

MINUTES OF THE REGULAR CITY COUNCIL MEETING
April 1, 2014; 7:30 p.m.

CALL TO ORDER

Invocation was given by Brent Montgomery 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, Lee, Carman, Campbell. McNea and Steinbeck 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, 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. Approve minutes of March 18, 2014.
2. Send application of Stacey Soto as Liquor License Manager at Pilot Travel Center #687 located at 3400 South Newberry Road to Liquor Control Commission with no recommendation.
3. Accept Mayor's re-appointments of Dr. Richard Keeten and Cynthia Gutschenritter to the Animal Control Commission.
4. Accept bids and award contract to M & E Lawn Care for mowing right-of-way in the amount of \$4,628.08 per mowing cycle and authorize Mayor to execute all documents.
5. Accept bids and award contract to David Fleecs for Wetland Pasture Grazing in the amount of \$4,100 for three (3) years or \$12,300 Total and authorize Mayor to execute all documents.
6. Accept bids and award contract to Delta Star, Inc. for (2) 7.5//10.5 MVA Power Transformers for the Electric

- Department for the total bid amount of \$724,000.00.
7. Accept bids and award contract to Eaton Corporation for (2) 15kV Protected Aisle Switchgear for the Electric Department for the total bid amount of \$959,724.00.
 8. Removed from the Agenda.
 9. Accept and place on file North Platte Fire Department Annual Report for 2013.

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

ITEM #10
QUALITY GROWTH
FUNDS FOR
PROJECT CRESA

Lee moved and Petersen seconded the motion to approve request from the North Platte Quality Growth Fund Citizens Review Committee for a grant application from The North Platte Area Chamber and Development Corp. on behalf of Project CRESA, seeking a grant not to exceed \$125,000.00 to extend infrastructure along Twin Rivers Road in the Twin Rivers business park, including road construction and related infrastructure costs tied to Project CRESA with the stipulation that construction begin only after the client has committed to build and the property has transferred ownership. Roll call vote: "AYE": Barrett, Baker, Petersen, Lee, Carman, Campbell. "NAY": None. "ABSENT": McNea, Steinbeck. Motion carried.

ITEM #11
NEWBURN
INTEREST FUNDS
FOR MEMORIAL
PARK TENNIS
COURTS

Lee moved and Petersen seconded the motion to authorize the expenditure of Newburn Estate interest funds to complete renovation of the Memorial Park Tennis Courts. Roll call vote: "AYE": Barrett, Petersen, Lee, Carman, Campbell. "NAY": Baker. "ABSENT": McNea, Steinbeck. Motion carried.

ITEM #12
TRANSIT DRUG &
ALCOHOL POLICY

Lee moved and Baker seconded the motion to adopt a new Drug & Alcohol Policy for the Public Transit Department, to take effect immediately. Roll call vote: "AYE": Barrett, Baker, Petersen, Lee, Carman, Campbell. "NAY": None. "ABSENT": McNea, Steinbeck. Motion carried.

ITEM #13
TRANSIT
OPERATIONAL
FUNDS GRANT

Lee moved and Petersen seconded the motion to adopt Resolution for the North Platte Public Transit Operational Funds Grant, to begin July 1, 2014. Roll call vote: "AYE": Barrett, Baker, Petersen, Lee, Carman, Campbell. "NAY": None. "ABSENT": McNea, Steinbeck. Motion carried.

ITEM #14
CONDITIONAL USE
PERMIT, 3200-3204

Mayor Livingston declared a Public hearing to approve recommendation by the North Platte Planning Commission for a Conditional Use Permit to construct a mini-warehouse facility on

RODEO ROAD

property located at 3200-3204 Rodeo Road.

No one appeared.

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

Lee moved and Petersen seconded the motion to approve the Conditional Use Permit to construct a mini-warehouse facility on property located at 3200-3204 Rodeo Road. Roll call vote: "AYE": Barrett, Baker, Petersen, Lee, Carman, Campbell. "NAY": None. "ABSENT": McNea, Steinbeck. Motion carried.

ITEM #15
DENY APPLICATION
FOR CONDITIONAL
USE PERMIT, 1600
EAST 5TH STREET

Mayor Livingston declared a Public hearing to approve recommendation by the North Platte Planning Commission to adopt Resolution to approve a Conditional Use Permit to construct a 100' telecommunications tower facility and related equipment on property located at 1600 East 5th Street.

Mel and Michael Sappenfield, 1709 East 5th Street, told the Council they own property approximately 250 feet from the tower and they do not want a tower in their neighborhood. They believe there are plenty of other spots in the area that the tower could be better located. They told the Council they are worried about their property value and health issues the tower could cause. They also stated that they are worried about the propane tank exploding.

John Erickson, owner of properties at 1708 East 6th Street and 1620 East 5th Street, told the Council that one of his properties is approximately 100 feet from the tower and if it were to fall north and south, it could fall on the power lines in the alley or on his property. He believes the tower should be located on public land to help offset utility rates or property taxes. He presented the Council with Exhibit #1, a map reflecting the position of the tower on the lot.

Louis Klewein, 1521, 1601 and 1603 East 5th Street, told the Council he is against the tower as he believes it will lower the property value of his land.

Don Wilson, 1607 and 1615 East 4th Street, urged the Council to vote the tower down as he believes it will lower his property

value.

Judy Nichelson, 1503 East 5th Street, told the Council she is against the tower. She stated reasons such as health issues, property values, flooding and traffic concerns for bar customers.

Tami Yeutter, 1715 East 5th Street, told the Council she is against the tower as she is concerned with her property value and flooding in the parking lot. She told the Council there are plenty of places outside of residential neighborhoods to put the tower and they should be able to attach to other towers in town. She presented the Council with Exhibit #7, an article out of Popular Science on how cell phone towers can kill trees.

Rick Bailey, representing Viaero Wireless, answered questions regarding the tower. He said the lot is not in a flood zone, the tower will be built to withstand 95 mph winds and will meet FCC safety guidelines. He said that the propane tank has been approved by the Fire Marshal and when he contacted the Lincoln County Assessor's Office he was told they have not seen any properties be de-valued due to cell towers in the area. He presented the Council with Exhibit #2, personal notes relating to valuations; Exhibit #3, an impact study out of East Kingston, NH; #4 a proximity analysis out of Kansas City; #5, an e-mail compilation relating to land near cell towers and #6, a report from the American Cancer Society relating to cell tower effects.

Belle Enderle, representing Viaero Wireless, told the Council that North Platte has good coverage for the most part, but there is a few weak areas in town and customers do come in to her office to ask why they cannot get coverage in certain areas of town.

Adam Perry, representing Viaero Wireless, told the Council that by building this tower, they will free up capacity and expand coverage for other areas of town.

Cynthia Gutschenritter, 614 West 5th Street, asked the Council why the tower that was approved on East Philip Street cannot be co-located with Viaero.

Gilbert Rivera, applicant, presented the Council with Exhibits #8 and #9, photos of property on the east boundary of the proposed lot, and #10, a photo of the Army Reserve Lot that is north of the proposed lot.

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

Lee moved and Petersen seconded the motion to adopt Resolution "A" to approve the Conditional Use Permit to construct a 100' telecommunications tower facility and related equipment on property located at 1600 East 5th Street because the applicant has satisfied all conditions and met all requirements stated in The North Platte Code of Ordinances Section 156-322. Roll call vote: "AYE": Petersen, Lee, Campbell. "NAY": Barrett, Baker, Carman. "ABSENT": McNea, Steinbeck. Motion failed.

Baker moved and Barrett seconded the motion to adopt Resolution "B" to deny the Conditional Use Permit to construct a 100' telecommunications tower facility and related equipment on property located at 1600 East 5th Street as it does not meet the minimum standards stated in The North Platte Code of Ordinances Section 156-322 based on the following factual findings: 6. The use is not in harmony with the character of the area and it is not the most appropriate use of the land. The following additional documentation/evidence was considered by the City Council in denying this application: Testimony of property owners in the immediate area of the proposed tower site convinced the City Council that the area is predominately residential in character. Roll call vote: "AYE": Barrett, Baker, Carman, Campbell. "NAY": Petersen, Lee. Mayor Livingston voted "AYE" and the motion carried.

ITEM #16
ORD 3885 ON 3RD
READING

Mayor Livingston instructed Ordinance No. 3885 adopting Section 150.008 to the City of North Platte Municipal Code to regulate all new and used mobile homes being located, relocated, moved and set in the City of North Platte and its extraterritorial jurisdiction to be read by title on its third reading. Baker moved and Lee seconded the motion to approve Ordinance No. 3885 on its third reading. Roll call vote: "AYE": Barrett, Baker, Petersen, Lee, Carman, Campbell. "NAY": None. "ABSENT": McNea, Steinbeck. Motion carried.

ITEM #17
CLAIMS

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

ADJOURN

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

Adjourned at 9:08 p.m.

Angela Gilbert, City Clerk