

MINUTES OF THE REGULAR CITY COUNCIL MEETING
May 15, 2012; 7:30 p.m.

CALL TO ORDER

Invocation was given by Bob Deardoff 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 7:30 p.m. in the City Hall Council Chambers at 211 West 3rd Street. Present were Barrett, Stoll, Pederson, McNea, McGuire, Carman, Steinbeck, Campbell. Mayor Marc Kaschke presided and City Clerk Angela Gilbert recorded the proceedings.

Mayor Kaschke 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

Pederson moved and Campbell seconded the motion to approve the consent agenda as follows:

1. Approve minutes of May 1, 2012.
2. Place on file ML&W reports for April 2012.
3. Place on file Treasurer's report for April 2012.
4. Approve Mayor's appointment of Benjamin Lashley to Community Redevelopment Authority (CRA) to replace Scott Finney's unexpired term.
5. Approve application by The Platte, Inc. dba Platte Bar for a Special Designated Permit on June 15, 2012 from 8:00 a.m. to 1:00 a.m. and June 16, 2012 from 8:00 a.m. to 1:00 a.m. at Platte Bar, 119 West 6th Street for a beer garden.
6. Approve applications by Charles M. Burklund dba The Pocket for Special Designated Permits on June 14, 2012, June 21, 2012, June 28, 2012, July 5, 2012, July 12, 2012, July 19, 2012, July 26, 2012, August 2, 2012, August 9, 2012 from 5:00 p.m. to 10:00 p.m. at Fort Cody Trading Post, 221 Halligan Drive, with an alternate location of Quality Inn at 2102 South Jeffers for a Music Series.

Roll call vote: "AYE": Barrett, Stoll, Pederson, McNea, McGuire, Carman, Steinbeck, Campbell. "NAY": None. Motion carried.

ITEM #7
DENY
CONDITIONAL USE
PERMIT AT 321
WEST 4TH STREET

Mayor Kaschke declared a Public hearing on an application for a Conditional Use Permit to allow a 100' tower and a communication facility building located at 321 West 4th Street.

Bob Hirsikorn, representing Viaero Wireless, gave a presentation of the warehouse/office building and cell phone tower. He told the Council the company has 400-500 towers in Nebraska and Colorado and there are currently five towers in North Platte. He said the propane tank will be underground and the building will be 4,000-5,000 square feet, with a six foot cedar fence around part of the building. He noted the location is ideal because it is only two blocks from the CenturyLink Building and they would not have to trench in new fiber optic cable in order to provide 4G service to the North Platte area.

Bob Peterson, 2942 North Splinter Road, told the Council that it costs money to do business and they need to think about the homes in the area.

Keith and Holly Howe at 401 West 5th Street, Deb Bertrand at 320 West 6th Street, Dan and Vicky Allen at 320 West 5th Street, Rick Heglin at 309 West 3rd Street, Cynthia Gutschenritter at 614 West 5th Street, Gary & Elaine Mulvaney at 419 West 5th Street, Bill Pigati at 512 North Ash, Barbara Christianson at 506 West 6th Street and Jeff Brown at 414 West 3rd Street all spoke in opposition of the tower stating the following reasons: it is not appropriate or harmonious for the historic neighborhood, it could decrease the property values of the homes in the area, the tower could be dangerous to the public, the tower will be an eyesore for the busy intersection and there are other places in North Platte that would be better suited for the tower.

Lana Klein, property owner, told the Council she believes Viaero should be able to build on the lot as it is in a B-1 Business District and there are light poles and towers up all over town. She stated that it is a difficult property to sell because of driveway and parking issues and the neighbors should not be able to tell her who she can sell her property to.

Judy Herbst-Brown, member of the Historic Preservation Board, told the Council the tower is not appropriate for the busy

intersection.

Dan Linstrom, attorney from Kearney and representing Viaero Wireless, presented Exhibits 1-4 to be placed on file and asked the Council to approve the Conditional Use Permit.

Pederson moved and Campbell seconded the motion to close the hearing. Roll call vote: "AYE": Barrett, Stoll, Pederson, McNea, McGuire, Carman, Steinbeck, Campbell. "NAY": None. Motion carried.

Pederson moved and Campbell seconded the motion to find the request for a Conditional Use Permit to allow a 100' tower and a communication facility building (with the size of the building to be determined) located at 321 West 4th 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 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. 6. That a cedar fence, as proposed, be added to the property. Roll call vote: "AYE": Pederson, Campbell. "NAY": Barrett, Stoll, McNea, McGuire, Carman, Steinbeck. Motion failed.

Stoll moved and McGuire seconded the motion to find the request for a Conditional Use Permit to allow a 100' tower and a communication facility building located at 321 West 4th Street does not meet the minimum standards stated in the North Platte Code of Ordinances Section 156.322 and deny the Conditional Use Permit as requested based on the following factual findings: 5. The use is not in harmony with the character of the area and it is not the most appropriate use of the land as it is a historic neighborhood and the tower could decrease property values in the area. Roll call vote: "AYE": Barrett, Stoll, McNea, McGuire, Carman, Steinbeck. "NAY": Pederson, Campbell. Motion carried.

ITEM #8
CDBG GRANT
APPLICATION FOR

Mayor Kaschke declared a Public hearing to consider
Community Development Block Grant Program (CDBG)

STREET AND
STORM DRAINAGE
IMPROVEMENTS

Comprehensive Revitalization Category Application to assist the City of North Platte in street and storm drainage improvements in an LMI area of North Platte and approve authorizing Resolution and submission of application to the Nebraska Department of Economic Development (DED).

No one appeared.

Pederson moved and Campbell seconded the motion to close the hearing. Roll call vote: "AYE": Barrett, Stoll, Pederson, McNea, McGuire, Carman, Steinbeck, Campbell. "NAY": None. Motion carried.

Pederson moved and Campbell seconded the motion to adopt the Resolution authorizing the application. Roll call vote: "AYE": Barrett, Stoll, Pederson, McNea, McGuire, Carman, Steinbeck, Campbell. "NAY": None. Motion carried.

ITEM #9
APPROVE REQUEST
FROM QUALITY
GROWTH FUND
CITIZENS REVIEW
COMMITTEE

Pederson moved and Campbell seconded the motion to approve request from North Platte Quality Growth Fund Citizens Review Committee for a business loan application from Jerry Santee on behalf of Bio-Ag Solutions, LLC a Hershey, NE company, seeking a loan in the amount of \$120,000 to assist with the purchase of equipment and additional working capital for the company.

Dan Mauk, representing the Citizen's Review Committee, told the Council the business is a fast growing company and will assist related businesses in the area. He said it would create 3-4 new jobs.

Roll call vote: "AYE": Barrett, Stoll, Pederson, McNea, McGuire, Carman, Steinbeck, Campbell. "NAY": None. Motion carried.

ITEM #10
NATIONAL
SOFTBALL
TOURNAMENT
FIREWORK PERMIT

Pederson moved and Campbell seconded the motion to authorize a one-time permit for a Class B Firework Display at the Fastpitch 16U Class A Northern National Softball Championship Tournament on July 31, 2012. Roll call vote: "AYE": Barrett, Stoll, Pederson, McNea, McGuire, Carman, Steinbeck, Campbell. "NAY": None. Motion carried.

ITEM #11
ORD 3846 ON 3RD
READING

Mayor Kaschke instructed Ordinance No. 3846 amending Section 94.056 of North Platte's Code of Ordinances to regulate aboveground storage tanks to be read by title on its third reading.

Pederson moved and Campbell seconded the motion to approve Ordinance No. 3846 on its third reading. Roll call vote: "AYE": Barrett, Stoll, Pederson, McNea, McGuire, Carman, Steinbeck, Campbell. "NAY": None. Motion carried.

ITEM #12
ISSUE WARRANTS
TO CEMENT
PRODUCTS AND NE
DEPT. OF ROADS

Pederson moved and Campbell seconded the motion to adopt Resolution approving claims and authorizing the issuance of warrants to Cement Products, Inc. in the amount of \$188,927.95 and to Nebraska Department of Roads in the amount of \$160,454.12 to pay approved claims and referring to and incorporating the terms and conditions of Ordinance No. 3845 relating to warrant financing passed and approved on April 3, 2012. Roll call vote: "AYE": Barrett, Stoll, Pederson, McNea, McGuire, Carman, Steinbeck, Campbell. "NAY": None. Motion carried.

ITEM #13
CLAIMS

McGuire moved and Stoll seconded the motion to approve the Claims. Roll call vote: "AYE": Barrett, Stoll, McNea, McGuire, Carman, Steinbeck, Campbell. "NAY": None. "ABSTAIN": Pederson. Motion carried.

ADJOURN

McGuire moved and Pederson seconded the motion to adjourn. Roll call vote: "AYE": Barrett, Stoll, Pederson, McNea, McGuire, Carman, Steinbeck, Campbell. "NAY": None. Motion carried.

Adjourned at 9:49 p.m.

Angela Gilbert, City Clerk