

AGENDA  
CITY COUNCIL, YORK, NEBRASKA  
Thursday, April 15, 2021  
7:00 PM



THE OPEN MEETINGS ACT IS POSTED ON  
THE EAST WALL OF THE COUNCIL  
CHAMBERS

1. The Open Meetings Act is posted on the East Wall of the Council Chambers
2. Pledge of Allegiance
3. Roll Call
4. Minutes of April 1, 2021 meeting
5. Department Activities Report
6. Cash Balances for the month of March, 2021
7. Claims of Elected Officials
  - 7.1. Claim of Tony North for North Printing and Office Supply in the amount of \$3,949.73
8. Claims for the period April 2, 2021 through April 15, 2021
9. City Administrator Report
10. Approve 2020 Water and Wastewater Rate Study as prepared by JEO Consulting Group
11. Approve Group Insurance Carrier for fiscal year May 1, 2021 through April 30, 2022
12. Approve Resolution recognizing May 9-15, 2021 as National Economic Development Week
13. Amend Article III, Section 1, Rules of the Zoning Ordinance -Rules and Definitions Ordinance 2283
  - 13.1. Suspend the rules on Ordinance 2283

- 13.2. Passage of Ordinance 2283
14. Amend Article III, Section 2, Definitions - Rules and Definitions Ordinance 2284
  - 14.1. Suspend the rules on Ordinance No. 2284
    - 14.1.1. Passage of Ordinance 2284
15. Change Order - Wyad Enterprises LLC - new contract cost \$1,077,627.30 for concrete preservation
16. Benesch - Consulting Services Agreement Change Order # 1 - Adding Delaware Avenue 14th Street and Division Avenue - time and materials \$36,960.00
17. Approve Purchase of a Cat Model 120 Motor Grader in the sum of \$188,875.00
18. Adjournment

**REGULAR MEETING  
CITY COUNCIL, YORK, NEBRASKA  
APRIL 1, 2021  
7:00 o'clock P.M.**

A meeting of the Mayor and City Council of the City of York, Nebraska, was convened in open and public session at 7:00 o'clock p.m. at the Council Chambers

The Mayor announced that the Open Meetings Act is posted on the east wall of the Council Chambers and the City Clerk has a copy at this meeting.

**ROLL CALL**

Present were: Councilmembers: Hubbard, Pieper, Lones, North and Wilkinson. Absent: VanEsch, Hoffman and Wagner.

Notice of this meeting was given in advance thereof by publication in the York News Times on March 27, 2021, the City's designated method for giving notice, a copy of the proof of publication being attached to these Minutes. Notice of this meeting was given to the Mayor and all members of the City Council and a copy of their acknowledgment and receipt of notice and the agenda is attached to these Minutes. Availability of the agenda was communicated in the advance notice and in the notice to the Mayor and City Council of this meeting. All proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public.

**MINUTES**

Councilmember Hubbard moved and Councilmember North seconded that the Minutes of the March 18, 2021 meeting be approved.

Roll Call Vote: Ayes: Hubbard, Pieper, Lones, North and Wilkins. Nays: None. . . Absent & Not Voting: VanEsch, Hoffman and Wagner. Motion Carried.

**CLAIMS OF ELECTED OFFICIAL**

Councilmember Lones moved and Councilmember Wilkinson seconded that the claim of Tony North for North Printing and Office Supply Co. in the amount of \$1,616.85 be approved and paid.

Roll Call Vote: Ayes: Hubbard, Pieper, Lones, and Wilkinson. Nays: None. Absent & Not Voting: VanEsch, Hoffman and Wagner. North declared a conflict of interest inasmuch as he is the owner of North Printing and Office Supply and abstained from voting. Motion Carried.

**CLAIMS**

Councilmember Lones moved and Councilmember Wilkinson seconded that the claims for the period March 19, 2021 through April 1, 2021 be approved and paid.

Roll Call Vote: Ayes: Hubbard, Pieper, Lones, North and Wilkins. Nays: None. . . Absent & Not Voting: VanEsch, Hoffman and Wagner. Motion Carried.

**CITY ADMINISTRATOR REPORT**

The City Administrator advised that there will be a "clean-up day in York" on April 24 and the landfill will be free for that day. He also advised that Four Corners Health is holding a hazardous waste clean-up on April 17 but the City is not involved with that.

**INVITATION FOR DEB ROBERTSON, LIBRARY DIRECTOR**

Library Director Robertson invited the Council to an Open House on April 10, 2021 from 10:00 to noon at the Kilgore Memorial Library to explore the Early Childhood Discovery Center; to learn about the Sixpence Program; to meet early childhood educators from York; and to learn what is coming next at York's Public Library. She advised that Senator Mark Kolterman will make opening reports. She also advised that light snacks and drinks will be provided.

APPROVE SPECIALDESIGNATED PERMIT APPLICAITON

Councilmember Hubbard moved and Councilmember Lones seconded to approve a special designated permit application fled by Chances R to host an “educator’s After Hours” in a 50 x 30 feet outside area adjacent to the beer garden on April 23, 2021.

Roll Call Vote: Ayes: Hubbard, Pieper, Lones, North and Wilkins. Nays: None. . . Absent & Not Voting: VanEsch, Hoffman and Wagner. Motion Carried.

APPROVE LIQUOR LICENSE APPLICATION FILED BY MAULIN PATEL  
D/B/A KIRK’S KONER FOR A CLASS D LIQUOR LICENSE

The Mayor announced that this was the time and place set for a public hearing on an application filed by Maulin Patel for a Class D Liquor License for Kirk’s Korner. Mr. Patel addressed the Council stating that he has purchased Kirk’s Korner. He gave an update on changes he will be making to the premises. The Mayor closed the public hearing.

Councilmember North moved and Councilmember Pieper seconded that the following Resolution be adopted:

RESOLUTION NO. 2021-13

BE IT RESOLVED

That Maulin Patel d/b/a Kirk’s Korner has made application for a Class “D” Liquor License for sale of Beer, Wine & Distilled Spirits Off Sale) at 1027 N Lincoln , York, Ne. 68467

That the Mayor and City Council of the city of York, Nebraska, have held a public hearing on the 1<sup>st</sup> day of April, 2021, pursuant to Nebraska Liquor Control Act and Ordinance No.1525 of the City of York; and

That notice of the time and place of hearing herein has been given as provided by law; and

That the Mayor and Council in hearing conducted herein have considered licensing standards and criteria set forth in Ordinance No. 1525 of the City of York, and appropriate statutory provisions and find:

- (1) That the application will further the public interest.
- (2) That the application will provide an improvement to the locality or neighborhood
- (3) That the application will provide an improvement to the City of York, Nebraska, and a true increase to the service to the public.
- (4) That the application will not be detrimental to the public health, safety and welfare.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF YORK, NEBRASKA, that it is the recommendation of this body that the application for a Class “D” liquor license for the sale of Beer, Wine and Distilled Spirits Off Sale), as submitted by Maulin Patel d/b/a Kirk’s Korner, 1027 N Lincoln, City of York, Nebraska, be approved and such recommendation be transmitted to the Nebraska Liquor Control Commission.

Roll Call Vote: Ayes: Hubbard, Pieper, Lones, North and Wilkins. Nays: None. . . Absent & Not Voting: VanEsch, Hoffman and Wagner. Motion Carried.

AMENDMENT TO REDEVELOPMENT CONTRACT WITH BRIAN D. LEVANDER

Mr. Levander had noted that TIF is on both Lot1 and Lot 2, of York Industrial Park 2<sup>nd</sup> Platting (4<sup>th</sup> Replat). Due to the fact that his building is on Lot 1, he would like to have the TIF on Lot 2 released.

ADJOURN AS A CITY COUNCIL AND RECONVENE AS A COMMUNITY  
REDEVELOPMENT AUTHORITY

Councilmember Pieper moved and Councilmember Hubbard seconded that the Council adjourn as a Council and reconvene as a Community Redevelopment Authority.

Roll Call Vote: Ayes: Hubbard, Pieper, Lones, North and Wilkinson, Nays: None. Absent & Not Voting: VanEsch, Hoffman and Wagner. Motion Carried.

ADOPT RESOLUTION 2021-14

Lones moved and Wilkinson seconded that the following Resolution be adopted:

**RESOLUTION NO. 2021-14**

A RESOLUTION OF THE COMMUNITY REDEVELOPMENT AUTHORITY OF THE CITY OF YORK, NEBRASKA, APPROVING AN AMENDMENT TO A REDEVELOPMENT CONTRACT FOR A REDEVELOPMENT PROJECT UNDERTAKEN BY BRIAN D. LEVANDER, TRUSTEE OF THE BRIAN D. LEVANDER REVOCABLE TRUST DATED OCTOBER 24, 2013, AND ANNETTE R. LEVANDER, TRUSTEE OF THE ANNETTE R. LEVANDER REVOCABLE TRUST DATED OCTOBER 24, 2013.

WHEREAS, the Mayor and Council of the City of York, Nebraska (the "City"), previously approved a redevelopment plan entitled "Redevelopment Plan (Redevelopment Area No. 3 – Levander's of York, L.L.C.) 2016)," (the "Plan"); and

WHEREAS, the Community Redevelopment Authority of the City of York, Nebraska (the "Authority") previously approved a redevelopment contract between the Authority and Brian D. Levander, Trustee of the Brian D. Levander Revocable Trust dated October 24, 2013, and Annette R. Levander, Trustee of the Annette R. Levander Revocable Trust dated October 24, 2013 (collectively, "Redeveloper"), dated on or about December 15, 2016 (the "Redevelopment Contract"); and

WHEREAS, the Authority has for its consideration, attached hereto and incorporated herein as Exhibit "A", a proposed form of an amendment to the Redevelopment Contract (the "Redevelopment Contract Amendment").

NOW, THEREFORE, BE IT RESOLVED, by the Authority, that the Redevelopment Contract Amendment by and between Redeveloper and the Authority, in the form presented, is hereby acknowledged and approved. The Chairperson and Secretary are hereby authorized to execute said Redevelopment Contract Amendment in substantially the form presented but with such changes as they shall deem appropriate or necessary, and file an amended "Notice to Divide" with the county assessor, as prescribed in the Redevelopment Contract Amendment. The execution and delivery by the Chairperson of the Redevelopment Contract Amendment, or any such documents, instruments, agreements or certifications relating to such matters contained in the Redevelopment Contract Amendment, shall conclusively establish their authority with respect thereto and the authorization and approval thereof.

Roll Call Vote: Ayes: Hubbard, Pieper, Lones, North and Wilkinson. Nays: None. Absent & Not Voting: VanEsch, Hoffman and Wagner. Motion Carried.

ADJOURN AS COMMUNITY REDEVELOPMENT AUTHORITY AND  
RECONVENE AS A CITY COUNCIL

Councilmember Hubbard moved and Councilmember Wilkinson seconded that the Council adjourn as a Community Redevelopment Authority and reconvene as a City Council.

Roll Call Vote: Ayes: Hubbard, Pieper, Lones, North and Wilkinson. Nays: None. Absent & Not Voting: VanEsch, Hoffman and Wagner. Motion Carried.

APPROVE LISTING OF LICENSES AND OCCUPATION TAXES FOR  
FISCAL YEAR MAY 1, 2021 THROUGH APRIL 30, 2021

Councilmember North moved and Councilmember Wilkinson seconded to approve said listing.

Roll Call Vote: Ayes: Hubbard, Pieper, Lones, North and Wilkinson. Nays: None. Absent & Not Voting: VanEsch, Hoffman and Wagner. Motion Carried.

APPROVE ELECTRICIAN LICENSES FOR  
FISCAL YEAR MAY 1, 2021 THROUGH APRIL 30, 2021

Councilmember Lones moved and Councilmember Pieper seconded to approve said listing.

Roll Call Vote: Ayes: Hubbard, Pieper, Lones, North and Wilkinson. Nays: None. Absent & Not Voting: VanEsch, Hoffman and Wagner. Motion Carried.

ADJOURNMENT

There being no further business to come before the Council, the Mayor adjourned the meeting, the time being 7:15 o'clock p.m.

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C. Jean Thiele, City Clerk

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Barry Redfern, Mayor

# **DEPARTMENTAL REPORTS**

**MARCH 2021**

**COMMUNITY CENTER**

**FIRE**

**KILGORE MEMORIAL LIBRARY**

**POLICE**

**PUBLIC WORKS**

Community Center

Daily Totals at the City Auditorium:

Monday	3/22/2021	57
Tuesday	3/23/2021	111
Wednesday	3/24/2021	75
Thursday	3/25/2021	354
Friday	3/26/2021	70
Saturday	3/27/2021	31
Sunday	3/28/2021	11
Monday	3/29/2021	22
Tuesday	3/30/2021	96
Wednesday	3/31/2021	62

Thursday, 3/25/2021: Included Youth Involvement Fair

York College: Included in Daily Totals

Museum: Closed for Renovations

**Total Income (Unofficial): \$4,022.50**

	CASH	CHECK	CREDIT	TOTAL	Center Admissi	FAC Admission	Center Progra	FAC Programs	Center Rentals	Aud. Admission	Auditorium Re
TOTALS TOTALS	\$315.00	\$3,662.50	\$4,022.50	\$27.50	\$15.00	\$2,665.00	\$615.00	\$0.00	\$0.00	\$700.00	\$0.00

**Adult/Community/Youth Programs/Leagues:**

The programs/leagues in March included Noon Ball, Story Walk, Pickleball Open Rec, Coed Volleyball League, and Youth Involvement Fair. Programs/leagues that were previously at the Community Center are now at the City Auditorium due to the Community Center closure until tentatively August.

There were no Community Center rentals/reservations in March due to Community Center renovations.

Auditorium

The City Auditorium opened to the public on Monday, March 22. There were 15 Auditorium rentals/reservations in March for YPR programs/leagues.

Parks

There were 2 East Hill Park shelter rentals/reservations in March for a YHS tennis invite.

# Family Aquatic Center

No FAC report due to end of the season closure in August. We are in the process of hiring and finalizing the concessions and lifeguard staff.

## Ballpark Complex

There were no Levitt Stadium or Beaver Creek rentals/reservations in March. There were 17 Miller Park rentals/reservations for Knights baseball practices and Fusion softball practices. There were 6 Ballpark Complex batting cage rentals/reservations for Knights baseball practices. There were 74 Ballpark Complex field rentals/reservations for Fusion softball practices, York College softball practices and games, Knights baseball pictures, practices, and game, and York College baseball practices.

### **Total Income (Unofficial): \$566.50**

CASH	CHECK	CREDIT	TOTAL	Sponsorships	Complex Concessic	Miller Concess	TOTAL Concessi	Rental Fee	Player Fe	Split % w/
\$246.50	\$0.00	\$320.00	\$566.50	\$0.00	\$566.50		\$89.00			

### **Supplyworks:**

Community Center	73.98
Auditorium	536.04
Library	122.10
Police Dept	102.72
Fire Dept	183.95
<b>Total:</b>	<b>1157.15</b>

**Report Completed by Michaela Stuhr, Recreation Coordinator on 4/12/2021**

# York Fire Department

## Monthly Report

**March 2021**

The York Fire Department responded to 107 calls for assistance during the month of March 2021. 98 of these calls were EMS in nature. We had 75 EMS 911 calls and 23 interagency transfers. We had 9 fire calls with an estimated loss of \$67510. We had a pull type camper at the campgrounds that accounted for \$45,500 in damage and a house fire that gutted the interior of the house for \$20000.

York Fire Department training for the month of March started with an Incident Safety Officer class at the Holthus Convention Center. This was a National Fire Academy class. We had 4 members of our department give up their weekend and take this class. We also had our annual Weather spotting class for the National Weather Service. It was a virtual class. We did a virtual Emergency Vehicle Operations Class. We did a basic automobile extrication class for our new people too. One of our volunteers attended the EMS conference in Kearney.

The Acting Fire Chief attended a regional Traffic Incident Management via zoom. An accident was discussed that happened in York County. Some good discussion was brought up.

We had quite a few activities going on. We had an ambulance spec meeting, approx. 12 of our staff assisted with the physical testing for a new career member on a Saturday morning. We also gave 32 LaFrance rides at the Egg Drop event at the Wessel Living History Farm.

Doug Branz retired after 31 ¼ years with York Fire. Doug worked for the York County Ambulance for 10 years before coming to YFD. We had a coffee for him his last day which was March 29<sup>th</sup>.

We had 19 apply for our career fire department opening. We did the written and physical testing on the 27<sup>th</sup>. We narrowed it down to 8 and had interviews on April 1<sup>st</sup>. A list of 4 was made and we selected Dan Slocum to hire now. Dan is a paramedic that lives in Fairmont, Nebraska. He was working for the City of Fairmont as their maintenance superintendent. He is a member of the Fairmont Volunteer Fire Department and works part time in the ER for Fillmore County Hospital. He comes highly recommended.

Respectfully submitted,

Anthony Bestwick

Acting Fire Chief

Kilgore Memorial Library  
Director's Report  
Prepared for the April 15, 2021  
York City Council meeting

1. The Elmer Baker Display Case is filled with a new collection of pottery pieces created by YHS students and from Randy Howell's personal collection. The Kent Bedient gallery has a display of York High School art.
2. Our hybrid Storytime continues to entertain visitors at the library and on Facebook around the world. The Bakers have been invited to speak at Rotary about their collaboration of talents. Carol has an Early Childhood degree and John holds a degree in Communication. Our partnership with York College is growing through this program.
3. On Tuesday, April 13, York College theatre students will present their Children's Theatre production live at Kilgore Memorial Library. Families are invited to enjoy the show live through the online recording that the college will produce. Due to the pandemic this traveling show could not go into the schools as they have for years. We are glad they chose our library as a location to present their show.
4. Saturday, April 10 we will unveil the new Early Childhood Discover Center in the Children's area of Kilgore Memorial Library. Through a generous donation from the York Public Schools Sixpence Program we have furniture and manipulatives for children ages 0 to 5 and their families to enjoy. We expect there will be interest from children of all ages in the exciting new Reading Nook, Flight Lab (think wind tunnel), Light Table, and Lego table along with seating for all ages and bins for storage. What a generous gift to our community!
5. The Week of the Young Child is April 10 to 16 and P.L.A.Y. has already booked time for each of their classes to visit the new Early Childhood Discovery Center during this week. They have invited parents to join their children on this field trip to the library. We expect this will be a popular field trip for many Preschools and Day Care Centers and we look forward to seeing each group.
6. Collection development continues in the Juvenile Fiction and Adult Non-Fiction areas of the library.
7. With an internship grant from the Nebraska Library Commission, we have selected Elias Dallman for our intern this summer. Elias is an Education Major at York College and will develop a program to work with elementary age students at the library during June and July.
8. To celebrate National Photography Month and Reading is Fun week in May we are planning a Photo Contest called, Get Caught Reading. Details will be released at the Early Childhood Discovery Center Open House.

Respectfully submitted by,



Debora Robertson  
Director, Kilgore Memorial Library

### LIBRARY DATA AT A GLANCE

Data Type	Oct 2020	Nov 2020	Dec 2020	Jan 2021	Feb 2021	March 2021	April 2021	May 2021	June 2021	July 2021	Aug 2021	Sept 2021	Year to Date
Added to Physical Collections	313	297	267	357	221	178							1,633
Added to E-Book Collections	669	410	700	473	484	729							3,465
Physical item circulation	5,104	4,457	4,594	4,336	4,381	4,579							27,451
E-books Circulations	1,433	1,416	1,473	1,668	1,411	1,495							8,896
New Patrons	24	15	28	18	10	31							126
Public Computer logins*	602	476	515	390	350	504							2,837
Door Count	3,444	3,024	3,146	3,453	3,638	3,979							20,684
Website visits	1,392	1,820	1,714	1,614	1,526	1,787							9,853
Meeting Room Use	803	127	47	79	159	270							1,785

\*We have removed four public computers to create social distance between stations since reopening in June 2020.

Data Type	Total 2020	Total 2019	Total 2018
Physical Collections	63,037	63,921	61,933
E-Book Collections	57,200	52,276	47,755
Physical item circulation	45,885	64,409	67,385
E-book Circulations	16,935	12,790	11,587
Registered Borrowers	5,348	8,276	8,527
Public Computer logins	6,391	13,864	12,126
Door Count	36,276	52,003	51,756
Website visits	51,633	59,600	55,582
Meeting Room Use	3,576	5,331	7,963

**DEPARTMENT OF PUBLIC WORKS**

**MONTHLY REPORT**

March — 2021

**STREET DEPARTMENT**

During the month of March, the central garage serviced and repaired equipment for all city departments as follows:

Street	88	Airport	0	Park	15	Fire	25
Police	5	Landfill	0	Wastewater	51	Water	30

The street sweeper operated 9 hours in March, during which time miles 34 were swept and cubic 100 yards of material were removed from the city streets.

Other major labor activities included:

Job	Hours
General maintenance	21
Right-of-way maintenance	109
Gravel street/alley maintenance	110
Snow removal	89
Mowing/weed control	0
Tree/shrub maintenance	2
Paved surface maintenance	350
Building maintenance	4
Equipment services	33
Storm sewer/bridge repair	5
Traffic signing/signal installation/repair	143
Shop cleaning	25
Property Maintenance	67
<b>TOTAL</b>	<b>958</b>

### **PARK DEPARTMENT**

Park personnel performed the following activities:

Job	Hours
Trash removal	30
Restroom cleaning	8
Property maintenance	123
Mowing/weed control	0
Tree/shrub maintenance	8
Building maintenance	0
Ball field maintenance	106
Playground equipment maintenance	0
<b>TOTAL</b>	<b>275</b>

### **FAMILY AQUATIC CENTER**

Park personnel performed the following activities:

Job	Hours
General maintenance	4
Mowing/weed control	0
Building maintenance	8
Property maintenance	8
<b>TOTAL</b>	<b>20</b>

### **AUDITORIUM**

Park/Street personnel performed the following activities:

Job	Hours
General maintenance	0
Mowing/weed control	0
Building maintenance	21
Property maintenance	0
<b>TOTAL</b>	<b>21</b>

### **WASTEWATER TREATMENT PLANT**

Plant operation for March and the comparison figures for March of last year:

	Last Month	2021	2020	Units
Total flow	25,558,113	38,100,310	26,124,616	gallons
Average flow/day	881,314	1,229,042	842,729	gallons
Average flow/person	110	154	105	gallons
Raw sludge to digesters	0	0	0	gallons
Liquid sludge to farmland	0	0	0	gallons
Grit and screenings to landfill	1.71	258.46	1.96	tons
Bio solids wasted	1.169836	1.057732	1.281018	MG

Wastewater Treatment Plant personnel performed the following activities:

Job	Hours
Plant wages	198
Laboratory testing	71
Grit bed removal	44
Paved surface maintenance	19
Equipment maintenance	180
Building maintenance	70
Sewer system maintenance	74
Property maintenance	63
One-call locates	10
<b>TOTAL</b>	<b>729</b>

### **WATER DEPARTMENT**

Plant operation figures for March and the comparison figures for March of last year follow:

	Last Month	2021	2020	Unit
Total water pumped	24,079,000	24,209,000	24,764,000	gallons
Total water billed	22,319,918	18,895,890	18,564,083	gallons
Average use per day	776,742	780,935	798,839	gallons
Average use per person	97	98	100	gallons
Total electricity used	39,518	37,520	41,595	kW
Pumps yield	609	645	595	gallons/kW
Peak pumping date	17 <sup>th</sup>	7 <sup>th</sup>	1 <sup>st</sup>	
Peak amount	1,127,000	916,000	961,000	gallons

Report of office operations for March and comparison figures for March of last year:

	2021	2020
Water bills	1,683	1,665
Sewer bills	1,636	1,622
New taps	0	1" - 1
Service leaks	1	0
Main leaks	1	0
Diggers Hotline calls	174	117

Water Department personnel performed the following activities:

Job	Hours
Plant wages (monitoring wells, etc.)	36
Meter reading	20
Meter maintenance	3
Pump/well maintenance	1
Final notice collection	3
Paved surface maintenance	43
Distribution maintenance	322
One-call locates	16
General Maintenance	48
<b>TOTAL</b>	<b>492</b>

### **SOLID WASTE RECEIVING CENTER AND LANDFILL**

Solid Waste Receiving Center operation figures for March as reported by scale:

	2021		2020	
	Trips	Tons	Trips	Tons
Landfill	786	2671.98	602	2226.64
C & D	146	571.15	39	108.93
Transfer Station	187	38.12	91	17.60
Brush Pile	172	77.98	97	65.73
Tire Pile	7	0.00	5	0.00
Metal Roll-off	11	0.00	4	0.00
Recyclables	0	0.00	2	2.18
<b>Total</b>	<b>1309</b>	<b>3359.23</b>	<b>840</b>	<b>2421.08</b>

Revenue collected during March totaled \$136,876.75. The same period last year totaled \$98,732.75.

Landfill personnel performed the following activities:

Job	Hours
Scale/Transfer Station Operation	237
Landfill Equipment	524
Wind screen & litter control	0
Recycling Act	0
<b>TOTAL</b>	<b>761</b>

### **AIRPORT**

Public Works personnel performed the following activities:

Job	Hours
Airport Attendant	76
Building maintenance	2
Mowing/weed control	0
<b>TOTAL</b>	<b>78</b>

**CONVENTION CENTER**

Public Works personnel performed the following activities:

Job	Hours
Property maintenance	10
Building maintenance	2
Mowing/weed control	0
<b>TOTAL</b>	<b>12</b>

**SUMMARY BY DEPARTMENT**

Department	Hours	Percentage	Full Time Equivalent
Street/Convention Center	970	29	6.1
Parks/FAC/Auditorium	316	9	2.0
Landfill	761	23	4.8
Wastewater	729	22	4.6
Water	492	15	3.1
Airport	78	2	0.5
<b>TOTAL</b>	<b>3346</b>	<b>100</b>	<b>21.1</b>

**BUILDING INSPECTIONS AND PERMITS**

Our building inspection activity for March and comparison figures for March of last year are as follows:

Inspections:	2021	2020	Permits Issued:	2021	2020
Building	17	39	Building	24	22
Electrical	12	26	Electrical	4	2
Plumbing	10	25	Plumbing	0	2
Mechanical	2	21	Mechanical	3	6
Property Pin Locates	0	0	Curb/Street	2	2
<b>Total</b>	<b>41*</b>	<b>111</b>	<b>Total</b>	<b>33</b>	<b>34</b>

\*Total number of inspections is only for approximately two weeks of March due to the building inspector's absence.

Twenty-four (24) permits were issued in March for a value of \$216,254.50, which brings the total for the year to \$2,281,853.50. (See attached.)

**BOARD OF PUBLIC WORKS**

The Board of Public Works met on March 16, 2021. Minutes of the meeting are attached.

**Building Permits issued in March 2021**

13-Apr-21

	<b>OWNER</b>	<b>ADDRESS</b>	<b>LEGAL DESCRIPTION</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>
97772	Lorinda Ocken	1308 N. Pennsylvania Ave.		Privacy fence	932.00
97773	Seth Peterson	1714 N. Lincoln Ave.		Greenhouse	10,000.00
97774	Grand Central Foods	315 N. Lincoln Ave.		Fireworks stand	1,000.00
97775	Alfredo Barragan	329 College Ave.		Replace driveway & sidewalk	5,000.00
97777	Sue Donahue	830 Florida Ave.		Re-roof	7,380.00
97779	Vern Ourada	1200 N. Platte Ave., Lot 4		Reside	5,527.50
97780	Larry Joy	9 Arbor Hts.		Replace fence	2,178.00
97781	York General	309 E. 35th St		Sign - ground	23,168.00
97782	York General	309 E. 35th St		Sign - pole sign	41,788.00
97783	Lynn Dennis	1821 E. Nobes Rd		Greenhouse	6,000.00
97784	Greamy LLC	822 N. Lincoln Ave.		Adding wall, removing wall	1,000.00
97785	Bruce Tracy	720 Burlington Ave.		Replace front porch	5,000.00
97787	Joe Belfiore	1325 Florida Ave.		Fence	1,836.00
97788	Brandon Jepsen	219 N. Blackburn Ave.		Fence	2,500.00
97790	Jeremy Fowler	1608 Conner Ave		Shed on cement slab	4,500.00
97791	Laurie Lopez	24 Arbor Ct.		Fence	3,000.00
97792	Justin Easter	302 College Ave.		Privacy fence	3,800.00
97793	Katie Harwick	820 N. York Ave.		Fence	200.00
97794	Maria Rodriguez	810 Greenwood Ave.		Addition - bedroom, bathroom, laun	35,130.00
97795	Jared Stark	631 E. 9th St.		Re-roof	9,315.00
97796	Penner's	902 N. Lincoln Ave		Fireworks stand	2,000.00
97798	Lynn Brokaw	906 W. Nobes Rd.		Re-roof	9,000.00

	<b>OWNER</b>	<b>ADDRESS</b>	<b>LEGAL DESCRIPTION</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>
97799	Super 8 Motel	4112 S. Lincoln Ave.		Re-roof	29,000.00
97800	Casey Pinneo	1430 N. Ohio Ave.		Replace fence	7,000.00
					<b>\$216,254.50</b>
					<b>Permits Issued: 24</b>

**CITY OF YORK  
CASH BALANCES  
for the Month of March 2021**

Fund #	Fund	10/1/2020 Balance	Current Month Receipts	YTD Receipts	Current Month Disbursements	YTD Disbursements	Ending Balance
10-101	General	\$3,115,749.28	\$596,911.71	\$3,397,475.54	\$661,771.15	\$3,569,706.14	\$2,943,518.68
10-102	Auditorium	\$0.00	\$11,137.83	\$61,849.89	\$12,457.20	\$52,700.84	\$9,149.05
10-103	Park	\$0.00	\$70,330.50	\$295,419.63	\$96,642.14	\$231,678.31	\$63,741.32
10-104	Police	\$0.00	\$184,666.81	\$1,108,314.16	\$147,932.64	\$921,867.38	\$186,446.78
10-105	Community Center	\$0.00	\$34,087.50	\$213,625.08	\$26,961.75	\$170,888.11	\$42,736.97
10-106	Aquatic Center	\$0.00	\$17,397.83	\$106,321.22	\$4,723.27	\$54,355.03	\$51,966.19
10-110	Senior Center	\$0.00	\$1,392.75	\$8,356.50	\$777.66	\$7,735.06	\$621.44
10-201	Convention Center	\$0.00	\$31,747.97	\$196,105.96	\$39,913.41	\$204,166.39	(\$8,060.43)
10-111	Ball Field	\$0.00	\$20,911.17	\$158,270.56	\$23,993.69	\$116,051.95	\$42,218.61
13	User Fees	\$13,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$13,000.00
22	Ambulance	\$0.00	\$219,148.27	\$844,294.53	\$111,933.80	\$712,312.28	\$131,982.25
22	Fire	\$0.00	\$32,915.08	\$234,371.46	\$15,400.89	\$245,762.86	(\$11,391.40)
24	Library	\$0.00	\$34,369.79	\$224,823.67	\$39,048.01	\$197,687.90	\$27,135.77
14-144	General Capital-Auditorium	(\$522,690.00)	\$1,000,000.00	\$3,344,250.00	\$572,094.95	\$2,839,624.85	(\$18,064.85)
14-145	General Capital-Comm Ctr	(\$7,147.54)	\$50,000.00	\$255,750.00	\$105,214.11	\$292,170.61	(\$43,568.15)
	<b>General Balances (unallocated and available)</b>	<b>\$2,598,911.74</b>	<b>\$2,305,017.21</b>	<b>\$10,449,228.20</b>	<b>\$1,858,864.67</b>	<b>\$9,616,707.71</b>	<b>\$3,431,432.23</b>
11	Keno	\$44,147.54	\$456.17	\$2,688.62	\$0.00	\$420.42	\$46,415.74
20	Aviation	\$607,252.10	\$38,421.61	\$102,989.33	\$43,052.40	\$152,119.14	\$558,122.29
20	Aviation - Federal Funds	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
31	Fire Pension	\$326,983.87	\$223.04	\$857.27	\$14,327.37	\$75,458.31	\$252,382.83
30	Police Pension	\$223,492.71	\$170.20	\$619.41	\$5,022.57	\$28,571.41	\$195,540.71
32	911 Surcharge	\$52,726.27	\$1,779.61	\$6,478.10	\$0.00	\$0.00	\$59,204.37
33	Health Insurance	\$1,266,042.99	\$100,426.62	\$597,826.61	\$75,534.28	\$443,071.75	\$1,420,797.85
	<b>Total Tax Funds</b>	<b>\$5,119,557.22</b>	<b>\$2,446,494.46</b>	<b>\$11,160,687.54</b>	<b>\$1,996,801.29</b>	<b>\$10,316,348.74</b>	<b>\$5,963,896.02</b>
50	Street	\$893,206.19	\$239,143.51	\$1,552,331.80	\$143,124.79	\$753,517.88	\$1,692,020.11
70	Landfill-Cash & Invest	\$1,651,058.06	\$162,604.90	\$685,714.85	\$155,391.94	\$652,886.81	\$1,683,886.10
	Landfill-Operations	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Landfill-Debt Service	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
78	Old Landfill Closure	\$11,767.65	\$29.61	\$59.47	\$0.00	\$0.00	\$11,827.12
79	Landfill Post Closure	\$2,363,417.14	\$83,374.77	\$89,266.02	\$0.00	\$0.00	\$2,452,683.16
	C&D Site Closure/Post Clo	\$163,608.54	\$17,072.36	\$17,459.83	\$0.00	\$0.00	\$181,068.37
75	Landfill Construction	(\$55,779.17)	\$0.00	\$0.00	\$0.00	\$9,766.95	(\$65,546.12)
	<b>Total Non-Tax Funds</b>	<b>\$ 5,027,278.41</b>	<b>\$ 502,225.15</b>	<b>\$ 2,344,831.97</b>	<b>\$ 298,516.73</b>	<b>\$ 1,416,171.64</b>	<b>\$ 5,955,938.74</b>
12	CDBG Revolving Loan	\$28,487.87	\$4,181.59	\$25,084.77	\$0.00	\$0.00	\$53,572.64
12	Housing Grant - Federal Funct	\$58,208.82	\$35,878.00	\$204,976.84	\$21,148.39	\$201,242.49	\$61,943.17
12	Buy Rehab Sell	\$82,017.24	\$0.00	\$93,231.67	\$0.00	\$177.56	\$175,071.35
60	Federal Street Projects	\$771,633.08	\$168,971.56	\$169,728.53	\$0.00	\$0.00	\$941,361.61
60	Shadow Brook Project	(\$11,894.68)	\$0.00	\$0.00	\$0.00	\$0.00	(\$11,894.68)
19-192	Land Acq - Indust. Park	\$1,028,333.02	\$1,028.21	\$100,427.01	\$0.00	\$4,883.56	\$1,123,876.47
19-193	Land Acq - Right-of-ways	\$21,140.13	\$0.00	\$0.00	\$0.00	\$0.00	\$21,140.13
19-194	Land Acq - Parks	\$66,046.21	\$0.00	\$0.00	\$0.00	\$0.00	\$66,046.21
19-194	Council of Gov'ts CD's	\$32,289.01	\$0.00	\$0.00	\$0.00	\$0.00	\$32,289.01
16	<b>Total Bond Funds</b>	<b>\$469,551.06</b>	<b>\$65,468.71</b>	<b>\$392,929.25</b>	<b>\$227,763.75</b>	<b>\$743,757.50</b>	<b>\$118,722.81</b>
40	<b>Total TIF Funds</b>	<b>\$565,487.41</b>	<b>\$9,734.23</b>	<b>\$32,130.51</b>	<b>\$0.01</b>	<b>\$94,207.80</b>	<b>\$503,410.12</b>
	<b>Total Misc. Funds</b>	<b>\$ 3,111,299.17</b>	<b>\$ 285,262.30</b>	<b>\$ 1,018,508.58</b>	<b>\$ 248,912.15</b>	<b>\$ 1,044,268.91</b>	<b>\$ 3,085,538.84</b>
	<b>Total All Funds</b>	<b>\$ 13,258,134.80</b>	<b>\$ 3,233,981.91</b>	<b>\$ 14,524,028.09</b>	<b>\$ 2,544,230.17</b>	<b>\$ 12,776,789.29</b>	<b>\$ 15,005,373.60</b>

LB 357 Cash Available	(from Page 2)	\$1,656,855.55
Wastewater Cash Available	(from Page 3)	\$2,861,204.19
Water Cash Available	(from Page 3)	\$7,139,766.90
		<u>\$ 26,663,200.24</u>

**City of York**  
**LB 357 Funds Summary**

	28-Feb-21	31-Mar-21
<b>LB 357 Funds Allocation</b>		
Cash Balance	\$13,843,774.87	\$13,626,277.42
Less: Quiet Zone	(\$1,498,528.97)	(\$1,503,528.97)
School-Owned Properties	(\$673,520.34)	(\$673,520.34)
Ball Field	(\$9,458,776.31)	(\$9,146,737.56)
City-Owned Properties	(\$602,301.66)	(\$645,635.00)
 Total Cash Available	 \$1,610,647.59	 \$1,656,855.55
 Less Restricted Funds		
Debt Service	(\$276,240.65)	(\$19,450.03)
Debt Service Reserve	(\$686,057.50)	\$0.00
 Total Unallocated LB 357 Funds	 \$648,349.44	 \$1,637,405.52

## City of York Public Works Summary

	28-Feb-21	31-Mar-21
<b>Wastewater</b>		
Cash Balance	\$6,244,296.41	\$6,420,754.43
Less: Construction Fund	(\$3,559,550.24)	(\$3,559,550.24)
Total Cash Available	\$2,684,746.17	\$2,861,204.19
Less Restricted Funds		
Operations	\$0.00	\$0.00
Debt Service	\$0.00	\$0.00
Debt Service Reserve	\$0.00	\$0.00
Renewal & Replacement	\$0.00	\$0.00
Total Unrestricted Funds	\$2,684,746.17	\$2,861,204.19
<b>Water</b>		
Cash Balance	\$7,244,243.31	\$6,914,690.39
Less: Construction Fund	(\$494,398.92)	(\$495,497.45)
Add: Farm Management Acct	\$720,533.53	\$720,573.96
Total Cash Available	\$7,470,377.92	\$7,139,766.90
Less Restricted Funds		
Operations	(\$108,577.00)	(\$108,577.00)
Debt Service	(\$305,984.26)	(\$92,701.72)
Debt Service Reserve	(\$468,466.72)	(\$266,500.00)
Total Unrestricted Funds	\$6,587,349.94	\$6,671,988.18

**City of York**  
for the Month of March 2021

	<u>Total Amount</u>	<u>Restricted or Assigned</u>	<u>Unrestricted</u>	<u>Notes</u>
Auditors Grouping				
10 General:	<u>\$2,943,518.68</u>	<u>1,004.31</u>	<u>\$2,942,514.37</u>	Restricted amount is York Community Foundation
General				
Senior Center	\$621.44		\$621.44	
Police	\$186,446.78		\$186,446.78	
Community Center	\$42,736.97		\$42,736.97	
Park	\$63,741.32		\$63,741.32	
Auditorium	\$9,149.05		\$9,149.05	
Convention Center	(\$8,060.43)		(\$8,060.43)	
Aquatic Center	\$51,966.19		\$51,966.19	
Ball Park	\$42,218.61		\$42,218.61	
Total	<u>\$3,332,338.61</u>	<u>\$1,004.31</u>	<u>\$3,331,334.30</u>	
13 User Fees	\$13,000.00	\$13,000.00		Assigned
14 General Capital Projects	(\$61,633.00)		(\$61,633.00)	
22 Fire/EMS	\$120,590.85		\$120,590.85	
24 Library	\$27,135.77		\$27,135.77	
30 Police Pension	\$195,540.71		\$195,540.71	
31 Fire Pension	\$252,382.83		\$252,382.83	
Total General	<u>\$3,879,355.77</u>	<u>\$14,004.31</u>	<u>\$3,865,351.46</u>	
50 Street	\$1,692,020.11	\$1,692,020.11		
20 Aviation	\$558,122.29	\$558,122.29		Assigned
16 Debt Service	\$118,722.81	\$118,722.81		
15 LB 357	\$1,656,855.55	\$1,656,855.55		
60 Capital Projects	\$929,466.93	\$929,466.93		
12 CDBG	\$290,587.16	\$290,587.16		
11 Keno	\$46,415.74	\$46,415.74		
19 Sinking	\$1,243,351.82	\$32,289.01	\$1,211,062.81	
32 E911	\$59,204.37	\$59,204.37		
40 TIF	\$503,410.12	\$503,410.12		
Total Governmental	<u>\$10,977,512.67</u>	<u>\$5,901,098.40</u>	<u>\$5,076,414.27</u>	
70 Landfill:				
Landfill	\$1,683,886.10		\$1,683,886.10	
Landfill-Operations	\$0.00	\$0.00		Bond Requirements
Landfill-Debt Service	\$0.00	\$0.00		Bond Requirements
Old Landfill Closure	\$11,827.12	\$11,827.12		
Landfill Closure/Post	\$2,452,683.16	\$2,452,683.16		
C&D Site Closure/Post	\$181,068.37	\$181,068.37		
Construction	(\$65,546.12)		(\$65,546.12)	
Total Landfill	<u>\$4,263,918.63</u>	<u>\$2,645,578.65</u>	<u>\$1,618,339.98</u>	
80 Wastewater	\$2,861,204.19	\$0.00	\$2,861,204.19	
90 Water	\$7,139,766.90	\$467,778.72	\$6,671,988.18	
Total Enterprise	<u>\$14,264,889.72</u>	<u>\$3,113,357.37</u>	<u>\$11,151,532.35</u>	
33 Health Insurance	\$1,420,797.85	\$1,420,797.85		Assigned for insurance claims needs
Total City	<u>\$26,663,200.24</u>	<u>\$10,435,253.62</u>	<u>\$16,227,946.62</u>	

SORTED BY VENDOR

VENDOR	NAME	NO# INVOICES	TOTAL AMOUNT	1099	G/L ACCT NO#	G/L NAME	G/L AMOUNT
01-00010	GALE	3	92.99	N			
01-00090	THE HOME DEPOT PRO	10	1,818.70	N			
01-00110	MATHESON TRI-GAS	4	202.55	N			
01-00120	JACKSON SERVICES INC	10	557.36	N			
01-00180	AGRI-PRODUCTS, INC.	1	905.22	N			
01-00200	NEBRASKA MACHINERY CO	1	1,040.43	N			
01-00290	NORTH PRINTING & OFFICE S	13	3,949.73	N			
01-00300	BLACK HILLS ENERGY	10	4,700.57	N			
01-00340	BOUND TREE MEDICAL LLC	1	1,781.85	N			
01-00360	CITY OF YORK	2	25,100.00	N			
01-00390	YORK COUNTY CLERK	1	1,012.41	N			
01-00410	CAROLINA SOFTWARE	1	500.00	N			
01-00640	NEBRASKA PUBLIC POWER DIS	3	35,194.37	N			
01-00650	NE LAW ENFORCEMENT TRAIN	2	93.50	N			
01-00680	NE DEPT. OF AERONAUTICS	1	543.33	N			
01-00710	OVERLAND SAND & GRAVEL	5	4,926.31	N			
01-00740	TK ELEVATOR CORP	1	210.48	N			
01-00800	BURST, LLC	29	1,293.38	N			
01-00900	YORK GENERAL HOSPITAL	1	257.50	N			
01-00960	GRAINGER	2	750.16	N			
01-01090	BAKER & TAYLOR, INC	5	1,040.40	N			
01-01200	BARCO MUNICIPAL PRODUCTS	1	963.97	N			
01-01270	NABER'S REPAIR SERVICE	1	40.00	Y			
01-01280	PLATTE VALLEY COMMUNICATI	3	587.00	N			
01-01290	GRAND CENTRAL FOODS, INC.	6	467.32	N			
01-01310	PIEPER PLBG/WELL DRILLING	1	607.57	N			
01-01330	JLC, INCORPORATED	8	315.11	N			

SORTED BY VENDOR

VENDOR	NAME	NO# INVOICES	TOTAL AMOUNT	1099	G/L ACCT NO#	G/L NAME	G/L AMOUNT
01-01340	KOPCHOS SANITATION, INC	7	881.25	N			
01-0145	ANTHONY BESTWICK	1	264.60	N			
01-01470	SERVI-TECH LABORATORIES	1	70.15	N			
01-01510	HACH CO.	6	3,701.21	N			
01-01840	CORNERSTONE BANK	1	95.00	N			
01-01940	SARGENT DRILLING	1	5,952.75	N			
01-02010	YORK EQUIPMENT, INC.	6	845.37	N			
01-02040	YORK NEWS-TIMES	5	4,026.29	N			
01-02200	JACK'S UNIFORMS & EQUIP	1	162.89	N			
01-02230	MCCORMICK HEATING & AC	3	73,533.18	N			
01-02250	MILLER SEED & SUPPLY CO	2	101.99	N			
01-02530	PEPSI COLA OF LINCOLN/ TO	3	1,168.05	N			
01-02560	CITYSERVICEVALCON LLC	3	29,583.59	N			
01-02590	ADOPT A PET	1	2,500.00	N			
01-02650	O'REILLY AUTO PARTS	13	1,065.56	N			
01-02730	SCHOOL DISTRICT OF YORK	1	118.00	N			
01-03240	YORK COUNTY DEVELOPMENT C	1	225.00	N			
01-03260	HOMETOWN LEASING	2	243.15	N			
01-0357	BRETT SORENSEN	1	98.17	N			
01-04050	GALLS INCORPORATED	2	647.16	N			
01-04660	NEBRASKA MUNICIPAL FIRE C	1	387.50	N			
01-05310	SAPP BROTHERS PETROLEUM,	3	3,895.70	N			
01-05330	NEBRASKA SALT & GRAIN CO	1	6,692.67	N			
01-05450	BAIRD, HOLM LLP	2	25,912.50	Y			
01-05600	YORK GENERAL HOSPITAL	3	1,865.00	N			
01-05870	WEX BANK	1	6,170.78	N			
01-06120	NEBRASKA RURAL WATER ASSO	1	600.00	N			

SORTED BY VENDOR

VENDOR	NAME	NO# INVOICES	TOTAL AMOUNT	1099	G/L ACCT NO#	G/L NAME	G/L AMOUNT
01-06230	NEBRASKA FIRE SPRINKLER C	1	260.00	N			
01-06360	WY-AD UTILITY CONTRACTORS	10	44,042.50	N			
01-06510	YORK COUNTY TITLE	1	150.00	N			
01-06630	FASTENAL	4	112.72	N			
01-07860	CONNER ROOFING CO., INC	1	625.00	N			
01-08530	EYECARE ASSOCIATES	1	180.00	Y			
01-0892	C. JEAN THIELE	1	47.84	N			
01-09110	HY-TEC AUTO SERVICE	2	556.05	N			
01-1	MISCELLANEOUS VENDOR	3	2,012.59	N			
01-10020	YORK COUNTY REGISTER OF D	1	86.00	N			
01-10110	BADGER METER INC	1	185.00	N			
01-11220	PAUL DAVIS RESTORATION &	1	765.00	N			
01-11670	STEVE HOLMES	1	12.20	N			
01-12540	TRACTOR SUPPLY COMPANY	1	389.98	N			
01-13300	IES COMMERCIAL INC	1	134.00	N			
01-14470	FARMERS COOPERATIVE	2	143.90	N			
01-14670	OCLC INC	1	457.63	N			
01-14880	ALFRED BENESCH & CO	2	7,981.77	N			
01-15280	ERICK BREKKE	1	120.00	N			
01-15300	EZ FACILITY INC.	3	7,699.03	N			
01-15980	HDR ENGINEERING INC	4	8,350.38	N			
01-16710	ONE CALL CONCEPTS INC	1	145.38	N			
01-16900	AQUA-CHEM INC	1	688.75	N			
01-18230	AMERICOM COMMUNICATIONS	1	195.00	N			
01-18330	UNGERBOECK SYSTEMS INTERN	1	6,883.00	N			
01-18350	METERING & TECHNOLOGY SOL	2	2,317.57	N			
01-19280	PARAMOUNT LINEN & UNIFORM	2	257.77	N			

SORTED BY VENDOR

VENDOR	NAME	NO# INVOICES	TOTAL AMOUNT	1099	G/L ACCT NO#	G/L NAME	G/L AMOUNT
01-19370	NE TECHNOLOGY & TELECOMMU	3	178.12	N			
01-19640	ELECTRONIC CONTRACTING CO	2	180.53	N			
01-19960	GPM	1	515.00	Y			
01-19980	JEO CONSULTING GROUP INC.	1	4,400.00	N			
01-20170	AMAZON	13	590.52	N			
01-20310	KERFORD LIMESTONE CO	1	2,077.84	N			
01-20370	FRIESEN LANDSCAPING	1	955.63	N			
01-20850	DEARBORN LIFE INSURANCE C	1	3,592.70	N			
01-21050	MELTON CARPET CLEANING	1	377.44	Y			
01-21100	CHRIS FIFIELD	1	120.00	N			
01-21570	CHESTERMAN CO	1	204.48	N			
01-22050	HEAVY METAL SUPPLY CO	1	141.44	N			
01-22100	SLACK AUTO SUPPLY LLC	3	448.56	N			
01-22700	SPECTRUM BUSINESS	2	242.93	N			
01-22790	SITE ONE LANDSCAPE SUPPLY	1	4,869.48	N			
01-23800	KUCERA PAINTING INC.	2	52,206.00	N			
01-24090	AXIA PAYMENTS	1	114.06	N			
01-24120	FIRESPRING	1	140.00	N			
01-24440	QUALITY SOUND & COMMUNICA	1	35.00	Y			
01-24700	WOODS & AITKEN	1	4,933.70	Y			
01-25530	SAM'S CLUB MC/SYNCB	1	2,686.89	N			
01-25820	MERCHANT SERVICES	1	2,168.83	N			
01-26010	SOARIN GROUP	1	790.50	N			
01-26130	RAYNOR GARAGE DOORS	1	11,953.00	N			
01-26510	QUADIENT LEASING	1	630.00	N			
01-26670	MIDWEST ALARM SERVICES	1	464.40	N			
01-26730	TWINK DALTON	1	208.00	Y			

SORTED BY VENDOR

VENDOR	NAME	NO# INVOICES	TOTAL AMOUNT	1099	G/L ACCT NO#	G/L NAME	G/L AMOUNT
01-27020	HEARTLAND ROOFING CONSULT	1	5,000.00		N		
01-27030	JAMCO ABATEMENT SERVICES	2	49,147.00		N		
01-27210	MIDWEST AUTO PARTS INC.	7	534.52		N		
01-27310	NICK'S FARM STORE	1	134.37		N		
01-27380	TELEFLEX	1	562.50		N		
01-27390	NORTHLAND BUSINESS SYSTEM	1	1,759.68		N		
*** REPORT TOTALS ***		309	496,921.90				

SELECTION CRITERIA

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VENDOR SET: 01 CITY OF YORK  
VENDOR: ALL  
BANK: ALL  
VENDOR CLASS(ES): ALL CLASSES

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TRANSACTION SELECTION

REPORTING: PAID ITEMS

	=====PAYMENT DATES=====	=====ITEM DATES=====	=====POSTING DATES=====
PAID ITEMS DATES	: 4/02/2021 THRU 4/15/2021	0/00/0000 THRU 99/99/9999	0/00/0000 THRU 99/99/9999

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REPORT SEQUENCE: VENDOR #  
G/L EXPENSE DISTRIBUTION: NO  
CHECK RANGE: 000000 THRU 999999

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# 2020 WATER AND WASTEWATER RATE STUDY YORK, NEBRASKA

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JEO Project No. 200981.00

## Table of Contents

Section 1: Introduction: .....	1
Section 2: Existing Rate Schedule and System – Water System: .....	1
Section 3: Proposed Water System Rate Schedules: .....	10
Section 4: Recommendations – Water Department:.....	14
Section 5: Existing Rate Schedule and System – Wastewater System:.....	15
Section 6: Proposed Wastewater System Rate Schedules:.....	23
Section 7: Recommendations – Wastewater Department: .....	32

## List of Tables

Table 1: Existing Water Rate Schedule .....	1
Table 1: Existing Water Rate Schedule (cont.).....	2
Table 2: Water System Historical and Projected Number of Users .....	2
Table 4: Water System Operating Revenue Projection, 2020-2025, With No Rate Increase.....	4
Table 4: Water System Operating Revenue Projection, 2020-2025, With No Rate Increase (cont.) .....	5
Table 4: Water System Operating Revenue Projection, 2020-2025, With No Rate Increase (cont.) .....	6
Table 5: Proposed Water System Capital Improvement Projects During Planning Period.....	7
Table 6: Water Debt Service Summary .....	8
Table 7: Water Amortization Expenses.....	8
Table 8: Water Department Projected Cash Flow, With No Rate Increase .....	9
Table 9: Existing Water Rate Schedule Projection .....	11
Table 10: Existing Sewer Rate Schedule .....	15
Table 11: Wastewater System Historical and Projected Users.....	15
Table 12: Wastewater Projected Flow in Units of Cubic Feet .....	16
Table 13: Wastewater System Operating Revenue Projection, 2019-2024, With No Rate Increase .....	17
Table 13: Wastewater System Operating Revenue Projection, 2019-2024, With No Rate Increase (cont.) .....	18
Table 13: Wastewater System Operating Revenue Projection, 2019-2024, With No Rate Increase (cont.) .....	19
Table 14: Proposed Wastewater System Capital Improvement Projects During Planning Period .....	20
Table 15: Wastewater Amortization Expenses.....	21
Table 16: Wastewater Department Projected Cash Flow, With No Rate Increase .....	22
Table 17: Wastewater System Proposed Rates .....	24
Table 18: Existing Wastewater Rate Schedule Projection .....	25
Table 19: Proposed Wastewater Rate Schedule 1 .....	26

Table 20: Proposed Wastewater Rate Schedule 2..... 27  
Table 21: User Impacts..... 28  
Table 22: User Impacts (Cont'd) ..... 29

**List of Figures**

Figure 1: Net Balance from Operations per Year ..... 12  
Figure 2: Cash Balance of Water System ..... 13  
Figure 3: Net Balance from Operations of Wastewater System..... 30  
Figure 4: Cash Balance of Sewer System ..... 31

**2020 WATER AND WASTEWATER  
RATE STUDY  
FOR  
CITY OF YORK, NEBRASKA**

**Section 1: Introduction:**

The following report is a rate design review and assessment for the City of York, Nebraska. This report provides supplemental data and updated alternatives for evaluating rate structures and determining probable future rate structures for the water and wastewater utilities in York.

Information utilized in this evaluation was received from the City of York. For this evaluation, the overall financial position of the public water system and sanitary sewer system were evaluated by analyzing the revenue generated by the existing user rate structures compared to the current system expenses. Next, the financial position of each system was evaluated by projecting the revenue and expenses over the next five-year planning period. Included within this planning period were the capital improvement projects as identified by the City of York. Updated rate structures were evaluated to determine their capability of financing future operation expenses and capital improvements.

It is important to ensure that the cost recovery methods (charges) are compatible with other objectives, including environmental protection and sustainability, and are in compliance with legal and regulatory constraints. It is also important to provide a fair and equitable range of water and wastewater rates and regulations that the City can implement for the community.

**WATER SYSTEM**

**Section 2: Existing Rate Schedule and System – Water System:**

The current system of water rate charges utilized by the City of York consists of a flat fee based on the user's service meter size and a commodity fee based on the volume of water used bi-monthly. This current system, shown below, is considered to be a decreasing rate structure since the cost per 100 cubic feet decreases as the user consumes more water in a given billing period.

**Table 1: Existing Water Rate Schedule**

<b>Customer Monthly Charge<sup>1</sup></b>	
<b>Base Charges</b>	<b>\$/Bi-Monthly</b>
<b>General Service Rates</b>	
5/8 & 3/4 Inch	\$30.61
1 Inch	\$48.64
<b>Large Service Rates</b>	
1 1/2 Inch	\$126.22
2 Inch	\$214.73

**Table 1: Existing Water Rate Schedule (cont.)**

3 Inch	\$437.65
4 Inch	\$811.36
6 Inch	\$1,582.27
<b>Commodity Charges</b>	
<b>General Service</b>	
First 100 Cu. Ft.	\$2.42
Over 100 Cu. Ft.	\$1.97
<b>Large Service</b>	
First 100 Cu. Ft.	\$2.42
Over 100 Cu. Ft.	\$1.97

The City of York provided user data from 2017 to the present. After reviewing the user data and discussing the future growth projections with City staff, it was determined that an annual growth rate of approximately 0.25% would be used for water consumption and water user growth from 2020-2025.

The City of York had an estimated 3,494 water users in 2019. User data was estimated based on the detailed water sales summary provided by the City of York. The following table, **Table 2: Water System Historical and Projected Number of Users**, shows the projected number of users connected to the water system on an annual basis based on the above growth projections.

**Table 2: Water System Historical and Projected Number of Users**

	Actual	Actual	Actual	Projected	Projected	Projected	Projected	Projected	Projected
Service Size	2017	2018	2019	2020	2021	2022	2023	2024	2025
5/8 & 3/4 Inch	3,025	3,033	3,041	3,048	3,056	3,063	3,071	3,079	3,086
1 Inch	278	279	280	280	281	282	283	283	284
1 1/2 Inch	77	77	77	77	78	78	78	78	78
2 Inch	61	61	61	61	61	62	62	62	62
3 Inch	27	27	27	27	27	27	27	27	27
4 Inch	6	6	6	6	6	6	6	6	6
6 Inch	2	2	2	2	2	2	2	2	2
<b>Total</b>	<b>3,476</b>	<b>3,485</b>	<b>3,494</b>	<b>3,467</b>	<b>3,476</b>	<b>3,485</b>	<b>3,493</b>	<b>3,502</b>	<b>3,511</b>

Note: It is assumed for the purposes of this report that no large water users or industries will be moving into the community during the planning period. 2017-2019 users were calculated from water sales provided by the City.

The following table shows the historical and projected yearly water use, which will be used for determining the anticipated revenues later in the report.

**Table 3: Water Usage by User Type (Cubic Feet per year)**

	Actual	Actual	Actual	Projected	Projected	Projected	Projected	Projected	Projected
Service Size	2017	2018	2019	2020	2021	2022	2023	2024	2025
5/8 & 3/4 Inch	24,213,556	24,266,512	21,329,271	23,327,954	23,386,274	23,444,740	23,503,352	23,562,110	23,621,015
1 Inch	4,357,424	4,358,105	3,561,696	4,102,639	4,112,896	4,123,178	4,133,486	4,143,820	4,154,180
1 1/2 Inch	4,592,245	4,603,754	3,346,228	4,191,194	4,201,672	4,212,176	4,222,706	4,233,263	4,243,846
2 Inch	7,667,760	7,686,977	6,690,966	7,366,939	7,385,356	7,403,819	7,422,329	7,440,885	7,459,487
3 Inch	5,388,301	5,400,236	4,982,175	5,270,046	5,283,221	5,296,429	5,309,670	5,322,944	5,336,251
4 Inch	2,833,809	3,001,253	2,846,743	2,901,170	2,908,423	2,915,694	2,922,983	2,930,290	2,937,616
6 Inch	441,384	460,551	492,144	465,855	467,020	468,188	469,358	470,531	471,707
<b>Total</b>	<b>49,494,478</b>	<b>49,777,388</b>	<b>43,249,223</b>	<b>47,625,797</b>	<b>47,744,862</b>	<b>47,864,224</b>	<b>47,983,884</b>	<b>48,103,843</b>	<b>48,224,102</b>

To determine the projected operating revenue and expenses for the water system, financial records from 2017-2019 were reviewed. Projected budget values are listed in the following table, **Table 4: Water System Operating Revenue Projection, 2020-2025, With No Rate Increase**. For the expenses anticipated to be influenced by inflation, an annual inflation rate of 4.0% was applied. Sales tax and depreciation expense were not included in the analysis.

**Table 4: Water System Operating Revenue Projection, 2020-2025, With No Rate Increase**

Revenue	Actual	Actual	Actual	Projected	Projected	Projected	Projected	Projected	Projected
	2017	2018	2019	2020	2021	2022	2023	2024	2025
<b>Charges for Services</b>									
Other	\$4,339.04	\$776.34	\$683.20	\$500	\$500	\$500	\$500	\$500	\$500
Commercial	\$671,130.08	\$674,989.50	\$616,074.46	\$650,300	\$651,900	\$653,500	\$655,200	\$656,800	\$658,400
Residential	\$1,122,215.09	\$1,122,966.44	\$1,059,033.65	\$1,115,800	\$1,118,600	\$1,121,400	\$1,124,200	\$1,127,000	\$1,129,800
Industrial	\$113,767.61	\$115,919.10	\$116,342.84	\$114,700	\$115,000	\$115,300	\$115,600	\$115,900	\$116,200
<b>TOTAL</b>	<b>\$1,911,451.82</b>	<b>\$1,914,651.38</b>	<b>\$1,792,134.15</b>	<b>\$1,881,300</b>	<b>\$1,886,000</b>	<b>\$1,890,700</b>	<b>\$1,895,500</b>	<b>\$1,900,200</b>	<b>\$1,905,000</b>
Sales of Materials	\$2,517.75	\$645.00	\$5,471.00	\$2,900	\$2,930	\$2,960	\$2,990	\$3,020	\$3,050
Water – Returned Check Charges	\$300.00	\$580.00	\$360.00	\$500	\$510	\$520	\$530	\$540	\$550
Sewer Collections Cost	\$25,000.08	\$25,000.08	\$25,000.08	\$25,000	\$25,250	\$25,500	\$25,760	\$26,020	\$26,280
Water Connection Costs	\$2,513.42	\$3,862.95	\$194.96	\$2,200	\$2,220	\$2,240	\$2,260	\$2,280	\$2,300
<b>Multi-Fund</b>									
Account Penalties	\$29,416.72	\$35,037.58	\$33,071.32	\$32,600	\$33,600	\$34,600	\$35,600	\$36,700	\$37,800
Sale of Property	\$0.00	\$63,426.72	\$0.00	\$0	\$0	\$0	\$0	\$0	\$0
Grants	\$0.00	\$73,273.00	\$331,440.11	\$0	\$0	\$0	\$0	\$0	\$0
Miscellaneous	\$32,045.11	\$52,379.99	\$82,905.69	\$56,300	\$58,000	\$59,700	\$61,500	\$63,300	\$65,200
Investment Interest	\$15,675.60	\$5,408.75	\$8,944.48	\$10,100	\$10,400	\$10,700	\$11,000	\$11,300	\$11,600
Interest Income	\$478.11	\$2,073.61	\$2,166.39	\$2,200	\$2,300	\$2,400	\$2,500	\$2,600	\$2,700
<b>Total Revenues</b>	<b>\$2,019,398.61</b>	<b>\$2,176,339.06</b>	<b>\$2,281,688.18</b>	<b>\$2,013,000</b>	<b>\$2,021,000</b>	<b>\$2,029,000</b>	<b>\$2,038,000</b>	<b>\$2,046,000</b>	<b>\$2,054,000</b>
<b>Expenses</b>	<b>Actual</b>	<b>Actual</b>	<b>Actual</b>	<b>Projected</b>	<b>Projected</b>	<b>Projected</b>	<b>Projected</b>	<b>Projected</b>	<b>Projected</b>
	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>	<b>2024</b>	<b>2025</b>
Admin Salaries	\$46,685.58	\$49,685.88	\$60,048.92	\$62,500.00	\$65,000.00	\$67,600.00	\$70,400.00	\$73,300.00	\$76,300.00
Salaries	\$194,774.94	\$202,381.64	\$195,594.67	\$203,500.00	\$211,700.00	\$220,200.00	\$229,100.00	\$238,300.00	\$247,900.00
FICA Expense	\$17,608.85	\$19,042.86	\$18,415.12	\$18,400.00	\$19,200.00	\$20,000.00	\$20,800.00	\$21,700.00	\$22,600.00

**Table 4: Water System Operating Revenue Projection, 2020-2025, With No Rate Increase (cont.)**

<b>Expenses (cont.)</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>	<b>2024</b>	<b>2025</b>
Health Insurance	\$49,320.00	\$127,725.96	\$67,307.16	\$84,800.00	\$88,200.00	\$91,800.00	\$95,500.00	\$99,400.00	\$103,400.00
Pension Match – Civilian	\$14,257.09	\$10,266.50	\$15,535.05	\$13,900.00	\$14,500.00	\$15,100.00	\$15,800.00	\$16,500.00	\$17,200.00
Pension Match – ICMA Ret.	\$1,299.63	\$1,392.64	\$1,391.46	\$1,430.00	\$1,500.00	\$1,600.00	\$1,700.00	\$1,800.00	\$1,900.00
Special Services	\$3,674.78	\$455.00	\$758.77	\$1,700.00	\$1,800.00	\$1,900.00	\$2,000.00	\$2,100.00	\$2,200.00
Education and Training	\$1,935.74	\$3,946.62	\$270.00	\$2,200.00	\$2,300.00	\$2,400.00	\$2,500.00	\$2,600.00	\$2,800.00
Fiscal Fees	\$18,083.19	\$17,005.24	\$15,905.62	\$17,700.00	\$18,500.00	\$19,300.00	\$20,100.00	\$21,000.00	\$21,900.00
Testing and Costs	\$3,021.86	\$2,869.99	\$10,681.00	\$5,800.00	\$6,100.00	\$6,400.00	\$6,700.00	\$7,000.00	\$7,300.00
Audit Costs	\$5,608.34	\$6,983.33	\$6,000.00	\$6,500.00	\$6,800.00	\$7,100.00	\$7,400.00	\$7,700.00	\$8,100.00
Data Processing	\$3,850.41	\$5,092.58	\$8,271.21	\$8,600.00	\$9,000.00	\$9,400.00	\$9,800.00	\$10,200.00	\$10,700.00
Legal Fees	\$0.00	\$8,600.00	\$0.00	\$3,000.00	\$3,200.00	\$3,400.00	\$3,600.00	\$3,800.00	\$4,000.00
Planning and Engineering	\$2,383.09	\$1,137.50	\$46,033.36	\$2,000.00	\$7,500.00	\$28,000.00	\$15,000.00	\$20,000.00	\$20,000.00
Building and Property Maintenance	\$8,517.80	\$7,764.47	\$5,578.31	\$7,600.00	\$8,000.00	\$8,400.00	\$8,800.00	\$9,200.00	\$9,600.00
System Maintenance	\$80,641.32	\$30,360.51	\$32,170.60	\$49,700.00	\$51,700.00	\$53,800.00	\$56,000.00	\$58,300.00	\$60,700.00
Liability Insurance	\$28,479.66	\$25,347.77	\$24,486.49	\$27,200.00	\$28,300.00	\$29,500.00	\$30,700.00	\$32,000.00	\$33,300.00
Power	\$108,091.81	\$108,089.37	\$91,018.61	\$106,500.00	\$110,800.00	\$115,300.00	\$120,000.00	\$124,800.00	\$129,800.00
Telephone	\$1,650.32	\$1,701.21	\$1,802.06	\$1,800.00	\$1,900.00	\$2,000.00	\$2,100.00	\$2,200.00	\$2,300.00
Equipment Maintenance – General	\$28,782.92	\$118,213.07	\$116,350.00	\$91,300.00	\$95,000.00	\$98,800.00	\$102,800.00	\$107,000.00	\$111,300.00
Equipment Maintenance – Meter			\$643.78	\$300.00	\$400.00	\$500.00	\$600.00	\$700.00	\$800.00
Equipment purchases*	\$25,954.23	\$0.00	\$4,015.75	\$10,400.00	\$10,900.00	\$11,400.00	\$11,900.00	\$12,400.00	\$12,900.00
Fuel	\$10,210.86	\$11,732.46	\$10,587.99	\$11,300.00	\$11,800.00	\$12,300.00	\$12,800.00	\$13,400.00	\$14,000.00
Repairs – Labor	\$2,315.64	\$340.30	\$922.48	\$1,300.00	\$1,400.00	\$1,500.00	\$1,600.00	\$1,700.00	\$1,800.00
Repairs - Parts	\$7,666.46	\$10,631.81	\$2,625.90	\$6,900.00	\$7,200.00	\$7,500.00	\$7,800.00	\$8,200.00	\$8,600.00
Small Tools	\$736.71	\$1,505.64	\$1,646.10	\$1,400.00	\$1,500.00	\$1,600.00	\$1,700.00	\$1,800.00	\$1,900.00

\*Do not include capital purchases

**Table 4: Water System Operating Revenue Projection, 2020-2025, With No Rate Increase (cont.)**

<b>Expenses (cont.)</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>	<b>2024</b>	<b>2025</b>
Safety Equipment	\$1,068.07	\$2,438.62	\$432.15	\$1,400.00	\$1,500.00	\$1,600.00	\$1,700.00	\$1,800.00	\$1,900.00
Tires and tubes	\$2,523.91	\$1,450.58	\$40.00	\$1,400.00	\$1,500.00	\$1,600.00	\$1,700.00	\$1,800.00	\$1,900.00
Dues and Subscriptions	\$620.00	\$575.00	\$584.00	\$700.00	\$800.00	\$900.00	\$1,000.00	\$1,100.00	\$1,200.00
Miscellaneous Operation Supplies	\$8,737.89	\$17,995.26	\$51,981.73	\$27,300.00	\$28,400.00	\$29,600.00	\$30,800.00	\$32,100.00	\$33,400.00
Office Supplies	\$6,834.53	\$10,098.21	\$8,169.37	\$10,100.00	\$10,600.00	\$11,100.00	\$11,600.00	\$12,100.00	\$12,600.00
Postage	\$5,687.71	\$5,795.97	\$3,726.60	\$5,800.00	\$6,100.00	\$6,400.00	\$6,700.00	\$7,000.00	\$7,300.00
Publicity	\$2,160.32	\$222.30	\$149.00	\$2,200.00	\$2,300.00	\$2,400.00	\$2,500.00	\$2,600.00	\$2,800.00
<b>Total O&amp;M Expenses</b>	<b>\$693,183.66</b>	<b>\$810,848.29</b>	<b>\$803,143.26</b>	<b>\$796,600.00</b>	<b>\$835,400.00</b>	<b>\$890,400.00</b>	<b>\$913,200.00</b>	<b>\$955,600.00</b>	<b>\$994,400.00</b>
<b>Net Operation Revenue</b>	<b>\$1,326,214.95</b>	<b>\$1,365,490.77</b>	<b>\$1,478,544.92</b>	<b>\$1,216,400.00</b>	<b>\$1,185,200.00</b>	<b>\$1,138,400.00</b>	<b>\$1,123,800.00</b>	<b>\$1,089,800.00</b>	<b>\$1,059,500.00</b>

### **Capital Improvement Projects**

Through discussions with the City, planned capital improvement projects and capital purchases were identified for the water system. These projects include water main distribution projects and the purchases of equipment for the water department. The projects considered in this study and their estimated costs are illustrated in **Table 5**.

**Table 5: Proposed Water System Capital Improvement Projects During Planning Period**

<b>Proposed Capital Improvement Project</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>	<b>2024</b>	<b>2025</b>	<b>Planning Cost</b>
Distribution System Projects <sup>1</sup>		\$75,000	\$280,000	\$150,000	\$200,000	\$200,000	\$905,000
<b>Total Capital Cost</b>	<b>\$0</b>	<b>\$75,000</b>	<b>\$280,000</b>	<b>\$150,000</b>	<b>\$200,000</b>	<b>\$200,000</b>	<b>\$905,000</b>
<b>Capital Purchases</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>	<b>2024</b>	<b>2025</b>	<b>Planning Cost</b>
Mobile Receiver		\$5,000					\$5,000
Demo Saw		\$2,200					\$2,200
Chlorination Trailer		\$3,500					\$3,500
New Caterpillar Backhoe				\$150,000			\$150,000
New Service Pickup with Crane					\$80,000		\$80,000
Pickup			\$52,000				\$52,000
<b>Total Capital Purchase Cost</b>	<b>\$0</b>	<b>\$10,700</b>	<b>\$52,000</b>	<b>\$150,000</b>	<b>\$80,000</b>	<b>\$0</b>	<b>\$292,700</b>
<b>Total Capital Cost</b>	<b>\$0</b>	<b>\$85,700</b>	<b>\$332,000</b>	<b>\$300,000</b>	<b>\$280,000</b>	<b>\$200,000</b>	<b>\$1,197,700</b>

<sup>1</sup> Specific projects and project locations were not identified in the City provided information.

The start dates for proposed capital improvement projects and capital purchases identified in **Table 5** have yet to be determined. For the purposes of this report, the total costs for the proposed capital improvement projects and capital purchases were placed in their respective fiscal years based on information provided by the City. Actual capital expenditures could be split between fiscal years.

Additionally, the City would like to plan for an increased annual expense in distribution system projects. This increase is reflected in the annual expense item "Distribution System Projects" starting in fiscal year 2021. The cost of the projects in a given fiscal year were provided by the City. Prior to budgeting funding to specific projects engineering services are recommended to be attained in order to prioritize the distribution system projects and provide accurate opinions of probably cost.

### Debt Service & Cash Flow Analysis

The City of York currently has three outstanding debt service for various water infrastructure related projects. A summary of the debt services can be seen in **Table 7: Water Amortization Expenses**. Loans, principal payments, interest payments and administrative fees of the debt service during the planning period is summarized in **Table 7: Water Amortization Expenses**. To evaluate the impact of the proposed capital improvement projects on the existing rate structure, no additional bonding has been proposed.

**Table 6: Water Debt Service Summary**

Loan	Project Description	Interest Rate	Payoff Year	Total Principal Payment	Total Interest and Administrative Fees	Total Cost of Loan
2011 Water ARRA	Drinking Water Project	2.00%	2030	\$2,334,605.00	\$757,422.65	\$3,092,027.65
2014 Water Refunding Bond	Water System Improvements	0.40%-3.45%	2029	\$4,680,000.00	\$1,124,389.61	\$5,804,389.61
2018 SRF	Replace Downtown Water Main	2.00%	2035	\$2,213,351.00	\$498,133.68	\$2,711,484.68

**Table 7: Water Amortization Expenses**

	Actual 2017	Actual 2018	Actual 2019	Projected 2020	Projected 2021	Projected 2022	Projected 2023	Projected 2024	Projected 2025
<b>Principal Payment</b>									
2011 Water ARRA Loan	\$107,258.84	\$109,414.75	\$111,613.98	\$113,857.42	\$116,145.96	\$118,480.49	\$120,861.95	\$123,291.27	\$125,769.43
2014 Water Refunding Bond	\$325,000.00	\$255,000.00	\$260,000.00	\$260,000.00	\$265,000.00	\$270,000.00	\$280,000.00	\$285,000.00	\$290,000.00
2018 SRF Loan				\$350,000.00	\$127,895.64	\$130,466.34	\$133,088.71	\$135,763.80	\$138,492.64
<b>Total</b>	<b>\$432,258.84</b>	<b>\$364,414.75</b>	<b>\$371,613.98</b>	<b>\$723,857.42</b>	<b>\$509,041.60</b>	<b>\$518,946.83</b>	<b>\$533,950.66</b>	<b>\$544,055.07</b>	<b>\$554,262.07</b>
<b>Interest &amp; Fee Payments</b>									
2011 Water ARRA Loan	\$52,749.56	\$49,515.71	\$46,216.85	\$42,851.68	\$39,418.88	\$35,916.78	\$32,344.90	\$28,700.92	\$24,983.68
2014 Water Refunding Bond	\$103,702.00	\$100,940.00	\$98,007.50	\$94,107.50	\$89,426.50	\$83,995.00	\$77,785.00	\$70,785.00	\$63,090.00
2018 SRF Loan				\$23,535.07	\$57,592.55	\$54,199.23	\$50,737.69	\$47,206.58	\$43,604.51
<b>Total</b>	<b>\$156,451.56</b>	<b>\$150,455.71</b>	<b>\$144,224.35</b>	<b>\$160,494.25</b>	<b>\$186,437.93</b>	<b>\$174,111.01</b>	<b>\$160,867.59</b>	<b>\$146,692.50</b>	<b>\$131,678.19</b>

### Cash Flow Analysis

Using information listed in the previous tables, the projected cash flows for the water department were estimated. As previously discussed, the proposed capital improvement projects and capital purchases identified in **Table 5** are anticipated to be completed within their planned given years and incur no overlap into the following fiscal year. The projected cash flows are shown below in **Table 8: Water Department Projected Cash Flow, With No Rate Increase**.

**Table 8: Water Department Projected Cash Flow, With No Rate Increase**

	Actual	Actual	Actual	Projected	Projected	Projected	Projected	Projected	Projected
<b>Projected Cash Flows</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>	<b>2024</b>	<b>2025</b>
Net Operating Activity	\$1,326,215	\$1,365,491	\$1,478,545	\$1,216,447	\$1,185,229	\$1,138,383	\$1,123,848	\$1,089,826	\$1,059,505
Add Proposed Bonds	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Add Debt Service (Principal and Interest)	(\$588,710)	(\$514,870)	(\$515,838)	(\$510,817)	(\$509,991)	(\$508,392)	(\$510,992)	(\$507,777)	(\$503,843)
Add Capital Projects and Capital Purchases	\$0	\$0	\$0	\$0	(\$85,700)	(\$332,000)	(\$300,000)	(\$280,000)	(\$200,000)
<b>Net Change in Cash</b>	<b>\$737,505</b>	<b>\$850,620</b>	<b>\$962,707</b>	<b>\$355,630</b>	<b>\$589,537</b>	<b>\$297,990</b>	<b>\$312,856</b>	<b>\$302,048</b>	<b>\$355,662</b>
<b>Beginning Cash Balance</b>	\$4,199,301	\$4,936,806	\$5,511,541	\$4,114,360	\$4,469,990	\$5,059,528	\$5,357,518	\$5,670,374	\$5,972,423
<b>Ending Cash Balance</b>	\$4,936,806	\$5,511,541	\$4,114,360	\$4,469,990	\$5,059,528	\$5,357,518	\$5,670,374	\$5,972,423	\$6,328,084
<b>Total Cash Available</b>	<b>\$4,936,806</b>	<b>\$5,511,541</b>	<b>\$4,114,360</b>	<b>\$4,469,990</b>	<b>\$5,059,528</b>	<b>\$5,357,518</b>	<b>\$5,670,374</b>	<b>\$5,972,423</b>	<b>\$6,328,084</b>

**Section 3: Proposed Water System Rate Schedules:**

To develop proposed rate structures, a set of goals for possible new rates were compiled.

- The first goal was to end the study period with a minimum cash reserve of approximately one year's worth of O&M costs and bond payments.
- The second goal was to end the planning period with a net balance of operations that was slightly positive. This goal allows the system to maintain its rates after 2025 without any further rate increases in the future to meet the current known financial needs of the water system.
- The third goal was to end the planning period with enough cash reserve to possibly pay the 2018 SRF Loan in its entirety in the fiscal year of 2026.

The existing rate schedule that is in place satisfies the three goals above and therefore rate structure increases are not necessary. At the end of the study period it is estimated that the City should have a cash reserve of approximately \$4,810,579. The estimated ending cash reserve is greater than the annual O&M cost of approximately \$2,025,000. The net balance of operations is estimated at a positive value of \$77,000. With the estimated cash reserve mentioned above, the City is also in a favorable position to pay off the 2018 SRF loan in full during the fiscal year 2026. The 2018 SRF Loan is estimated to have a payoff of approximately \$2,700,000 which would leave \$2,110,000 in the cash reserve for the fiscal year of 2026 which still allows the City to cover one year of O & M expenses. Should the City wish to plan for larger projects outside of the study window it is recommended that the City revisit rate schedule increases in the fiscal year of 2026.

**Table 9** on the following page illustrates the projected effects of the current rate structure on the net income and cash balance of the water system from 2020 through 2025. The rate structure projections include cash payments from the water system capital improvement projects and capital purchases previously discussed in **Table 5**. It should be noted that at the time this study was written, the 2020 fiscal year had not ended, so financial information was derived from projected revenue and expenses.

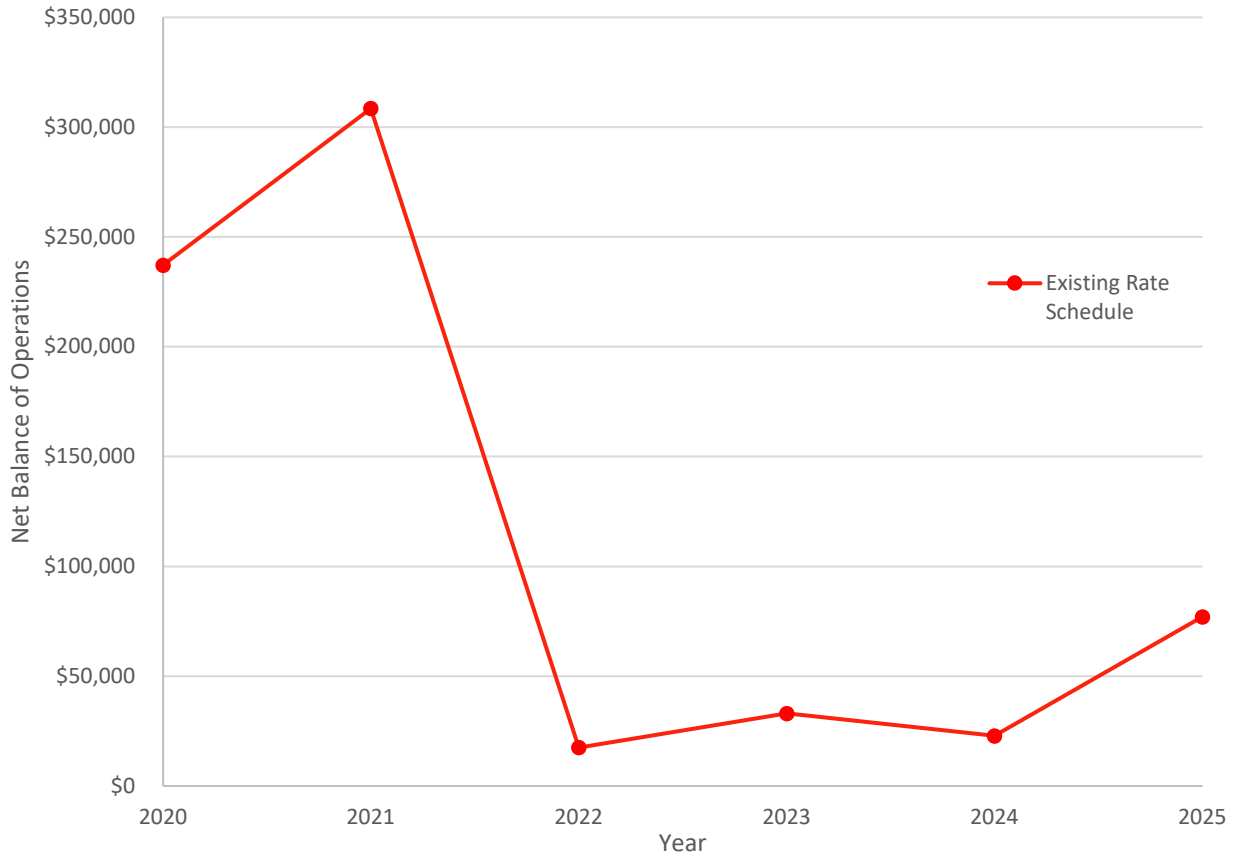
The table presents a line item known as the reserve fund. This item consists of an amount that is calculated as a percentage of the total revenue each year. This percentage of the yearly revenue is intended to be completely spent each year on non-critical system improvements, replacements, and upkeep projects. In the event that additional funds are needed to cover system expenses, or to build a suitable cash reserve, this fund can be used to cover these needs instead of capital improvements. This fund is represented by 5% of the yearly revenue for the five-year planning period included in the report.

**Table 9: Existing Water Rate Schedule Projection**

<b>City of York, Nebraska Utility Rate Study Flow of Future Funds - Water Current Rate Model</b>						
All User Rates						
	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>	<u>2024</u>	<u>2025</u>
<b>Base Charges (Based on Service Size)</b>						
5/8 and 3/4 Inch	\$30.61	\$30.61	\$30.61	\$30.61	\$30.61	\$30.61
1 Inch	\$48.64	\$48.64	\$48.64	\$48.64	\$48.64	\$48.64
1 1/2 Inch	\$126.22	\$126.22	\$126.22	\$126.22	\$126.22	\$126.22
2 inch	\$214.73	\$214.73	\$214.73	\$214.73	\$214.73	\$214.73
3 Inch	\$437.65	\$437.65	\$437.65	\$437.65	\$437.65	\$437.65
4 Inch	\$811.36	\$811.36	\$811.36	\$811.36	\$811.36	\$811.36
6 Inch	\$1,582.27	\$1,582.27	\$1,582.27	\$1,582.27	\$1,582.27	\$1,582.27
	\$/100 Cu.	\$/100 Cu.	\$/100 Cu.	\$/100 Cu.	\$/100 Cu.	\$/100 Cu.
<b>Commodity Charges</b>						
	Ft.	Ft.	Ft.	Ft.	Ft.	Ft.
General Service First 100 Cu. Ft.	\$2.42	\$2.42	\$2.42	\$2.42	\$2.42	\$2.42
General Service Over 100 Cu. Ft.	\$1.97	\$1.97	\$1.97	\$1.97	\$1.97	\$1.97
Large Service First 100 Cu. Ft.	\$2.42	\$2.42	\$2.42	\$2.42	\$2.42	\$2.42
Large Service Over 100 Cu. Ft.	\$1.97	\$1.97	\$1.97	\$1.97	\$1.97	\$1.97
<b>Average Yearly Revenue Increase:</b>	0.2%	<b>Inflation:</b>	4.0%	<b>Reserve Fund:</b>	5.0%	
<b>Projected Years</b>						
	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>	<b>2024</b>	<b>2025</b>
Water Revenue	\$1,880,434	\$1,884,242	\$1,888,953	\$1,893,675	\$1,898,410	\$1,903,156
Other Income	\$131,800	\$135,210	\$138,620	\$142,140	\$145,760	\$149,480
<b>Total Operating Revenue</b>	<b>\$2,012,234</b>	<b>\$2,019,452</b>	<b>\$2,027,573</b>	<b>\$2,035,815</b>	<b>\$2,044,170</b>	<b>\$2,052,636</b>
<i>O &amp; M Expenses (Less Depreciation, Capital Improvements, and Debt Service)</i>	\$796,630	\$835,400	\$890,400	\$913,200	\$955,600	\$994,400
<b>Net Operating Revenue</b>	<b>\$1,215,604</b>	<b>\$1,184,052</b>	<b>\$1,137,173</b>	<b>\$1,122,615</b>	<b>\$1,088,570</b>	<b>\$1,058,236</b>
<b>Debt Service</b>						
Proposed Bond Issuance	\$0	\$0	\$0	\$0	\$0	\$0
Existing Bond/Interest Payments	\$884,352	\$695,480	\$693,058	\$694,818	\$690,748	\$685,940
Proposed Bond/Interest Payments	\$0	\$0	\$0	\$0	\$0	\$0
<b>Other Obligations</b>						
Capital Improvement Projects	\$0	\$75,000	\$280,000	\$150,000	\$200,000	\$200,000
Capital Purchases	\$0	\$10,700	\$52,000	\$150,000	\$80,000	\$0
Reserve	\$94,065	\$94,300	\$94,535	\$94,775	\$95,010	\$95,250
<b>Total Other Obligations</b>	<b>\$94,065</b>	<b>\$180,000</b>	<b>\$426,535</b>	<b>\$394,775</b>	<b>\$375,010</b>	<b>\$295,250</b>
<b>Total Annual Revenue</b>	<b>\$2,012,234</b>	<b>\$2,019,452</b>	<b>\$2,027,573</b>	<b>\$2,035,815</b>	<b>\$2,044,170</b>	<b>\$2,052,636</b>
<b>Total Annual Expenses</b>	<b>\$1,775,047</b>	<b>\$1,710,880</b>	<b>\$2,009,993</b>	<b>\$2,002,793</b>	<b>\$2,021,358</b>	<b>\$1,975,590</b>
<b>Net Balance from Operations</b>	<b>\$237,187</b>	<b>\$308,573</b>	<b>\$17,580</b>	<b>\$33,022</b>	<b>\$22,812</b>	<b>\$77,045</b>
Net Balance from Operations (w/o CIP)	\$237,187	\$394,273	\$349,580	\$333,022	\$302,812	\$277,045
<b>Deficiency of Water Service Revenue</b>	<b>\$1,775,047</b>	<b>\$1,710,880</b>	<b>\$2,009,993</b>	<b>\$2,002,793</b>	<b>\$2,021,358</b>	<b>\$1,975,590</b>
<b>Beginning Cash Balance</b>	<b>\$4,114,360</b>	<b>\$4,351,547</b>	<b>\$4,660,120</b>	<b>\$4,677,700</b>	<b>\$4,710,722</b>	<b>\$4,733,534</b>
<b>Ending Cash Balance</b>	<b>\$4,351,547</b>	<b>\$4,660,120</b>	<b>\$4,677,700</b>	<b>\$4,710,722</b>	<b>\$4,733,534</b>	<b>\$4,810,579</b>

**Figure 1: Net Balance from Operations per Year** shows the projected net income of the water system for each calendar year for each rate schedule.

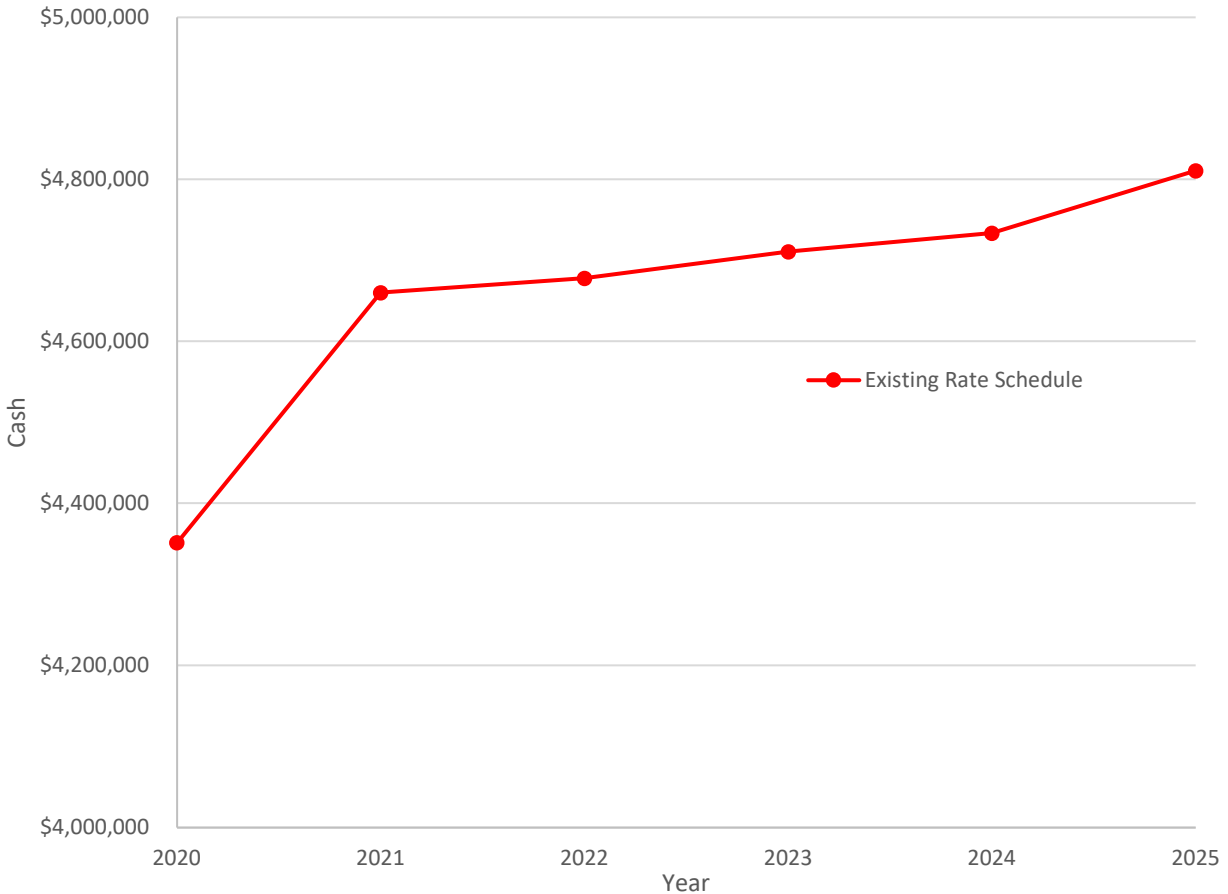
**Figure 1: Net Balance from Operations per Year**



The net balance of operations displayed in **Figure 1** includes the expenses of operation and maintenance, reserve fund, existing debt service for each year and does include the proposed capital improvements projects or capital purchases over the planning period. The figure indicates that the City is operating a positive net balance of operations over the study period using the existing rate schedule.

**Figure 2: Cash Balance of Water System** shows the cumulative cash balance of the water system for the existing rate schedule over the study period.

**Figure 2: Cash Balance of Water System**



The cash balances listed in **Figure 2** include the expenses of operation and maintenance, capital improvements, reserves, and debt service for each year. Typically, it is recommended for utility systems to have one year of operations and maintenance costs and one year of bond payments in cash for emergencies and fluctuations in users. A target water utility cash balance for the City of York would be approximately \$2,025,000.

In the situation where a municipality is paying for small to medium capital improvements with cash, rather than bonds, variation in the cash balance of the system before and after projects is expected. As seen in **Figure 2**, the resulting cash balance of the existing rate schedule would have an ending cash balance of approximately \$4,810,579 in 2025, which is above the recommended goal. This also affords the City the option to pay of the 2018 SRF Loan in full at the end of the study period if desired.

**Section 4: Recommendations – Water Department:**

After reviewing the existing rate schedule on the projected finances of the water department, it is recommended that City keep the existing rate schedule in place. The existing rate schedule allows the City to keep up with inflation and afford necessary capital improvements during the planning period while preventing the depletion of the City's cash reserves. The existing rate schedule meets all three (3) of the rate schedule goals. The existing rate schedule should set the City's water utility for strong financials in 2025. It is recommended that the City of York revisit the rates every 3-5 years and update them accordingly to reflect changed conditions.

## WASTEWATER SYSTEM

### Section 5: Existing Rate Schedule and System – Wastewater System:

The current system of wastewater rate charges utilized by the City of York consists of a flat fee based on the user's class and a commodity fee based on the volume of water consumed by the user. This type of system is considered to be an increasing rate structure since the cost per 100 cubic feet increases as the user consumes more water in a given month. The current system, shown below, separates users into categories based on user service meter size. The commodity fee is a flat rate for all users regardless of size. The City raised the wastewater rate 9% from 2020 to 2021.

**Table 10: Existing Sewer Rate Schedule**

Customer Monthly Charge (2021)	Residents
Base Charges (by Service Size)	\$/Bi-Monthly
5/8 & 3/4 inch	\$52.83
1 inch	\$84.84
1 1/2 inch	\$221.41
2 inch	\$375.25
3 inch	\$766.29
4 inch	\$1,417.54
6 inch	\$2,764.63
Commodity Charges	\$/100 Cu. Ft.
Usage Up to 1,000,000 Cu. Ft.	\$2.12
Usage Over 1,000,000 Cu. Ft.	\$2.57

The City of York provided user data from 2017 to the present. The City of York currently has an estimated 3,337 wastewater users. After reviewing the user data and discussing the future growth projections with City staff, it was determined that an annual growth rate of approximately 0.25% would be used for water consumption and water user growth from 2020-2025.

The following table, **Table 11: Wastewater System Historical and Projected Users**, shows the existing and projected number of users connected to the City of York's wastewater system by user type on an annual basis based on the above growth projections.

**Table 11: Wastewater System Historical and Projected Users**

	Actual	Actual	Actual	Projected	Projected	Projected	Projected	Projected	Projected
Service Size	2017	2018	2019	2020	2021	2022	2023	2024	2025
5/8 & 3/4 Inch	2,905	2,912	2,919	2,927	2,934	2,941	2,949	2,956	2,963
1 Inch	249	250	251	251	252	253	253	254	254
1 1/2 Inch	58	58	58	58	58	58	59	59	59
2 Inch	50	50	50	50	50	50	51	51	51
3 Inch	16	16	16	16	16	16	16	16	16
4 Inch	5	5	5	5	5	5	5	5	5
6 Inch	4	4	4	4	4	4	4	4	4
<b>Total</b>	<b>3,287</b>	<b>3,295</b>	<b>3,303</b>	<b>3,311</b>	<b>3,319</b>	<b>3,328</b>	<b>3,336</b>	<b>3,344</b>	<b>3,353</b>

Wastewater usage was made available for the purposes of this report. However, usage and billing for wastewater consumption was provided as the total of three (3) years (2017-2019) combined. Usage for each of the year was then back calculated from the revenue reported by the City. The usages for each year may be consider estimated, however, the revenue generated for each user class shall be considered accurate for the purposes of this report. The following table, **Table 12: Wastewater Projected Flow in Units of Feet**, shows the yearly wastewater usage which will be used for determining the anticipated revenues later in the report.

**Table 12: Wastewater Projected Flow in Units of Cubic Feet**

	Actual	Actual	Actual	Projected	Projected	Projected	Projected	Projected	Projected
User Type	2017	2018	2019	2020	2021	2022	2023	2024	2025
5/8 & 3/4 Inch	10,268,856	15,130,201	21,384,345	21,437,806	21,491,401	21,545,130	21,598,993	21,652,990	21,707,122
1 Inch	1,191,788	1,449,520	2,196,942	2,202,435	2,207,941	2,213,461	2,218,995	2,224,542	2,230,103
1 1/2 Inch	2,360,486	2,897,084	3,103,270	3,111,028	3,118,806	3,126,603	3,134,420	3,142,256	3,150,112
2 Inch	4,520,426	5,041,044	6,071,983	6,087,163	6,102,381	6,117,637	6,132,931	6,148,263	6,163,634
3 Inch	2,449,063	3,737,723	3,789,269	3,798,742	3,808,239	3,817,760	3,827,304	3,836,872	3,846,464
4 Inch	621,913	979,071	1,325,504	1,328,818	1,332,140	1,335,470	1,338,809	1,342,156	1,345,511
6 Inch	9,665,160	9,711,204	17,141,395	11,018,715	11,046,262	11,073,877	11,101,562	11,129,315	11,157,138
<b>Total</b>	<b>31,240,685</b>	<b>37,777,667</b>	<b>53,978,430</b>	<b>47,947,843</b>	<b>48,067,714</b>	<b>48,187,883</b>	<b>48,308,354</b>	<b>48,429,123</b>	<b>48,550,195</b>

To determine the projected operating revenue and expenses for the wastewater system, records from 2017-2019 were reviewed. To consistently match the City's reported revenue each user size was incorporated into Residential, Commercial, Industrial, and Other classes. Individual business sizes varied and were estimated based on reported revenue and average usage from the City's provided information. It should be noted that there were unknown service size users reported in the City's provided information. Individual businesses were further broken out due to their high usages. These businesses are York Cold Storage, Crystal Lakes, Beaver Creek Production and Green Plains (formerly Abengoa). Service size for these business are noted in **Table 11: Wastewater System Historical and Projected Users**. Projected budget values are listed in the following table, **Table 13: Wastewater System Operating Revenue Projection, 2019-2024, With No Rate Increase**. For the expenses anticipated to be influenced by inflation, an annual inflation rate of 4.0% was applied. Sales tax and depreciation expense were not included in the analysis.

**Table 13: Wastewater System Operating Revenue Projection, 2019-2024, With No Rate Increase**

Revenue	Actual	Actual	Actual	Projected	Projected	Projected	Projected	Projected	Projected
	2017	2018	2019	2020	2021	2022	2023	2024	2025
Sales of Sewer									
Other	\$21,389.38	\$20,492.58	\$144,304.78	\$21,000.00	\$21,000.00	\$21,100.00	\$21,100.00	\$21,200.00	\$21,200.00
Commercial	\$565,339.23	\$615,677.68	\$659,135.10	\$638,400.00	\$640,000.00	\$641,600.00	\$643,200.00	\$644,800.00	\$646,400.00
Residential	\$1,040,132.25	\$1,136,549.90	\$1,259,986.72	\$1,263,100.00	\$1,266,300.00	\$1,269,500.00	\$1,272,600.00	\$1,275,800.00	\$1,279,000.00
Industrial	\$297,859.24	\$305,373.18	\$338,312.03	\$343,200.00	\$344,105.66	\$344,976.16	\$345,848.87	\$346,723.73	\$347,600.78
Sewer Connection Fee	\$0.00	\$0.00	\$180.00	\$60.00	\$60.00	\$60.00	\$60.00	\$60.00	\$60.00
Multi Fund									
Account Penalties	\$21,958.28	\$26,412.42	\$25,288.98	\$24,600.00	\$25,300.00	\$26,100.00	\$26,900.00	\$27,700.00	\$28,500.00
Work Comp Insurance Proceeds	\$0.00	\$15,993.18	\$12.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Investment Interest	\$13,547.10	\$25,807.51	\$52,135.67	\$53,700.00	\$55,300.00	\$57,000.00	\$58,700.00	\$60,500.00	\$62,300.00
Miscellaneous	\$3,316.78	\$19,409.80	\$13,029.43	\$11,900.00	\$12,300.00	\$12,700.00	\$13,100.00	\$13,500.00	\$13,900.00
<b>Total Revenues</b>	<b>\$1,963,542.26</b>	<b>\$2,165,716.25</b>	<b>\$2,492,385.21</b>	<b>\$2,356,000.00</b>	<b>\$2,364,400.00</b>	<b>\$2,373,000.00</b>	<b>\$2,381,500.00</b>	<b>\$2,390,300.00</b>	<b>\$2,399,000.00</b>
Expenses	Actual	Actual	Actual	Projected	Projected	Projected	Projected	Projected	Projected
	2017	2018	2019	2020	2021	2022	2023	2024	2025
Investment Interest									
Admin Salaries	\$32,360.76	\$33,752.97	\$50,640.04	\$52,700.00	\$54,900.00	\$57,100.00	\$59,400.00	\$61,800.00	\$64,300.00
Salaries	\$250,538.04	\$287,227.18	\$280,845.25	\$292,100.00	\$303,800.00	\$316,000.00	\$328,700.00	\$341,900.00	\$355,600.00
FICA Expense	\$19,953.88	\$22,082.99	\$24,633.42	\$25,700.00	\$26,800.00	\$27,900.00	\$29,100.00	\$30,300.00	\$31,600.00
Health Insurance	\$68,204.00	\$116,250.00	\$89,446.08	\$91,400.00	\$95,100.00	\$99,000.00	\$103,000.00	\$107,200.00	\$111,500.00
Pension Match - Civilian	\$17,101.80	\$13,664.83	\$21,917.26	\$18,300.00	\$19,100.00	\$19,900.00	\$20,700.00	\$21,600.00	\$22,500.00
Pension Match - ICMA Ret.	\$1,299.80	\$1,392.87	\$1,391.78	\$1,450.00	\$1,510.00	\$1,580.00	\$1,650.00	\$1,720.00	\$1,790.00

**Table 13: Wastewater System Operating Revenue Projection, 2019-2024, With No Rate Increase (cont.)**

<b>Expenses (cont.)</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>	<b>2024</b>	<b>2025</b>
Education and Training	\$3,776.73	\$2,865.19	\$2,646.65	\$3,300.00	\$3,500.00	\$3,700.00	\$3,900.00	\$4,100.00	\$4,300.00
Fiscal Fees	\$200.00	\$0.00	\$0.00	\$70.00	\$80.00	\$90.00	\$100.00	\$110.00	\$120.00
Lab Tests	\$4,520.30	\$15,434.63	\$11,124.98	\$10,800.00	\$11,300.00	\$11,800.00	\$12,300.00	\$12,800.00	\$13,400.00
Testing Costs	\$7,674.25	\$7,140.19	\$8,539.60	\$8,100.00	\$8,500.00	\$8,900.00	\$9,300.00	\$9,700.00	\$10,100.00
Audit Costs	\$5,608.33	\$6,983.33	\$6,000.00	\$6,500.00	\$6,800.00	\$7,100.00	\$7,400.00	\$7,700.00	\$8,100.00
Data Processing	\$2,644.18	\$5,092.58	\$7,911.57	\$8,300.00	\$8,700.00	\$9,100.00	\$9,500.00	\$9,900.00	\$10,300.00
Planning and Engineering	\$5,987.80	\$5,229.50	\$6,409.00	\$6,200.00	\$6,500.00	\$6,800.00	\$7,100.00	\$7,400.00	\$7,700.00
Collecting and Billing	\$25,000.08	\$25,000.08	\$25,000.08	\$26,100.00	\$27,200.00	\$28,300.00	\$29,500.00	\$30,700.00	\$32,000.00
Uniforms	\$2,197.93	\$2,226.62	\$2,644.85	\$2,500.00	\$2,600.00	\$2,800.00	\$3,000.00	\$3,200.00	\$3,400.00
Building and Property Maintenance	\$4,489.34	\$3,048.87	\$19,343.79	\$9,000.00	\$9,400.00	\$9,800.00	\$10,200.00	\$10,700.00	\$11,200.00
System Maintenance	\$11,112.41	\$7,760.64	\$11,261.33	\$11,800.00	\$12,300.00	\$12,800.00	\$13,400.00	\$14,000.00	\$14,600.00
Liability Insurance	\$36,457.96	\$32,398.62	\$41,812.47	\$43,500.00	\$45,300.00	\$47,200.00	\$49,100.00	\$51,100.00	\$53,200.00
Natural Gas	\$0.00	\$0.00	\$4,754.38	\$5,000.00	\$5,200.00	\$5,500.00	\$5,800.00	\$6,100.00	\$6,400.00
Power	\$90,873.22	\$88,956.07	\$193,757.81	\$129,600.00	\$134,800.00	\$140,200.00	\$145,900.00	\$151,800.00	\$157,900.00
Telephone	\$3,727.23	\$3,705.19	\$3,818.62	\$4,000.00	\$4,200.00	\$4,400.00	\$4,600.00	\$4,800.00	\$5,000.00
Water	\$6,852.30	\$8,170.12	\$4,809.64	\$6,900.00	\$7,200.00	\$7,500.00	\$7,800.00	\$8,200.00	\$8,600.00
Equipment Maintenance - General	\$28,668.11	\$15,890.95	\$26,616.46	\$27,700.00	\$28,900.00	\$30,100.00	\$31,400.00	\$32,700.00	\$34,100.00
Equipment Maintenance - Radio	\$0.00	\$15.68	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Equipment Purchases	\$34,820.88	\$13,591.47	\$64,135.63	\$39,100.00	\$40,700.00	\$42,400.00	\$44,100.00	\$45,900.00	\$47,800.00
Fuel	\$6,667.15	\$7,980.37	\$7,470.00	\$7,700.00	\$8,100.00	\$8,500.00	\$8,900.00	\$9,300.00	\$9,700.00
Repairs - Labor	\$13,750.80	\$7,794.91	\$7,014.75	\$10,000.00	\$10,400.00	\$10,900.00	\$11,400.00	\$11,900.00	\$12,400.00

**Table 13: Wastewater System Operating Revenue Projection, 2019-2024, With No Rate Increase (cont.)**

<b>Expenses (cont.)</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>	<b>2024</b>	<b>2025</b>
Repairs - Parts	\$23,120.13	\$7,601.52	\$6,558.51	\$13,000.00	\$13,600.00	\$14,200.00	\$14,800.00	\$15,400.00	\$16,100.00
Small Tools	\$2,546.29	\$2,892.08	\$4,041.29	\$3,300.00	\$3,500.00	\$3,700.00	\$3,900.00	\$4,100.00	\$4,300.00
Safety Equipment	\$831.79	\$2,514.62	\$1,512.53	\$1,700.00	\$1,800.00	\$1,900.00	\$2,000.00	\$2,100.00	\$2,200.00
Tires and Tubes	\$658.00	\$211.18	\$1,896.96	\$1,000.00	\$1,100.00	\$1,200.00	\$1,300.00	\$1,400.00	\$1,500.00
Chemicals and Fertilizer	\$8,880.00	\$11,341.44	\$16,653.09	\$17,400.00	\$18,100.00	\$18,900.00	\$19,700.00	\$20,500.00	\$21,400.00
Dues and Subscriptions	\$332.00	\$332.00	\$249.00	\$260.00	\$280.00	\$300.00	\$320.00	\$340.00	\$360.00
Miscellaneous	\$10,618.39	\$14,852.04	\$24,881.22	\$25,880.00	\$26,920.00	\$28,000.00	\$29,120.00	\$30,290.00	\$31,510.00
Office Supplies	\$3,005.14	\$3,473.02	\$3,719.53	\$3,900.00	\$4,100.00	\$4,300.00	\$4,500.00	\$4,700.00	\$4,900.00
Postage	\$5,250.45	\$5,802.17	\$3,873.52	\$5,200.00	\$5,500.00	\$5,800.00	\$6,100.00	\$6,400.00	\$6,700.00
Bad Dept Expense	\$0.00	\$0.00	\$69.93	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Transfers	\$0.00	\$0.00	(\$82,513.00)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<b>Total O&amp;M Expenses</b>	<b>\$739,729.47</b>	<b>\$782,675.92</b>	<b>\$904,888.02</b>	<b>\$919,500.00</b>	<b>\$957,800.00</b>	<b>\$997,700.00</b>	<b>\$1,039,000.00</b>	<b>\$1,081,900.00</b>	<b>\$1,126,600.00</b>
<b>Net Operating Revenue</b>	<b>\$1,223,812.79</b>	<b>\$1,383,040.33</b>	<b>\$1,587,497.19</b>	<b>\$1,436,500.00</b>	<b>\$1,406,600.00</b>	<b>\$1,375,300.00</b>	<b>\$1,342,500.00</b>	<b>\$1,308,400.00</b>	<b>\$1,272,300.00</b>

### Capital Improvement Projects

There are several wastewater capital improvement projects currently planned for the City of York. Specific information was not provided about locations and individual projects within the collection system. The City has budgeted \$100,000.00 per year during the study period. A lift station project is also being budgeted for by the City. The specific size and scope of the lift station project has not been determined. The \$100,000.00 budgeted for the fiscal year 2024 was provided by the City for planning purposes only.

**Table 14: Proposed Wastewater System Capital Improvement Projects During Planning Period**

Capital Improvements Projects	Proposed City Projects within Planning Period					
	Fiscal Year					
	2020	2021	2022	2023	2024	2025
Collection System Projects		\$100,000	\$100,000	\$100,000	\$100,000	\$100,000
Replace South 81 Lift Station					\$100,000	
<b>Total Annual Capital Improvements Projects Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$100,000</b>	<b>\$100,000</b>	<b>\$200,000</b>	<b>\$100,000</b>
<b>Capital Purchases</b>						
Annual Payment for Jet Truck		\$76,987	\$76,987	\$76,987		
Bio-Solids Blowers		\$22,000				
Air/Vac Release Valves		\$6,500				
Lift Station Remote Terminal Units (RTUs)		\$15,500				
Salt Spreader for Kubota		\$4,600				
Generator		\$75,000				
Bobcat Skid Loader				\$25,000		
<b>Total Annual Capital Purchases Cost</b>	<b>\$0</b>	<b>\$200,587</b>	<b>\$76,987</b>	<b>\$101,987</b>	<b>\$0</b>	<b>\$0</b>
<b>Maintenance Projects</b>						
Replace Concrete Facia on Old WWTP		\$25,000.00				
Bar Screen Overhaul					\$25,000	
<b>Total Annual Maintenance Project Costs</b>	<b>\$0</b>	<b>\$25,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$25,000</b>	<b>\$0</b>
<b>Total Annual Capital Costs</b>	<b>\$0</b>	<b>\$225,587</b>	<b>\$176,987</b>	<b>\$201,987</b>	<b>\$225,000</b>	<b>\$100,000</b>

It is recommended that the City begin planning to replace aging wastewater infrastructure that has or is beginning to reach the end of its service life. Prioritizing wastewater infrastructure capital improvements and maintenance is crucial to the analyzing rate structures. Adding capital improvements, maintenance, or capital purchases may impact the recommendations for rate modifications significantly. Should the City wish to identify and prioritize wastewater capital improvements or maintenance, engineering services are recommended to be obtained.

### Debt Service

The City of York currently has one outstanding debt service for the wastewater system from the 2016 Water Reclamation Facility Project, which is a 20-year note with an annual 1.50% interest rate. The debt will be retired in June of 2039, and the debt service during the planning period is summarized in **Table 15: Wastewater Amortization Expenses**. To evaluate what will be the impact of the proposed capital improvement projects on the existing rate structure, no additional bonding has been proposed.

**Table 15: Wastewater Amortization Expenses**

	Actual	Actual	Actual	Projected	Projected	Projected	Projected	Projected	Projected
	2017	2018	2019	2020	2021	2022	2023	2024	2025
<b>Principal Payment</b>									
2017 Sewer SRF Loan	\$0.00	\$0.00	\$0.00	\$995,966.67	\$1,010,962.20	\$1,026,183.49	\$1,041,633.97	\$1,057,317.07	\$1,073,236.30
<b>Total</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$995,966.67</b>	<b>\$1,010,962.20</b>	<b>\$1,026,183.49</b>	<b>\$1,041,633.97</b>	<b>\$1,057,317.07</b>	<b>\$1,073,236.30</b>
<b>Interest Payments + Fee</b>									
2017 Sewer SRF Loan	\$10,748.19	\$122,487.37	\$227,112.06	\$597,335.87	\$479,498.77	\$457,174.21	\$434,513.50	\$411,511.62	\$388,163.52
<b>Total</b>	<b>\$10,748.19</b>	<b>\$122,487.37</b>	<b>\$227,112.06</b>	<b>\$597,335.87</b>	<b>\$479,498.77</b>	<b>\$457,174.21</b>	<b>\$434,513.50</b>	<b>\$411,511.62</b>	<b>\$388,163.52</b>
<b>Net Transfer to Debt Service</b>	<b>\$10,748.19</b>	<b>\$127,710.67</b>	<b>\$227,112.06</b>	<b>\$1,593,302.54</b>	<b>\$1,490,460.97</b>	<b>\$1,483,357.70</b>	<b>\$1,476,147.47</b>	<b>\$1,468,828.69</b>	<b>\$1,461,399.82</b>

### Cash Flow Analysis

Values listed under capital projects for future years were selected and estimated after discussions with City of York personnel, as summarized in **Table 14**. The projected cash flows are shown below in **Table 16: Wastewater Department Projected Cash Flow, With No Rate Increase**.

**Table 16: Wastewater Department Projected Cash Flow, With No Rate Increase**

	Actual	Actual	Actual	Projected	Projected	Projected	Projected	Projected	Projected
<b>Projected Cash Flows</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>	<b>2024</b>	<b>2025</b>
Add Net Operating Activity	\$1,223,813	\$1,383,040	\$1,587,497	\$1,441,824	\$1,412,021	\$1,380,763	\$1,348,167	\$1,314,127	\$1,278,346
Add Proposed Bonds	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Add Debt Service (Principal and Interest)	(\$10,748)	(\$127,711)	(\$240,270)	(\$1,607,003)	(\$1,504,761)	(\$1,498,258)	(\$1,491,647)	(\$1,485,029)	(\$1,478,300)
Add Capital Projects and Capital Purchases	\$0	\$0	\$0	\$0	(\$225,587)	(\$176,987)	(\$201,987)	(\$225,000)	(\$100,000)
<b>Net Change in Cash</b>	<b>\$1,213,065</b>	<b>\$1,255,330</b>	<b>\$1,347,228</b>	<b>(\$165,179)</b>	<b>(\$318,327)</b>	<b>(\$294,482)</b>	<b>(\$345,467)</b>	<b>(\$395,901)</b>	<b>(\$299,954)</b>
<b>Beginning Cash Balance</b>	<b>(\$692,496)</b>	<b>\$520,569</b>	<b>\$1,775,898</b>	<b>\$3,123,126</b>	<b>\$2,957,947</b>	<b>\$2,639,620</b>	<b>\$2,345,138</b>	<b>\$1,999,670</b>	<b>\$1,603,769</b>
<b>Ending Cash Balance</b>	<b>\$520,569</b>	<b>\$1,775,898</b>	<b>\$3,123,126</b>	<b>\$2,957,947</b>	<b>\$2,639,620</b>	<b>\$2,345,138</b>	<b>\$1,999,670</b>	<b>\$1,603,769</b>	<b>\$1,303,815</b>
<b>Total Cash Available</b>	<b>\$520,569</b>	<b>\$1,775,898</b>	<b>\$3,123,126</b>	<b>\$2,957,947</b>	<b>\$2,639,620</b>	<b>\$2,345,138</b>	<b>\$1,999,670</b>	<b>\$1,603,769</b>	<b>\$1,303,815</b>

<sup>1</sup> The cash balance for the end of 2019 as provided by the 2019 financial audit. As this is the most current cash balance estimate, it is used for the basis of past and future cash balances with the annual net change in cash. However, it should be noted that this method causes some historical cash balance discrepancies with past independent audit reports within the planning period.

**Section 6: Proposed Wastewater System Rate Schedules:**

In order to develop proposed rate structures, a set of goals for the new rates was compiled.

- The first goal was to end the study period with a cash reserve of approximately 6 months to one year's worth of O&M costs and bond payments.
- The second goal was to have relatively steady increases in rates each year.
- The third goal was to end the planning period with a net balance of operations that was slightly positive. This goal allows the system to maintain its rates after 2025 without any further rate increases in the future to meet the known financial needs of the sewer system.

The rate schedules proposed in this study are able to fulfill the previously mentioned goals and are summarized as follows:

- Rate Schedule 1 consists of paying for all expenses, debts, and capital improvement projects with cash funds. To maintaining a slightly positive net balance from operations each year and keep up with inflationary costs, annual increases to the base rate of 2.5% will be implemented each fiscal year from 2022 to 2025. As a result of this rate schedule, the total base rate increase over the planning period would be \$5.48 for 5/8 and 3/4 inch users, or a 9.4% increase overall. This rate schedule will result in an ending cash balance for fiscal 2025 of approximately \$2,425,000, which is an acceptable cash reserve. This rate schedule fulfills all three of the above-mentioned goals.
- Rate Schedule 2 also consists of paying for all expenses, debts, and capital improvement projects with cash funds. Rate schedule 2 calls for an increase of 10% to the base rate in the fiscal year 2021. The total base rate increase over the planning period, for comparison to rate schedule 1, would be \$5.28 for 5/8 and 3/4 inch users. This rate schedule does not meet goal two mentioned above as it increases base rates over one year instead of providing a steady increase. This rate schedule does meet goals one and three as it provides for a positive net balance from operations at the end of the study period and an ending cash balance of \$2,625,000 at the end of the fiscal year 2025 which exceeds the minimum recommended cash reserve.

Table 17 below shows proposed rate schedules for the fiscal years 2020-2025. Because the fiscal year of 2020 has been completed changes to the rate schedule are assumed to take place in the fiscal year of 2021. Table 18 shows how various users will be impacted by each proposed rate schedule.

**Table 17: Wastewater System Proposed Rates**

Proposed Wastewater Rates - Schedule 1						
Category	2020	2021	2022	2023	2024	2025
<b>User Type</b>	<b>Cost/Bi-Monthly</b>					
5/8 & 3/4 Inch	\$48.25	\$52.83	\$54.15	\$55.50	\$56.89	\$58.31
1 Inch	\$77.48	\$84.84	\$86.96	\$89.14	\$91.36	\$93.65
1 1/2 Inch	\$202.20	\$221.41	\$226.95	\$232.62	\$238.43	\$244.40
2 Inch	\$342.69	\$375.25	\$384.63	\$394.25	\$404.10	\$414.21
3 Inch	\$699.81	\$766.29	\$785.45	\$805.08	\$825.21	\$845.84
4 Inch	\$1,294.56	\$1,417.54	\$1,452.98	\$1,489.30	\$1,526.54	\$1,564.70
6 Inch	\$2,524.78	\$2,764.63	\$2,833.75	\$2,904.59	\$2,977.20	\$3,051.63
<b>Commodity Rate</b>	<b>Cost/100 Cu. Ft.</b>					
Usage Up to 1,000,000 Cu. Ft.	\$1.94	\$2.12	\$2.12	\$2.12	\$2.12	\$2.12
Usage Over 1,000,000 Cu. Ft.	\$2.35	\$2.57	\$2.57	\$2.57	\$2.57	\$2.57
Proposed Wastewater Rates - Schedule 2						
Category	2020	2021	2022	2023	2024	2025
<b>User Type</b>	<b>Cost/Bi-Monthly</b>					
5/8 & 3/4 Inch	\$48.25	\$52.83	\$58.11	\$58.11	\$58.11	\$58.11
1 Inch	\$77.48	\$84.84	\$93.32	\$93.32	\$93.32	\$93.32
1 1/2 Inch	\$202.20	\$221.41	\$243.55	\$243.55	\$243.55	\$243.55
2 Inch	\$342.69	\$375.25	\$412.78	\$412.78	\$412.78	\$412.78
3 Inch	\$699.81	\$766.29	\$842.92	\$842.92	\$842.92	\$842.92
4 Inch	\$1,294.56	\$1,417.54	\$1,559.29	\$1,559.29	\$1,559.29	\$1,559.29
6 Inch	\$2,524.78	\$2,764.63	\$3,041.09	\$3,041.09	\$3,041.09	\$3,041.09
<b>Commodity Rate</b>	<b>Cost/100 Cu. Ft.</b>					
Ordinance Rate	\$1.94	\$2.12	\$2.12	\$2.12	\$2.12	\$2.12
Usage Over 1,000,000 Cu. Ft.	\$2.35	\$2.57	\$2.57	\$2.57	\$2.57	\$2.57

It should be noted that the City increased rates by 9% from 2020 to 2021. Rate adjustments proposed in this report will begin in fiscal year 2022.

**Table 18, Table 19, and Table 20** on the following pages illustrate the projected effects of the current and proposed rate structures on the net income and cash balance of the wastewater system from 2020 through 2025. The rate structure projections include cash payments from the wastewater system capital improvement projects previously discussed in **Table 14**. It should be noted that at the time this study was written, the 2020 fiscal year had not ended, so financial information was derived from projected revenue and expenses.

The following tables present a line item known as the reserve fund. This item consists of an amount that is calculated as a percentage of the total revenue each year. This percentage of the yearly revenue is intended to be completely spent each year on non-critical system improvements, replacements, and upkeep projects. In the event that additional funds are needed to cover system expenses, or to build a suitable cash reserve, this fund can be used to cover these needs instead of capital improvements. This fund is represented by 2.5% of the yearly revenue for the five-year planning period included in the report.

**Table 18: Existing Wastewater Rate Schedule Projection**

City of York, Nebraska Utility Rate Study Flow of Future Funds - Wastewater Current Rate Model						
<b>Monthly Sewer Use Rate Categories:</b>						
	All User Rates					
	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>	<u>2024</u>	<u>2025</u>
<u>Base Charges (Based on Meter Size)</u>						
5/8 & 3/4 Inch	\$48.25	\$52.83	\$52.83	\$52.83	\$52.83	\$52.83
1 Inch	\$77.48	\$84.84	\$84.84	\$84.84	\$84.84	\$84.84
1 1/2 Inch	\$202.20	\$221.41	\$221.41	\$221.41	\$221.41	\$221.41
2 Inch	\$342.69	\$375.25	\$375.25	\$375.25	\$375.25	\$375.25
3 Inch	\$699.81	\$766.29	\$766.29	\$766.29	\$766.29	\$766.29
4 Inch	\$1,294.56	\$1,417.54	\$1,417.54	\$1,417.54	\$1,417.54	\$1,417.54
6 Inch	\$2,524.78	\$2,764.63	\$2,764.63	\$2,764.63	\$2,764.63	\$2,764.63
	\$/100 Cu.	\$/100 Cu.	\$/100 Cu.	\$/100 Cu.	\$/100 Cu.	\$/100 Cu.
<u>Commodity Charges</u>						
Ordinance Rate	Ft. \$1.94	Ft. \$2.12	Ft. \$2.12	Ft. \$2.12	Ft. \$2.12	Ft. \$2.12
Usage Over 1,000,000 Cu. Ft.	\$2.35	\$2.57	\$2.57	\$2.57	\$2.57	\$2.57
<b>Average Yearly Revenue Increase:</b>	2.14%	<b>Inflation:</b>	4.0%	<b>Reserve Fund:</b>	2.5%	
<b>Projected Years</b>						
	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>	<b>2024</b>	<b>2025</b>
<b>Operating Revenue &amp; Expenses</b>						
Wastewater Revenue	\$2,265,752	\$2,485,165	\$2,491,389	\$2,497,629	\$2,503,884	\$2,510,155
Other Income	\$90,260	\$92,960	\$95,860	\$98,760	\$101,760	\$104,760
<b>Total Operating Revenue</b>	<b>\$2,356,012</b>	<b>\$2,578,125</b>	<b>\$2,587,249</b>	<b>\$2,596,389</b>	<b>\$2,605,644</b>	<b>\$2,614,915</b>
<i>O &amp; M Expenses (Less Depreciation, Capital Improvements, and Debt Service)</i>						
	\$919,500	\$957,800	\$997,700	\$1,039,000	\$1,081,900	\$1,126,600
<b>Net Operating Revenue</b>	<b>\$1,436,512</b>	<b>\$1,620,325</b>	<b>\$1,589,549</b>	<b>\$1,557,389</b>	<b>\$1,523,744</b>	<b>\$1,488,315</b>
<b>Debt Service</b>						
Proposed Bond Issuance	\$0	\$0	\$0	\$0	\$0	\$0
Existing Bond and Interest Payments	\$1,593,303	\$1,490,461	\$1,483,358	\$1,476,147	\$1,468,829	\$1,461,400
Proposed Bond and Interest Payments	\$0	\$0	\$0	\$0	\$0	\$0
<b>Other Obligations</b>						
Capital Improvements Projects	\$0	\$25,000	\$100,000	\$100,000	\$225,000	\$100,000
Capital Purchases	\$0	\$200,587	\$76,987	\$101,987	\$0	\$0
Reserve	\$56,644	\$62,129	\$62,285	\$62,441	\$62,597	\$62,754
<i>Total Other Obligations</i>	<i>\$56,644</i>	<i>\$287,716</i>	<i>\$239,272</i>	<i>\$264,428</i>	<i>\$287,597</i>	<i>\$162,754</i>
<b>Total Annual Revenue</b>	<b>\$2,356,012</b>	<b>\$2,578,125</b>	<b>\$2,587,249</b>	<b>\$2,596,389</b>	<b>\$2,605,644</b>	<b>\$2,614,915</b>
<b>Total Annual Expenses</b>	<b>\$2,569,446</b>	<b>\$2,735,977</b>	<b>\$2,720,329</b>	<b>\$2,779,575</b>	<b>\$2,838,326</b>	<b>\$2,750,754</b>
<b>Net Balance from Operations</b>	<b>(\$213,434)</b>	<b>(\$157,852)</b>	<b>(\$133,080)</b>	<b>(\$183,186)</b>	<b>(\$232,682)</b>	<b>(\$135,839)</b>
Net Balance from Operations (w/o CIP)	(\$213,434)	\$67,735	\$43,907	\$18,801	(\$7,682)	(\$35,839)
<b>Deficiency of Sewer Service Revenue</b>	<b>-9%</b>	<b>-6.1%</b>	<b>-5.1%</b>	<b>-7%</b>	<b>-8.9%</b>	<b>-5.2%</b>
<b>Beginning Cash Balance</b>	<b>\$3,123,126</b>	<b>\$2,909,692</b>	<b>\$2,751,840</b>	<b>\$2,618,759</b>	<b>\$2,435,573</b>	<b>\$2,202,891</b>
<b>Ending Cash Balance</b>	<b>\$2,909,692</b>	<b>\$2,751,840</b>	<b>\$2,618,759</b>	<b>\$2,435,573</b>	<b>\$2,202,891</b>	<b>\$2,067,053</b>

**Table 19: Proposed Wastewater Rate Schedule 1**

City of York, Nebraska Utility Rate Study Flow of Future Funds - Wastewater Rate Schedule 1						
<b>Monthly Sewer Use Rate Categories:</b>						
	All User Rates					
	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>	<u>2024</u>	<u>2025</u>
<b>Base Charges (Based on Meter Size)</b>						
5/8 & 3/4 Inch	\$48.25	\$52.83	\$54.15	\$55.50	\$56.89	\$58.31
1 Inch	\$77.48	\$84.84	\$86.96	\$89.14	\$91.36	\$93.65
1 1/2 Inch	\$202.20	\$221.41	\$226.95	\$232.62	\$238.43	\$244.40
2 Inch	\$342.69	\$375.25	\$384.63	\$394.25	\$404.10	\$414.21
3 Inch	\$699.81	\$766.29	\$785.45	\$805.08	\$825.21	\$845.84
4 Inch	\$1,294.56	\$1,417.54	\$1,452.98	\$1,489.30	\$1,526.54	\$1,564.70
6 Inch	\$2,524.78	\$2,764.63	\$2,833.75	\$2,904.59	\$2,977.20	\$3,051.63
	\$/100 Cu.	\$/100 Cu.	\$/100 Cu.	\$/100 Cu.	\$/100 Cu.	\$/100 Cu.
<b>Commodity Charges</b>						
	Ft.	Ft.	Ft.	Ft.	Ft.	Ft.
Ordinance Rate	\$1.94	\$2.12	\$2.12	\$2.12	\$2.12	\$2.12
Usage Over 1,000,000 Cu. Ft.	\$2.35	\$2.57	\$2.57	\$2.57	\$2.57	\$2.57
<b>Average Yearly Revenue Increase:</b>	3.3%	<b>Inflation:</b>	4.0%	<b>Reserve Fund:</b>	2.5%	
<b>Projected Years</b>						
	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>	<b>2024</b>	<b>2025</b>
<b>Operating Revenue &amp; Expenses</b>						
Wastewater Revenue	\$2,265,752	\$2,485,165	\$2,527,024	\$2,569,969	\$2,614,031	\$2,659,241
Other Income	\$90,260	\$92,960	\$95,860	\$98,760	\$101,760	\$104,760
<b>Total Operating Revenue</b>	<b>\$2,356,012</b>	<b>\$2,578,125</b>	<b>\$2,622,884</b>	<b>\$2,668,729</b>	<b>\$2,715,791</b>	<b>\$2,764,001</b>
<i>O &amp; M Expenses (Less Depreciation, Capital Improvements, and Debt Service)</i>	\$919,500	\$957,800	\$997,700	\$1,039,000	\$1,081,900	\$1,126,600
<b>Net Operating Revenue</b>	<b>\$1,436,512</b>	<b>\$1,620,325</b>	<b>\$1,625,184</b>	<b>\$1,629,729</b>	<b>\$1,633,891</b>	<b>\$1,637,401</b>
<b>Debt Service</b>						
Proposed Bond Issuance	\$0	\$0	\$0	\$0	\$0	\$0
Existing Bond and Interest Payments	\$1,593,303	\$1,490,461	\$1,483,358	\$1,476,147	\$1,468,829	\$1,461,400
Proposed Bond and Interest Payments	\$0	\$0	\$0	\$0	\$0	\$0
<b>Other Obligations</b>						
Capital Improvements Projects	\$0	\$25,000	\$100,000	\$100,000	\$225,000	\$100,000
Capital Purchases	\$0	\$200,587	\$76,987	\$101,987	\$0	\$0
Reserve	\$56,644	\$62,129	\$63,176	\$64,249	\$65,351	\$66,481
<b>Total Other Obligations</b>	<b>\$56,644</b>	<b>\$287,716</b>	<b>\$240,163</b>	<b>\$266,236</b>	<b>\$290,351</b>	<b>\$166,481</b>
<b>Total Annual Revenue</b>	<b>\$2,356,012</b>	<b>\$2,578,125</b>	<b>\$2,622,884</b>	<b>\$2,668,729</b>	<b>\$2,715,791</b>	<b>\$2,764,001</b>
<b>Total Annual Expenses</b>	<b>\$2,569,446</b>	<b>\$2,735,977</b>	<b>\$2,721,220</b>	<b>\$2,781,384</b>	<b>\$2,841,079</b>	<b>\$2,754,481</b>
<b>Net Balance from Operations</b>	<b>(\$213,434)</b>	<b>(\$157,852)</b>	<b>(\$98,337)</b>	<b>(\$112,654)</b>	<b>(\$125,288)</b>	<b>\$9,520</b>
Net Balance from Operations (w/o CIP)	(\$213,434)	\$67,735	\$78,650	\$89,333	\$99,712	\$109,520
<b>Deficiency of Sewer Service Revenue</b>	-9%	-6.1%	-3.7%	-4%	-4.6%	---
<b>Beginning Cash Balance</b>	<b>\$3,123,126</b>	<b>\$2,909,692</b>	<b>\$2,751,840</b>	<b>\$2,653,503</b>	<b>\$2,540,849</b>	<b>\$2,415,560</b>
<b>Ending Cash Balance</b>	<b>\$2,909,692</b>	<b>\$2,751,840</b>	<b>\$2,653,503</b>	<b>\$2,540,849</b>	<b>\$2,415,560</b>	<b>\$2,425,080</b>

**Table 20: Proposed Wastewater Rate Schedule 2**

<b>City of York, Nebraska Utility Rate Study Flow of Future Funds - Wastewater Rate Schedule 2</b>						
<b>Monthly Sewer Use Rate Categories:</b>						
	All User Rates					
	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>	<u>2024</u>	<u>2025</u>
<b>Base Charges (Based on Meter Size)</b>						
5/8 & 3/4 Inch	\$48.25	\$52.83	\$58.11	\$58.11	\$58.11	\$58.11
1 Inch	\$77.48	\$84.84	\$93.32	\$93.32	\$93.32	\$93.32
1 1/2 Inch	\$202.20	\$221.41	\$243.55	\$243.55	\$243.55	\$243.55
2 Inch	\$342.69	\$375.25	\$412.78	\$412.78	\$412.78	\$412.78
3 Inch	\$699.81	\$766.29	\$842.92	\$842.92	\$842.92	\$842.92
4 Inch	\$1,294.56	\$1,417.54	\$1,559.29	\$1,559.29	\$1,559.29	\$1,559.29
6 Inch	\$2,524.78	\$2,764.63	\$3,041.09	\$3,041.09	\$3,041.09	\$3,041.09
	\$/100 Cu.	\$/100 Cu.	\$/100 Cu.	\$/100 Cu.	\$/100 Cu.	\$/100 Cu.
<b>Commodity Charges</b>	Ft.	Ft.	Ft.	Ft.	Ft.	Ft.
Ordinance Rate	\$1.94	\$2.12	\$2.12	\$2.12	\$2.12	\$2.12
Usage Over 1,000,000 Cu. Ft.	\$2.35	\$2.57	\$2.57	\$2.57	\$2.57	\$2.57
<b>Average Yearly Revenue Increase:</b>	3.28%	<b>Inflation:</b>	4.0%	<b>Reserve Fund:</b>	2.5%	
<b>Projected Years</b>						
	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>	<b>2024</b>	<b>2025</b>
<b>Operating Revenue &amp; Expenses</b>						
Wastewater Revenue	\$2,265,752	\$2,485,165	\$2,633,927	\$2,640,524	\$2,647,136	\$2,653,765
Other Income	\$90,260	\$92,960	\$95,860	\$98,760	\$101,760	\$104,760
<b>Total Operating Revenue</b>	<b>\$2,356,012</b>	<b>\$2,578,125</b>	<b>\$2,729,787</b>	<b>\$2,739,284</b>	<b>\$2,748,896</b>	<b>\$2,758,525</b>
<i>O &amp; M Expenses (Less Depreciation, Capital Improvements, and Debt Service)</i>	\$919,500	\$957,800	\$997,700	\$1,039,000	\$1,081,900	\$1,126,600
<b>Net Operating Revenue</b>	<b>\$1,436,512</b>	<b>\$1,620,325</b>	<b>\$1,732,087</b>	<b>\$1,700,284</b>	<b>\$1,666,996</b>	<b>\$1,631,925</b>
<b>Debt Service</b>						
Proposed Bond Issuance	\$0	\$0	\$0	\$0	\$0	\$0
Existing Bond and Interest Payments	\$1,593,303	\$1,490,461	\$1,483,358	\$1,476,147	\$1,468,829	\$1,461,400
Proposed Bond and Interest Payments	\$0	\$0	\$0	\$0	\$0	\$0
<b>Other Obligations</b>						
Capital Improvements Projects	\$0	\$25,000	\$100,000	\$100,000	\$225,000	\$100,000
Capital Purchases	\$0	\$200,587	\$76,987	\$101,987	\$0	\$0
Reserve	\$56,644	\$62,129	\$65,848	\$66,013	\$66,178	\$66,344
<b>Total Other Obligations</b>	<b>\$56,644</b>	<b>\$287,716</b>	<b>\$242,835</b>	<b>\$268,000</b>	<b>\$291,178</b>	<b>\$166,344</b>
<b>Total Annual Revenue</b>	<b>\$2,356,012</b>	<b>\$2,578,125</b>	<b>\$2,729,787</b>	<b>\$2,739,284</b>	<b>\$2,748,896</b>	<b>\$2,758,525</b>
<b>Total Annual Expenses</b>	<b>\$2,569,446</b>	<b>\$2,735,977</b>	<b>\$2,723,893</b>	<b>\$2,783,148</b>	<b>\$2,841,907</b>	<b>\$2,754,344</b>
<b>Net Balance from Operations</b>	<b>(\$213,434)</b>	<b>(\$157,852)</b>	<b>\$5,895</b>	<b>(\$43,864)</b>	<b>(\$93,011)</b>	<b>\$4,181</b>
Net Balance from Operations (w/o CIP)	(\$213,434)	\$67,735	\$182,882	\$158,123	\$131,989	\$104,181
<b>Deficiency of Sewer Service Revenue</b>	-9%	-6.1%	---	-2%	-3.4%	---
<b>Beginning Cash Balance</b>	\$3,123,126	\$2,909,692	\$2,751,840	\$2,757,734	\$2,713,870	\$2,620,859
<b>Ending Cash Balance</b>	\$2,909,692	\$2,751,840	\$2,757,734	\$2,713,870	\$2,620,859	\$2,625,040

In order to more accurately determine the impacts of the proposed rate structures on individual users, nine (9) hypothetical users were analyzed in regard to their monthly bill for each year of the study period.

**Table 21: User Impacts** on the following page shows the projected monthly bill for each user type and what the monthly user bills would have been with the existing rate ordinance over the study period. Additionally, the table shows the total increase users will pay over the course of an entire year due to implementation of the projected rate schedules.

**Table 21: User Impacts**

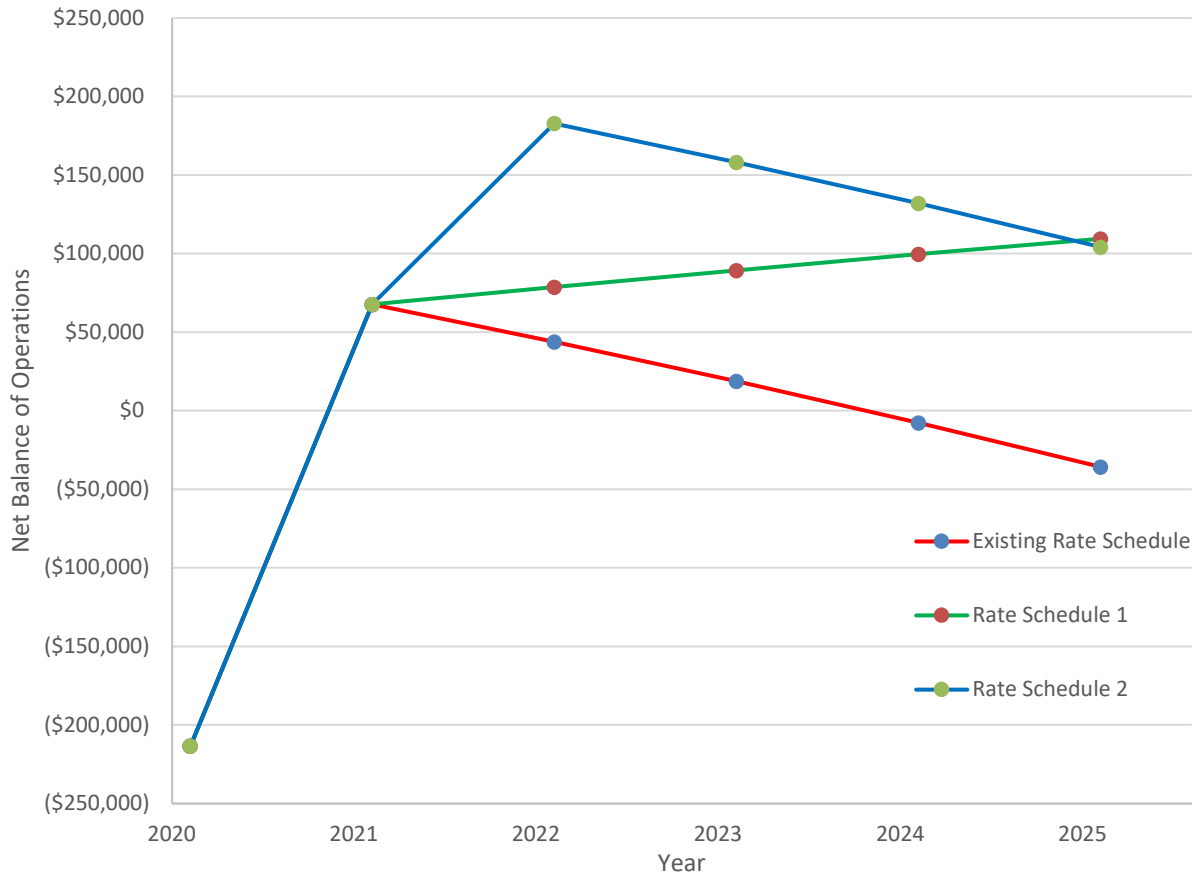
Proposed Wastewater Rate Structure 1							
Monthly Bill	Usage/Month	2020	2021	2022	2023	2024	2025
<b>Residential</b>							
Low User - 5/8 & 3/4 Inch	750	\$31.40	\$34.37	\$35.03	\$35.70	\$36.40	\$37.11
Average User - 5/8 & 3/4 Inch	1,200	\$35.77	\$39.14	\$39.80	\$40.47	\$41.17	\$41.88
High User - 5/8 & 3/4 Inch	5,000	\$72.63	\$79.42	\$80.08	\$80.75	\$81.45	\$82.16
<b>Commercial</b>							
Low User - 2 Inch	10,000	\$268.35	\$293.63	\$298.32	\$303.12	\$308.05	\$313.10
Average User - 2 Inch	20,300	\$368.26	\$402.81	\$407.50	\$412.30	\$417.23	\$422.28
High User - 2 Inch	30,000	\$462.35	\$505.63	\$510.32	\$515.12	\$520.05	\$525.10
<b>Large Service</b>							
Low User - 6 Inch	50,000	\$1,747.39	\$1,912.32	\$1,946.87	\$1,982.29	\$2,018.60	\$2,055.82
Average User - 6 Inch	84,500	\$2,082.04	\$2,278.02	\$2,312.57	\$2,347.99	\$2,384.30	\$2,421.52
High User - 6 Inch	119,000	\$2,416.69	\$2,643.72	\$2,678.27	\$2,713.69	\$2,750.00	\$2,787.22
<b>Monthly Bill Increase from Previous Year</b>							
Usage/Month	2020	2021	2022	2023	2024	2025	
<b>Residential</b>							
Low User - 5/8 & 3/4 Inch	750	\$0.00	\$2.97	\$0.66	\$0.68	\$0.69	\$0.71
Average User - 5/8 & 3/4 Inch	1,200	\$0.00	\$3.37	\$0.66	\$0.68	\$0.69	\$0.71
High User - 5/8 & 3/4 Inch	5,000	\$0.00	\$6.79	\$0.66	\$0.68	\$0.69	\$0.71
<b>Commercial</b>							
Low User - 2 Inch	10,000	\$0.00	\$25.28	\$4.69	\$4.81	\$4.93	\$5.05
Average User - 2 Inch	20,300	\$0.00	\$34.55	\$4.69	\$4.81	\$4.93	\$5.05
High User - 2 Inch	30,000	\$0.00	\$43.28	\$4.69	\$4.81	\$4.93	\$5.05
<b>Large Service</b>							
Low User - 6 Inch	50,000	\$0.00	\$164.93	\$34.56	\$35.42	\$36.31	\$37.22
Average User - 6 Inch	84,500	\$0.00	\$195.98	\$34.56	\$35.42	\$36.31	\$37.22
High User - 6 Inch	119,000	\$0.00	\$227.03	\$34.56	\$35.42	\$36.31	\$37.22

**Table 22: User Impacts (Cont'd)**

Proposed Wastewater Rate Structure 2							
Monthly Bill	Usage/Month	2020	2021	2022	2023	2024	2025
<b>Residential</b>							
Low User - 5/8 & 3/4 Inch	750	\$31.40	\$34.37	\$37.01	\$37.01	\$37.01	\$37.01
Average User - 5/8 & 3/4 Inch	1,200	\$35.77	\$39.14	\$41.78	\$41.78	\$41.78	\$41.78
High User - 5/8 & 3/4 Inch	5,000	\$72.63	\$79.42	\$82.06	\$82.06	\$82.06	\$82.06
<b>Commercial</b>							
Low User - 2 Inch	10,000	\$268.35	\$293.63	\$312.39	\$312.39	\$312.39	\$312.39
Average User - 2 Inch	20,300	\$368.26	\$402.81	\$421.57	\$421.57	\$421.57	\$421.57
High User - 2 Inch	30,000	\$462.35	\$505.63	\$524.39	\$524.39	\$524.39	\$524.39
<b>Large Service</b>							
Low User - 6 Inch	50,000	\$1,747.39	\$1,912.32	\$2,050.55	\$2,050.55	\$2,050.55	\$2,050.55
Average User - 6 Inch	84,500	\$2,082.04	\$2,278.02	\$2,416.25	\$2,416.25	\$2,416.25	\$2,416.25
High User - 6 Inch	119,000	\$2,416.69	\$2,643.72	\$2,781.95	\$2,781.95	\$2,781.95	\$2,781.95
<b>Monthly Bill Increase from Previous Year</b>							
Usage/Month	2020	2021	2022	2023	2024	2025	
<b>Residential</b>							
Low User - 5/8 & 3/4 Inch	750	\$0.00	\$2.97	\$2.64	\$0.00	\$0.00	\$0.00
Average User - 5/8 & 3/4 Inch	1,200	\$0.00	\$3.37	\$2.64	\$0.00	\$0.00	\$0.00
High User - 5/8 & 3/4 Inch	5,000	\$0.00	\$6.79	\$2.64	\$0.00	\$0.00	\$0.00
<b>Commercial</b>							
Low User - 2 Inch	10,000	\$0.00	\$25.28	\$18.76	\$0.00	\$0.00	\$0.00
Average User - 2 Inch	20,300	\$0.00	\$34.55	\$18.76	\$0.00	\$0.00	\$0.00
High User - 2 Inch	30,000	\$0.00	\$43.28	\$18.76	\$0.00	\$0.00	\$0.00
<b>Large Service</b>							
Low User - 6 Inch	50,000	\$0.00	\$164.93	\$138.23	\$0.00	\$0.00	\$0.00
Average User - 6 Inch	84,500	\$0.00	\$195.98	\$138.23	\$0.00	\$0.00	\$0.00
High User - 6 Inch	119,000	\$0.00	\$227.03	\$138.23	\$0.00	\$0.00	\$0.00

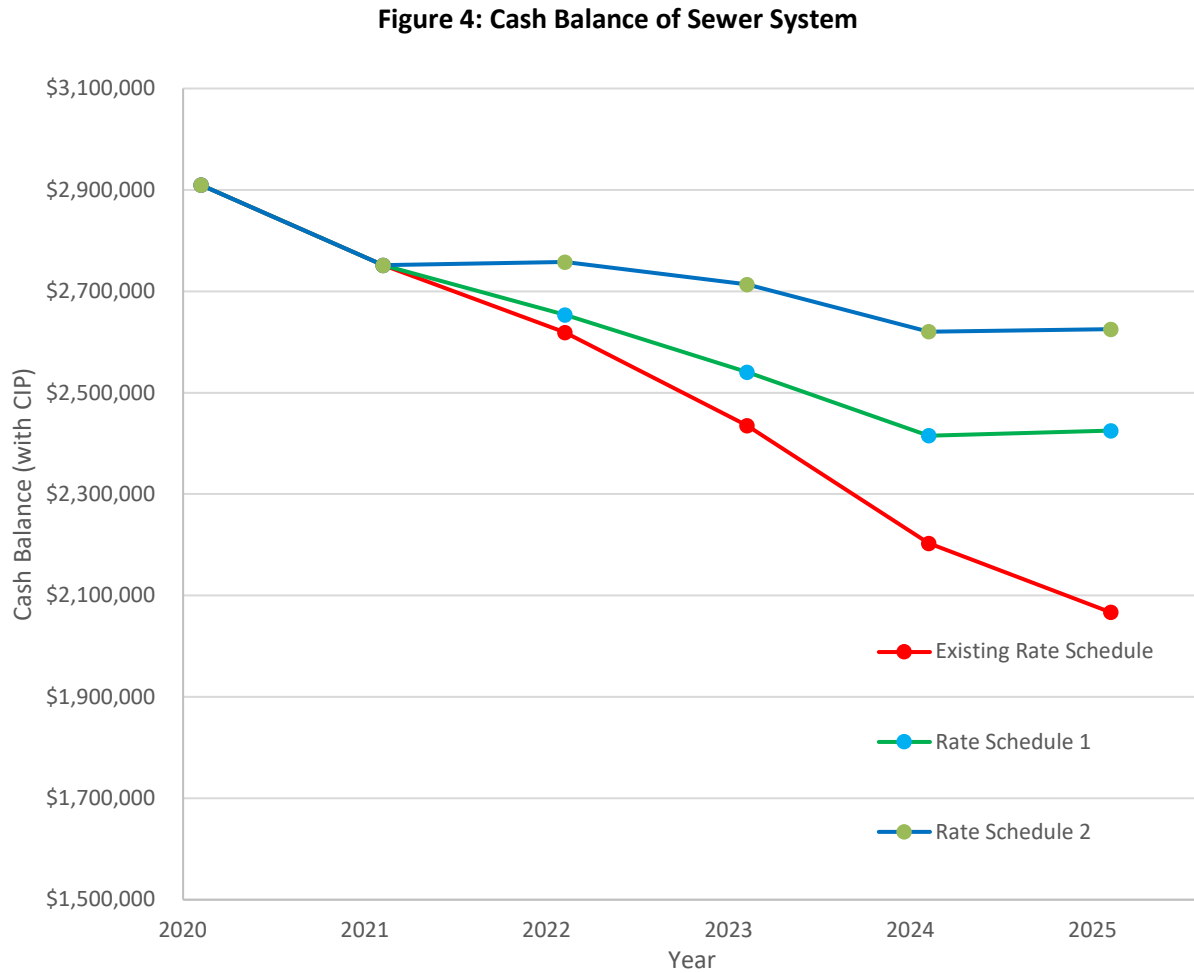
**Figure 3: Net Balance from Operations of Wastewater System** shows the net income of the wastewater system for each calendar year for each rate schedule.

**Figure 3: Net Balance from Operations of Wastewater System**



The net balance of operations displayed in **Figure 3** includes the expenses of operation and maintenance, reserve fund, and existing debt service for each year and does include the proposed capital improvements projects or capital purchases over the planning period.

**Figure 4: Cash Balance of Sewer System** shows the cumulative cash balance of the wastewater system for each rate schedule over the study period.



The cash balances listed in **Figure 4** include the expenses of operation and maintenance, capital improvements, reserves, and debt service for each year. Typically, it is recommended for utility systems to have between 6 months and one year of operations and maintenance costs and one year of bond payments in cash for emergencies and fluctuations in users. A target wastewater utility cash balance for the City of York would be approximately \$1,300,000 to \$2,600,000.

**Section 7: Recommendations – Wastewater Department:**

After reviewing the impacts of the proposed rate schedule on the projected finances of the wastewater utility, it is recommended that the City of York implement Rate Schedule 1. The rate schedule allows the City to afford necessary capital improvements during the planning period while also maintaining a positive net balance from operations at the end of the design period and maintain an acceptable cash reserve. The rate increases are gradual so that the effect is minimally felt by the average user and it results in strong financials for 2025. It is recommended that the City of York revisit the rates every 3-5 years and update them accordingly to reflect changed conditions.

**2020 Water and Wastewater Rate Study  
For the City of York  
Council Summary  
April 1, 2021**

**Water Department**

The water rate analysis considered the costs associated with the Operation and Maintenance (O&M) of the water system, capital improvements, and future water bonds.

The existing rate structure is shown in the following table.

<b>Customer Monthly Charge</b>	
<b>Base Charges</b>	<b>\$/Bi-Monthly</b>
<b>General Service Rates</b>	
5/8 & 3/4 Inch	\$30.61
1 Inch	\$48.64
<b>Large Service Rates</b>	
1 1/2 Inch	\$126.22
2 Inch	\$214.73
3 Inch	\$437.65
4 Inch	\$811.36
6 Inch	\$1,582.27
<b>Commodity Charges</b>	
<b>General Service</b>	
First 100 Cu. Ft.	\$2.42
Over 100 Cu. Ft.	\$1.97
<b>Large Service</b>	
First 100 Cu. Ft.	\$2.42
Over 100 Cu. Ft.	\$1.97

After reviewing the existing rate schedule and the projected finances of the water department, it is recommended that City keep the existing rate schedule in place. The existing rate schedule allows the City to keep up with inflation and afford necessary capital improvements during the planning period while preventing the depletion of the City's cash reserves. The existing rate schedule should set the City's water utility for strong financials in 2025. This also affords the City the option to pay of the 2018 SRF Loan in full during the fiscal year 2026. The 2018 SRF Loan is estimated to have a payoff of approximately \$2,700,000 which would leave \$2,110,000 in the cash reserve for the fiscal year of 2026.

### **Wastewater Department**

The proposed wastewater rates were designed to cover the costs associated with the Operation and Maintenance (O&M) of the wastewater system, capital improvements, and future water bonds.

The existing rate structure is shown in the following table.

<b>Customer Monthly Charge (2021)</b>	<b>Residents</b>
<b>Base Charges (by Service Size)</b>	<b>\$/Bi-Monthly</b>
5/8 & 3/4 inch	\$52.83
1 inch	\$84.84
1 1/2 inch	\$221.41
2 inch	\$375.25
3 inch	\$766.29
4 inch	\$1,417.54
6 inch	\$2,764.63
<b>Commodity Charges</b>	<b>\$/100 Cu. Ft.</b>
Usage Up to 1,000,000 Cu. Ft.	\$2.12
Usage Over 1,000,000 Cu. Ft.	\$2.57

The proposed rate structures are shown in the table on the following page.

<b>Proposed Wastewater Rates - Schedule 1</b>						
<b>Category</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>	<b>2024</b>	<b>2025</b>
<b>User Type</b>	<b>Cost/Bi-Monthly</b>					
5/8 & 3/4 Inch	\$48.25	\$52.83	\$54.15	\$55.50	\$56.89	\$58.31
1 Inch	\$77.48	\$84.84	\$86.96	\$89.14	\$91.36	\$93.65
1 1/2 Inch	\$202.20	\$221.41	\$226.95	\$232.62	\$238.43	\$244.40
2 Inch	\$342.69	\$375.25	\$384.63	\$394.25	\$404.10	\$414.21
3 Inch	\$699.81	\$766.29	\$785.45	\$805.08	\$825.21	\$845.84
4 Inch	\$1,294.56	\$1,417.54	\$1,452.98	\$1,489.30	\$1,526.54	\$1,564.70
6 Inch	\$2,524.78	\$2,764.63	\$2,833.75	\$2,904.59	\$2,977.20	\$3,051.63
<b>Commodity Rate</b>	<b>Cost/100 Cu. Ft.</b>					
Usage Up to 1,000,000 Cu. Ft.	\$1.94	\$2.12	\$2.12	\$2.12	\$2.12	\$2.12
Usage Over 1,000,000 Cu. Ft.	\$2.35	\$2.57	\$2.57	\$2.57	\$2.57	\$2.57

The following table shows the anticipated monthly bill and increase from the previous year for various types of users. Please note user bill in the following table have been converted from bi-monthly rates into monthly rates for comparison purposes.

Proposed Wastewater Rate Structure 1							
Monthly Bill	Usage/Month	2020	2021	2022	2023	2024	2025
<b>Residential</b>							
Low User - 5/8 & 3/4 Inch	750	\$31.40	\$34.37	\$35.03	\$35.70	\$36.40	\$37.11
Average User - 5/8 & 3/4 Inch	1,200	\$35.77	\$39.14	\$39.80	\$40.47	\$41.17	\$41.88
High User - 5/8 & 3/4 Inch	5,000	\$72.63	\$79.42	\$80.08	\$80.75	\$81.45	\$82.16
<b>Commercial</b>							
Low User - 2 Inch	10,000	\$268.35	\$293.63	\$298.32	\$303.12	\$308.05	\$313.10
Average User - 2 Inch	20,300	\$368.26	\$402.81	\$407.50	\$412.30	\$417.23	\$422.28
High User - 2 Inch	30,000	\$462.35	\$505.63	\$510.32	\$515.12	\$520.05	\$525.10
<b>Large Service</b>							
Low User - 6 Inch	50,000	\$1,747.39	\$1,912.32	\$1,946.87	\$1,982.29	\$2,018.60	\$2,055.82
Average User - 6 Inch	84,500	\$2,082.04	\$2,278.02	\$2,312.57	\$2,347.99	\$2,384.30	\$2,421.52
High User - 6 Inch	119,000	\$2,416.69	\$2,643.72	\$2,678.27	\$2,713.69	\$2,750.00	\$2,787.22
<b>Monthly Bill Increase from Previous Year</b>							
Usage/Month	2020	2021	2022	2023	2024	2025	
<b>Residential</b>							
Low User - 5/8 & 3/4 Inch	750	\$0.00	\$2.97	\$0.66	\$0.68	\$0.69	\$0.71
Average User - 5/8 & 3/4 Inch	1,200	\$0.00	\$3.37	\$0.66	\$0.68	\$0.69	\$0.71
High User - 5/8 & 3/4 Inch	5,000	\$0.00	\$6.79	\$0.66	\$0.68	\$0.69	\$0.71
<b>Commercial</b>							
Low User - 2 Inch	10,000	\$0.00	\$25.28	\$4.69	\$4.81	\$4.93	\$5.05
Average User - 2 Inch	20,300	\$0.00	\$34.55	\$4.69	\$4.81	\$4.93	\$5.05
High User - 2 Inch	30,000	\$0.00	\$43.28	\$4.69	\$4.81	\$4.93	\$5.05
<b>Large Service</b>							
Low User - 6 Inch	50,000	\$0.00	\$164.93	\$34.56	\$35.42	\$36.31	\$37.22
Average User - 6 Inch	84,500	\$0.00	\$195.98	\$34.56	\$35.42	\$36.31	\$37.22
High User - 6 Inch	119,000	\$0.00	\$227.03	\$34.56	\$35.42	\$36.31	\$37.22



INTERNATIONAL  
ECONOMIC DEVELOPMENT  
COUNCIL

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## City of York Resolution for Economic Development Week

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### Resolution

WHEREAS, the International Economic Development Council is the largest professional economic development organization dedicated to serving economic developers; and

WHEREAS, the International Economic Development Council provides leadership and excellence in economic development for communities, members, and partners through conferences, training courses, advisory services and research, in-depth publications, public policy advocacy, and initiatives such as the Accredited Economic Development Organization program and the Certified Economic Developer designation; and

WHEREAS, economic developers promote economic well-being and quality of life for their communities by creating, retaining, and expanding jobs that facilitate growth, enhance wealth, and provide a stable tax base; and

WHEREAS, economic developers stimulate and incubate entrepreneurship in order to help establish the next generation of new businesses, which is the hallmark of the American economy; and

WHEREAS, economic developers are engaged in a wide variety of settings including rural and urban, local, state, provincial, and federal governments, public-private partnerships, chambers of commerce, universities, and a variety of other institutions; and

WHEREAS, economic developers attract and retain high-quality jobs, develop vibrant communities, and improve the quality of life in their regions; and

WHEREAS, economic developers work in the City of York within the State of Nebraska; and

NOW, THEREFORE, BE IT RESOLVED that the Mayor and City Council of the City of York do hereby—

- 1) recognize May 9-15 2021 as “National Economic Development Week”

in the City of York and remind individuals of the importance of this community celebration which supports expanding career opportunities and improving quality of life.

BE IT FURTHER RESOLVED that the City Council is authorized and directed to transmit an appropriate copy of this resolution to York County Development Corporation and the International Economic Development Council.

IN TESTIMONY WHEREOF the Mayor of the City of York and the President of the York City Council have hereunto subscribed their names and have caused the Official Seal of the City of York to be hereunto affixed in on this 15<sup>th</sup> day of April, 2021

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Mayor

ORDINANCE NO. 2283

AN ORDINANCE OF THE CITY OF YORK, NEBRASKA TO AMEND ARTICLE III, SECTION 1. RULES, OF THE ZONING ORDINANCE OF THE CITY OF YORK, NEBRASKA; TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE FOR AN EFFECTIVE DATE FOR THIS ORDINANCE.

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

Section 1. Article III, Section 1 of the Zoning Ordinance of the City of York, Nebraska shall be amended as follows:

ARTICLE III. RULES AND DEFINITIONS

Sec. 1. Rules.

For the purpose of this ordinance the following rules shall apply:

- (1) Words and numbers used singularly shall include the plural. Words and numbers used plurally shall include the singular. Words used in the present tense shall include the future.
- (2) The word "persons" includes a corporation, members of a partnership or other business organization, a committee, board, trustee, receiver, agent or other representative.
- (3) The word "shall" is mandatory.
- (4) The words "use," "used," "occupy" or "occupied" as applied to any land or building shall be construed to include the words "intended," "arranged" or "designed" to be used or occupied.
- (5) For purposes of this Ordinance whenever the word "family" is used, it shall be understood to mean "household" as defined in this Ordinance.

Section 3. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 4. This ordinance shall take effect and be in full force and effect from and after its passage, approval and publication pursuant to law.

PASSED AND APPROVED by the York City Council this \_\_\_\_\_ day of \_\_\_\_\_  
\_\_\_\_\_, 2021.

\_\_\_\_\_  
Barry Redfern, Mayor

ATTEST:

\_\_\_\_\_  
C. Jean Thiele, City Clerk

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# ZONING PRACTICE

MAY 2020



AMERICAN PLANNING ASSOCIATION

➡ ISSUE NUMBER 5

## PRACTICE INCLUSIVE ZONING

A background image showing a row of stylized house silhouettes in shades of blue, receding into the distance. A large, bold, black number '5' is overlaid on the left side of the image, partially obscuring the houses.

# 5

# Modern Family: Zoning and the Non-Nuclear Living Arrangement

By Brian J. Connolly and David A. Brewster

The list of residential land uses contained in the typical zoning code is fairly formulaic. Household living arrangements permitted by a code generally include single-family dwellings, two-family or duplex dwellings, and multifamily dwellings. From there, the code often goes on to allow a few other types of residential uses: live/work units, assisted living facilities, nursing homes, perhaps a variety of group living arrangements, boarding houses, shelters, and sometimes, student housing. Single-room occupancy motels, short-term rentals, and accessory dwelling units may also be permitted, in limited circumstances. For the household living uses, the term “dwelling” is generally defined with respect to a living space and, frequently, cooking, bathing, and sleeping facilities.

The lines between several of the zoning classifications described above can be blurry. In many cases, they turn upon the people who live in these various forms of housing, rather than the physical characteristics of the housing types themselves. Indeed, many zoning codes define the term “family”—as used in the terms single-family or multifamily dwelling—as a group of people related by blood, marriage, or adoption, or up to a certain number who are unrelated.

These classifications of residential land uses, and the definitions of “dwelling” and “family” that accompany them, have proven durable. But modern social and cultural changes are testing their permanency. The U.S. population has moved markedly away from the household unit comprised of a married couple and their children. Unaffordable housing has pushed families to live with extended family members, groups of unrelated roommates to cohabit, and home seekers to find smaller, more efficient forms of housing. At the same time, contemporary treatment methods for disabilities has

resulted in increased demand for group living arrangements.

While aimed at establishing stable neighborhoods, historical definitions of “family” contained in zoning codes have regularly excluded a wide variety of groups, and the forms of housing prescribed by more traditional zoning codes fail to accommodate many of these groups. Examples of these include unmarried couples, same-sex couples, religious organizations that live in communities, group homes for people with disabilities, post-incarceration halfway houses, foster families, and others. All of these forms of housing are necessary in our modern society.

As the amorphous concepts of “family” and “household” evolve and become increasingly difficult to define, the law still prescribes meaning to these terms in various forms. For example, the Internal Revenue Service allows us to file taxes individually or as a family while evolving to incorporate same-sex marriages. The U.S. Census collects information on households and families, and these classifications have broadened as well. Yet, while certain legal frameworks have adapted to the changing face of American families and households, local zoning laws, in many respects, have not.

The balance of this article examines the changing face of modern American families, and the increasing demand and need for housing types that recognize nontraditional or “non-nuclear” families and households. It also evaluates existing law as it pertains to regulation of household structure and offers suggestions for how zoning might be tweaked to respond to many of the changing norms of American family and household life.

## NUCLEAR NO MORE

In the years following World War II, the concept of the “nuclear” family, composed of

two opposite-sex married partners and their non-adult, unmarried children, pervaded the American zeitgeist. The nuclear family has been extensively studied, critiqued, and debated over the past 50 years. As David Brooks of the *New York Times* recently commented, “[w]hen we have debates about how to strengthen the family, we are thinking of the two-parent nuclear family, with one or two kids, probably living in some detached family home on some suburban street” (Brooks).

Increasingly, however, the nuclear family is a foreign concept to most American households. In 2017, the U.S. Census Bureau estimated that less than half of households were headed by a married couple, and less than 30 percent of households had children of the householder at home. Nearly 30 percent of households were single people living alone. Other households included everything from grandparent-headed households—an estimated 7.2 million grandparents were raising their grandchildren in 2017—to single-parent households, which comprised 17.3 percent of all households. Of the U.S. population living in a household, 6.2 percent, or nearly 20 million people, were unrelated to the householder by blood, marriage, or adoption.

This is a significant change from the middle of the 20th century. According to the Pew Research Center, in 1960, roughly 87 percent of children in the United States lived in a two-parent household. A 2015 Pew study revealed that, in 2014, roughly 64 percent of children under the age of 18 lived in a household with two parents. In turn, just over one-fourth of children in the United States live in one-parent households, compared to nine percent in 1960. The U.S. Census Bureau’s Current Population Survey recently estimated that nearly 35 percent of children now live in “nonfamily”

households, which are defined as those households not headed by a parent.

These developments also complement changing gender roles within families. In the period between 1950 and 1965, when the nuclear family was in its heyday, Brooks writes that “most women were relegated to the home” and “[d]emeaning and disempowering treatment of women was rampant” (Brooks). By 1993, roughly one-third of households in the United States were headed by women (Dandekar). A 2019 Center for American Progress study found that a national average of 41 percent of households in the United States are headed by “breadwinning” mothers, those who earn the highest income in the family (Glynn).

An analysis of changing gender roles is incomplete without discussion of the evolving institution of marriage. In 1949, roughly 78.8 percent of American households contained married couples, while in 2017, less than half of households contained married couples. Contributing to this decline are steadily increasing divorce rates since 1990, the fact that couples are choosing to marry later in life, and an increasing number of people who choose not to marry at all. Yet, while marriage rates continue to decline, the Census Bureau reports that cohabitation among nonmarried partners between the ages of 25 and 34 has steadily increased, and the number of one-person households has also increased “fivefold since 1960.” Pew also reports that older Americans are among the highest demographic of one-person households. In the United States, 27 percent of adults ages 60 and older live alone, compared with 16 percent of adults in 130 countries and territories recently studied.

As households continue to evolve, so has the U.S. population in group quarters, which include everything from correctional facilities to nursing homes, student housing, and group homes for people with disabilities. In 2017, the Census Bureau estimated that more than eight million Americans live in group quarters arrangements. Of these, 2.2 million were incarcerated, and 2.7 million were living in on-campus student housing. That leaves more than three million Americans who lived in nursing homes or other types of group living arrangements. Given

that the Centers for Disease Control estimated in 2018 that one in four Americans has a disability that limits a major life activity (and two in five Americans over 65 fall in that category), we can assume that there is significant unmet demand for group living.

#### **CHANGING FAMILIES, CHANGING HOMES**

As the concept of the nuclear family fades, so too does the traditional living style associated with that construct—the single-family home. Increasingly, Americans are opting, whether by choice or by reason of circumstance, for alternatives to the single-family home. For starters, the average size of new single-family home builds is decreasing. Data from the National Association of Home Builders reveals that the median square footage of a new single-family home decreased for the third straight year in 2018. This shift toward smaller single-family housing is likely a reaction to high demand from younger buyers attempting to purchase entry-level housing.

New and innovative ways of meeting entry-level housing demand, outside the traditional single-family model, are continuing to grow. A National Association of Home Builders study conducted in 2018, for example, revealed that more than half of Americans (and 63 percent of millennial Americans) would consider living in a tiny home of less than 600 square feet. As Ilana E. Strauss reports, companies and communities are also experimenting with cohousing, or living arrangements where “individuals or families generally have their own houses, bedrooms, or apartments but share things like kitchens and community spaces” (Strauss).

Still, while the cohousing model may be a new prospect to many Americans, states continue to rely heavily on group living arrangements for the elderly, medically dependent, and children without alternative housing options. According to a 2015 Pew report, Colorado, Rhode Island, West Virginia, and Wyoming have the greatest percentage of foster children living in group homes. Roughly 35 percent of children in Colorado’s foster care system, for example, live in congregate group care living facilities. What is more, the U.S. Congressional Budget Office (CBO) noted in a 2013 report,

“[b]y 2050, one-fifth of the total U.S. population will be elderly” with the number of individuals age 85 or older growing the fastest (CBO). As such, the need for long-term group assisted living arrangements will likely gradually increase as baby boomers age.

Tiny homes, adult dormitories, and group living facilities are a small snapshot of the diverse and unique living arrangements growing in both popularity and need throughout the country. Demand for nontraditional housing types, like the evolution and growth of the nontraditional American family, is ever increasing.

However, embracing and promoting new forms of housing is not merely a trendy pandering to millennials. Emily Badger wrote in the *New York Times* in a 2019 column with respect to the campaign platforms of various 2020 Democratic presidential hopefuls, “[a] reckoning with single-family zoning is necessary, they say, amid mounting crises over housing affordability, racial inequality and climate change” (Badger). Driven by increasing home prices and generally stagnant incomes, America’s affordable housing crisis has been characterized as a “ticking time bomb” waiting to blow. A shortage of affordable housing options in cities across the country has resulted in higher home prices, reductions in government subsidies for housing, and the concentration of home ownership among older, whiter, and wealthier Americans.

More significantly, a Joint Center for Housing Studies (JCHS) of Harvard University report observes that the affordable housing shortage has created an upturn in homelessness, increased threats of displacement due to natural disasters, and disproportionately burdened low-income and minority households. As its outlook, the study noted that, “[o]n the supply side, however, conditions at the lower end of the market will remain challenging as millions of low-income households compete for an already insufficient number of affordable rental units” (JCHS). Simply, the status quo will not suffice to provide housing for millions of Americans. Promoting new housing solutions to combat rising socioeconomic and climate threats must begin, at a local government level, with a “reckoning” with single-family zoning.



➤ The prevalence of single-family zoning in the United States is challenged by major demographic and social changes.

What's more, as we write this article, the U.S. economy appears to be headed for a slowdown, triggered by the COVID-19 pandemic that has swept the world. As potentially millions of Americans face job losses and pay decreases, the need for affordable housing options will become only greater.

#### JUDICIAL TREATMENT OF 'FAMILY' ZONING

With these changes in American household structure and demand for a variety of housing types in mind, we now turn to how the law addresses these issues. A careful reading of cases from the U.S. Supreme Court and lower courts suggests that, since its early days, one of the paramount goals and outcomes of zoning has been the protection and reinforcement of patterns of housing for traditional, nuclear families. And those goals have largely been met with judicial endorsement.

#### *Euclid v. Ambler*

The Court was not shy in using its first opportunity to consider the constitutionality of zoning to gratuitously weigh in on the merits of development patterns predominated by single-family detached dwellings. In 1922, the Village of Euclid, Ohio, a Cleveland suburb characterized by largely low-density residential land-use patterns, adopted a zoning regulation that classified lands according to uses. The use districts established in the zoning ordinance included a "U-1" district that allowed only single-family dwellings and a "U-2" district that expanded its use allowances to two-family homes. Higher-intensity districts, which constituted a small proportion of the village's land area, allowed multifamily apartments as well as commercial and industrial uses.

Euclid's zoning ordinance was clearly intended to protect low-density neighborhoods characterized by detached dwelling

units against higher-density forms of housing. It was also clear from the face of the ordinance that it supported nuclear families. The ordinance used the term "family" pervasively, but defined it as follows: "[a] 'family' is any number of individuals living and cooking together on the premises as a single housekeeping unit." The term "single housekeeping unit" was undefined in the Euclid ordinance, suggesting that groups of unrelated people might be permitted to occupy single-family dwellings if they shared common household responsibilities.

The ordinance was challenged by a business that was dissatisfied with its classification under the ordinance. The case made its way to the U.S. Supreme Court. In *Village of Euclid v. Ambler Realty Co.*, 272 U.S. 365 (1926), the Court ruled zoning a constitutional exercise of the police power.

In so doing, however, the Court emphasized the importance of protecting

single-family homeowners from noxious effects of higher-density residential and nonresidential uses. The Court's characterization of single-family detached development patterns and family life paint a picture of idyllic suburbia, characterized by public safety, healthy environs, and growing families. In particular, the Court observed that the segregation of single-family, two-family, and other land uses would "increase the safety and security of home life, greatly tend to prevent street accidents, especially to children, by reducing the traffic and resulting confusion in residential sections, decrease noise and other conditions which produce or intensify nervous disorders, preserve a more favorable environment in which to rear children, etc."

The Court then saved its most pointed observations for the distinctions between apartments and more low-density forms of residential uses. The Court refers to the apartment house as a "mere parasite" that "monopolizes the rays of the sun" and whose automobile traffic is "depriving children of the privilege of quiet and open spaces for play."

The Court's rhetoric in *Euclid* was emblematic of a widespread cultural acceptance of the benefits of low-density living in the early part of the 20th century. Following a period of largely unregulated industrialization in U.S. cities that resulted in unsanitary, crowded conditions, New York City adopted the nation's first zoning ordinance 10 years before *Euclid*. Other jurisdictions quickly followed. In the same year the Court decided *Euclid*, the U.S. Department of Commerce promulgated the Standard State Zoning Enabling Act, which recited the lessening of congestion, reduction of fire risk, promotion of public health, assuring adequate light and air, and reducing concentrations of population as the core purposes of zoning. The Court's unvarnished description of a suburban idyll where children frolic free from the nuisances of higher-density urban areas was characteristic of common views of urban development. At the same time, however, its discussion of the merits of detached dwellings—undertaken at a time when the Court was composed of nine white men and long before it invalidated racially restrictive covenants, school segregation,

or disability discrimination—is devoid of any suggestion of racial or cultural diversity (the Court invalidated racially restrictive municipal regulation just one year after the New York City zoning ordinance was adopted in the case of *Buchanan v. Warley*, 245 U.S. 60 (1917)), same-sex couples, accommodation for low-income families, or housing for people with disabilities.

#### ***Village of Belle Terre v. Boraas***

The Court's next occasion to visit the constitutionality of single-family zoning came nearly 50 years later in the case of *Village of Belle Terre v. Boraas*, 416 U.S. 1 (1974). That case, which arose from circumstances in another small suburban community, addressed the constitutionality of a more restrictive definition of the term "family." A one-square mile community with just 220 homes, the Village of Belle Terre is located near the State University of New York at Stony Brook. An attractive place for prospective landlords to rent to student tenants, the village adopted a zoning ordinance defined family as "one or more persons related by blood, adoption, or marriage, living and cooking together as a single housekeeping unit, exclusive of household servants. A number of persons but not exceeding two (2) living and cooking together as a single housekeeping unit though not related by blood, adoption, or marriage shall be deemed to constitute a family."

Thus, to reside in a single-family dwelling in Belle Terre, it was not sufficient to simply constitute a single housekeeping unit. Familial relatedness was obligatory.

A group of unrelated tenants and their landlord challenged the law. The group asserted that it violated several rights inherent in the Due Process Clause of the Fifth Amendment, including rights of association and privacy. Included in the *Belle Terre* challenge was a suggestion that the law was aimed at producing a homogeneous community. The Supreme Court eventually disagreed with these assertions.

Although the Court had recently expanded privacy rights in the cases of *Griswold v. Connecticut* and *Roe v. Wade*, in which it famously approved of contraception and abortion, the right to privacy would not

be extended to group living arrangements. Returning to its historical preference for low-density, single-family development, the Court observed that "boarding houses, fraternity houses, and the like present urban problems. More people occupy a given space; more cars rather continuously pass by; more cars are parked; noise travels with crowds." The Court followed its indictment of nontraditional living arrangements with one of its most memorable paragraphs regarding land-use regulation. As in *Euclid*, the Court accepted the invitation to hail the benefits of suburban residential development as follows:

A quiet place where yards are wide, people few, and motor vehicles restricted are legitimate guidelines in a land-use project addressed to family needs. . . . The police power is not confined to elimination of filth, stench, and unhealthy places. It is ample to lay out zones where family values, youth values, and the blessings of quiet seclusion and clean air make the area a sanctuary for people.

The result of *Belle Terre* was that many local governments—in college towns, suburbs and even large cities—eventually adopted zoning provisions defining the term "family" with respect to the relatedness of individuals residing in a housing unit, thereby ensuring that residential neighborhoods could only be occupied by nuclear families. Like *Euclid*, *Belle Terre's* endorsement of suburban forms of development and family values appeared not to consider the impacts of predominantly single-family residential development patterns on non-white families, lower-income buyers and renters, groups of unrelated people, or people with disabilities. In the 60 years from the adoption of the first zoning ordinance to *Belle Terre*, the zoning power had morphed from one that regulated building form to full-scale regulation of the people that resided in those building forms.

#### **The Limits of Belle Terre**

While a review of *Belle Terre* might lead an observer to guess that there was little to no constitutional limit to the regulation of living arrangements, the Court's decision in

that case was in many ways a legal apex for exclusionary zoning. In the intervening years since *Belle Terre*, it has been limited in several respects.

Just three years after it decided *Belle Terre*, in *Moore v. City of East Cleveland*, 431 U.S. 494 (1977), the Supreme Court rejected the use of zoning to restrict intrafamily living arrangements. There, East Cleveland, Ohio, another Cleveland suburb, sought not only to prohibit unrelated persons from residing together, but actually went so far as to define the term “family” as a *nuclear* family, consisting only of a husband or wife and either their unmarried children or their parents. The practical effect of the city’s regulation, which had a legislative and procedural history evidencing unscrupulous racial motive, was to exclude groups of extended family members living together. A grandmother and her two grandchildren who resided together successfully challenged the regulation, which the Supreme Court decided on right to privacy grounds.

Several states have also limited the reach of *Belle Terre* on constitutional or statutory grounds. The first to do so was New Jersey in the case of *State v. Baker*, 405 A.2d 368 (N.J. 1979). There, the court determined that Plainfield Township could not, under the state constitution, prohibit two families from living together as a single housekeeping unit. The court’s holding was based upon the idea that a local government restriction aimed at creating stable residential communities was not necessarily furthered by a prohibition on unrelated persons residing together. The New Jersey Supreme Court wrote: “The fatal flaw in attempting to maintain a stable residential neighborhood through the use of criteria based upon biological or legal relationships is that such classifications operate to prohibit a plethora of uses which pose no threat to the accomplishment of the end sought to be achieved. . . . The ordinance distinguishes between acceptable and prohibited uses on grounds which may, in many cases, have no rational relationship to the problem sought to be ameliorated.”

Shortly after the New Jersey court invalidated “family” definitions, the California Supreme Court also concluded in *City of*

*Santa Barbara v. Adamson*, 27 Cal. 3d 123 (1980), that familial relatedness requirements in a local zoning code violated the state constitutional right to privacy. Michigan and New York also followed suit, adopting similar rationale to these decisions.

The Fair Housing Act and its amendments, 42 U.S.C. § 3601 *et seq.*, also limit *Belle Terre*. In 1988, Congress amended the Fair Housing Act to specifically incorporate familial status and handicap as classes protected under the law. The addition of these two protected classes reaffirmed Congress’s commitment to prohibiting discrimination, particularly against single parents with children and people with physical or cognitive disabilities, including those in recovery from addiction.

In particular, the Fair Housing Act’s protections for people with disabilities often conflict with local definitions of “family” that restrict unrelated people from living together. In *City of Edmonds v. Oxford House, Inc.*, 514 U.S. 725 (1995), the Supreme Court confirmed that familial occupancy restrictions did not comport with the Fair Housing Act’s allowance for maximum occupancy restrictions based on safety considerations. Several other cases have found that restrictive family definitions may not be used to exclude people with disabilities from living in group settings.

Similarly, as states have adopted state-law versions of the Fair Housing Act, many of them have placed limitations on family zoning. Many state-law equivalents of the Fair Housing Act add protected classes over and above those identified in the federal law, including, for example, marital status, sexual orientation, age, and others. These statutes may require local governments to vary familial-relatedness limitations if they interfere with protected classes’ ability to buy or rent housing.

Present demand for affordable housing may be encouraging further federal action to limit local governments’ exclusionary zoning actions. As of this writing, Congress is considering a law called the Yes In My Backyard Act, H.R. 4351, which passed in the House of Representatives on March 2, 2020. That law would require local governments that receive federal housing and urban development

grants to track and implement land-use policies to encourage the production of housing. These policies include everything from allowing higher-density development by right to allowing manufactured housing, single-room occupancy uses, mixed-use development, and limiting dimensional and procedural restrictions on new housing.

## MODERN APPROACHES FOR THE MODERN FAMILY

Federal constitutional law continues, at its core, to allow local governments to establish zoning policies allowing only single-family development patterns and to restrict that form of housing to related family members. However, the population and housing trends described above, and the legal limitations on *Belle Terre*, demand a thoughtful response from local zoning officials.

Opportunities abound for zoning authorities to embrace inclusionary practices. Zoning codes that permit a wide variety of housing types are an important first step. In 2019, Minneapolis became the first major U.S. city to abolish single-family zoning, allowing triplexes to be constructed in most neighborhoods that previously only allowed detached housing. Other cities have provided for additional accessory dwelling units, by-right multifamily zoning, and a variety of “missing middle” forms of housing. These forms of housing might include “slot homes,” where row houses are oriented perpendicular to street frontages, or garden courts or row houses. These types of housing allow for increased density in residential areas that, if designed appropriately, can blend well with surrounding single-family development.

In considering the variety of housing types that might be permitted in a jurisdiction, zoning officials may also need to reconsider classifications of residential uses. For example, where a code defines a “boarding house” as a residential structure where rooms are rented out for permanent occupancy but generally restricts boarding houses throughout the municipality, it may prohibit new, “pod”-style multifamily development wherein units share common areas and cooking facilities but contain separate bedrooms and bathrooms.

Similarly, zoning officials might also reevaluate definitions of “dwelling” contained in codes, and the dimensional limits placed on housing units, to accommodate more creative forms of housing. Where a code prohibits small housing units or properties, tiny homes or other affordable forms of housing may be excluded from the community.

At the same time, local governments should consider whether definitions of “family” based on blood, marriage, or adoption serve the jurisdiction’s planning goals. To the extent a municipality seeks to regulate land use for the purposes enshrined in the Standard State Zoning Enabling Act—lessening congestion, reducing risks of natural disasters, protecting for public health and safety, and others—restricting dwelling units to groups of related people is unlikely to directly accomplish these goals. A large family of related individuals is just as likely to produce congestion or overcrowding as an unrelated group of the same number of people.

Local governments that wish to avoid the problems created by restrictive “family” definitions might consider applying a definition of “single housekeeping unit” that focuses on the sharing of household chores or cooking and eating together. And of course, local governments should continue

to adopt and enforce building and fire codes that limit that number of persons who may occupy a dwelling to avoid fire or public health risks.

Similarly, zoning officials must consider their obligations under state and federal fair housing laws. A local government utilizing a definition of “family” that would otherwise restrict groups of people with disabilities or others protected by fair housing acts must be prepared to grant reasonable accommodations where necessary to maintain compliance with the law. In general, local governments should adopt zoning procedures for granting reasonable accommodations if their codes restrict groups of unrelated people from living together. Zoning officials should also consider avoiding unnecessary restrictions on these living arrangements, including further land-use planning goals such as avoiding congestion or nuisances.

## CONCLUSION

We are in an unprecedented time of housing unaffordability and expanding notions of what constitutes a household or family. While the law has been somewhat slow to evolve, our local governments must consider how their zoning policies accommodate a wide variety of living arrangements.

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## ABOUT THE AUTHORS

Brian J. Connolly is a shareholder and director in the Land Use, Litigation, and Real Estate practice groups at Otten Johnson Robinson Neff + Ragonetti, PC in Denver. He has received national recognition for his work on First Amendment issues associated with local government regulation, including signs and outdoor advertising, and his work on fair housing matters in local planning and zoning, particularly in the area of housing for people with disabilities.

David A. Brewster is an associate in the Litigation and Real Estate practice groups at Otten Johnson Robinson Neff + Ragonetti. His litigation practice focuses on complex real estate, land-use, and property rights disputes, and his transactional practice includes assisting clients with the acquisition and disposition of real property.

Cover: iStock.com/mrPliskin

## VOL. 37, NO. 5

**The American Planning Association provides leadership in the development of vital communities for all by advocating excellence in planning, promoting education and resident empowerment, and providing our members with the tools and support necessary to ethically meet the challenges of growth and change.**

**Zoning Practice (ISSN 1548-0135) is a monthly publication of the American Planning Association. Joel Albizo, FASAE, CAE, Chief Executive Officer; Petra Hurtado, PhD, Research Director; Joseph DeAngelis, AICP, and David Morley, AICP, Editors.**

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**American Planning Association**

*Creating Great Communities for All*

**ZONING PRACTICE**

AMERICAN PLANNING ASSOCIATION

205 N. Michigan Ave.  
Suite 1200  
Chicago, IL 60601-5927



DOES YOUR ZONING CODE  
MAKE SPACE FOR NON-  
NUCLEAR FAMILIES?

**5**

## memorandum

**From:** Charlie Cowell, AICP  
**Project No.:** 3004.351.00      **File No. (s):** 9.00  
**Date:** December 7, 2020

**Project Name:** York Regulations Update

**Subject:** Dwelling and Family Definitions Update 2

**Copies to:** Charley Campbell

**Remarks:**

The City of York definitions appears legally sound according to the American Planning Association resources. See attached with this memo. The reference resource states:

“Local governments that wish to avoid the problems created by restrictive “family” definitions might consider applying a definition of “single housekeeping unit” that focuses on the sharing of household chores or cooking and eating together. And of course, local governments should continue to adopt and enforce building and fire codes that limit that number of persons who may occupy a dwelling to avoid fire or public health risks.”

Opportunities for clarity include adding more definitions for the types of living arrangements. Many cities are now also starting to replace the term “Family” with “Household or Household Living Unit.” Below are examples of how this could work for York.

Existing definitions with comments:

*Dwelling:* Any building or portion thereof which is designed and used exclusively for residential purposes.

- Comment: This appears to capture the intent correctly. A way to be more explicit is to list the uses classified under “Dwelling.” Example:
  - *A building, or portion of a building, not a mobile home, designed or used exclusively for residential occupancy, **including single-unit dwellings, two-unit dwellings, and multiple-unit dwellings, but not including hotels or motels, or other transient accommodations, nor institutional care facilities such as hospitals or nursing homes.***

*Dwelling, single-family unit:* A building having accommodations for and occupied exclusively by one family household. This may include modular homes, *single-family unit*.

- Comment: To eliminate using the term “family,” replacing it with “unit” can simplify the determination of living arrangements. A definition for “dwelling unit” is below in place of “family.”
  - Dwelling, single-family > Dwelling, single-unit



- One family > One household

*Dwelling, two-family unit:* A building having accommodations for and occupied exclusively by two (2) ~~families~~ households. This may include modular homes, two ~~family unit~~.

- Comment: To eliminate using the term “family,” replacing it with “unit” can simplify the determination of living arrangements. A definition for “dwelling unit” is below in place of “family.”
  - Dwelling, two-family > Dwelling, two-unit
  - Two (2) families > Two (2) households

*Dwelling, multiple-family unit:* A building having accommodations for and occupied exclusively by more than two (2) ~~families~~ households. This may include modular homes, multiple ~~family unit~~.

- Comment: To eliminate using the term “family,” replacing it with “unit” can simplify the determination of living arrangements. A definition for “dwelling unit” is below in place of “family.”
  - Dwelling, multiple-family > Dwelling, multiple-unit
  - Two (2) families > Two (2) households

*Dwelling unit:* A room or group of rooms with culinary and sanitary facilities which are designed or intended for occupancy by a single ~~family household~~.

- Comment: To eliminate “family,” the definition can be replaced with “household.” Examples:
  - **Dwelling Unit:** Any room or group of rooms located within a dwelling and forming a single habitable unit with facilities used, or intended to be used for living, sleeping, cooking, eating, and sanitation, by one household.

~~*Family:* One or more persons occupying the premises and living as a single housekeeping unit, as distinguished from a group occupying a boardinghouse, fraternity or sorority house, lodging house, hotel or motel.~~

- Comment: Can eliminate instead of “dwelling unit” and “household.” Example:
  - **Household:** One or more persons, functioning as a single housekeeping unit, occupying a single dwelling unit in compliance with the occupancy limitations set forth in the International Property Maintenance Code. The number of occupants per household shall not exceed the number of occupants permitted by the minimum area requirements of the occupancy limitations set forth in the international Property Maintenance Code. Uses where tenancy may be arranged for a less than a month-to-month basis are not considered household living; they are considered a form of lodging. This definition does not include Group Homes or Group Care Facilities.
    - Source: City of Des Moines, IA, Adopted February 2020

*Condominium:* An individually owned single ~~family unit~~ dwelling unit located in a multi ~~family unit~~ structure containing four (4) or more such units, where the surrounding lot area is held in common and maintained through a special ownership agreement.

- Comment: Replacing “family” with “unit” is sufficient.

*Boardinghouse:* A building other than a hotel where, for compensation and by prearrangement for definite periods, meals, or lodging and meals, are provided for three (3) or more persons but not exceeding twenty (20) persons.

- No Comment



*Lodging house:* A building or place where lodging is provided (or which is equipped regularly to provide lodging) by prearrangement for definite periods, for compensation, for three (3) or more persons in contradistinction to hotels open to transients.

- No Comment

~~*Rooming house:* Any dwelling in which more than three (3) persons, either individually or as families, are housed or lodged for hire, with or without meals.~~

- Comment: I'd like to know if this applies anywhere in York? This definition can be deleted.

*Hotel:* A building used as an abiding place for more than twenty (20) persons who are being lodged for compensation with or without meals.

- Comment: I would suggest eliminated the twenty (20) person requirement. Also, could further clarify uses: *A hotel/motel includes a motor hotel, tourist court, extended stay hotel or motel, apartment hotel, or similar use, but does not include a mobile home park or any facility in which the majority of lodging units are rented or leased for periods of more than 30 days.*

Alternate definitions for consideration:

- Any building containing six or more guest rooms which are used, rented, or hired for sleeping purposes by transient guests and with access to units primarily from interior lobbies, courts, or halls.
- An establishment providing, for a fee, sleeping accommodations and customary lodging services, including maid service, the furnishing and upkeep of furniture and bed linens, and telephone and desk service. Related ancillary uses may include but shall not be limited to conference and meeting rooms, restaurants, bars, and recreational facilities.

*Townhouse:* An individually owned single ~~family unit~~ dwelling unit located in a multi-~~family unit~~ structure containing ~~four (4) three (3)~~ or more such units, where portions of the surrounding lots are sold with the dwelling units to create privately owned and maintained yards.

- Comment: Comment: Replacing “family” with “unit” is sufficient.
- Comment: There appears to be a gap in the York ordinance for tri-plexes. I suggest reducing this definition from four (4) to three (3).

Definitions to consider adding in addition to the comments above for housing types starting to become more prevalent in cities. Even if they are not listed uses in the Zoning Code today, they could be in the future.

- Accessory Dwelling Unit – Should adopt this definition only with specified standards for size, location, design, etc.
- Live/Work Unit: A single unit consisting of both a commercial/office and a residential component that is occupied by the same resident. The live/work unit shall be the primary dwelling of the occupant.
- Mixed-Use Structure: The use of a building for more than one purpose, one of which is residential dwelling



ORDINANCE NO. 2284

AN ORDINANCE OF THE CITY OF YORK, NEBRASKA TO AMEND ARTICLE III, SECTION 2 DEFINITIONS, OF THE ZONING ORDINANCE OF THE CITY OF YORK, NEBRASKA; TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE FOR AN EFFECTIVE DATE FOR THIS ORDINANCE.

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

Section 1. Article III, Section 2 of the Zoning Ordinance of the City of York, Nebraska shall be amended as follows:

ARTICLE III. RULES AND DEFINITIONS

Sec. 2. Definitions.

- (11) *Boarding House and Lodging House:* A building other than a hotel where, for compensation and by prearrangement for definite periods, meals, or lodging and meals are provided for three (3) or more persons but not exceeding twenty (20) persons. This shall include bed and breakfast facilities.
- (21) *Condominium:* A single-unit dwelling located in a multi-unit structure containing three (3) or more such units, where the surrounding lot area is held in common and maintained through a special ownership agreement.
- (24) *Dwelling:* A building or portion of a building, not a mobile home, designed or used exclusively for residential occupancy, including single-unit dwellings, two-unit dwellings, and multiple-unit dwellings, but not including hotels or motels, or other transient accommodations, nor institutional care facilities such as hospitals or nursing homes.
- (25) *Dwelling, single-unit:* A building having accommodations for and occupied exclusively by one household. This may include modular homes.
- (26) *Dwelling, two-unit:* A building having accommodations for and occupied exclusively by two (2) households. This may include modular homes.
- (27) *Dwelling, multiple-unit:* A building having accommodations for and occupied exclusively by more than two (2) households. This may include modular homes.
- (28) *Dwelling unit:* Any room or group of rooms located within a dwelling and forming a single habitable unit with facilities used, or intended to be used for living, sleeping, cooking, eating and sanitation, by one household.

- (29) *Household*: One or more persons, functioning as a single housekeeping unit, occupying a single dwelling unit in compliance with the occupancy limitations set forth in the International Property Maintenance Code. The number of occupants per household shall not exceed the number of occupants permitted by the minimum area requirements of the occupancy limitations set forth in the International Property Maintenance Code. Uses where tenancy may be arranged for less than a month-to-month basis are not considered household living; they are considered a form of lodging. This definition does not include Group Homes or Group Care Facilities.
  
- (40) *Hotel/Motel*: An establishment providing for a fee, sleeping accommodations and customary lodging services including maid services, desk service and may include facilities with conference and meeting rooms, restaurants, bars and recreational facilities. A hotel/motel includes a motor hotel, tourist court, extended-stay hotel or motel, apartment hotel or similar use, but does not include a mobile home park or any facility in which the majority of lodging units are rented or leased for periods or more than thirty (30) days.
  
- (50) *Lodging House*: DELETED
  
- (79) *Rooming House*: DELETED
  
- (94) *Tavern*: DELETED
  
- (96) *Townhouse*: A single-unit dwelling located in a multi-unit structure containing three (3) or more such units, where portions of the surrounding lots are sold with the dwelling units to create privately owned and maintained yards.

Section 2. Except as amended herein, Article III, Section 2, shall remain in full force and effect.

Section 3. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 4. This ordinance shall take effect and be in full force and effect from and after its passage, approval and publication pursuant to law.

PASSED AND APPROVED by the York City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Barry Redfern, Mayor

ATTEST:

\_\_\_\_\_  
C. Jean Thiele, City Clerk

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**CHANGE ORDER FORM**

Change Order No. : 1

Project: York 2020 Pavement Preservation

Project No.: 111734

Client name City of York  
York, Nebraska


Contractor: WyAd Enterprises LLC  
1903 N Division Ave  
York, NE 68467

The above named Contractor agrees to make the following change(s) in the plans and specifications for the above referenced project.

- 1) Description and Reason Of Change(s) To Be Made: (See Page 2)
- 2) Settlement for the cost of the above change(s) is to be made as follows: (See Page 3)

3) Summary of Costs	Original Contract Amount:	\$ 533,857.00
	(Strike One Not Applying)	
	Net INCREASE/DECREASE of this Change Order:	\$ 543,770.30
	Total Increase/Decrease of All Previous Change Orders & Supplemental Agreements	\$ -
	Overall Net Change Of All Change Orders & Supplemental Agreements To Date	\$ 543,770.30
	Total New Revised Contract Cost	\$ 1,077,627.30

- 4) Contract Time:  
No additional time is being granted with this change order.

Agreed To By:	<u></u> Contractor's Authorized Rep.	<u>Member</u> Title	<u>04/12/2021</u> Date
Agreed To By:	_____ Sponsor's Authorized Rep.	_____ Title	_____ Date

**Note: This Change Order Is NOT Effective Until Approved In Writing**  
Distribution: City of York, Engineer And Contractor

1) DESCRIPTION AND REASONS OF CHANGE(S) TO BE MADE

1) Remove and replace damaged concrete panels on Delaware Ave
2) Remove and replace damaged concrete panels on 14th St
3) Remove and replace damaged concrete panels on Division Ave
4) Extend Final Completion of Project to December 1, 2021

2) SETTLEMENT FOR THE COST OF THE ABOVE CHANGE(S) IS TO BE MADE AS FOLLOWS:

Change Above	Item	Description	Unit	Approx. Quant.	Unit Price	Amount
Add	CO1-1	Mobilization (Delaware)	LS	1.0	\$ 669.00	\$ 669.00
Add	CO1-2	Traffic Control (Delaware)	LS	1.0	\$ 4,000.00	\$ 4,000.00
Add	CO1-3	Pavement Saw Cut (Delaware)	LF	5682.0	\$ 3.00	\$ 17,046.00
Add	CO1-4	Remove Existing Pavement (Delaware)	SY	4665.0	\$ 9.25	\$ 43,151.25
Add	CO1-5	Construct 6" P.C.C. Pavement (Delaware)	SY	4665.0	\$ 55.05	\$ 256,808.25
Add	CO1-6	Construct 5" Concrete Sidewalk (Delaware)	SF	335.0	\$ 5.00	\$ 1,675.00
Add	CO1-7	Construct Detectable Warning Panel (Delaware)	SF	32.0	\$ 5.00	\$ 160.00
Add	CO1-8	Mobilization (14th St)	LS	1.0	\$ 669.00	\$ 669.00
Add	CO1-9	Traffic Control (14th St)	LS	1.0	\$ 1,000.00	\$ 1,000.00
Add	CO1-10	Pavement Saw Cut (14th St)	LF	762.0	\$ 3.00	\$ 2,286.00
Add	CO1-11	Remove Existing Pavement (14th St)	SY	801.0	\$ 9.25	\$ 7,409.25
Add	CO1-12	Construct 6" P.C.C. Pavement (14th St)	SY	801.0	\$ 55.05	\$ 44,095.05
Add	CO1-13	Mobilization (Division)	LS	1.0	\$ 669.00	\$ 669.00
Add	CO1-14	Traffic Control (Division)	LS	1.0	\$ 2,000.00	\$ 2,000.00
Add	CO1-9	Pavement Saw Cut (Division)	LF	3005.0	\$ 3.00	\$ 9,015.00
Add	CO1-10	Remove Existing Pavement (Division)	SY	2142.0	\$ 9.25	\$ 19,813.50
Add	CO1-11	Construct 9" P.C.C. Pavement (Division)	SY	2142.0	\$ 62.00	\$ 132,804.00
Add	CO1-12	Construct 5" Concrete Sidewalk (Division)	SF	84.0	\$ 5.00	\$ 420.00
Add	CO1-13	Construct Detectable Warning Panel (Division)	SF	16.0	\$ 5.00	\$ 80.00
Extend	CO1-14	Final Completion of Project	From November 1, 2020 to December 1, 2021			

**NET CHANGE PER THIS C.O.: \$ 543,770.30**



**CONSULTING SERVICES AGREEMENT**

CLIENT	City of York	Project Name	2018
Address	100 E. 4th Street	Concrete Preservation Project	
	PO Box 507	Change Order #1 Amendment for construction services	
	York, NE 68467	Adding Delaware Ave, 14 <sup>th</sup> Street and Division Ave.	
		Project Location City of York	
Telephone	402-363-2600		
Client Contact	Joe Frei	Consultant PM	Terry Brown
Client Job No.		Consultant Job No.	111734.00

This AGREEMENT is made by and between City of York, hereinafter called "CLIENT," and Alfred Benesch & Company, hereinafter called "CONSULTANT", for professional consulting services as specified herein. CONSULTANT agrees to provide CLIENT with requested consulting services more specifically described as follows d(or shown in Attachment A):  
This amendment will extend the construction services for the Concrete Preservation Change Order #1  
witht the addition of Delaware Ave, 14<sup>th</sup> Street and Division concrete panel replacement.

The GENERAL CONDITIONS and the following Attachments are hereby made a part of the AGREEMENT:

- Attachment A: Scope of Services and Fee Estimate
  - Attachment B: Schedule of Unit Rates
  - Attachment C: \_\_\_\_\_
- or
- Exhibit A: Work Authorizations specifying Method of Payment, Scope, and Fee

By signing this AGREEMENT, CLIENT acknowledges that it has read and fully understands this AGREEMENT and all attachments thereto. CLIENT further agrees to pay CONSULTANT for services described herein upon receipt of invoice by CLIENT for the CONSULTANT's estimated fee as described below:

- BY LUMP SUM: \$\_\_\_\_\_.
- BY TIME AND MATERIALS: \$36,960.
- BY OTHER PAYMENT METHOD (See Attachment A): \$\_\_\_\_\_.
- AS SHOWN ON SERIALLY NUMBERED WORK AUTHORIZATIONS USING EXHIBIT A

IN WITNESS WHEREOF, the parties hereto have made and executed this AGREEMENT:

**CLIENT**

**ALFRED BENESCH & COMPANY**

BY: \_\_\_\_\_  
 AUTHORIZED REPRESENTATIVE

BY: \_\_\_\_\_  
 AUTHORIZED REPRESENTATIVE

PRINT NAME: \_\_\_\_\_

PRINT NAME: Anthony Dirks, P.E.

TITLE: \_\_\_\_\_

TITLE: Sr. Vice President

DATE: \_\_\_\_\_, 2021

DATE: April, 2021

BENESCH OFFICE: Lincoln

ADDRESS: 825 M Street, Suite 100

Lincoln, NE 68508

**PLEASE SIGN AND RETURN ONE COPY TO ALFRED BENESCH & COMPANY (ADDRESS ABOVE).**



## STANDARD TERMS AND CONDITIONS

### SECTION 1 – Services by Consultant

#### 1.1 General

Consultant shall provide services under this Agreement only upon request of the Client, and only to the extent defined and required by the Client. These services may include the use of outside services, outside testing laboratories, and special equipment.

Attachments to this Agreement are as identified on the signature page to this Agreement or using serially numbered Work Authorizations, and with these GENERAL CONDITIONS, are all as attached hereto, and made a part of this Agreement.

#### 1.2 Scope of Services and Fees

The services to be performed by Consultant and the associated fee are attached hereto and made a part of this Agreement or by using serially numbered Work Authorizations, all as identified on the signature page to this Agreement, and shall be performed by the Consultant in accordance with the Client's requirements. The Scope of Services and Fee Estimate (Attachment A) is valid for sixty (60) days, after which Consultant reserves the right to revise the Scope or Fee Estimate.

It is mutually understood that Consultant's fee is not a firm contractual amount, except the total fee by the Consultant shall not be exceeded unless authorized in writing by the Client. The intent of the Scope of Services is to identify the services to be provided by Consultant. However, it is specifically understood that by written notice to Consultant, Client can decrease or, with concurrence of Consultant, increase the Scope of Services.

### SECTION 2 – Payments to Consultant

#### 2.1 Method of Payment

Payment for Consultant's personnel services and direct expenses shall be based on the Method of Payment which is identified on the signature page to this Agreement or serially numbered Work Authorizations, attached hereto, and made a part of this Agreement.

#### 2.2 Payment for Personnel Services

##### 2.2.1 Payment

Payment for the services rendered by Consultant's personnel shall be based on the hours of chargeable time and in accordance with Consultant's Schedule of Unit Rates, which is identified on the signature page to this Agreement and attached hereto, and made a part of this Agreement.

##### 2.2.2 Chargeable Time

Chargeable time for Consultant's personnel is that portion of their time devoted to providing services requested by Client. Chargeable time for field personnel located away from Consultant's office for more than one week is a minimum of eight hours per day and five days per calendar week, except for federally declared legal holidays or during an employee's sick leave or vacation time. Travel time from

Consultant's office to an assigned work site, and return to Consultant's office, is chargeable time; or if more economical for Client, Consultant shall lodge its personnel overnight near the work site in lieu of traveling back to Consultant's office at the end of each work day.

##### 2.2.3 Overtime Rates

The basis for payment to Consultant for each hour worked in excess of forty (40) hours in any calendar week shall be the applicable hourly rate as specified in the Schedule of Unit Rates.

#### 2.3 Payment for Direct Expenses

##### 2.3.1 Payment

For Direct Expenses incurred by Consultant, payment to Consultant by the Client shall be in accordance with Consultant's Schedule of Unit Rates.

##### 2.3.2 Direct Expenses

For the purposes of this Agreement, Direct Expenses to be contracted and managed by Consultant and payable by Client to Consultant shall include: Outside Services including the services and reimbursable expenses for firms other than Consultant which are necessary for the work the Consultant is directed to perform; Laboratory Tests and related reports necessary for the work the Consultant is directed to perform, either by the Consultant or by an outside service for the Consultant; Special Equipment expenses including the costs of the Consultant locating, acquiring, leasing, or renting any equipment or facilities not currently owned, leased, or rented by Consultant at the time of the request for services which are necessary to enable Consultant to provide the services requested; vehicles furnished by Consultant for Consultant's authorized travels and for Consultant's field personnel; Per Diem expense or actual costs of maintaining Consultant's field personnel on or near the Project site, for each day of field assignment away from Consultant's office; and Other Direct Expenses associated with all services provided hereunder and identified in the Schedule of Unit Rates.

#### 2.4 Payment Conditions

2.4.1 Consultant shall submit monthly invoices for all personnel services and direct expenses under this Agreement and a final invoice upon completion of services.

2.4.2 Invoices are due and payable upon receipt by Client. Interest at a rate of 1.5% per month, or the maximum allowed by law, will be charged on all past due amounts starting thirty (30) days after date of invoice. Payments will first be credited to interest and then to principal.

2.4.3 In the event of a disputed or contested invoice, Client must provide written notice to Consultant within ten (10) days of the date of any invoice, otherwise the invoice will be considered to be correct. In the event Client timely submits in writing a dispute on a particular invoice, only that portion so contested will be withheld from payment and the Client will pay the undisputed portion. No interest will accrue on any reasonably contested portion of the invoice until mutually resolved.

**2.4.4** If Client fails to make payment in full to Consultant within sixty (60) days after the date of the undisputed invoice, Consultant may, after giving seven (7) days' written notice to Client, suspend services under this Agreement until paid in full, including interest. Consultant shall have no liability to Client for delays or damages caused by such suspension of services. Client agrees to pay all costs of collection, including reasonable attorney's fees, incurred by Consultant as a result of Client's failure to make payments in accordance with this Agreement. No final plans, documents or reports will be released for any purpose until Consultant has been paid in full.

**2.4.5** The billing rates specified in the Schedule of Unit Rates for subsequent years shall be adjusted annually in accordance with Consultant's costs of doing business, subject to Client's review and concurrence.

## **SECTION 3 - Term of Agreement**

### **3.1 Term**

Consultant's obligations to perform under this Agreement shall extend from the date of execution until terminated by either party.

### **3.2 Abandonment of Work**

Client shall have the absolute right to abandon any work requested hereunder or to change the general scope of the work at any time, and such action on its part shall in no event be deemed a breach of contract.

### **3.3 Termination of Agreement**

#### **3.3.1 Termination with Cause**

The obligation to provide further services under this Agreement may be terminated with cause by either party by written notice stating the basis for the termination and providing 7 days to cure. The termination will be effective seven (7) days after delivery of written notice thereof if the basis for the termination has not been cured. In the event of termination by Consultant caused by failure of the Client to perform in accordance with the terms of this Agreement, Client shall pay for all services performed prior to the effective date of the termination, including all project termination expenses, collection fees and legal expenses. Consultant shall prepare a progress report, including information as to all the services performed by Consultant and the status of the services as of the date of the termination, and provide information and documents developed under the terms of this Agreement to the Client upon receipt of final payment. In the event of termination by the Client caused by failure by Consultant to perform in accordance with the terms of this Agreement, Consultant shall prepare a progress report, including information as to all the services performed by Consultant and the status of the services as of the date of the termination and provide information and documents developed under the terms of this Agreement to the Client. Upon receipt of all other information and documents, Client shall pay Consultant for services performed prior to the effective date of the termination.

#### **3.3.2 Termination without Cause**

Either party may, at its sole discretion, terminate this Agreement without cause at any time. In the event of such

termination, the terminating party will promptly notify and confirm the termination in writing to the other party. The termination will be effective seven (7) days after delivery of written notice thereof. Upon termination, Consultant shall prepare a progress report, including information as to all the services performed by Consultant and the status of the services as of the date of the termination, and provide information and documents developed under the terms of this Agreement to the Client upon receipt of final payment.

### **3.4 Payment for Work Upon Abandonment or Agreement Termination**

If Client abandons requested work or terminates this Agreement, Consultant shall be paid on the basis of work completed to the date of abandonment or effective date of termination. Consultant shall perform no activities other than reasonable wrap-up activities after receipt of notice of abandonment or termination. Payment for the work shall be as established under Section II.

## **SECTION 4 - General Considerations**

### **4.1 Assignment and Responsibility for Personnel**

**4.1.1** The assignment of personnel and all phases of the undertaking of the services which Consultant shall provide hereunder shall be subject to the oversight and general guidance of Client.

**4.1.2** While upon the premises of Client or property under its control, all employees, agents, and subconsultants of Consultant shall be subject to Client's rules and regulations respecting its property and the conduct of its employees thereon.

**4.1.3** However, it is understood and agreed that in the performance of the work and obligations hereunder, Consultant shall be and remain an independent Consultant and that the employees, agents or subconsultants of Consultant shall not be considered employees of or subject to the direction and control of Client. Consultant shall be responsible for the supervision and performance of all subconsultants which are to perform hereunder.

### **4.2 Insurance**

**4.2.1** Consultant shall furnish Client a certificate of insurance upon request showing amounts and types of insurance carried by Consultant, which certificate shall contain a commitment by the Insurance Company that during the time any work is being performed by Consultant under this Agreement it will give Client notice of cancellation or non-renewal of the insurance coverage shown on such certificates in accordance with policy provisions.

**4.2.2** Any construction contracts relative to Consultant's Services shall require that the Client and Consultant be included as additional insureds on the contractor's and contractor's subcontractors' commercial general liability and commercial automobile liability insurance policies and that the coverage afforded Client and Consultant is primary to any insurance maintained by Client or Consultant and that Client and Consultant's insurance is non-contributory with any coverage afforded by contractor and subcontractors. Client will also require contractor and all subcontractors to purchase and maintain workers' compensation and employer's liability insurance. Consultant will name the Client as additional insured on

Consultant's commercial general liability insurance.

### **4.3 Successors and Assigns**

**4.3.1** Client and Consultant each binds itself and its partners, successors, executors, administrators, assigns, and legal representatives to the other party to this Agreement and to the partners, successors, executors, administrators, assigns, and legal representatives of such other party, in respect to all covenants, agreements, and obligations of this Agreement.

**4.3.2** Neither Consultant nor Client shall assign or transfer any rights under or interest in (including, but without limitation, moneys that may become due or moneys that are due) this Agreement without the written consent of the other party, except as stated in paragraph 4.3.1 and except to the extent that the effect of this limitation may be restricted by law. Unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under this Agreement. Nothing contained in this paragraph shall prevent Consultant from employing such independent consultants, associates, and subconsultants as it may deem appropriate to assist in the performance of services hereunder.

**4.3.3** Nothing herein shall be construed to give any rights or benefits hereunder to any one other than Client and Consultant except as otherwise provided herein.

### **4.4 Compliance with Law**

**4.4.1** Consultant shall exercise the professional standard of care to comply with, and cause its subconsultants to comply with, applicable Federal, state, and local laws, orders, rules, and regulations in effect at the time services are rendered, and relating to the performance of the services Consultant is to perform under this Agreement. If the Scope of Services requires Consultant to prepare an application for a permit, Consultant does not represent or warrant that said permit or approval will be issued by any governmental body.

**4.4.2** Neither the Consultant nor the Consultant's agents or employees shall discriminate against any employee or applicant for employment to be employed in the performance of this Agreement with respect to hiring, tenure, terms, conditions, or privileges of employment, because of race, color, religion, sex, or national origin.

### **4.5 Ownership and Reuse of Documents**

**4.5.1** All drawings, specifications, test reports, and other materials and work products which have been prepared or furnished by Client prior to this Agreement shall remain Client's property. Consultant shall be permitted to rely on Client furnished documents and Client shall make available to Consultant copies of these materials as necessary for the Consultant to perform the services requested hereunder.

**4.5.2** All drawings, specifications, test reports, and other materials and work products, including computer aided drawings, designs, and other data filed on electronic media which will be prepared or furnished by Consultant (and Consultant's independent professional associates and subconsultants) under this Agreement, are instruments of service in respect to the Project and Consultant shall retain

an ownership and property interest therein whether or not the Project is completed. Client may make and retain copies for information and reference in connection with the use and the occupancy of the Project by Client and others; however, such documents are not intended or represented to be suitable for reuse by Client or others acting on behalf of Client on extensions of the Project or on any other project. Further, Consultant makes no warranty as to the compatibility of computer data files with computer software and software releases other than that used by Consultant in performing services herein, and to the condition or availability of the computer data after an acceptance period of thirty (30) days from delivery to Client. Any reuse without written verification or adaptation by Consultant for the specific purpose intended will be at Client's sole risk and without liability or legal exposure to Consultant or to Consultant's independent professional associates or subconsultants, and Client shall indemnify and hold harmless Consultant and Consultant's independent professional associates and subconsultants from all claims, damages, losses, and expenses including attorneys' fees arising out of or resulting therefrom. Any such verification or adaptation will entitle Consultant to further compensation at rates to be agreed upon by Client and Consultant.

### **4.6 Consultant's Personnel at Project Site**

**4.6.1** The presence or duties of the Consultant personnel at a Project site, whether as onsite representatives or otherwise, do not make the Consultant or its personnel in any way responsible for those duties that belong to the Client and/or the construction contractors or other entities, and do not relieve the construction contractors or any other entity of their obligations, duties, and responsibilities, including, but not limited to, all construction methods, means, techniques, sequences, and procedures necessary for coordinating and completing all portions of the construction work in accordance with the project documents and any health or safety precautions required by such construction work. The Consultant and its personnel have no authority to exercise any control over any construction contractor or other entity or their employees in connection with their work or any health or safety precautions and have no duty for inspecting, noting, observing, correcting, or reporting on health or safety deficiencies of the construction contractor or other entity or any other persons at the site except Consultant's own personnel.

**4.6.2** To the extent Consultant's Scope of Work includes construction observation, the Consultant shall keep the Owner reasonably informed about the progress and quality of the portion of the Work completed, and report to the Owner (1) known deviations from the Contract Documents and from the most recent construction schedule submitted by the Contractor, and (2) defects and deficiencies observed in the Work. Consultant neither guarantees the performance of the contractor(s) nor assumes responsibility for contractor(s)' failure to perform their work in accordance with the project documents.

### **4.7 Opinions of Cost, Financial Considerations, and Schedules**

In providing opinions of cost, financial analyses, economic

feasibility projections, and schedules for the Project, the Consultant has no control over the cost of labor, materials, equipment, or services furnished by others, or over the Contractor(s)' methods of determining prices, or over competitive bidding or market conditions. Consultant's opinions of probable Total Project Costs and Construction Costs provided for herein as appropriate are made on the basis of Consultant's experience and qualifications and represent Consultant's judgments as an experienced and qualified professional consultant familiar with the construction industry. Consultant makes no warranty that the Client's actual Total Project or Construction Costs, financial aspects, economic feasibility, or schedules will not vary from the Consultant's opinions, analyses, projections, or estimates. If Client wishes greater assurance as to any element of the Total Project or Construction cost, feasibility, or schedule, Client will employ an independent cost estimator, contractor, or other appropriate advisor.

#### **4.8 Discovery of Unanticipated Pollutant and Hazardous Substance Risks**

**4.8.1** If Consultant, while performing the services, discovers pollutants and/or hazardous substances that pose unanticipated risks, it is hereby agreed that the scope of services, schedule, and the estimated cost of Consultant's services will be reconsidered and that this Agreement shall immediately become subject to renegotiation or termination.

**4.8.2** In the event that the Agreement is terminated because of the discovery of pollutants and/or hazardous substances posing unanticipated risks, it is agreed that Consultant shall be paid for its total charges for labor performed and reimbursable charges incurred to the date of termination of this Agreement, including, if necessary, any additional labor or reimbursable charges incurred in demobilizing.

**4.8.3** Client also agrees that the discovery of unanticipated pollutants and/or hazardous substances may make it necessary for Consultant to take immediate measures to protect health and safety. Consultant agrees to notify Client as soon as practically possible should unanticipated pollutants and/or hazardous substances be suspected or encountered. Client authorizes Consultant to take measures that in Consultant's sole judgment are justified to preserve and protect the health and safety of Consultant's personnel and the public. Client agrees to compensate Consultant for the additional cost of taking such additional precautionary measures to protect employees' and the public's health and safety. This section is not intended to impose upon Consultant any duties or obligations other than those imposed by law.

### **SECTION 5 - Professional Responsibility**

#### **5.1 Performance of Services**

Consultant shall perform its services consistent with the professional skill and care ordinarily provided by firms practicing in the same or similar locality under the same or similar circumstances (hereinafter the "Standard of Care"). Consultant expressly disclaims all express or implied warranties and guarantees with respect to the performance of professional services, and it is agreed that the quality of

such services shall be judged solely as to whether the services were performed consistent with the Standard of Care. Consultant owes Client only that level of performance defined in this Section 5.1, and nothing herein shall be construed as creating a fiduciary relationship.

If at any time prior to construction Client believes Consultant's services are deficient due to not meeting the Standard of Care, Client must immediately inform Consultant in writing and shall afford Consultant the opportunity to correct such deficiency. If, upon review by Consultant it is determined the deficiency is attributable to Consultant, the deficiency shall be corrected at no additional cost to Client.

#### **5.2 Limitation of Liability**

Client and Consultant agree to allocate certain of the risks so that, to the fullest extent permitted by law, Consultant's total liability to Client is limited to the amount paid under the contract or \$50,000 whichever is greater, this being the Client's sole and exclusive remedy for any and all injuries, damages, claims, losses, expenses, or claim expenses (including attorney's fees) arising out of this Agreement from any cause or causes. Such causes include, but are not limited to, Consultant's negligence, errors, omissions, strict liability, breach of contract, or breach of warranty.

#### **5.3 No Special or Consequential Damages**

Client and Consultant agree that to the fullest extent permitted by law neither party shall be liable to the other for any special, indirect, or consequential damages whatsoever, whether caused by either party's negligence, errors, omissions, strict liability, breach of contract, breach of warranty, or other cause or causes.

#### **5.4 Indemnification**

To the fullest extent permitted by law, Client and Consultant mutually agree to indemnify and hold each other harmless from and against any and all claims, damages, losses and expenses, defense costs including reasonable attorneys' fees, and court or arbitration costs and other liabilities arising from their own negligent acts, errors or omissions in performance of their services under this Agreement, but only to the extent caused that each party is responsible for such damages, liabilities and costs on a comparative basis of fault.

#### **5.5 No Third Party Beneficiaries**

Client and Consultant expressly agree that Agreement does not confer upon any third party any rights as beneficiary to this Agreement. Consultant accepts no responsibility for damages, if any, suffered by any third party as the result of a third party's use of the work product, including reliance, decisions, or any other action taken based upon it.

Client agrees that Consultant's services and work products are for the exclusive present use of Client. Client agrees that Consultant's compliance with any request by Client to address or otherwise release any portion of the work product to a third party shall not modify, rescind, waive, or otherwise alter provisions of this Agreement nor does it create or confer any third party beneficiary rights on any

third party.

## **SECTION 6 - Miscellaneous Provisions**

### **6.1 Notices**

Any notice to either party herein shall be in writing and shall be served either personally or by registered or certified mail addressed to the signing party shown on the signature page.

### **6.2 Joint Preparation**

For purposes of contract interpretation and for the purpose of resolving any ambiguity in this Agreement, the parties agree that this Agreement was prepared jointly by them and/or their respective attorneys.

### **6.3 Headings**

Headings used in this Agreement are for the convenience of reference only and shall not affect the construction of this Agreement

### **6.4 Severability**

If any of the provisions contained in this Agreement are held for any reason to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability will not affect any other provision, and this Agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.

### **6.5 Dispute Resolution**

If negotiation in good faith fails to resolve a dispute within thirty (30) days of written notice of the dispute by either party, then the parties agree that each dispute, claim or controversy arising from or related to this Agreement or the relationships which result from this AGREEMENT shall be subject to mediation as a condition precedent to initiating legal or equitable actions by either party. Unless the parties agree otherwise, the mediation shall be in accordance with the Commercial Mediation Procedures of the American Arbitration Association then currently in effect. A request for mediation shall be filed in writing with the American Arbitration Association and the other party. No legal or equitable action may be instituted for a period of ninety (90) days from the filing of the request for mediation unless a longer period of time is provided by agreement of the parties. Cost of mediation shall be shared equally between the parties and shall be held in a location mutually agreed upon by the parties. The parties shall memorialize any agreement resulting from the mediation in a mediated settlement agreement, which agreement shall be enforceable as a settlement in any court having jurisdiction thereof.

During the pendency of any dispute, the parties shall continue diligently to fulfill their respective obligations hereunder. Any dispute not resolved through mediation shall be subject to litigation in a court of competent jurisdiction in the state in which the project is located.

### **6.6 Equal Opportunity**

Consultant will, in the performance of this Agreement, comply with federal, state, and local laws, and all

regulations and orders issued under any applicable law related to equal employment opportunity, non-discrimination, or employment generally.

Consultant certifies that it will not knowingly employ or contract with a non-legal resident of the United States to perform work under this Agreement, and verifies or attempts to verify employee eligibility of its employees through participation in the U.S. Department of Homeland Security and Social Security Administration's E-Verify system.

### **6.7 Governing Law**

This Agreement is to be governed by the laws of the jurisdiction in which the project is located. For locations outside of the United States, this Agreement shall be governed by the laws of the State of Illinois.

### **6.8 Entire Agreement**

This Agreement, along with those documents specified, attached, or hereby cited together, and serially numbered Work Authorizations if used, constitute the entire Agreement between the parties hereto and no changes, modifications, extensions, terminations, or waivers of this agreement, or other documents, or any of the provisions herein, or therein contained, shall be valid unless made in writing and signed by duly authorized representatives of both parties.

## **SUPPLEMENTAL CONDITIONS FOR SURVEY, ENVIRONMENTAL OR GEOTECHNICAL SERVICES**

**Supplemental Condition is incorporated herein when the applicable box is checked.**

**S.1 Location of Underground Utilities**

It shall be the Client's responsibility to locate and physically mark all underground utilities and structures which lie within the work area prior to the start of subsurface investigations. If the Client elects not to assume this responsibility, Client shall notify Consultant and shall compensate Consultant for all costs associated with locating and physically marking said underground utilities and structures over and above the estimated project fee. Client shall indemnify and hold Consultant harmless from any damages and delays resulting from unmarked or improperly marked underground utilities and structures. For reasons of safety, Consultant will not begin work until this has been accomplished.

**S.2 Subsurface Investigations**

In soils, foundation, groundwater, and other subsurface investigations, the actual characteristics might vary significantly between successive test points and sample intervals and at locations other than where observations, exploration, and investigations have been made. Because of the inherent uncertainties in subsurface evaluations, changed or unanticipated underground conditions may occur that could affect Project cost and/or execution. These conditions and cost/execution effects are not the responsibility of the Consultant.

**S.3 Disposition of Samples and Equipment**

**S.3.1 Disposition of Samples**

No samples and/or materials will be kept by Consultant

longer than thirty (30) days after submission of the final report unless agreed otherwise.

**S.3.2 Hazardous or Potentially Hazardous Samples and Materials**

In the event that samples and/or materials contain or are suspected to contain substances or constituents hazardous or detrimental to health, safety, or the environment as defined by federal, state, or local statutes, regulations, or ordinances, Consultant will, after completion of testing, return such samples and materials to Client, or have the samples and materials disposed of in accordance with Client's directions and all applicable laws. Client agrees to pay all costs associated with the storage, transportation, and disposal of samples and materials. Client recognizes and agrees that Consultant at no time assumes title to said samples and materials, and shall have no responsibility as a handler, generator, operator, transporter, or disposer of said samples and materials.

**S.3.3 Contaminated Equipment**

All laboratory and field equipment contaminated in Consultant's performance of services will be cleaned at Client's expense. Contaminated consumables will be disposed of and replaced at Client's expense. Equipment (including tools) which cannot be reasonably decontaminated shall become the property and responsibility of Client. At Client's expense, such equipment shall be delivered to Client, or disposed of in the same manner specified in S.3.2 above. Client agrees to pay Consultant the fair market value of any such equipment which cannot reasonably be decontaminated and is delivered to Client pursuant to this Agreement.

# EXHIBIT A

## Scope of Services

### CITY OF YORK 2018 CONCRETE PRESEVATION PROJECT AMENDMENT FOR CHANGE ORDER #1 CONSTRUCTION OBSERVATION AND TESTING FOR 2021

#### Adding Delaware Avenue, 14<sup>th</sup> Street, and Division Avenue

#### **TASK 1. Construction Phase**

- a. *Attend Construction Meeting*
- b. *Answer Design Questions*
- c. *Construction Observation (part time) (assumed 2.5 day per week for up to 4 month of construction)*
- d. *Construction Testing as needed (Assumed at least on set of concrete cylinders per week).*

#### **City Responsibilities**

The City of York will supply the following information:

- Bench marks and horizontal control points
- Right-of-entry to private property
- Assist with traffic control when needed (Contractors responsibility)
- Ownership information if right-of-way or easements are required



**2020 EMPLOYMENT CLASSIFICATION AND RATE SCHEDULE**

<b><u>CLASSIFICATION</u></b>	<b><u>BILLABLE RATE</u></b>
Project Manager I	\$152.00
Project Manager II	\$175.00
Senior Project Manager	\$190.00
Project Principal	\$246.00
Project Engineer I	\$123.00
Project Engineer II	\$135.00
Senior Project Engineer	\$160.00
Construction Representative I	\$80.00
Construction Representative II	\$97.00
Construction Representative III	\$120.00
Inspector I	\$72.00
Inspector II	\$80.00
Inspector III	\$88.00
Designer I	\$105.00
Designer II	\$116.00
Technologist I	\$68.00
Technologist II	\$80.00
Senior Technologist	\$120.00
Technical Specialist I	\$97.00
Technical Specialist II	\$120.00
Senior Technical Specialist	\$135.00
Intern	\$65.00
Field/Lab Technician I	\$59.00
Field/Lab Technician II	\$68.00
Field/Lab Technician III	\$80.00
Senior Field/Lab Technician	\$97.00
Instrument Operator	\$65.00
Party Chief	\$95.00
Surveyor (RLS)	\$104.00
Senior Surveyor (RLS)	\$140.00
Scientist I	\$68.00
Scientist II	\$80.00

Project Scientist I (Environmental)	\$97.00
Project Scientist II (Environmental)	\$120.00
Project Scientist III (Environmental)	\$127.00
Senior Project Scientist	\$143.00
Project Scientist I (Geotechnical)	\$80.00
Project Scientist II (Geotechnical)	\$88.00
Marketing Assistant	\$59.00
Marketing Coordinator	\$80.00
Marketing Manager	\$120.00
Office Assistant	\$59.00
Project Assistant I	\$59.00
Project Assistant II	\$70.00
Division Administrative Assistant I	\$59.00
Division Administrative Assistant II	\$68.00

MEMORANDUM

Date: April 12, 2021

From: Joseph Frei, City Administrator

To: Mayor, Council members

Subject: Purchase of Motor Grader

**RECOMMENDATION:** Purchase a CAT Model 120 Motor Grader for \$188,875. This model is the preferred motor grader by the City's Street crew, as it has a Joy-stick steering versus the steering wheel model which sells for \$171,075. (Both models include the trade in allowance of \$42,825.)

**BACKGROUND:** The City will trade in a 1991 Cat 12G which shows 10,486 hours that is in need of repair. The City purchased this used road grader in 1994.

Generally, the private industry and county governments utilize larger road graders with 16-foot blades with extensions, more horsepower and just bigger and bulkier. The units that cities generally utilize are more light-weight, shorter, and narrower to navigate alley and city streets.

The trend in skid loaders, and motor graders are with joy stick steering for controlling operations. The City already have skid loaders with such joy sticks and ease of operations is again preferred by most of the City crews.

**FISCAL IMPACT:** The road grader is a budgeted item with \$50,000 in this year's Street budget, anticipating that the City would budget / pay for a road grader over the next number of years (depending how much is placed in future years' budgets).

Staff obtained quotes for a road grader as follow:

- Murphy Tractor & Equipment, - Grand Island, NE
  - 2020 John Deere 622G trade-in \$34,000 Net \$232,780.
    - All-wheel drive joystick, scarifier
  - 2021 J.D. 620G joystick trade-in \$34,000 Net \$207,100

- NMC CAT, Lincoln, NE
  - CAT 120                      trade-in \$42,825                      Net \$188,875
    - Joystick, supply of filters when needed, \$7,000 parts credit
  - CAT 120                      trade-in \$42,825                      Net \$171,075
    - Lever / steering wheel, parts credit \$5,000

Please note that there is a \$17,800 difference between the CAT model 120 with the joystick steering that the Staff desire.

**ALTERNATIVES:** (1) The City could not purchase any new road grader and continue to look for used equipment that is of unknown condition.

(2) Purchase the Cat 120 with the Lever / steering wheel for \$171,075

**CONCURRENCE:**

\_\_\_\_\_  
Allen Snider Park Foreman

\_\_\_\_\_  
Caleb Hetrick mechanic