

MINUTES OF THE REGULAR CITY COUNCIL MEETING  
March 17, 2020; 5:30 p.m.

CALL TO ORDER

Invocation was given by Jeremy Rinke 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 Dawn Miller, Director of Finance/Administration 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 March 3, 2020.
2. Place on file Treasurer's report for February 2020.
3. Send application of Bottle Shop of North Platte, LLC for a Catering License located at 514 South Jeffers Street to the Liquor Control Commission with no recommendation.
4. Accept Certificate of Completion and Schedule of Benefits for Sanitary Sewer Connection District No. 20 (Intersection of Fremont Drive and Willow Street, west 50'; then 314' north; then west to a point on the east right ROW line of Echo Drive and 1,315.87 feet south of the North 1/4 corner of 17-13-30 then west on the ROW line of Echo Drive and 1,346.87' south of the north line of Section 17; then west parallel with the north line of Section 17 to a point 80' west of the east line of Lot 1 Doctors Replat of Lots 2 & 3 of Doctors Sub.; then south and parallel to east and south line of Lots 1 of Doctors Replat, to a point on the east ROW line of South Buffalo

Bill Ave and 130' north of the south line of said Lot 1, Doctors Replat) and set Board of Equalization for April 7, 2020.

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

ITEM #5  
H&A CONTRACTS  
BEGINNING 04-01-20

Lee moved and Petersen seconded the motion to authorize Mayor to sign Health and Accident Contracts for the City's Self-Insuring Health and Accident Plan beginning April 1, 2020. Roll call vote: "AYE": Nisley, Backenstose, Petersen, Lucas, Lee, Rieker, Ostendorf. "NAY": None. "ABSENT": Carman. Motion carried.

ITEM #6  
ORD 4026 ON 1<sup>ST</sup>  
READING

Mayor Livingston declared a Public hearing to adopt Ordinance No. 4026 to vacate a 25' frontage road lying north of and adjacent to the north line of Lots 5 and 6, Block 3, Meadow Brook Estates, North Platte, Lincoln County, Nebraska (Proposed Twidwell First Replat).

No one appeared.

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

Mayor Livingston instructed Ordinance No. 4026 to be read by title on its first reading. Lee moved and Petersen seconded the motion to adopt Ordinance No. 4026 on its first reading. Roll call vote: "AYE": Nisley, Backenstose, Petersen, Lucas, Lee, Rieker, Ostendorf. "NAY": None. "ABSENT": Carman. Motion carried.

ITEM #7  
ORD 4027  
ON 1<sup>ST</sup> READING

Mayor Livingston declared a Public hearing to adopt Ordinance No. 4027 to rezone certain lands from an A-1 Transitional Agricultural District to an R-L Suburban Residential District located at 3301 South Bare Avenue described as Lots 5 and 6, Block 3, Meadow Brook Estates and the proposed 25' vacated frontage road lying north of and adjacent to the north line of said lots, North Platte, Lincoln County, Nebraska (Proposed Twidwell First Replat).

No one appeared.

Lee moved and Ostendorf seconded the motion to close the

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

Mayor Livingston instructed Ordinance No. 4027 to be read by title on its first reading. Lee moved and Lucas seconded the motion to approve Ordinance No. 4027 on its first reading. Roll call vote: "AYE": Nisley, Backenstose, Petersen, Lucas, Lee, Rieker, Ostendorf. "NAY": None. "ABSENT": Carman. Motion carried.

ITEM #8  
TWIDWELL 1<sup>ST</sup>  
REPLAT, 3301  
SOUTH BARE  
AVENUE

Lee moved and Petersen seconded the motion to adopt recommendation by the North Platte Planning Commission for preliminary and final approval of Twidwell First Replat located at 3301 South Bare Avenue. Roll call vote: "AYE": Nisley, Backenstose, Petersen, Lucas, Lee, Rieker, Ostendorf. "NAY": None. "ABSENT": Carman. Motion carried.

ITEM #9  
NEWBURN FUNDS  
FOR NEW NETTING  
AT DOWHOWER  
SOFTBALL  
COMPLEX

Lee moved and Petersen seconded the motion to authorize the Parks Department to use up to \$20,000 of Newburn funds for the concrete and miscellaneous material for the replacement of the netting at Dowhower Softball Complex with a 40' tall netting system on each of the five fields. Roll call vote: "AYE": Nisley, Backenstose, Petersen, Lucas, Lee, Rieker, Ostendorf. "NAY": None. "ABSENT": Carman. Motion carried.

ITEM #10  
PRECISION  
CONCRETE  
CUTTING FOR  
TRIP HAZARD  
REPAIR

Lee moved and Petersen seconded the motion to approve the Trip Hazard Repair Proposal from Precision Concrete Cutting for repairing and mitigating sidewalk tripping hazards at certain City Parks and Buildings in the amount of \$51,631 and authorize Mayor to sign all necessary documents and contracts. Roll call vote: "AYE": Nisley, Backenstose, Petersen, Lucas, Lee, Ostendorf. "NAY": Rieker. "ABSENT": Carman. Motion carried.

ITEM #11  
NMPP  
COST OF  
SERVICE/  
RATE  
DESIGN  
STUDIES

Lee moved and Petersen seconded the motion to accept proposal from Nebraska Municipal Power Pool (NMPP) to continue to provide Cost of Service and Rate Design Studies for the Electric, Water and Wastewater Departments and authorize Mayor to sign agreements. Roll call vote: "AYE": Nisley, Backenstose, Petersen, Lucas, Lee, Rieker, Ostendorf. "NAY": None. "ABSENT": Carman. Motion carried.

ITEM #12  
ORD 4028 ON 1<sup>ST</sup>

Mayor Livingston instructed Ordinance No. 4028 amending Section 110.01 of the Code of Ordinances of the City of North Platte to add an Occupation Tax on Class L Craft Brewery

Liquor Licenses (Brew Pubs) and deleting and updating outdated Occupation Tax Fees to be read by title on its first reading. Lee moved and Petersen seconded the motion to approve Ordinance No. 4028 on its first reading.

Lee moved and Lucas seconded the motion to amend \$500 to \$100 on the Occupation Tax portion to match Class C. Roll call vote: "AYE": Backenstose, Lucas, Lee. "NAY": Nisley, Petersen, Rieker, Ostendorf. "ABSENT": Carman. Motion failed 3-4.

Randall Skates, 608 South Belmont, told the Council that typically brewery's sell a premium product that is high in value. He also said \$400 should not make a big difference.

Roll call vote on main motion: "AYE": Nisley, Petersen, Lucas, Ostendorf. "NAY": Backenstose, Lee, Rieker. "ABSENT": Carman. Motion carried.

ITEM #13  
TABLE ORD 4029

Lee moved that the rule requiring Ordinance No. 4029 to create Water Extension District No. 265 including the south 150' of Lot 66 of Neville's Subdivision of Sections 34 and 27, Township North, Range 30 West of the 6<sup>th</sup> PM, except the east 140' of the south 42' thereof, and, the south 150' of the east 172' of Lot 65 of Neville's Subdivision of Section 34 and 27, Township 14 North, Range 30 West of the 6<sup>th</sup> P.M. and, the north 150' of Block 75 of Neville Subdivision Parcel Map of Tract B, and, the east 140' of the south 42' of Block 66 of Neville's Subdivision to North Platte, Nebraska, and, the north 150' of Lot 74 of Neville's Subdivision to 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": Backenstose, Petersen, Lee, Ostendorf. "NAY": Nisley, Lucas, Rieker. "ABSENT": Carman. Motion failed.

Tom Vedder, 1007 Roosevelt, told the Council he is opposed to the Water Extension District and asked if a Water Connection District is possible.

Tim Kelly, 1621 East 8<sup>th</sup> Street, and Cliff Reichenberg, Lot A, Block 75 owner, told the Council they have no need for City water.

Rieker moved and Petersen seconded the motion to table action on Ordinance No. 4029 and rewrite Water Extension District No. 265 as a Water Connection District and reconsider a previous

district. Roll call vote: "AYE": Nisley, Backenstose, Petersen, Rieker, Ostendorf. "NAY": Lucas, Lee. "ABSENT": Carman. Motion carried.

ITEM #14  
FIRST STATE  
BANK AS A  
WARRANT  
LENDER

Lee moved and Petersen seconded the motion to adopt Resolution providing for the designation of First State Bank as a warrant lender; authorizing the execution and delivery of a Warrant Purchase Agreement with such designated warrant lender and referring to and incorporating the terms and conditions of Ordinance No. 3874 relating to warrant financing. Roll call vote: "AYE": Nisley, Backenstose, Petersen, Lucas, Lee, Rieker, Ostendorf. "NAY": None. "ABSENT": Carman. Motion carried.

ITEM #15  
ISSUE  
WARRANTS  
TO THREE  
DIFFERENT  
VENDORS

Lee moved and Petersen seconded the motion to adopt Resolution approving claims and authorizing the issuance of a warrant to ATC Group Services LLC in the amount of \$443.75; two warrants to Midlands Contracting in the amounts of \$3,083.58 and \$2,084.17 and a warrant to Paulsen, Inc. in the amount of \$191,854.08 to pay approved claims 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 #16  
CLAIMS

Lee moved and Petersen 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

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

Adjourned at 6:32 p.m.

  
Angela Gilbert, City Clerk