

MINUTES OF THE REGULAR CITY COUNCIL MEETING  
August 15, 2023; 5:30 p.m.

- CALL TO ORDER Invocation was given by Councilman Ed Rieker and the pledge of allegiance was recited.
- ROLL CALL 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, Tryon, Volz, Lucas, Garrick, Flanders, Rieker, Woods. Mayor Brandon Kelliher presided and City Clerk Angela Gilbert recorded the proceedings.
- OPEN MEETINGS ACT Mayor Kelliher 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 Rieker moved and Lucas seconded the motion to approve the Consent Agenda as follows:
1. Approve the Minutes of August 1, 2023.
  2. Place on file Treasurer's report for June 2023.
  3. Approve the application by Big Red Liquor for a Special Designated License on September 9, 2023 from 7:00 p.m. to 11:00 p.m. in the St. Patrick's Church Parking Lot, 417 East 5<sup>th</sup> Street for a Block Party.
  4. Approve the application by Big Red Liquor for a Special Designated License on November 11, 2023 from 5:00 p.m. to 1:00 a.m. at D & N Event Center, 501 East Walker Road for the MMA Entertainment Fights.
  5. Authorize the Mayor to execute the annual 2023-2024 Agreement for Independent Contractor Services with Alexandria Stroud to operate the Government Access Cable TV System.
  6. Authorize the Mayor to execute the Edward Byrne Memorial Justice Assistance Grant (JAG) application request for \$13,154.00, Memorandum of Understanding and required certified assurances.
- Roll call vote: "AYE": Nisley, Tryon, Volz, Lucas, Garrick, Flanders, Rieker, Woods. "NAY": None. Motion carried.

Rieker moved and Nisley seconded the motion to approve Item No.'s 7-10 as follows:

7. Approve the application for \$28,000,000 in Federal Funds from the US Department of Transportation to assist the City of North Platte with planning and infrastructure construction improvements within the City of North Platte and authorize the Mayor to sign, submit and execute all related documents.
8. Approve the application for \$15,000,000 in Federal Funds from the US Department of Transportation to assist the City of North Platte with planning and infrastructure construction improvements within the City of North Platte and authorize the Mayor to sign, submit and execute all related documents.
9. Approve the application for \$18,000,000 in Federal Funds from the US Department of Commerce to assist the City of North Platte with planning and infrastructure construction improvements within the City of North Platte and authorize the Mayor to sign, submit and execute all related documents.
10. Approve the application for \$200,000 in Federal Funds from the US Department of Commerce to assist the City of North Platte with planning for infrastructure improvements within the City of North Platte and authorize the Mayor to sign, submit and execute all related documents.

Roll call vote: "AYE": Nisley, Tryon, Volz, Lucas, Garrick, Flanders, Rieker, Woods. "NAY": None. Motion carried.

11. Mayor Kelliher removed the application for \$200,000 in Federal Funds from the US Department of Transportation to assist the City of North Platte with planning for infrastructure improvements within the City of North Platte from the Agenda as it was a duplicate item.

ITEM #12  
AIRPORT  
AUTHORITY  
PRELIMINARY  
LEVY ALLOCATION  
FOR 2023-2024

Garrick moved and Lucas seconded the motion to approve the North Platte Airport Authority's 2023-2024 Preliminary Levy Allocation Resolution. Roll call vote: "AYE": Nisley, Tryon, Volz, Lucas, Garrick, Flanders, Rieker, Woods. "NAY": None. Motion carried.

ITEM #13  
QUALITY  
GROWTH FUNDS  
TO AXES & ACES

Volz moved and Garrick seconded the motion to approve and award a loan from the Quality Growth Fund to DEAM LLC, dba Axes & Aces with the following condition: the full \$150,000 will be a loan at 4.25% interest amortized over a 12-year period.

Lucas abstained from discussion and voting due to a possible conflict of interest.

Roll call vote: "AYE": Nisley, Tryon, Volz, Garrick, Flanders, Rieker, Woods. "NAY": None. "ABSTAIN": Lucas. Motion carried.

ITEM #14  
QUALITY  
GROWTH FUNDS  
TO GOURMEAT  
CHIPS

Garrick moved and Rieker seconded the motion to approve the recommendation of the Quality Growth Committee to award a \$500,000 small business loan and a \$250,000 grant to Gourmeat Chips for financing.

Lucas moved and Garrick seconded the motion to amend the motion that on the \$500,000 small business loan used for real estate financing that it allows a Priority Lien through the bank or government agency financing ahead of a Junior Lien for the Quality Growth Fund Loan. Roll call vote: "AYE": Nisley, Tryon, Volz, Lucas, Garrick, Flanders, Rieker, Woods. "NAY": None. Motion carried.

Roll call vote on the main motion as amended: "AYE": Nisley, Tryon, Volz, Lucas, Garrick, Flanders, Rieker, Woods. "NAY": None. Motion carried.

ITEM #15  
REMOVED FROM  
THE AGENDA

Mayor Kelliher removed the 2023-2034 League Association of Risk Management (LARM) Renewal Resolution for Property & Liability Insurance and Worker's Compensation Insurance from the Agenda until more research can be done.

ITEM #16  
RICE LAKE  
WEST FOR  
CONSTRUCTION  
MANAGER AT RISK  
FOR WASTEWATER  
TREATMENT PLANT

Flanders moved and Rieker seconded the motion to approve and authorize Mayor to sign agreement with Rice Lake West to perform Construction Manager at Risk services for the Industrial WRRF Industrial Wastewater Treatment Plant. Roll call vote: "AYE": Nisley, Tryon, Volz, Lucas, Garrick, Flanders, Rieker, Woods. "NAY": None. Motion carried.

ITEM #17  
APPLICATION TO  
RECREATIONAL  
TRAILS PROGRAM  
FOR TRAIL AT IRON  
HORSE PARK

Garrick moved and Volz seconded the motion to approve a Resolution authorizing submission of the application to the Recreational Trails Program for renovation and expansion of the trail at Iron Horse Park. Roll call vote: "AYE": Nisley, Tryon, Volz, Lucas, Garrick, Flanders, Rieker. "NAY": Woods. Motion carried.

ITEM #18  
INTERLOCAL  
AGREEMENTS  
FOR DISPATCH

Rieker moved and Flanders seconded the motion to authorize the Mayor to execute Interlocal Agreements with Lincoln County and the City of Gothenburg for Dispatch Services, and a

SERVICES AND  
SCHOOL RESOURCE  
OFFICERS

Memorandum of Understanding with North Platte Public Schools to provide three (3) School Resource Officers. Roll call vote: "AYE": Nisley, Tryon, Volz, Lucas, Garrick, Flanders, Rieker, Woods. "NAY": None. Motion carried.

ITEM #19  
ORDINANCE 4138  
ON 3<sup>RD</sup> READING

Mayor Kelliher instructed Ordinance No. 4138 to Add Chapter 120 "Telecommunication Services" to Title XI "Business Regulations" to the Code of the City of North Platte, relating to Telecommunication Services to be read by title on its third reading. Garrick moved and Volz seconded the motion to approve Ordinance No. 4138 on its third reading. Roll call vote: "AYE": Nisley, Volz, Lucas, Garrick, Flanders. "NAY": Tryon, Rieker, Woods. Motion carried.

ITEM #20  
ORDINANCE 4137  
ON 2<sup>ND</sup> READING

Mayor Kelliher instructed Ordinance No. 4137 to Add Chapter 119 "Games of Skill" to Title XI "Business Regulations" to the Code of the City of North Platte, relating to Games of Skill to be read by title on its second reading. Rieker moved and Garrick seconded the motion to approve Ordinance No. 4137 on its second reading. Roll call vote: "AYE": Nisley, Tryon, Volz, Lucas, Garrick, Flanders, Rieker, Woods. "NAY": None. Motion carried.

ITEM #21  
ORDINANCE 4136  
ON 3<sup>RD</sup> READING

Mayor Kelliher instructed Ordinance No. 4136 to Amend § 110.01 of the Code of the City of North Platte, relating to occupation taxes to be read by title on its third reading. Rieker moved and Garrick seconded the motion to approve Ordinance No. 4136 on its third reading. Roll call vote: "AYE": Nisley, Tryon, Volz, Lucas, Garrick, Flanders, Rieker, Woods. "NAY": None. Motion carried.

ITEM #22  
ISSUE WARRANT  
TO WESTERN  
ENGINEERING CO.

Rieker moved and Flanders seconded the motion to adopt the Resolution approving a claim and authorizing the issuance of one warrant to Western Engineering Co. in the amount of \$692,459.40 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, Tryon, Volz, Lucas, Garrick, Flanders, Rieker, Woods. "NAY": None. Motion carried.

ITEM #23  
CDBG 2023  
PUBLIC WORKS  
APPLICATION FOR  
WEST 9<sup>TH</sup> STREET

Mayor Kelliher declared a Public hearing to approve a Resolution authorizing submission of the CDBG 2023 Public Works category application and supporting documents to the Nebraska Department of Economic Development for infrastructure improvements on West 9<sup>th</sup> Street.

Andrea Snyder, 2305 West 9<sup>th</sup> Street, told the Council that 9<sup>th</sup> Street definitely needs redone and asked when the start date will be.

Rieker moved and Nisley seconded the motion to close the hearing. Roll call vote: "AYE": Nisley, Tryon, Volz, Lucas, Garrick, Flanders, Rieker, Woods. "NAY": None. Motion carried.

Rieker moved and Garrick seconded the motion to adopt the Resolution authorizing submission of the CDBG 2023 Public Works category application and supporting documents to the Nebraska Department of Economic Development. Roll call vote: "AYE": Nisley, Tryon, Volz, Lucas, Garrick, Flanders, Rieker, Woods. "NAY": None. Motion carried.

ITEM #24  
CDBG 2023  
PUBLIC WORKS  
APPLICATION FOR  
EAST G AND  
H STREETS

Mayor Kelliher declared a Public hearing to approve a Resolution authorizing submission of the CDBG 2023 Public Works category application and supporting documents to the Nebraska Department of Economic Development for infrastructure improvements on East G and East H Streets.

No one appeared.

Garrick moved and Lucas seconded the motion to close the hearing. Roll call vote: "AYE": Nisley, Tryon, Volz, Lucas, Garrick, Flanders, Rieker, Woods. "NAY": None. Motion carried.

Rieker moved and Nisley seconded the motion to approve a Resolution authorizing submission of the CDBG 2023 Public Works category application and supporting documents to the Nebraska Department of Economic Development. Roll call vote: "AYE": Nisley, Tryon, Volz, Lucas, Garrick, Flanders, Rieker, Woods. "NAY": None. Motion carried.

ITEM #25  
CLAIMS

Rieker moved and Nisley seconded the motion to approve the Claims. Roll call vote: "AYE": Nisley, Tryon, Volz, Lucas, Garrick, Flanders, Rieker, Woods. "NAY": None. Motion carried.

ADJOURN

Rieker moved and Volz seconded the motion to adjourn. Roll call vote: "AYE": Nisley, Tryon, Volz, Lucas, Garrick, Flanders, Rieker, Woods. "NAY": None. Motion carried.

Adjourned at 6:50 p.m.

*Angela Gilbert*  
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Angela Gilbert, City Clerk