

MCCOOK CITY COUNCIL

REGULAR MEETING

Monday, March 17, 2025
5:30 PM - City Council Chambers

Roll Call.

Excuse Absences.

Open Meetings Act Announcement.

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

Pledge of Allegiance.

Call to Order.

Items.

1. Announcements & Recognitions.

2. Presentation.

A. Presentation of the annual financial and cashflow update for the Water Utility and Sewer Utility funds as prepared by Public Financial Management, Inc.

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 March 3, 2017 regular City Council meeting.

B. Receive and file the claims for the month of February 2025, published March 7, 2025.

C. Approve Resolution No. 2025-04 providing for the incurring of indebtedness which may include reimbursements of expenditures made by the City in connection with construction of the sewer system project.

D. Adopt Resolution No. 2025-05, certifying that the City of McCook is considered to be capable of providing public transportation for its citizens for the two-year grant period consisting of fiscal year July 1, 2025 to June 30, 2026 and fiscal year July 1, 2026 to June 30, 2027.

E. Approve the request from the McCook Chamber of Commerce to close West "C" Street from the west side of Norris Avenue to the west side of West 1st Street, which will include the intersection, and West 1st Street from "B" Street to "C" Street on June 28, 2025 from 7:30 A.M. to Midnight for their Bash on the Bricks Event.

- F. Approve the request from Tricia Wagner to close the following Streets for the 9th Annual Cruisin' the Bricks Cruise Night and Car Show: June 28, 2025 from 7:30 A.M. to 7:30 P.M. - West 2nd Street from "B" Street to halfway between West "C" Street and West "D" Street (including the intersection at West 2nd and "C" Street); West "C" Street from West 1st Street to West 3rd Street (including alleys and the intersection of West 2nd Street and West "C" Street; June 23rd from 7:00 P.M. to 8:30 P.M. - West "C" Street from Norris Avenue to West 1st Street (including the alley); East "C" Street from Norris Avenue to East 1st Street (including the alley); including turning off the traffic signal at the intersection of Norris Avenue and "C" Street.
 - G. Approve an application from Telecom Construction to occupy City right-of-way for the purpose of replacing telephone cable for 302 East 4th Street.
 - H. Approve an application from Great Plains Communications to occupy city right-of-way for the purpose of installing underground fiber optic conduit, cable, and one new above-ground 2'Lx2'Wx3'H pedestal at East "I" and Apollo Road.
 - I. Approve an application from Great Plains Communications to occupy city right-of-way for the purpose of installing underground fiber optic conduit, cable, and one new ground-level vault at West "H" Street and West 14th Street.
 - J. Approve an application from Great Plains Communications to occupy city right-of-way for the purpose of installing underground fiber optic conduit and cable at East "C" Street and Airport Road.
 - K. Approve an application from Great Plains Communications to occupy city right-of-way for the purpose of installing underground fiber optic conduit, cable, and four new ground-level vaults at West 10th Street and West "M" Street.
 - L. Approve an application from Great Plains Communications to occupy city right-of-way for the purpose of installing underground fiber optic conduit, cable, and three new ground-level vaults at West "O" Street and West 17th Street.
 - M. Approve an application from Great Plains Communications to occupy city right-of-way for the purpose of installing underground fiber optic conduit, cable, and 1 new ground level vault at West 17th Street and West "N" Street.
 - N. Approve an application from Great Plains Communications to occupy city right-of-way for the purpose of installing underground fiber optic conduit and cable at West "Q" Street and West Fairacres.
4. Regular Agenda.
- A. Consider Ordinance No. 2025-3099 authorizing the issuance and sale of municipal improvement bond anticipation notes, in one or more series, by the City of McCook, Nebraska, of the aggregate principal amount of not to exceed \$16,000,000 for the purpose of providing interim financing for a portion of the costs of constructing infrastructure improvements associated with the sports complex.
 - 1. Chairperson asks Clerk to read Ordinance No. 2025-3099 by title.
 - 2. Consider statutory rule requiring reading on three separate occasions be suspended. Motion to suspend the rule must be adopted by three-fourths of the Council.
 - 3. Final passage of Ordinance No. 2025-3099.
 - 4. Chairperson declaration after vote and passage, if approved.

- B. Update regarding the sports complex project.
 - C. Discussion regarding potential revenue options for the City of McCook.
 - D. Consider Ordinance No. 2025-3100 amending the City of McCook Code of Ordinances Chapter 34, entitled “Purchasing Regulations”, Subchapter “Purchasing Procedure” in Title III, “Administration”, by amending the purchasing limit to \$50,000 to harmonize with state law.
 - 1. Chairperson asks Clerk to read Ordinance No. 2025-3100 by title.
 - 2. Consider approval of Ordinance No. 2025-3100 upon its first of three readings.
 - E. Ordinance No. 2025-3096 establishing a means to convey City of McCook owned real estate/personal property to qualifying economic development organizations.
 - 1. Chairperson asks Clerk to read Ordinance by title.
 - 2. Consider approval of Ordinance No. 2025-3096 upon its second of three readings.
 - F. Ordinance No. 2025-3097 amending the City of McCook Code of Ordinances, Chapter 54, City Parks and Property, Subchapter "City Swimming Pool", to include a provision to set reasonable fees for the management and maintenance of the McCook Aquatic Park.
 - 1. Chairperson asks Clerk to read Ordinance by title.
 - 2. Consider approval of Ordinance No. 2025-3097 upon its second of three readings.
 - G. Ordinance No. 2025-3098 establishing the McCook Aquatic Park's pool fees.
 - 1. Chairperson asks Clerk to read Ordinance by title.
 - 2. Consider approval of Ordinance No. 2025-3098 upon its second of three readings.
 - H. Council Comments.
- Adjournment.

CITY MANAGER'S REPORT
March 17, 2025 CITY COUNCIL MEETING

ITEM: 2.A.

RECOMMENDATION:

Presentation of the annual financial and cashflow update for the Water Utility and Sewer Utility funds as prepared by Public Financial Management, Inc.

BACKGROUND:

In the past years staff has utilized the expertise of Public Financial Management, Inc. (PFM) to aid in analyzing cashflow for the Water and Sewer Enterprise Funds. PFM reviews and incorporates information from the City's Audits, Budgets and capital improvement plans to generate a model that projects cashflows over several years. Using the data generated by the model, an overall picture is presented showing the health of both funds.

FISCAL IMPACT:

None.

APPROVALS:



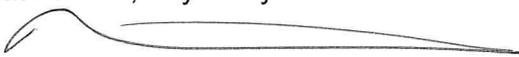
Lea Ann Doak, City Clerk

Date: _____



Pat Fawver, City Utility Director

Date: 3/12/2025



Nate Schneider, City Manager

Date: 3/12/25



City of McCook, Nebraska

Financial & Capital Cashflow Analyses

Prepared by: PFM Financial Advisors LLC

Presented by: Matthew Stoffel, CFA

March 17, 2025

PFM Financial
Advisors LLC

801 Grand Avenue
Suite 3300
Des Moines, IA

www.pfm.com



Water Utility Fund



March 17, 2025

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

Dear Nate,

pfm

801 Grand
Suite 3300
Des Moines, IA 50309
515.243.2600

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Attached for your review is an update to the Water Enterprise Fund Financial and Capital Planning Model which was previously presented to the McCook City Council on February 19, 2024. Based on this analysis PFM Financial Advisors LLC's ("PFM") analysis suggests 10.00% more revenues may be required in Fiscal Year 2025-2026 to fund the upcoming operations and capital projects. The City has requested a more detail review of the current water rate structure which will be performed over the next six months. This recommendation is higher than the projections in the prior year's analysis driven primarily by a combination of actual usage below projected water sales as well as operating costs higher than expected in Fiscal Year 2024. The capital costs for the water treatment plant and the distribution system is currently being designed and will have a major impact on future rate increase recommendations.

In updating this model, PFM has reviewed and incorporated information from the City's FY 2024 Audited Financial Statements and the FY 2025 Budget. In addition, we have incorporated the current capital improvement plan for the Water Enterprise Fund that includes an estimated \$18,193,500 for the high priority projects. The important points of the update are summarized below.

(i) Usage

- a. Total water sales decreased by 2.77% in FY 2024 after decreasing 16.08% in FY 2023. Actual usage has been up and down from year-to-year, but FY 2024 represents the lowest water sales since FY 2019 and is five million cubic feet below the 15-year average. This is likely attributed to the weather during FY 2024 but needs to be monitored closely.
- b. PFM has made the assumption that future usage will be approximately 67 million cubic feet and remain flat at that level. This is a reduction to the previous assumption of 70 million cubic feet for future years.
- c. We have stress tested the cash flow between the range of selling 65 million cubic feet and to 80 million cubic feet. We observe that usage regularly fluctuates between 10% to 15% depending on the weather.

(ii) Revenues

- a. FY 2024 operating revenues were up 7.8% from the prior fiscal year after decreasing 6.7% in FY 2023.
- b. On average, operating revenues have increased approximately 5.7% annually over the last 5 years and have exhibited volatility year to year.



- (iii) Expenditures
 - a. FY 2024 operating expenditures (excluding depreciation and sales tax) increased by 12.2% from the prior fiscal year after a 8.3% increase in FY 2023. Both years were above the projected increase of 7.0%.
 - b. The FY 2025 budget includes a 4.8% increase in total operating expenditures which is slightly below the long term estimate of 7.0%.
 - c. In FY 2026 and thereafter, this analysis assumes a moderate 7.0% annual growth rate for all operating expenditures. FY 2027 is currently highlighted as a year that will require a tighter budget while the capital projects are funded with an interim loan.

- (iv) Debt service coverage
 - a. Coverage of 2.50 times in FY 2024 and budgeted 1.39 times FY 2025, highlights the growing pressure on rates as the City prepare to issue additional debt for the capital improvement plan.
 - b. In FY 2027 while the City is constructing the \$18,193,500 of improvements to the Water Treatment plant and distribution system, PFM is projecting coverage at the legally required minimum coverage. The projected coverage in FY 2027 is 1.10 times and satisfies the minimum requirement of 1.10 times. The projected decrease in coverage is a result of the debt incurred to fund the capital improvements currently in the capital budget.
 - c. The current projection model assumes USDA financing at the market rate of 3.75% with a 40-year term. This will require an interim loan during construction with a higher interest rate and interest only payments. Currently we have assumed a rate of 6.25% for the interim loan with a 30-month construction period.

- (v) Other Considerations
 - a. Pursuant to City staff's recommendation, we have assumed annual ongoing capital costs in the future will be \$250,000 per year, not including the high priority projects. In addition, we have assumed annual transfers to the following designated funds: \$3,200 to the Repermitting Fund, \$40,000 into the Equipment Replacement Fund, \$120,000 into the Water Plant Replacement Fund, and \$200,000 into the Capital Replacement Fund until FY 2027.
 - b. In FY 2027 when the high priority projects are constructed the City plans to use \$2,800,000 from its capital reserve to decrease the required loan amount. After this time the transfers to the Water Plan Replacement Fund and Capital Replacement fund are projected be replaced by transfers to the USDA short-lived asset fund.



- (vi) Annual Surplus/Deficit
 - a. FY 2024 ended with an operating cash deficit of <\$367,514> versus a projected deficit of <\$660,449> from our analysis last year.
 - b. The primary difference in FY 2024 was the a combination of delayed capital projects and lower than expected operating revenues. The financial projection model had included \$2,928,779 compared with the actual audited capital expenditures of \$1,644,062. Most of the planned capital expenditures that were not completed were moved forward into the FY 2025 budget or delayed for further evaluation.
 - c. Projected operating deficits in FY 2025 are expected due to \$2,008,750 of capital projects planned. FY 2026 assumes a deficit of \$357,283 primarily to fund the transfers to its designated funds in preparation for the future capital requirements. Future projections will be heavily influenced by the major capital improvements currently under design and the interest rates used to fund these projects.

- (vii) Cash Balance
 - a. Ending operating cash balance on September 30, 2024 was \$2,053,906 which represents 108.6%, or approximately thirteen (13) months, of operating expenditures.
 - b. Overall, total cash in the Water Enterprise Fund is expected to decrease to \$5.66 million in FY 2025 from \$6.15 million in FY 2024 after capital expenditures of \$2.0 million.
 - c. Operating cash is expected to fluctuate over the six-year planning period ending FY 2031 at approximately \$2.9 million. During that time total cash balance is expected to decrease to \$5.9 million after expending \$21.7 million on capital projects.
 - d. Through conservative financial management the \$120,000 annual set-aside to the Water Plant Replacement Fund will build this fund's cash balance to \$1.7 million in FY 2026 and then spend \$1.5 million of these funds for the high priority projects in FY 2027. The \$200,000 annual set-aside to the Capital Replacement Fund will help build this fund's cash balance to \$1.4 million in FY 2026 and then spend \$1.26 million of this fund's cash on the high priority projects in FY 2027.

- (viii) Recommended Future Rate Increases
 - a. Based on the assumptions listed above, PFM is recommending a higher rate increase than previously projected in FY 2026 and the six-year planning horizon. This assumption is heavily reliant on trends in future water usage, realized growth in future operating expenditures, and planned capital expenditures for water system improvements and repairs.



- b. As the City considers the higher rate increases, it may consider evaluating its current rate structure to ensure equity among the various users. Currently the City has a declining block rate structure with usage over 5,000 cubic feet getting a 25% discount on the water consumed. This rate structure provides a financial benefit to larger users and encourages consumption.
- c. In the table below, we have incorporated the following revenue adjustments as compared to the prior rate adjustments suggested in the February 19, 2024 study.

<u>Applicable Fiscal Year</u>	<u>Recommended Date of Change</u>	<u>February 19, 2024 Analysis</u>	<u>March 17, 2025 Analysis</u>
FY 2025-26	October 1, 2025	8.50% (all rates)	10.00% (revenue)
FY 2026-27	October 1, 2026	8.50% (all rates)	10.00% (revenue)
FY 2027-28	October 1, 2027	6.25% (all rates)	10.00% (revenue)
FY 2028-29	October 1, 2028	6.25% (all rates)	10.00% (revenue)
FY 2029-30	October 1, 2029	6.25% (all rates)	10.00% (revenue)
FY 2030-31	October 1, 2030	N/A	10.00% (revenue)

The Water Enterprise Fund is planning to accommodate future capital improvements while maintaining sufficient cash balances. Through continued strong management practices, coverage is anticipated to reduce significantly in FY 2027 once the high priority projects are funded. The recommended rate increases allow the utility to make debt service payments, cover estimated capital expenditures, and set aside some cash reserves for future capital projects. If total water sales to customers should decrease meaningfully below 67 million cubic feet, the operating expenses increase at a rate greater than 7.0%, or the high priority capital projects are significantly higher than \$18,193,000, larger rate adjustments may be needed in future years.

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

Sincerely,

Matthew Stoffel, CFA
Director

PFM Financial Advisors LLC

stoffelm@pfm.com | 515 724 5737 **OFFICE** | 515 201 0772 **CELL**
801 Grand Ave, Suite 3300 | Des Moines, IA 50309



City of McCook, Nebraska

EXHIBIT 1

Water Enterprise Fund

Growth Assumptions	
Water Sales & Customer Growth	0.00%
Operating Expenses	7.00%
Interest Earnings	1.00%

Water Revenue Adjustments					
1-Jan-20	6.00%	1-Jun-24	8.50%	1-Oct-27	10.00%
1-May-21	2.50%	1-Oct-24	8.50%	1-Oct-28	10.00%
1-May-22	6.00%	1-Oct-25	10.00%	1-Oct-29	10.00%
1-May-23	6.00%	1-Oct-26	10.00%	1-Oct-30	10.00%

		Audited	Audited	Audited	Budget	Projected	Projected	Projected	Projected	Projected	Projected
		FY 2021-22	FY 2022-23	FY 2023-24	FY 2024-25	FY 2025-26	FY 2026-27	FY 2027-28	FY 2028-29	FY 2029-30	FY 2030-31
Water Rates:		5/1/2022	5/1/2023	6/1/2024	10/1/2024	10/1/2025	10/1/2026	10/1/2027	10/1/2028	10/1/2029	10/1/2030
First 5,000 cu. ft.	1	\$2.035	\$2.157	\$2.340	\$2.539	\$2.793	\$3.072	\$3.379	\$3.717	\$4.089	\$4.498
Over 5,000 cu. ft.	2	\$1.508	\$1.598	\$1.734	\$1.881	\$2.069	\$2.276	\$2.504	\$2.754	\$3.029	\$3.332
Ready-to-Serve Monthly Fee	3	\$19.95	\$21.15	\$22.95	\$24.90	\$27.39	\$30.13	\$33.14	\$36.46	\$40.10	\$44.11
Avg. Number of Water Customers	4	3,605	3,589	3,580	3,580	3,580	3,580	3,580	3,580	3,580	3,580
Ave. \$ / 100 Cubic Ft. (w/o Base)	5	\$1.8802	\$1.9959	\$2.0915	\$2.2693	\$2.4962	\$2.7458	\$3.0204	\$3.3224	\$3.6547	\$4.0202
Ave. \$ / 100 Cubic Ft. (w/ Base)	6	\$2.8974	\$3.2752	\$3.4971	\$3.8658	\$4.2524	\$4.6776	\$5.1453	\$5.6599	\$6.2259	\$6.8485
Total Water Sales (Cubic Feet)	7	82,055,203	68,862,161	66,957,832	67,000,000	67,000,000	67,000,000	67,000,000	67,000,000	67,000,000	67,000,000
Operating Revenues	8	6.0%	(6.7%)	7.8%	7.0%	9.2%	9.3%	9.3%	9.4%	9.4%	9.5%
Retail Sales to Customers	9	\$1,542,775	\$1,374,402	\$1,400,411	\$1,520,416	\$1,672,458	\$1,839,703	\$2,023,674	\$2,226,041	\$2,448,645	\$2,693,510
Ready-to-Serve Fee	10	834,667	880,957	941,165	1,069,654	1,176,620	1,294,282	1,423,710	1,566,081	1,722,689	1,894,958
Sales Tax	11	31,625	20,442	40,210	44,478	48,925	53,818	59,200	65,120	71,632	78,795
Other Misc. Operating Revenues	12	253,374	207,475	295,581	231,500	231,500	231,500	231,500	231,500	231,500	231,500
Total Operating Revenues	13	\$2,662,441	\$2,483,276	\$2,677,367	\$2,866,048	\$3,129,503	\$3,419,303	\$3,738,083	\$4,088,741	\$4,474,466	\$4,898,762
Operating Expenses	14	15.6%	8.3%	12.2%	4.8%	7.0%	2.0%	7.0%	7.0%	7.0%	7.0%
Personal Services	15	\$636,405	\$703,509	\$742,152	\$809,849	\$866,538	\$883,869	\$945,740	\$1,011,942	\$1,082,778	\$1,158,572
Plant Chemicals	16	293,268	289,445	285,618	330,000	353,100	360,162	385,373	412,349	441,214	472,099
Pumping Power	17	141,710	128,699	120,994	155,000	165,850	169,167	181,009	193,679	207,237	221,743
Other Services & Charges	18	328,598	281,192	445,294	375,803	402,109	410,151	438,862	469,582	502,453	537,625
Supplies	19	17,911	13,560	18,052	20,200	21,614	22,046	23,590	25,241	27,008	28,898
Repairs & Maintenance	20	121,025	250,589	257,947	269,800	288,686	294,460	315,072	337,127	360,726	385,977
Sales Tax	21	33,158	20,510	20,866	22,000	48,925	53,818	59,200	65,120	71,632	78,795
Depreciation/Amortization	22	868,011	931,424	1,042,961	1,042,961	1,115,968	1,194,086	1,277,672	1,367,109	1,462,807	1,565,203
Total Operating Expenses	23	\$2,440,086	\$2,618,928	\$2,933,884	\$3,025,613	\$3,262,791	\$3,387,760	\$3,626,517	\$3,882,150	\$4,155,854	\$4,448,912
Net Operating Income	24	\$222,355	(\$135,652)	(\$256,517)	(\$159,565)	(\$133,289)	\$31,543	\$111,566	\$206,592	\$318,612	\$449,850
Non-Operating Items											
Interest on Reserves	25	\$48,776	\$254,136	\$299,068	\$200,000	\$56,620	\$56,663	\$54,441	\$55,313	\$54,539	\$55,874
Add Back: Depreciation	26	868,011	931,424	1,042,961	1,042,961	1,115,968	1,194,086	1,277,672	1,367,109	1,462,807	1,565,203
Revenue Available for Debt	27	\$1,139,142	\$1,049,908	\$1,085,512	\$1,083,396	\$1,039,299	\$1,282,292	\$1,443,679	\$1,629,014	\$1,835,957	\$2,070,927

City of McCook, Nebraska

EXHIBIT 1

Water Enterprise Fund

Growth Assumptions	
Water Sales & Customer Growth	0.00%
Operating Expenses	7.00%
Interest Earnings	1.00%

Water Revenue Adjustments					
1-Jan-20	6.00%	1-Jun-24	8.50%	1-Oct-27	10.00%
1-May-21	2.50%	1-Oct-24	8.50%	1-Oct-28	10.00%
1-May-22	6.00%	1-Oct-25	10.00%	1-Oct-29	10.00%
1-May-23	6.00%	1-Oct-26	10.00%	1-Oct-30	10.00%

		Audited	Audited	Audited	Budget	Projected	Projected	Projected	Projected	Projected	Projected
		FY 2021-22	FY 2022-23	FY 2023-24	FY 2024-25	FY 2025-26	FY 2026-27	FY 2027-28	FY 2028-29	FY 2029-30	FY 2030-31
Revenue Available for Debt	28	\$1,139,142	\$1,049,908	\$1,085,512	\$1,083,396	\$1,039,299	\$1,282,292	\$1,443,679	\$1,629,014	\$1,835,957	\$2,070,927
Parity Debt Obligations											
2013 SRF Loan - D311560	29	\$45,148	\$44,813	\$44,472	\$44,124	\$43,769	\$43,407	\$43,037	\$42,660	\$42,275	\$41,883
Series 2016 Refunding Bonds	30	0	0	0	0	0	0	0	0	0	0
Series 2021 Refunding Bonds	31	399,915	396,288	389,705	392,535	385,525	383,215	380,410	377,110	373,480	369,520
Series 2022 SRF Loan	32	0	0	0	37,695	67,896	67,896	67,896	67,896	67,896	67,896
Series 2025 Interim Loan	33	0	0	0	305,679	233,888	669,399	185,746	0	0	0
Series 2027 USDA Loan	34	0	0	0	0	0	0	439,401	878,803	878,803	878,803
Total Parity Debt Service	35	\$445,062	\$441,101	\$434,177	\$780,033	\$731,077	\$1,163,916	\$1,116,490	\$1,366,469	\$1,362,454	\$1,358,103
Debt Coverage Ratios											
Parity Debt Coverage	36	2.56	2.38	2.50	1.39	1.42	1.10	1.29	1.19	1.35	1.52
Cashflow After Debt	37	\$694,080	\$608,807	\$651,335	\$303,363	\$308,222	\$118,375	\$327,189	\$262,545	\$473,503	\$712,824
Total Capital Expenditures	38	(\$488,819)	(\$968,315)	(\$1,644,062)	(\$2,008,750)	(\$250,000)	(\$18,443,500)	(\$250,000)	(\$250,000)	(\$250,000)	(\$250,000)
Administrative Fee	39	(60,000)	(60,000)	(60,000)	(90,000)	(90,000)	(90,000)	(90,000)	(90,000)	(90,000)	(90,000)
Transfers In / (Out)	40	6,824	17,463	(26,018)	0	0	0	0	0	0	0
Loan to Self-Health Insurance	41	93,293	0	0	0	0	0	0	0	0	0
Loan to General Fund	42	0	0	0	0	0	0	0	0	0	0
Bond Proceeds	43	583,306	0	323,293	1,377,813	0	18,193,000	0	0	0	0
Other Cash Adjustments	44	913	83,194	329,774	0	0	0	0	0	0	0
SRF Loans/Construction Loans	45	(3,952)	763	0	0	0	0	0	0	0	0
Loan Forgiveness	46	0	0	0	0	0	0	0	0	0	0
Total Trans. From / (To) Restricted	47	22,053	(263,279)	58,164	(359,076)	(325,505)	2,719,160	(231,080)	(231,080)	(231,080)	(231,080)
Annual Surplus / (Deficit)	48	\$847,698	(\$581,367)	(\$367,514)	(\$776,650)	(\$357,283)	\$2,497,035	(\$243,891)	(\$308,535)	(\$97,577)	\$141,743
Beginning Cash Balance	49	\$2,155,090	\$3,002,787	\$2,421,420	\$2,053,906	\$1,277,256	\$919,973	\$3,417,008	\$3,173,117	\$2,864,582	\$2,767,005
Annual Surplus / (Deficit)	50	847,698	(581,367)	(367,514)	(776,650)	(357,283)	2,497,035	(243,891)	(308,535)	(97,577)	141,743
Ending Cash Balance	51	\$3,002,787	\$2,421,420	\$2,053,906	\$1,277,256	\$919,973	\$3,417,008	\$3,173,117	\$2,864,582	\$2,767,005	\$2,908,748
Cash Balance as % O&M	52	191.0%	143.5%	108.6%	64.4%	42.9%	155.8%	135.1%	113.9%	102.7%	100.9%

City of McCook, Nebraska

EXHIBIT 1

Water Enterprise Fund

Growth Assumptions	
Water Sales & Customer Growth	0.00%
Operating Expenses	7.00%
Interest Earnings	1.00%

Water Revenue Adjustments					
1-Jan-20	6.00%	1-Jun-24	8.50%	1-Oct-27	10.00%
1-May-21	2.50%	1-Oct-24	8.50%	1-Oct-28	10.00%
1-May-22	6.00%	1-Oct-25	10.00%	1-Oct-29	10.00%
1-May-23	6.00%	1-Oct-26	10.00%	1-Oct-30	10.00%

	Audited	Audited	Audited	Budget	Projected	Projected	Projected	Projected	Projected	Projected
	FY 2021-22	FY 2022-23	FY 2023-24	FY 2024-25	FY 2025-26	FY 2026-27	FY 2027-28	FY 2028-29	FY 2029-30	FY 2030-31
Transfers From / (To) Other Funds										
Water Quality Solution Fund	53	\$0	\$0	(\$3,336)	\$0	\$0	\$0	\$0	\$0	\$0
Debt Service Sinking Fund	54	(55,624)	1,948	(9,690)	0	0	0	0	0	0
Debt Reserve Fund	55	0	0	0	0	0	0	0	0	0
Debt Fund (Reserve)	56	(93,293)	0	0	0	0	0	0	0	0
Debt Fund (Bond Proceeds)	57	45,148	44,812	44,472	44,124	37,695	0	0	0	0
USDA Reserve	58	0	0	0	0	0	(87,880)	(87,880)	(87,880)	(87,880)
USDA Short-Lived Asset Reserve	59	0	0	0	0	0	(100,000)	(100,000)	(100,000)	(100,000)
Deep Injection Well Closing Costs	60	(997)	(4,468)	(6,521)	(40,000)	0	0	0	0	0
Repermitting Fund	61	(3,382)	(3,018)	(3,200)	(3,200)	(3,200)	(3,200)	(3,200)	(3,200)	(3,200)
Equipment Replacement Fund	62	0	(33,169)	(33,561)	(40,000)	(40,000)	(40,000)	(40,000)	(40,000)	(40,000)
Capital Replacement Fund	63	106,258	(212,553)	(200,000)	(200,000)	(200,000)	1,261,624	0	0	0
Water Plant Replacement Fund	64	23,943	(56,831)	270,000	(120,000)	(120,000)	1,500,736	0	0	0
Total Restricted Transfers	65	\$22,053	(\$263,279)	\$58,164	(\$359,076)	(\$325,505)	\$2,719,160	(\$231,080)	(\$231,080)	(\$231,080)
Restricted Cash										
Debt Service Sinking Fund	66	\$128,456	\$126,508	\$136,198	\$60,923	\$96,993	\$96,993	\$96,993	\$96,993	\$96,993
Debt Reserve Fund	67	534,068	534,068	534,068	534,068	534,068	534,068	534,068	534,068	534,068
USDA Reserve	68	0	0	0	0	0	87,880	175,761	263,641	351,521
USDA Short-Lived Asset Reserve	69	0	0	0	0	0	100,000	200,000	300,000	400,000
Customer Deposits	70	98,387	98,614	98,564	98,564	98,564	98,564	98,564	98,564	98,564
Deep Injection Well Closing Costs	71	84,562	89,030	95,551	135,551	135,551	135,551	135,551	135,551	135,551
Total Restricted Cash	72	\$845,473	\$848,220	\$864,381	\$829,106	\$865,176	\$865,176	\$1,053,056	\$1,240,937	\$1,428,817
Designated Cash										
Water Quality Solution Fund	73	\$86,975	\$90,303	\$93,639	\$93,639	\$93,639	\$93,639	\$93,639	\$93,639	\$93,639
Debt Fund (Reserve)	74	500,000	500,001	500,001	500,001	500,001	500,001	500,001	500,001	500,001
Debt Fund (SRF Reserve)	75	171,103	126,291	81,819	37,695	0	0	0	0	0
Repermitting Fund	76	15,757	18,775	21,975	25,175	28,375	31,575	34,775	37,975	41,175
Equipment Reserve	77	0	33,169	66,730	106,730	146,730	186,730	226,730	266,730	306,730
Capital Replacement Fund	78	624,071	836,624	1,011,624	1,211,624	1,411,624	150,000	150,000	150,000	150,000
Water Plant Replacement Fund	79	1,673,905	1,730,736	1,460,736	1,580,736	1,700,736	200,000	300,000	300,000	300,000
Total Designated	80	\$3,071,811	\$3,335,899	\$3,236,524	\$3,555,600	\$3,881,105	\$1,161,945	\$1,305,145	\$1,348,345	\$1,391,545
Total Cash Balance	81	\$6,920,071	\$6,605,539	\$6,154,811	\$5,661,962	\$5,666,254	\$5,444,129	\$5,531,318	\$5,453,863	\$5,587,366

City of McCook, Nebraska

EXHIBIT 1

Water Enterprise Fund

Growth Assumptions	
Water Sales & Customer Growth	0.00%
Operating Expenses	7.00%
Interest Earnings	1.00%

Water Revenue Adjustments					
1-Jan-20	6.00%	1-Jun-24	8.50%	1-Oct-27	10.00%
1-May-21	2.50%	1-Oct-24	8.50%	1-Oct-28	10.00%
1-May-22	6.00%	1-Oct-25	10.00%	1-Oct-29	10.00%
1-May-23	6.00%	1-Oct-26	10.00%	1-Oct-30	10.00%

	Audited	Audited	Audited	Budget	Projected	Projected	Projected	Projected	Projected	Projected
	FY 2021-22	FY 2022-23	FY 2023-24	FY 2024-25	FY 2025-26	FY 2026-27	FY 2027-28	FY 2028-29	FY 2029-30	FY 2030-31
Operating & Maintenance Cap. Ex. (70-050-56040)										
Future Replacement Cap. Ex. Placeholder				\$0	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000
1/2 Ton Work Truck				50,000	0	0	0	0	0	0
Dump Box				20,000	0	0	0	0	0	0
Rycom Stick				1,200	0	0	0	0	0	0
Backhoe tires				4,000	0	0	0	0	0	0
cordless tools				2,000	0	0	0	0	0	0
14" concrete saw				2,000	0	0	0	0	0	0
Vac nozzles				1,200	0	0	0	0	0	0
Forks				6,000	0	0	0	0	0	0
Side mirrors				500	0	0	0	0	0	0
WTP (70-050-56042)										
Tool box & tools				5,000	0	0	0	0	0	0
Waste pump seals				2,000	0	0	0	0	0	0
Chem Scan rebuild				17,000	0	0	0	0	0	0
Paint WTP				5,000	0	0	0	0	0	0
WTP Doors				4,625	0	0	0	0	0	0
Booster Pump rebuild				10,000	0	0	0	0	0	0
Total O & M Projects				\$130,525	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000
Replacement Cap. Ex. (70-053-56030)										
Future Replacement Cap. Ex. Placeholder				\$0	\$200,000	\$200,000	\$200,000	\$200,000	\$200,000	\$200,000
Elim. 4" main Kelley				61,000	0	0	0	0	0	0
Elim. 4" main E. M				41,000	0	0	0	0	0	0
Main valve replacement				40,000	0	0	0	0	0	0
Hydrant replacement				45,000	0	0	0	0	0	0
Concrete WTP				10,000	0	0	0	0	0	0
Concrete Chem Building				10,000	0	0	0	0	0	0
Shop WTP				6,000	0	0	0	0	0	0
SRF reimbursement				0	0	0	0	0	0	0
USDA WTP System				0	0	9,965,000	0	0	0	0
USDA Distribution System				0	0	8,228,500	0	0	0	0
Uncommitted Emergency Reserve				0	0	0	0	0	0	0
Total Replacement Projects				\$213,000	\$200,000	\$18,393,500	\$200,000	\$200,000	\$200,000	\$200,000
Water SRF Projects (70-053-56032)										
Replace 12" main South St. to A St.				1,084,825	0	0	0	0	0	0
South St Wtr Main City Shop to HWY 83				580,400	0	0	0	0	0	0
Uncommitted				0	0	0	0	0	0	0
Total Replacement Projects				\$1,665,225	\$0	\$0	\$0	\$0	\$0	\$0

City of McCook, Nebraska

EXHIBIT 1

Water Enterprise Fund

Growth Assumptions	
Water Sales & Customer Growth	0.00%
Operating Expenses	7.00%
Interest Earnings	1.00%

Water Revenue Adjustments					
1-Jan-20	6.00%	1-Jun-24	8.50%	1-Oct-27	10.00%
1-May-21	2.50%	1-Oct-24	8.50%	1-Oct-28	10.00%
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	Audited	Audited	Audited	Budget	Projected	Projected	Projected	Projected	Projected	Projected
	FY 2021-22	FY 2022-23	FY 2023-24	FY 2024-25	FY 2025-26	FY 2026-27	FY 2027-28	FY 2028-29	FY 2029-30	FY 2030-31
WTP Replacement Reserve Cap. Ex. (70-053-54685)										
Uncommitted				0	0	0	0	0	0	0
Total Replacement Projects				\$0	\$0	\$0	\$0	\$0	\$0	\$0
(70-053-56045)										
Uncommitted				0	0	0	0	0	0	0
Total Replacement Projects				\$0	\$0	\$0	\$0	\$0	\$0	\$0



Wastewater Utility Fund



March 17, 2025

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

Dear Nate,

Attached for your review is an update to the Wastewater Enterprise Fund Financial and Capital Planning Model which was previously presented to the McCook City Council on February 19, 2024. Based on this analysis PFM Financial Advisors LLC (“PFM”) suggests 8.00% more revenues may be required in Fiscal Year 2025-2026 to fund upcoming operations and capital projects. The City has requested a more detailed review of the current wastewater rate structure which will be performed over the next six months. This recommendation is slightly higher than the previous analysis completed last year primarily due to the lower usage billed and higher operating expenditures.

In updating this model, PFM has reviewed and incorporated information from the City’s FY 2024 Audited Financial Statements and the FY 2025 Budget. In addition, we have incorporated the current capital improvement plan for the Wastewater Enterprise Fund that includes the \$14,497,000 for Alternative 3 that Miller and Association presented to the City Council on December 4, 2023. The important points of the updated rate analysis are below.

- (i) Usage
 - a. Wastewater usage remained flat in FY 2024 after a decrease of 11.5% in FY 2023.
 - b. Usage has been on a slow downward trend since 2001 but has stabilized at approximately 29 million cubic feet. The FY 2024 usage was lower than the 30 million cubic feet budgeted. We have projected future usage at 29 million cubic feet but we will monitor this closely as it is a key input for the revenues.
- (ii) Revenues
 - a. FY 2024 operating revenue increased by 8.8% over the prior fiscal year to \$1.85M. This is the fourth consecutive increase after a period of flat revenues from FY 2017 to FY 2020 despite increases to the wastewater rates. The FY 2024 increase was near the estimated revenue and reflects the 7.50% increase to rates in May and October 2024.
 - b. FY 2025 operating revenues are projected to increase by 6.4% compared to FY 2024 due to the assumed billed consumption of 29 million cubic feet and the recommended rate increase.
- (iii) Expenditures
 - a. FY 2024 operating expenditures (excluding depreciation and sales tax) increased by 30.4% over FY 2023. This is higher than our long-term assumption of 6.0%.
 - b. The FY 2025 budget includes a 3.3% estimated growth in total operating expenditures which reflects a return to normal operations after lower-than-expected operating expenses in FY 2020 through FY 2023.
 - c. In FY 2026 and thereafter, this analysis assumes a 6.0% annual growth rate for all operating expenditures.

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- (iv) Debt service coverage
- a. Coverage of 4.35 times in FY 2024, is very strong for a wastewater system of this size.
 - b. The FY 2025 budget implies a strong projected coverage of 4.48 times.
 - c. In FY 2026, PFM is projecting coverage decreasing to 2.64 times when the wastewater portion of the Series 2021 Refunding Bonds are paid off. The final debt payment has a larger principal payment due to the release of the debt service reserve fund causing coverage to drop.
 - d. From FY 2027 to FY 2031 projected coverage is estimated to be between 1.25 times and 1.51 times revenue available for debt service. This includes a \$14,497,000 of proposed debt. The analysis assumes a \$7,497,000 USDA loan with a rate of 2.125% and a 40-year term as well as a \$7,000,000 loan at 5.5% with Northland Securities with a 20 year term. The USDA loan program requires the City to fund the construction of the project with an interim loan, we have assumed a 6.25% interim loan with a construction schedule matching the Miller and Associates presentation from December 2023.
- (v) Annual Surplus/Deficit
- a. FY 2024 ended with a slight operating cash surplus of \$25,291 versus a projected deficit of \$734,407 from our analysis last year.
 - b. FY 2025 budget indicates a surplus of \$130,512. With expenses and bond proceeds for the upcoming wastewater treatment plant expansion included in the budget.
 - c. Projected future operating results in FY 2026 to FY 2031 fluctuate between surplus and deficits based on timing of capital projects and debt service but over the planning horizon are projected to be balanced budgets. These projections include annual transfers totaling \$195,000 to build the cash balances in the Capital Replacement Fund, Equipment Reserve Fund and required USDA reserve funds.
- (vi) Cash Balance
- a. Ending operating cash balance on September 30, 2024 was \$1,970,117 per the audited financial statements which represents 189.7%, or nearly twenty-three (23) months of operating expenditures.
 - b. Overall, total cash in the Wastewater Enterprise Fund decreased by \$19,932 to \$2,698,231 in FY 2024.
 - c. Operating cash is expected to increase in FY 2025 through FY 2027 and then remain stable around \$2,000,000 FY 2028 to FY 2031. However, this projection is heavily dependent on actual future usage, the actual final cost of the new treatment facility and the plan of finance and interest rates used to fund the facility.
 - d. During the same planning horizon, total cash balance is expected to grow annually to \$3.9 million FY 2031. A primary driver of the overall cash position is the approximately \$15.9 million planned for capital projects as well as the debt to fund those projects in the planning horizon.



(vii) Recommended Future Rate Increases

- a. Based on the assumptions listed above, PFM is recommending slightly higher revenue requirements in the coming years. This assumption is heavily reliant on trends in future wastewater usage, realized growth in future operating expenditures, and planned capital expenditures for wastewater system improvements and repairs.
- b. As the City considers the higher rate increases, it will consider evaluating its current rates structure to ensure equity among the various users.
- c. In the table below, we have incorporated the following rate adjustments as compared to the prior rate adjustments suggested in the February 19, 2024 study.

<u>Applicable Fiscal Year</u>	<u>Recommended Date of Change</u>	<u>February 19, 2024 Analysis</u>	<u>February 19, 2024 Analysis</u>
FY 2025-26	October 1, 2025	7.50% (all rates)	8.00% (revenue)
FY 2026-27	October 1, 2026	7.50% (all rates)	8.00% (revenue)
FY 2027-28	October 1, 2027	6.00% (all rates)	8.00% (revenue)
FY 2028-29	October 1, 2028	6.00% (all rates)	8.00% (revenue)
FY 2029-30	October 1, 2029	6.00% (all rates)	8.00% (revenue)
FY 2030-31	October 1, 2030	N/A	8.00% (revenue)

The Wastewater Enterprise Fund is positioned to accommodate future capital improvements while maintaining healthy cash balances. Through continued strong management practices, coverage is expected to drop to a reduced level in FY 2028 and remain at adequate levels through FY 2031. This is a result of the sewer portion of the Series 2021 is paid off and the new debt for the new wastewater treatment plant comes online. The utility needs to begin preparing for the new debt service now to keep up with the inflationary cost pressures and still make debt service payments and cover estimated capital expenditures. If total usage should decrease meaningfully, operating expenses increase at a rate greater than 6.0%, or the actual capital costs come in higher for the treatment plant improvements, larger rate adjustments may be needed in future years. Both ending cash and debt service coverage will be important metrics to monitor and we plan for future expenses.

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

Respectfully,

Matthew Stoffel, CFA
Director

PFM Financial Advisors LLC

stoffelm@pfm.com | 515 724 5737 **OFFICE** | 515 201 0772 **CELL**

801 Grand Ave, Suite 3300 | Des Moines, IA 50309



City of McCook, Nebraska
Wastewater Enterprise Fund

EXHIBIT 1

Growth Assumptions	
Wastewater Sales & Customer Growth	0.00%
Operating Expenses	6.00%
Interest Earnings	1.00%

Sewer Rate Adjustments					
1-Jan-20	3.00%	1-May-24	7.50%	1-Oct-27	8.00%
1-May-21	3.00%	1-Oct-24	7.50%	1-Oct-28	8.00%
1-May-22	3.00%	1-Oct-25	8.00%	1-Oct-29	8.00%
1-May-23	6.00%	1-Oct-26	8.00%	1-Oct-30	8.00%

		Audit	Audit	Audit	Budget	Projected	Projected	Projected	Projected	Projected	Projected
		FY 2021-22	FY 2022-23	FY 2023-24	FY 2024-25	FY 2025-26	FY 2026-27	FY 2027-28	FY 2028-29	FY 2029-30	FY 2030-31
Residential:		5/1/2022	5/1/2023	5/1/2024	10/1/2024	10/1/2025	10/1/2026	10/1/2027	10/1/2028	10/1/2029	10/1/2030
First 333 cu. ft.	1	\$17.54	\$18.59	\$19.98	\$21.48	\$23.20	\$25.05	\$27.06	\$29.22	\$31.56	\$34.09
Additional 100 cu. ft.	2	\$3.787	\$4.014	\$4.315	\$4.639	\$5.01	\$5.41	\$5.84	\$6.31	\$6.82	\$7.36
Commercial:											
First 333 cu. ft.	3	\$25.55	\$27.08	\$29.11	\$31.29	\$33.79	\$36.50	\$39.42	\$42.57	\$45.98	\$49.65
Additional 100 cu. ft.	4	\$3.787	\$4.014	\$4.315	\$4.639	\$5.01	\$5.41	\$5.84	\$6.31	\$6.82	\$7.36
Avg. # Residential Customers	5	2,934	2,928	2,918	2,918	2,918	2,918	2,918	2,918	2,918	2,918
Avg. # Commercial Customers	6	418	425	425	425	425	425	425	425	425	425
Avg \$ / 100 Cubic Ft. (w/o Base)	7	\$2.425	\$2.785	\$3.068	\$3.164	\$3.270	\$3.380	\$3.493	\$3.610	\$3.731	\$3.855
Avg \$ / 100 Cubic Ft. (w/ Base)	8	\$4.653	\$5.404	\$5.840	\$6.308	\$6.665	\$7.047	\$7.453	\$7.887	\$8.350	\$8.844
Total Sales (Cubic Feet)	9	33,002,743	29,212,828	29,352,968	29,000,000	29,000,000	29,000,000	29,000,000	29,000,000	29,000,000	29,000,000
Operating Revenues	10	8.7%	2.4%	8.8%	6.4%	5.6%	5.7%	5.7%	5.8%	5.8%	5.9%
Retail Sales to Customers	11	\$800,303	\$813,501	\$900,600	\$917,560	\$948,300	\$980,200	\$1,012,970	\$1,046,900	\$1,081,990	\$1,117,950
Base Charge (Residential)	12	607,149	631,749	671,272	752,187	812,348	877,341	947,517	1,023,331	1,105,203	1,193,624
Base Charge (Commercial)	13	128,200	133,493	142,433	159,548	172,311	186,093	200,982	217,059	234,427	253,181
Sales Tax	14	92,864	98,828	111,626	115,977	122,550	129,566	137,037	145,014	153,531	162,605
Other Misc. Operating Rev.	15	31,372	22,937	23,437	22,000	22,000	22,000	22,000	22,000	22,000	22,000
Total Operating Revenues	16	\$1,659,889	\$1,700,508	\$1,849,368	\$1,967,272	\$2,077,508	\$2,195,200	\$2,320,506	\$2,454,305	\$2,597,150	\$2,749,360
Operating Expenses	17	(0.1%)	3.7%	30.4%	3.3%	6.0%	6.0%	6.0%	6.0%	6.0%	6.0%
Personal Services	18	\$362,648	\$385,853	\$460,528	\$508,726	\$539,250	\$571,605	\$605,901	\$642,255	\$680,790	\$721,638
Other Services & Charges	19	179,175	175,832	291,879	236,939	251,155	266,225	282,198	299,130	317,078	336,102
Pumping Power	20	77,803	76,249	75,862	85,000	90,100	95,506	101,236	107,311	113,749	120,574
Supplies	21	19,739	14,701	16,977	18,900	20,034	21,236	22,510	23,861	25,292	26,810
Repairs & Maintenance	22	47,277	59,699	83,521	109,500	116,070	123,034	130,416	138,241	146,536	155,328
Sales Tax	23	91,015	97,860	109,986	110,000	122,550	129,566	137,037	145,014	153,531	162,605
Depreciation/Amortization	24	410,222	437,465	491,669	491,669	521,169	552,439	585,586	620,721	657,964	697,442
Total Operating Expenses	25	\$1,187,879	\$1,247,659	\$1,530,422	\$1,560,734	\$1,660,328	\$1,759,611	\$1,864,885	\$1,976,532	\$2,094,940	\$2,220,499
Net Operating Income	26	\$472,010	\$452,849	\$318,946	\$406,538	\$417,180	\$435,589	\$455,622	\$477,772	\$502,210	\$528,860

City of McCook, Nebraska
Wastewater Enterprise Fund

EXHIBIT 1

Growth Assumptions	
Wastewater Sales & Customer Growth	0.00%
Operating Expenses	6.00%
Interest Earnings	1.00%

Sewer Rate Adjustments					
1-Jan-20	3.00%	1-May-24	7.50%	1-Oct-27	8.00%
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		Audit	Audit	Audit	Budget	Projected	Projected	Projected	Projected	Projected	Projected
		FY 2021-22	FY 2022-23	FY 2023-24	FY 2024-25	FY 2025-26	FY 2026-27	FY 2027-28	FY 2028-29	FY 2029-30	FY 2030-31
Net Operating Income	27	\$472,010	\$452,849	\$318,946	\$406,538	\$417,180	\$435,589	\$455,622	\$477,772	\$502,210	\$528,860
Non-Operating Items											
Interest on Reserves	28	\$17,089	\$92,993	\$123,134	\$68,000	\$68,000	\$68,000	\$68,000	\$68,000	\$68,000	\$68,000
Add Back: Depreciation	29	410,222	437,465	491,669	491,669	521,169	552,439	585,586	620,721	657,964	697,442
Revenue Available for Debt	30	\$899,321	\$983,307	\$933,749	\$966,207	\$1,006,349	\$1,056,029	\$1,109,207	\$1,166,493	\$1,228,174	\$1,294,302
Parity Debt Obligations											
Series 2016 Refunding Bonds	31	\$0	\$0	\$0	\$0.00	\$0	\$0	\$0	\$0	\$0	\$0
Series 2021 Refunding Bonds	32	225,165	221,145	214,736	215,759	352,450	0	0	0	0	0
Proposed Interim 2025 Loan (Northland)	33	0	0	0	\$0.00	92,416	510,992	177,392	0	0	0
Proposed Northland 2027 Loan	34	0	0	0	\$0.00	0	0	480,000	580,000	580,000	580,000
Proposed USDA 2027 Loan	35	0	0	0	\$0.00	0	0	231,990	278,388	278,388	278,388
Total Parity Debt Service	36	\$225,165	\$221,145	\$214,736	\$215,759.00	\$444,866	\$510,992	\$889,382	\$858,388	\$858,388	\$858,388
Debt Coverage Ratios											
Parity Debt Coverage	37	3.99	4.45	4.35	4.48	2.64	2.07	1.25	1.36	1.43	1.51
Cashflow After Debt											
Total Capital Expenditures	39	(289,434)	(598,598)	(952,502)	(7,436,850)	(5,790,000)	(1,962,150)	(190,000)	(190,000)	(190,000)	(190,000)
Transfers to General Fund	40	(60,000)	(70,347)	(64,000)	(66,000)	(66,000)	(66,000)	(66,000)	(66,000)	(66,000)	(66,000)
Other Transfers In / (Out)	41	9,384	425,009	71,891	0	0	0	0	0	0	0
Loan to Solid Waste Fund	42	0	0	0	0	0	0	0	0	0	0
Bond Proceeds	43	0	0	0	7,124,850	5,600,000	1,772,150	0	0	0	0
Transfer From / (To) Designated Cash	44	37,441	(100,931)	44,917	(195,100)	(195,000)	(145,000)	(95,000)	(95,000)	(95,000)	(95,000)
Transfer From / (To) Restricted Cash	45	(30,609)	1,710	306	(48,884)	149,725	(94,597)	(92,963)	(92,963)	(92,963)	(92,963)
Misc Sources / (Uses) of Cash	46	(12,775)	(9,902)	205,666	2,049	0	0	0	0	0	0
Annual Surplus / (Deficit)	47	\$328,163	\$409,103	\$25,291	\$130,512	\$260,209	\$49,439	(\$224,137)	(\$135,858)	(\$74,176)	(\$8,048)
Beginning Cash Balance	48	\$1,207,560	\$1,535,723	\$1,944,826	\$1,970,117	\$2,100,629	\$2,360,838	\$2,410,277	\$2,186,140	\$2,050,282	\$1,976,106
Annual Surplus / (Deficit)	49	328,163	409,103	25,291	130,512	260,209	49,439	(224,137)	(135,858)	(74,176)	(8,048)
Ending Cash Balance	50	\$1,535,723	\$1,944,826	\$1,970,117	\$2,100,629	\$2,360,838	\$2,410,277	\$2,186,140	\$2,050,282	\$1,976,106	\$1,968,057
Cash Balance as % O&M	51	197.5%	240.0%	189.7%	196.5%	207.2%	199.7%	170.9%	151.2%	137.5%	129.2%
Restricted Cash											
Debt Service Reserve Fund	52	\$166,257	\$166,257	\$166,257	\$166,257	\$0	\$0	\$0	\$0	\$0	\$0
USDA Reserve Fund	53	0	0	0	0	0	0	27,839	55,678	83,516	111,355
USDA Short Lived Assets	54	0	0	0	0	0	0	65,124	130,248	195,372	260,496
Debt Service Sinking Fund	55	64,348	62,638	62,332	111,216	127,748	222,345	222,345	222,345	222,345	222,345
Total Restricted Cash	56	\$230,605	\$228,895	\$228,589	\$277,473	\$127,748	\$222,345	\$315,308	\$408,271	\$501,234	\$594,197

City of McCook, Nebraska
Wastewater Enterprise Fund

EXHIBIT 1

Growth Assumptions	
Wastewater Sales & Customer Growth	0.00%
Operating Expenses	6.00%
Interest Earnings	1.00%

Sewer Rate Adjustments					
1-Jan-20	3.00%	1-May-24	7.50%	1-Oct-27	8.00%
1-May-21	3.00%	1-Oct-24	7.50%	1-Oct-28	8.00%
1-May-22	3.00%	1-Oct-25	8.00%	1-Oct-29	8.00%
1-May-23	6.00%	1-Oct-26	8.00%	1-Oct-30	8.00%

	Audit	Audit	Audit	Budget	Projected	Projected	Projected	Projected	Projected	Projected	
	FY 2021-22	FY 2022-23	FY 2023-24	FY 2024-25	FY 2025-26	FY 2026-27	FY 2027-28	FY 2028-29	FY 2029-30	FY 2030-31	
Designated Cash											
Capital Replacement Fund	57	397,150	453,085	363,085	513,085	663,085	763,085	813,085	863,085	913,085	963,085
Equipment Reserve Fund	58	45,000	90,000	135,000	180,000	225,000	270,000	315,000	360,000	405,000	450,000
Capital Development Fund	59	1,361	1,357	1,440	1,540	1,540	1,540	1,540	1,540	1,540	1,540
Total Designated Cash	60	\$443,511	\$544,442	\$499,525	\$694,625	\$889,625	\$1,034,625	\$1,129,625	\$1,224,625	\$1,319,625	\$1,414,625
Total Cash Balance	61	\$2,209,839	\$2,718,163	\$2,698,231	\$3,072,728	\$3,378,211	\$3,667,247	\$3,631,073	\$3,683,178	\$3,796,965	\$3,976,879
Operating & Maintenance Cap. Ex. (70-058-56040)											
Vehicle hoist				\$7,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Cordless tools				2,500	0	0	0	0	0	0	0
3/4 Ton truck				60,000	0	0	0	0	0	0	0
Isco sampler				3,500	0	0	0	0	0	0	0
Go Pro				1,200	0	0	0	0	0	0	0
Ranger sprayer				1,000	0	0	0	0	0	0	0
Shoring				6,000	0	0	0	0	0	0	0
Admin. HVAC				15,000	0	0	0	0	0	0	0
Karrer stairs				6,000	0	0	0	0	0	0	0
Shop tools				2,300	0	0	0	0	0	0	0
Future O&M Cap. Ex. Placeholder				0	45,000	45,000	45,000	45,000	45,000	45,000	45,000
Total O&M Projects				\$104,500	\$45,000	\$45,000	\$45,000	\$45,000	\$45,000	\$45,000	\$45,000
Replacement Cap. Ex. (70-061-56030)											
Sewer Maint.				87,500	0	0	0	0	0	0	0
Labor RBC				30,000	0	0	0	0	0	0	0
Admin. Door/window				20,000	0	0	0	0	0	0	0
E616-E614 replace				50,000	0	0	0	0	0	0	0
Golf Course Sewer lining				20,000	0	0	0	0	0	0	0
Uncommitted				0	0	0	0	0	0	0	0
Future Replacement Cap. Ex. Placeholder				0	145,000	145,000	145,000	145,000	145,000	145,000	145,000
Total Replacement Projects				\$207,500	\$145,000	\$145,000	\$145,000	\$145,000	\$145,000	\$145,000	\$145,000
Other Bonding Improvements (70-061-5603003)											
Sludge Fan Press					0	0	0	0	0	0	0
Collection System					0	0	0	0	0	0	0
USDA Wastewater Treatment Plant Improvement Project				7,124,850	5,600,000	1,772,150	0	0	0	0	0
Total Replacement Projects				\$7,124,850	\$5,600,000	\$1,772,150	\$0	\$0	\$0	\$0	\$0
Total Capital				7,436,850	5,790,000	1,962,150	190,000	190,000	190,000	190,000	190,000

**CITY MANAGER'S REPORT
MARCH 17, 2025 CITY COUNCIL MEETING**

ITEM: **3.A.**

Approve the minutes of the March 3, 2025 regular Council meeting.

BACKGROUND:

Receive and approve the minutes.

**FISCAL
IMPACT:** None.

APPROVALS:



Lea Ann Doak, City Clerk

March 12, 2025

McCook City Council
March 3, 2025
5:30 P.M.

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

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

Absent: None.

City Officials present: City Manager Schneider, City Attorney Mustion, City Clerk Doak, Assistant City Manager Koetter, Utilities Director Fawver, 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 February 27, 2025, 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. The invocation was provided by Father Froeschl, St. Patrick Catholic Church. Following the Pledge of Allegiance to the flag of the United States of America, Mayor Taylor called the meeting to order.

1. Announcements & Recognitions.

City Manager Schneider informed the Council that meetings are scheduled to be held: Parks Advisory Board, March 13, 2025; Airport Advisory Board, March 17, 2025; and Tree Advisory Board, March 18, 2025. All meetings will be held at noon at the Heritage Senior Center.

Mr. Schneider also noted that Griff Malleck was recently honored with the 2025 NATA Airman of the year award and expressed his gratitude for the service he provided for a number of years as the FBO for the McCook Ben Nelson Regional Airport.

2. Consent Agenda.

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

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

- 2.A. Approve the minutes of the February 17, 2025 regular City Council meeting.
- 2.B. Offer a contract to Van Kirk Bros. Contracting with a bid of \$499,950.25 as the lowest responsible bidder for Water Distribution Improvements Revised Project #2 and authorize the Mayor to execute the necessary paperwork to award the contract.
- 2.C. Adopt Resolution No. 2025-03 approving the executive of an Agency Agreement with the Department of Transportation-Division of Aeronautics of the State of Nebraska for Project No. 3-31-0052-020/021-2025(M04) to be submitted by the Division to the Federal Aviation Administration to obtain Federal Assistance for the Development of the McCook Ben Nelson Regional airport and authorize the Mayor to sign the agreement and all associated documents.
- 2.D. Approve the request from Shannon Corder on behalf of St. Patrick School to close East "F" Street from East 3rd Street to East 4th Street for their G.I.F.T. Gala on March 14 and 15 from 4:00 P.M. to 7:30 P.M. each night.

3. Regular Agenda.

- 3.A. Update regarding the sports complex project.

City Manager Schneider gave an update on the sports complex project. Staff continues to work on various grants; with Mammoth Construction and Miller and Associates on the design of the complex and for the platting of the residential and commercial area surrounding the planned complex; and has contacted attorney Austin McKillip regarding the use of cooperative purchasing for various materials used in the construction of the complex.

- 3.B. Ordinance No. 2025-3096 establishing a means to convey City of McCook owned real estate/personal property to qualifying economic development organizations.

Mayor Taylor asked the Clerk to read Ordinance No. 2025-3096 by title.

AN ORDINANCE OF THE CITY OF MCCOOK, NEBRASKA AMENDING THE CITY OF MCCOOK CODE OF ORDINANCES CHAPTER 31, ENTITLED "CITY POLICIES", SUBCHAPTER "CITY PROPERTY", IN TITLE III "ADMINISTRATION", BY REPEALING SECTION 31.56, AMENDED AND TRANSFERRED TO SECTION 31.63 - SALE OR CONVEYANCE; REAL PROPERTY; ADDING SECTION 31.65 - DONATION; REAL PROPERTY; TO PROVIDE THAT THIS ORDINANCE SHALL BE MADE A PART OF THE CITY OF MCCOOK CODE OF ORDINANCES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR THE EFFECTIVE DATE AND PUBLICATION THEREOF.

MEDC representatives, Amanda Engell and Charlie McPherson, were present to address questions from the Council and reviewed a couple of options that were being considered for housing design and floor plans for the project.

Ordinance No. 2025-3096 has been introduced, read by title, and I move to approve upon its first of three readings. This motion, made by Calvin and seconded by Rambali, passed.

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

3.C. Ordinance No. 2025-3097 amending the City of McCook Code of Ordinances, Chapter 54, City Parks and Property, Subchapter "City Swimming Pool", to include a provision to set reasonable fees for the management and maintenance of the McCook Aquatic Park.

Mayor Taylor asked the Clerk to read Ordinance No. 2025-3097 by title.

AN ORDINANCE OF THE CITY OF MCCOOK, NEBRASKA AMENDING THE CITY OF MCCOOK CODE OF ORDINANCES CHAPTER 54, ENTITLED "CITY PARKS AND PROPERTY", SUBCHAPTER "CITY SWIMMING POOL", IN TITLE V, "DEPARTMENTS", BY AMENDING SECTION 54.015 - OPERATION AND FUNDING; TO PROVIDE THAT THIS ORDINANCE SHALL BE MADE A PART OF THE CITY OF MCCOOK CODE OF ORDINANCES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR THE EFFECTIVE DATE AND PUBLICATION THEREOF.

Ordinance No. 2025-3097 has been introduced, read by title, and I move to approve upon its first of three readings. This motion, made by Muehlenkamp and seconded by Taylor, passed.

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

3.D. Ordinance No. 2025-3098 establishing the McCook Aquatic Park's pool fees.

Mayor Taylor asked the Clerk to read Ordinance No. 2025-3098 by title.

AN ORDINANCE OF THE CITY OF MCCOOK, NEBRASKA AMENDING THE CITY OF MCCOOK CODE OF ORDINANCES CHAPTER 38: FEE SCHEDULE, APPENDIX O: SWIMMING POOL ADMISSION FEES; TO PROVIDE THAT THIS ORDINANCE SHALL BE MADE A PART OF THE CITY OF MCCOOK CODE OF ORDINANCES, REPEALING ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR THE EFFECTIVE DATE AND PUBLICATION THEREOF.

Ordinance No. 2025-3098 has been introduced, read by title, and I move to approve upon its first of three readings. This motion, made by Rambali and seconded by Weedon, passed.

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

3.E. Council Comments.

There were no council comments.

Adjournment.

There being no further business to come before the Council, Mayor Taylor declared the meeting adjourned at 5:57 P.M.

Linda Taylor, Ex-officio Mayor
and Council President

ATTEST:

Lea Ann Doak, City Clerk-Treasurer

**CITY MANAGER'S REPORT
MARCH 17, 2025 CITY COUNCIL MEETING**

ITEM: **3.B.**

Receive and file the claims for the month of February 2025, published March 7, 2025.

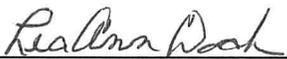
BACKGROUND:

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

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

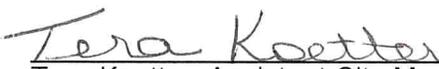
**FISCAL
IMPACT:** None.

APPROVALS:



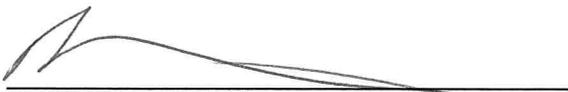
Lea Ann Doak, City Clerk

March 12, 2025



Tera Koetter, Assistant City Manager

March 12, 2025



Nathan A. Schneider, City Manager

March 12, 2025

CITY OF MCCOOK
CLAIMS FOR FEBRUARY 2025

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

20/20 TECHS-SC 6599.04, S 444.43; 7D-LOCKSHOP-S 55.00; ACE-S 893.42; ACME PRINTING-S 265.00; AKRS-SC 1611.89, S 506.29; AMERICAN AG LAB-SC 2143.15; AMERICAN FENCE-SC 7868.26; AMERITAS-CLAIMS-SC 4374.99; AMERITAS-DENTAL-SC 420.39; ANYTIME TRI-STATE TOWING-SC 750.00; ARROW CAR WASH-S 14.85; AT&T-SC 450.62; ATR LIGHTING-S 211.23; AURORA COOP-S 7736.85; AVFUEL CORP-S 34739.20; BAIRD HOLM-SC 8374.00; BENEFIT PLANS-S 100.00; BISHOP BUSINESS EQ-SC 1402.00; BLACK HILLS ENERGY-SC 11804.98, S 1467.93; BOMGAARS-CO 67.68, S-338.90; BW TELECOM-SC 144.14; C&K-S 212.98; CAMBRIDGE TELEPHONE-SC 234.12; CAROLINA SOFTWARE-S 200.00; CARQUEST-S 3238.79; CASH WA-S 12374.77; CDW-G-SC 1223.60; CENTURY LINK-SC 902.45; CITY OF MCCOOK-PS 464480.55; CITY SELF INS-BT 176559.66; SALES TAX-BT 50215.47; TRANSFER STATION-S 2942.06; UTILITIES-SC 3571.08; CLINE WILLIAMS, WRIGHT JOHNSON-SC 570.00; CLOW VALVE-SC 967.50; CROELL-CO 1144.05; D&S HARDWARE-SC 153.37, S 718.20; D12-S 4414.05; DAS ACCT-SC 1757.00, S 66.00; DEMCO, INC-S 215.59; DEVENY-S 266.89; DIAMOND VOGEL- S 263.18; L. DOAK-SC 419.20; DVORAK-SC 355.50; EAKES-S 464.10; ELLERBROCK-NORRIS-SC 2205.00; EMBERS BAKERY-S 90.00, SC 37.26; FICA-PS 23845.75; FARRELL'S-SC 214.50; FASTENAL-S 111.83, SC 634.80; FLIGHTBRIDGEED-SC 929.94; FRENCHMAN VALLEY MUTUAL AID-SC 348.24; FRONTIER COMMUNICATIONS-SC 34.19; GARVER-SC 9886.08; F. GOAD-SC 2407.52; GOOGLE SVCS-SC 534.00; GREAT PLAINS COMM-SC 2592.40, S 210.14; HENNING BROS-SC 59.00; HERITAGE SENIOR CENTER-SC 37.50; HG KLUG-S 173.30, SC 12.51; HOA-SC 537.50; HOLIDAY INN-SC 249.90; HOLIDAY OUTDOOR DECOR-SC 225.00; HOMETOWN LEASING-SC 1047.42; HONORBOUND IT-S 300.00; IDEAL LINEN-S 180.31; J BAR J LANDFILL-SC 43238.82; JOHNSON CONTROLS-S 1519.99; K&C GRAIN-S 16133.85; T. KOETTER-SC 419.20; KOHL'S-S 501.18; LIFE-ASSIST-S 1695.21; MALLECK OIL-S 802.11; MAMMOTH SPORTS-SC 68000.00; MC GAZETTE-SC 691.36; MC HUMANE SOCIETY-S 4812.23; MPPD-SC 474.42; MPS-SC 200.00; MCNET -SC 109.90; C. MCDONALD-SC 208.70; MEAD LUMBER-SC 900.00 S 551.90; MEDICARE-PS 6524.57; MICHAEL TODD IND-S 198.79; MICROMARKETING-S 6390.65; MID-STATES ORGANIZED-SC 150.00; MIDWEST CONNECT- SC 2193.11, S 317.65; MILCO-SC 1176.89; MILLER & ASSOC.-CO 18968.75; B. MINTLING-S 4140.00; MOBOTREX-SC 663.00; MOUSEL, BROOKS, SCHNEIDER, MUSTION, SCHIFFLET-SC 3423.00; J MUEHLENKAMP-SC 419.20; MUNICIPAL SUPPLY-S 2272.43; MUTUAL OF OMAHA-SC 1346.25;

NE DEPT OF REV SALES TAX-SC 13888.14; NDEE SWIMMING POOLS-S 40.00; NE DEPT OF REV SALES TAX-SC 11740.89; NE LIBRARY COMMISSION-S 2535.75; NE PUBLIC HEALTH ENV-S 183.00; NE REGIONAL INTEROPERABILITY-S 3000.00; NE RURAL WATER ASSN-SC 550.00; NE STATE FIRE MARSHALL-SC 120.00; NE SUPREME COURT-SC 297.30; NE GENERATOR SERVICE-S 4458.71; NE TRUCK CENTER-S 4363.48; NEBRASKALAND TIRE-S 374.93; NAT'L FIRE PROTECTION ASSOC-SC 1668.94; NICK'S DIST-S 181.63; NPPD-SC SC 33783.67, S 637.07; O'REILLY AUTO-S 522.22; Z. OLIVER-S 6290.00; ONE BILLING SOLUTIONS-SC 2276.70; ONE CALL-SC 26.08; PARDE ELECTRIC-S 27.04; PAULSEN-S 1962.79; PINPOINT COMM-SC 69.99; PLATTE VALLEY COMM-S 310.00; POLYDYNE-S 769.50; K. POTTHOFF-SC 419.20; PRAIRIE STATE COMM.-S 140.60; PRS-CO 1625.00; QUADIENT FINANCE-S 224.97, SC 852.96; QUILL-S 331.35; RAILROAD MGMT CO-SC 1354.32; D. RAMBALI-SC 419.20; RAPID FIRE PROTECTION-SC 1205.00; RWCO CRT-SC 17.00; RWCO TREASURER-CO 3145.35, SC 231.84; RWCO SHERIFF-S 400.00; RUGGLES TRAILER-S 1113.44; RUTT'S HEATING & AC-S 2182.44; N. SCHNEIDER-SC 93.00; SCOTTIES POTTIES-S 133.00; SOLID WASTE ASSOC-SC 255.00; SWNACA-S 20.00; SOUTHWEST FARM & AUTO-S 1608.12; T STEWART-S 4560.00; L TAYLOR-SC 419.20; TECHNIMOUNT SYSTEM-S 1770.00; TINKER TOM-S 14.00; TITAN- MACHINERY-S 739.70; UMR-SC 385732.65; UNION BANK & TRUST-CO 215608.26; USA BLUEBOOK-S 561.80; VERIZON-SC 2822.93; VOLZ- S 81.70; W DESIGN-SC 1454.50; WAGNER CHEVY-S 1153.06; WAGNER FORD-CO 41738.00, S 67.63; WALMART-SC 1509.95, S 398.63; G. WEEDIN-SC 419.20; WEX BANK-S 13897.23; WHEN THEN PROJECT-SC 851.20; WINDESIGNS-S 88.35; WPCI-SC 64.00.

-s-Lea Ann Doak, City Clerk

PUBLISH: MARCH 7, 2025

CITY MANAGER'S REPORT
MARCH 17, 2025 MCCOOK CITY COUNCIL MEETING

ITEM 3.C.

Approve Resolution No. 2025-04 providing for the incurring of indebtedness which may include reimbursements of expenditures made by the City in connection with construction of the sewer system project.

BACKGROUND:

Pursuant to Ordinance No. 2024-3083, the City authorized the issuance of tax-exempt Bond Anticipation Notes in a principal amount not to exceed \$8,000,000 to provide funds for improvements to the sanitary sewer system, water distribution system, and the solid waste collection system of the City of McCook, specifically including the sewer project of the City expected to be financed on a long-term basis through a loan from USDA. Should the City of McCook incur indebtedness which is paid for using City of McCook funding sources, it is important to allow for the reimbursement of those funds through the bond anticipation notes. This resolution allows for the City to reimburse its funds that are directed toward the sewer project with revenue generated by the BAN issuance. This provides the City flexibility with respect to advancing current funds toward the project, with the expectation that those funds will be reimbursed to allow for continuing operations.

APPROVALS:



Lea Ann Doak, City Clerk

March 12, 2025



Nate Schneider, City Manager

March 12, 2025

RESOLUTION NO. 2025-04

WHEREAS, pursuant to Ordinance No. 2024-3083, passed and approved by the Mayor and City Council of the City of McCook, Nebraska, (the “City”) on June 17, 2024, the City authorized issuance of its tax-exempt Bond Anticipation Notes in a principal amount not to exceed \$8,000,000 (the “Notes”) to provide funds for improvements to the sanitary sewer system, water distribution system, and the solid waste collection system of the City, specifically including the sewer system project of the City expected to be financed on a long-term basis through a loan from the USDA (the “Project”); and

WHEREAS, the City plans to incur and pay expenses for the Project prior to issuance of the Notes out of funds which the City plans to reimburse from proceeds of the Notes.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of McCook, Nebraska, as follows:

Section 1. That the City does hereby declare this resolution to the City’s official declaration of intent under Internal Revenue Code Regulation Section 1.150-2 to provide for the incurring of indebtedness which may include reimbursements of expenditures made by the City in connection with construction of the Project, for which the preliminary estimate of Notes contemplated to be issued is \$8,000,000;

Section 2. That up to the expenditure of the full amount of such Project described within this Resolution, the City may advance funds as may be necessary for meeting the immediate costs of the Project. It is the intent of the Mayor and City Council that the City shall reimburse such expenditures, as may be made from the combined utilities system, general funds or other funds on hand, from the proceeds of the issuance of its Notes.

Section 3. This resolution shall be in full force and effect from and after its passage as provided by law.

DATED this 17th day of March, 2025.

Linda Taylor, Ex-officio Mayor
and Council President

ATTEST:

Lea Ann Doak, City Clerk-Treasurer

CITY MANAGER'S REPORT
March 17, 2025 CITY COUNCIL MEETING

ITEM **3.D.**

RECOMMENDATION:

Adopt Resolution No. ²⁰²⁵⁻05, certifying that the City of McCook is considered to be capable of providing public transportation for its citizens for the two year grant period consisting of fiscal year July 1, 2025 to June 30, 2026 and fiscal year July 1, 2026 to June 30, 2027.

BACKGROUND:

City of McCook Public Transit is applying for federal and state funds to operate the rural transit services in the service area indicated in its Section 5311 application for the project years beginning July 1, 2025, and ending June 2027. The operating funds will be used for the portion of the budget for payroll expenses to retain the seven employees who are the drivers, dispatcher, manager or other related transit positions. City of McCook Transit agrees to the terms and conditions of the protective arrangements included in Section 5333(b) of Title 49 U.S. Code.

The State of Nebraska, Department of Transportation requests that a Resolution be adopted for the two-year grant period showing that the City of McCook is capable of providing transportation to its citizens.

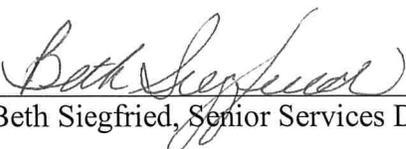
FISCAL IMPACT :

None

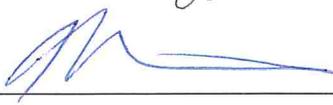
RECOMMENDATION:

Adopt Resolution No. - ²⁰²⁵⁻⁰⁵, certifying that the City of McCook is considered to be capable of providing public transportation for its citizens.

APPROVALS:


Beth Siegfried, Senior Services Director

3-10-25
Date


Nate Schneider City Manager

3/10/25
Date

RESOLUTION NO. 2025-05

WHEREAS, there are federal funds available under Section 5311 of the Federal Transit Act (FTA) and the Nebraska Public Transportation Assistance Program, and

WHEREAS, the City of McCook Public Transit desires to apply for said funds to provide public transportation in the City of McCook.

NOW THEREFORE, BE IT RESOLVED; that the Mayor and City Council of the City of McCook, Nebraska, did review and approve the application for said funds at its regular meeting on March 17, 2025, and do hereby certify that the City of McCook is considered to be capable of providing public transportation to its citizens; and

HEREBY instructs the City of McCook Public Transit to apply for said funds. Said funds are to be used for the City of McCook Public Transit's transportation operations in FY 2025-2026 and FY 2026-2027 Application for Public Transportation Assistance; and

HEREBY authorize the Mayor of the City of McCook to execute said Application on behalf of the City.

Moved by: _____

Seconded by: _____

ROLL CALL: YEA: ___ NAY: ___ ABSENT: ___

PASSED AND APPROVED this 17th day of March, 2025.

Linda Taylor, Ex-officio Mayor
and Council President

ATTEST:

Lea Ann Doak, City Clerk-Treasurer

Summary Page

NEBRASKA

Good Life. Great Journey.

DEPARTMENT OF TRANSPORTATION

5311 Funding Application
for Public Transportation Operating Assistance
Fiscal Year: 2025-2027



Public Transit

For any questions please email:

lucinda.dowding@nebraska.gov (mailto:lucinda.dowding@nebraska.gov)

Federal Reimbursement Calculation – Operating Costs

1	Operating Costs (total from Page 3) \$396706
2	Project Income (From above) \$24542
3	Estimated Net Operating Deficit (Line 1 minus Line 2) \$372164
4	Federal Funds Requested (50% of Line 3) \$186082
5	Remaining Net Deficit (Line 3 minus Line 4) \$186082

State Reimbursement Calculation – Operating Costs

6	State Funds Requested (50% of Line 5) \$93041
7	Local Matching Funds Required (Line 3 minus Line 4 minus Line 6) \$93041

Federal Reimbursement Calculation – Non-Operating Costs

8	Non-Operating Costs (Total from Page 4) \$192962
9	Federal Funds Requested (80% of Line 8) \$154370

State Reimbursement Calculation – Non-Operating Costs

10
State Funds Requested (10% of Line 8)
\$19296
11
Local Matching Funds Required (Line 8 minus Line 9 minus Line 10)
\$19296

Funds By Source

12
Federal
\$340452
13
State
\$112337
14
Local Match
\$112337

Local Matching Funds Source

=+'2026 - 5311!A208, City of McCook, DHHS Title XX, DHHS Waiver, Excel Corp, Housing Dept - Rent Control
Authorized By:
Beth Siegfried
Authorized Date:
03/07/2025

PUBLIC NOTICE

Notice is hereby given that the City of McCook Public Transit as an Applicant requesting financial assistance from the Federal Transit Act, generally described below.

Be it resolved by the Mayor and Council Members of the City of McCook, Nebraska, that:

1. The City of McCook shall enter into an Agency Agreement with the Federal Transit Act for the two-year grant period of fiscal years July 1, 2025, through June 30, 2026 and July 1, 2026 through June 30, 2027 for the purpose of obtaining operating assistance to provide transportation for the general public.
2. Location of the Project is the within the city limits of McCook NE.
3. The estimated cost of the Project by source of funds are:
\$340,452 in federal funds, \$112,337 in state funds and \$112,337 in local funds from the City of McCook.
4. The Mayor of the City of McCook is hereby authorized and directed to execute said Agency Agreement on behalf of the City, and the City Clerk is hereby authorized to attest to said execution.

A copy of the Application for Financial Assistance of the Project is available for Public inspection at 505 W. C St., McCook, NE. Written comments for consideration by City of McCook Public Transit will be accepted at City of McCook, 505 W. C St., McCook, NE for a period of 10 days ending February 17, 2023.

-s Lea Ann Doak
McCook City Clerk
City of McCook Public Transit

Publish:

**CITY MANAGER'S REPORT
MARCH 17, 2025 CITY COUNCIL MEETING**

ITEM: 3.E.

Approve the request from the McCook Chamber of Commerce to close West "C" Street from the west side of Norris Avenue to the west side of West 1st Street which will include the intersection and West First Street from "B" Street to "C" Street on June 28th from 7:30 A.M. to Midnight for their Bash on the Bricks Event.

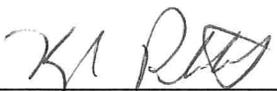
BACKGROUND:

This request is from the McCook Chamber of Commerce for the closing of West "C" Street from the west side of Norris Avenue to the west side of West 1st Street which will include the intersection and West First Street from "B" Street to "C" Street on Saturday June 28, 2025 from 7:30 a.m. to midnight for their Bash on the Bricks Event.

Another request for street closures is on the this agenda from Tricia Wagner for their 9th annual Cruisin the Bricks and Car Show Event to be held concurrently with the Chamber of Commerce's event.

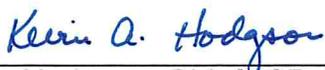
**FISCAL
IMPACT:** None.

APPROVALS:



Kyle Potthoff, Public Works Director

March 12, 2025



Kevin Hodgson, Chief of Police

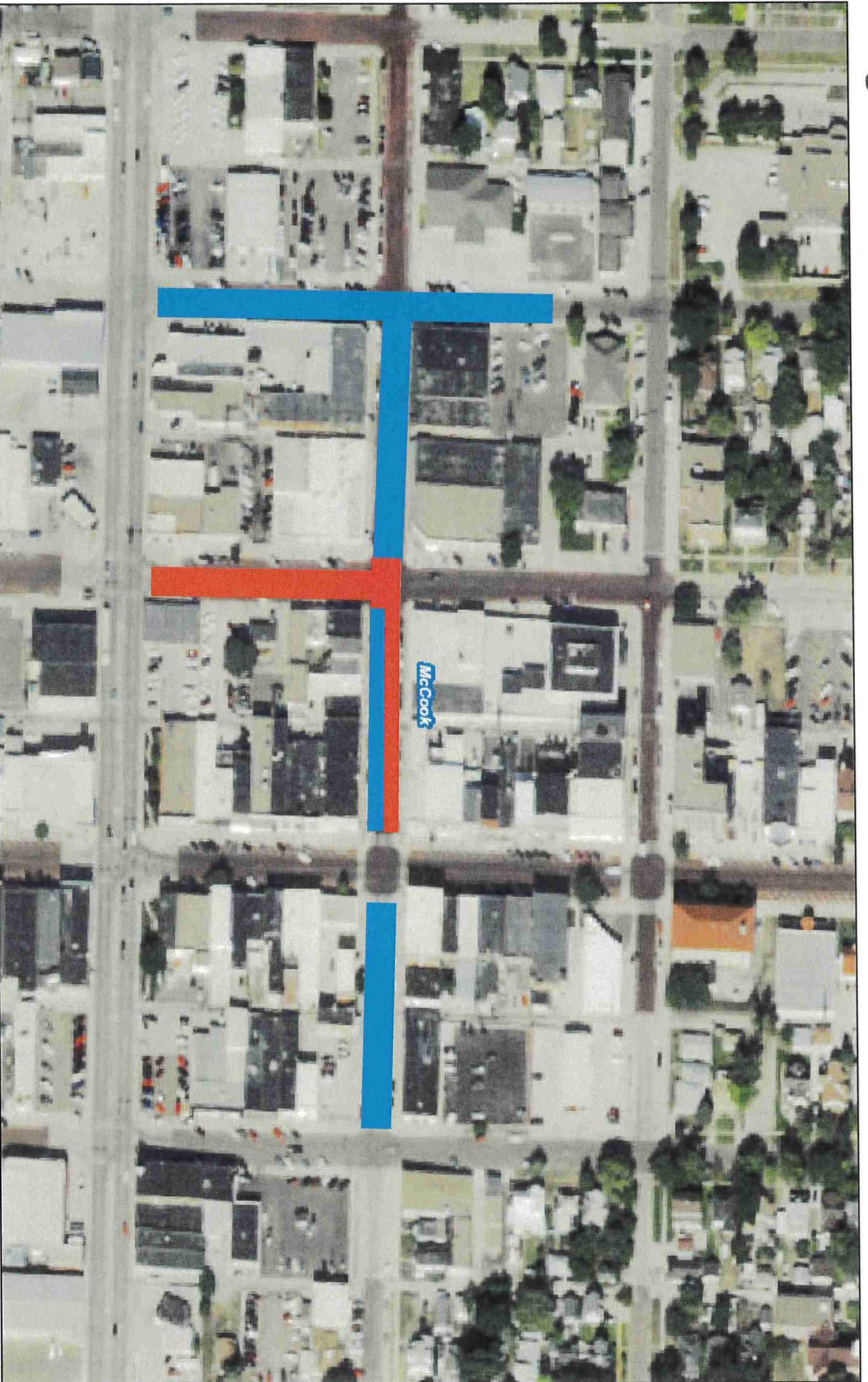
March 12, 2025



Nate Schneider, City Manager

March 12, 2025

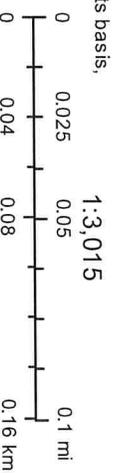
Red = Chamber Request
Blue = Wagner Request



March 12, 2025
17:00 PM

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

 Municipalities



**CITY MANAGER'S REPORT
MARCH 17, 2025 CITY COUNCIL MEETING**

ITEM: 3.F.

RECOMMENDATION:

APPROVE THE REQUEST FROM TRICIA WAGNER TO CLOSE THE FOLLOWING STREETS FOR THE 9TH ANNUAL CRUISIN' THE BRICKS CRUISE NIGHT AND CAR SHOW:

SATURDAY JUNE 28TH FROM 7:30 A.M. TO 7:30 P.M.

WEST 2ND STREET FROM "B" STREET TO HALFWAY BETWEEN WEST "C" STREET AND WEST "D" STREET(INCLUDING THE INTERSECTION AT WEST 2ND AND "C" STREET);

WEST "C" STREET FROM WEST 1ST STREET TO WEST 3RD STREET (INCLUDING ALLEYS AND THE INTERSECTION OF WEST 2ND STREET AND WEST "C" STREET.

SATURDAY JUNE 23RD FROM 7:00 P.M. TO 8:30 P.M.

WEST "C" STREET FROM NORRIS AVENUE TO WEST 1ST STREET (INCLUDING THE ALLEY);

EAST "C" STREET FROM NORRIS AVENUE TO EAST 1ST STREET (INCLUDING THE ALLEY);

INCLUDING TURNING OFF THE TRAFFIC SIGNAL AT THE INTERSECTION OF NORRIS AVENUE AND "C" STREET.

BACKGROUND:

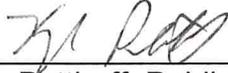
This request from Tricia Wagner is for the 9th Annual Cruisin' the Bricks Cruise Night and Car Show to be held on June 28, 2025. This is the same request as last year.

The Street Department will provide the cones for blocking off the streets.

FISCAL

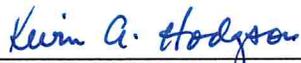
IMPACT: None.

APPROVALS:



Kyle Potthoff, Public Works Director

March 11, 2025



Kevin Hodgson, Chief of Police

March 11, 2025

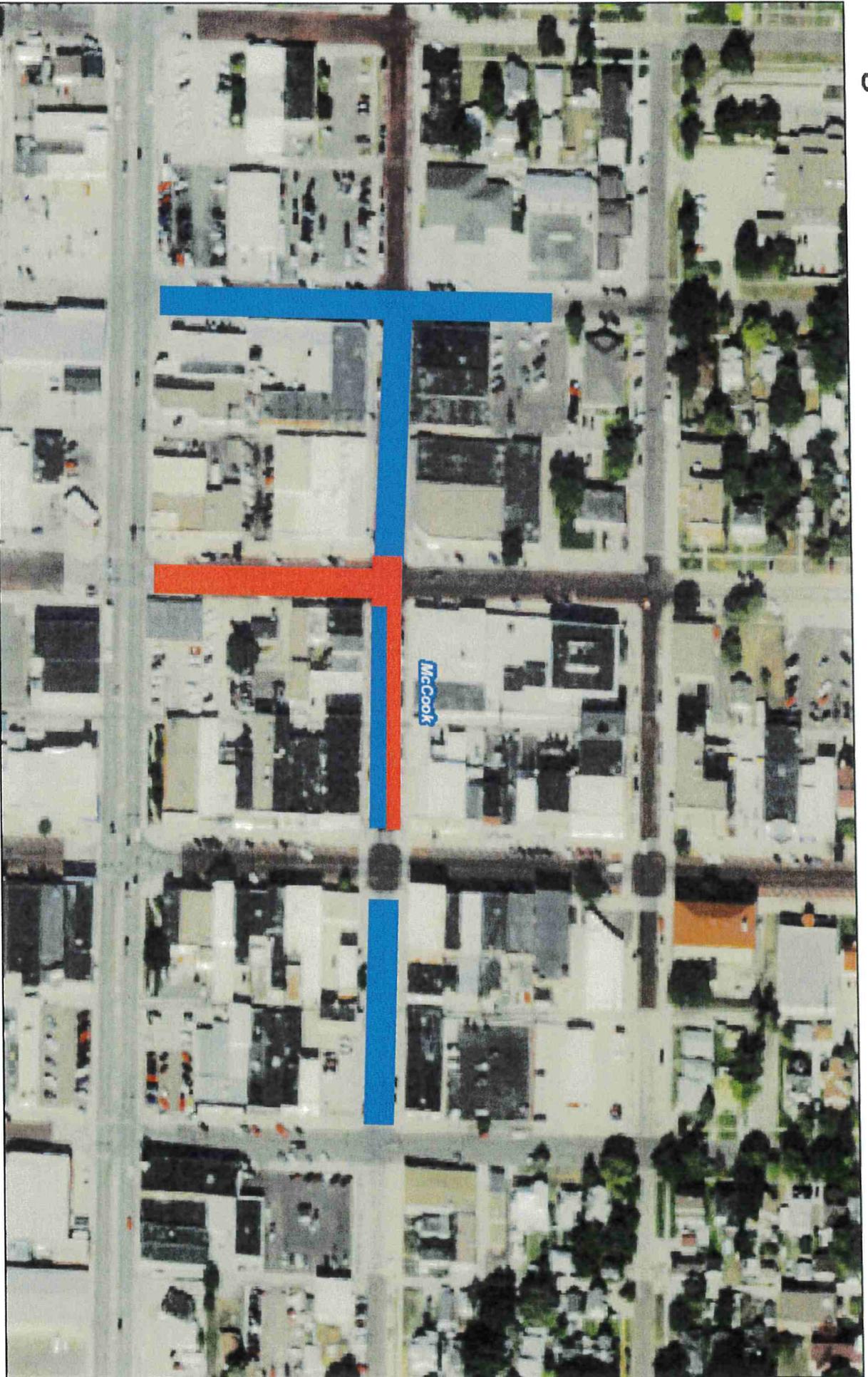


Nate Schneider, City Manager

March 11, 2025

Red = Chamber Request

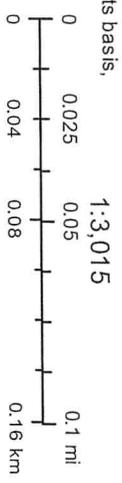
Blue = Wagner Request



March 12, 2025
17:00 PM

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

 Municipalities



CITY MANAGER'S REPORT
March 17, 2025 CITY COUNCIL MEETING

ITEM: 3.G.

RECOMMENDATION:

Approve an application from Telcom Construction to occupy City right-of-way for the purpose of replacing telephone cable for 302 East 4th Street.

BACKGROUND:

The telephone service for 302 East 4th Street is being replaced with a new telephone cable via underground boring. The bore will begin on the East side of the Alley Way at an existing ped between East 4th & East 3rd Street and continue East 22' under the alley way onto the property of 302 East 4th Street.

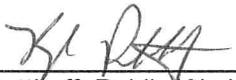
FISCAL IMPACT: (None) Telcom Construction has provided the required \$2,500 performance deposit for this installation.

APPROVALS:



Pat Fawver Utilities Dir.

March 17, 2025



Kyle Potthoff, Public Works Dir.

March 17, 2025



Nate Schneider, City Manager

March 17, 2025



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

Job: 25020062

APPLICATION TO OCCUPY RIGHT-OF-WAY

APPLICANT NAME: Telcom Construction for Lumen DATE: _____
ADDRESS: PO Box 189, Clearwater, MN 55320 PHONE: (320) 365 - 0086
FAX: _____ START DATE: 3/3/25 FINISH DATE: 9/1/25

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

Type: (circle) Over-Cross <u>Under-Cross</u> Occupy Miscellaneous	With a: (circle) Water Line Sewer Line Gas Line <u>Telephone Line</u> <u>(Underground Aerial)</u>	Tree Trimming/Removal Grading Other Electric Line (Underground Aerial)
--	---	--

Location: Beginning 42 feet (East West North South) of Intersection E C St
_____ and ending (East West North South) _____ feet of Intersection _____

Customer's address: 302 E 4TH 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: \$ _____ Check No. _____ Soc. Sec. 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.

Jane Brown
Applicant's Signature

Utilities Director Approval

Mayor

Date

Director of Public Works Approval



25020062
02-27-2025
TELCOM CONSTRUCTION
302 E 4th St, McCook, NE
69001

EXISTING LUMEN PED
12' FROM CL OF ALLEY

McCook

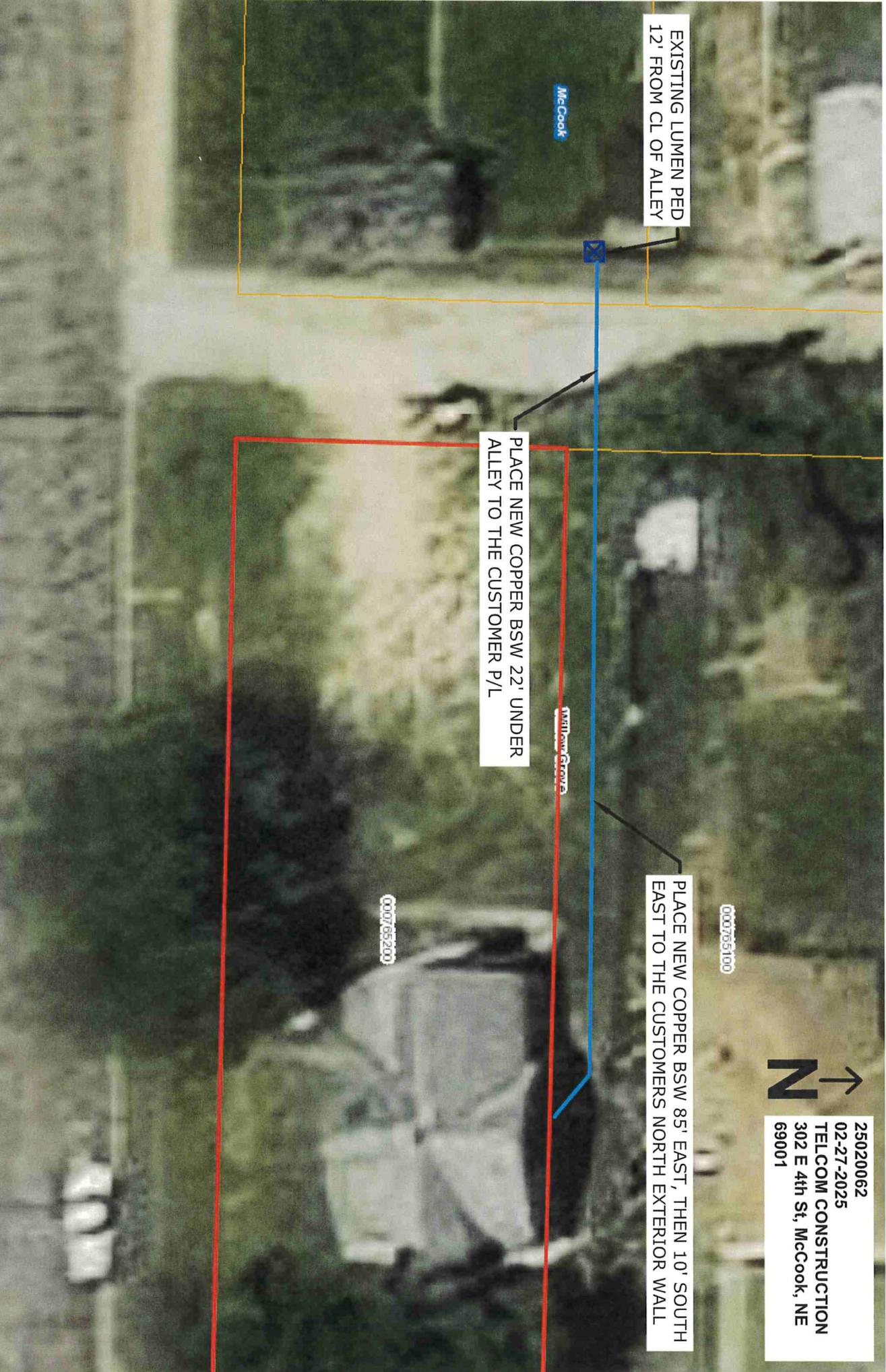
PLACE NEW COPPER BSW 22' UNDER
ALLEY TO THE CUSTOMER P/L

Willow Grove

PLACE NEW COPPER BSW 85' EAST, THEN 10' SOUTH
EAST TO THE CUSTOMERS NORTH EXTERIOR WALL

000765100

000765200



CITY MANAGER'S REPORT
March 17, 2024 CITY COUNCIL MEETING

ITEM: 3.H.

RECOMMENDATION:

Approve an application from Great Plains Communications to occupy city right-of-way for the purpose of installing underground fiber optic conduit, cable, and 1 new above ground 2'Lx2'Wx3'H pedestal @ East I St. & Apollo Rd.

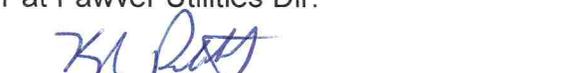
BACKGROUND:

Great Plains Communications (GPC) of Blair, NE is seeking permission to occupy City utility right-of-way to install fiber optic conduit, cable, and 1 above ground pedestal.

Starting 150 feet north of the centerline of East I Street and 50 feet west of the centerline of Apollo Road at the power pole. Continuing east 70 feet under Apollo Road and set an above-ground pedestal to terminate the route.

FISCAL IMPACT:(None)

APPROVALS:

 Pat Fawver Utilities Dir.	March 17, 2025
 Kyle Potthoff, Public Works Dir.	March 17, 2025
 Nate Schneider, City Manager	March 17, 2025

ATTN: PAT & KYLE



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

APPLICATION TO OCCUPY RIGHT-OF-WAY

APPLICANT NAME: Great Plains Communications DATE: 3/5/2025
ADDRESS: 1009 West B st PHONE: 402 533 4044 Tyler
FAX: 308 364 9060 START DATE: March 2025 FINISH DATE: October 2025

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

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

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

Location:

Beginning at Power pole, 150 feet North of the centerline of East I st and 50 feet West of the centerline of Apollo Rd, proposed path heads 70 feet East undercrossing Apollo Rd at this point install pedestal and earth route. 150 feet North of the centerline of East I st and 20 feet East of the centerline of Apollo Rd.

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

Performance Guarantee: (Make Payable to City of McCook)

Amount: \$2,500.00 Check No. _____ Or FID No. _____

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

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

Applicant's Signature

Director of Utilities Approval

Recommended By Mayor

Date

Director of Public Works Approval

- Start Point- 150 feet North of the centerline of East I st and 50 West of the centerline of Apollo Rd at the power pole.
- Boring in two 1.25" HDPE ducts/Fiber
- From the power pole bore 70 feet East undercrossing Apollo Rd and set a 2'Lx2'Wx3'H pedestal to end the route. Pedestal location is 20 feet East of the centerline of Apollo Rd and 150 feet North of the centerline of East I st.
- On the map included the Red line is our proposed path of the duct/fiber and the Green square is the proposed pedestal location.

000292700

Town: 3
Rng: 29W

Results

East J

001250000

001250100

001250400

001250500

001251100

001251000

001250900

001250800

001250700

Sect 28
Town: 3
Rng: 29W
001251600

001427200

East I st

001251200

001251300

001251400

001251500

001251600

Apollo Rd.

001426100



CITY MANAGER'S REPORT
March 17, 2024 CITY COUNCIL MEETING

ITEM: 3.I.

RECOMMENDATION:

Approve an application from Great Plains Communications to occupy city right-of-way for the purpose of installing underground fiber optic conduit, cable, and 1 new ground level vault @ West H Street & West 14th Street.

BACKGROUND:

Great Plains Communications (GPC) of Blair, NE is seeking permission to occupy City utility right-of-way to install fiber optic conduit, cable, and 1 new ground level vault.

Starting at the existing ground-level vault, located 25 feet south of the West H Street centerline and 155 feet West of the west 14th Street centerline, bore 20 feet south to reach the existing power pole. From the same existing vault, bore east for 310 feet, undercrossing West 14th Street while remaining on the south side of West H Street. At this location, install a new ground-level vault. Finally, bore southeast from the new vault to the existing power pole.

FISCAL IMPACT:(None)

APPROVALS:

 _____ Pat Fawver Utilities Dir.	March 17, 2025
 _____ Kyle Potthoff, Public Works Dir.	March 17, 2025
 _____ Nate Schneider, City Manager	March 17, 2025

ATTN: PAT & Kyle



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

APPLICATION TO OCCUPY RIGHT-OF-WAY

APPLICANT NAME: Great Plains Communications DATE: 3/5/2025
ADDRESS: 1009 West B st PHONE: _____
FAX: 308 364 9060 START DATE: March 2025 FINISH DATE: October 2025

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

Type: (circle) <input type="radio"/> Over-Cross <input checked="" type="radio"/> Under-Cross <input checked="" type="radio"/> Occupy <input type="radio"/> Miscellaneous	With a: (circle) <input type="radio"/> Water Line <input type="radio"/> Sewer Line <input type="radio"/> Gas Line <input type="radio"/> Telephone Line <input type="radio"/> (Underground Aerial)	<input checked="" type="radio"/> Fiber <input checked="" type="radio"/> (Underground Aerial) <input type="radio"/> Tree Trimming/Removal <input type="radio"/> Grading <input type="radio"/> Other <input type="radio"/> Electric Line <input type="radio"/> (Underground Aerial)
---	---	---

Location:

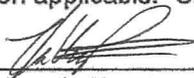
Beginning at existing GPC underground vault, 155 feet West of the Intersection of W H st & W 14th st and 25 feet South of the centerline of W H st. Path goes East 310 feet while undercrossing W 14th staying on the South side of W H st. install underground vault and then head Southeast 35 feet to the Power pole. Power pole is 175 feet East of centerline of W 14th st and 50 feet South of W H centerline.

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

Performance Guarantee: (Make Payable to City of McCook)

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

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



Applicant's Signature

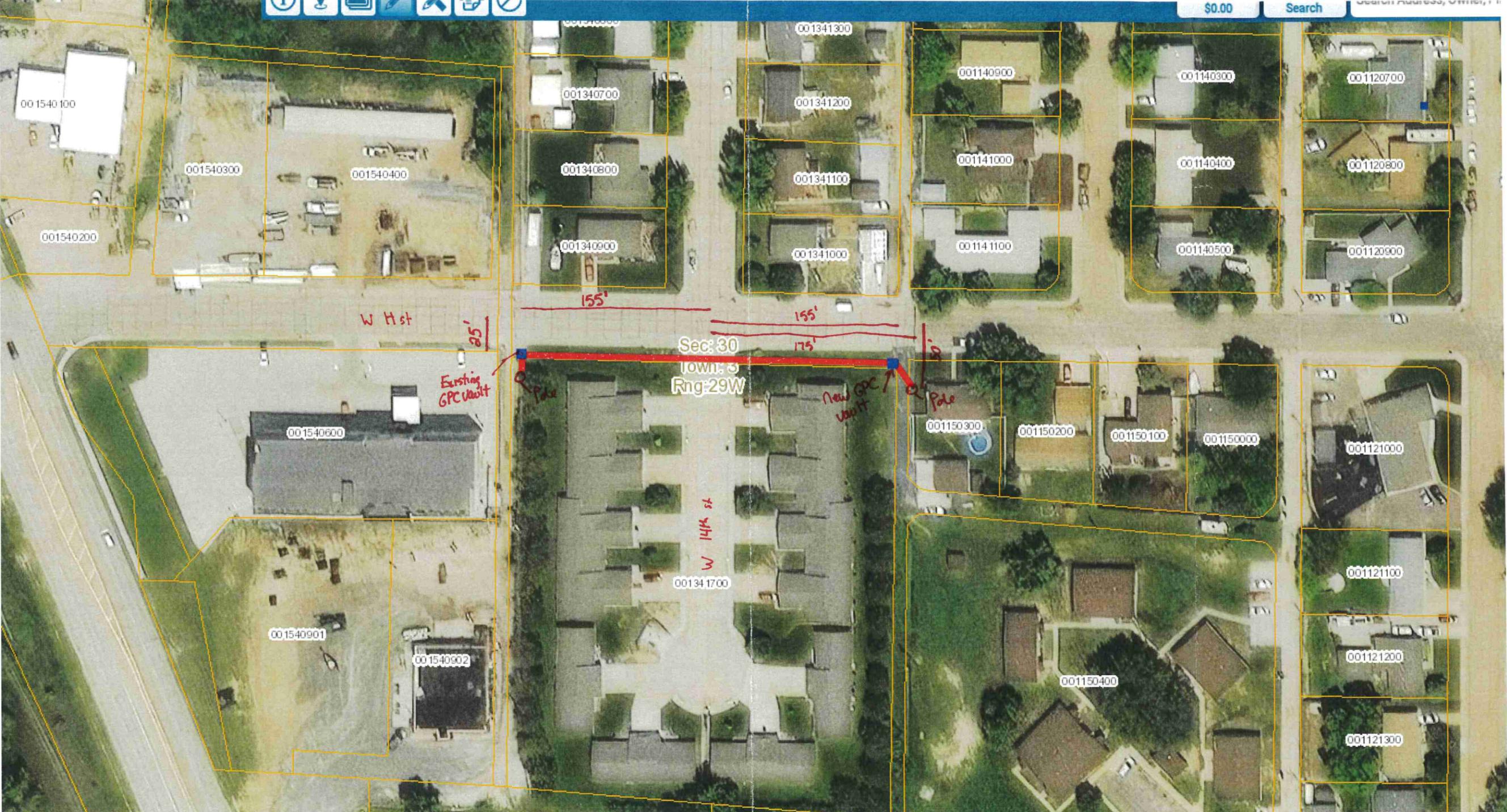
Director of Utilities Approval

Recommended By Mayor

Date

Director of Public Works Approval

- Start Point- 25 feet South of W H st centerline and 155 feet West of W 14th st centerline at existing Great Plains Communications underground vault.
- Boring in two 1.25" HDPE ducts/Fiber.
- From the GPC underground vault bore 20 feet South to the power pole. Also from the GPC underground vault bore East 310 feet undercrossing W 14th st while staying on the South side of W H. Set flush mount underground vault, bore 35 feet Southeast to the power pole and end the route.
- On the map included the Red line is our proposed path of the Duct/Fiber and the Blue squares are existing and proposed new vault locations.



CITY MANAGER'S REPORT
March 17, 2024 CITY COUNCIL MEETING

ITEM: **3.J.**

RECOMMENDATION:

Approve an application from Great Plains Communications to occupy city right-of-way for the purpose of installing underground fiber optic conduit and cable @ East C . St. & Airport Rd.

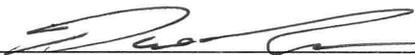
BACKGROUND:

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

Starting at an existing underground vault located 40 feet north of the centerline of East C Street and 20 feet west of the centerline of Airport Road. Bore 70 feet north, staying on the west side of Airport Road, to the endpoint at the existing power pole.

FISCAL IMPACT:(None)

APPROVALS:

 _____ Pat Fawver Utilities Dir.	March 17, 2025
 _____ Kyle Potthoff, Public Works Dir.	March 17, 2025
 _____ Nate Schneider, City Manager	March 17, 2025

ATTN: Pat & Kyle



P.O. BOX 1059 • 505 WEST C • McCook, NE 69001-1059 • PHONE (308) 345-2022 • FAX (308) 345-1481

APPLICATION TO OCCUPY RIGHT-OF-WAY

APPLICANT NAME: Great Plains Communications DATE: 3/5/2025
ADDRESS: 1009 West B st PHONE: 402 533 4044
FAX: 308 364 9060 START DATE: March 2025 FINISH DATE: October 2025

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

Type: (circle) Over-Cross Under-Cross <input checked="" type="radio"/> Occupy Miscellaneous	With a: (circle) Water Line Sewer Line Gas Line Telephone Line (Underground Aerial)	<input checked="" type="radio"/> Fiber <input checked="" type="radio"/> (Underground Aerial) Tree Trimming/Removal Grading Other Electric Line (Underground Aerial)
---	---	---

Location:

Beginning at existing GPC underground vault, 40 feet North of the centerline of East Cst and 20 feet West of the centerline of Airport Rd. Path goes North-Northwest 70 feet staying in the West side of Airport Road ending at the power pole that is 110 feet North of the East Cst centerline and 30 feet West of the Airport Rd Centerline

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

Performance Guarantee: (Make Payable to City of McCook)

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

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



Applicant's Signature

Director of Utilities Approval

Recommended By Mayor

Date

Director of Public Works Approval

- Start Point- 40 feet North of the centerline of East C st and 20 feet West of the centerline of Airport Rd a existing GPC underground Vault.
- Boring in two 1.25" HDPE ducts/fiber.
- From the existing GPC underground vault bore 70 North-Northwest staying on the West side of Airport Rd to power pole to end the route, pole location is 110 feet North of centerline of East C st and 30 feet West of the centerline of Airport Rd.
- On the map included the Red line is our proposed path of the duct/fiber and the Blue Square is our existing underground vault.



001020200

001426500

Sec: 28
Town: 3
Rng: 29W

Pde

Existing
GPC
Vault

East C st

Airport Rd

000990300

000990400

000990100

001427800

RESULTS

CITY MANAGER'S REPORT
March 17, 2024 CITY COUNCIL MEETING

ITEM: 3.K.

RECOMMENDATION:

Approve an application from Great Plains Communications to occupy city right-of-way for the purpose of installing underground fiber optic conduit, cable & 4 new ground level vaults @ W.10th & W. M St.

BACKGROUND:

Great Plains Communications (GPC) of Blair, NE is seeking permission to occupy City utility right-of-way to install fiber optic conduit, cable and 4 new ground level vaults.

Begin at a point located 26 feet east of the centerline of west 10th street and 180 feet south of the intersection of west 10th street and west O street, at an existing ground level vault. Bore south for a distance of 410 feet, remaining on the east side of west 10th street. At this location, set the first new ground level vault. From this new vault two lines will exit, one will go 68 feet back to the northwest undercrossing west 10th street and ending at an existing power pole. The second will continue south from the vault 320 feet, staying on the east side of west 10th street. At this location set the second new ground level vault at the north east corner of west 10th street and west M street and continue bore 520 feet east staying on the north side of west M street. At this location, set the third new ground level vault and continue to bore 460 feet east staying on the north side of the street. At this location, set the fourth new ground level vault and continue east for 20 feet to the end point at an existing power pole.

FISCAL IMPACT:(None)

APPROVALS:



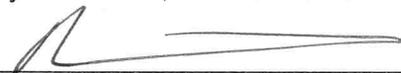
Pat Fawver Utilities Dir.

March 17, 2025



Kyle Potthoff, Public Works Dir.

March 17, 2025



Nate Schneider, City Manager

March 17, 2025

Attn: Pat + Kyle



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

APPLICATION TO OCCUPY RIGHT-OF-WAY

APPLICANT NAME: Great Plains Communications DATE: 3/5/2025
ADDRESS: 1009 West B st PHONE: 402 533 4044
FAX: 308 364 9060 START DATE: March 2025 FINISH DATE: October

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

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

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

Location:

Beginning at GPC underground vault 180 feet South of the intersection of W 0 st + W 10th st and 20 feet east of W 10th centerline. Path stays on east side of W 10th South to W M st. Stays on the North side of W M st and goes East along M st 980 feet and ends at Power Pole 55 feet west of the intersection of W M + Westridge and 20 feet North of the centerline of W M 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: \$2,500.00 Check No. _____ Or FID No. _____
This guarantee is for the faithful compliance by the Applicant to the terms of the permit. It is understood that should the Applicant fail to perform the work as set forth in the permit, the City of McCook will have the right to keep the performance guarantee as liquidated damages for its necessary supervisory and inspection expenses and to initiate such legal proceedings as are necessary to secure either performance of the work in compliance with the terms of the permit or the restoration of the right-of-way to its previous condition prior to the activities of the Applicant.

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

[Signature]
Applicant's Signature

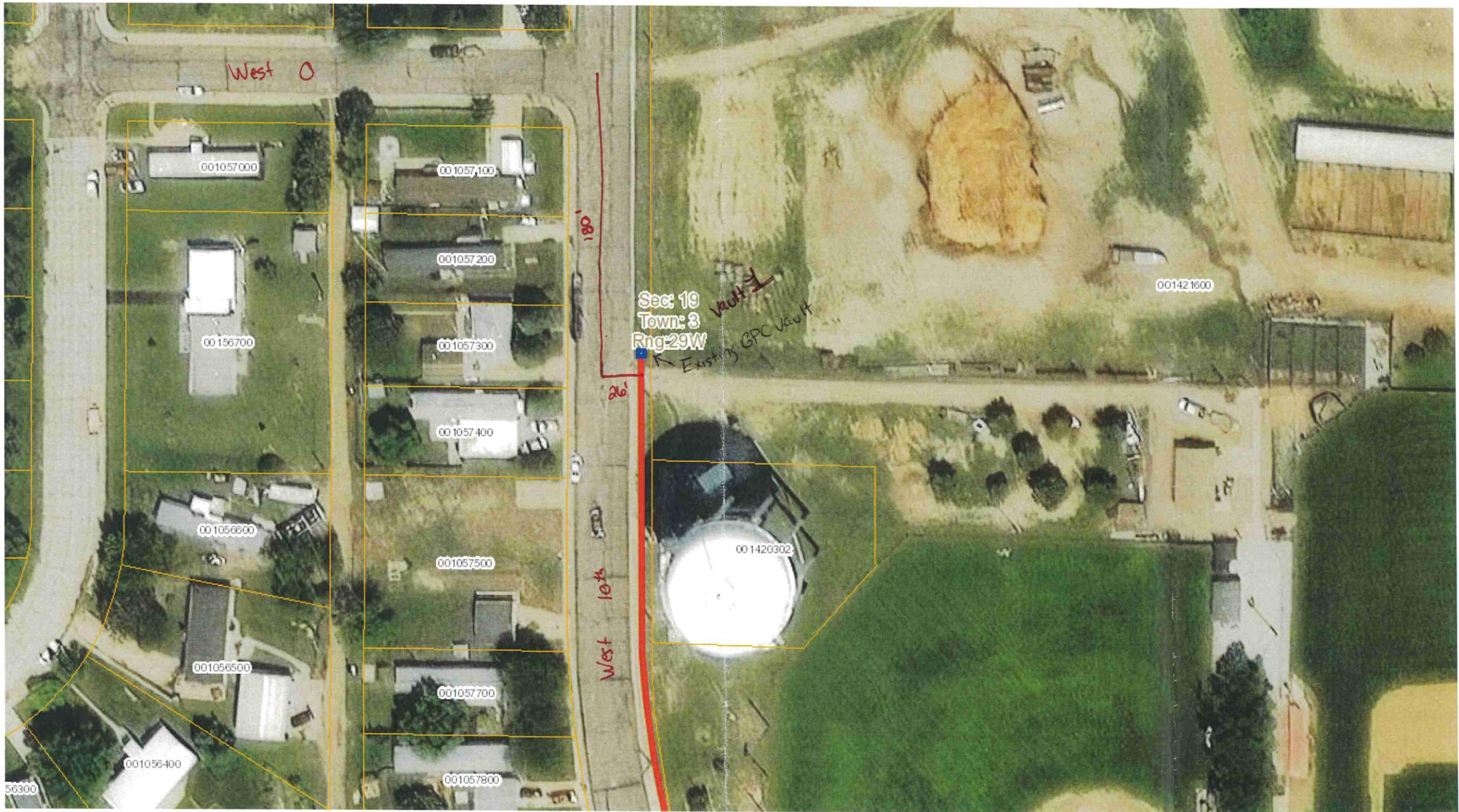
Director of Utilities Approval

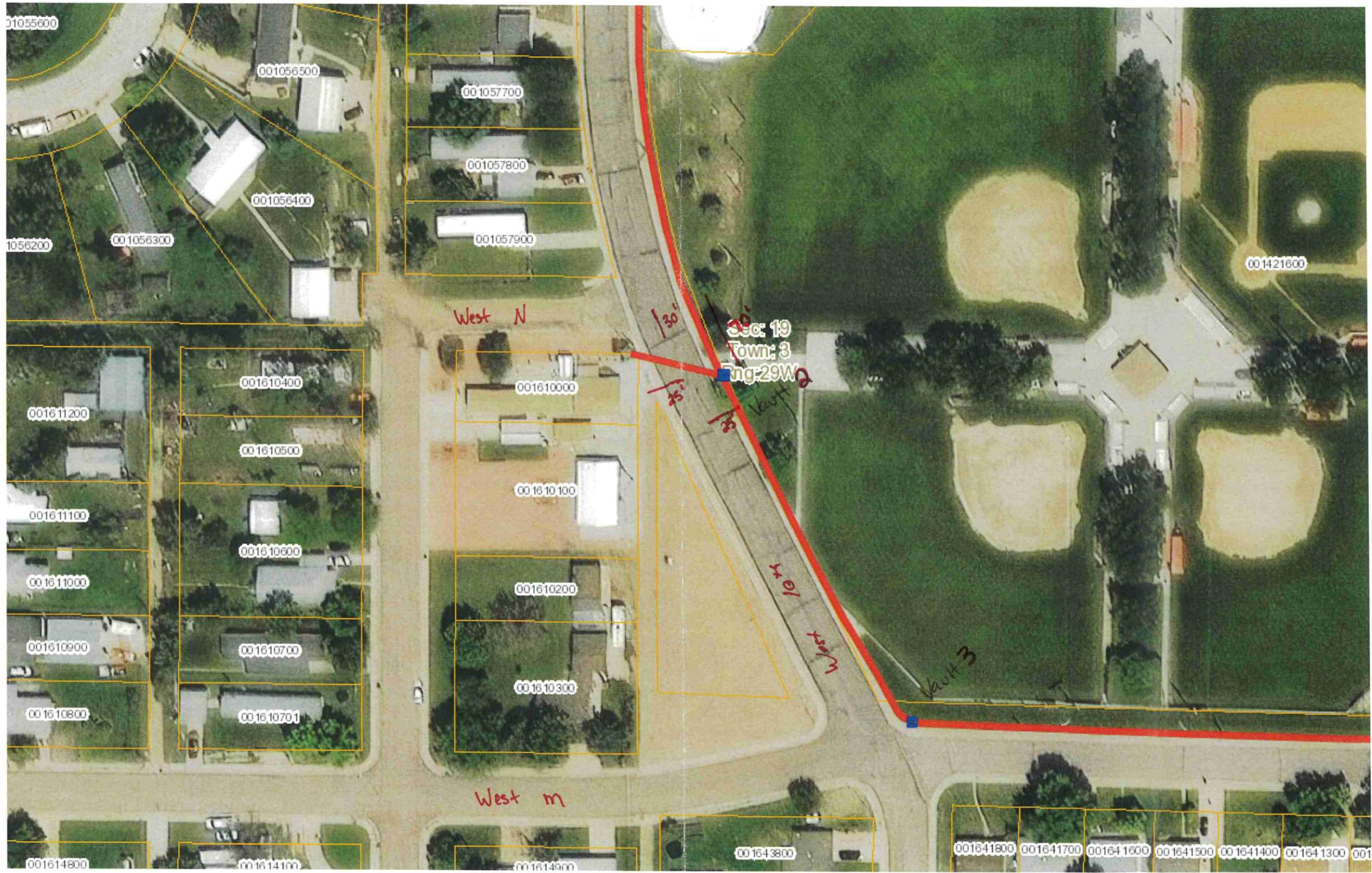
Recommended By Mayor

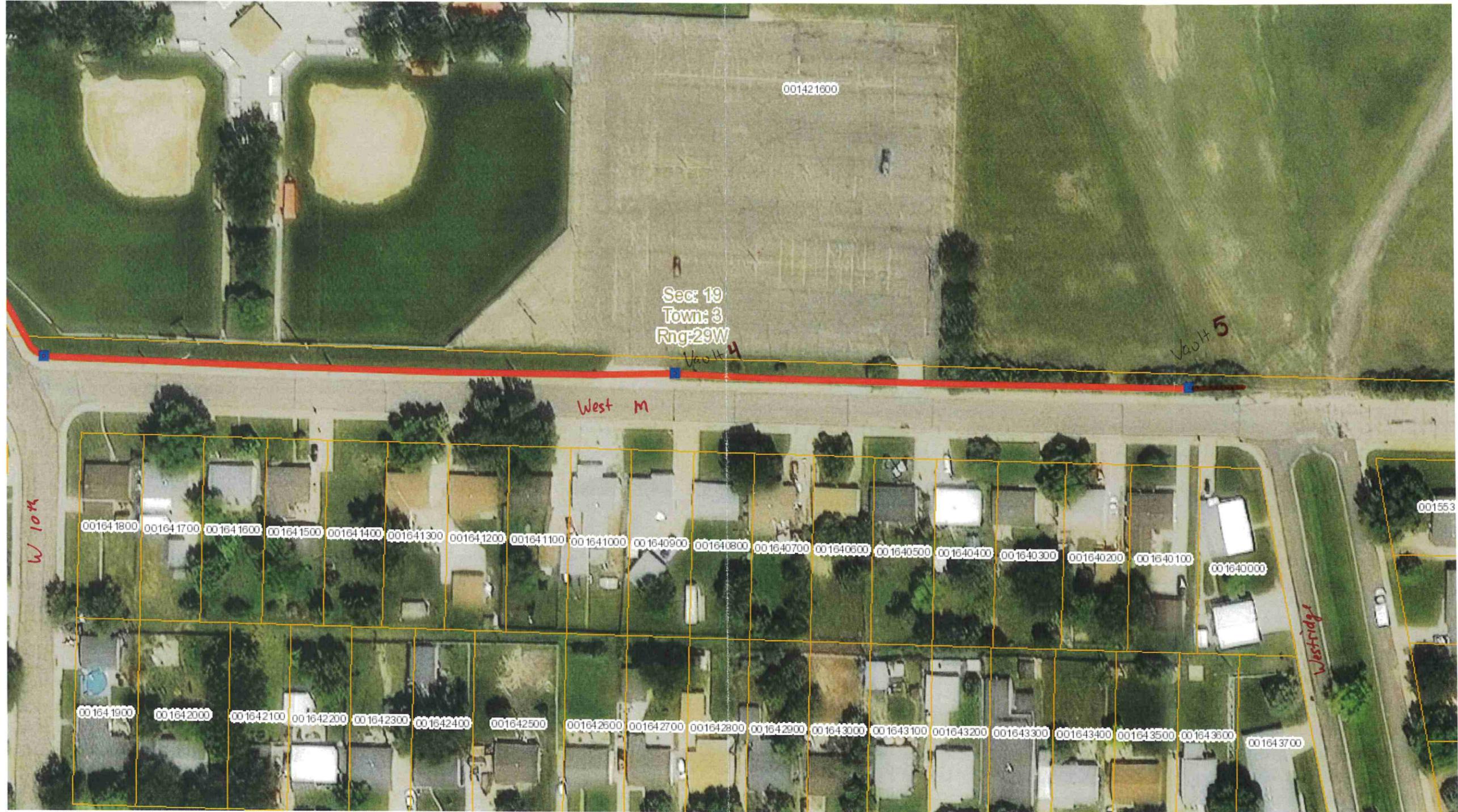
Date

Director of Public Works Approval

- Start Point- 26 feet East of W 10th st centerline and 180 feet South of the intersection of W 10th & W O st at existing Great Plains Communications Underground vault.
- Boring in two new 1.25" HDPE ducts/Fiber.
- From the existing GPC vault (Vault 1), bore South 410 feet staying on the East side of the street. Set flush mount underground vault (Vault 2), bore South-Southeast 320 feet staying on the east side of the street. Set flush mount underground vault (Vault 3) at the northeast corner of W 10th & W M st, bore East 520 feet staying on the north side of W M st. Set flush mount underground vault (Vault 4), bore East 460 feet staying on the north side of the street. Set flush mount underground vault (Vault 5), bore East 20 feet to the power pole.
- The under cross portion of this permit leaves Vault 2 and crosses under W 10th st to the power pole on the Southwest side of the intersection of W N & W 10th st. The pole is located 25 feet West of the centerline of W 10th and 30 feet South of the Intersection of W N & W 10th st. Vault 2 is located 25 feet East of the centerline of W 10th st and 70 feet South of the Intersection of W N & W 10th st.
- On the map included the Red line is our proposed path of the duct/fiber and the Blue squares are our proposed Vault locations. Vaults are also labeled with Vault numbers.







Sec: 19
Town: 3
Rng: 29W

West M

W 10th

Westridge

001421600

Vault 4

Vault 5

001641800 001641700 001641600 001641500 001641400 001641300 001641200 001641100 001641000 001640900 001640800 001640700 001640600 001640500 001640400 001640300 001640200 001640100 001640000
001641900 001642000 001642100 001642200 001642300 001642400 001642500 001642600 001642700 001642800 001642900 001643000 001643100 001643200 001643300 001643400 001643500 001643600 001643700

001553

CITY MANAGER'S REPORT
March 17, 2024 CITY COUNCIL MEETING

ITEM: **3.L.**

RECOMMENDATION:

Approve an application from Great Plains Communications to occupy city right-of-way for the purpose of installing underground fiber optic conduit, cable, and 3 new ground level vaults @ West O Street & West 17th Street.

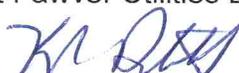
BACKGROUND:

Great Plains Communications (GPC) of Blair, NE is seeking permission to occupy City utility right-of-way to install fiber optic conduit, cable, and 3 new ground level vaults.

Begin at a point located 30 feet north of the centerline of West O Street and 340 feet west of the centerline of West 17th Street, at an existing ground-level vault. From the existing vault, bore 310 feet, staying on the north side of West O Street, to the location of the first new ground-level vault. From this vault, continue boring 180 feet, undercrossing West 17th Street, to the location of the second new ground-level vault. From this vault, continue boring east for 185 feet to the location of the third new ground-level vault, marking the end of the route.

FISCAL IMPACT:(None)

APPROVALS:

 _____ Pat Fawver Utilities Dir.	March 17, 2025
 _____ Kyle Potthoff, Public Works Dir.	March 17, 2025
 _____ Nate Schneider, City Manager	March 17, 2025

Attn: Pat & Kyle



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

APPLICATION TO OCCUPY RIGHT-OF-WAY

APPLICANT NAME: Great Plains Communications DATE: 3/10/2025
ADDRESS: 1009 W B st PHONE: 402 533 4044
FAX: 308 364 9060 START DATE: March 2025 FINISH DATE: October 2025

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

Type: (circle) <input type="checkbox"/> Over-Cross <input checked="" type="checkbox"/> Under-Cross <input checked="" type="checkbox"/> Occupy <input type="checkbox"/> Miscellaneous	With a: (circle) <input type="checkbox"/> Water Line <input type="checkbox"/> Sewer Line <input type="checkbox"/> Gas Line <input type="checkbox"/> Telephone Line <input type="checkbox"/> (Underground Aerial)	<input checked="" type="checkbox"/> Fiber <input checked="" type="checkbox"/> (Underground Aerial) <input type="checkbox"/> Tree Trimming/Removal <input type="checkbox"/> Grading <input type="checkbox"/> Other <input type="checkbox"/> Electric Line <input type="checkbox"/> (Underground Aerial)
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Location:

Beginning at existing GPC underground vault, 30 feet North of W 0st centerline and 340' West of W 17th centerline, bore East 310 feet on North side of W 0st, set vault by pole, bore East 180 feet undercrossing W 17th, set vault by pole, bore East 185 feet, set vault by pole to end Route. End location 30 feet North of W 0st centerline and 330 feet East of W 17th st centerline,

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

Performance Guarantee: (Make Payable to City of McCook)

Amount: \$2,500.00 Check No. _____ Or FID No. _____

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

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

[Signature]
Applicant's Signature

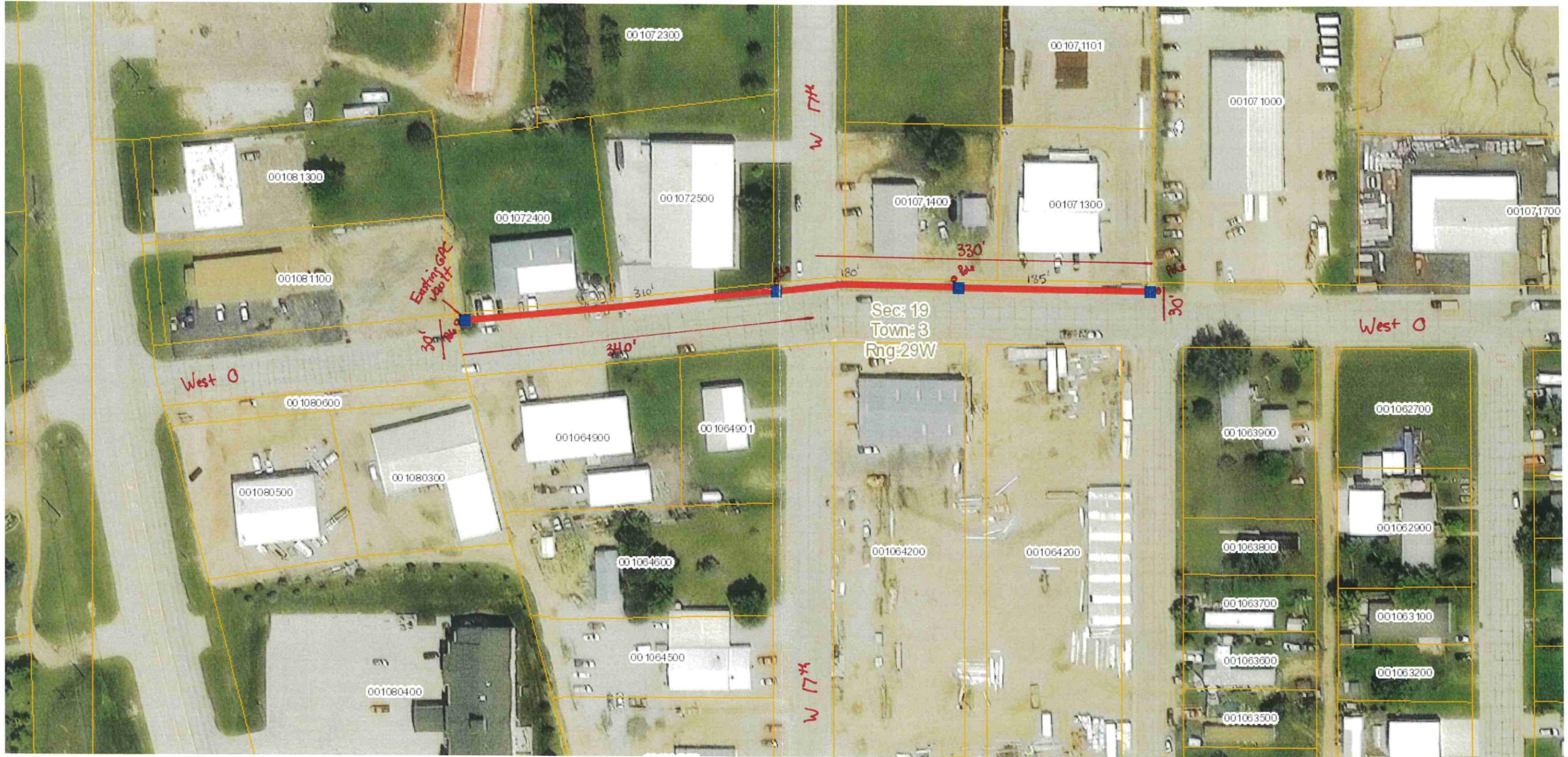
Director of Utilities Approval

Recommended By Mayor

Date

Director of Public Works Approval

- Start Point- 30 feet North of West O st centerline and 340 feet West of West 17th st centerline at existing GPC underground vault.
- Boring in two 1.25" HDPE ducts/Fiber.
- From GPC underground vault bore East 310 feet staying on the North side of West O st, set flush mount underground vault by power pole, bore East 180 feet undercrossing West 17th st, set flush mount underground vault, bore East 185 feet, set flush mount underground vault by power pole to end the route. End location 30 feet North of West O st centerline and 330 feet East of West 17th st centerline.
- At each new Vault location next to a power pole we will dig in a duct at each pole to access our existing aerial network.
- On the map included the Red line is our proposed path of the Duct/Fiber and the Blue Squares are our proposed Vault locations.



CITY MANAGER'S REPORT
March 17, 2024 CITY COUNCIL MEETING

ITEM: 3.M.

RECOMMENDATION:

Approve an application from Great Plains Communications to occupy city right-of-way for the purpose of installing underground fiber optic conduit, cable, and 1 new ground level vault @ West 17th St & West N St .

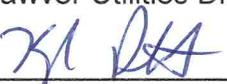
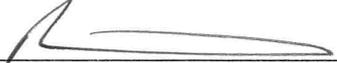
BACKGROUND:

Great Plains Communications (GPC) of Blair, NE is seeking permission to occupy City utility right-of-way to install fiber optic conduit, cable, and 1 new ground level vault.

Begin 30 feet south of the West N Street centerline, and 215 feet west of the intersection of West 17th Street and West N Street at an existing ground level vault. From this vault bore east 380 feet staying on the south side of West N Street. At this location install a new ground level vault. From this new vault bore north 60 feet undercrossing West N Street and ending at the existing power pole.

FISCAL IMPACT:(None)

APPROVALS:

 _____ Pat Fawver Utilities Dir.	March 17, 2025
 _____ Kyle Potthoff, Public Works Dir.	March 17, 2025
 _____ Nate Schneider, City Manager	March 17, 2025

Attn: Pat & Kyla



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

APPLICATION TO OCCUPY RIGHT-OF-WAY

APPLICANT NAME: Great Plains Communications DATE: 3/5/2025
ADDRESS: 1009 West B st PHONE: 402 533 4044 Tyler
FAX: 308 364 9060 START DATE: March 2025 FINISH DATE: October 2025

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

Type: (circle) Over-Cross <u>Under-Cross</u> <u>Occupy</u> Miscellaneous	With a: (circle) Water Line Sewer Line Gas Line Telephone Line (Underground Aerial)	<u>Fiber</u> <u>(Underground Aerial)</u> Tree Trimming/Removal Grading Other Electric Line (Underground Aerial)
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Location:

Beginning at existing GPC underground vault, 30 feet South of the Centerline of W N st and 215 West of the intersection of W N & W 17th st. Path proposed heads East on South side of W N 380 feet to new vault location 165 feet East of Centerline of W 17th and 25 feet South of W N Centerline, from there bore North 60 feet undercrossing West N and ending at the power pole. Power pole location is 165 feet East of W 17th Centerline and 35 feet North of W N centerline.

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

Performance Guarantee: (Make Payable to City of McCook)

Amount: \$2,500.00 Check No. _____ Or FID No. _____

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

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

Applicant's Signature

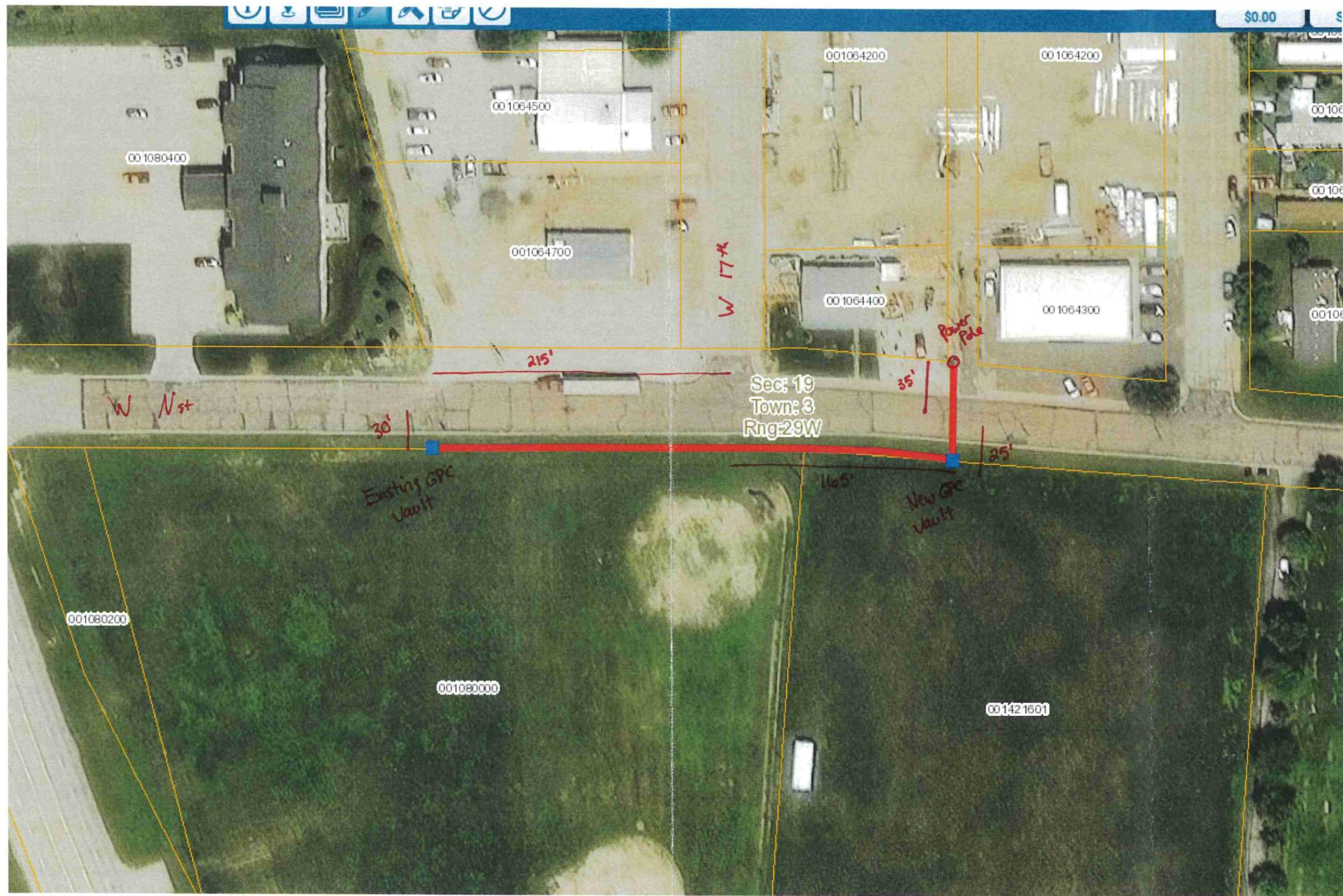
Director of Utilities Approval

Recommended By Mayor

Date

Director of Public Works Approval

- Start Point- 30 feet South of the W N st centerline and 215 feet West of the intersection of W 17th & W N st at existing Great Plains Communications Underground vault.
- Boring in two new 1.25" HDPE ducts/Fiber.
- From the existing GPC vault, bore East 380 feet on the South side of W N st, set a flush mount underground vault, vault location 165 East of centerline of W 17th st and 25 feet South of centerline of W N St. From new vault location bore North 60 feet undercrossing W N st and ending at the power pole. Power pole location is 165 feet East of the centerline of W 17th st and 35 feet North of the centerline of W N st.
- On the map included the Red line is our proposed path of the duct/fiber and the Blue squares are vault locations.



CITY MANAGER'S REPORT
March 17, 2024 CITY COUNCIL MEETING

ITEM: **3.N.**

RECOMMENDATION:

Approve an application from Great Plains Communications to occupy city right-of-way for the purpose of installing underground fiber optic conduit & cable At West Q Street & West Fairacres.

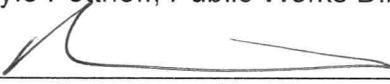
BACKGROUND:

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

Begin at a point located 35 feet north of the centerline of West Q Street and 85 feet east of the intersection of West Fairacres and West Q Street, at an existing ground-level vault. Bore west-southwest beneath West Q Street for a distance of 80 feet, ending at the power pole located south of West Q Street.

FISCAL IMPACT:(None)

APPROVALS:

 _____ Pat Fawver Utilities Dir.	March 17, 2025
 _____ Kyle Potthoff, Public Works Dir.	March 17, 2025
 _____ Nate Schneider, City Manager	March 17, 2025

Attn: Pat & Kyle



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

APPLICATION TO OCCUPY RIGHT-OF-WAY

APPLICANT NAME: Great Plains Communications DATE: 3/5/2025
 ADDRESS: 1009 West B st. PHONE: 402 533 4044 Tyler
 FAX: 308 364 9060 START DATE: March 2025 FINISH DATE: October 2025

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

Type: (circle) <input type="radio"/> Over-Cross <input checked="" type="radio"/> Under-Cross <input checked="" type="radio"/> Occupy <input type="radio"/> Miscellaneous	With a: (circle) <input checked="" type="radio"/> Fiber <input type="radio"/> (Underground) Aerial <input type="radio"/> Water Line <input type="radio"/> Sewer Line <input type="radio"/> Gas Line <input type="radio"/> Telephone Line <input type="radio"/> (Underground Aerial)	<input checked="" type="radio"/> Tree Trimming/Removal <input type="radio"/> Grading <input type="radio"/> Other <input type="radio"/> Electric Line <input type="radio"/> (Underground Aerial)
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Location:

Beginning at GPC underground vault 50 feet E of the Intersection of W Q st & W Fair Acres Dr and 35 feet North of the Centerline of W Q st. Path crosses South-Southeast under W Q st and ends at the power pole 85 East of the centerline of W Fair Acres and 33 feet South of the centerline of West Q 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: \$2,500.00 Check No. _____ Or FID No. _____
 This guarantee is for the faithful compliance by the Applicant to the terms of the permit. It is understood that should the Applicant fail to perform the work as set forth in the permit, the City of McCook will have the right to keep the performance guarantee as liquidated damages for its necessary supervisory and inspection expenses and to initiate such legal proceedings as are necessary to secure either performance of the work in compliance with the terms of the permit or the restoration of the right-of-way to its previous condition prior to the activities of the Applicant.

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

[Signature]
Applicant's Signature

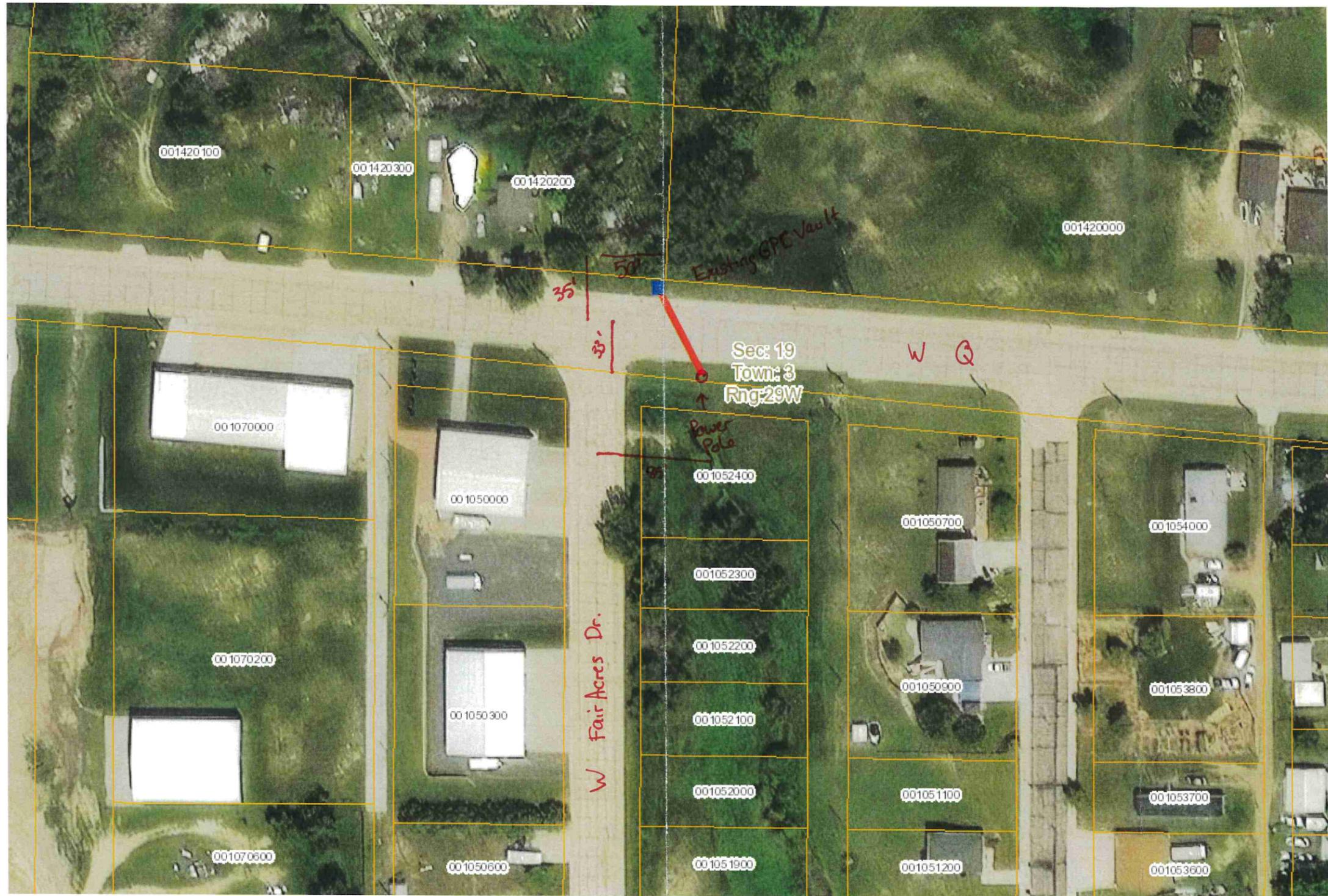
Director of Utilities Approval

Recommended By Mayor

Date

Director of Public Works Approval

- Start Point- 35 feet North of W Q st centerline and 85 feet East of the intersection of W Fair Acres & W Q st at existing Great Plains Communications Underground vault.
- Boring in two new 1.25" HDPE ducts/Fiber.
- From the existing GPC vault, bore South-Southeast 80 feet undercrossing W Q st and ending at the power pole South of W Q st. Power pole location is 85 feet east of the centerline of W Fair Acres and 33 feet South of the centerline of W Q st.
- On the map included the Red line is our proposed path of the duct/fiber and the Blue square is our existing GPC vault location.



**CITY MANAGER'S REPORT
MARCH 17, 2025 MCCOOK CITY COUNCIL MEETING**

4.A. ITEM NO. Approve on first reading, and under suspension of the rules, Ordinance No. 2025-3099 authorizing the issuance and sale of municipal improvement bond anticipation notes, in one or more series, of the City of McCook, Nebraska, of the aggregate principal amount of not to exceed \$16,000,000 for the purpose of providing interim financing for a portion of the costs of constructing infrastructure improvements associated with the sports complex.

BACKGROUND:

Pursuant to the sales tax election held on November 8, 2022, the City of McCook is set to issue bond anticipation notes for the construction costs associated with the sports complex. The accompanying ordinance authorizes the issuance of BAN notes in a principal amount not to exceed \$16 million, with the actual issuance amount to be a lesser amount. Currently, the City of McCook plans to issue the BAN's at the beginning of August. A tentative time line is attached to this report for review.

Paul Grieger of D.A. Davidson will be present at the March 17, 2025 McCook City Council meeting to discuss the ordinance and answer any questions regarding the proposed ordinance.

APPROVALS:



Nathan A. Schneider, City Manager

March 12, 2025



Lea Ann Doak, City Clerk

March 12, 2025



Tera Koetter, Assistant City Manager

March 12, 2025

ORDINANCE NO. 2025-3099

AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF MUNICIPAL IMPROVEMENT BOND ANTICIPATION NOTES, IN ONE OR MORE SERIES, OF THE CITY OF McCOOK, NEBRASKA, OF THE AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED SIXTEEN MILLION DOLLARS (\$16,000,000) FOR THE PURPOSE OF PROVIDING INTERIM FINANCING FOR A PORTION OF THE COSTS OF CONSTRUCTING INFRASTRUCTURE IMPROVEMENTS; PRESCRIBING THE FORM OF SAID NOTES; AGREEING TO ISSUE BONDS TO PAY THE NOTES AT MATURITY OR TO PAY THE NOTES FROM OTHER AVAILABLE FUNDS; ENTERING INTO A CONTRACT ON BEHALF OF THE CITY WITH THE HOLDERS OF SAID NOTES; AND ORDERING THIS ORDINANCE PUBLISHED IN PAMPHLET OR ELECTRONIC FORM.

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

Section 1. The Mayor and City Council hereby find and determine:

(a) The City imposes a sales and use tax in the amount of 1.50% (the "1.5% Sales Tax") upon the same transactions within the City on which the State of Nebraska is authorized to impose a tax pursuant to the Local Option Revenue Act (Sections 77-27,142 to 77-27,148, R.R.S. Neb., as amended, the "Act").

(b) An election (the "Election") was duly called and held in conjunction with the Statewide General Election on November 8, 2022, pursuant to the Act, to impose an additional one-half of one percent (0.50%) sales and use tax to pay finance, refinance and reimburse the costs to construct, acquire, improve, furnish, and equip public infrastructure projects, which shall include ballpark facilities (collectively, the "Project"), at which Election a majority of all the qualified electors voting on said proposition voted in favor of the levy and collection of the additional one-half of one percent (0.50%) sales and use tax (the "0.5% Sales Tax"; and together with the 1.5% Sales Tax, the "Tax").

(c) Pursuant to an ordinance passed and approved by the Mayor and Council, the City has imposed the 0.5% Sales Tax applicable to all taxable transactions within the City and continuing for a period of ten years, unless bonds are issued and some or all of the revenues from the 0.5% Sales Tax are pledged for payment of the bonds, in which case the 0.5% Sales Tax shall remain in effect until payment in full of said bonds and any refunding bonds, whichever date is later.

(d) The City is authorized to issue notes pursuant to the Act to provide financing for the Project and to pledge receipts of the Tax and dedicate a portion of its property tax levy authority as provided in Section 77-3442, R.R.S. Neb., as amended, for payment of such bonds.

(e) All conditions, acts and things required to exist or to be done precedent to the issuance of Municipal Improvement Bond Anticipation Notes, Series 2025, (or such other title as determined in a Designation as described below, the "Notes") of the City of McCook, Nebraska, in one or more series in the aggregate principal amount of not to exceed Sixteen Million Dollars (\$16,000,000) pursuant to the Act to provide financing for a portion of the cost of the Project do exist and have been done as required by law.

Section 2. For the purpose of providing interim financing, refinancing and reimbursing for the costs set out in Section 1 pending the issuance of bonds by the City, there shall be and there are hereby ordered issued bond anticipation notes of the City of McCook, Nebraska, which may be issued in one or more series, of the aggregate principal amount of not to exceed Sixteen Million Dollars (\$16,000,000) (herein referred to as the "Notes" or the "notes"), consisting of fully registered notes, within each series numbered from 1 upwards in the order of issuance, in the denomination of \$5,000 each, or integral multiples thereof. The Notes shall bear interest at the rates per annum and become due and bear such other terms subject to and in accordance with the following:

The Mayor, City Manager, or City Clerk/Treasurer, (each, an "Authorized Officer") may negotiate for the sale of the Notes in one or more series (a) through a private placement to a bank or banks, or (b) pursuant to a negotiated sale with an underwriting firm (the "Underwriter"). In connection with such sale the Authorized Officers or any one or more of them are authorized to specify, determine, designate, establish and appoint, as the case may be, in one or more written designations which may be included in a note purchase agreement (each, a "Designation"), the following: (i) whether the Notes will be sold through a private placement to a bank or through a negotiated sale with the Underwriter; (ii) the aggregate purchase price of the Notes and, if applicable, the placement agent fee or underwriting discount which shall not exceed 1.00% of the aggregate stated principal amount thereof; (iii) the form and contents of any note purchase agreement or investor letter in connection with the sale of each series of Notes; (iv) for each series of notes issued, the title (including series designation), dated date, aggregate principal amount, which aggregate stated principal amount shall not exceed \$16,000,000, and the final maturity date, which shall not be later than December 15, 2027; (v) the principal amounts maturing in each year; (vi) the rate or rates of interest to be borne by each principal maturity, provided that the true interest cost of a series of the Notes shall not exceed 5.00%; (vii) the principal payment dates and interest payment dates; (viii) whether a series of the Notes will be subject to redemption prior to their stated maturity, and if subject to such optional redemption, the provisions governing such redemption, including a redemption price not to exceed 104% of the principal amount then being redeemed plus accrued interest to the date of redemption; (ix) the amount and due date of each sinking fund installment for any of the Notes issued as term Notes; (x) the designation of the Paying Agent and Registrar and the form and content of any agreement between the City and such entity, as necessary; and (xi) all other terms and provisions of the Notes not otherwise specified or fixed by this Ordinance.

Interest on the Notes shall be payable on such dates as shall be determined in the Designation, and the Notes shall bear such interest from the date of original issue or the most recent Interest Payment Date, whichever is later. The interest due on each Interest Payment Date shall be payable to the registered owners of record as of the close of business on the fifteenth day immediately preceding the Interest Payment Date (the "Record Date"), subject to the provisions of Section 4 hereof, by check or draft mailed by the Paying Agent and

Registrar to the address of such registered owner shown on the books of the Paying Agent and Registrar. The Notes shall be numbered from 1 upwards in the order of their issuance. No Note shall be issued originally or upon transfer or partial redemption having more than one principal maturity.

Also provided, however, the City reserves the right to redeem any or all of said notes prior to maturity on or after a date to be determined in the Designation, upon not less than thirty days written notice, at par and accrued interest to the date fixed for redemption. Such notice of call for redemption shall be sufficient if it has been sent to a registered holder of said note or notes by first class mail addressed to the registered address of said registered holder. If less than all of the notes are called and redeemed, such notes shall be called in increments of \$5,000 or integral multiples thereof. If less than all of the principal amount of any outstanding note is called for redemption, in such case upon the surrender of such note called for payment, there shall be issued to the registered owner of said note, without charge therefor, a registered note or notes for the unpaid principal balance in any of the authorized denominations authorized by this ordinance.

The principal of said notes and any interest due on said notes upon maturity or earlier call for redemption shall be payable at the office of the Paying Agent and Registrar (defined below), upon presentation and surrender of the note or notes when due or when called for payment prior to maturity.

Section 3. The City Treasurer, McCook, Nebraska, (or such bank or trust company as may be determined in a Designation) is hereby designated as paying agent and registrar (the "Paying Agent and Registrar") for the Bond Anticipation Notes herein ordered issued and is hereby authorized to make payments of interest and principal from funds available for such purposes as provided herein as the same fall due. The Paying Agent and Registrar shall keep and maintain for the City books for the registration and transfer of the Notes. The names and registered addresses of the registered owner or owners of the Notes shall at all times be recorded in such books. In the case of a negotiated sale with the Underwriter, any Note may be transferred pursuant to its provisions by said Paying Agent and Registrar by surrender of such Note for cancellation, accompanied by a written instrument of transfer, in form satisfactory to said Paying Agent and Registrar, duly executed by the registered owner in person or by such owner's duly authorized agent, and thereupon the Paying Agent and Registrar on behalf of the City will deliver (or send by registered mail to the transferee

owner or owners thereof at such transferee owner's or owners' risk and expense), registered in the name of such transferee owner or owners, a new note or notes of the same series, interest rate, aggregate principal amount and maturity. In the case of a private placement with a bank, the Notes may be transferred, but only upon the bond register and only if (1) the registered owner has submitted to the Paying Agent and Registrar the Notes accompanied by an assignment in substantially the form attached to the Notes duly executed by the registered owner or the registered owner's attorney or legal representative, which assignment shall disclose the name, address and tax identification number of the assignee, and (2) the assignee is a bank or a qualified institutional buyer as defined in Rule 144A promulgated by the Securities and Exchange Commission and the owner has obtained from such proposed transferee and provided to the City, prior to such transfer and assignment, an investor letter or certificate in form satisfactory to the City. To the extent of the denominations authorized for the notes by this ordinance, one note may be transferred for several such notes of the same series, interest rate and maturity, and for a like aggregate principal amount, and several such notes may be transferred for one or several such notes, respectively of the same series, interest rate and maturity and for a like aggregate principal amount. In every case of transfer of a note, the surrendered note shall be cancelled and destroyed. All notes issued upon transfer of the notes so surrendered shall be valid obligations of the City evidencing the same obligations as the notes surrendered and shall be entitled to all the benefits and protection of this ordinance to the same extent as the notes upon transfer of which they were delivered. The City and said Paying Agent and Registrar shall not be required to transfer any note called for redemption for a period of 30 days next preceding the date fixed for redemption.

Section 4. Said Notes shall not be valid and binding on the City until authenticated by the Paying Agent and Registrar.

Section 5. Said notes shall be substantially in the following form:

**UNITED STATES OF AMERICA
STATE OF NEBRASKA
COUNTY OF RED WILLOW

BOND ANTICIPATION NOTE**

**OF THE CITY OF McCOOK, NEBRASKA
SERIES 2025**

No. R-1

<u>Interest Rate</u>	<u>Maturity Date</u>	<u>Date of Original Issue</u>	<u>CUSIP</u>
_____ %	_____, 20__	_____, 2025	

Registered Owner:

Principal Amount: _____ (\$ _____)

KNOW ALL PERSONS BY THESE PRESENTS: That the City of McCook, in the County of Red Willow, in the State of Nebraska, hereby acknowledges itself to owe and for value received promises to pay to the registered owner shown above and as shown on the registration books of the City on the maturity date shown above, the principal amount shown above in lawful money of the United States of America with interest thereon to maturity (or earlier redemption) from the date of original issue or most recent Interest Payment Date, whichever is later, at the rate per annum specified above, payable semiannually on _____ and _____ of each year, commencing _____, 20__ (each of said dates an "Interest Payment Date"). Said interest shall be computed on the basis of a 360-day year consisting of twelve 30-day months. The principal of this note and any interest due upon maturity or earlier call for redemption are payable at the office of _____, as Paying Agent and Registrar, in _____, Nebraska, upon presentation and surrender of the note when due or when called for payment prior to maturity. The interest payable on this note on any interest payment date shall be paid to the person in whose name this note is registered on the registration books maintained by the Paying Agent and Registrar at the close of business on the Record Date for such interest, which shall be the 15th day (whether or not a business day) next preceding the interest payment date. Such interest shall be payable by check or draft mailed by the Paying Agent and Registrar to the address of such registered owner shown on the note register. The principal or redemption price of and interest on this note shall be payable by check or draft in any coin or currency that, on the respective dates of payment thereof, is legal tender for the payment of public and private debts.

This note is redeemable at the option of the City prior to maturity at any time on or after _____, 20__ at par and accrued interest to date fixed for redemption. Notice of call of any note for redemption prior to maturity shall be sufficient if given in writing and mailed by first class mail, postage prepaid, to the registered owner at the address shown on the note register not less than thirty days prior to the date fixed for redemption.

This note is one of an issue of notes numbered from 1 upwards in order of issuance, of the total principal amount of _____ DOLLARS (\$ _____) in the denomination of \$5,000 or integral multiples thereof, of even date and like tenor herewith, issued by the City of McCook for the purpose of providing interim financing, refinancing and reimbursing to pay a portion of the costs to construct, acquire, improve, furnish, and equip public infrastructure projects, which shall include ballpark facilities, including the cost of issuance of said notes, pending the issuance of permanent bonds of the City. The issuance of this note and the other notes of this issue has been lawfully authorized by ordinance duly passed, signed and published by the Mayor and City Council of said City in strict compliance with Section 77-27,142, R.R.S. Neb., as amended, and all other applicable laws.

The City agrees that the principal and interest of this note shall be payable from the proceeds of the issuance and sale of its bonds, the issuance and sale of its bond anticipation notes, or from other monies of the City lawfully available for such purposes.

The City reserves the right to issue additional bond anticipation notes for the purpose of paying the balance of the costs of the projects financed in part by this issue of notes or of other improvement projects of the City, for the purpose of refunding the notes of this issue at or prior to maturity and for the purpose of paying for additional improvements for the City. The ordinance under which these notes are issued constitutes an irrevocable contract between the City and the holders of all of said notes and said contract cannot be changed or altered without the written consent of the holders of seventy-five percent (75%) in principal amount of the notes of this series then outstanding.

[AS PROVIDED IN THE ORDINANCE REFERRED TO HEREIN, UNTIL THE TERMINATION OF THE SYSTEM OF BOOK-ENTRY-ONLY TRANSFERS THROUGH THE DEPOSITORY TRUST COMPANY, NEW YORK, NEW YORK (TOGETHER WITH ANY SUCCESSOR SECURITIES DEPOSITORY APPOINTED PURSUANT TO THE ORDINANCE, "DTC"), AND NOTWITHSTANDING ANY OTHER PROVISIONS OF THE ORDINANCE TO THE CONTRARY, A PORTION OF THE PRINCIPAL AMOUNT OF THIS NOTE MAY BE PAID OR REDEEMED WITHOUT SURRENDER HEREOF TO THE REGISTRAR. DTC OR A NOMINEE, TRANSFEREE OR ASSIGNEE OF DTC OF THIS NOTE MAY NOT RELY UPON THE PRINCIPAL AMOUNT INDICATED HEREON AS THE PRINCIPAL AMOUNT HEREOF OUTSTANDING AND UNPAID. THE PRINCIPAL AMOUNT HEREOF OUTSTANDING AND UNPAID SHALL FOR ALL PURPOSES BE THE AMOUNT DETERMINED IN THE MANNER PROVIDED IN THE ORDINANCE.

UNLESS THIS NOTE IS PRESENTED BY AN AUTHORIZED OFFICER OF DTC (A) TO THE REGISTRAR FOR REGISTRATION OF TRANSFER OR EXCHANGE OR (B) TO THE REGISTRAR FOR PAYMENT OF PRINCIPAL, AND ANY NOTE ISSUED IN REPLACEMENT HEREOF OR SUBSTITUTION HEREFOR IS REGISTERED IN THE NAME OF DTC AND ANY PAYMENT IS MADE TO DTC OR ITS NOMINEE, ANY TRANSFER, PLEDGE OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL BECAUSE ONLY THE REGISTERED OWNER HEREOF, DTC OR ITS NOMINEE, HAS AN INTEREST HEREIN.]

This note shall not be valid and binding on the City until authenticated by the Paying Agent and Registrar.

IT IS HEREBY CERTIFIED AND WARRANTED that all conditions, acts and things required by law to exist or to be done precedent to and in the issuance of this note did exist, did happen and were done and performed in regular and due form and time as provided by law.

IN WITNESS WHEREOF the Mayor and Council of the City of McCook, Nebraska, have caused this note to be executed on behalf of the City with the manual or facsimile signatures of the Mayor and the City Clerk and by causing the official seal of the City to be impressed or imprinted hereon, all as of the date of original issue specified above.

CITY OF McCOOK, NEBRASKA

Mayor

ATTEST:

City Clerk
(SEAL)

CERTIFICATE OF AUTHENTICATION

This note is one of the notes of the issue designated therein and issued under the provisions of the ordinance authorizing said issue.

Paying Agent and Registrar

Authorized Signature

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned hereby sells, assigns and transfers unto

Print or Type Name, Address and Social Security Number
or other Taxpayer Identification Number of Transferee

the within Bond and all rights thereunder, and hereby irrevocably constitutes and appoints _____ agent to transfer the within Bond on the Bond Register kept by the Paying Agent for the registration thereof, with full power of substitution in the premises.

Dated: _____

NOTICE: The signature to this assignment must correspond with the name of the Registered Owner as it appears upon the face of the within Bond in every particular.

Medallion Signature Guarantee:

Section 6. Each of the Notes shall be executed on behalf of the City with the manual or facsimile signatures of the Mayor and the City Clerk and shall have imprinted thereon the City's seal (which may be a facsimile seal). If the Notes are sold through a private placement with a bank, the provisions regarding DTC (defined herein) shall not apply. If the Notes are sold through a negotiated sale with the Underwriter, the Notes shall be issued initially as "book-entry-only" notes using the services of The Depository Trust Company ("DTC"), with one typewritten note certificate per maturity being issued to DTC. In such connection, said officers are authorized to execute and deliver a Letter of Representations in the form required by DTC (including any blanket letter previously executed and delivered by the City), for and on behalf of the City, which shall thereafter govern matters with respect to registration, transfer, payment and redemption of the Notes. Upon the issuance of the Notes as "book-entry-only" notes, the following provisions shall apply:

(a) The City and the Paying Agent and Registrar shall have no responsibility or obligation to any broker-dealer, bank or other financial institution for which the Depository holds Notes as securities depository (each, a "Bond Participant") or to any person who is an actual purchaser of a Note from a Bond Participant while the Notes are in book-entry form (each, a "Beneficial Owner") with respect to the following:

(i) the accuracy of the records of the Depository, any nominees of the Depository or any Bond Participant with respect to any ownership interest in the Notes,

(ii) the delivery to any Bond Participant, any Beneficial Owner or any other person, other than the Depository, of any notice with respect to the Notes, including any notice of redemption, or

(iii) the payment to any Bond Participant, any Beneficial Owner or any other person, other than the Depository, of any amount with respect to the Notes.

The Paying Agent and Registrar shall make payments with respect to the Notes only to or upon the order of the Depository or its nominee, and all such payments shall be valid and effective fully to satisfy and discharge the obligations with respect to such Notes to the extent of the sum or sums so paid. No person other than the Depository shall receive an authenticated Note, except as provided in (e) below.

(b) Upon receipt by the Paying Agent and Registrar of written notice from the Depository to the effect that the Depository is unable or unwilling to discharge its responsibilities, the Paying Agent and Registrar shall issue, transfer and exchange Notes requested by the Depository in appropriate amounts. Whenever the Depository requests the Paying Agent and Registrar to do so, the Paying Agent and Registrar will cooperate with the Depository in taking appropriate action after reasonable notice (i) to arrange, with the prior written consent of the City, for a substitute depository willing and able upon reasonable and customary terms to maintain custody of the Notes or (ii) to make available Notes registered in whatever name or names the Beneficial Owners transferring or exchanging such Notes shall designate.

(c) If the City determines that it is desirable that certificates representing the Notes be delivered to the Bond Participants and/or Beneficial Owners of the Notes and so notifies the Paying Agent and Registrar in writing, the Paying Agent and Registrar shall so notify

the Depository, whereupon the Depository will notify the Bond Participants of the availability through the Depository of note certificates representing the Notes. In such event, the Paying Agent and Registrar shall issue, transfer and exchange note certificates representing the Notes as requested by the Depository in appropriate amounts and in authorized denominations.

(d) Notwithstanding any other provision of this Ordinance to the contrary, so long as any Note is registered in the name of the Depository or any nominee thereof, all payments with respect to such Note and all notices with respect to such Note shall be made and given, respectively, to the Depository as provided in the Letter of Representations.

(e) Registered ownership of the Notes may be transferred on the books of registration maintained by the Paying Agent and Registrar, and the Notes may be delivered in physical form to the following:

(i) any successor securities depository or its nominee;

(ii) any person, upon (A) the resignation of the Depository from its functions as depository or (B) termination of the use of the Depository pursuant to this Section.

(f) In the event of any partial redemption of a Note unless and until such partially redeemed Note has been replaced in accordance with the provisions of this Ordinance, the books and records of the Paying Agent and Registrar shall govern and establish the principal amount of such Note as is then outstanding and all of the Notes issued to the Depository or its nominee shall contain a legend to such effect.

If for any reason the Depository resigns and is not replaced, the City shall immediately provide a supply of printed note certificates for issuance upon the transfers from the Depository and subsequent transfers or in the event of partial redemption. In the event that such supply of certificates shall be insufficient to meet the requirements of the Paying Agent and Registrar for issuance of replacement Notes upon transfer or partial redemption, the City agrees to order printed an additional supply of certificates and to direct their execution by manual or facsimile signature of its then duly qualified and acting Mayor and City Clerk of such City. In case any officer whose signature or facsimile thereof shall appear on any Note shall cease to be such officer before the delivery of such Note (including any note certificates delivered to the Paying Agent and Registrar for issuance upon transfer or partial redemption), such signature or such facsimile signature shall nevertheless be valid and sufficient for all purposes the same as if such officer or officers had remained in office until the delivery of such Note. The Notes shall not be valid and binding on the City until authenticated by the Paying Agent and Registrar. The City Treasurer shall cause the Notes to be

registered and authenticated. Upon execution, registration and authentication of the Notes, the City Treasurer is authorized to deliver them to the purchaser in the case of a private placement to a bank, or to the Underwriter, as initial purchaser, in the case of a negotiated sale, upon receipt of (a) the total stated principal amount of the Notes, plus accrued interest thereon to date of payment for the Notes, less any applicable Underwriter's discount or placement agent fee in an amount determined in the Designation and (b) in the case of a private placement, delivery to the City of an Investor Letter in form satisfactory to an Authorized Officer. In the case of a negotiated sale, the initial purchaser shall have the right to direct the registration of the Notes, subject to the restrictions of this Ordinance. Such purchaser and its agents, representatives and counsel (including the City's Bond Counsel) are hereby authorized to take such actions on behalf of the City as are necessary to effectuate the closing of the issuance and sale of the Notes, including, without limitation, authorizing the release of the Notes by the Depository at closing. In the case of a negotiated sale, the Authorized Officers are each individually authorized to execute the Note Purchase Agreement with respect to the Notes. The officers of the City, including but not limited to the Authorized Officers, are hereby further authorized to do any and all things and take any and all actions deemed by them to be necessary or appropriate in connection with the sale and issuance of the Notes.

Section 7. Proceeds of the Notes shall be applied to pay costs of the projects as described in Section 1 hereof. Costs of issuance may be paid out of Note proceeds.

Section 8. The City covenants and agrees that it will take all steps required to complete and maintain the improvements described in Section 1 hereof in a manner to allow it to issue and sell its municipal improvement bonds or other bonds as necessary to pay the outstanding principal amount of the Notes at or prior to maturity. The City covenants and agrees to issue and sell its municipal improvement bonds or other bonds in a sufficient amount and at such times as will enable it to take up and pay off the bond anticipation notes herein ordered issued, both principal and interest, at or prior to maturity, to the extent not paid from other sources. The Notes are special obligations of the City payable from, and secured as to the payment of principal and interest by, such bonds and from a pledge of the Tax. The City hereby pledges the Tax to the payment of the principal of and interest on the Notes. The City hereby further agrees

that it shall dedicate such portion of its property tax levy authority (as provided in Section 77-3442, R.R.S. Neb., as amended) as is necessary to provide funds which, together with receipts from the Tax as pledged to the payment of the Notes, bonds issued to repay the Notes, and any other monies made available and used for such purpose, will be sufficient to pay the principal of and interest on the Notes as the same fall due (including mandatory sinking fund redemptions). The pledge of the Tax provided for in this Section 8 for the Notes shall not prevent the City from otherwise applying receipts from the Tax in any year. In addition, the City further reserves the right to issue additional bonds (including bond anticipation notes) payable on par with the Notes equally and ratably secured by a pledge of receipts from the Tax.

Section 9. The City hereby reserves the right to issue additional bond anticipation notes for the purpose of paying the balance of the cost of the projects of the City set out in Section 1 hereof, for the purpose of refunding the Notes herein ordered issued at or prior to maturity or for the purpose of paying for additional improvements for the City.

Section 10. The City Clerk shall make and certify a complete transcript of the proceedings had and done by said City precedent to the issuance of said Notes, a copy of which shall be delivered to the Underwriter in the case of a negotiated sale, or the purchaser in the case of a private placement with a bank. After being executed by the Mayor and Clerk said Notes shall be delivered to the City Treasurer who shall be responsible therefor under her official bond. The City Treasurer is authorized and directed to deliver said Notes to the purchaser upon receipt of payment of the purchase price in accordance with the contract of the City with said purchaser.

Section 11. The City hereby covenants to the purchasers and holders of the Notes that it will make no use of the proceeds of said Notes issue, including money held in any sinking fund attributable to said Notes which would cause the Notes to be arbitrage bonds within the meaning of the Internal Revenue Code of 1986, as amended, and further covenants and agrees to take all actions necessary under current federal law to maintain the tax-exempt status (as to taxpayers generally) of interest payable on the Notes. The City hereby designates the Notes as its "qualified tax-exempt obligations" under Section 265(b)(3)(B)(i)(III) of the Internal Revenue Code of 1986, as amended, and covenants and warrants that it

does not reasonably anticipate issuance of tax-exempt bonds or other tax-exempt obligations, not including private activity bonds (other than qualified 501(c)(3) bonds), in the aggregate principal amount of more than \$10,000,000 in the calendar year in which the Notes are issued. The City agrees to take all further actions, if any, necessary to qualify the Notes herein authorized for such treatment if available.

Section 12. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this ordinance.

Section 13. All ordinances, resolutions or orders, or parts thereof, in conflict with the provisions of this Ordinance are to the extent of said conflict hereby repealed.

Section 14. In the case of a negotiated sale with the Underwriter, the City Council hereby authorizes one or more Authorized Officers to approve, deem final and deliver a Preliminary Official Statement and a final Official Statement for and on behalf of the City, all in accordance with Rule 15c2-12 promulgated by the Securities and Exchange Commission.

Section 15. This Ordinance shall be published in pamphlet or electronic form as provided by law. This Ordinance shall take effect immediately upon its publication in pamphlet or electronic form.

PASSED AND APPROVED this 17th day of March, 2025.

Linda Taylor, Mayor

ATTEST:

Lea Ann Doak, City Clerk

[SEAL]

I, the undersigned City Clerk for the City of McCook, Nebraska, hereby certify that the foregoing is a true and correct copy of the proceedings had and done by the Mayor and Council on March 17, 2025; that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the office of the City Clerk; that such subjects were contained in said agenda for at least twenty-four hours prior to said meeting; that a current copy of the Nebraska Open Meetings Act was available and accessible to members of the public, posted during such meeting in the room in which such meeting was held; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the said minutes from which the foregoing proceedings have been extracted were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; that all news media requesting notification concerning meetings of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

Lea Ann Doak, City Clerk

[SEAL]

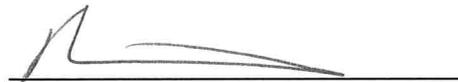
**CITY MANAGER'S REPORT
MARCH 17, 2025 MCCOOK CITY COUNCIL MEETING**

4.B.
ITEM NO. Update regarding the sports complex project.

BACKGROUND:

Staff would like to keep this item as a place keeper on the McCook City Council agendas while we work through the planning and construction process for the sports complex.

APPROVALS:



Nathan A. Schneider, City Manager

March 12, 2025



Lea Ann Doak, City Clerk

March 12, 2025



Tera Koetter, Assistant City Manager

March 12, 2025



Kyle Potthoff, Public Works Director

March 12, 2025

**CITY MANAGER'S REPORT
MARCH 17, 2025 MCCOOK CITY COUNCIL MEETING**

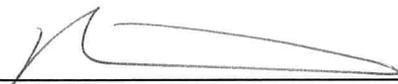
4.C.
ITEM NO. ___ Discussion regarding potential revenue options for the City of McCook.

BACKGROUND:

With the passage of LB 34 in 2024 and potential sales tax diminutions, the City of McCook is faced with the age old question - are there other methods of generating revenue to provide services the citizens of McCook expect without raising taxes? The City of McCook discussed implementing an occupation tax on games of chance in 2023, with said ordinance usurped by the State of Nebraska. Staff would like to bring this issue up as a discussion topic to get the City Council's opinion on exploring other occupation tax options. Specifically, staff would like to hotel and cell phones.

This agenda item was previously discussed at the January 20, 2025 McCook City Council meeting.

APPROVALS:



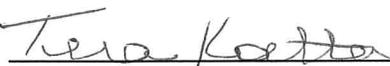
Nathan A. Schneider, City Manager

March 12, 2025



Lea Ann Doak, City Clerk

March 12, 2025



Tera Koetter, Assistant City Manager

March 12, 2025



**CITY OF
FREMONT
NEBRASKA**

**City of Fremont, Nebraska
Annual Occupation Tax Report
For Fiscal Year Ending 9/30/24**

In accordance with LB 445, 2019

Occupation Tax	Annual Amount	Deposit Fund	Specific Purpose	Termination Date(s)
Telecommunication	\$ 138,345.39	General	Operating expenses	None
Garbage/Refuse	\$ 787,590.48	General	Solid waste management programs	None
Hotel	\$ 223,711.07 *	General	Operating expenses, tourism	None
Food & Beverage	\$ 726,190.49 *	General	Operating expenses	None
Liquor	\$ 58,025.00	General	Operating expenses	None
TV Franchise	\$ 184,825.09	General	Operating expenses	10/16/2027, 11/11/2040

* Annual Amount includes related penalties and interest

Occupational Tax Report
Fiscal Year Ending 09.30.2024

OCCUPATION TAX:	AMOUNT RECEIVED	FUND	TERM DATE
LIQUOR LICENSES	\$8,415.50	General	NONE
TELECOMMUNICATIONS	\$16,543.32	General	NONE
HOTEL OCCUPATION TAX	\$82,209.20	General	NONE
FRANCHISE FEES:			
CHARTER COMMUNICATIONS	\$55,051.16	General	NONE
BLACK HILLS ENERGY	\$22,980.03	General	NONE
TOTAL:	\$185,382.23		

City of North Platte

Occupation Tax Annual Report

For Fiscal Year Ending September 30, 2024

(Pursuant to LB445, 2019)

Occupation Tax	Amount	Fund	Purpose	Termination Date
Cable TV	\$ 289,045.56	General	Fund General operations	None
Dance Floors	100.00	General	Fund General operations	None
Fire Insurance Co.	5.00	General	Fund General operations	None
Gas Fitters	7,075.00	General	Fund General operations	None
Natural Gas	235,778.75	General	Fund General operations	None
Jukeboxes	90.00	General	Fund General operations	None
Liquor	62,791.56	General/School	\$43,754.06 - Fund General operations; \$19,037.50 - Remitted to School District	None
Petroleum	360.00	General	Fund General operations	None
Plumbers	5,430.00	General	Fund General operations	None
Enhanced Employment Area (EEA)	483,072.00	EEA	Fund principal and interest on EEA Occupation Tax Revenue Bond**	**
Motels & Hotels	530,465.93	Hotel Tax*	Remitted to Golden Spike*	None
Skill Games/Pool/Shuffleboard	86,095.00	General	Fund General operations	None
Telephone	51,020.94	General	Fund General operations	None
Tobacco	1,410.00	General/School	\$705.00 - Fund General operations; \$705.00 - Remitted to School District	None
Sign	175.00	General	Fund General operations	None

* - Funds are remitted to the Golden Spike until February 17, 2029. After this date, funds will be deposited into the City's General Fund.

** - Funds to be used for payment of principal and interest on the EEA Occupation Tax Revenue Bond, North Platte Mall Redevelopment Project.
EEA Tax shall terminate upon the earlier of 1) payment in full of all indebtedness for which EEA Occupation Tax receipts have been pledged or December 31, 2041.

City of Ogallala, Nebraska
Annual Occupation Tax Report
for Fiscal Year Ending 09-30-2024

(Pursuant to LB 445, 2019)

Occupation Tax Type	Fiscal Year Revenue	Fund	Purpose	Projected Termination
Beer and Liquor	16,590.00	General	Operating expenses	None
Utilities - Electricity	827,420.04	General	Operating expenses	None
Utilities - Natural Gas	19,277.53	General	Operating expenses	None
Utilities - Cable	62,926.86	General	Operating expenses	None
Utilities - Telecommunications	40,098.49	General	Operating expenses	None
Utilities - Trash	6,000.00	General	Operating expenses	None
Hotel	180,929.04	General	Operating expenses	None
Misc - Itinerant Merchant	100.00	General	Operating expenses	None
Misc - Tobacco	270.00	General	Operating expenses	None
	<u>1,153,611.96</u>			

ALL OCCUPATION TAX FEES COLLECTED BY THE CITY OF SIDNEY GO TO THE GENERAL FUND EXCEPT FOR LODGING TAX; LODGING TAX GOES TO STREET DEPARTMENT

OCCUPATION TAX TYPE	FEE	AMT	TOTAL
Arborist License - Annual	\$50.00	3	\$150.00
Auctioneers per year	\$50.00	4	\$200.00
Bowling Alley per yr/per lane	\$10.00	12	\$120.00
Bingo	\$50.00	1	\$50.00
Mobile home operators per year \$50 for first 20 spaces; + 2.50 each space over 20	\$50.00		\$460.00
Motion picture house operators per year	\$50.00	1	\$50.00
MAD Devices	\$10.00	104	\$1040.00
Pawnbrokers per year	\$50.00	1	\$50.00
Licensed Roofer	\$100.00	17	\$1,700.00
Class A beer retailers	\$200.00	1	\$200.00
Class B beer retailers	\$200.00	3	\$600.00
Class C alcoholic liquor beverages	\$600.00	13	\$7,800.00
Class D alcoholic liquor beverages	\$400.00	7	\$2,800.00
Class I alcoholic liquor beverages	\$500.00	5	\$2,500.00
Class LK alcoholic liquor beverages	\$700.00	1	\$700.00
Special designated license	\$30.00	5	\$150.00
Catering permit	\$200.00	0	\$0.00
Vendor License annual	\$350.00	3	\$1,050.00
Vendors selling to the public from vehicles per day	\$30.00	47	\$1,410.00
Tele Co. annual Percentage Fee	3%		\$49,996.35
Business occupation tax lodging	2%		\$175,180.23
TOTAL			\$ 246,206.58

City of Scottsbluff
Occupation Tax Annual Report
September 30, 2024
(Pursuant to 18-1208, 2019)

Hotel/Lodging Accommodations

Amount: \$380,435.47

Fund: General

Purpose: To pay for General Fund operating expenses

Projected Termination Date: None

Cable TV

Amount: \$199,839.79

Fund: General

Purpose: To pay for General Fund operating expenses

Projected Termination Date: None

Natural Gas

Amount: \$212,227.99

Fund: General

Purpose: To pay for General Fund operating expenses

Projected Termination Date: None

Liquor License

Amount: \$20,510.00

Fund: General

Purpose: To pay for General Fund operating expenses

Projected Termination Date: None

Peddlers

Amount: \$450

Fund: General

Purpose: To pay for General Fund operating expenses

Projected Termination Date: None

Pawn Broker

Amount: \$450.00

Fund: General

Purpose: To pay for General Fund operating expenses

Projected Termination Date: None

Retail Business – Monument Mall

Amount: \$163,199.41

Fund: Special Projects

Purpose: This tax is remitted to Rockstep Scottsbluff LLC to pay eligible project costs for the rehab of the Monument Mall

Projected Termination Date: December 1, 2035

City of York
Occupation Tax Annual Report
9/30/2024
(Pursuant to LB 445, 2019)

Hotel Occupation Tax

Amount: \$535,423.64

Fund: General Fund

Purpose: To pay for General Fund operating expenses,
including General Fund transfers to the Holthus
Convention Center

Termination Date: None

Beer & Liquor Occupation Tax

Amount: \$12,800.00

Fund: General Fund

Purpose: To pay for General Fund operating expenses

Termination Date: None

Gross Receipts Tax

Amount: \$272,261.46

Fund: General Fund

Purpose: To pay for General Fund operating expenses

Termination Date: None

Occupation Taxes

Amount: \$43,702.31

Fund: General Fund

Purpose: To pay for General Fund operating expenses

Termination Date: None

**CITY MANAGER'S REPORT
MARCH 17, 2025 CITY COUNCIL MEETING**

ITEM: 4.D.

Introduce and approve on its first of three readings, Ordinance No. 2025-3100 amending the City of McCook Code of Ordinances Chapter 34, entitled "Purchasing Regulations", Subchapter "Purchasing Procedure" in Title III, "Administration", by amending the purchasing limit to \$50,000 to harmonize with state law.

BACKGROUND:

To harmonize with state law, the proposed ordinance changes the purchasing limit from \$30,000 to \$50,000 that the City's Purchasing Agent may make without bidding and taking to the City Council for approval. Neb. Rev. Stat. 16-321 mandates that no contract for enlargement or general improvements, such as water/sewer extensions, public heating systems, bridges, or street work, costing over \$30,000 shall be made unless first approved by the City Council. Therefore, §34.30 (H) remains at \$30,000.

Under Informal Purchases, the amount of open market purchases that may be made without the necessity of soliciting two quotes has been increased from \$2,500 to \$3,000 due to overall increases in cost of items purchased. This amount is set by the Council.

**FISCAL
IMPACT:** None.

APPROVALS:



Lea Ann Doak, City Clerk

March 13, 2025



Tera Koetter, Assistant City Manager

March 13, 2025



Nate Schneider, City Manager

March 13, 2025

ORDINANCE NO. 2025-3100

AN ORDINANCE OF THE CITY OF MCCOOK, NEBRASKA AMENDING THE CITY OF MCCOOK CODE OF ORDINANCES CHAPTER 34, ENTITLED "PURCHASING REGULATIONS", SUBCHAPTER "PURCHASING PROCEDURE", IN TITLE III, "ADMINISTRATION", BY AMENDING THE PURCHASING LIMIT TO \$50,000 TO HARMONIZE WITH STATE LAW; TO PROVIDE THAT THIS ORDINANCE SHALL BE MADE A PART OF THE CITY OF MCCOOK CODE OF ORDINANCES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR THE EFFECTIVE DATE AND PUBLICATION THEREOF.

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

Section 1. That the City of McCook Code of Ordinances, Chapter 34. entitled "Purchasing Regulations", Subchapter "Purchasing Procedure", in Title III, "Administration", shall be and hereby is amended to read as follows:

PURCHASING PROCEDURE

§ 34.30 FORMAL CONTRACT PURCHASE.

(A) When the estimated cost of supplies, equipment, or contractual services exceeds **\$50,000**, 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)

§ 34.31 INFORMAL PURCHASE.

(A) When the estimated cost of supplies, equipment or contractual services is less than **\$50,000**, the purchase shall be made in the open market, without newspaper advertisement and without observing the procedure prescribed for the award of formal contracts in this chapter and shall be referred to as open market purchases. All such purchases shall be awarded by the Purchasing Agent, or his or her designee.

(B) All open market purchases greater than **\$3,000** and not more than **\$50,000** shall be acquired after solicitation of two quotations. Purchases provided for under this subsection should be made from the "lowest responsible and responsive bidder", in accordance with the same criteria established in this chapter for the formal contract procedure.

(C) All open market purchases of \$3,000 or less may be made without the necessity of soliciting two quotations.

(D) The Purchasing Agent, or his or her designee, may solicit open market quotes by direct mail request to prospective vendors, by public notice on the bulletin board at City Hall, by telephone, by facsimile transmission, by electronic mail, or other electronic means.
(Ord. 2007-2787, passed 3-5-2007; Ord. 2012-2873, passed 5-7-2012)

§ 34.32 NON-COMPETITIVE PURCHASING.

A contract may be awarded without competition when the Purchasing Agent, or his or her designee, determines that there is only one source for the required supplies, materials, or contractual services. The Purchasing Agent, or his or her designee, shall conduct negotiations, as appropriate, as to price, delivery, and terms.
(Ord. 2007-2787, passed 3-5-2007; Ord. 2012-2873, passed 5-7-2012)

§ 34.33 EMERGENCY PURCHASE.

(A) In the event of an emergency which requires immediate purchase of supplies or contractual services, the Purchasing Agent, or his or her designee, shall be empowered to secure by open market procedure as herein set forth, at the lowest obtainable price, any supplies or contractual services.

(B) **EMERGENCY** shall be defined as any event that interrupts the normal administration of city services, thereby jeopardizing the life, health or convenience of citizens.

(C) Should an emergency situation arise on a weekend or holiday, and where it is not possible or convenient to reach the Purchasing Agent, or his or her designee, any purchase necessary shall be made by the department in charge and the purchase reported to the Purchasing Agent, or his or her designee, without delay.

(D) A report of the circumstances of an emergency purchase shall be filed by the Purchasing Agent, or his or her designee. Purchases in excess of \$50,000 shall be forwarded to the City Council for confirmation.
(Ord. 2007-2787, passed 3-5-2007; Ord. 2012-2873, passed 5-7-2012)

§ 34.34 VERIFICATION OF ENCUMBERED FUNDS.

Except in cases of emergency, the Purchasing Agent, or his or her designee, shall not issue any order for delivery on a contract or open market purchase until it has been certified, after pre-audit, that there is sufficient unencumbered appropriation balance to the credit of the using agency or department, in excess of all unpaid obligations, to defray the amount of the orders.

(Ord. 2007-2787, passed 3-5-2007)

§ 34.35 PROFESSIONAL SERVICE PROCUREMENT.

For the purpose of procuring professional services, any using agency requiring the services may procure them on its own behalf, with permission from the City Manager. A using agency procuring the services shall consult with the Purchasing Agent, or his or her designee. No contract for professional services exceeding \$50,000 may be awarded until the contract has been reviewed by the City Attorney, and without the prior approval of the City Council.

(Ord. 2007-2787, passed 3-5-2007; Ord. 2012-2873, passed 5-7-2012)

Section 2. That the original Chapter 34, Subchapter "Purchasing Procedure" and any other ordinances in conflict herewith are hereby repealed.

Section 3. This ordinance shall take effect and be in full force from and after its passage, approval, and publication in pamphlet form or posting as required by law.

PASSED AND APPROVED THIS _____ DAY OF _____, 2025.

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

ATTEST:

Lea Ann Doak, City Clerk-Treasurer

Publish:

**CITY MANAGER'S REPORT
MARCH 20, 2025 MCCOOK CITY COUNCIL MEETING**

4.E.

ITEM NO. __ Approve on second reading, Ordinance No. 2025-3096 establishing a means to convey City of McCook owned real estate/personal property to qualifying economic development organizations.

BACKGROUND:

At the February 3, 2025 McCook City Council meeting, discussion was held regarding the possibility of conveying and/or donating City of McCook owned real property to an economic development organization. Amanda Engel spoke on behalf of the MEDC with respect to property located at the intersection of East 11th and East C Street that is currently owned by the City of McCook. The property is unimproved and no development plan has been developed for the property. The MEDC expressed interest in locating workforce housing on said city owned property. A discussion was held, led by City Attorney Nathaniel Mustion, outlining the limitations with the City of McCook's current real property regulations. Currently, there is no provision in our ordinance that allows the City of McCook to convey city owned property to an economic development organization despite the need to develop new workforce housing units. The McCook City Council directed staff to bring back an ordinance that allows for said conveyance to be allowed.

Attached to this report is a copy of proposed ordinance No. 2025-3096, an ordinance that would allow for the donation of real property to qualifying economic development organizations who commit to using the property for workforce housing development. The ordinance contains rules and guidelines for the donation of city owned property in such a manner. The proposed ordinance also complies with current city law with respect to notice and maintaining a remonstrance period.

At the March 3, 2025 McCook City Council meeting, the City Council approved said ordinance on first reading. Staff has received no inquires regarding the proposed ordinance since the March 3, 2025 McCook City Council meeting.

APPROVALS:



Nathan A. Schneider, City Manager

March 12, 2025



Lea Ann Doak, City Clerk

March 12, 2025



Tera Koetter, Assistant City Manager

March 12, 2025

ORDINANCE NO. 2025-3096

AN ORDINANCE OF THE CITY OF MCCOOK, NEBRASKA AMENDING THE CITY OF MCCOOK CODE OF ORDINANCES CHAPTER 31, ENTITLED "CITY POLICIES", SUBCHAPTER "CITY PROPERTY", IN TITLE III "ADMINISTRATION", BY REPEALING SECTION 31.56, AMENDED AND TRANSFERRED TO SECTION 31.63 - SALE OR CONVEYANCE; REAL PROPERTY; ADDING SECTION 31.65 - DONATION; REAL PROPERTY; TO PROVIDE THAT THIS ORDINANCE SHALL BE MADE A PART OF THE CITY OF MCCOOK CODE OF ORDINANCES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR THE EFFECTIVE DATE AND PUBLICATION THEREOF.

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

Section 1. That the City of McCook Code of Ordinances, Chapter 31, entitled "City Policies" in Title III "Administration", Section 31.56 - Sale or Conveyance; Real Property, shall be and hereby is repealed, and amended and transferred to Section 31.63 - Sale or Conveyance; Real Property, to read as follows:

§ 31.63 SALE OR CONVEYANCE; REAL PROPERTY

(A) The municipality may sell and convey any real estate or personal property owned by the municipality, including park land, in such manner and upon such terms and conditions as may be deemed in the best interests of the municipality; except that real estate owned by the municipality may be conveyed without consideration to the State of Nebraska for state armory sites or, if acquired for state armory sites, shall be conveyed in the manner strictly as provided in Neb. RS 18-1001 to 18-1006.

(B) The power to sell and convey any real estate owned by the municipality, including park land, except real estate used in the operation of public utilities and except real estate for state armory sites for the use of the State of Nebraska as expressly provided in Subsection A of this section, shall be exercised by ordinance directing the conveyance of such real estate and the manner and terms thereof. Notice of such sale and the terms thereof shall be published for three consecutive weeks in a legal newspaper published in or of general circulation in the municipality immediately after the passage and publication of such ordinance.

(C) If within 30 days after the passage and publication of such ordinance a remonstrance against such sale is signed by registered voters of the municipality equal in number to 30% of the registered voters of the municipality voting at the last regular municipal election held therein and is filed with the governing body, the property shall not then, nor within one year thereafter, be sold. If the date for filing the remonstrance falls upon a Saturday, Sunday, or legal holiday, the signatures shall be collected within the thirty-day period, but the filing shall be considered timely if filed or postmarked on or before the next

business day.

(D) Upon the receipt of the remonstrance, the governing body, with the aid and assistance of the Election Commissioner or County Clerk, shall determine the validity and sufficiency of signatures on the remonstrance. The governing body shall deliver the remonstrance to the Election Commissioner or County Clerk by hand carrier, by use of law enforcement officials, or by certified mail, return receipt requested. Upon receipt of the remonstrance, the Election Commissioner or County Clerk shall issue to the governing body a written receipt that the remonstrance is in the custody of the Election Commissioner or County Clerk. The Election Commissioner or County Clerk shall compare the signature of each person signing the remonstrance with the voter registration records to determine if each signer was a registered voter on or before the date on which the remonstrance was filed with the governing body. The Election Commissioner or County Clerk shall also compare the signer's printed name, street and number or voting precinct, and municipal or post office address with the voter registration records to determine whether the signer was a registered voter. The signature and address shall be presumed to be valid only if the Election Commissioner or County Clerk determines that the printed name, street and number or voting precinct, and municipal or post office address matches the registration records and that the registration was received on or before the date on which the remonstrance was filed with the governing body. The determinations of the Election Commissioner or County Clerk may be rebutted by any credible evidence which the governing body finds sufficient. The express purpose of the comparison of names and addresses with the voter registration records, in addition to helping to determine the validity of the remonstrance, the sufficiency of the remonstrance, and the qualifications of the signer, shall be to prevent fraud, deception, and misrepresentation in the remonstrance process. Upon completion of the comparison of names and addresses with the voter registration records, the Election Commissioner or County Clerk shall prepare in writing a certification under seal setting forth the name and address of each signer found not to be a registered voter and the signature page number and line number where the name is found, and if the reason for the invalidity of the signature or address is other than the non-registration of the signer, the Election Commissioner or County Clerk shall set forth the reason for the invalidity of the signature. If the Election Commissioner or County Clerk determines that a signer has affixed his or her signature more than once to the remonstrance and that only one person is registered by that name, the Election Commissioner or County Clerk shall prepare in writing a certification under seal setting forth the name for the duplicate signature and shall count only the earliest dated signature. The Election Commissioner or County Clerk shall certify to the governing body the number of valid signatures necessary to constitute a valid remonstrance. The Election Commissioner or County Clerk shall deliver the remonstrance and the certifications to the governing body within 40 days after the receipt of the remonstrance from the governing body. The delivery shall be by hand carrier, by use of law enforcement officials, or by certified mail, return receipt requested. Not more than 20 signatures on one signature page shall be counted.

(E) The governing body shall, within the 30 days after the receipt of the remonstrance and certifications from the Election Commissioner or County Clerk, hold a public hearing to review the remonstrance and certifications and receive testimony regarding them. The governing body shall, following the hearing, vote on whether or not the remonstrance is valid and shall uphold the remonstrance if sufficient valid signatures have been received.

(Neb. RS 16-201, 16-202, 16-207, 18-1001 through 18-1006)

(Prior Code, § 8-102) (Ord. 96-2375, passed 11-4-1996; Ord. 99-2505, passed 3-1-1999; Ord. 2020-3005, passed 5-4-2020)

Section 2. That the City of McCook Code of Ordinances, Chapter 31, entitled "City Policies" in Title III "Administration", is hereby amended by adding Section 31.65 - Donation; Real Property to read as follows:

§ 31.65 DONATION; REAL PROPERTY

(A) *Purpose.* The purpose of this section is to authorize and regulate the donation of City-owned real property to non-profit corporations for the specific purpose of workforce housing development, in alignment with Nebraska Revised Statute § 16-202 and in recognition of the public benefits of such projects.

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

Economic Development Organization: A non-profit corporation, including, but not limited to, the McCook Economic Development Corporation and Habitat for Humanity, that partners with public and private entities to advance local economic growth and development particularly workforce housing development.

Workforce Housing: Residential housing developed to meet the needs of middle-income workers, including housing that is affordable to households earning 50% to 150% of the area median income.

(C) *Authorization of Property Donation.* The City may donate real property to an Economic Development Organization under the following conditions:

1. **Public Purpose:** The donation must be for a verified public purpose, specifically the development of workforce housing to address community housing needs.

2. **Property Qualification:** The property to be donated shall be identified as suitable for residential development.

3. **Limitations on Use:** The receiving Economic Development Organization shall commit to using the donated property exclusively for workforce housing development.

(D) *Procedures for Property Donation.*

1. **Ordinance Requirement:** Each donation of property under this ordinance must be approved by a separate ordinance specifying the property's legal description, intended purpose, and terms of conveyance.

2. **Public Notice:** The City shall publish a notice of the proposed donation and its terms in a newspaper of general circulation within McCook once each week for three consecutive weeks.

3. **Remonstrance Period:** Following the final publication, a 30-day remonstrance period shall begin. If, within this period, a remonstrance petition signed by registered voters equal to 30% of those who participated in the last regular city election is filed with the City Clerk, the City shall be prohibited from donating the property for one year.

(E) *Compliance with State Law.* All donations authorized under this ordinance must comply with Nebraska Revised Statute § 16-202 and any other applicable state laws. In the event of a conflict between this ordinance and state law, the requirements of state law shall govern.

(F) *Reversionary Clause.* The deed conveying the donated property shall include a reversionary clause specifying that ownership of the property shall revert to the City if the property is not used for workforce housing development within three years of the donation.

Section 3. This ordinance shall take effect and be in full force from and after its passage, approval, and publication in pamphlet form or posting as required by law.

PASSED AND APPROVED THIS _____ DAY OF _____, 2025.

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

ATTEST:

Lea Ann Doak, City Clerk-Treasurer

Publish:

1-6-25

MEMORANDUM

To: City of McCook
From: Nathaniel J. Mustion, City Attorney
RE: Donation of City Land to MEDC

Issue

This memorandum addresses the legal considerations surrounding the potential donation of real estate valued at over \$100,000 by the City of McCook to the McCook Economic Development Corporation for the development of workforce housing. This analysis includes the relevant provisions in the McCook Code of Ordinances and Nebraska Revised Statute § 16-202.

Legal Analysis

Nebraska Revised Statute § 16-202

As a city of the first class, McCook is subject to Nebraska Revised Statute § 16-202, which governs the sale and conveyance of real estate. This statute mandates the following requirements:

1. **Ordinance Requirement:** The City must pass an ordinance authorizing the conveyance, specifically detailing the manner and terms of the transaction.
2. **Public Notice:** After the ordinance is enacted, the City is required to publish a notice outlining the proposed sale terms once a week for three consecutive weeks in a newspaper of general circulation within McCook.
3. **Remonstrance Period:** There is a 30-day remonstrance period following the final publication. During this time, registered voters constituting 30% of those who participated in the last municipal election can file a petition against the conveyance. If such a petition is filed, the transaction cannot proceed for one year.

McCook Code of Ordinances § 31.56: SALE OR CONVEYANCE; REAL PROPERTY

Section 31.56 of the McCook Code of Ordinances outlines local procedures for the sale or conveyance of real property by the City, generally requiring the following:

1. **Resolution Requirement:** The City Council must pass a resolution authorizing the sale of real property, typically through public auction or sealed bid. This requirement can limit the City's ability to donate property outright unless specific exceptions apply.
2. **Public Notice:** Consistent with Nebraska law, the City must publish a notice of the proposed sale once each week for three consecutive weeks.

3. **Remonstrance Period:** Within 30 days after the third publication, voters can submit a petition if they oppose the sale, preventing the City from proceeding for a year.
4. **Exceptions:** Section 31.56 provides exceptions where the requirements for auction or bids do not apply. These include:
 - Property sold in compliance with federal or state grant requirements,
 - Conveyances to another public agency,
 - Property consisting of streets and alleys, and
 - Property valued at less than \$5,000, where notice can be posted for seven days instead of published.

Since the McCook Economic Development Corporation is a non-profit organization and not a governmental entity, it likely does not qualify as a "public agency." As a result, the standard requirements for auction or sealed bids in § 31.56 would apply to any property transfer to McCook Economic Development Corporation, and an exception cannot be claimed under this section.

Potential Solution: Passing a Specific Ordinance for Donation

To facilitate the direct donation of property to the McCook Economic Development Corporation for workforce housing development, the City could consider passing a narrowly tailored ordinance authorizing such a transfer under certain conditions. This ordinance should:

1. **Define the Public Purpose:** Clearly establish that the donation is for a public benefit, such as developing affordable workforce housing to address housing shortages and support local economic growth. This connection to public welfare strengthens the legal rationale for the donation.
2. **Include Safeguards for Compliance:** Ensure that all procedural requirements of § 16-202 are incorporated, including public notice and a remonstrance period. Adhering to these safeguards provides transparency, allows public input, and helps protect the City from potential legal challenges.
3. **Provide Specific Conditions:** Outline criteria for donations to economic development corporations, specifying when such donations are permissible, limiting the property types eligible for donation, and establishing accountability for the public benefit.

By structuring the ordinance to meet both the local objectives of economic development and the state requirements of § 16-202, the City can enable this transaction while ensuring compliance with Nebraska law.

Conclusion

Under current law, McCook's ability to directly donate real estate to the McCook Economic Development Corporation is limited by Nebraska Revised Statute § 16-202 and McCook Code of Ordinances § 31.56. A potential approach to facilitate this transaction is to pass a new ordinance that clearly outlines conditions for donations of real estate to economic development corporations when such donations fulfill specific public purposes, like workforce housing development.

Proposed Ordinance No. [XXXX]

AN ORDINANCE OF THE CITY OF MCCOOK, NEBRASKA, AUTHORIZING THE DONATION OF REAL PROPERTY TO ECONOMIC DEVELOPMENT CORPORATIONS FOR THE PURPOSE OF WORKFORCE HOUSING DEVELOPMENT; SETTING FORTH CONDITIONS FOR SUCH DONATIONS; PROVIDING FOR PUBLIC NOTICE AND A REMONSTRANCE PERIOD PURSUANT TO NEBRASKA REVISED STATUTE § 16-202; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of McCook, Nebraska ("City") recognizes the importance of addressing housing shortages and promoting economic development by encouraging the development of affordable workforce housing; and

WHEREAS, the McCook Economic Development Corporation and similar economic development organizations are instrumental in advancing community growth, enhancing the local economy, and improving the quality of life for residents through projects such as workforce housing development; and

WHEREAS, Nebraska Revised Statute § 16-202 requires cities of the first class to follow specific procedures when selling or conveying real property, including public notice, the adoption of an authorizing ordinance, and a remonstrance period; and

WHEREAS, it is in the best interests of the City to facilitate the donation of certain real property to qualified economic development corporations, subject to procedural safeguards, to serve public purposes such as workforce housing development;

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

SECTION 1: Purpose and Authority

This ordinance is adopted to authorize and regulate the donation of City-owned real property to economic development corporations for the specific purpose of workforce housing development, in alignment with Nebraska Revised Statute § 16-202 and in recognition of the public benefits of such projects.

SECTION 2: Definitions

- **Economic Development Corporation:** A non-profit corporation, including the McCook Economic Development Corporation, that partners with public and private entities to advance local economic growth and development.
 - **Workforce Housing:** Residential housing developed to meet the needs of middle-income workers, including housing that is affordable to households earning 60% to 150% of the area median income.
-

SECTION 3: Authorization of Property Donation

The City may donate real property to an Economic Development Corporation under the following conditions:

1. **Public Purpose:** The donation must be for a verified public purpose, specifically the development of workforce housing to address community housing needs.
 2. **Property Qualification:** The property to be donated shall be identified as suitable for residential development and be appraised to confirm its valuation exceeds \$5,000.
 3. **Limitations on Use:** The receiving Economic Development Corporation shall commit to using the donated property exclusively for workforce housing development.
-

SECTION 4: Procedures for Property Donation

1. **Ordinance Requirement:** Each donation of property under this ordinance must be approved by a separate ordinance specifying the property's legal description, intended purpose, and terms of conveyance.
2. **Public Notice:** The City shall publish a notice of the proposed donation and its terms in a newspaper of general circulation within McCook once each week for three consecutive weeks.

3. **Remonstrance Period:** Following the final publication, a 30-day remonstrance period shall begin. If, within this period, a remonstrance petition signed by registered voters equal to 30% of those who participated in the last regular city election is filed with the City Clerk, the City shall be prohibited from donating the property for one year.
-

SECTION 5: Compliance with State Law

All donations authorized under this ordinance must comply with Nebraska Revised Statute § 16-202 and any other applicable state laws. In the event of a conflict between this ordinance and state law, the requirements of state law shall govern.

SECTION 6: Reversionary Clause

The deed conveying the donated property shall include a reversionary clause specifying that ownership of the property shall revert to the City if the property is not used for workforce housing development within three years of the donation.

SECTION 7: Effective Date

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

PASSED AND APPROVED this [Day] of [Month], [Year].

[Mayor's Name]

Mayor of McCook, Nebraska

ATTEST:

[City Clerk's Name]

City Clerk

**CITY MANAGER'S REPORT
MARCH 20, 2025 MCCOOK CITY COUNCIL MEETING**

4.F.
ITEM NO. . Approve on second reading, Ordinance No. 2025-3097 amending Chapter 54. City Parks and Property, Subchapter "City Swimming Pool", in Title V, Departments, Section 54.015 - Operation and Funding, to include a provision to set reasonable fees for the management and maintenance of the McCook Aquatic Park, with said charges to be enumerated in Chapter 38, Fee Schedule, Appendix O.

BACKGROUND:

In order to appropriately establish the fees needed for maintenance and operation for the McCook Aquatic Park, it is necessary to amend Chapter 54 of the McCook Municipal Ordinance to include a provision setting reasonable charges for the use of the swimming pool. The admission charges will be on file and held by the City Clerk and will be included in Chapter 38, Fee Schedule, Appendix O.

At the March 3, 2025 McCook City Council meeting, the City Council voted to approve said proposed ordinance on first reading. City staff has not received any comments from the public on the proposed ordinance since March 3, 2025.

APPROVALS:



Nathan A. Schneider, City Manager

March 12, 2025



Lea Ann Doak, City Clerk

March 12, 2025



Tera Koetter, Assistant City Manager

March 12, 2025

ORDINANCE NO. 2025-3097

AN ORDINANCE OF THE CITY OF MCCOOK, NEBRASKA AMENDING THE CITY OF MCCOOK CODE OF ORDINANCES CHAPTER 54, ENTITLED "CITY PARKS AND PROPERTY", SUBCHAPTER "CITY SWIMMING POOL", IN TITLE V, "DEPARTMENTS", BY AMENDING SECTION 54.015 - OPERATION AND FUNDING; TO PROVIDE THAT THIS ORDINANCE SHALL BE MADE A PART OF THE CITY OF MCCOOK CODE OF ORDINANCES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR THE EFFECTIVE DATE AND PUBLICATION THEREOF.

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

Section 1. That the City of McCook Code of Ordinances, Chapter 54. entitled "City Parks and Property", Subchapter "City Swimming Pool", in Title V, "Departments", Section 54.015 - Operation and Funding, shall be and hereby is amended to read as follows:

§ 54.015 OPERATION AND FUNDING.

The city owns and manages the City Swimming Pool. The Public Works Director shall manage the swimming pool. The Director shall have the power and authority to hire and supervise the Swimming Pool Manager and any employees as he or she may deem necessary and shall pass rules and regulations for the operation of the swimming pool as may be proper for its efficient operation. All actions by the Director shall be under the supervision and control of the City Manager. The governing body, may for the purpose of defraying the cost of the management, maintenance and improvements of the swimming pool, set by ordinance, a reasonable admission charge for the use of the swimming pool. The admission charges shall be on file at the office of the City Clerk and are set out in Chapter 38, Fee Schedule, Appendix O.

(Prior Code, § 3-601)

Statutory reference:

Similar state law provisions, see Neb. RS 16-695 through 16-697.02

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

PASSED AND APPROVED THIS _____ DAY OF _____, 2025.

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

ATTEST:

Lea Ann Doak, City Clerk-Treasurer

Publish:

**CITY MANAGER'S REPORT
MARCH 17, 2025 MCCOOK CITY COUNCIL MEETING**

4.G.

ITEM NO. ___ Approve on second reading, Ordinance No. 2025-3098 establishing the McCook Aquatic Park's pool fees.

BACKGROUND:

At the February 3, 2025 McCook City Council meeting, discussion was held regarding the McCook Aquatic Park's pool fees. Mayor Taylor proposed a fee structure that the City Council requested be brought back in Ordinance form. At the February 17, 2025 McCook City Council meeting, the Council instructed city staff to construct an ordinance using Mayor Taylor's proposal. Said Ordinance is attached hereto, with the respective fees established as requested.

This ordinance was approved on first reading by the City Council at the March 3, 2025 McCook City Council meeting. Staff has received no comments from the public regarding said ordinance.

APPROVALS:



Nathan A. Schneider, City Manager

March 12, 2025



Lea Ann Doak, City Clerk

March 12, 2025



Tera Koetter, Assistant City Manager

March 12, 2025

ORDINANCE NO. 2025-3098

AN ORDINANCE OF THE CITY OF MCCOOK, NEBRASKA AMENDING THE CITY OF MCCOOK CODE OF ORDINANCES CHAPTER 38: FEE SCHEDULE, APPENDIX O: SWIMMING POOL ADMISSION FEES; TO PROVIDE THAT THIS ORDINANCE SHALL BE MADE A PART OF THE CITY OF MCCOOK CODE OF ORDINANCES, REPEALING ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR THE EFFECTIVE DATE AND PUBLICATION THEREOF.

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

SECTION 1. That Chapter 38, FEE SCHEDULE, APPENDIX O: SWIMMING POOL ADMISSION FEES, of the City of McCook, Nebraska, Code of Ordinances is hereby amended to read as follows:

APPENDIX O: SWIMMING ADMISSION FEES

PERMIT	FEE
Daily Admissions	
Age 0 - 4	FREE
Age 5 - 17	\$ 4.00
Age 18 and over	\$ 6.00
Family Day Pass	\$ 15.00
Lap Swimming/Water Walking	\$ 3.00
Season Passes	
Individual	\$ 70.00
Family 3 or 4 people	\$ 150.00
Family 5 or more	\$ 200.00
Babysitter/Grandparents pass with purchase of individual or family season pass	\$ 40.00
Lap Swimming/Water Walking	\$ 45.00

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

SECTION 3. This ordinance shall take effect and be in full force from and after its passage, approval, and publication in pamphlet form as required by law.

PASSED AND APPROVED ____ day of _____, 2025.

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

ATTEST:

Lea Ann Doak, City Clerk-Treasurer

Publish:

COUNCIL SUGGESTED

Daily Admissions

Age 0 - 4	Free
Age 5 - 17	\$4 or \$5
Age 18 - 54	\$6 or \$7
Age 55 and over	\$4 or \$5
Family Day Pass	\$15 or \$20
Lap Swimming	\$3

Season Passes

Individual	\$60 or \$70
Family 3 to 4 people	\$150
Family 5 or more	\$200
Babysitter pass	\$40
Lap Swimming	\$45

Grandparents Pass
Discounted Pass

PROPOSED

Daily Admissions

Age 0 - 4	Free
Age 5 - 17	\$4
Age 18 and over	\$6
Family Day Pass	\$15
Lap Swimming/Water Walking	\$3

Season Passes

Individual	\$70
Family 3 to 4 people	\$150
Family 5 or more	\$200
Babysitter/Grandparents pass with purchase of individual or family season pass	\$40
Lap Swimming/Water Walking	\$45