

MINUTES OF THE REGULAR CITY COUNCIL MEETING
September 17, 2019; 7:30 p.m.

CALL TO ORDER

Invocation was given by Doug 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, Rieker, Ostendorf. Carman was absent. Mayor Dwight Livingston presided and Director of Finance and Administration 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 Rieker seconded the motion to approve the Consent Agenda as follows:

1. Approve minutes of regular meeting on September 3 and special meeting on September 5, 2019.
2. Place on file Treasurer's Report for August 2019.
3. Approve application by North Platte Community Playhouse for a Special Designated License on October 4, 2019, from 6:00 p.m. to 11:00 p.m., October 5, 2019 from 6:00 p.m. to 11:00 p.m., and October 6, 2019 from 12:00 p.m. to 5:00 p.m. at The Fox Theater (Patty Birge Room) 301 East 5th Street for a Live Stage Show.
4. Send applications of James K. Riewe as Liquor License Manager at Best Western Plus Inn & Suites located at 3201 South Jeffers Street and Fat Dogs North Platte located at 102 Holiday Frontage Road to the Liquor Control Commission with no recommendation.
5. Send applications of BoDunks Brewing, Inc. dba Peg Leg Brewing for a Class C Liquor License (Beer, Wine & Distilled Spirits, On and Off Sale) and a Class L (Craft Brewery) located at 2519 Halligan Drive to the Liquor

- Control Commission with no recommendation.
6. Accept the report from the Certification Administrator, Scott Moses, for those Volunteer Firefighters qualifying for the 2018-2019 North Platte Volunteer Firefighters Service Award Program and authorize the incentive funds (\$10,000) to be held in a trust by First National Bank of North Platte.

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

ITEM #7
JOY GUILLEMIN
APPEAL HEARING

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.

Mayor Livingston appointed City Attorney, Doug Stack as Hearing Officer.

Hearing Officer explained the hearing process.

City Building Code Officer waived opening statement.

Joy Guillemmin gave an opening statement.

City Building Code Officer adduced evidence, offering Exhibit 1, pages 1-10, and Exhibit 2, Notice of Hearing.

Exhibit's 1 and 2 were received and made a part of the record.

Questions by the City Council were asked and answered and the City rested.

Joy Guillemmin testified.

Guillemmin's letter requesting hearing was marked Exhibit 3 and was admitted and made a part of the record.

Fire Prevention Bureau Investigation Report was marked Exhibit 4 and admitted and made a part of the record.

City waived closing statement.

Guillemmin made a closing statement.

Nisley moved and Lee seconded the motion to deny the appeal. Roll call vote: "AYE": Nisley, Backenstose, Petersen, Lucas, Lee.

"NAY": Rieker, Ostendorf. "ABSENT": Carman. Motion carried.

ITEM #8
CONDITIONAL USE
PERMIT, 2000 WEST
EUGENE AVENUE

Lee moved and Lucas seconded the motion adopt recommendation by City of North Platte Planning Commission on an application by Justin Warner and find the request 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 on property described as Lot 1 Miles Administrative Subdivision, North Platte, Lincoln County, Nebraska 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 Storm Water Management Plan must be submitted prior to construction.
3. An annual review of the project will be conducted until the project is complete
4. A brick/block fence will be constructed along the east, west and south side of the property to screen the project from neighboring properties.
5. A truck turn around will be constructed on site.
6. Ingress and egress from the property will need to be approved through the Lincoln County Department of Roads.

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.

Justin Warner, applicant at 2000 West Eugene Avenue, told the Council he would like to start with a building and then put up green houses as soon as financially possible. He said he is looking at alternate fence material for a privacy fence.

Lee moved and Lucas seconded the motion to amend the conditions of the application to change No. 4 from A brick/block

fence will be constructed along the east, west and south side of the property to screen the project from neighboring properties to A 6-foot privacy fence will be constructed along the east, west and south side of the property to screen the project from neighboring properties. Roll call vote: "AYE": Nisley, Petersen, Lucas, Lee, Rieker. "NAY": Backenstose, Ostendorf. "ABSENT": Carman. Motion carried.

Rieker moved to amend the conditions of the application to remove No. 2 A Storm Water Management Plan must be submitted prior to construction.

Rieker's motion failed, with the lack of a second.

Jim Thompson, 502 Prairie Road, stated Eugene Avenue is not for trucks and the neighbors do not want the road enlarged. He said he is also concerned about the time frame of the project.

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.

Roll call vote on the main motion as amended: "AYE": Petersen, Lucas, Lee, Rieker. "NAY": Nisley, Backenstose, Ostendorf. "ABSENT": Carman. Mayor Livingston voted "AYE" and the motion carried 5-3.

ITEM #9
INTERLOCAL
AGREEMENTS

Lee moved and Petersen seconded the motion to approve and authorize the Mayor to execute the following Agreements: Dispatch Agreement with Lincoln County; Dispatch Agreement with Gothenburg; Resource Officer Agreement with Lincoln County School District #001; Lincoln County/City Emergency Management Agreement; Network Services Agreement with Lincoln County and Agreement for Ambulance Dispatch Services with Priority Medical Transport, LLC. Roll call vote: "AYE": Nisley, Backenstose, Petersen, Lucas, Lee, Rieker, Ostendorf. "NAY": None. "ABSENT": Carman. Motion carried.

ITEM #10
USER FEES FOR
2019-2020

Lee moved and Petersen seconded the motion to adopt Resolution setting User Fees for fiscal year 2019-2020.

Lucas moved and Lee seconded the motion to amend the 2019-2020 User Fees to change the fees for Portable bandshell under Public Service Department/Parks to:
Portable bandshell, per day + \$150 damage deposit, City moves shell (inside City's zoning area) Non-profit \$100

Portable bandshell, per day + \$150 damage deposit, City moves shell (outside City's zoning area) Non-profit \$300
Portable bandshell, per day + \$150 damage deposit, City moves shell (inside City's zoning area) Commercial \$200
Portable bandshell, per day + \$150 damage deposit, City moves shell (outside City's zoning area) Commercial \$400
Plus Federal set mileage rate, per mile for outside of City's zoning area. The zoning area is within City limits and within the two-mile zoning jurisdiction. Roll call vote: "AYE": Nisley, Backenstose, Petersen, Lucas, Lee, Rieker, Ostendorf. "NAY": None. "ABSENT": Carman. Motion carried.

Roll call vote on Resolution setting amended User Fees for fiscal year 2019-2020: "AYE": Nisley, Backenstose, Petersen, Lucas, Lee, Rieker, Ostendorf. "NAY": None. "ABSENT": Carman. Motion carried.

ITEM #11
ADOPT ORD 4015
SALARIES FOR
2019-2020

Lee moved that the rule requiring Ordinance No. 4015 Salaries for fiscal year 2019-2020 to be read on three different dates be suspended. Lucas seconded the motion. Roll call vote: "AYE": Nisley, Backenstose, Petersen, Lucas, Lee, Rieker, Ostendorf. "NAY": None. "ABSENT": Carman. Motion carried.

Mayor Livingston instructed Ordinance No. 4015 to be read one time by title only. Lee moved and Ostendorf seconded the motion to approve Ordinance No. 4015. Roll call vote: "AYE": Nisley, Backenstose, Petersen, Lucas, Lee, Rieker, Ostendorf. "NAY": None. "ABSENT": Carman. Motion carried.

ITEM #12
ISSUE WARRANTS
TO VARIOUS
CONTRACTORS

Lee moved and Lucas seconded the motion to adopt Resolution approving claims and authorizing the issuance of a warrant to Midlands Contracting, Inc. in the amount of \$401,295.71, a warrant to Cement Products, Inc. in the amount of \$103,608.75, a warrant to Myers Construction, Inc. in the amount of \$123,722.72, and a warrant to Paulsen, Inc. in the amount of \$103,379.60 to pay approved claims and referring to and incorporating the terms and conditions of Ordinance No. 3874 relating to warrant financing passed and approved on May 21, 2013. Roll call vote: "AYE": Nisley, Backenstose, Petersen, Lucas, Lee, Rieker, Ostendorf. "NAY": None. "ABSENT": Carman. Motion carried.

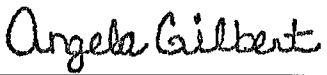
ITEM #13
CLAIMS

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

ADJOURN

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

Adjourned at 9:07 p.m.



Angela Gilbert, City Clerk