

MINUTES OF THE REGULAR CITY COUNCIL MEETING  
December 3, 2019; 5:30 p.m.

CALL TO ORDER

Invocation was given by Chaplain Brenda Lee 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, Lee, Carman, Rieker, Ostendorf. Lucas 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 November 19, 2019.
2. Place on file ML&W reports for October 2019.
3. Place on file Treasurer's report for October 2019.
4. Approve application of Creativity Unlimited Arts Council dba Prairie Arts Center for an addition to their license at 416 North Jeffers Street.
5. Accept bids and award contract for Landfill Pastureland Grazing to Billy Wilson in the amount of \$8,600 per year for 2020, 2021 and 2022 and authorize the Mayor to sign all contracts.

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

ITEM #6  
AMENDMENT TO  
AGREEMENT  
WITH ABC  
RECYCLING

Lee moved and Petersen seconded the motion to authorize the Mayor to sign an amendment to the Recycling Agreement between the city of North Platte and ABC Recycling dated 09-19-17, changing Section 2: Pricing and Method of Payment

from varying rates of \$40.00 and \$47.50 per ton to a consistent rate of \$70.50 per ton for each of the materials listed, changing the term of the agreement to last up to four months and allowing for either party to terminate the agreement with a 30 day notice. Roll call vote: "AYE": Nisley, Backenstose, Petersen, Lee, Carman, Rieker, Ostendorf. "NAY": None. "ABSENT": Lucas. Motion carried.

ITEM #7  
ORD 4020 ON 1<sup>ST</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 by title on its first reading. Lee moved and Petersen seconded the motion to approve Ordinance No. 4020 on its first reading.

George Haws, Coordinator of Community Connections Tobacco Free Lincoln County Coalition, told the Council he is in favor of this Ordinance and said e-cigarettes can contain harmful substances in addition to nicotine and can cause long-term damage even though there is a misunderstanding that they only produce a harmless vapor.

Brook Baker, 821 Arrowhead Drive, told the Council the problem with the current Ordinance is the word use and not possession. He urged the Council to approve this updated Ordinance and said there are too many kids that do not understand the harm they are doing to themselves and if they have to go before a judge and not just get a suspension from school, it might deter them from vaping.

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

ITEM #8  
ORD 4016 ON 2<sup>ND</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 by title on its second reading. Lee moved and Petersen seconded the motion to approve Ordinance No. 4016 on its second reading. Roll call vote: "AYE": Nisley, Backenstose, Petersen, Lee, Carman, Rieker, Ostendorf. "NAY": None. "ABSENT": Lucas. Motion carried.

ITEM #9  
ORD 4017 ON 3<sup>RD</sup>  
READING

Mayor Livingston instructed Ordinance No. 4017 for an amendment to Sections 150.030, 150.031, 150.032, 150.034, 150.035 and 150.036 of the Municipal Code of the City of North Platte relating to adoption of the updated International Building Code, Mechanical Code, International Residential Code and International Fuel Gas Code to be read by title on its third reading. Lee moved and Petersen seconded the motion to approve Ordinance No. 4017 on its third reading. Roll call vote: "AYE": Nisley, Backenstose, Petersen, Lee, Carman, Rieker, Ostendorf. "NAY": None. "ABSENT": Lucas. Motion carried.

ITEM #10  
CLAIMS

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

ITEM #11  
GO INTO  
CLOSED  
SESSION

Lee moved and Petersen seconded the motion to go into Closed Session at 6:15 p.m. for the purpose of discussing personnel issues and job status of certain employees. Roll call vote: "AYE": Nisley, Backenstose, Petersen, Lee, Carman, Rieker, Ostendorf. "NAY": None. "ABSENT": Lucas. Motion carried.

MAYOR  
RESTATED  
PURPOSE

Mayor Livingston restated the purpose of the Closed Session is for discussing personnel issues and job status of certain employees.

RETURN TO  
REGULAR  
SESSION

Lee moved and Petersen seconded the motion to return to Regular Session at 6:50 p.m. Roll call vote: "AYE": Nisley, Backenstose, Petersen, Lee, Carman, Rieker, Ostendorf. "NAY": None. "ABSENT": Lucas. Motion carried.

ADJOURN

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

Adjourned at 6:50 p.m.



Angela Gilbert, City Clerk