

MINUTES OF THE REGULAR CITY COUNCIL MEETING
June 4, 2019; 7:30 p.m.

CALL TO ORDER

Invocation was given by James Trippett 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, Backenstose, Petersen, Lee, Rieker, Ostendorf. Lucas and Carman 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 work session and regular meeting on May 21, 2019.
2. Removed from Consent Agenda.
3. Place on file Treasurer's report for April 2019.
4. Approve application by Smoker Friendly 012 for a Special Designated License on June 28, 2019 from 3:00 p.m. to 9:00 p.m. with an alternate date of June 29, 2019 from 3:00 p.m. to 9:00 p.m. at Smoker Friendly, 825 South Jeffers Street for a product tasting.
5. Send application of GL Concepts LLC dba Good Life on the Bricks for a Class C Liquor License (Beer, Wine & Distilled Spirits, On and Off Sale) located at 402 North Dewey Street to the Liquor Control Commission with no recommendation.

Roll call vote: "AYE": Nisley, Backenstose, Petersen, Lee, Rieker, Ostendorf. "NAY": None. "ABSENT": Lucas, Carman. Motion carried.

ITEM #2
PLACE ON FILE
ML&W REPORTS
FOR APRIL 2019

Lee moved and Rieker seconded the motion to place on file ML&W reports for April 2019. Roll call vote: "AYE": Nisley, Backenstose, Petersen, Lee, Rieker, Ostendorf. "NAY": None. "ABSENT": Lucas, Carman. Motion carried.

ITEM #6
MCNEW FIRST
SUBDIVISION,
1605 NORTH
DODGE ROAD

Lee moved and Petersen seconded the motion to adopt recommendation by the North Platte Planning Commission for preliminary and final approval of McNew First Subdivision located at 1605 North Dodge Road with a variance to City Code of Ordinances Section 155.093 (D) the depth of a lot shall be no more than 3 times the width of the lot at the building line. Roll call vote: "AYE": Nisley, Backenstose, Petersen, Lee, Rieker, Ostendorf. "NAY": None. "ABSENT": Lucas, Carman. Motion carried.

ITEM #7
CONDITIONAL
USE PERMIT,
1605 NORTH
DODGE ROAD

Mayor Livingston declared a Public hearing on recommendation by City of North Platte Planning Commission on an application by Terry and Nancy McNew for a Conditional Use Permit to allow a mother-in-laws quarters on the same lot as a main dwelling located in an R-4 Dwelling District on property described as the North 62' of the South 214' of the West 145' and part of the E 151.9' of Lot 31 Lincoln County Highway 4th Addition North Platte, Lincoln County, Nebraska (Proposed Lot 1 McNew First Subdivision) with the condition that the existing mobile home be removed no later than June 1, 2020 and the conditional use be discontinued at that time.

No one appeared.

Lee moved and Petersen seconded the motion to close the hearing. Roll call vote: "AYE": Nisley, Backenstose, Petersen, Lee, Rieker, Ostendorf. "NAY": None. "ABSENT": Lucas, Carman. Motion carried.

Lee moved and Petersen seconded the motion to find the request for a Conditional Use Permit to allow a mother-in-laws quarters located at 1605 North Dodge Road 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 and with the following conditions: 1) The current mobile home be removed from site not later than June 1, 2020 and the conditional use be discontinued at that time and based on the following factual findings: 1) The use does conform to all applicable ordinances, laws and regulations of any governmental

jurisdiction. 2) The use does have adequate water, sewer, and drainage facilities. 3) Ingress and egress is so designated as to minimize traffic congestion in the public streets. 4) The use does in all other aspects conform to the applicable regulations of the district in which it is located. 5) The use is in harmony with the character of the area and the most appropriate use of the land. Roll call vote: "AYE": Nisley, Backenstose, Petersen, Lee, Rieker, Ostendorf. "NAY": None. "ABSENT": Lucas, Carman. Motion carried.

ITEM #8
ORD 4009 ON 1ST
READING

Mayor Livingston declared a Public hearing to adopt Ordinance No. 4009 to rezone certain lands from an R-4 Dwelling District to an I-1 Light Industrial District located at 1302 North Roosevelt Avenue.

No one appeared.

Lee moved and Petersen seconded the motion to close the hearing. Roll call vote: "AYE": Nisley, Backenstose, Petersen, Lee, Rieker, Ostendorf. "NAY": None. "ABSENT": Lucas, Carman. Motion carried.

Mayor Livingston instructed Ordinance No. 4009 to be read by title on its first reading. Lee moved and Petersen seconded the motion to approve Ordinance No. 4009 on its first reading. Roll call vote: "AYE": Nisley, Backenstose, Petersen, Lee, Rieker, Ostendorf. "NAY": None. "ABSENT": Lucas, Carman. Motion carried.

ITEM #9
CONDITIONAL
USE PERMIT, 521
NORTH SPLINTER
ROAD

Mayor Livingston declared a Public hearing on recommendation by City of North Platte Planning Commission on an application by Michal Ekdahl, owner, and Verizon Wireless Communications, lessee, for a Conditional Use Permit to allow a 146' Wireless Telecom Tower to be located in an A-1 Agricultural District on property at 521 North Splinter Road and described as Lot 2 Bryner's 2nd Replat, Lincoln County, Nebraska.

Jeanna Koubek, 6419 West Koubek Road, told the Council she is against the cell tower being put in that location and she fears for the safety of the birds, cattle and children in the area. She does not believe there has been enough research done on the harmful effects of these types of towers. She also questioned whether all of her neighbors had been notified of the proposed tower. She requested Exhibit "A" Environmental Health Trust Outdated

FCC "Safety" Standards and Exhibit "B" US Department of the Interior warns: Communication Towers Threaten Birds – EMF Safety Network be entered into the record of the Minutes.

Jeffrey Skinner, representing Verizon Wireless, told the Council all residents in the area were notified and there is a need for a tower in this location as it will serve the western edge of town and relieve signal congestion for Bailey Yard. He stated the height is low enough to not require lights, there will be a chain link fence surrounding the tower, and they operate under federal safety standards so there should be no health concerns or issues with hunting and fishing. He said the tower has been approved by all of the required federal, state and local offices. He also requested Exhibit "C" 23 pages relating to the Conditional Use Permit included in the City Council packets be entered into the record of the Minutes.

Lee moved and Petersen seconded the motion to close the hearing. Roll call vote: "AYE": Nisley, Backenstose, Petersen, Lee, Rieker, Ostendorf. "NAY": None. "ABSENT": Lucas, Carman. Motion carried.

Lee moved and Petersen seconded the motion to find the request for a Conditional Use Permit to allow a 146' Wireless Telecom Tower located at 521 North Splinter 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 condition that all elements of the application are complied with based on the following factual findings: 1) The use does conform to all applicable ordinances, laws and regulations of any governmental jurisdiction. 2) The use does have adequate water, sewer, and drainage facilities. 3) Ingress and egress is so designated as to minimize traffic congestion in the public streets. 4) The use does in all other aspects conform to the applicable regulations of the district in which it is located. 5) The use is in harmony with the character of the area and the most appropriate use of the land. Roll call vote: "AYE": Nisley, Backenstose, Petersen, Lee, Rieker, Ostendorf. "NAY": None. "ABSENT": Lucas, Carman. Motion carried.

ITEM #10
REMOVED FROM
AGENDA

The agreement for recycling services with ABC Recycling of North Platte was removed from the Agenda.

ITEM #11
REMOVED FROM
AGENDA

Giving 120 day notice to DataShield to terminate the current agreement on the use of the City's baler and handling recyclables

from the City's "yellow-top" containers was removed from the Agenda.

ITEM #12
OAK CREEK
ENGINEERING
FOR BRIDGE
INSPECTIONS

Lee moved and Petersen seconded the motion to approve Oak Creek Engineering for bridge inspections and authorize Mayor to sign agreement. Roll call vote: "AYE": Nisley, Backenstose, Petersen, Lee, Rieker, Ostendorf. "NAY": None. "ABSENT": Lucas, Carman. Motion carried.

ITEM #13
U.S. BANCORP
GOVERNMENT
LEASING FOR TWO
STREET SWEEPERS

Lee moved and Petersen seconded the motion to accept Lease Proposal and authorize the Mayor to sign the "Acceptance" document and lease-purchase documents with U.S. Bancorp Government Leasing and Finance, Inc. for one 2011 Freightliner M2 Schwarze A7000 Street Sweeper and one 2007 Elgin Whirlwind Street Sweeper for use by the Public Service Department in the total amount of \$142,150.00. Roll call vote: "AYE": Nisley, Backenstose, Petersen, Lee, Rieker, Ostendorf. "NAY": None. "ABSENT": Lucas, Carman. Motion carried.

ITEM #14
MOVE 06-18-19
COUNCIL
MEETING TO
5:30 P.M.

Lee moved and Petersen seconded the motion to adopt Resolution moving the June 18, 2019 City Council Meeting from its regularly scheduled time of 7:30 p.m. to 5:30 p.m. Roll call vote: "AYE": Nisley, Backenstose, Petersen, Lee, Rieker, Ostendorf. "NAY": None. "ABSENT": Lucas, Carman. Motion carried.

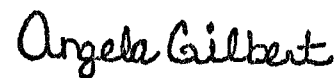
ITEM #15
CLAIMS

Lee moved and Petersen seconded the motion to approve the Claims. Roll call vote: "AYE": Nisley, Backenstose, Petersen, Lee, Rieker, Ostendorf. "NAY": None. "ABSENT": Lucas, Carman. Motion carried.

ADJOURN

Lee moved and Petersen seconded the motion to adjourn. Roll call vote: "AYE": Nisley, Backenstose, Petersen, Lee, Rieker, Ostendorf. "NAY": None. "ABSENT": Lucas, Carman. Motion carried.

Adjourned and 7:59 p.m.



Angela Gilbert