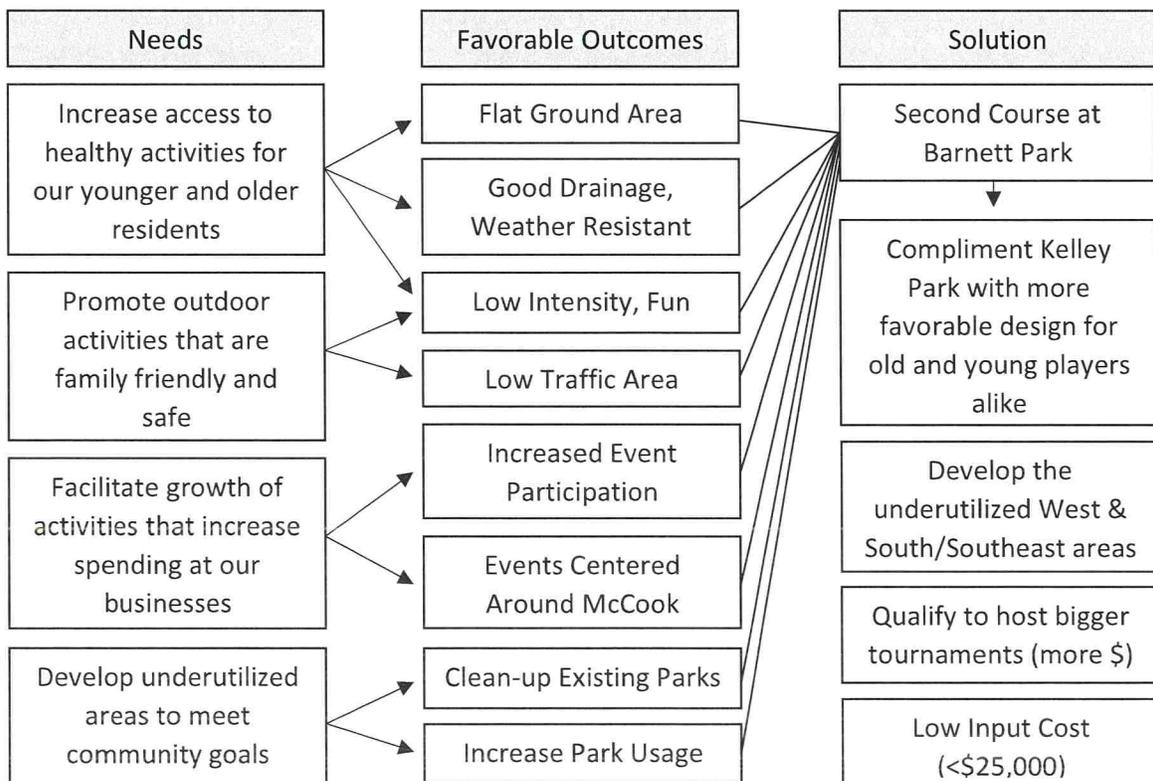
Disc golf is a low intensity sport, offering the typical benefits of an outdoor activity, backed by a welcoming community of players. Those seeking fast paced or challenging play may choose to do so at weekly leagues and 2-3 tournaments per year. Others can play as seriously or casually as they wish, with a very low input cost that removes the pressure of more traditional sports.

### Economic Vitality

Kelley Park Disc Golf Course plays host to well over 10,000 rounds per year. As previously mentioned, it also hosts one of the biggest tournaments in Nebraska. With over 200 people attending just one of 2-3 annual tournaments, McCook's restaurants, shops, and hotels can attribute over \$100,000 in annual revenue to disc golf. This doesn't include the smaller tournaments and continuous stream of out-of-town players passing through to play the second-best course in the state.

But there are drawbacks. Kelley Park Disc Golf course is situated between two high traffic roads, one of which must be crossed twice to play the entire course. It can sometimes be inaccessible to players of an advanced age after rain events and can be daunting to the less able when faced with the elevation changes of the course. Having just a standalone course, the community is also disadvantaged when trying to capitalize on the quality of our current course, often losing business to other towns who can accommodate the needs of large tournaments.

## Meeting the Needs of McCook through Disc Golf





Welcome to the exciting world of Disc Golf Course Design!

My name is Eric McCabe, and I am not only a Professional Disc Golf World Champion, I am also a world class disc golf course designer. In just over 13 years I have designed over 75 courses in 28 states, some of which have been utilized in the PDGA Amateur and Professional World Championships. My courses are prominently featured in the world's largest disc golf tournament, the week long Dynamic Discs Open tournament in Emporia, Kansas.

To me, there is much that goes into exceptional, high-quality course design. For example it is very important that the design is well thought out and that all potential mishaps are considered from the beginning. A good design will provide a challenging but fair layout with safety being the number one priority. A great design will emphasize the character, uniqueness and flow of the prospective land. With my courses, I seek to bring a sense of imagination combined with a sense of sport, difficulty and charm to the project and I find that these characteristics create more successful and enjoyable courses even as time goes by. Paying close attention to the unique geography and flora which a great design will utilize to enhance the aesthetic of your park, while challenging players of all skill levels. This is my passion and I hope to continue sharing it with public parks, and property owners like yourself.

Sincerely,  
Eric McCabe

Some of my most notable designs and references listed here:

1. **The Reserve at Meier Lake** - Fishhook, Alaska. Michael Maddux  
Michael@meierlake.com (907)315-6816
2. **Black Hoof DGC** - Lenexa, Kansas Danny Huntsinger  
dhuntsinger@lenexa.com (913)477-7149
3. **Moon Mountain Disc Golf Course** - Ruidoso, New Mexico. Everett Brophy  
everett.brophy84@gmail.com (575) 937-1322
4. **MacArthur Island** - Kamloops, British Columbia. Carrie Neal  
cck.neal@gmail.com (250) 819-7405

**More information about Eric McCabe:**

- PDGA World Champion
- Designs are insured
- 70+ Designed Courses
- 28 years playing & promoting Disc Golf
- 87 PDGA Victorys
- 2x Major Champion
- Presidents Cup Player
- USA Team Captain
- Emporia State University DG Head Coach
- Kansas Flying Disc HOF member

**Project Scope**  
**Eric McCabe Champion Course Design**

**Location: McCook, Nebraska**

**Project Goal:** Provide an 18-hole tournament disc golf course design that prioritizes safety and focuses on how to best utilize the natural terrain of the property.

**Key Tasks/Objectives:**

1. Initial property walkthrough to assess existing landscape and possible property constraints
2. Review of maps of park boundaries and determine the proximity from fairways to property lines for safety in the fairway design
3. Mark areas with colored ribbon in need of brush clearance and/or tree removal
4. Install ground whiskers to delineate tee pads and basket locations
5. Mark up drawings from the walkthrough with management and review for possible design modifications for each tee pad, fairway and basket location.
6. Provide final map and GPS coordinates for all approved tee pad and basket locations for construction of the course
7. An area design including new plants, trees and boulders for each of the 18 fairways and the two basket locations if any of this is required.

**Deliverables:**

1. Professional, Insured Course Design with safety for the disc golf players and park users on this property.
2. GPS coordinates for all tee pad and basket locations
3. 18 disc golf baskets with a 25 year warranty.

**Timeline:**

- Q3 2023 - Initial Property Walkthrough
- Q4 2023 - Submit Proposed Design for Review
- Q1 2024 - Submit Final Design

*\*Timeline may change depending on your timeframe*

**Project Statement:** My goal is to utilize my experience as both a player and course designer to provide a disc golf course design that will highlight natural attributes of your park and considers the safety of all park users.

**Cost Estimate - Barnett Park Disc Golf Course**

Feature	Materials	Quantity Per Hole	Total Quantity	Price Per Unit	Cost Per Hole	Total Cost
<b>Baskets</b>						
	Basket	1	18	\$375 <sup>a</sup>	\$375	\$6,750
	Concrete Base	0.05 yd	1 yd	\$150/yd	\$8	\$150
	Base Sleeve	1	19	\$10 <sup>a</sup>	\$10	\$190
	Padlock	1	19	\$10	\$10	\$190
	Next Tee Marker	1	18	\$5 <sup>a</sup>	\$5	\$90
	Practice Basket	-	1	\$399 <sup>a</sup>	-	\$399
<b>Signage</b>						
	Course Kiosk	-	-	-	-	-
	Vinyl Course Sign	-	1	\$201.25	-	\$201
	Sign Board	-	1	\$1,500	-	\$1,500
	Tee Signs	-	-	-	-	-
	Vinyl Tee Signs	2	36	\$29.50	\$59	\$1,062
	Sign Posts	2	36	\$50.00	\$100	\$1,800
	Basket Bands	1	18	\$14	\$14	\$252
<b>Teepads<sup>b</sup></b>						
	Concrete (Platte Valley agg.)	1.1 yd	20 yd	\$150/yd <sup>c</sup>	\$165	\$2,970
	Rebar (10' x 3/8") <sup>d</sup>	10	180	\$4.98	\$50	\$896
	Rebar Chairs	24	432	\$0.29	\$7	\$126
	Rebar Ties	24	432	\$0.03	\$0.66	\$24
	Forms <sup>e</sup>	-	-	-	-	-
	2x4s (10ft, framing lumber)	3	54	\$4.55	\$14	\$246
	Screws	-	6 lb	\$8.97	-	\$54
	Stakes (1.5ft)	20	360	\$0.62	\$12	\$223
	Sand	1.1 yd	20 yd	\$14/yd	\$15	\$270
<b>Course Design</b>						
	Design Fee	-	1	\$10,000	-	\$10,000
	Shipping & Travel	-	1	\$1,200	-	\$1,200
					<b>Total<sup>f</sup></b>	<b>\$28,593</b>
					<b>Total w/o Design</b>	<b>\$17,393</b>
					<b>Cost Per Hole w/o Design</b>	<b>\$966</b>

<sup>a</sup>Based on selected course designer quote

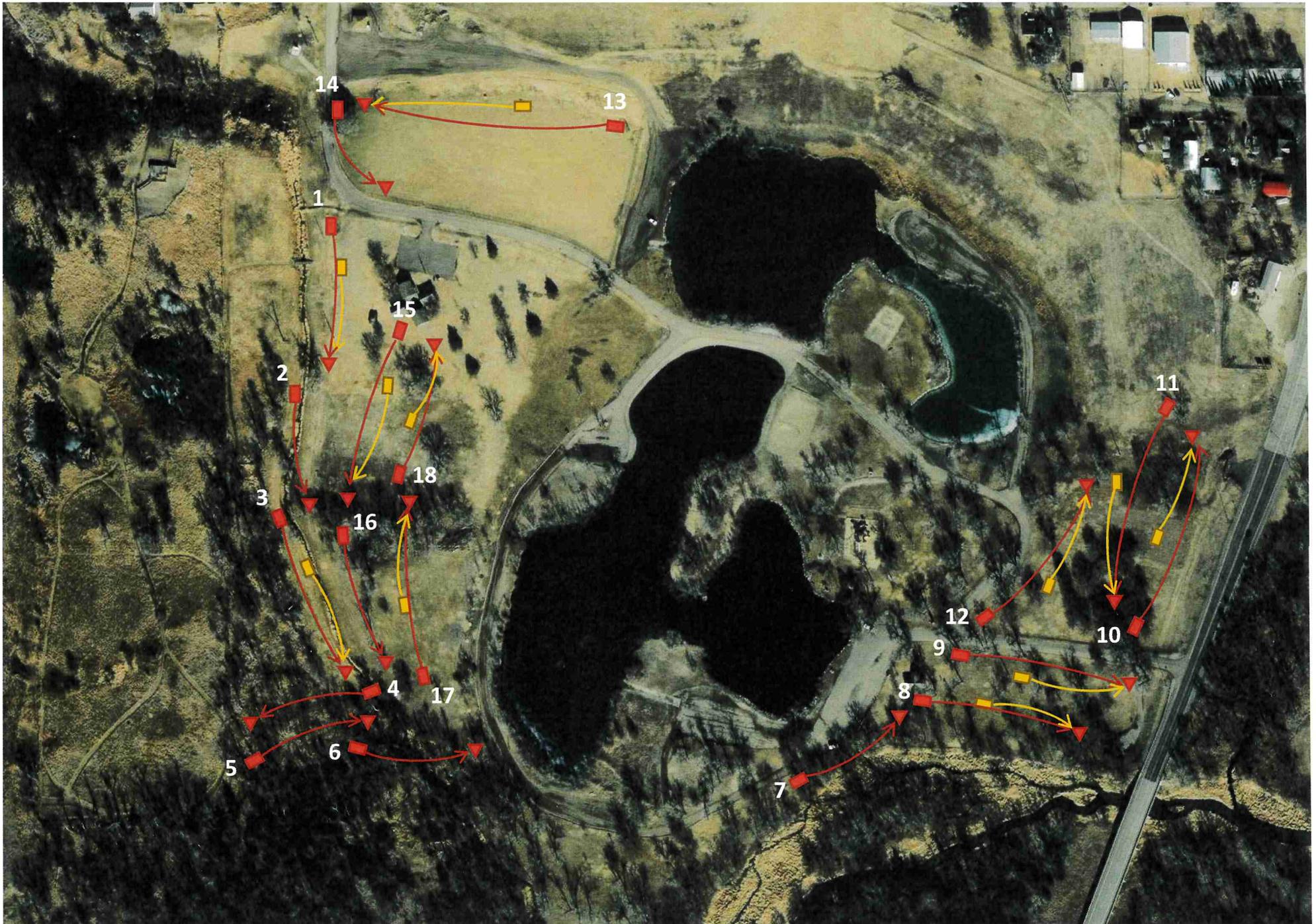
<sup>b</sup>10'x5'x3.5" teepads with 3.5" compacted sand subgrade, 2 per hole, quantities shown are for 2 teepads

<sup>c</sup>Conservative estimate, subject to change, price includes delivery

<sup>d</sup>Cut to (3) 9' 8" and (4) 4' 8", 2' on center grid pattern, tied at chairs, 2" gap to edge to reduce spalling

<sup>e</sup>Assuming 2 pours required and 2x4s reused for each pour

<sup>f</sup>Assumes no labor cost



- Primary Teepad
- Secondary Teepad
- ▼ Basket Location
- 17** Hole Number
- ➔ Primary Flight Path (approximate)
- ➔ Secondary Flight Path (approximate)

# BARNETT PARK

## DISC GOLF COURSE



# BARNETT PARK

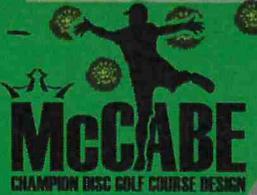
## DISC GOLF COURSE



 **DYNAMIC DISCS**

 BASKET

 TEE PAD

 **MCCABE**  
CHAMPION DISC GOLF COURSE DESIGN

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

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**ITEM:**        4.B.

Discussion and update on the work completed to date by City staff regarding a potential UTV ordinance.

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**BACKGROUND:**

City staff members have continued working on fleshing out necessary details for a potential UTV ordinance. City staff would like to present an update to the Council regarding their progress. Additional input from the public is welcomed.

Legislative Bill 66 is attached to this report. Staff recommends holding off creating a UTV ordinance until the final determination of LB66.

**FISCAL  
IMPACT:**     None.

**APPROVALS:**



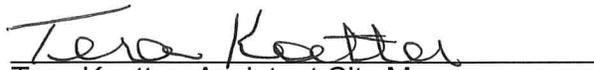
\_\_\_\_\_  
Nathan A. Schneider, City Manager

January 31, 2024



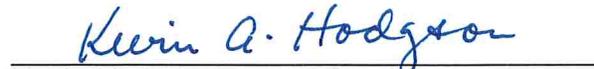
\_\_\_\_\_  
Lea Ann Doak, City Clerk

January 31, 2024



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

January 31, 2024



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

January 31, 2024

LEGISLATURE OF NEBRASKA  
ONE HUNDRED EIGHTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 66**

Introduced by Slama, 1.

Read first time January 05, 2023

Committee:

1 A BILL FOR AN ACT relating to motor vehicles; to amend sections 23-187,  
2 60-103, 60-123, 60-135.01, 60-153, 60-305, 60-339, 60-358.01,  
3 60-3,100, 60-3,104, 60-3,143, 60-3,187, 60-3,190, 60-471, 60-4,114,  
4 60-4,123, 60-4,123.01, 60-601, 60-605, 60-6,252, 60-6,266, 60-6,270,  
5 60-6,279, 60-6,355, and 60-6,356, Reissue Revised Statutes of  
6 Nebraska, and sections 60-3,135.01, 60-3,221, 60-462, 60-463,  
7 60-4,124, and 60-501, Revised Statutes Cumulative Supplement, 2022;  
8 to authorize county boards to regulate the operation of certain all-  
9 terrain vehicles and utility-type vehicles; to redefine terms; to  
10 change provisions of the Motor Vehicle Certificate of Title Act  
11 relating to all-terrain vehicles and utility-type vehicles; to  
12 provide for registration, fees, and taxes for certain all-terrain  
13 vehicles and utility-type vehicles under the Motor Vehicle  
14 Registration Act; to change provisions of the Motor Vehicle  
15 Operator's License Act; to change certain safety provisions and to  
16 authorize the operation of certain all-terrain vehicles and utility-  
17 type vehicles on certain highways as prescribed under the Nebraska  
18 Rules of the Road; to harmonize provisions; to provide an operative  
19 date; and to repeal the original sections.  
20 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 23-187, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3 23-187 (1) In addition to the powers granted by section 23-104, a  
4 county may, in the manner specified by sections 23-187 to 23-193,  
5 regulate the following subjects by ordinance:

6 (a) Parking of motor vehicles on public roads, highways, and rights-  
7 of-way as it pertains to snow removal for and access by emergency  
8 vehicles to areas within the county;

9 (b) Motor vehicles as defined in section 60-339 that are abandoned  
10 on public or private property;

11 (c) Low-speed vehicles as described and operated pursuant to section  
12 60-6,380;

13 (d) Golf car vehicles as described and operated pursuant to section  
14 60-6,381;

15 (e) Graffiti on public or private property;

16 (f) False alarms from electronic security systems that result in  
17 requests for emergency response from law enforcement or other emergency  
18 responders;

19 (g) Violation of the public peace and good order of the county by  
20 disorderly conduct, lewd or lascivious behavior, or public nudity;

21 (h) Peddlers, hawkers, or solicitors operating for commercial  
22 purposes. If a county adopts an ordinance under this subdivision, the  
23 ordinance shall provide for registration of any such peddler, hawker, or  
24 solicitor without any fee and allow the operation or conduct of any  
25 registered peddler, hawker, or solicitor in all areas of the county where  
26 the county has jurisdiction and where a city or village has not otherwise  
27 regulated such operation or conduct;~~and~~

28 (i) Operation of vehicles on any highway or restrictions on the  
29 weight of vehicles pursuant to section 60-681; and -

30 (j) Operation of all-terrain vehicles and utility-type vehicles  
31 pursuant to section 60-6,356 on highways as defined in section 60-624

1 outside the corporate limits of a city or village.

2 (2) For the enforcement of any ordinance authorized by this section,  
3 a county may impose fines, forfeitures, or penalties and provide for the  
4 recovery, collection, and enforcement of such fines, forfeitures, or  
5 penalties. A county may also authorize such other measures for the  
6 enforcement of ordinances as may be necessary and proper. A fine enacted  
7 pursuant to this section shall not exceed five hundred dollars for each  
8 offense.

9 Sec. 2. Section 60-103, Reissue Revised Statutes of Nebraska, is  
10 amended to read:

11 60-103 All-terrain vehicle means any motorized ~~off-highway~~ device  
12 manufactured for off-road use which (1) is fifty inches or less in width,  
13 (2) has a dry weight of twelve hundred pounds or less, (3) travels on  
14 three or more nonhighway tires, and (4) is designed for operator use only  
15 with no passengers or is specifically designed by the original  
16 manufacturer for the operator and one passenger.

17 Sec. 3. Section 60-123, Reissue Revised Statutes of Nebraska, is  
18 amended to read:

19 60-123 Motor vehicle means any vehicle propelled by any power other  
20 than muscular power. Motor vehicle does not include (1) mopeds, (2) farm  
21 tractors, (3) self-propelled equipment designed and used exclusively to  
22 carry and apply fertilizer, chemicals, or related products to  
23 agricultural soil and crops, agricultural floater-spreader implements,  
24 and other implements of husbandry designed for and used primarily for  
25 tilling the soil and harvesting crops or feeding livestock, (4) power  
26 unit hay grinders or a combination which includes a power unit and a hay  
27 grinder when operated without cargo, (5) vehicles which run only on rails  
28 or tracks, (6) off-road designed vehicles not authorized by law for use  
29 on a highway, including, but not limited to, golf car vehicles, go-carts,  
30 riding lawnmowers, garden tractors, ~~all-terrain vehicles, utility-type~~  
31 ~~vehicles,~~ snowmobiles registered or exempt from registration under

1 sections 60-3,207 to 60-3,219, and minibikes, (7) road and general-  
2 purpose construction and maintenance machinery not designed or used  
3 primarily for the transportation of persons or property, including, but  
4 not limited to, ditchdigging apparatus, asphalt spreaders, bucket  
5 loaders, leveling graders, earthmoving carryalls, power shovels,  
6 earthmoving equipment, and crawler tractors, (8) self-propelled chairs  
7 used by persons who are disabled, (9) electric personal assistive  
8 mobility devices, and (10) bicycles as defined in section 60-611.

9 Sec. 4. Section 60-135.01, Reissue Revised Statutes of Nebraska, is  
10 amended to read:

11 60-135.01 (1) Utility-type vehicle means any motorized ~~off-highway~~  
12 device manufactured for off-road use which (a) is seventy-four inches in  
13 width or less, (b) is not more than one hundred eighty inches, including  
14 the bumper, in length, (c) has a dry weight of two thousand pounds or  
15 less, and (d) travels on four or more nonhighway tires.

16 (2) Utility-type vehicle does not include all-terrain vehicles, golf  
17 car vehicles, or low-speed vehicles.

18 Sec. 5. Section 60-153, Reissue Revised Statutes of Nebraska, is  
19 amended to read:

20 60-153 (1) A certificate of title shall be printed upon safety  
21 security paper to be selected by the department. The certificate of  
22 title, manufacturer's statement of origin, and assignment of  
23 manufacturer's certificate shall be upon forms prescribed by the  
24 department and may include, but shall not be limited to, county of  
25 issuance, date of issuance, certificate of title number, previous  
26 certificate of title number, vehicle identification number, year, make,  
27 model, and body type of the vehicle, name and residential and mailing  
28 address of the owner, acquisition date, issuing county treasurer's  
29 signature and official seal, and sufficient space for the notation and  
30 release of liens, mortgages, or encumbrances, if any. A certificate of  
31 title issued on or after September 1, 2007, shall include the words "void

1 if altered". A certificate of title that is altered shall be deemed a  
2 mutilated certificate of title. The certificate of title of an all-  
3 terrain vehicle, or utility-type vehicle shall include the words  
4 "manufactured for off-road use". The certificate of title of a ~~or~~  
5 minibike shall include the words "not to be registered for road use".

6 (2) An assignment of certificate of title shall appear on each  
7 certificate of title and shall include, but not be limited to, a  
8 statement that the owner of the vehicle assigns all his or her right,  
9 title, and interest in the vehicle, the name and address of the assignee,  
10 the name and address of the lienholder or secured party, if any, and the  
11 signature of the owner or the owner's parent, legal guardian, foster  
12 parent, or agent in the case of an owner who is a handicapped or disabled  
13 person as defined in section 60-331.02.

14 (3) A reassignment by a dealer shall appear on each certificate of  
15 title and shall include, but not be limited to, a statement that the  
16 dealer assigns all his or her right, title, and interest in the vehicle,  
17 the name and address of the assignee, the name and address of the  
18 lienholder or secured party, if any, and the signature of the dealer or  
19 designated representative. Reassignments shall be printed on the reverse  
20 side of each certificate of title as many times as convenient.

21 (4) The department may prescribe a secure power-of-attorney form and  
22 may contract with one or more persons to develop, provide, sell, and  
23 distribute secure power-of-attorney forms in the manner authorized or  
24 required by the federal Truth in Mileage Act of 1986 and any other  
25 federal law or regulation. Any secure power-of-attorney form authorized  
26 pursuant to a contract shall conform to the terms of the contract and be  
27 in strict compliance with the requirements of the department.

28 (5) A certificate of title for a former military vehicle shall  
29 include the words "former military vehicle".

30 Sec. 6. Section 60-305, Reissue Revised Statutes of Nebraska, is  
31 amended to read:

1           60-305 All-terrain vehicle means any motor ~~motorized off-highway~~  
2 vehicle manufactured for off-road use which (1) is fifty inches or less  
3 in width, (2) has a dry weight of twelve hundred pounds or less, (3)  
4 travels on three or more nonhighway tires, and (4) is designed for  
5 operator use only with no passengers or is specifically designed by the  
6 original manufacturer for the operator and one passenger. ~~All terrain~~  
7 ~~vehicles which have been modified or retrofitted with after-market parts~~  
8 ~~to include additional equipment not required by sections 60-6,357 and~~  
9 ~~60-6,358 shall not be registered under the Motor Vehicle Registration~~  
10 ~~Act, nor shall such modified or retrofitted vehicles be eligible for~~  
11 ~~registration in any other category of vehicle defined in the act.~~

12           Sec. 7. Section 60-339, Reissue Revised Statutes of Nebraska, is  
13 amended to read:

14           60-339 Motor vehicle means any vehicle propelled by any power other  
15 than muscular power. Motor vehicle does not include (1) mopeds, (2) farm  
16 tractors, (3) self-propelled equipment designed and used exclusively to  
17 carry and apply fertilizer, chemicals, or related products to  
18 agricultural soil and crops, agricultural floater-spreader implements,  
19 and other implements of husbandry designed for and used primarily for  
20 tilling the soil and harvesting crops or feeding livestock, (4) power  
21 unit hay grinders or a combination which includes a power unit and a hay  
22 grinder when operated without cargo, (5) vehicles which run only on rails  
23 or tracks, (6) off-road designed vehicles not authorized by law for use  
24 on a highway, including, but not limited to, golf car vehicles, go-carts,  
25 riding lawnmowers, garden tractors, ~~all-terrain vehicles, utility type~~  
26 ~~vehicles,~~ snowmobiles registered or exempt from registration under  
27 sections 60-3,207 to 60-3,219, and minibikes, (7) road and general-  
28 purpose construction and maintenance machinery not designed or used  
29 primarily for the transportation of persons or property, including, but  
30 not limited to, ditchdigging apparatus, asphalt spreaders, bucket  
31 loaders, leveling graders, earthmoving carryalls, power shovels,

1 earthmoving equipment, and crawler tractors, (8) self-propelled chairs  
2 used by persons who are disabled, (9) electric personal assistive  
3 mobility devices, and (10) bicycles as defined in section 60-611.

4 Sec. 8. Section 60-358.01, Reissue Revised Statutes of Nebraska, is  
5 amended to read:

6 60-358.01 (1) Utility-type vehicle means any motor ~~motorized off-~~  
7 ~~highway~~ vehicle manufactured for off-road use which (a) is seventy-four  
8 inches in width or less, (b) is not more than one hundred eighty inches,  
9 including the bumper, in length, (c) has a dry weight of two thousand  
10 pounds or less, and (d) travels on four or more nonhighway tires.  
11 ~~Utility-type vehicles which have been modified or retrofitted with after-~~  
12 ~~market parts to include additional equipment not required by sections~~  
13 ~~60-6,357 and 60-6,358 shall not be registered under the Motor Vehicle~~  
14 ~~Registration Act, nor shall such modified or retrofitted vehicles be~~  
15 ~~eligible for registration in any other category of vehicle defined in the~~  
16 ~~act.~~

17 (2) Utility-type vehicle does not include all-terrain vehicles, golf  
18 car vehicles, or low-speed vehicles.

19 Sec. 9. Section 60-3,100, Reissue Revised Statutes of Nebraska, is  
20 amended to read:

21 60-3,100 (1) The department shall issue to every person whose motor  
22 vehicle or trailer is registered one or two fully reflectorized license  
23 plates upon which shall be displayed (a) the registration number  
24 consisting of letters and numerals assigned to such motor vehicle or  
25 trailer in figures not less than two and one-half inches nor more than  
26 three inches in height and (b) also the word Nebraska suitably lettered  
27 so as to be attractive. The license plates shall be of a color designated  
28 by the director. The color of the plates shall be changed each time the  
29 license plates are changed. Each time the license plates are changed, the  
30 director shall secure competitive bids for materials pursuant to sections  
31 81-145 to 81-162. Autocycle, motorcycle, minitruck, low-speed vehicle,

1 all-terrain vehicle and utility-type vehicle, and trailer license plate  
2 letters and numerals may be one-half the size of those required in this  
3 section.

4 (2)(a) Except as otherwise provided in this subsection, two license  
5 plates shall be issued for every motor vehicle.

6 (b) One license plate shall be issued for (i) all-terrain vehicles  
7 and utility-type vehicles, (ii) apportionable vehicles, (iii) ~~(ii)~~ buses,  
8 ~~(iv)~~ ~~(iii)~~ dealers, ~~(v)~~ ~~(iv)~~ minitrucks, ~~(vi)~~ ~~(v)~~ motorcycles, other than  
9 autocycles, ~~(vii)~~ ~~(vi)~~ special interest motor vehicles that use the  
10 special interest motor vehicle license plate authorized by and issued  
11 under section 60-3,135.01, ~~(viii)~~ ~~(vii)~~ trailers, and ~~(ix)~~ ~~(viii)~~ truck-  
12 tractors.

13 (c)(i) One license plate shall be issued, upon request and  
14 compliance with this subdivision, for any passenger car which is not  
15 manufactured to be equipped with a bracket on the front of the vehicle to  
16 display a license plate. A license decal shall be issued with the license  
17 plate as provided in subdivision (ii) of this subdivision and shall be  
18 displayed on the driver's side of the windshield. In order to request a  
19 single license plate and license decal, there shall be an additional  
20 annual nonrefundable registration fee of fifty dollars plus the cost of  
21 the decal paid to the county treasurer at the time of registration. All  
22 fees collected under this subdivision shall be remitted to the State  
23 Treasurer for credit to the Highway Trust Fund.

24 (ii) The department shall design, procure, and furnish to the county  
25 treasurers a license decal which shall be displayed as evidence that a  
26 license plate has been obtained under this subdivision. Each county  
27 treasurer shall furnish a license decal to the person obtaining the  
28 plate.

29 (d) When two license plates are issued, one shall be prominently  
30 displayed at all times on the front and one on the rear of the registered  
31 motor vehicle or trailer. When only one plate is issued, it shall be

1 prominently displayed on the rear of the registered motor vehicle or  
2 trailer. When only one plate is issued for motor vehicles registered  
3 pursuant to section 60-3,198 and truck-tractors, it shall be prominently  
4 displayed on the front of the apportionable vehicle.

5 Sec. 10. Section 60-3,104, Reissue Revised Statutes of Nebraska, is  
6 amended to read:

7 60-3,104 The department shall issue the following types of license  
8 plates:

9 (1) All-terrain vehicle and utility-type vehicle license plates  
10 issued pursuant to section 60-3,100;

11 (2) ~~(1)~~ Amateur radio station license plates issued pursuant to  
12 section 60-3,126;

13 (3) ~~(2)~~ Apportionable vehicle license plates issued pursuant to  
14 section 60-3,203;

15 (4) ~~(3)~~ Autocycle license plates issued pursuant to section  
16 60-3,100;

17 (5) ~~(4)~~ Boat dealer license plates issued pursuant to section  
18 60-379;

19 (6) ~~(5)~~ Breast Cancer Awareness Plates issued pursuant to sections  
20 60-3,230 and 60-3,231;

21 (7) ~~(6)~~ Bus license plates issued pursuant to section 60-3,144;

22 (8) ~~(7)~~ Choose Life License Plates issued pursuant to sections  
23 60-3,232 and 60-3,233;

24 (9) ~~(8)~~ Commercial motor vehicle license plates issued pursuant to  
25 section 60-3,147;

26 (10) ~~(9)~~ Dealer or manufacturer license plates issued pursuant to  
27 sections 60-3,114 and 60-3,115;

28 (11) ~~(10)~~ Disabled veteran license plates issued pursuant to section  
29 60-3,124;

30 (12) ~~(11)~~ Donate Life Plates issued pursuant to sections 60-3,245  
31 and 60-3,246;

1           ~~(13)~~ ~~(12)~~ Down Syndrome Awareness Plates issued pursuant to sections  
2 60-3,247 and 60-3,248;  
3           ~~(14)~~ ~~(13)~~ Farm trailer license plates issued pursuant to section  
4 60-3,151;  
5           ~~(15)~~ ~~(14)~~ Farm truck license plates issued pursuant to section  
6 60-3,146;  
7           ~~(16)~~ ~~(15)~~ Farm trucks with a gross weight of over sixteen tons  
8 license plates issued pursuant to section 60-3,146;  
9           ~~(17)~~ ~~(16)~~ Fertilizer trailer license plates issued pursuant to  
10 section 60-3,151;  
11           ~~(18)~~ ~~(17)~~ Former military vehicle license plates issued pursuant to  
12 section 60-3,236;  
13           ~~(19)~~ ~~(18)~~ Gold Star Family license plates issued pursuant to  
14 sections 60-3,122.01 and 60-3,122.02;  
15           ~~(20)~~ ~~(19)~~ Handicapped or disabled person license plates issued  
16 pursuant to section 60-3,113;  
17           ~~(21)~~ ~~(20)~~ Historical vehicle license plates issued pursuant to  
18 sections 60-3,130 to 60-3,134;  
19           ~~(22)~~ ~~(21)~~ Josh the Otter-Be Safe Around Water Plates issued pursuant  
20 to section 60-3,258;  
21           ~~(23)~~ ~~(22)~~ Local truck license plates issued pursuant to section  
22 60-3,145;  
23           ~~(24)~~ ~~(23)~~ Metropolitan utilities district license plates issued  
24 pursuant to section 60-3,228;  
25           ~~(25)~~ ~~(24)~~ Military Honor Plates issued pursuant to sections  
26 60-3,122.03 and 60-3,122.04;  
27           ~~(26)~~ ~~(25)~~ Minitruck license plates issued pursuant to section  
28 60-3,100;  
29           ~~(27)~~ ~~(26)~~ Motor vehicle license plates for motor vehicles owned or  
30 operated by the state, counties, municipalities, or school districts  
31 issued pursuant to section 60-3,105;

- 1           ~~(28)~~ ~~(27)~~ Motor vehicles exempt pursuant to section 60-3,107;
- 2           ~~(29)~~ ~~(28)~~ Motorcycle license plates issued pursuant to section
- 3 60-3,100;
- 4           ~~(30)~~ ~~(29)~~ Mountain Lion Conservation Plates issued pursuant to
- 5 sections 60-3,226 and 60-3,227;
- 6           ~~(31)~~ ~~(30)~~ Native American Cultural Awareness and History Plates
- 7 issued pursuant to sections 60-3,234 and 60-3,235;
- 8           ~~(32)~~ ~~(31)~~ Nebraska Cornhusker Spirit Plates issued pursuant to
- 9 sections 60-3,127 to 60-3,129;
- 10           ~~(33)~~ ~~(32)~~ Nebraska History Plates issued pursuant to sections
- 11 60-3,255 and 60-3,256;
- 12           ~~(34)~~ ~~(33)~~ Nebraska 150 Sesquicentennial Plates issued pursuant to
- 13 sections 60-3,223 to 60-3,225;
- 14           ~~(35)~~ ~~(34)~~ Nonresident owner thirty-day license plates issued
- 15 pursuant to section 60-382;
- 16           ~~(36)~~ ~~(35)~~ Passenger car having a seating capacity of ten persons or
- 17 less and not used for hire issued pursuant to section 60-3,143 other than
- 18 autocycles;
- 19           ~~(37)~~ ~~(36)~~ Passenger car having a seating capacity of ten persons or
- 20 less and used for hire issued pursuant to section 60-3,143 other than
- 21 autocycles;
- 22           ~~(38)~~ ~~(37)~~ Pearl Harbor license plates issued pursuant to section
- 23 60-3,122;
- 24           ~~(39)~~ ~~(38)~~ Personal-use dealer license plates issued pursuant to
- 25 section 60-3,116;
- 26           ~~(40)~~ ~~(39)~~ Personalized message license plates for motor vehicles,
- 27 trailers, and semitrailers, except motor vehicles, trailers, and
- 28 semitrailers registered under section 60-3,198, issued pursuant to
- 29 sections 60-3,118 to 60-3,121;
- 30           ~~(41)~~ ~~(40)~~ Pets for Vets Plates issued pursuant to sections 60-3,249
- 31 and 60-3,250;

1        ~~(42)~~ ~~(41)~~ Prisoner-of-war license plates issued pursuant to section  
2 60-3,123;

3        ~~(43)~~ ~~(42)~~ Prostate Cancer Awareness Plates issued pursuant to  
4 section 60-3,240;

5        ~~(44)~~ ~~(43)~~ Public power district license plates issued pursuant to  
6 section 60-3,228;

7        ~~(45)~~ ~~(44)~~ Purple Heart license plates issued pursuant to section  
8 60-3,125;

9        ~~(46)~~ ~~(45)~~ Recreational vehicle license plates issued pursuant to  
10 section 60-3,151;

11       ~~(47)~~ ~~(46)~~ Repossession license plates issued pursuant to section  
12 60-375;

13       ~~(48)~~ ~~(47)~~ Sammy's Superheroes license plates for childhood cancer  
14 awareness issued pursuant to section 60-3,242;

15       ~~(49)~~ ~~(48)~~ Special interest motor vehicle license plates issued  
16 pursuant to section 60-3,135.01;

17       ~~(50)~~ ~~(49)~~ Specialty license plates issued pursuant to sections  
18 60-3,104.01 and 60-3,104.02;

19       ~~(51)~~ ~~(50)~~ Support the Arts Plates issued pursuant to sections  
20 60-3,251 and 60-3,252;

21       ~~(52)~~ ~~(51)~~ Support Our Troops Plates issued pursuant to sections  
22 60-3,243 and 60-3,244;

23       ~~(53)~~ ~~(52)~~ The Good Life Is Outside Plates issued pursuant to  
24 sections 60-3,253 and 60-3,254;

25       ~~(54)~~ ~~(53)~~ Trailer license plates issued for trailers owned or  
26 operated by the state, counties, municipalities, or school districts  
27 issued pursuant to section 60-3,106;

28       ~~(55)~~ ~~(54)~~ Trailer license plates issued for trailers owned or  
29 operated by a metropolitan utilities district or public power district  
30 pursuant to section 60-3,228;

31       ~~(56)~~ ~~(55)~~ Trailer license plates issued pursuant to section

1 60-3,100;  
2 ~~(57)~~ ~~(56)~~ Trailers exempt pursuant to section 60-3,108;  
3 ~~(58)~~ ~~(57)~~ Transporter license plates issued pursuant to section  
4 60-378;  
5 ~~(59)~~ ~~(58)~~ Trucks or combinations of trucks, truck-tractors, or  
6 trailers which are not for hire and engaged in soil and water  
7 conservation work and used for the purpose of transporting pipe and  
8 equipment exclusively used by such contractors for soil and water  
9 conservation construction license plates issued pursuant to section  
10 60-3,149;  
11 ~~(60)~~ ~~(59)~~ Utility trailer license plates issued pursuant to section  
12 60-3,151;  
13 ~~(61)~~ ~~(60)~~ Well-boring apparatus and well-servicing equipment license  
14 plates issued pursuant to section 60-3,109; and  
15 ~~(62)~~ ~~(61)~~ Wildlife Conservation Plates issued pursuant to section  
16 60-3,238.  
17 Sec. 11. Section 60-3,135.01, Revised Statutes Cumulative  
18 Supplement, 2022, is amended to read:  
19 60-3,135.01 (1) The department shall either modify an existing plate  
20 design or design license plates to identify special interest motor  
21 vehicles, to be known as special interest motor vehicle license plates.  
22 The department, in designing such special interest motor vehicle license  
23 plates, shall include the words special interest and limit the  
24 manufacturing cost of each plate to an amount less than or equal to the  
25 amount charged for license plates pursuant to section 60-3,102. The  
26 department shall choose the design of the plate. The department shall  
27 make applications available for this type of plate when it is designed.  
28 (2) One type of special interest motor vehicle license plate shall  
29 be alphanumeric plates. The department shall:  
30 (a) Assign a designation up to seven characters; and  
31 (b) Not use a county designation.

1           (3) One type of special interest motor vehicle license plate shall  
2 be personalized message plates. Such plates shall be issued subject to  
3 the same conditions specified for personalized message license plates in  
4 section 60-3,118.

5           (4) A person may apply to the department for a special interest  
6 motor vehicle license plate in lieu of regular license plates on an  
7 application prescribed and provided by the department for any special  
8 interest motor vehicle, except that no motor vehicle registered under  
9 section 60-3,198, autocycle, motorcycle, all-terrain vehicle, utility-  
10 type vehicle, or trailer shall be eligible for special interest motor  
11 vehicle license plates. The department shall make forms available for  
12 such applications through the county treasurers.

13           (5) The form shall contain a description of the special interest  
14 motor vehicle owned and sought to be registered, including the make, body  
15 type, model, serial number, and year of manufacture.

16           (6)(a) In addition to all other fees required to register a motor  
17 vehicle, each application for initial issuance or renewal of a special  
18 interest motor vehicle license plate shall be accompanied by a special  
19 interest motor vehicle license plate fee of fifty dollars. Twenty-five  
20 dollars of the special interest motor vehicle license plate fee shall be  
21 remitted to the State Treasurer for credit to the Department of Motor  
22 Vehicles Cash Fund, and twenty-five dollars of the special interest motor  
23 vehicle license plate fee shall be remitted to the State Treasurer for  
24 credit to the Highway Trust Fund.

25           (b) If a special interest motor vehicle license plate is lost,  
26 stolen, or mutilated, the owner shall be issued a replacement license  
27 plate pursuant to section 60-3,157.

28           (7) When the department receives an application for a special  
29 interest motor vehicle license plate, the department may deliver the  
30 plate and registration certificate to the applicant by United States mail  
31 or to the county treasurer of the county in which the special interest

1 motor vehicle is registered and the delivery of the plate and  
2 registration certificate shall be made through a secure process and  
3 system. If delivery of the plates and registration certificate is made by  
4 the department to the applicant, the department may charge a postage and  
5 handling fee in an amount not more than necessary to recover the cost of  
6 postage and handling for the specific items mailed to the registrant. The  
7 department shall remit the fee to the State Treasurer for credit to the  
8 Department of Motor Vehicles Cash Fund. The county treasurer or the  
9 department shall issue the special interest motor vehicle license plate  
10 in lieu of regular license plates when the applicant complies with the  
11 other provisions of the Motor Vehicle Registration Act for registration  
12 of the special interest motor vehicle.

13 (8) If the cost of manufacturing special interest motor vehicle  
14 license plates at any time exceeds the amount charged for license plates  
15 pursuant to section 60-3,102, any money to be credited to the Department  
16 of Motor Vehicles Cash Fund under this section shall instead be credited  
17 first to the Highway Trust Fund in an amount equal to the difference  
18 between the manufacturing costs of special interest motor vehicle license  
19 plates and the amount charged pursuant to section 60-3,102 with respect  
20 to such license plates and the remainder shall be credited to the  
21 Department of Motor Vehicles Cash Fund.

22 (9) The special interest motor vehicle license plate shall be  
23 affixed to the rear of the special interest motor vehicle.

24 (10) A special interest motor vehicle shall not be used for the same  
25 purposes and under the same conditions as other motor vehicles of the  
26 same type and shall not be used for business or occupation or regularly  
27 for transportation to and from work. A special interest motor vehicle may  
28 be driven on the public streets and roads only for occasional  
29 transportation, public displays, parades, and related pleasure or hobby  
30 activities.

31 (11) It shall be unlawful to own or operate a motor vehicle with

1 special interest motor vehicle license plates in violation of this  
2 section. Upon conviction of a violation of any provision of this section,  
3 a person shall be guilty of a Class V misdemeanor.

4 (12) For purposes of this section, special interest motor vehicle  
5 means a motor vehicle of any age which is being collected, preserved,  
6 restored, or maintained by the owner as a leisure pursuit and not used  
7 for general transportation of persons or cargo.

8 Sec. 12. Section 60-3,143, Reissue Revised Statutes of Nebraska, is  
9 amended to read:

10 60-3,143 (1) For all-terrain vehicles, the registration fee shall be  
11 three dollars.

12 (2) ~~(1)~~ For autocycles, the registration fee shall be as provided in  
13 section 60-3,153.

14 (3) For utility-type vehicles, the registration fee shall be three  
15 dollars.

16 (4) ~~(2)~~ For every motor vehicle of ten-passenger capacity or less  
17 and not used for hire, the registration fee shall be fifteen dollars.

18 (5) ~~(3)~~ For each motor vehicle having a seating capacity of ten  
19 persons or less and used for hire, the registration fee shall be six  
20 dollars plus an additional four dollars for every person such motor  
21 vehicle is equipped to carry in addition to the driver.

22 (6) ~~(4)~~ For motor vehicles leased for hire when no driver or  
23 chauffeur is furnished by the lessor as part of the consideration paid  
24 for by the lessee, incident to the operation of the leased motor vehicle,  
25 the fee shall be fifteen dollars.

26 Sec. 13. Section 60-3,187, Reissue Revised Statutes of Nebraska, is  
27 amended to read:

28 60-3,187 (1) The motor vehicle tax schedules are set out in this  
29 section.

30 (2) The motor vehicle tax shall be calculated by multiplying the  
31 base tax times the fraction which corresponds to the age category of the

1 vehicle as shown in the following table:

2 YEAR	FRACTION
3 First	1.00
4 Second	0.90
5 Third	0.80
6 Fourth	0.70
7 Fifth	0.60
8 Sixth	0.51
9 Seventh	0.42
10 Eighth	0.33
11 Ninth	0.24
12 Tenth and Eleventh	0.15
13 Twelfth and Thirteenth	0.07
14 Fourteenth and older	0.00

15 (3) The base tax shall be:

16 (a) Automobiles, autocycles, and motorcycles – An amount determined  
17 using the following table:

18 Value when new	Base tax
19 Up to \$3,999	\$ 25
20 \$4,000 to \$5,999	35
21 \$6,000 to \$7,999	45
22 \$8,000 to \$9,999	60
23 \$10,000 to \$11,999	100
24 \$12,000 to \$13,999	140
25 \$14,000 to \$15,999	180
26 \$16,000 to \$17,999	220
27 \$18,000 to \$19,999	260
28 \$20,000 to \$21,999	300
29 \$22,000 to \$23,999	340
30 \$24,000 to \$25,999	380

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1	\$26,000 to \$27,999	420
2	\$28,000 to \$29,999	460
3	\$30,000 to \$31,999	500
4	\$32,000 to \$33,999	540
5	\$34,000 to \$35,999	580
6	\$36,000 to \$37,999	620
7	\$38,000 to \$39,999	660
8	\$40,000 to \$41,999	700
9	\$42,000 to \$43,999	740
10	\$44,000 to \$45,999	780
11	\$46,000 to \$47,999	820
12	\$48,000 to \$49,999	860
13	\$50,000 to \$51,999	900
14	\$52,000 to \$53,999	940
15	\$54,000 to \$55,999	980
16	\$56,000 to \$57,999	1,020
17	\$58,000 to \$59,999	1,060
18	\$60,000 to \$61,999	1,100
19	\$62,000 to \$63,999	1,140
20	\$64,000 to \$65,999	1,180
21	\$66,000 to \$67,999	1,220
22	\$68,000 to \$69,999	1,260
23	\$70,000 to \$71,999	1,300
24	\$72,000 to \$73,999	1,340
25	\$74,000 to \$75,999	1,380
26	\$76,000 to \$77,999	1,420
27	\$78,000 to \$79,999	1,460
28	\$80,000 to \$81,999	1,500
29	\$82,000 to \$83,999	1,540
30	\$84,000 to \$85,999	1,580

1	\$86,000 to \$87,999	1,620
2	\$88,000 to \$89,999	1,660
3	\$90,000 to \$91,999	1,700
4	\$92,000 to \$93,999	1,740
5	\$94,000 to \$95,999	1,780
6	\$96,000 to \$97,999	1,820
7	\$98,000 to \$99,999	1,860
8	\$100,000 and over	1,900
9	(b) Assembled automobiles – \$60	
10	(c) Assembled motorcycles other than autocycles – \$25	
11	(d) Cabin trailers, up to one thousand pounds – \$10	
12	(e) Cabin trailers, one thousand pounds and over and less than two	
13	thousand pounds – \$25	
14	(f) Cabin trailers, two thousand pounds and over – \$40	
15	(g) Recreational vehicles, less than eight thousand pounds – \$160	
16	(h) Recreational vehicles, eight thousand pounds and over and less	
17	than twelve thousand pounds – \$410	
18	(i) Recreational vehicles, twelve thousand pounds and over – \$860	
19	(j) Assembled recreational vehicles and buses shall follow the	
20	schedules for body type and registered weight	
21	(k) Trucks – Over seven tons and less than ten tons – \$360	
22	(l) Trucks – Ten tons and over and less than thirteen tons – \$560	
23	(m) Trucks – Thirteen tons and over and less than sixteen tons –	
24	\$760	
25	(n) Trucks – Sixteen tons and over and less than twenty-five tons –	
26	\$960	
27	(o) Trucks – Twenty-five tons and over – \$1,160	
28	(p) Buses – \$360	
29	(q) Trailers other than semitrailers – \$10	
30	(r) Semitrailers – \$110	
31	(s) Former military vehicles – \$50	

1 (t) Minitrucks - \$50

2 (u) Low-speed vehicles - \$50

3 (v) All-terrain vehicles and utility-type vehicles - \$25

4 (4) For purposes of subsection (3) of this section, truck means all  
5 trucks and combinations of trucks except those trucks, trailers, or  
6 combinations thereof registered under section 60-3,198, and the tax is  
7 based on the gross vehicle weight rating as reported by the manufacturer.

8 (5) Current model year vehicles are designated as first-year motor  
9 vehicles for purposes of the schedules.

10 (6) When a motor vehicle is registered which is newer than the  
11 current model year by the manufacturer's designation, the motor vehicle  
12 is subject to the initial motor vehicle tax in the first registration  
13 period and ninety-five percent of the initial motor vehicle tax in the  
14 second registration period.

15 (7) Assembled cabin trailers, assembled recreational vehicles, and  
16 assembled buses shall be designated as sixth-year motor vehicles in their  
17 first year of registration for purposes of the schedules.

18 (8) When a motor vehicle is registered which is required to have a  
19 title branded as previous salvage pursuant to section 60-174, the motor  
20 vehicle tax shall be reduced by twenty-five percent.

21 Sec. 14. Section 60-3,190, Reissue Revised Statutes of Nebraska, is  
22 amended to read:

23 60-3,190 (1) A motor vehicle fee is imposed on all motor vehicles  
24 registered for operation in this state. An owner of a motor vehicle which  
25 is exempt from the imposition of a motor vehicle tax pursuant to section  
26 60-3,185 shall also be exempt from the imposition of the motor vehicle  
27 fee imposed pursuant to this section.

28 (2) The department shall annually determine the motor vehicle fee on  
29 each motor vehicle registered pursuant to this section and shall cause a  
30 notice of the amount to be delivered to the registrant. The notice shall  
31 be combined with the notice of the motor vehicle tax required by section

1 60-3,186.

2 (3) The motor vehicle fee schedules are set out in this subsection  
3 and subsection (4) of this section. Except for automobiles with a value  
4 when new of less than \$20,000, and for assembled, reconstructed-  
5 designated, and replica-designated automobiles, the fee shall be  
6 calculated by multiplying the base fee times the fraction which  
7 corresponds to the age category of the automobile as shown in the  
8 following table:

9 YEAR	FRACTION
10 First through fifth	1.00
11 Sixth through tenth	.70
12 Eleventh and over	.35

13 (4) The base fee shall be:

14 (a) Automobiles, with a value when new of less than \$20,000, and  
15 assembled, reconstructed-designated, and replica-designated automobiles –  
16 \$5

17 (b) Automobiles, with a value when new of \$20,000 through \$39,999 –  
18 \$20

19 (c) Automobiles, with a value when new of \$40,000 or more – \$30

20 (d) Motorcycles and autocycles – \$10

21 (e) Recreational vehicles and cabin trailers – \$10

22 (f) Trucks over seven tons and buses – \$30

23 (g) Trailers other than semitrailers – \$10

24 (h) Semitrailers – \$30

25 (i) Former military vehicles – \$10

26 (j) Minitrucks – \$10

27 (k) Low-speed vehicles – \$10-

28 (l) All-terrain vehicles and utility-type vehicles – \$5.

29 (5) The motor vehicle tax, motor vehicle fee, and registration fee  
30 shall be paid to the county treasurer prior to the registration of the  
31 motor vehicle for the following registration period. After retaining one

1 percent of the motor vehicle fee collected for costs, the remaining  
2 proceeds shall be remitted to the State Treasurer for credit to the Motor  
3 Vehicle Fee Fund. The State Treasurer shall return funds from the Motor  
4 Vehicle Fee Fund remitted by a county treasurer which are needed for  
5 refunds or credits authorized by law.

6 (6)(a) The Motor Vehicle Fee Fund is created. On or before the last  
7 day of each calendar quarter, the State Treasurer shall distribute all  
8 funds in the Motor Vehicle Fee Fund as follows: (i) Fifty percent to the  
9 county treasurer of each county, amounts in the same proportion as the  
10 most recent allocation received by each county from the Highway  
11 Allocation Fund; and (ii) fifty percent to the treasurer of each  
12 municipality, amounts in the same proportion as the most recent  
13 allocation received by each municipality from the Highway Allocation  
14 Fund. Any money in the fund available for investment shall be invested by  
15 the state investment officer pursuant to the Nebraska Capital Expansion  
16 Act and the Nebraska State Funds Investment Act.

17 (b) Funds from the Motor Vehicle Fee Fund shall be considered local  
18 revenue available for matching state sources.

19 (c) All receipts by counties and municipalities from the Motor  
20 Vehicle Fee Fund shall be used for road, bridge, and street purposes.

21 (7) For purposes of subdivisions (4)(a), (b), (c), and (f) of this  
22 section, automobiles or trucks includes all trucks and combinations of  
23 trucks or truck-tractors, except those trucks, trailers, or semitrailers  
24 registered under section 60-3,198, and the fee is based on the gross  
25 vehicle weight rating as reported by the manufacturer.

26 (8) Current model year vehicles are designated as first-year motor  
27 vehicles for purposes of the schedules.

28 (9) When a motor vehicle is registered which is newer than the  
29 current model year by the manufacturer's designation, the motor vehicle  
30 is subject to the initial motor vehicle fee for six registration periods.

31 (10) Assembled vehicles other than assembled, reconstructed-

1 designated, or replica-designated automobiles shall follow the schedules  
2 for the motor vehicle body type.

3 Sec. 15. Section 60-3,221, Revised Statutes Cumulative Supplement,  
4 2022, is amended to read:

5 60-3,221 (1) Except as otherwise provided in the Motor Vehicle  
6 Registration Act:

7 (a) A cabin trailer shall only be towed by a properly registered:

8 (i) Passenger car;

9 (ii) Commercial motor vehicle or apportionable vehicle;

10 (iii) Farm truck;

11 (iv) Local truck;

12 (v) Minitruck;

13 (vi) Recreational vehicle;

14 (vii) Bus; or

15 (viii) Former military vehicle;

16 (b) A utility trailer shall only be towed by:

17 (i) A properly registered passenger car;

18 (ii) A properly registered commercial motor vehicle or apportionable  
19 vehicle;

20 (iii) A properly registered farm truck;

21 (iv) A properly registered local truck;

22 (v) A properly registered minitruck;

23 (vi) A properly registered recreational vehicle;

24 (vii) A properly registered motor vehicle which is engaged in soil  
25 and water conservation pursuant to section 60-3,149;

26 (viii) A properly registered well-boring apparatus;

27 (ix) A dealer-plated vehicle;

28 (x) A personal-use dealer-plated vehicle;

29 (xi) A properly registered bus;

30 (xii) A properly registered public power district motor vehicle or,  
31 beginning January 1, 2023, a properly registered metropolitan utilities

- 1 district motor vehicle;~~or~~
- 2 (xiii) A properly registered former military vehicle;
- 3 (xiv) A properly registered all-terrain vehicle; or
- 4 (xv) A properly registered utility-type vehicle;
- 5 (c) A farm trailer shall only be towed by a properly registered:
- 6 (i) Passenger car;
- 7 (ii) Commercial motor vehicle;
- 8 (iii) Farm truck;
- 9 (iv) Minitruck;~~or~~
- 10 (v) Former military vehicle;
- 11 (vi) All-terrain vehicle; or
- 12 (vii) Utility-type vehicle;
- 13 (d) A commercial trailer shall only be towed by:
- 14 (i) A properly registered motor vehicle which is engaged in soil and
- 15 water conservation pursuant to section 60-3,149;
- 16 (ii) A properly registered local truck;
- 17 (iii) A properly registered well-boring apparatus;
- 18 (iv) A properly registered commercial motor vehicle or apportionable
- 19 vehicle;
- 20 (v) A dealer-plated vehicle;
- 21 (vi) A personal-use dealer-plated vehicle;
- 22 (vii) A properly registered bus;
- 23 (viii) A properly registered farm truck; or
- 24 (ix) A properly registered public power district motor vehicle or,
- 25 beginning January 1, 2023, a properly registered metropolitan utilities
- 26 district motor vehicle;
- 27 (e) A fertilizer trailer shall only be towed by a properly
- 28 registered:
- 29 (i) Passenger car;
- 30 (ii) Commercial motor vehicle or apportionable vehicle;
- 31 (iii) Farm truck;~~or~~

- 1 (iv) Local truck;
- 2 (v) All-terrain vehicle; or
- 3 (vi) Utility-type vehicle;
- 4 (f) A pole and cable reel trailer shall only be towed by a properly  
5 registered:
- 6 (i) Commercial motor vehicle or apportionable vehicle;
- 7 (ii) Local truck; or
- 8 (iii) Public power district motor vehicle or, beginning January 1,  
9 2023, metropolitan utilities district motor vehicle;
- 10 (g) A dealer-plated trailer shall only be towed by:
- 11 (i) A dealer-plated vehicle;
- 12 (ii) A properly registered passenger car;
- 13 (iii) A properly registered commercial motor vehicle or  
14 apportionable vehicle;
- 15 (iv) A properly registered farm truck;
- 16 (v) A properly registered minitruck;
- 17 (vi) A personal-use dealer-plated vehicle;~~or~~
- 18 (vii) A properly registered former military vehicle;
- 19 (viii) A properly registered all-terrain vehicle; or
- 20 (ix) A properly registered utility-type vehicle;
- 21 (h) Trailers registered pursuant to section 60-3,198 as part of an  
22 apportioned fleet shall only be towed by:
- 23 (i) A properly registered motor vehicle which is engaged in soil and  
24 water conservation pursuant to section 60-3,149;
- 25 (ii) A properly registered local truck;
- 26 (iii) A properly registered well-boring apparatus;
- 27 (iv) A properly registered commercial motor vehicle or apportionable  
28 vehicle;
- 29 (v) A dealer-plated vehicle;
- 30 (vi) A personal-use dealer-plated vehicle;
- 31 (vii) A properly registered bus;~~or~~

- 1 (viii) A properly registered farm truck;~~and~~  
2 (ix) A properly registered all-terrain vehicle; or  
3 (x) A properly registered utility-type vehicle; and  
4 (i) A trailer registered as a historical vehicle pursuant to  
5 sections 60-3,130 to 60-3,134 shall only be towed by:  
6 (i) A motor vehicle properly registered as a historical vehicle  
7 pursuant to sections 60-3,130 to 60-3,134;  
8 (ii) A properly registered passenger car;  
9 (iii) A properly registered commercial motor vehicle or  
10 apportionable vehicle; or  
11 (iv) A properly registered local truck.

12 (2) Nothing in this section shall be construed to waive compliance  
13 with the Nebraska Rules of the Road or Chapter 75.

14 (3) Nothing in this section shall be construed to prohibit any motor  
15 vehicle or trailer from displaying dealer license plates or In Transit  
16 stickers authorized by section 60-376.

17 Sec. 16. Section 60-462, Revised Statutes Cumulative Supplement,  
18 2022, is amended to read:

19 60-462 Sections 60-462 to 60-4,189 and sections 18 and 19 of this  
20 act shall be known and may be cited as the Motor Vehicle Operator's  
21 License Act.

22 Sec. 17. Section 60-463, Revised Statutes Cumulative Supplement,  
23 2022, is amended to read:

24 60-463 For purposes of the Motor Vehicle Operator's License Act, the  
25 definitions found in sections 60-463.01 to 60-478 and sections 18 and 19  
26 of this act shall be used.

27 Sec. 18. All-terrain vehicle has the same meaning as in section 28  
28 of this act.

29 Sec. 19. Utility-type vehicle has the same meaning as in section 29  
30 of this act.

31 Sec. 20. Section 60-471, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 60-471 (1) Motor vehicle means all vehicles propelled by any power  
3 other than muscular power.

4 (2) Motor vehicle does not include (a) ~~(1)~~ bicycles as defined in  
5 section 60-611, (b) ~~(2)~~ self-propelled chairs used by persons who are  
6 disabled, (c) ~~(3)~~ farm tractors, (d) ~~(4)~~ farm tractors used occasionally  
7 outside general farm usage, (e) ~~(5)~~ road rollers, (f) ~~(6)~~ vehicles which  
8 run only on rails or tracks, (g) ~~(7)~~ electric personal assistive mobility  
9 devices as defined in section 60-618.02, and (h) ~~(8)~~ off-road designed  
10 vehicles not authorized by law for use on a highway, including, but not  
11 limited to, go-carts, riding lawn mowers, garden tractors, ~~all-terrain~~  
12 ~~vehicles and utility-type vehicles as defined in section 60-6,355,~~  
13 minibikes as defined in section 60-636, and snowmobiles as defined in  
14 section 60-663.

15 (3) Motor vehicle includes all-terrain vehicles and utility-type  
16 vehicles when registered pursuant to the Motor Vehicle Registration Act  
17 and operated on a highway in accordance with section 60-6,356.

18 Sec. 21. Section 60-4,114, Reissue Revised Statutes of Nebraska, is  
19 amended to read:

20 60-4,114 (1) The county treasurer may employ such additional  
21 clerical help as may be necessary to assist him or her in the performance  
22 of the ministerial duties required of him or her under the Motor Vehicle  
23 Operator's License Act and, for such additional expense, shall be  
24 reimbursed as set out in section 60-4,115.

25 (2) The director may, in his or her discretion, appoint department  
26 personnel to examine any applicant who applies for an initial license or  
27 whose license has been revoked or canceled to ascertain such person's  
28 ability to operate a motor vehicle properly and safely. Beginning on an  
29 implementation date designated by the director on or before January 1,  
30 2022, the director may, in addition to appointing department personnel,  
31 appoint driver safety course instructors to examine any applicant who

1 applies for an initial Class 0 operator's license or whose Class 0  
2 operator's license has been revoked or canceled to ascertain such  
3 person's ability to operate a motor vehicle properly and safely.

4 (3) Except as otherwise provided in section 60-4,122, the  
5 application process, in addition to the other requisites of the act,  
6 shall include the following:

7 (a) An inquiry into the medical condition and visual ability of the  
8 applicant to operate a motor vehicle;

9 (b) An inquiry into the applicant's ability to drive and maneuver a  
10 motor vehicle, except that no driving skills test shall be conducted  
11 using an all-terrain vehicle, an autocycle, or a utility-type vehicle;  
12 and

13 (c) An inquiry touching upon the applicant's knowledge of the motor  
14 vehicle laws of this state, which shall include sufficient questions to  
15 indicate familiarity with the provisions thereof. Such knowledge inquiry  
16 may be performed remotely if proctored by an agent approved by the  
17 director.

18 (4) If an applicant is denied or refused a certificate for license  
19 or a license is canceled, such applicant or licensee shall have the right  
20 to an immediate appeal to the director from the decision. It shall be the  
21 duty of the director to review the appeal and issue a final order, to be  
22 made not later than ten days after the receipt of the appeal by the  
23 director. The director shall issue a final order not later than ten days  
24 following receipt of the medical opinion if the applicant or licensee  
25 submits reports from a physician of his or her choice for the director's  
26 consideration as provided in section 60-4,118.03. The applicant or  
27 licensee who files an appeal pursuant to this section shall notify the  
28 director in writing if he or she intends to submit records or reports for  
29 consideration. Such notice must be received by the director not later  
30 than ten days after an appeal is filed pursuant to this section to stay  
31 the director's decision until after the consideration of such records or

1 reports as provided in section 60-4,118.03. After consideration of  
2 evidence in the records of the applicant or licensee, including any  
3 records submitted by the applicant or licensee, the director shall make a  
4 determination of the physical or mental ability of the applicant or  
5 licensee to operate a motor vehicle and shall issue a final order. The  
6 order shall be in writing, shall be accompanied by findings of fact and  
7 conclusions of law, and shall be sent by regular United States mail to  
8 the last-known address of the applicant or licensee. The order may be  
9 appealed as provided in section 60-4,105.

10 Sec. 22. Section 60-4,123, Reissue Revised Statutes of Nebraska, is  
11 amended to read:

12 60-4,123 (1) Any person who is at least fifteen years of age may  
13 apply for an LPD-learner's permit from the department. In order to obtain  
14 an LPD-learner's permit, the applicant shall successfully complete a  
15 written examination. A person may take the written examination beginning  
16 sixty days prior to his or her fifteenth birthday but shall not be issued  
17 a permit until he or she is fifteen years of age. The written examination  
18 may be waived for any person who has been issued an LPE-learner's permit,  
19 LPD-learner's permit, or SCP-school permit that has been expired for no  
20 more than one year.

21 (2) Upon successful completion of the written examination and the  
22 payment of a fee and surcharge as prescribed in section 60-4,115, the  
23 applicant shall be issued an LPD-learner's permit as provided in section  
24 60-4,113. The permit shall be valid for twelve months.

25 (3)(a) The holder of an LPD-learner's permit shall only operate a  
26 motor vehicle on the highways of this state if he or she is accompanied  
27 at all times by a licensed operator who is at least twenty-one years of  
28 age and who has been licensed by this state or another state and if (i)  
29 for all motor vehicles other than all-terrain vehicles, autocycles,  
30 mopeds, motorcycles, or utility-type vehicles ~~mopeds~~, he or she is  
31 actually occupying the seat beside the licensed operator, (ii) in the

1 case of an autocycle, he or she is actually occupying the seat beside or  
2 in front of the licensed operator, or (iii) in the case of (A) an all-  
3 terrain vehicle, (B) a moped, (C) a motorcycle, other than an autocycle,  
4 or (D) a utility-type vehicle ~~a moped~~, he or she is within visual contact  
5 of and under the supervision of, in the case of a motorcycle, a licensed  
6 motorcycle operator or, in the case of an all-terrain vehicle, a moped,  
7 or a utility-type vehicle, a licensed motor vehicle operator.

8 (b) The holder of an LPD-learner's permit shall not use any type of  
9 interactive wireless communication device while operating a motor vehicle  
10 on the highways of this state. Enforcement of this subdivision shall be  
11 accomplished only as a secondary action when the holder of the LPD-  
12 learner's permit has been cited or charged with a violation of some other  
13 law.

14 (4) Department personnel or the county treasurer shall collect the  
15 fee and surcharge prescribed in section 60-4,115 for the issuance of each  
16 LPD-learner's permit.

17 Sec. 23. Section 60-4,123.01, Reissue Revised Statutes of Nebraska,  
18 is amended to read:

19 60-4,123.01 For purposes of driver training, any person who has  
20 attained or will attain the age of fourteen years on or before October 15  
21 of the current year may operate a motor vehicle, other than an autocycle,  
22 upon the highways of this state if he or she is accompanied or, in the  
23 case of (1) an all-terrain vehicle, (2) a moped, (3) a motorcycle, other  
24 than an autocycle, or (4) a utility-type vehicle ~~a moped~~, supervised at  
25 all times by a licensed operator who is a driver training instructor  
26 certified by the Commissioner of Education.

27 Sec. 24. Section 60-4,124, Revised Statutes Cumulative Supplement,  
28 2022, is amended to read:

29 60-4,124 (1) A person who is younger than sixteen years and three  
30 months of age but is older than fourteen years and two months of age may  
31 be issued a school permit if such person either resides outside a city of

1 the metropolitan, primary, or first class or attends a school which is  
2 outside a city of the metropolitan, primary, or first class and if such  
3 person has held an LPE-learner's permit for two months. A school permit  
4 shall not be issued until such person has demonstrated that he or she is  
5 capable of successfully operating a motor vehicle, moped, or motorcycle  
6 and has in his or her possession an issuance certificate authorizing the  
7 county treasurer to issue a school permit. In order to obtain an issuance  
8 certificate, the applicant shall present (a) proof of successful  
9 completion of a department-approved driver safety course which includes  
10 behind-the-wheel driving specifically emphasizing (i) the effects of the  
11 consumption of alcohol on a person operating a motor vehicle, (ii)  
12 occupant protection systems, (iii) risk assessment, and (iv) railroad  
13 crossing safety and (b)(i) proof of successful completion of a written  
14 examination and driving test administered by a driver safety course  
15 instructor or (ii) a certificate in a form prescribed by the department,  
16 signed by a parent, guardian, or licensed driver at least twenty-one  
17 years of age, verifying that the applicant has completed fifty hours of  
18 lawful motor vehicle operation, under conditions that reflect department-  
19 approved driver safety course curriculum, with a parent, guardian, or  
20 adult at least twenty-one years of age, who has a current Nebraska  
21 operator's license or who is licensed in another state. The department  
22 may waive the written examination if the applicant has been issued an  
23 LPE-learner's permit or LPD-learner's permit and if such permit is valid  
24 or has expired no more than one year prior to application. The written  
25 examination shall not be waived if the permit being applied for contains  
26 a class or endorsement which is different from the class or endorsement  
27 of the LPE-learner's permit.

28 (2) A person holding a school permit may operate a motor vehicle,  
29 moped, or motorcycle or an autocycle:

30 (a) To and from where he or she attends school, or property used by  
31 the school he or she attends for purposes of school events or functions,

1 over the most direct and accessible route by the nearest highway from his  
2 or her place of residence to transport such person or any family member  
3 who resides with such person to attend duly scheduled courses of  
4 instruction and extracurricular or school-related activities at the  
5 school he or she attends or on property used by the school he or she  
6 attends; or

7 (b) Under the personal supervision of a licensed operator. Such  
8 licensed operator shall be at least twenty-one years of age and licensed  
9 by this state or another state and shall (i) for all motor vehicles other  
10 than all-terrain vehicles, autocycles, mopeds, motorcycles, or utility-  
11 type vehicles ~~mopeds~~, actually occupy the seat beside the permitholder,  
12 (ii) in the case of an autocycle, actually occupy the seat beside or  
13 behind the permitholder, or (iii) in the case of (A) an all-terrain  
14 vehicle, (B) a moped, (C) a motorcycle, other than an autocycle, or (D) a  
15 utility-type vehicle ~~a moped~~, if the permitholder is within visual  
16 contact of and under the supervision of, in the case of a motorcycle, a  
17 licensed motorcycle operator or, in the case of an all-terrain vehicle, a  
18 moped, or a utility-type vehicle, a licensed motor vehicle operator.

19 (3) The holder of a school permit shall not use any type of  
20 interactive wireless communication device while operating a motor vehicle  
21 on the highways of this state. Enforcement of this subsection shall be  
22 accomplished only as a secondary action when the holder of the school  
23 permit has been cited or charged with a violation of some other law.

24 (4) A person who is younger than sixteen years of age but is over  
25 fourteen years of age may be issued an LPE-learner's permit, which permit  
26 shall be valid for a period of six months. An LPE-learner's permit shall  
27 not be issued until such person successfully completes a written  
28 examination prescribed by the department and demonstrates that he or she  
29 has sufficient powers of eyesight to safely operate a motor vehicle,  
30 moped, or motorcycle or an autocycle.

31 (5)(a) While holding the LPE-learner's permit, the person may

1 operate a motor vehicle on the highways of this state if (i) for all  
2 motor vehicles other than all-terrain vehicles, autocycles, mopeds,  
3 motorcycles, or utility-type vehicles ~~mopeds~~, he or she has seated next  
4 to him or her a person who is a licensed operator, (ii) in the case of an  
5 autocycle, he or she has seated next to or behind him or her a person who  
6 is a licensed operator, or (iii) in the case of (A) an all-terrain  
7 vehicle, (B) a moped, (C) a motorcycle, other than an autocycle, or (D) a  
8 utility-type vehicle ~~a moped~~, he or she is within visual contact of and  
9 is under the supervision of a person who, in the case of a motorcycle, is  
10 a licensed motorcycle operator or, in the case of an all-terrain vehicle,  
11 a moped, or a utility-type vehicle, is a licensed motor vehicle operator.  
12 Such licensed motor vehicle or motorcycle operator shall be at least  
13 twenty-one years of age and licensed by this state or another state.

14 (b) The holder of an LPE-learner's permit shall not use any type of  
15 interactive wireless communication device while operating a motor vehicle  
16 on the highways of this state. Enforcement of this subdivision shall be  
17 accomplished only as a secondary action when the holder of the LPE-  
18 learner's permit has been cited or charged with a violation of some other  
19 law.

20 (6) Department personnel or the county treasurer shall collect the  
21 fee and surcharge prescribed in section 60-4,115 from each successful  
22 applicant for a school or LPE-learner's permit. All school permits shall  
23 be subject to impoundment or revocation under the terms of section  
24 60-496. Any person who violates the terms of a school permit shall be  
25 guilty of an infraction and shall not be eligible for another school,  
26 farm, LPD-learner's, or LPE-learner's permit until he or she has attained  
27 the age of sixteen years.

28 (7) Any person who holds a permit issued under this section and has  
29 violated subdivision (3)(b) or (c) of section 28-306, subdivision (3)(b)  
30 or (c) of section 28-394, or section 28-1254, 60-6,196, 60-6,197,  
31 60-6,197.06, or 60-6,198 shall not be eligible for an ignition interlock

1 permit.

2 Sec. 25. Section 60-501, Revised Statutes Cumulative Supplement,  
3 2022, is amended to read:

4 60-501 For purposes of the Motor Vehicle Safety Responsibility Act,  
5 unless the context otherwise requires:

6 (1) Department means Department of Motor Vehicles;

7 (2) Former military vehicle means a motor vehicle that was  
8 manufactured for use in any country's military forces and is maintained  
9 to accurately represent its military design and markings, regardless of  
10 the vehicle's size or weight, but is no longer used, or never was used,  
11 by a military force;

12 (3) Golf car vehicle means a vehicle that has at least four wheels,  
13 has a maximum level ground speed of less than twenty miles per hour, has  
14 a maximum payload capacity of one thousand two hundred pounds, has a  
15 maximum gross vehicle weight of two thousand five hundred pounds, has a  
16 maximum passenger capacity of not more than four persons, and is designed  
17 and manufactured for operation on a golf course for sporting and  
18 recreational purposes;

19 (4) Judgment means any judgment which shall have become final by the  
20 expiration of the time within which an appeal might have been perfected  
21 without being appealed, or by final affirmation on appeal, rendered by a  
22 court of competent jurisdiction of any state or of the United States, (a)  
23 upon a cause of action arising out of the ownership, maintenance, or use  
24 of any motor vehicle for damages, including damages for care and loss of  
25 services, because of bodily injury to or death of any person or for  
26 damages because of injury to or destruction of property, including the  
27 loss of use thereof, or (b) upon a cause of action on an agreement of  
28 settlement for such damages;

29 (5) License means any license issued to any person under the laws of  
30 this state pertaining to operation of a motor vehicle within this state;

31 (6) Low-speed vehicle means a (a) four-wheeled motor vehicle (i)

1 whose speed attainable in one mile is more than twenty miles per hour and  
2 not more than twenty-five miles per hour on a paved, level surface, (ii)  
3 whose gross vehicle weight rating is less than three thousand pounds, and  
4 (iii) that complies with 49 C.F.R. part 571, as such part existed on  
5 January 1, 2022, or (b) three-wheeled motor vehicle (i) whose maximum  
6 speed attainable is not more than twenty-five miles per hour on a paved,  
7 level surface, (ii) whose gross vehicle weight rating is less than three  
8 thousand pounds, and (iii) which is equipped with a windshield and an  
9 occupant protection system. A motorcycle with a sidecar attached is not a  
10 low-speed vehicle;

11 (7) Minitruck means a foreign-manufactured import vehicle or  
12 domestic-manufactured vehicle which (a) is powered by an internal  
13 combustion engine with a piston or rotor displacement of one thousand  
14 five hundred cubic centimeters or less, (b) is sixty-seven inches or less  
15 in width, (c) has a dry weight of four thousand two hundred pounds or  
16 less, (d) travels on four or more tires, (e) has a top speed of  
17 approximately fifty-five miles per hour, (f) is equipped with a bed or  
18 compartment for hauling, (g) has an enclosed passenger cab, (h) is  
19 equipped with headlights, taillights, turnsignals, windshield wipers, a  
20 rearview mirror, and an occupant protection system, and (i) has a four-  
21 speed, five-speed, or automatic transmission;

22 (8)(a) ~~(8)~~ Motor vehicle means any self-propelled vehicle which is  
23 designed for use upon a highway, including trailers designed for use with  
24 such vehicles, minitrucks, and low-speed vehicles. Motor vehicle includes  
25 a former military vehicle.

26 (b) Motor vehicle does not include (i) ~~(a)~~ mopeds as defined in  
27 section 60-637, (ii) ~~(b)~~ traction engines, (iii) ~~(c)~~ road rollers, (iv)  
28 ~~(d)~~ farm tractors, (v) ~~(e)~~ tractor cranes, (vi) ~~(f)~~ power shovels, (vii)  
29 ~~(g)~~ well drillers, (viii) ~~(h)~~ every vehicle which is propelled by  
30 electric power obtained from overhead wires but not operated upon rails,  
31 (ix) ~~(i)~~ electric personal assistive mobility devices as defined in

1 section 60-618.02, ~~(x) (j)~~ off-road designed vehicles, including, but not  
2 limited to, golf car vehicles, go-carts, riding lawnmowers, garden  
3 tractors, ~~all-terrain vehicles and utility-type vehicles as defined in~~  
4 ~~section 60-6,355,~~ minibikes as defined in section 60-636, and snowmobiles  
5 as defined in section 60-663, and ~~(xi) (k)~~ bicycles as defined in section  
6 60-611. †

7 (c) Motor vehicle includes all-terrain vehicles as defined in  
8 section 28 of this act and utility-type vehicles as defined in section 29  
9 of this act when registered pursuant to the Motor Vehicle Registration  
10 Act and operated on a highway in accordance with section 60-6,356;

11 (9) Nonresident means every person who is not a resident of this  
12 state;

13 (10) Nonresident's operating privilege means the privilege conferred  
14 upon a nonresident by the laws of this state pertaining to the operation  
15 by him or her of a motor vehicle or the use of a motor vehicle owned by  
16 him or her in this state;

17 (11) Operator means every person who is in actual physical control  
18 of a motor vehicle;

19 (12) Owner means a person who holds the legal title of a motor  
20 vehicle, or in the event (a) a motor vehicle is the subject of an  
21 agreement for the conditional sale or lease thereof with the right of  
22 purchase upon performance of the conditions stated in the agreement and  
23 with an immediate right of possession vested in the conditional vendee or  
24 lessee or (b) a mortgagor of a vehicle is entitled to possession, then  
25 such conditional vendee or lessee or mortgagor shall be deemed the owner  
26 for the purposes of the act;

27 (13) Person means every natural person, firm, partnership, limited  
28 liability company, association, or corporation;

29 (14) Proof of financial responsibility means evidence of ability to  
30 respond in damages for liability, on account of accidents occurring  
31 subsequent to the effective date of such proof, arising out of the

1 ownership, maintenance, or use of a motor vehicle, (a) in the amount of  
2 twenty-five thousand dollars because of bodily injury to or death of one  
3 person in any one accident, (b) subject to such limit for one person, in  
4 the amount of fifty thousand dollars because of bodily injury to or death  
5 of two or more persons in any one accident, and (c) in the amount of  
6 twenty-five thousand dollars because of injury to or destruction of  
7 property of others in any one accident;

8 (15) Registration means registration certificate or certificates and  
9 registration plates issued under the laws of this state pertaining to the  
10 registration of motor vehicles;

11 (16) State means any state, territory, or possession of the United  
12 States, the District of Columbia, or any province of the Dominion of  
13 Canada; and

14 (17) The forfeiture of bail, not vacated, or of collateral deposited  
15 to secure an appearance for trial shall be regarded as equivalent to  
16 conviction of the offense charged.

17 Sec. 26. Section 60-601, Reissue Revised Statutes of Nebraska, is  
18 amended to read:

19 60-601 Sections 60-601 to 60-6,383 and sections 28 and 29 of this  
20 act shall be known and may be cited as the Nebraska Rules of the Road.

21 Sec. 27. Section 60-605, Reissue Revised Statutes of Nebraska, is  
22 amended to read:

23 60-605 For purposes of the Nebraska Rules of the Road, except as  
24 otherwise defined, the definitions found in sections 60-606 to 60-676 and  
25 sections 28 and 29 of this act shall be used.

26 Sec. 28. Section 60-6,355, Reissue Revised Statutes of Nebraska, is  
27 amended to read:

28 ~~60-6,355 (1) For purposes of sections 60-6,355 to 60-6,362:~~

29 ~~(a) All-terrain vehicle means any motor motorized off-highway~~  
30 ~~vehicle which (1) (i) is fifty inches or less in width, (2) (ii) has a~~  
31 ~~dry weight of twelve hundred pounds or less, (3) (iii) travels on three~~

1 or more nonhighway tires, and ~~(4) (iv)~~ is designed for operator use only  
2 with no passengers or is specifically designed by the original  
3 manufacturer for the operator and one passenger.

4 ~~(b)(i) Utility-type vehicle means any motorized off-highway vehicle~~  
5 ~~which (A) is seventy four inches in width or less, (B) is not more than~~  
6 ~~one hundred eighty inches, including the bumper, in length, (C) has a dry~~  
7 ~~weight of two thousand pounds or less, (D) travels on four or more~~  
8 ~~nonhighway tires.~~

9 ~~(ii) Utility-type vehicle does not include all-terrain vehicles,~~  
10 ~~golf car vehicles, or low-speed vehicles.~~

11 ~~(2) All-terrain vehicles and utility-type vehicles which have been~~  
12 ~~modified or retrofitted with after-market parts to include additional~~  
13 ~~equipment not required by sections 60-6,357 and 60-6,358 shall not be~~  
14 ~~registered under the Motor Vehicle Registration Act, nor shall such~~  
15 ~~modified or retrofitted vehicles be eligible for registration in any~~  
16 ~~other category of vehicle defined in the act.~~

17 Sec. 29. (1) Utility-type vehicle means any motor vehicle which (a)  
18 is seventy-four inches in width or less, (b) is not more than one hundred  
19 eighty inches, including the bumper, in length, (c) has a dry weight of  
20 two thousand pounds or less, and (d) travels on four or more nonhighway  
21 tires.

22 (2) Utility-type vehicle does not include all-terrain vehicles, golf  
23 car vehicles, or low-speed vehicles.

24 Sec. 30. Section 60-6,252, Reissue Revised Statutes of Nebraska, is  
25 amended to read:

26 60-6,252 (1) No person shall drive or move a motor vehicle on any  
27 highway unless such vehicle is equipped with tires in safe operating  
28 condition in accordance with subsection (2) of this section.

29 (2) A tire shall be considered unsafe if it has:

30 (a) Any bump, bulge, or knot affecting the tire structure;

31 (b) A break which exposes a tire body cord or is repaired with a

1 boot or patch;

2 (c) A tread depth of less than two thirty-seconds of an inch  
3 measured in any two tread grooves at three locations equally spaced  
4 around the circumference of the tire or, on those tires with tread wear  
5 indicators, been worn to the point that the tread wear indicators contact  
6 the road in any two thread grooves at three locations equally spaced  
7 around the circumference of the tire, except that this subdivision shall  
8 not apply to truck tires with ten or more cord plies which are mounted on  
9 dual wheels; or

10 (d) Such other conditions as may be reasonably demonstrated to  
11 render the tire unsafe.

12 (3) No tire shall be used on any motor vehicle which is driven or  
13 moved on any highway in this state if such tire was designed or  
14 manufactured for nonhighway use. This subsection shall not apply to the  
15 following motor vehicles registered pursuant to the Motor Vehicle  
16 Registration Act: (a) All-terrain vehicles; and (b) utility-type  
17 vehicles.

18 (4) No person shall destroy, alter, or deface any marking on a new  
19 or usable tire which indicates whether the tire has been manufactured for  
20 highway or nonhighway use.

21 (5) No person shall sell any motor vehicle for highway use unless  
22 the vehicle is equipped with tires that are in compliance with this  
23 section.

24 Sec. 31. Section 60-6,266, Reissue Revised Statutes of Nebraska, is  
25 amended to read:

26 60-6,266 (1) Every motor vehicle designated by the manufacturer as  
27 1973 year model or later operated on any highway, road, or street in this  
28 state, except farm tractors and implements of husbandry designed  
29 primarily or exclusively for use in agricultural operations, all-terrain  
30 vehicles, autocycles, buses, mopeds, motorcycles, motor-driven cycles,  
31 and utility-type vehicles mopeds, and buses, shall be equipped with an

1 occupant protection system of a type which:

2 (a) Meets the requirements of 49 C.F.R. 571.208, 571.209, and  
3 571.210 as such regulations currently exist or as the regulations existed  
4 when the occupant protection system was originally installed by the  
5 manufacturer; or

6 (b) If the occupant protection system has been replaced, meets the  
7 requirements of 49 C.F.R. 571.208, 571.209, and 571.210 that applied to  
8 the originally installed occupant protection system or of a more recently  
9 issued version of such regulations. The purchaser of any such vehicle may  
10 designate the make or brand of or furnish such occupant protection system  
11 to be installed.

12 (2) Every auticycle shall be equipped with a three-point safety belt  
13 system.

14 (3) Any person selling a motor vehicle in this state not in  
15 compliance with this section shall be guilty of a Class V misdemeanor.

16 Sec. 32. Section 60-6,270, Reissue Revised Statutes of Nebraska, is  
17 amended to read:

18 60-6,270 (1) Except as provided in subsection (2) or (3) of this  
19 section, no driver shall operate a motor vehicle upon a highway or street  
20 in this state unless the driver and each front-seat occupant in the  
21 vehicle are wearing occupant protection systems and all occupant  
22 protection systems worn are properly adjusted and fastened.

23 (2) Except as otherwise provided in subsection (3) of this section,  
24 no driver shall operate an auticycle upon a highway or street of this  
25 state unless the driver is wearing a three-point safety belt system and  
26 it is properly adjusted and fastened.

27 (3) The following persons shall not be required to wear an occupant  
28 protection system or a three-point safety belt system:

29 (a) A person who possesses written verification from a physician  
30 that the person is unable to wear an occupant protection system or a  
31 three-point safety belt system for medical reasons;

1 (b) A rural letter carrier of the United States Postal Service while  
2 performing his or her duties as a rural letter carrier between the first  
3 and last delivery points; ~~and~~

4 (c) A member of an emergency medical service while involved in  
5 patient care; and -

6 (d) The operator or a passenger of an all-terrain vehicle or a  
7 utility-type vehicle if such person is wearing a helmet pursuant to  
8 section 60-6,279.

9 (4) For purposes of this section, motor vehicle means (a) a vehicle  
10 required by section 60-6,266 to be equipped with an occupant protection  
11 system or a three-point safety belt system, (b) an all-terrain vehicle,  
12 or (c) a utility-type vehicle.

13 Sec. 33. Section 60-6,279, Reissue Revised Statutes of Nebraska, is  
14 amended to read:

15 60-6,279 (1) A person shall not operate or be a passenger in an  
16 autocycle described in subsection (2) of this section, on a motorcycle  
17 other than an autocycle, on an all-terrain vehicle, ~~or~~ on a moped, or in  
18 a utility-type vehicle on any highway in this state unless such person is  
19 wearing a protective helmet of the type and design manufactured for use  
20 by operators of such vehicles and unless such helmet is secured properly  
21 on his or her head with a chin strap while the vehicle is in motion. All  
22 such protective helmets shall be designed to reduce injuries to the user  
23 resulting from head impacts and shall be designed to protect the user by  
24 remaining on the user's head, deflecting blows, resisting penetration,  
25 and spreading the force of impact. Each such helmet shall consist of  
26 lining, padding, and chin strap and shall meet or exceed the standards  
27 established in the United States Department of Transportation's Federal  
28 Motor Vehicle Safety Standard No. 218, 49 C.F.R. 571.218, for motorcycle  
29 helmets.

30 (2) This section applies to an autocycle that has a seating area  
31 that is not completely enclosed.

1        (3) This section shall not apply to the operator or a passenger of  
2 an all-terrain vehicle or a utility-type vehicle if such person is  
3 wearing an occupant protection system as defined in section 60-6,265 or a  
4 three-point safety belt system as defined in section 60-6,265.

5        Sec. 34. Section 60-6,356, Reissue Revised Statutes of Nebraska, is  
6 amended to read:

7        60-6,356 (1)(a) An all-terrain vehicle or a utility-type vehicle  
8 registered pursuant to the Motor Vehicle Registration Act may be operated  
9 on any highway except as provided in subdivision (b) of this subsection.

10        (b) An all-terrain vehicle or a utility-type vehicle shall not be  
11 operated on:

12        (i) The National System of Interstate and Defense Highways;

13        (ii) Highways that are a part of the state highway system as defined  
14 in section 39-1302;

15        (iii) Expressways;

16        (iv) Freeways; and

17        (v) Highways when prohibited by an ordinance adopted by a county,  
18 city, or village.

19        (2)(a) ~~(1)~~ An all-terrain vehicle or a utility-type vehicle not  
20 registered pursuant to the Motor Vehicle Registration Act shall not be  
21 operated on any controlled-access highway with more than two marked  
22 traffic lanes. The crossing of any controlled-access highway with more  
23 than two marked traffic lanes shall not be permitted except as provided  
24 in subsections ~~(10)~~ ~~(9)~~ and ~~(11)~~ ~~(10)~~ of this section.

25        (b) Subsections ~~(2)~~, (3), (4), and (6) ~~(5)~~ through (9) ~~(8)~~ of this  
26 section authorize and apply to operation of an all-terrain vehicle or a  
27 utility-type vehicle not registered pursuant to the Motor Vehicle  
28 Registration Act only on a highway other than a controlled-access highway  
29 with more than two marked traffic lanes.

30        (3) ~~(2)~~ An all-terrain vehicle or a utility-type vehicle not  
31 registered pursuant to the Motor Vehicle Registration Act may be operated

1 in accordance with the operating requirements of subsection (4) ~~(3)~~ of  
2 this section:

3 (a) Outside the corporate limits of a city, village, or  
4 unincorporated village if incidental to the vehicle's use for  
5 agricultural purposes;

6 (b) Within the corporate limits of a city or village if authorized  
7 by the city or village by ordinance adopted in accordance with this  
8 section; or

9 (c) Within an unincorporated village if authorized by the county  
10 board of the county in which the unincorporated village is located by  
11 ordinance adopted ~~resolution~~ in accordance with this section.

12 (4) ~~(3)~~ An all-terrain vehicle or a utility-type vehicle not  
13 registered pursuant to the Motor Vehicle Registration Act may be operated  
14 as authorized in subsection (3) ~~(2)~~ of this section when such operation  
15 occurs only between the hours of sunrise and sunset. Any person operating  
16 an all-terrain vehicle or a utility-type vehicle as authorized in  
17 subsection (3) ~~(2)~~ of this section shall have a valid Class 0 operator's  
18 license or a farm permit as provided in section 60-4,126, shall have  
19 liability insurance coverage for the all-terrain vehicle or a utility-  
20 type vehicle while operating the all-terrain vehicle or a utility-type  
21 vehicle on a highway, and shall not operate such vehicle at a speed in  
22 excess of thirty miles per hour. The person operating the all-terrain  
23 vehicle or a utility-type vehicle shall provide proof of such insurance  
24 coverage to any peace officer requesting such proof within five days of  
25 such a request. When operating an all-terrain vehicle or a utility-type  
26 vehicle as authorized in subsection (3) ~~(2)~~ of this section, the  
27 headlight and taillight of the vehicle shall be on and the vehicle shall  
28 be equipped with a bicycle safety flag which extends not less than five  
29 feet above ground attached to the rear of such vehicle. The bicycle  
30 safety flag shall be triangular in shape with an area of not less than  
31 thirty square inches and shall be day-glow in color.

1       ~~(5)~~ ~~(4)~~ All-terrain vehicles and utility-type vehicles may be  
2 operated without complying with subsection ~~(4)~~ ~~(3)~~ of this section on  
3 highways in parades which have been authorized by the State of Nebraska  
4 or any department, board, commission, or political subdivision of the  
5 state.

6       ~~(6)~~ ~~(5)~~ The crossing of a highway other than a controlled-access  
7 highway with more than two marked traffic lanes shall be permitted by an  
8 all-terrain vehicle or a utility-type vehicle not registered pursuant to  
9 the Motor Vehicle Registration Act without complying with subsection ~~(4)~~  
10 ~~(3)~~ of this section only if:

11       (a) The crossing is made at an angle of approximately ninety degrees  
12 to the direction of the highway and at a place where no obstruction  
13 prevents a quick and safe crossing;

14       (b) The vehicle is brought to a complete stop before crossing the  
15 shoulder or roadway of the highway;

16       (c) The operator yields the right-of-way to all oncoming traffic  
17 that constitutes an immediate potential hazard;

18       (d) In crossing a divided highway, the crossing is made only at an  
19 intersection of such highway with another highway; and

20       (e) Both the headlight and taillight of the vehicle are on when the  
21 crossing is made.

22       ~~(7)~~ ~~(6)~~ All-terrain vehicles and utility-type vehicles not  
23 registered pursuant to the Motor Vehicle Registration Act may be operated  
24 outside the corporate limits of any municipality by electric utility  
25 personnel within the course of their employment in accordance with the  
26 operation requirements of subsection ~~(4)~~ ~~(3)~~ of this section, except that  
27 the operation of the vehicle pursuant to this subsection need not be  
28 limited to the hours between sunrise and sunset.

29       ~~(8)~~ ~~(7)~~ A city or village may adopt an ordinance authorizing the  
30 operation of all-terrain vehicles and utility-type vehicles not  
31 registered pursuant to the Motor Vehicle Registration Act within the

1 corporate limits of the city or village if the operation is in accordance  
2 with subsection (4) ~~(3)~~ of this section. The city or village may place  
3 other restrictions on the operation of all-terrain vehicles and utility-  
4 type vehicles within its corporate limits.

5 (9) ~~(8)~~ A county board may adopt an ordinance ~~a resolution~~  
6 authorizing the operation of all-terrain vehicles and utility-type  
7 vehicles not registered pursuant to the Motor Vehicle Registration Act  
8 within any unincorporated village within the county if the operation is  
9 in accordance with subsection (4) ~~(3)~~ of this section. The county may  
10 place other restrictions on the operation of all-terrain vehicles and  
11 utility-type vehicles within the unincorporated village.

12 (10) ~~(9)~~ Except as provided in subsection (11) ~~(10)~~ of this section,  
13 the crossing of a controlled-access highway with more than two marked  
14 traffic lanes shall be permitted by a utility-type vehicle (a) registered  
15 pursuant to the Motor Vehicle Registration Act or (b) not so registered  
16 if its ~~if the~~ operation is in accordance with the operation requirements  
17 of subsection (4) ~~(3)~~ of this section and if the following requirements  
18 are met:

19 (a) The crossing is made at an intersection that:

20 (i) Is controlled by a traffic control signal; or

21 (ii) For any intersection located outside the corporate limits of a  
22 city or village, is controlled by stop signs;

23 (b) The crossing at such intersection is made in compliance with the  
24 traffic control signal or stop signs; and

25 (c) The crossing at such intersection is specifically authorized as  
26 follows:

27 (i) If such intersection is located within the corporate limits of a  
28 city or village, by ordinance of such city or village;

29 (ii) If such intersection is located within an unincorporated  
30 village, by ordinance adopted by ~~resolution of~~ the county board of the  
31 county in which such unincorporated village is located; or

1 (iii) If such intersection is located outside the corporate limits  
2 of a city or village and outside any unincorporated village, by ordinance  
3 adopted by resolution of the county board of the county in which such  
4 intersection is located.

5 (11) When an ~~(10) When the use of the~~ all-terrain vehicle or a  
6 utility-type vehicle not registered pursuant to the Motor Vehicle  
7 Registration Act is operated only for an agricultural purpose, the  
8 crossing of a controlled-access highway with more than two marked traffic  
9 lanes shall be permitted if such vehicle is operated in accordance with  
10 subsection (4) ~~(3)~~ of this section.

11 Sec. 35. This act becomes operative on January 1, 2024.

12 Sec. 36. Original sections 23-187, 60-103, 60-123, 60-135.01,  
13 60-153, 60-305, 60-339, 60-358.01, 60-3,100, 60-3,104, 60-3,143,  
14 60-3,187, 60-3,190, 60-471, 60-4,114, 60-4,123, 60-4,123.01, 60-601,  
15 60-605, 60-6,252, 60-6,266, 60-6,270, 60-6,279, 60-6,355, and 60-6,356,  
16 Reissue Revised Statutes of Nebraska, and sections 60-3,135.01, 60-3,221,  
17 60-462, 60-463, 60-4,124, and 60-501, Revised Statutes Cumulative  
18 Supplement, 2022, are repealed.

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

ITEM NO. 4.C Update regarding the swimming pool project.

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**BACKGROUND:**

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

**APPROVALS:**

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

January 31, 2024

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

January 31, 2024

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

January 31, 2024