

MINUTES OF THE MEETING OF THE NORTH PLATTE PLANNING COMMISSION HELD ON THE 26th DAY OF MAY 2020 IN THE CITY HALL COUNCIL CHAMBERS AND CONFERENCE ROOM.

MEMBERS PRESENT: Greg Wilke, Bonnie Kruse, Brent Barker, Jim Bain, Pat Smith, Don Weber, Travis Herdt, Lee Davies, Marilyn McGahan

MEMBERS ABSENT: None

STAFF MEMBERS PRESENT: Judy Clark, Planning Administrator; Michelle Bain, Recording Secretary

Notice of the meeting was given in advance thereof, by posting in at least three places in the City as follows: North Platte Public Library, Lincoln County Courthouse, and City Hall offices.

Notice of the meeting was given to the Chairman and all members of the Planning Commission. Availability of the agenda was communicated in the advance notice and in the notice to the Chairman and members of the Commission.

All proceedings thereafter shown were taken while the convened meeting was open to the attendance of the public.

Chair Wilke called the meeting to order at 5:30 p.m. and stated a current copy of the open meetings act of Nebraska is posted at the back of the Council Chambers and in the conference room.

2. Barker moved and Kruse seconded the motion to approve the minutes of the meeting held April 28, 2020. Roll call vote: "Aye": McGahan, Smith, Weber, Bain, Wilke, Barker, Herdt, Kruse, Davies. "Nay": None. Absent: None. Motion carried.
3. File No. SU20-006 Discuss and consider action on an application by Smith Rentals, LLC for Smith 3rd Replat located at 109 West Philip Avenue in a B-2 Highway Commercial District.

Judy stated that this subdivision was originally approved by the Planning Commission on August 22, 2017. Due to the required improvements never being completed, the subdivision was never finalized or recorded. According to the City of North Platte Code of Ordinances Section 155.067 Failure to submit the subdivision plat and install the improvement within 12 months from the date of approval by the City council will cause the subdivision approval to be void, and necessitate the applicant to resubmit all plans and fees for reconsideration and approval. An agreement between the owner and the city to install the required improvements has been made and installation of the new alley will commence once the subdivision is approved.

The alley was vacated in 2017 and a new alley needs to be created for sanitation trucks to move in and out.

Smith Moved and Barker seconded the motion to approve File No. SU20-006 Smith 3rd Replat. Roll call vote: "Aye": McGahan, Smith, Weber, Bain, Wilke, Barker, Herdt, Kruse, Davies. "Nay": None. Absent: None. Motion carried.

4. Public Hearing discuss and consider action on a resolution regarding the North Platte, Nebraska Blight and Substandard Study Area #13 prepared by Marvin Planning Consultants, Inc. for Wilk Builders to make recommendations regarding its conformity with the comprehensive plan for the development of the City of North Platte pursuant to Nebraska Community Development Law.

Chair Wilke opened the public hearing.

Judy stated that the City Planning Commission's responsibility in the Blight & Substandard Determination Study process is to take public comment on whether the real estate described should be declared substandard and blighted as pursuant to the Nebraska Community Development Law and if the study is in conformance with the City of North Platte Comprehensive Plan. The Planning Commission packets included a map from the comprehensive plan indicating future land use in the area and a copy of the study and a list of the requirements to be declared substandard and blighted. Keith Marvin, Marvin Planning Consultants, Inc., is present via zoom to answer any questions about the blight and substandard study. Planning Staff recommends approval of the

study and passage of the resolution and feels that the study is in conformance with the North Platte Nebraska Comprehensive Plan 2011 and meets the requirements to be declared substandard and blighted.

Donna Tryon, 820 S. Bryan, was present and stated she has spoken to people and because of the situation with congregating in one place they couldn't come to the meeting and they're not techy. Because of that and because of the city's financial situation she would like to see this public hearing postponed.

Mark Woods, 902 N. Emory, was present and requested a negative recommendation. He believes Wilk Builders is a good company and he has nothing against homes being built there. Sugarberry has 40 year old homes but they're well kept homes. He doesn't feel this area fits as blighted and substandard.

Ed Rieker, 916 N. Emory Ave., was present and asked if part of the requirements are that the structures have to be 40 years old to qualify for blight and substandard designation. He also asked about the assessed value of the homes.

Keith Marvin, Marvin Planning Consultants, Inc., was present and stated that Mr. Rieker is correct and that's why the Sugarberry strip is in the proposed area. Eighteen of twenty-four of those homes are older than 40 years of age and the average age rounds to 40 years of age which meets the requirements. Assessed value was not considered. When the area is studied there are 13 items state legislature designates that can be considered which are stated in part B of Blight & Substandard State Statutes. That's where the age of structures comes from. Legislature does not dictate how many items have to be present to qualify.

Daren Wilkinson, 1920 W. Leota, was present and stated he is asking for designation so he can apply for Tax Increment Financing (TIF) on a project that is not viable without TIF financing. The last property he developed for \$12,000 per lot was in 2008, Bush Ct. off of Bare. Looking at this project cost of land plus improvements is pushing \$40,000 per lot on cost basis. The City has set precedent with other TIF housing projects in the last couple years and he would like to be on an even playing field with those people.

Ms. Tryon questioned the substandard designation and asked what the plan is to upgrade the standard.

Mr. Marvin explained that going back to definitions, the substandard designation is due to the age of the structures which was the primary criteria they considered. The Statutes allow age of structures on both the blighted and substandard side. The applicant is planning a housing development that would help bring the age back down within the whole study area. Hopefully some of that money will generate revenue to help improve sidewalks in that area.

Ms. Tryon stated she is opposed to this application. She feels the TIF program has been abused in the past. She questioned what happens if the applicant can't sell the homes that he builds. She would rather see TIF funds used in an area that is truly blighted and substandard.

Gary Person, President, NP Chamber & Development Corp., was present and stated that the Planning Commission's decision should be based on statutes and the study in general. Developers prefer to not have to use TIF but it is very challenging in today's world. Many projects are on hold and it is nice to see a developer willing to move forward with a project. The shot in the arm program helped developers move forward with housing which proved that some kind of incentive is needed for developers to put additional investment into the city. Mr. Wilkinson always seems to get his properties sold. The burden is still on the developer to perform.

Ms. Tryon and Mr. Woods both feel they could TIF about anything in this town. Mr. Woods feels they get return on their investment much quicker with TIF and opposes any tax help to private individuals.

Bain moved and Weber seconded the motion to close the public hearing. Roll call vote: "Aye": McGahan, Smith, Weber, Bain, Wilke, Barker, Herdt, Kruse, Davies. "Nay": None. Absent: None. Motion carried.

Judy explained this application is not approving the actual TIF Project, it is simply to see if the Blight & Substandard Study meets standards and is in conformance with the Comprehensive Plan.

Kruse asked where would this put North Platte's overall percentage of Blight & Substandard area if this is recommended for approval.

Judy stated that North Platte's overall percentage of Blight & Substandard area with this area included would be 25.4% of a maximum percentage of 35%.

McGahan stated she agrees this is in conformance with the Comprehensive plan and questioned why only a portion of Sugarberry was included. The average age of homes is 39.5 years. She questioned the criteria for the condition of sidewalks and gutters etc. It was doing good to be average. She asked what other alternatives a developer has to get help. That area is not blighted & substandard in her opinion.

Chair Wilke allowed Mr. Marvin to speak. He explained that Sugarberry was picked and surgically brought in. It was not the first time and won't be the last time it will happen. In this case they made 40 years of age work. Looking at curb and gutter, he considers areas that have raised areas or are cracking. Additionally if areas have been tarred in the streets, there has been cracking or issues with water penetration.

Smith moved and Barker seconded the motion to reopen public hearing. Roll call vote: "Aye": McGahan, Smith, Weber, Bain, Wilke, Barker, Herdt, Kruse, Davies. "Nay": None. Absent: None. Motion carried.

There was some discussion regarding TIF and the TIF process.

Mr. Wilkinson stated if the blight & substandard study is approved his plan is to purchase only the area that Mr. Marvin was talking about south of Sugarberry Road. There is room for approximately 15 lots. The property he developed in 2008 took about 11 years to sell 12 houses. He is hopeful this project will be quicker and anticipates building and selling 3 houses a year. It made sense for the blight & substandard study to include the whole parcel for future development.

Carroll Michaels, 3802 Sugarberry Road, was present and stated she feels there are other areas where this development could happen.

Mr. Person discussed incentives other than TIF that the community has available. He discussed workforce housing development, market rate housing. Nothing is currently being built in North Platte because those funding sources have been depleted. Costs are increasingly challenging for developers. When businesses try to recruit people housing becomes a challenge. TIF is about the only tool available for market rate housing development.

Ms. Tryon stated she has never moved because of a house, they moved because of a job and waited until they found a house they wanted. Her understanding is that hospital professionals don't usually stay in North Platte, they train and move on. She cited a couples areas of town that still have homes for sale. She'd rather the incentives are spent on areas of town that really need to be upgraded.

Mr. Rieker applauded Mr. Person for the shot in the arm program and stated that the major difference is that was all private money.

Mr. Person pointed out the shot in the arm program is actually a lot of public funding from different sources which ends up about 50% private, 50% public funds.

Mr. Rieker stated he feels infrastructure is expensive. If this property is truly developable and there is a market for the houses the land owner is going to reduce his price on the land until someone decides they can make some money by building houses there.

McGahan moved and Barker seconded the motion to close the public hearing. Roll call vote: "Aye": McGahan, Smith, Weber, Bain, Wilke, Barker, Herdt, Kruse, Davies. "Nay": None. Absent: None. Motion carried.

Davies stated the city is trying to get developers to invest in our community. That is how this project is going to happen. Major growth has been happening to the west, not the north where it might be more blighted. TIF is a second part that will be discussed later. He feels this would open up a large area to the west for developers to help expand the city of North Platte. He would like to see some commercial property eventually. He feels this is something the city needs. It is a balancing act.

Bain stated the owners have been paying taxes on vacant land for the last 15 years so why not develop it and get taxes on improved land. This seems to be a win/win for everyone.

Kruse stated the Planning Commission's responsibility is to determine if this area is in compliance with Comprehensive Plan & meets blighted & substandard definition. It meets those two requirements.

Davies moved and Kruse seconded the motion to approve a resolution recommending approval of the North Platte, Nebraska Blight and Substandard Study-Blight Study Area 13; and approval of related actions. Roll call vote: "Aye": McGahan, Weber, Bain, Wilke, Barker, Kruse, Davies. "Nay": Herdt, Smith. Absent: None. Motion carried.

5. File No. AM20-001 Discuss and consider action on forwarding comments and recommendations to the city council regarding an amendment to Chapter 151 Housing Maintenance and Occupancy Code Sections 151.001 through 151.999 relating to adoption of the 2018 International Property Maintenance Code (IPMC).

Judy stated that adopting the 2018 International Property Maintenance Code replaces all stricken verbiage. The code assigns appropriate authority to the Building Inspector and Development Department regarding enforcement of property maintenance. The changes in the ordinance assigns all duties formally granted to Health Inspector to the Building Inspector. In the event that there are health or environmental issues outside of the Building Inspector's certifications, the city maintains a relationship with West Central District Health Department to assist in administration of the code. The City of North Platte Development Department has a staff of seven; two building inspectors, two code compliance officers, a permit tech, department secretary and planner. Granting administration of the code to the building inspector and development department will allow the city to designate staff responsibilities in enforcement of this code. Staff currently enforces the code as written; this amendment just clarifies those duties and responsibilities. In addition to the ordinance, you will there is a plan for enforcement. This plan is the procedure that we currently use when completing annual multi-family dwelling inspections, mobile home inspections, requested home inspections, and condemnations. It is not the intent of staff to codify the plan; the plan is simply a procedure that is placed on file in the Development Department. Since all home inspections are a bit different, there are situations that arise where the step-by-step plan may deviate from time to time. On May 19, 2020, the North Platte City Council voted to approve Ordinance No. 4036 amending Chapter 151 Housing Maintenance and Occupancy Code Sections 151.001 through 151.999 of the Municipal Code of the City of North Platte relating to adoption of the 2018 International Property Maintenance Code on first reading. Even though council has approved the ordinance, Planning Commission does have the ability to recommend any changes to the code they feel are necessary; those changes will be forwarded to the city council for their consideration at the June 2, 2020 regular city council meeting. Planning staff recommends approval of the changes to the North Platte Code of Ordinances amending Chapter 151 Housing Maintenance and Occupancy Code Sections 151.001 through 151.999 of the Municipal Code of the City of North Platte relating to adoption of the 2018 International Property Maintenance Code. There has been no Health inspector since 1980. There are some mistakes in the draft.

McGahan asked about Sec. 151.001 and whether it covers all homes or all structures.

Judy stated it would cover all structures. For health-type issues and environmental issues (e.g. mold, lead based paint, etc.), the city does not have qualified environmentalists and would contact West Central Health and work in cooperation with them to test anything out of the city's realm of expertise.

If there is a structure in bad repair, the city tries to get it into repair and if it can't be repaired then they start the condemnation process. The appeal in the new code would be appealing to the Board of Adjustment which

would take the appeal process out of council's hands and give it to a board that would help make the tough decisions. This change will give the city a little more process to follow (structure).

McGahan asked what will happen if it is sent to the attorney for action. In the past the property owner received a notice from the attorney and then there was little or no follow up.

City Attorney Terry Waite was present and stated when a case comes up it will be judged on an individual basis.

McGahan asked if the city is supposed to follow up with the attorney.

Mr. Waite stated if there is no compliance it will come to him, they will review it and if it needs action they will take it.

Kruse questioned the relationship with West Central Health Dept. and their ability to come and assist.

Judy stated there don't seem to be a lot of environmental issues, but she feels the relationship is adequate. They have people on contract and connections to get in touch with. Perhaps it could be a contract with an outside source.

Judy Pederson, 411 Sandpiper Way, was present and stated the issue of Health Inspector is something that she looked at for a number of years when she was on Council. There are a number of structures that have fallen into disrepair and that were uninhabitable. People can't afford utilities so they get cut off. This impacts learning for students. There are slum lords that are taking advantage of people in our area. The conditions that some of our families are living in is heartbreaking. She appreciates they are looking at this and asked that they take their time to get it right. She would like to see a good inspection form taken to city council. Things need cleaned up.

Mr. Woods stated he has looked through city codes on this subject and they seem pretty good but need some tweaking and updating. He doesn't see the need to go with the International Maintenance Code. He spoke to a plumber who said reading things in the code will reference other code books. He feels it could be kept simple. City Council could update the codes. He is okay with West Central Health getting involved as long as they do a test, give results and that's the end of their involvement.

Ms. Tryon asked who reports code violations. Is it up to the neighbors to report them?

Chair Wilke stated that historically it has been a complaint basis.

Judy stated there are a number of ways. There are two compliance officers and two building inspectors who are in the field all the time. Sometimes they drive by and see a nuisance. The other way is complaints (neighbors). Tenants will call if they are in a rental and feel their landlord is not taking care of the rental unit. There are responsibilities in this property maintenance code that are specifically owner, specifically rental or both. When people are renters they have responsibilities. The city has a flyer that lists responsibilities of both.

Mr. Rieker stated that he feels the current code is adequate and just needs a few adjustments.

Wilke asked if the Planning Commission if they have enough information or have had enough time to read this that they're comfortable with what is before them.

Judy pointed out options for the Planning Commission. They could forward for approval with changes, approve with no changes, or table it. It doesn't have to be forwarded tonight.

Davies stated he hasn't read the code but is sure there is a lot the same. He is okay with tabling it, but is in favor of moving forward with it. He would like to look at it more. This book matches the other code books currently in use in the city.

Chair Wilke asked about the timeline if this is tabled. This is outside of his expertise so he has to trust the people who have the knowledge in that industry.

Judy stated this has been put on the city council agenda and will defer to the City Administrator and City Attorney. She isn't sure what would happen if it is tabled. They could ask the city council to pull it from the agenda. It has been approved on the first reading, but there are 3 readings the City Council has to go through.

Bain stated these people are hired as experts and they should be trusted.

Kruse asked if any staffing changes would have to be made with this.

Judy stated she doesn't believe so. The city has two ICC Certified building inspectors. There are some things exempted out such as swimming pools. There is staff certified to enforce it.

Bain moved and Davies seconded the motion to approve File No. AM20-001 amendment to Chapter 151 Housing Maintenance and Occupancy Code Sections 151.001 through 151.999 of the Municipal Code of the City of North Platte relating to adoption of the 2018 International Property Maintenance Code. Roll call vote: "Aye": McGahan, Smith, Weber, Bain, Wilke, Barker, Herdt, Kruse, Davies. "Nay": None. Absent: None. Motion carried.

6. Old Business. There was no old business to discuss.
7. New Business. There was no new business to discuss.
8. Adjourn. Chair Wilke adjourned the meeting at 7:20 p.m.

Respectfully Submitted,

Michelle Bain
Recording Secretary