

MINUTES OF THE REGULAR CITY COUNCIL MEETING  
October 6, 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 at 211 West 3rd Street. Present were Nisley, Backenstose, Petersen, Lucas, Lee, Ostendorf. Carman and Rieker were 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 and City Hall; the designated method for giving notice (Certificate of Posting) is 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 September 15, 2020.
2. Place on file Treasurer's report for August 2020.
3. Adopt Resolution for Signing of the Municipal Annual Certification of Program Compliance Form 2020 and authorize the Mayor to sign the Municipal Annual Certification of Program Compliance to Nebraska Board of Public Roads Classifications and Standards 2020.

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

ITEM #4  
QUALITY  
GROWTH FUNDS  
FOR WHITETAIL  
MANAGEMENT

Lee moved and Petersen seconded the motion to approve recommendation of the Quality Growth Fund LB840 Citizens Review Committee for a \$400,000 request of a performance based forgivable loan from Whitetail Management of North Platte, Nebraska for renovation work needed to attract new business into the recently purchased Parkade Plaza business complex in downtown North Platte.

Shae Caldwell, applicant, told the Council they do not see any issues with the terms and can make them work.

Lee moved and Petersen seconded the motion to amend the request pursuant to Administration's revisions to include:

The trigger for the loan drawdown to start will be an executed lease between Whitetail Management and a new tenant in one of the vacant spaces. At the time in which the new tenant is open for business, the three year loan timeline would begin. The drawdown may be in increments or its entirety, which shall be determined by Whitetail Management. If in increments, the loan terms would only apply to that portion withdrawn. The forgiveness portion of the loan will be determined by calculating twenty-five percent (25%) of any sales tax generated by any new tenants and twenty-five percent (25%) of any new payroll. Annual reports, to include documentation of the aforementioned, will be provided to the Quality Growth Fund Committee and City on the anniversary date of the loan's beginning. It will be considered a "0" percent (0%) loan until the three year timeline has expired. Any remaining portion of the loan amount not forgiven because performance standards were not met at the end of the three years will be paid back at three percent (3%) interest over ten (10) years. Roll call vote: "AYE": Nisley, Backenstose, Petersen, Lee, Ostendorf. "NAY": None. "ABSTAIN": Lucas. "ABSENT": Carman, Rieker. Motion carried.

Roll call vote on the main motion as amended: "AYE": Nisley, Backenstose, Petersen, Lee, Ostendorf. "NAY": None. "ABSTAIN": Lucas. "ABSENT": Carman, Rieker. Motion carried.

ITEM #5  
QUALITY  
GROWTH FUNDS  
FOR MCNEW'S  
UNLIMITED LLC

Lee moved and Ostendorf seconded the motion to approve the recommendation of the Quality Growth Fund LB840 Citizens Review Committee for a \$95,000.00 small business loan set at three percent (3%) interest over 10 years for McNew's Unlimited LLC for the expansion of its golf cart sales, repair and service business at its new 2424 East 4<sup>th</sup> Street location, as part of the Small Business Loan provision in the Quality Growth Fund program. Roll call vote: "AYE": Nisley, Backenstose, Petersen, Lucas, Lee, Ostendorf. "NAY": None. "ABSENT": Carman, Rieker. Motion carried.

ITEM #6  
CONDITIONAL USE  
PERMIT, 3302

Mayor Livingston declared a Public hearing on recommendation by the North Platte Planning Commission for approval of a

SOUTH WILLOW

Conditional Use Permit to allow a contractor's office with storage and mini-warehouse in a B-2 Highway Commercial District located at 3302 South Willow Street on property described as Lot 1 Rookstool Administrative Subdivision, North Platte, Nebraska.

Justin Rookstool, applicant, told the Council he is not going to have a lot of equipment on the property and plans to put up a chain-link fence and do some landscaping in addition to a retention pond.

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

Lee moved and Lucas seconded the motion to find the request for a Conditional Use Permit to allow a contractor's office with storage and mini-warehouse in a B-2 Highway Commercial District located at 3302 South Willow Street meets the minimum standards stated in the North Platte Code of Ordinances Section 156-322 and approve and grant the Conditional Use Permit requested with the condition that all elements of the application are complied with based on the following factual findings:

1. The use shall conform to all applicable ordinances, laws and regulations of any governmental jurisdiction.
2. The use shall have adequate water, sewer, and drainage facilities.
3. Ingress and egress shall be so designated as to minimize traffic congestion in the public streets.
4. The use shall in all other respects conform to the applicable regulations of the district in which it is located.
5. The use shall be in harmony with the character of the area and the most appropriate use of the land.

Mayor Livingston read a letter submitted by Ermalinda Torres, 3212 South Willow, in opposition of the Conditional Use Permit.

Lee moved and Petersen seconded the motion to amend the Conditional Use Permit to include the condition for natural landscape screening on the north side of the property. Roll call vote: "AYE": Nisley, Backenstose, Petersen, Lee, Ostendorf. "NAY": Lucas. "ABSENT": Carman, Rieker. Motion carried.

Roll call vote on the main motion as amended: "AYE": Nisley, Backenstose, Petersen, Lucas, Lee, Ostendorf. "NAY": None. "ABSENT": Carman, Rieker. Motion carried.

ITEM #7  
ORD 4042 ON 1<sup>ST</sup>  
READING

Mayor Livingston declared a Public hearing on Ordinance No. 4042 amending the North Platte Code of Ordinances Chapter 150 Building Regulations; Construction Section 150.094 and Chapter 156 Zoning Section 156.083 relating to Footings and Accessory Uses.

No one appeared.

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

Mayor Livingston instructed Ordinance No. 4042 to be read by title on its first reading. Lee moved and Lucas seconded the motion to approve Ordinance No. 4042 on its first reading. Roll call vote: "AYE": Nisley, Backenstose, Petersen, Lucas, Lee, Ostendorf. "NAY": None. "ABSENT": Carman, Rieker. Motion carried.

ITEM #8  
APPROVE ORD 4047

Lee moved that the rule requiring Ordinance No. 4047 amending the North Platte Code of Ordinances Sections 130.040 and 130.041 changing the age to possess and sale of tobacco products, electronic nicotine delivery systems and alternative nicotine products to twenty-one (21) years of age to be read one three different dates be suspended. Nisley seconded the motion. Roll call vote: "AYE": Nisley, Backenstose, Petersen, Lucas, Lee, Ostendorf. "NAY": None. "ABSENT": Carman, Rieker. Motion carried.

Mayor Livingston instructed Ordinance No. 4047 to be read by title one time only. Lee moved and Nisley seconded the motion to approve Ordinance No. 4047. Roll call vote: "AYE": Nisley, Backenstose, Petersen, Lucas, Lee, Ostendorf. "NAY": None. "ABSENT": Carman, Rieker. Motion carried.

ITEM #9  
JOB DESCRIPTION  
FOR HUMAN  
RESOURCES  
MANAGER

Lee moved and Lucas seconded the motion to approve the job description for the new position of Human Resources Manager. Roll call vote: "AYE": Nisley, Backenstose, Petersen, Lucas, Lee, Ostendorf. "NAY": None. "ABSENT": Carman, Rieker. Motion carried.

ITEM #10  
APPROVE ORD 4048

Lee moved the rule requiring Ordinance No. 4048 amending Salary Ordinance No. 4015 establishing a salary schedule for the position of Human Resources Manager in the General Administration/ Finance Department to be read on three different dates be suspended. Backenstose seconded the motion. Roll call vote: "AYE": Nisley, Backenstose, Petersen, Lucas, Lee, Ostendorf. "NAY": None. "ABSENT": Carman, Rieker. Motion carried.

Mayor Livingston instructed Ordinance No. 4048 be read by title one time only. Lee moved and Backenstose seconded the motion to approve Ordinance No. 4048. Roll call vote: "AYE": Nisley, Backenstose, Petersen, Lucas, Lee, Ostendorf. "NAY": None. "ABSENT": Carman, Rieker. Motion carried.

ITEM #11  
OPEN CHECKING  
ACCOUNT FOR  
PUBLIC WELFARE &  
SAFETY HOUSING  
INSPECTION FUND

Lee moved and Ostendorf seconded the motion to authorize the opening of a checking account at Equitable Bank for the (Public Welfare & Safety Housing Inspection Revolving Fund) in the amount of \$50,000.00. Roll call vote: "AYE": Nisley, Backenstose, Petersen, Lee, Ostendorf. "NAY": None. "ABSTAIN": Lucas. "ABSENT": Carman, Rieker. Motion carried.

ITEM #12  
AGREEMENT WITH  
FIREFIGHTERS  
LOCAL #831

Lee moved and Ostendorf seconded the motion to approve Collective Bargaining Agreement between the City of North Platte and International Association of Firefighters Local #831 for the term of October 1, 2020 – September 30, 2022. Roll call vote: "AYE": Nisley, Backenstose, Petersen, Lucas, Lee, Ostendorf. "NAY": None. "ABSENT": Carman, Rieker. Motion carried.

ITEM #12A  
SPECIAL  
DESIGNATED  
PERMIT FOR  
MCF-MMA  
ENTERTAINMENT  
EVENT ON 10-30-20

Lee moved and Lucas seconded the motion to approve application by Mid Plains Food & Lodging, Inc. for a Special Designated License on October 30, 2020 from 5:00 p.m. to 1:00 a.m. at D&N Event Center, 501 East Walker Road for an MCF-MMA Entertainment Event. Roll call vote: "AYE": Nisley, Backenstose, Petersen, Lucas, Lee, Ostendorf. "NAY": None. "ABSENT": Carman, Rieker. Motion carried.

ITEM #13  
CLAIMS

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

ADJOURN

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

Adjourned at 6:07 p.m.



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Angela Gilbert, City Clerk