

MINUTES OF THE REGULAR CITY COUNCIL MEETING  
September 3, 2019; 7:30 p.m.

CALL TO ORDER

Invocation was given by Andrew 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, Lee, Carman, Rieker, Ostendorf. Mayor Dwight Livingston presided and Director of Administration and Finance Dawn Miller 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 20, 2019.
2. Place on file ML&W Reports for July 2019.
3. Place on file Treasurer's Report for July 2019.
4. Approve application by North Platte Community Playhouse for a Special Designated License on September 27, 2019 from 6:00 p.m. to 11:00 p.m., September 28, 2019 from 6:00 p.m. to 11:00 p.m., and September 29, 2019 from 12:00 p.m. to 5:00 p.m. at The Fox Theater (Patty Birge Room) 301 East 5<sup>th</sup> Street for a Fundraiser/Live Stage Show.
5. 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 2014 Vactor 2100 Plus Jet/Vac Truck for use by the Public Service Department in the total amount of \$179,000.00.
6. Authorize Mayor to execute Interlocal Agreements for Advanced Life Support Ambulance Service with area

Basic Life Support Services.

7. Accept bid and authorize Mayor to sign contract for Sewer Improvement District No. 348 along East 6<sup>th</sup> Street and Welch Avenue and Water Extension District No. 263 along West 18<sup>th</sup> Avenue and Emory Avenue.
  8. Adopt recommendation by the North Platte Planning Commission for preliminary and final approval of McDonald Place Replat located at 804 West F Street.
  9. Adopt recommendation by the North Platte Planning Commission for preliminary and final approval of Gaedke First Subdivision located at 805 Halligan Drive.
- Roll call vote: "AYE": Nisley, Backenstose, Petersen, Lucas, Lee, Carman, Rieker, Ostendorf. "NAY": None. Motion carried.

ITEM #18  
JOY GUILLEMIN  
APPEAL

Conduct hearing and take action on appeal by Joy Guillemmin relative to her receipt of notice to Repair or Demolish property damaged by fire at 1419 Rodeo Road, North Platte, Nebraska.

Nisley moved and Rieker seconded the motion to table the appeal hearing until the September 17, 2019 City Council Meeting. Roll call vote: "AYE": Nisley, Backenstose, Petersen, Lee, Rieker, Ostendorf. "NAY": Lucas, Carman. Motion carried.

ITEM #10  
PUBLIC HEARING  
ON ORDINANCE  
4014 TO ADOPT  
2019-2020 BUDGET

Mayor Livingston declared a Public hearing on Ordinance No. 4014 to adopt the Budget Statement and to appropriate City monies for fiscal year 2019-2020.

Rich Reinert, 2602 Cedarberry Lane, stated other private golf courses in the area are struggling and he cannot understand why the government is in competition with private enterprise.

Steve Marshall, 719 Griffith Avenue, questioned the Electric transfer to Golf and he suggested money could be used for roads, and storm sewer needs.

Chris Tyan, 1806 West 3<sup>rd</sup> Street, asked the Council to consider how they would deal with a personal deficit.

Dan Perlinger, 2809 West 3<sup>rd</sup> Street, told the Council he is a member of Iron Eagle and he loves the course. He stated the City is in many things that compete with other businesses and Iron Eagle is one of the best golf courses in the area and the City should keep it.

Jerry Wilson, 1818 West 18th Street, asked the Council to

support Iron Eagle Golf Course, if for no other reason than to support the \$10 million investment. He said we need to give the Golf Course a chance.

Donna Tryon, 820 South Bryan Avenue, told the Council no one wants the Golf Course and North Platte has ample housing.

Mark Woods, 902 North Emory, asked if the City could privatize the Animal Shelter and questioned the costs of the Library. He stated something needs to be done with the Golf Course. He said if the Council does not decide, then it should be put on the ballot.

Terry Woods, 902 North Emory, told the Council she understands the Golf Course was not to be funded by tax dollars. She stated the streets and sewers need to be fixed and the Rec Center is in need of improvements.

Howard Mendonca, 2920 West 4th Street, questioned why the City wants to be in competition with private enterprise. He stated only 3-4% of residents in the City may play golf and Iron Eagle should be put on the ballot.

Ginger Ady, 4702 Valley Drive, stated recreation needs far outweigh the need for golf. She said the playgrounds are in extreme disrepair and the City should look at other recreational needs. She strongly urged the Council to put Iron Eagle on the ballot.

Amy Taft, 2217 West 9<sup>th</sup> Street, told the Council they should consider why the Golf Course is the biggest complaint they receive. She is concerned about having no handicap accessible playgrounds and the City needs a fully-inclusive playground.

Morgan Greenwood, 1615 West 2<sup>nd</sup> Street, told the Council she feels it is a "done deal" regardless of how much the public participates and said citizens do make a difference.

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

ITEM #11  
PUBLIC HEARING  
SETTING  
PROPERTY TAX  
RATE FOR 2019-2020

Mayor Livingston declared a Public hearing on Resolution setting the property tax rate for fiscal year 2019-2020.

No one appeared.

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

ITEM #12  
QUALITY GROWTH  
FUNDS FOR A  
FEASIBILITY  
MARKET STUDY

Lee moved and Petersen seconded the motion to approve the recommendation of the North Platte Quality Growth Fund Citizen's Advisory Committee to approve a \$20,000 request to North Platte Parks, Recreation and Wellness Foundation for a feasibility market study and financial analysis.

Megan McGown, President of the North Platte Parks, Recreation and Wellness Foundation, provided a brief history of the Foundation. She indicated the feasibility study will look at the feasibility of 1.) just a rec center, 2.) just a multi-sport complex and 3.) both a rec center and a multi-sport complex.

Fiona Libsack, North Platte Parks, Recreation and Wellness Foundation, said the study will allow the committees to make recommendations with greater confidence. She also said they are continuing to look at YMCA and other private options.

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

ITEM #13  
QUALITY GROWTH  
FUNDS TO  
PRATARIA  
VENTURES, LLC

Lee moved and Carman seconded the motion to approve the recommendation from the North Platte Quality Growth Fund Citizen's Advisory Committee to approve a \$1 million "performance-based loan" to Prataria Ventures, LLC.

Roger Bullington, President of Chief Industries representing Prataria Ventures, LLC, responded to questions regarding the need for the \$1 million to supplement the investment required for the initial phases of the proposed development projects. He said this is critical in order to complete a "catalyst" project to spark continued development.

Gary Person, Director of Chamber/DEVCO, stated Chief Industries has a great track record since they began in 1954 and they have performed very well so their potential for success is high. He said the City needs an inventory of buildings for future development prospects.

Lucas moved and Lee seconded the motion to amend the original motion to alter the loan parameters to require a minimum of \$5

million investment before any portion of the loan is forgiven and require \$15 million investment for total loan forgiveness. Roll call vote: "AYE": Lucas, Rieker, Ostendorf. "NAY": Nisley, Backenstose, Petersen, Lee, Carman. Motion failed 3-5.

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

ITEM #14  
NO ACTION TAKEN

No action was taken on Resolution to transfer \$800,000 from the Community Development Block Grant (CDBG) Fund to the General Fund.

ITEM #15  
NO ACTION TAKEN

No action was taken on Resolution to transfer surplus fees of \$3,250,000 from the Electric Fund to the Golf Fund to eliminate the Deficit Fund Balance, and the transfer of operations of Iron Eagle Golf Course from the Special Revenue Golf Fund to a department of the General Fund, effective October 1, 2019.

ITEM #16  
CONDITIONAL USE  
PERMIT, PACIFIC  
STREET AND 5<sup>TH</sup>  
STREET

Mayor Livingston declared a Public hearing on recommendation by the City of North Platte Planning Commission on an application by Shults Real Estate Development Company for a Conditional Use Permit to allow two multi-family residential structures (apartment complex) in an R-4 Dwelling District on property located on Pacific Street and 5<sup>th</sup> Street and described as Lot 2, Shults Subdivision, North Platte, Lincoln County, Nebraska.

Josh Thompson, 2919 West 4<sup>th</sup> Street, stated he does not desire having an apartment building in his backyard.

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

Lee moved and Lucas seconded the motion to find the request for a Conditional Use Permit to allow two multi-family residential structures (apartment complex) at Pacific Street and 5<sup>th</sup> Street 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 conditions that:

1. A site plan and building plans drawn by a professional architect, surveyor and/or engineer must be submitted and approved prior to the start of construction.

2. A 16" alley easement be provided on the south side of the property.

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

ITEM #17  
CONDITIONAL USE  
PERMIT, 2000 WEST  
EUGENE AVENUE

Mayor Livingston declared a Public hearing on recommendation by City of North Platte Planning Commission on an application by Justin Warner for a Conditional Use Permit to allow a wholesale nursery and green house with accessory retail in an A-1 Transitional Agricultural District located at 2000 West Eugene Avenue on property described as Lot 1 Miles Administrative Subdivision, North Platte, Lincoln County, Nebraska.

Michael Cook, 1906 West Eugene Avenue, read a letter to the City Council that addressed several concerns he has relating to the Conditional Use Permit. He also stated the water problem on Mr. Warner's property is not caused by his property and he does not feel like the City Council has enough information to give a Conditional Use Permit at this time.

Clarine Eickhoff, 8909 South Buffalo, stated she supported comments made by Mr. Cook and recommended tabling the application or sending it back to the Planning Commission.

Justin Warner, applicant at 2000 West Eugene Avenue, told the Council he has been in business about five years. He stated he plans to move forward with cleaning up his property and building a wholesale nursery and wants to beautify the area using his own funds.

Judy Clark, Planning Department, explained the process initiated based on a complaint. She told the Council that Transitional Agriculture Districts allow many things as a conditional use and

this Conditional Use Permit will require an annual review if it is approved.

Brook Baker, 821 Arrowhead Drive, told the Council it sounds like a neighbor dispute. He said there are enough stipulations on the Conditional Use Permit as is.

Jim Thompson, 502 Prairie Road, stated he owns property from Walker to Eugene. He said he has never had standing water in his pasture next to Mr. Warner's land.

Mark Woods, 902 North Emory, stated he has a soft spot for a young man who wants to open a business.

Rand Bauer, 800 South Silber, stated he works for Mr. Warner, and believes he deserves a chance if he is willing to devote his time and effort to further develop his business. He said the water problem is throughout the State, not just in this area.

Donna Tryon, 820 South Bryan, stated she understands why Mr. Warner is not within City limits and that he should be supported if he is willing to start a business.

Jerry Nichols, 1800 West Eugene, told the Council there are \$400,000 homes in the area and the field has not been mowed since he moved in. He indicated he should be given a chance to clean up his property.

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

Lee moved and Rieker seconded the motion to table the Conditional Use Permit to the September 17, 2019 City Council Meeting Roll call vote: "AYE": Nisley, Backenstose, Petersen, Lucas, Lee, Carman, Rieker, Ostendorf. "NAY": None Motion carried.

Mayor Livingston instructed Ordinance No. 4011 changing the start time for regular City Council meetings from 7:30 p.m. to 5:30 p.m. to be read by title on its third reading. Lee moved and Petersen seconded the motion to approve Ordinance No. 4011 on its third reading. Roll call vote: "AYE": Nisley, Backenstose, Petersen, Lucas, Lee, Carman, Rieker, Ostendorf. "NAY": None. Motion carried.

ITEM #19  
ORD 4011 ON 3<sup>RD</sup>  
READING

ITEM #20  
CLAIMS

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

ADJOURN

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

Adjourned at 10:50 p.m.

  

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Angela Gilbert, City Clerk