

MINUTES OF THE REGULAR CITY COUNCIL MEETING  
December 17, 2019; 5:30 p.m.

CALL TO ORDER

Invocation was given by Brent Montgomery and the pledge of allegiance was recited.

A regular meeting of the Council of the City of North Platte, Nebraska was convened in open and public session at 5:30 p.m. in the City Hall Council Chambers at 211 West 3rd Street. Present were Nisley, Backenstose, Petersen, Lucas, Lee, Rieker, Ostendorf. Carman was absent. Mayor Dwight Livingston presided and City Clerk Angela Gilbert recorded the proceedings.

Mayor Livingston stated that a current copy of the Open Meetings Act of Nebraska is posted on the wall at the back of the Council Chambers.

Notice of the meeting was given in advance thereof by posting in three public places in the City as follows: North Platte Public Library, Lincoln County Courthouse, City Hall, the designated method for giving notice (certificate of posting), being attached to these minutes. Proceedings hereafter shown were taken while the meeting was open to the attendance of the public.

CONSENT AGENDA

Lee moved and Petersen seconded the motion to approve the Consent Agenda as follows:

1. Approve minutes of work session on December 2 and regular meeting on December 3, 2019.
2. Approve application by Fraternal Order of Eagles 2839 for a Special Designated License on March 27, 2020 from 11:00 a.m. to 1:00 a.m., on March 28, 2020 from 8:00 a.m. to 8:00 p.m. and March 29, 2020 from 12:00 p.m. to 8:00 p.m. at D&N Event Center, 501 East Walker Road for the Eagles State Pool Tournament.

Roll call vote: "AYE": Nisley, Backenstose, Petersen, Lucas, Lee, Rieker, Ostendorf. "NAY": None. "ABSENT": Carman.  
Motion carried.

ITEM #3  
ORD 4020 ON 2<sup>ND</sup>  
READING

Mayor Livingston instructed Ordinance No. 4020 amending §130.040, §130.041 and §130.042 of the Code of Ordinances of the City of North Platte to provide for the regulation of electronic nicotine delivery systems and alternative nicotine products to be read on its second reading. Lee moved and Petersen seconded the motion to approve Ordinance No. 4020 on its second reading.

Roll call vote: "AYE": Nisley, Backenstose, Petersen, Lucas, Lee, Rieker, Ostendorf. "NAY": None. "ABSENT": Carman. Motion carried.

ITEM #4  
ORD 4016 ON 3<sup>RD</sup>  
READING

Mayor Livingston instructed Ordinance No. 4016 adding Title XI, Chapter 118 to the Municipal Code of the City of North Platte, relating to the regulation of cable television systems, cable television franchises, use of City right-of-way by cable television providers, and repealing current Cable Ordinance No. 2879 to be read on its third reading. Lee moved and Petersen seconded the motion to approve Ordinance No. 4013 on its third reading. Roll call vote: "AYE": Nisley, Backenstose, Petersen, Lucas, Lee, Rieker, Ostendorf. "NAY": None. "ABSENT": Carman. Motion carried.

ITEM #5  
ORD 4024 ON 1<sup>ST</sup>  
READING

Lee moved that the rule requiring Ordinance No. 4024 amending Section 94.020 of the Municipal Code of the City of North Platte to adopt the International Fire Code, 2018 Edition to be read on three different dates be suspended. Petersen seconded the motion. Roll call vote: "AYE": Nisley, Backenstose, Petersen, Lee, Ostendorf. "NAY": Lucas, Rieker. "ABSENT": Carman. Motion failed.

Mayor Livingston instructed Ordinance No. 4024 to be read by title on its first reading. Lee moved and Petersen seconded the motion to approve Ordinance No. 4024 on its first reading. Roll call vote: "AYE": Nisley, Backenstose, Petersen, Lucas, Lee, Rieker, Ostendorf. "NAY": None. "ABSENT": Carman. Motion carried.

ITEM #6  
ORD 4022 ON 1<sup>ST</sup>  
READING

Mayor Livingston instructed Ordinance No. 4022 to create Street Improvement District No. 329 in Lakeview Boulevard from the intersection of West A Street to the intersection of West Front Street in the City of North Platte, Lincoln County, Nebraska to be read by title on its first reading. Lee moved and Petersen seconded the motion to approve Ordinance No. 4022 on its first reading. Roll call vote: "AYE": Nisley, Backenstose, Petersen, Lucas, Lee, Ostendorf. "NAY": Rieker. "ABSENT": Carman. Motion carried.

ITEM #7  
APPROVE ORD  
4023

Lee moved that the rule requiring Ordinance No. 4023 to create Water Connection District No. 21 in East 16<sup>th</sup> Street from the east right-of-way line of Bryan Avenue to the west right-of-way of Taft Avenue in the City of North Platte, Lincoln County, Nebraska to be read on three different dates be suspended.

Petersen seconded the motion. Roll call vote: "AYE": Nisley, Backenstose, Petersen, Lucas, Lee, Rieker, Ostendorf. "NAY": None. "ABSENT": Carman. Motion carried. Mayor Livingston instructed Ordinance No. 4023 to be read one time by title only. Roll call vote: "AYE": Nisley, Backenstose, Petersen, Lucas, Lee, Rieker, Ostendorf. "NAY": None. "ABSENT": Carman. Motion carried.

ITEM #8  
ISSUE WARRANT  
TO PAULSEN, INC.

Lee moved and Petersen seconded the motion to adopt Resolution approving claim and authorizing the issuance of a warrant to Paulsen, Inc. in the amount of \$117,957.42 to pay approved claim and referring to and incorporating the terms and conditions of Ordinance No. 3874 relating to warrant financing passed and approved on May 21, 2013. Roll call vote: "AYE": Nisley, Backenstose, Petersen, Lucas, Lee, Rieker, Ostendorf. "NAY": None. "ABSENT": Carman. Motion carried.

ITEM #9  
ELECT NISLEY  
AS COUNCIL  
PRESIDENT FOR  
2020

Petersen moved and Ostendorf seconded the motion to elect James Nisley as Council President for 2020. Roll call vote: "AYE": Backenstose, Petersen, Lucas, Lee, Rieker, Ostendorf. "NAY": None. "ABSTAIN": Nisley. "ABSENT": Carman. Motion carried.

ITEM #10  
CLAIMS

Petersen moved and Lee seconded the motion to approve the Claims. Roll call vote: "AYE": Nisley, Backenstose, Petersen, Lucas, Lee, Rieker, Ostendorf. "NAY": None. "ABSENT": Carman. Motion carried.

ADJOURN

Lee moved and Rieker seconded the motion to adjourn. Roll call vote: "AYE": Nisley, Backenstose, Petersen, Lucas, Lee, Rieker, Ostendorf. "NAY": None. "ABSENT": Carman. Motion carried.

Adjourned at 6:14 p.m.

  
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Angela Gilbert, City Clerk