

MINUTES OF THE REGULAR CITY COUNCIL MEETING
December 18, 2012; 7:30 p.m.

CALL TO ORDER

Invocation was given by Joe Sukraw 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, Baker, Petersen, McNea, Lee, Carman, Steinbeck, Campbell. 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, 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

Barrett moved and Lee seconded the motion to approve the consent agenda as follows:

1. Approve minutes of regular meeting on December 4 and work session on December 6, 2012.
2. Place on file ML&W reports for October and November 2012.
3. Approve application by United States Junior Chamber of Commerce dba North Platte Jaycees, Inc. for a Special Designated Permit on January 26, 2013 from 6:00 p.m. to 1:00 a.m. at D&N Event Center, 501 East Walker Road for a Professional Wrestling Event.
4. Approve Mayor's appointment of Bonnie Kruse to the Civil Service Commission to replace Dwight Livingston's unexpired term.
5. Approve Mayor's appointment of Ty Lucas to Quality Growth Fund Citizen's Review Committee.
6. Adopt recommendation of the North Platte Planning Commission regarding D&D Subdivision located at 802 and 806 East 15th Street.
7. Adopt recommendation of the North Platte Planning Commission regarding Adams Bank 2nd Replat located at

3221 South Jeffers.

Roll call vote: "AYE": Barrett, Baker, Petersen, McNea, Lee, Carman, Steinbeck, Campbell. "NAY": None. Motion carried.

ITEM #8
AMEND PUBLIC
TRANSIT USER FEES

Mayor Livingston declared a Public hearing to adopt Resolution amending 2012-2013 User Fees to raise the same day ride fee for Public Transit.

Marilee Hyde, Public Transit Director, told the Council they are requesting to raise the same day fee to \$3.00 for riders that do not make a reservation in advance, and will leave the fee at \$1.50 for those riders that book their ride 24 hours in advance. She told the Council this change will go into effect on January 1, 2013.

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

Lee moved and Baker seconded the motion to adopt the Resolution. Roll call vote: "AYE": Barrett, Baker, Petersen, McNea, Lee, Carman, Steinbeck, Campbell. "NAY": None. Motion carried.

ITEM #9
REMOVED FROM
THE AGENDA AT
THE REQUEST OF
THE APPLICANT

Application by First United Methodist Church, owner, and NE Colorado Cellular Inc. (dba Viaero Wireless), purchaser, for a Conditional Use Permit to allow an 80' antenna support structure (tower) and telecommunications facility located at 1716 West E Street was removed from the Agenda at the request of the applicant.

ITEM #10
DENY
CONDITIONAL USE
PERMIT AT 403
WEST 8TH STREET

Mayor Livingston declared a Public hearing on an application for a Conditional Use Permit to allow an 80' antenna support structure (tower) and telecommunications facility to be located at 403 West 8th Street.

Carol and Kristie Henningsen, 420 West 9th Street, told the Council they were opposed to the tower because of health risks, especially to children as the tower would be close to an elementary school and there is no guarantee that property values will not go down. They said that North Platte is too small for so many towers and asked if the towers could be put up outside of town or if the Council could regulate the sharing of towers by different companies.

Roy Welch, 315 West 7th Street, told the Council he is against the tower as he is concerned about putting his health in jeopardy and does not want to look at a tower near his home. He is also concerned with the property values of his neighborhood.

Don Chartier, 422 West 8th Street, told the Council he is against the tower as it will affect everyone around it and it does not belong in a residential neighborhood.

Rick Bailey and Bob Hirsekorn, representing Viaero Wireless, told the Council that the new tower is needed to provide 4G coverage to the area and the further out the tower is from town, the less signal the users will get. He told the Council they will need to look for a second location for another tower. They also said their company had contacted the Union Pacific Railroad and did not get any interest in allowing a tower on their property.

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

Lee moved and Baker seconded the motion to adopt Resolution "A" to approve the conditional use permit to allow an 80' antenna support structure (tower) and telecommunications facility to be located at 403 West 8th Street as it 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 conditions 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. Roll call vote: "AYE": None. "NAY": Barrett, Baker, Petersen, McNea, Lee, Carman, Steinbeck, Campbell. Motion failed.

Baker moved and Barrett seconded the motion to adopt Resolution "B" to deny the conditional use permit to allow an 80' antenna support structure (tower) and telecommunications facility to be located at 403 West 8th Street as it 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. Roll call vote: "AYE": Barrett, Baker, Petersen, McNea, Lee, Carman, Steinbeck. "NAY": Campbell. Motion carried.

ITEM #11
ORD 3864 ON 1ST
READING

Mayor Livingston declared a Public hearing on Ordinance No. 3864 amending Section 151.200 of the City of North Platte Municipal Code relating to establishing a fee for renewal of operating license for multiple dwellings or rooming houses.

No one appeared.

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

Mayor Livingston instructed Ordinance No. 3864 to be read by title on its first reading. Baker moved and Lee seconded the motion to approve Ordinance No. 3864 on its first reading. Roll call vote: "AYE": Barrett, Baker, Petersen, McNea, Lee, Carman, Steinbeck, Campbell. "NAY": None. Motion carried.

ITEM #12
ORD 3865 ON 1ST
READING

Mayor Livingston declared a Public hearing on Ordinance No. 3865 amending Sections 154.060 and 154.070 of the City of North Platte Municipal Code relating to free standing signs in an F-1 District and permitted signs in an H-1 District.

No one appeared.

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

Mayor Livingston instructed Ordinance No. 3865 to be read by title on its first reading. Lee moved and Baker seconded the motion to approve Ordinance No. 3865 on its first reading. Roll call vote: "AYE": Barrett, Baker, Petersen, McNea, Lee, Carman, Steinbeck, Campbell. "NAY": None. Motion carried.

ITEM #13
ORD 3866 ON 1ST
READING

Mayor Livingston declared a Public hearing on Ordinance No. 3866 amending amendments to Section 156.273(B) of the City of North Platte Municipal Code relating to setback and height

regulations in an H-1 Hospital District.

Judy Clark, Planning Director, told the Council that the current height regulations only allow for a maximum height of a structure at 75 feet above grade; it is being requested to amend the maximum height of a structure to 150 feet above grade.

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

Mayor Livingston instructed Ordinance No. 3866 to be read by title on its first reading. Lee moved and Baker seconded the motion to approve Ordinance No. 3866 on its first reading. Roll call vote: "AYE": Barrett, Baker, Petersen, McNea, Lee, Carman, Steinbeck, Campbell. "NAY": None. Motion carried.

ITEM #14
APPROVE ORD 3867

Mayor Livingston declared a Public hearing on Ordinance No. 3867 to rezone certain lands from an A-1 Agricultural District to an R-1 Dwelling District located at the intersection of West Walker Road and Appaloosa Drive.

No one appeared.

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

Lee moved that the rule requiring Ordinance No. 3867 to be read on three different dates be suspended. Barrett seconded the motion. Roll call vote: "AYE": Barrett, Baker, Petersen, McNea, Lee, Carman, Steinbeck, Campbell. "NAY": None. Motion carried.

Mayor Livingston instructed Ordinance No. 3867 to be read one time by title only. Lee moved and Baker seconded the motion to approve Ordinance No. 3867. Roll call vote: "AYE": Barrett, Baker, Petersen, McNea, Lee, Carman, Steinbeck, Campbell. "NAY": None. Motion carried.

ITEM #15
APPROVE CALVARY
1ST SUBDIVISION,
WALKER RD. AND
APPALOOSA DR.

Lee moved and Steinbeck seconded the motion to adopt recommendation of the North Platte Planning Commission regarding Calvary 1st Subdivision located at Walker Road and Appaloosa Drive. Roll call vote: "AYE": Barrett, Baker, Petersen, McNea, Lee, Carman, Steinbeck, Campbell. "NAY": None. Motion carried.

ITEM #16
AMENDMENT TO
COMPREHENSIVE
PLAN 2011 FUTURE
LAND USE MAP

Mayor Livingston declared a Public hearing on an amendment to the North Platte Nebraska Comprehensive Plan 2011 Future Land Use Map changing Lots 5, 6, 7 and 8, Block 21 of the Original Town, now City of North Platte, Lincoln County, Nebraska from Public/Quasi Public to Residential – Medium Density.

Mike Sculley, applicant, told the Council he hopes to be moved into the property by February and asked the Council to waive the three required readings of the Ordinance.

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

Lee moved and Baker seconded the motion to approve the amendment to the Comprehensive Plan 2011 Future Land Use Map. Roll call vote: "AYE": Barrett, Baker, Petersen, McNea, Lee, Carman, Steinbeck, Campbell. "NAY": None. Motion carried.

ITEM #17
APPROVE ORD 3868

Mayor Livingston declared a Public hearing on Ordinance No. 3868 to rezone certain lands from a B-2 Highway Commercial District to an R-3 Dwelling District located at 319 West 11th Street.

No one appeared.

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

Baker moved that the rule requiring Ordinance No. 3868 to be read on three different dates be suspended. Petersen seconded the motion. Roll call vote: "AYE": Barrett, Baker, Petersen, McNea, Lee, Carman, Steinbeck, Campbell. "NAY": None. Motion carried.

Mayor Livingston instructed Ordinance No. 3868 to be read one time by title only. Lee moved and Baker seconded the motion to adopt Ordinance No. 3868. Roll call vote: "AYE": Barrett, Baker, Petersen, McNea, Lee, Carman, Steinbeck, Campbell. "NAY": None. Motion carried.

ITEM #18
CONDITIONAL USE
PERMIT, 1719 EAST
D STREET

Mayor Livingston declared a Public hearing on an application for a Conditional Use Permit to allow a guest home/mother-in-laws quarters to be located at 1719 East D Street.

No one appeared.

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

Lee moved and Steinbeck seconded the motion to approve the Conditional Use Permit. Roll call vote: "AYE": Barrett, Baker, Petersen, McNea, Lee, Carman, Steinbeck, Campbell. "NAY": None. Motion carried.

ITEM #19
WARRANT TO FIRST
NATIONAL BANK

Lee moved and Baker seconded the motion to adopt Resolution approving claims and authorizing the issuance of a warrant to First National Bank North Platte in the amount of \$213,102.33 to pay approved claim 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, Baker, Petersen, McNea, Lee, Carman, Steinbeck, Campbell. "NAY": None. Motion carried.

ITEM #20
POSTPONE
JANUARY 1, 2013
COUNCIL MEETING
TO JANUARY 3, 2013

Baker moved and Lee seconded the motion to adopt Resolution postponing the January 1, 2013 Council meeting to January 3, 2013, beginning at 5:30 p.m.

Lee moved and Baker seconded the motion to amend the Resolution to change the time of the January 3, 2013 Council meeting to 7:30 p.m.

Roll call vote on main motion as amended: "AYE": Barrett, Baker, Petersen, McNea, Lee, Carman, Steinbeck, Campbell. "NAY": None. Motion carried.

ITEM #21
LARRY CAMPBELL
AS COUNCIL
PRESIDENT FOR
2013

Petersen moved and Barrett seconded the motion to nominate Larry Campbell as Council President for 2013. Roll call vote: "AYE": Barrett, Baker, Petersen, McNea, Carman, Steinbeck, Campbell. "NAY": Lee. Motion carried.

ITEM #22
CLAIMS

Steinbeck moved and Baker seconded the motion to approve the Claims. Roll call vote: "AYE": Barrett, Baker, Petersen, McNea,

Lee, Carman, Steinbeck, Campbell. "NAY": None. Motion carried.

ADJOURN

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

Adjourned at 8:45 p.m.

Angela Gilbert, City Clerk