

MINUTES OF THE REGULAR CITY COUNCIL MEETING  
April 7, 2020; 5:30 p.m.

CALL TO ORDER

Invocation was given by Andrew 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 and the City Hall Conference Room 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, recorded the proceedings.

Mayor Livingston stated that a current copy of the Open Meetings Act of Nebraska is posted on the wall in the Council Chambers and the Conference Room.

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. Removed from Consent Agenda.
2. Place on file ML&W report for February 2020.
3. Accept and place on file North Platte Fire Department Annual Report for 2019.
4. Send application of RCR Properties LLC dba City Discount Liquors for a Class D Liquor License (Beer, Wine & Distilled Spirits, Off Sale Only) located at 821 North Jeffers Street to the Liquor Control Commission with no recommendation.
5. Accept Certificate of Completion and Assessment Schedule for Water Extension District No. 263 Beginning at the existing water main on the 2000 block of West 18<sup>th</sup> Avenue thence west (approximately 255 feet) to the intersection of North Emory Avenue; thence south along North Emory Avenue (approximately 195 feet) to the

existing water main) and set Board of Equalization for April 21, 2020.

6. Accept Certificate of Completion and Assessment Schedule for Sanitary Sewer Extension District No. 348 (Along East 6<sup>th</sup> Street; starting at 1813 East 6<sup>th</sup> Street and continuing west approximately 475 feet) and set Board of Equalization for April 21, 2020.

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

"ABSENT": Carman. Motion carried.

ITEM #1  
MINUTES OF  
MARCH 17, 2020

Lee moved and Petersen seconded the motion to approve Minutes of Work Session and Regular Meeting on March 17, 2020.

Rieker told the Council he did not intend to vote "NAY" on Item No. 10 of the Regular Meeting Minutes and asked if he could change his vote to "AYE". Attorney Terry Waite told him he cannot change his vote but we would reflect the update in tonight's Minutes.

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

"ABSENT": Carman. Motion carried.

ITEM #7  
MEMORANDUM OF  
UNDERSTANDING  
WITH WEST  
CENTRAL DISTRICT  
HEALTH DEPT.

Shannon Vanderheiden, Executive Director of West Central District Health Department, explained that the Department is requesting that the City approve and authorize the Mayor to sign the Memo of Understanding. She indicated that this is being requested from all counties and communities they serve and the language was provided by attorneys at the State level and sent down to all Health Districts. She indicated that the City and West Central District Health Department already work in close partnership. She also said a very close partnership exists between the Governor's Office and the local Health Districts when a Health Directive needs to be issued at a local level.

Lucas moved and Rieker seconded the motion to table the Memorandum of Understanding for two weeks until the next City Council Meeting. Roll call vote: "AYE": Lucas, Lee, Rieker. "NAY": Nisley, Backenstose, Petersen, Ostendorf. "ABSENT": Carman. Motion failed 3-4.

Petersen moved and Nisley seconded the motion to approve the Memorandum of Understanding between the City of North Platte and West Central District Health Department and authorize the Mayor to sign the agreement. Roll call vote: "AYE": Nisley, Backenstose, Petersen, Ostendorf. "NAY": Lucas, Lee, Rieker. "ABSENT": Carman. Motion carried.

ITEM #8  
CONTRACT FOR  
ENGINEERING  
SERVICES WITH  
T. C. ENGINEERING

Lee moved and Backenstose seconded the motion to approve the Contract for Engineering Services between the City of North Platte and T. C. Engineering. Roll call vote: "AYE": Nisley, Backenstose, Petersen, Lucas, Lee, Rieker, Ostendorf. "NAY": None. "ABSENT": Carman. Motion carried.

ITEM #9  
ASSESS  
SANITARY  
SEWER  
CONNECTION 20

Mayor Livingston told the Council they were sitting as a Board of Equalization to approve 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).

No one appeared.

Lee moved and Petersen seconded the motion to assess Sanitary Sewer Connection District No. 20 as per the Schedule of Benefits. Roll call vote: "AYE": Nisley, Backenstose, Petersen, Lucas, Lee, Rieker, Ostendorf. "NAY": None. "ABSENT": Carman. Motion carried.

ITEM #10  
APPROVE ORD 4030

Lee moved that the rule requiring Ordinance No. 4030 to vacate a sewer line easement described as follows: An 8 foot wide sewer easement described in Book 56, of Miscellaneous, Page 522, that lays within Lot 1 of Kucera Administrative Subdivision within 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. 4030 to be read one time by title only. Lee moved and Petersen seconded the motion to approve Ordinance No. 4030. Roll call vote: "AYE": Nisley, Backenstose, Petersen, Lucas, Lee, Rieker, Ostendorf. "NAY": None. "ABSENT": Carman. Motion carried.

ITEM #11  
APPROVE ORD 4031

Lee moved that the rule requiring Ordinance No. 4031 to repeal Ordinance No. 4025 creating Water Extension District No. 264 to 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. 4031 to be read one time by title only. Lee moved and Petersen seconded the motion to approve Ordinance No. 4031. Roll call vote: "AYE": Nisley, Backenstose, Petersen, Lucas, Lee, Rieker, Ostendorf. "NAY": None. "ABSENT": Carman. Motion carried.

ITEM #12  
APPROVE ORD 4032

Lee moved that the rule requiring Ordinance No. 4032 to create Water Connection District No. 22 on East 10<sup>th</sup> Street from Roosevelt Avenue to the west lot line of Block 67 of Neville's Subdivision in the City of North Platte, Lincoln County, Nebraska to be read on three different dates be suspended. Rieker 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. 4032 to be read one time by title only. Nisley moved and Lee seconded the motion to approve Ordinance No. 4032. Roll call vote: "AYE": Nisley, Backenstose, Petersen, Rieker, Ostendorf. "NAY": Lucas, Lee. "ABSENT": Carman. Motion carried.

ITEM #13  
APPROVE ORD 4033

Lee moved that the rule requiring Ordinance No. 4033 to create Paving District No. 834 on Charlie Evans Drive

from 145 feet west of the west right-of-way of Buffalo Bill Avenue thence west and north to Scouts Rest Ranch Road in the City of North Platte, Lincoln County, Nebraska to be read on three different dates be suspended. Backenstose 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. 4033 to be read one time by title only. Lee moved and Backenstose seconded the motion to approve Ordinance No. 4033. Roll call vote: "AYE": Nisley, Backenstose, Petersen, Lucas, Lee, Rieker, Ostendorf. "NAY": None. "ABSENT": Carman. Motion carried.

ITEM #14  
ORD 4026 ON 2<sup>ND</sup>  
READING

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

ITEM #15  
ORD 4027 ON 2<sup>ND</sup>  
READING

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

ITEM #16  
APPROVE ORD 4028

Lee moved that the rule requiring 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 on three different dates be suspended. Lucas 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. 4028 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 #17  
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

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

Adjourned at 6:34 p.m.

  
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Angela Gilbert, City Clerk