

MINUTES OF THE REGULAR CITY COUNCIL MEETING
September 4, 2018; 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 Nisley, Baker, Petersen, Pedersen, Lee, Carman, Steinbeck, Ostendorf. 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 Carman seconded the motion to approve the Consent Agenda as follows:

1. Approve minutes of August 21, 2018.
2. Place on file ML&W reports for July 2018.
3. Approve application by Cornhusker Liquor & Tobacco for a Special Designated License on October 6, 2018 from 4:00 p.m. to 1:00 a.m. at D&N Event Center, 501 East Walker Road for a Cancer Benefit.
4. Approve application by Pals Brewing Company LLC for a Special Designated License on October 7, 2018 from 12:00 p.m. to 4:00 p.m. at La Quinta Inn & Suites, 2600 Eagles Wings Place for the Chris Jarvis Autumn River Run Marathon.
5. Approve application by The Platte, Inc. dba Platte Bar for a Special Designated License on October 20, 2018 from 12:00 p.m. to 1:00 a.m. with an alternate date of October 27, 2018 from 12:00 p.m. to 1:00 a.m. at Platte Bar, 119 West 6th Street for a car and bike show.
6. Authorize the Public Service Department to sell a Bobcat loader and six vehicles that are no longer being used.
7. Adopt recommendation by the North Platte Planning

Commission for preliminary and final approval of Wilk First Replat located at 3316-3410 West A Street and 104-110 South Bare Avenue.

8. Removed from Consent.

Roll call vote: "AYE": Nisley, Baker, Petersen, Pedersen, Lee, Carman, Steinbeck, Ostendorf. "NAY": None. Motion carried.

ITEM #8
APPOINT DANIEL
HUDSON AS CHIEF
OF POLICE

Lee moved and Carman seconded the motion to approve Mayor's appointment of Daniel Hudson for the position of Chief of Police, effective October 27, 2018. Roll call vote: "AYE": Nisley, Baker, Petersen, Pedersen, Lee, Carman, Steinbeck, Ostendorf. "NAY": None. Motion carried.

ITEM #9
HALL SCHOOL
PRESENTATION

Robert Stefka of Commercial Investment Services gave a presentation regarding Hall Elementary School located at 3191 North Studley Road. No action was taken. Mayor Livingston declared a Public Hearing on Ordinance No. 3997 to adopt the budget statement and to appropriate City monies for fiscal year 2018-2019.

ITEM #10
PUBLIC HEARING
ON ORDINANCE
3997 TO ADOPT
2018-2019 BUDGET

Bill McCormick, 1220 East D Street, asked the Council questions about the Electric Department Budget. He asked why the City would want to move and/or rebuild some of the transmission lines as they look as good as when they were built years ago and it is costly and unsafe to do so. He also asked how the City decides the amount of the Emergency Reserve Fund and what emergencies the fund is used for each year.

Alan Erickson, 3220 West Leota; Alan Hirschfeld, 720 South Carr and Rich Reinert, 2602 Cedarberry Lane, asked the Council why they are continuing to do the same things with Iron Eagle Golf Course and expecting different results and why a non-tax paying course is competing with tax paying courses in the area. They said there are too many courses and not enough people to play them and if the Council does not want to decide what to do with the golf course, then they should put it on the ballot and let the community decide.

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

ITEM #11
PUBLIC HEARING
SETTING
PROPERTY TAX
RATE FOR 2018-2019

Mayor Livingston declared a Public Hearing on Resolution setting the property tax rate for fiscal year 2018-2019. No one appeared.

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

ITEM #12
LICENSE
AGREEMENT
WITH
308BMX, INC.

Lee moved and Baker seconded the motion to approve request by 308 BMX, INC. to approve License Agreement to operate a motocross racetrack on property owned by the City of North Platte. The property requested is a portion of the tract of land referred to as South Park, located in the Southeast Quadrant of Walker Road and South Buffalo Road.

Attorney Chawnta Durham and several members of 308 BMX spoke to the Council about the License Agreement. They said they cannot apply for grants or more funding until the License Agreement with the City is in place. They said no funding from the City is being asked for at this time, but they do plan to ask for Newburn Funds in the future and they will up their public liability insurance from \$1,000,000 to \$5,000,000 after the track is open. They also told the Council there is no time frame for the City and the board can keep fundraising until they are ready for the City to prepare the site. They are in the process of applying for a grant through the Nebraska Game and Parks that the City would benefit from as well and there are also yearly grants that can be applied for to help keep the track sustainable.

Roll call vote: "AYE": Baker, Lee, Carman, Steinbeck. "NAY": Nisley, Petersen, Pedersen, Ostendorf. Mayor Livingston voted "NAY" and the motion failed 4-5.

ITEM #13
BMX PROJECT
GRANT

No action was taken on Resolution to allow the Mayor to execute any relevant documents referencing the BMX Project regarding the use of the Land and Water Conservation Fund Program.

ITEM #14
AMENDMENT TO
COMPREHENSIVE
PLAN, 3601 WEST
PHILIP AND 802-820
DIXIE AVENUE

Mayor Livingston declared a Public Hearing regarding an amendment to the North Platte Nebraska Comprehensive Plan 2011 to amend certain lands from Residential – Low Density Single Family to Residential – Medium Density Single Duplex and Multifamily located at 3601 West Philip Avenue and 802-820 Dixie Avenue and described as Gosnell Estates First Replat of Block 3, Gosnell's Estates 1st Subdivision, North Platte, Lincoln County, Nebraska.

Tom Phifer, 813 Dixie Avenue; Krysten Andre-Henn, 3602 Edna Court; Terry Sigler, 3420 West F Street; Kim Zurcher, 708 Dixie Avenue; Donna Tryon, 820 South Bryan; Ben Torres, 3501 Edna Court; Mark Huebner, 3401 Tyler Court; Travis Griebel, 3802 Sugarberry Court; Ed Rieker, 916 North Emory and Rich Thompson, 803 Clearwater Court, all spoke in opposition of the housing project citing reasons such as increased traffic, no alleys for trash pickup, safety of children and decreased property values. They said the homes and lot sizes will be too small, they do not want the land rezoned from single family to multifamily and Dixie Avenue is too narrow, full of potholes and will not be able to hold the increased traffic.

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

Lee moved and Carman seconded the motion to approve the amendment to the Comprehensive Plan 2011. Roll call vote: "AYE": Petersen, Lee, Steinbeck, Ostendorf. "NAY": Nisley, Baker, Pedersen, Carman. Mayor Livingston voted "AYE" and the motion carried 5-4.

ITEM #15
ORD 3999 ON 1ST
READING

Mayor Livingston declared a Public Hearing to adopt Ordinance No. 3999 to rezone certain lands from an R-1 Dwelling District to an R-2 Dwelling District located at 3601 West Philip Avenue and 802-820 Dixie Avenue. The property is described as Gosnell Estates First Replat of Block 3, Gosnell's Estates 1st Subdivision, North Platte, Lincoln County, Nebraska.

No one appeared.

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

Mayor Livingston instructed Ordinance No. 3999 to be read by title on its first reading. Baker moved and Lee seconded the motion to approve Ordinance No. 3999 on its first reading. Roll call vote: "AYE": Petersen, Lee, Steinbeck, Ostendorf. "NAY": Nisley, Baker, Pedersen, Carman. Mayor Livingston voted "AYE" and the motion carried 5-4.

ITEM #16
ORD 4000 ON 1ST
READING

Mayor Livingston declared a Public Hearing on Ordinance No. 4000 to adopt a recommendation by the North Platte Planning Commission regarding vacating Gosnell Estates First Replat of Block 3 Gosnell's Estates 1st Subdivision, North Platte, Lincoln County, Nebraska.
No one appeared.

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

Mayor Livingston instructed Ordinance No. 4000 to be read by title on its first reading. Baker moved and Lee seconded the motion to approve Ordinance No. 4000 on its first reading. Roll call vote: "AYE": Petersen, Pedersen, Lee, Steinbeck, Ostendorf. "NAY": Nisley, Baker, Carman. Motion carried.

ITEM #17
ORD 3995 ON 3RD
READING

Mayor Livingston instructed Ordinance No. 3995 an amendment to the City of North Platte Code of Ordinances Section 150.030 relating to the International Building Code relating to elevators and conveying systems to be read by title on its third reading. Baker moved and Lee seconded the motion to approve Ordinance No. 3995 on its third reading. Roll call vote: "AYE": Nisley, Baker, Petersen, Pedersen, Lee, Carman, Steinbeck, Ostendorf. "NAY": None. Motion carried.

ITEM #18
CONSENT TO SALE
AND CONSUMPTION
OF ALCOHOL ON
CITY PROPERTY ON
10-13-18

Baker moved and Lee seconded the motion to adopt Resolution consenting to the sale and consumption of alcoholic liquor on property owned by the City of North Platte, including a portion of West 5th Street, during the Creativity Unlimited Arts Council and Prairie Arts Center Husker Football Tailgate Event on October 13, 2018. Roll call vote: "AYE": Nisley, Baker, Petersen, Pedersen, Lee, Carman, Steinbeck, Ostendorf. "NAY": None. Motion carried.

ITEM #19
SPECIAL
DESIGNATED
LICENSE FOR
PRAIRIE ARTS
CENTER ON
10-13-18

Baker moved and Lee seconded the motion to approve application by Creativity Unlimited Arts Council and Prairie Arts Center for a Special Designated License on October 13, 2018 from 9:00 a.m. to 5:00 p.m. at Prairie Arts Center, 416 North Jeffers Street for a Husker Football Tailgate Event. Roll call vote: "AYE": Nisley, Baker, Petersen, Pedersen, Lee, Carman, Steinbeck, Ostendorf. "NAY": None. Motion carried.

ITEM #20
AGREEMENT
WITH BIO-AG
SOLUTIONS

Baker moved and Lee seconded the motion to approve agreement between the City of North Platte and BIO-AG SOLUTIONS, LLC, relating to the collection and disposing of yard waste and wood shavings by BIO-AG SOLUTIONS, LLC. Roll call vote: "AYE": Nisley, Baker, Petersen, Pedersen, Lee, Carman, Steinbeck, Ostendorf. "NAY": None. Motion carried.

ITEM #21
DRUG & ALCOHOL
POLICY FOR
PUBLIC TRANSIT

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

ITEM #22
PURCHASE TWO
BUSES FOR
PUBLIC TRANSIT

Lee moved and Baker seconded the motion to adopt Resolution to purchase two 12-passenger buses with wheelchair lifts for the Public Transit Department. Roll call vote: "AYE": Nisley, Baker, Petersen, Pedersen, Lee, Carman, Steinbeck, Ostendorf. "NAY": None. Motion carried.

ITEM #23
SALE OF SURPLUS
PROPERTY BY THE
WATER DEPT.

Baker moved and Lee seconded the motion to adopt Resolution authorizing disposal by sale of surplus personal property by the North Platte Water Department. Roll call vote: "AYE": Nisley, Baker, Petersen, Pedersen, Lee, Carman, Steinbeck, Ostendorf. "NAY": None. Motion carried.

ITEM #24
CLAIMS

Petersen moved and Pedersen seconded the motion to approve the Claims. Roll call vote: "AYE": Nisley, Baker, Petersen, Pedersen, Lee, Carman, Steinbeck, Ostendorf. "NAY": None. Motion carried.

ADJOURN

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

Adjourned at 9:57 p.m.



Angela Gilbert, City Clerk