

MINUTES OF THE REGULAR CITY COUNCIL MEETING
August 6, 2019; 7:30 p.m.

CALL TO ORDER

Invocation was given by Brenda Lee 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, Lucas, Carman, Rieker, Ostendorf. Lee was 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

Petersen moved and Backenstose seconded the motion to approve the Consent Agenda as follows:

1. Approve minutes of July 16, 2019.
2. Place on file ML&W reports for June 2019.
3. Place on file Treasurer's reports for May and June 2019.
4. Approve application by Fraternal Order of Eagles 2839 for a Special Designated License on October 12, 2019 from 4:00 p.m. to 12:00 a.m. at D&N Event Center, 501 East Walker Road for the Pheasants Forever Fundraiser.
5. Approve application by Mid Plains Food & Lodging, Inc. for a Special Designated License on October 19, 2019 from 5:00 p.m. to 1:00 a.m. at D&N Event Center, 501 East Walker Road for a MCF-MMA Entertainment Event.
6. Send application of Thomas J Harding dba The Minnow Bucket for a Class D Liquor License (Beer, Wine & Distilled Spirits, Off Sale Only) located at 1109 South Jeffers Street to the Liquor Control Commission with no recommendation.
7. Removed from Consent Agenda.

8. Approve Mayor's appointment of John Patterson to the Board of Adjustment.
9. Approve Mayor's appointment of Steve Olson to the Historic Preservation Commission.
10. Approve Mayor's appointment of Dennis O'Brien to the Civil Service Commission.
11. Approve Mayor's re-appointments of Judy Rossetter and Pat Bartels to the City Tree Board.
12. Approve Mayor's re-appointment of Marilyn McGahan to the City Planning Commission.

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

ITEM #7
MAYOR'S RE-
APPOINTMENT OF
DON LUCAS TO CRA

Backenstose moved and Carman seconded the motion to approve Mayor's re-appointment of Don Lucas to the Community Redevelopment Authority (CRA) Board. Roll call vote: "AYE": Nisley, Backenstose, Petersen, Carman, Rieker, Ostendorf. "NAY": None. "ABSTAIN": Lucas. "ABSENT": Lee. Motion carried.

Lee entered the meeting at 7:42 p.m.

ITEM #13
AIRPORT LEVY

Lee moved and Lucas seconded the motion to adopt Resolution determining amount of tax to be levied for airport purposes.

Sam Seafeldt, Airport Manager, told the Council that SkyWest Airlines is providing a safe and reliable option for customers in the area, but part of the reason they are requesting an increase in their tax request is because the airport has had to use more maintenance staff and provide longer operating hours.

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

ITEM #14
CONDITIONAL
USE PERMIT, 1315
NORTH HAYES

Mayor Livingston declared a Public Hearing on recommendation by the City of North Platte Planning Commission on an application by Cody Shellabarger for a Conditional Use Permit to allow construction of a duplex in an R-4 Dwelling District located at 1315 North Hayes Avenue on property described as Lot 12 Leo Anderson Addition to the City of North Platte, Lincoln County, Nebraska.

Cody Shellabarger, applicant, told the Council there is a shortage of affordable energy efficient places to rent on the northwest side

of town and by cleaning up the property and moving all business equipment to a different location, it should increase the value of the neighborhood. He plans to build a 20' x 80' duplex with a fenced in backyard, two parking areas and a one year lease for the tenants.

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

Lucas moved and Lee seconded the motion to find the request for a Conditional Use Permit to allow construction of a residential duplex located at 1315 North Hayes Avenue 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. Conforms to the building permit standards in an R-2 Zone 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.

Rieker moved and Lee seconded the motion to amend the motion that a concrete pad be placed for parking in the rear next to the alley.

Rieker moved to withdraw his motion, with the consent of Lee.

Roll call vote: "AYE": Nisley, Backenstose, Petersen, Lucas, Lee, Carman, Rieker. "NAY": Ostendorf. Motion carried.

ITEM #14A
WORKFORCE
HOUSING
INCENTIVE PLAN

Mayor Livingston declared a Public Hearing on a Resolution approving the Workforce Housing Incentive Plan in the municipality of North Platte, Nebraska, pursuant to the Nebraska Community Development Law.

Mike Bacon, Attorney for the CRA, told the Council if the housing project is approved, he believes it will be the state's first to take advantage of Legislative Bill 496 to include Workforce Housing. He said it has been passed for TIF expenditures to include construction of housing projects that will attract new residents considering relocation to a rural community in counties with fewer than 100,000 people. He said the plan provides for public accountability because the developer has to provide financial costs of the project as well as a five year projection on revenue to the CRA and to the public. He told the Council he believes the apartments will be a good addition to the community, but that North Platte will still be short about 315 rental units according to the Housing Study. He said the only tax dollars being used on a TIF project are from that property as TIF does not raise anyone's taxes and the developer takes all of the risk, not the City.

Mel McNea, CEO of Great Plains Health, told the Council he supports the project and the community needs more availability of housing to keep recruited employees here.

Mark and Terry Woods, 902 North Emory, told the Council there is already enough apartments in town and they have a hard time keeping their own rental properties rented. They also asked why they are paying for subsidized housing for people that make more money than they do and stated that the gravel road is not maintained now and we do not need more traffic on it.

Susanne Donnelly, 2210 West C Street, told the Council she believes this project is a good use of tax dollars and it is hard to find affordable housing in the area.

Clarine Eickhoff, 8909 South Buffalo, told the Council she is employed by Wilkinson Development and there is a need for workforce housing in North Platte not only for their employees, but employees of other businesses as well.

Lee moved and Carman seconded the motion to close the hearing. Roll call vote: "AYE": Nisley, Backenstose, Petersen, Lucas, Lee, Carman, Ostendorf. "NAY": Rieker. Motion carried.

Lee moved and Carman seconded the motion to adopt the Resolution approving the Workforce Housing Incentive Plan. Roll call vote: "AYE": Nisley, Backenstose, Petersen, Lucas, Lee, Carman, Ostendorf. "NAY": Rieker. Motion carried.

ITEM #15
WORKFORCE
HOUSING
REDEVELOPMENT
PLAN FOR SHULTS
PP DEVELOPMENT

Mayor Livingston declared a Public Hearing on a Resolution by the City of North Platte Planning Commission recommending approval of a redevelopment of the City of North Platte regarding the Shults PP Development, LLC Workforce Housing Redevelopment Plan of the City of North Platte for property described as Lot 2 Shults Subdivision to the City of North Platte, Lincoln County, Nebraska pursuant to the Nebraska Community Development Law.

Attorney Mike Bacon told the Council this area has already been designated as blighted and substandard, but the current zoning regulations in that area require a Conditional Use Permit to be issued before the apartments can be built. He said the developer will be building a 48 unit apartment complex located near Pacific Place Apartments that will be one, two and three bedrooms and should take about 12 months to build. He said there is already utilities on site, the school system can handle the increase in students and there will only be a slight increase in traffic to the area.

Mark Shults of Shults PP Development, LLC, told the Council without LB 496 and TIF, the project would not work as it would be too big of a risk. He said the area will benefit from the sales tax on materials and if the project goes well, they may try to do more in the future and he hopes other developers use it also.

Mike Jacobson, Chairman of the CRA, told the Council the Housing Study shows the need of housing and this project will fill a very important need. He stated that every community needs to build some new structures because everything ages and it is easy to understand why someone would not want to build without TIF because it is so risky. He also stated that TIF is not taxpayer funded.

Mel McNea, CEO of Great Plains Health, told the Council we must have good healthcare in the community and adequate housing will help ensure we keep good healthcare employees here.

Greg Renner, 19124 Osage Court, urged the Council to do their research and make an educated vote because North Platte is losing population.

Kert McKeone, 1215 Burlington Boulevard, told the Council he has rentals and keeps them occupied so he is not worried about

competition with the new apartments.

Crystal Claymore, Great Plains Health, told the Council we need adequate housing for nurses and other healthcare employees because the healthcare demands are increasing.

Terry Woods, 902 North Emory, told the Council we cannot fix our streets because there is no money, but we keep increasing taxes.

Chuck McCarty, 1004 East B Street, told the Council that people always want something for free.

Lee moved and Backenstose seconded the motion to close the hearing. Roll call vote: "AYE": Nisley, Backenstose, Petersen, Lucas, Lee, Carman, Ostendorf. "NAY": Rieker. Motion carried.

Lee moved and Carman seconded the motion to adopt the Resolution approving the Shults PP Development, LLC Workforce Housing Redevelopment Plan with the provision that a Conditional Use Permit be approved for a multiple family dwelling. Roll call vote: "AYE": Nisley, Backenstose, Petersen, Lucas, Lee, Carman, Ostendorf. "NAY": Rieker. Motion carried.

ITEM #16
ORD 4010 ON 3RD
READING

Mayor Livingston instructed Ordinance No. 4010 to adopt recommendation by the North Platte Planning Commission regarding annexation of a tract of land located in Section 9, Township 13 North, Range 30 West of the 6th P.M., Lincoln County, Nebraska to be read by title on its third reading. Lee moved and Carman seconded the motion to approve Ordinance No. 4010 on its third reading. Roll call vote: "AYE": Nisley, Backenstose, Petersen, Lucas, Lee, Carman, Rieker, Ostendorf. "NAY": None. Motion carried.

ITEM #17
NEBRASKA DEPT OF
TRANSPORTATION
AGREEMENT

Lee moved and Petersen seconded the motion to accept and authorize Mayor to sign Agreement ZL 1904 with the Nebraska Department of Transportation for Project No. ELEC-83-2(1035). Roll call vote: "AYE": Nisley, Backenstose, Petersen, Lucas, Lee, Carman, Rieker, Ostendorf. "NAY": None. Motion carried.

ITEM #18
ORD 4011 ON 1ST
READING

Mayor Livingston instructed Ordinance No. 4011 moving regular North Platte City Council Meetings from 7:30 p.m. to 5:30 p.m. to be read by title on its first reading. Lee moved and Carman seconded the motion to approve Ordinance No. 4011 on its first reading. Roll call vote: "AYE": Nisley, Backenstose, Petersen,

Lucas, Lee, Carman. "NAY": Rieker, Ostendorf. Motion carried.

ITEM #19
CDS INSPECTIONS
& BEYOND FOR
OWNER OCCUPIED
REHAB PROJECT

Lee moved and Carman seconded the motion to approve recommendation by CDS Inspections & Beyond for approval of one Owner Occupied Rehab Project for a resident of the City of North Platte totaling \$25,000.00 in CDBG Funds as part of the 16-HO-33066 Program. Roll call vote: "AYE": Nisley, Backenstose, Petersen, Lucas, Lee, Carman, Rieker, Ostendorf. "NAY": None. Motion carried.

ITEM #20
APPROVE ORD 4012

Lee moved that the rule requiring Ordinance No. 4012 creating Sanitary Sewer Extension District No. 349 to include the south 280 feet of the west 40 feet of Doctor's 2nd Replat, a consolidation of Lots 2 and 3 of Doctor's Subdivision in Section 17, Township 13 North Range 30 West of the 6th P.M., Lincoln County, Nebraska, and a tract described as follows: Beginning at the northeast corner of Lot 1, Otter 2nd Subdivision of a Part Tract B, correction of Major's Replat in the E 1/2 of Section 18, Township 13 North, Range 30 West of the 6th P.M., Lincoln County, Nebraska, thence N 00° 50'28" E, a distance of 230', thence west 150' perpendicular to the last course, thence S 00° 50'28" W, a distance of 230', thence east 150' perpendicular to the last course to the point of the beginning, and the east 150 feet of Lot 1, Otter Second Subdivision of Tract B, correction of Major's Replat in the E 1/2 of Section 18, Township 13 North, Range 30 West of the 6th P.M., Lincoln County, Nebraska, and the east 150 feet of Lot 2, Otter First Subdivision of Tract B, correction of Major's Replat in the E 1/2 of Section 18, Township 13 North, Range 30 West of the 6th P.M., Lincoln County, Nebraska to be read on three different dates be suspended. Carman seconded the motion. Roll call vote: "AYE": Nisley, Backenstose, Petersen, Lucas, Lee, Carman, Rieker, Ostendorf. "NAY": None. Motion carried.

Mayor Livingston instructed Ordinance No. 4012 to be read one time by title only. Carman moved and Lucas seconded the motion to approve Ordinance No. 4012. Roll call vote: "AYE": Nisley, Backenstose, Petersen, Lucas, Lee, Carman, Rieker, Ostendorf. "NAY": None. Motion carried.

ITEM #21
CLAIMS

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

ADJOURN

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

Adjourned at 10:06 p.m.

Angela Gilbert

Angela Gilbert, City Clerk