

MINUTES OF THE REGULAR CITY COUNCIL MEETING  
August 18, 2020; 5:30 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 5:30 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 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 and City Hall; the designated method for giving notice (Certificate of Posting) is 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 August 4 and Work Session on August 11, 2020.
2. Approve Mayor's appointment of Tristen Winder to the City of North Platte Planning Commission to replace Pat Smith.
3. Approve Mayor's appointment of Nelson Jett to the City of North Platte Planning Commission to replace Greg Wilke.
4. Adopt recommendation by the North Platte Planning Commission for preliminary and final approval of Original Town 2nd Replat located at 220 West 6th Street and 513-515 North Sycamore Street.
5. Adopt recommendation by the North Platte Planning Commission for preliminary and final approval of Kucera 5th Subdivision located at 604 West Philip Avenue and 611 West Francis Street.
6. Adopt recommendation by the North Platte Planning Commission for preliminary and final approval of Maline 2nd Replat located at 4421 South Willow Street.

7. Authorize the Mayor to sign the Computer Aided Dispatch and Records System and Service Agreement with Motorola in the amount of \$874,000.00.
8. Authorize the Mayor to execute an Edward Byrne Memorial Justice Assistance Grant (JAG) application request for \$11,733.00 and required certified assurances.
9. Authorize the Mayor to sign the Cable Service Franchise Agreement between the City of North Platte, Nebraska and Spectrum Mid-America, LLC, the cable operator.
10. Send application of Misty Beutler as Liquor License Manager at Love's Travel Stop #390 located at 3211 S. Newberry Road to the Liquor Control Commission with no recommendation.

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

ITEM #11  
ORD 4036 ON 1<sup>ST</sup>  
READING

Mayor Livingston declared a Public Hearing on Ordinance No. 4036 Amendment to Chapter 151 Housing Maintenance and Occupancy Code, as amended.

Mark Woods, 902 North Emory, told the Council he is against the new codes and the City should not be involved, it should be between the landlords and the tenants. He said that charity groups are needed instead of the City and tenants will not be able to afford to live in the rentals because rent will have to increase. He also expressed concern that the City would be bound by the entire set of International and Building Codes.

Brian Plank, 2114 West A Street, told the Council we do not need a Health Inspector or additional inspectors as people do not want the City in their homes and landlords and tenants do not need a 3<sup>rd</sup> party involved. He also suggested that the City use the Fire Department employees as inspectors.

Donna Tryon, 820 South Bryan, stated that she is against the new housing codes as we already have codes on the books that are not being enforced.

Alisha Forbes, Executive Director of Mid-Plains United Way, said she believes the housing codes are extremely important and her group deals with tenants that do not have landlords that fix things and it is affecting the children in the school system; it is about creating a safe environment for every person in our community. She also stated that non-profits cannot do it alone due to risks and lack of funds and they need tools and resources

from the community.

Eric Seacrest, Executive Director of Mid-Nebraska Community Foundation, said that housing codes are important to every community and we have always had codes, this is just an amendment and abandoned and dilapidated houses harm our community.

Mel McNea, CEO of Great Plains Health, stated that he is in support of the housing codes and the majority of the landlords in the area are not bad, it is just a small group of them that do not take care of the properties they own.

Judy Pedersen, 411 Sandpiper Way, stated that the City is not intending to inspect all houses and the new housing codes will make our current codes clearer, which will help the community to make the situation better.

Terry Woods, 902 North Emory, asked the Council how they will protect the good landlords. She also expressed concern with fire pits, screen doors and peeling paint.

Backenstose 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.

Lee moved and Petersen seconded the motion to waive the reading of Ordinance No. 4036. Roll call vote: "AYE": Nisley, Backenstose, Petersen, Lucas, Lee, Carman, Rieker, Ostendorf. "NAY": None. Motion carried.

Lee moved and Petersen seconded the motion to approve Ordinance No. 4036 on its first reading. Roll call vote: "AYE": Nisley, Backenstose, Petersen, Lucas, Lee, Carman, Ostendorf. "NAY": Rieker. Motion carried.

ITEM #12  
CONDITIONAL USE  
PERMIT, 1008 WEST  
18<sup>TH</sup> STREET

Mayor Livingston declared a Public Hearing on recommendation by the North Platte Planning Commission for approval of an application by Rivers Edge Golf Club, LLC for a Conditional Use Permit to allow seasonal dwellings on property described as part of the NW ¼ SW ¼ and part of the S ½ W ¼ of Section 28, Township 14 North, Range 30 West of the 6th P.M., Lincoln County, Nebraska and part of the NE ¼ of Section 29, Township 14 North, Range 30 West of the 6th P.M., Lincoln County,

Nebraska located at 1008 West 18<sup>th</sup> Street.

No one appeared.

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.

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

ITEM #13  
AMENDMENT TO  
COMPREHENSIVE  
PLAN 2011, 1220  
SOUTH WILLOW  
STREET

Mayor Livingston declared a Public Hearing on recommendation by the North Platte Planning Commission for approval of an application by Faulhaber Properties, LLC, owner, and Bruce and Sherri Dodson, purchaser for an amendment to the North Platte Comprehensive Plan 2011 Future Land Use Map to amend certain lands from Residential low-density to Public/Quasi Public on property described as Lot 10, Block 5, Kucera's Addition, North Platte, Nebraska located at 1220 South Willow Street.

No one appeared.

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

Lee moved and Petersen seconded the motion to approve the amendment to the North Platte Comprehensive Plan 2011 Future Land Use Map. Roll call vote: "AYE": Nisley, Backenstose, Petersen, Lucas, Lee, Carman, Rieker, Ostendorf. "NAY": None. Motion carried.

ITEM #14  
APPROVE ORD 4038

Mayor Livingston declared a Public Hearing on Ordinance No. 4038 to adopt recommendation by the North Platte Planning Commission for approval of an application by Faulhaber Properties, LLC, owner, and Bruce and Sherri Dodson, purchaser, to rezone certain lands from an R-2 Dwelling District to an H-1 Hospital District on property described as Lot 10, Block 5, Kucera's Addition, North Platte, Nebraska located at 1220 South Willow Street.

No one appeared.

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

Nisley moved that the rule requiring Ordinance No. 4038 to be read on three different dates be suspended. Petersen seconded the motion. Roll call vote: "AYE": Nisley, Backenstose, Petersen, Lucas, Lee, Carman, Rieker, Ostendorf. "NAY": None. Motion carried.

Mayor Livingston instructed Ordinance No. 4038 to be read one time by title only. Lee moved and Nisley seconded the motion to adopt Ordinance No. 4038. Roll call vote: "AYE": Nisley, Backenstose, Petersen, Lucas, Lee, Carman, Rieker, Ostendorf. "NAY": None. Motion carried.

ITEM #15  
AMENDMENT TO  
MOBILE HOME  
MASTER PLAN, 1402  
EAST 3<sup>RD</sup> STREET

Mayor Livingston declared a Public Hearing on recommendation by the North Platte Planning Commission for approval of an application by Andra Kallhoff for an amendment to a Mobile Home Master Plan to allow RV/Seasonal parking on described as Lot 4 Wyman 1st Subdivision, North Platte, Nebraska located at 1402 East 3<sup>rd</sup> Street.

Richard Jepson, 1404 East 3<sup>rd</sup> Street, resident property manager, told the Council they do not want to enlarge the trailer park, they only want to rent spaces in the open lots.

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

Lee moved and Petersen seconded the motion to approve the amendment to the Mobile Home Master Plan. Roll call vote: "AYE": Petersen, Lee, Carman, Rieker. "NAY": Backenstose, Lucas, Ostendorf. "ABSTAIN": Nisley. Motion carried 4-3.

ITEM #16  
AMENDMENT TO  
COMPREHENSIVE  
PLAN 2011, 1815  
AND 1905 EAST 6<sup>TH</sup>  
STREET

Mayor Livingston declared a Public Hearing on a recommendation by the North Platte Planning Commission for approval of an application by Stephen and Debbi Simpson and Benny and Angela Robinson for an amendment to the North Platte Comprehensive Plan 2011 Future Land Use Map to amend certain lands from Residential-Medium Density Single Duplex

and Multifamily to Industrial on property described as the East 48' of Lot 7 and all of Lot 8, Platteview Subdivision, North Platte, Nebraska located at 1815 and 1905 East 6<sup>th</sup> Street.

No one appeared.

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

Lee moved and Ostendorf seconded the motion to approve the amendment to the North Platte Comprehensive Plan 2011 Future Land Use Map. Roll call vote: "AYE": Nisley, Backenstose, Petersen, Lucas, Lee, Carman, Rieker, Ostendorf. "NAY": None. Motion carried.

ITEM #17  
ORD 4039 ON 1<sup>ST</sup>  
READING

Mayor Livingston declared a Public Hearing on Ordinance No. 4039 to adopt recommendation by the North Platte Planning Commission for approval of an application by Stephen and Debbi Simpson and Benny and Angela Robinson to rezone certain lands from an R-3 Dwelling District to an I-1 Light Industrial District on property described as all of Lot 8 EXCEPT the West 66' of the South 150.66', Platteview Subdivision, North Platte, Nebraska located at 1815 and 1905 East 6<sup>th</sup> Street.

No one appeared.

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

Mayor Livingston instructed Ordinance No. 4039 to be read by title on its first reading. Lee moved and Petersen seconded the motion to adopt Ordinance No. 4039 on its first reading. Roll call vote: "AYE": Nisley, Backenstose, Petersen, Lucas, Lee, Carman, Rieker, Ostendorf. "NAY": None. Motion carried.

ITEM #18  
PLATTEVIEW 3<sup>RD</sup>  
REPLAT, 1815 AND  
1905 EAST 6<sup>TH</sup>  
STREET

Lee moved and Petersen seconded the motion to adopt recommendation by the North Platte Planning Commission for preliminary and final approval of Platteview Third Replat located at 1815 and 1905 East 6<sup>th</sup> Street. Roll call vote: "AYE": Nisley, Backenstose, Petersen, Lucas, Lee, Carman, Rieker, Ostendorf. "NAY": None. Motion carried.

ITEM #19  
PACE-NP DISTRICT  
MANUAL

Mayor Livingston declared a Public Hearing on recommendation by the North Platte Planning Commission for approval of the City of North Platte PACE-NP District Manual as authorized by Nebraska Revised Statute Section 13-3201 to 13-3211.

Gary Person, President and CEO of North Platte Chamber/DEVCO, told the Council he has been encouraged by developers to utilize this additional economic development tool.

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

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

ITEM #20  
REMOVED FROM  
AGENDA

Action on referring a Blight and Substandard Study – Blight Study Area 12 to the City of North Platte Planning Commission prepared by Marvin Planning Consultants, Inc. for public hearing to determine if the proposed area qualifies as substandard and blighted was removed from the Agenda at the request of the City Administrator.

ITEM #21  
ISSUE WARRANT TO  
PAULSEN, INC.

Lee moved and Petersen seconded the motion to adopt Resolution approving claims and authorizing the issuance of a warrant to Paulsen, Inc. in the amount of 395,541.40. Roll call vote: "AYE": Nisley, Backenstose, Petersen, Lee, Carman, Rieker, Ostendorf. "NAY": None. "ABSTAIN": Lucas. Motion carried.

ITEM #22  
SHELCO  
CONSTRUCTION  
FOR PAVING 835

Lee moved and Petersen seconded the motion to accept the bid from Shelco Construction in the amount of \$232,369.00 and authorize the Mayor to execute the contract between the City of North Platte and Shelco Construction. Roll call vote: "AYE": Nisley, Backenstose, Petersen, Lucas, Lee, Carman, Rieker, Ostendorf. "NAY": None. Motion carried.

ITEM #23  
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

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

Adjourned at 7:16 p.m.

  

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Angela Gilbert, City Clerk