

MINUTES OF THE REGULAR CITY COUNCIL MEETING
November 17, 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 November 3, 2020.
2. Place on file Treasurer's report for September 2020.
3. Send application of Pat J. Doering as Liquor License Manager at Love's Travel Stop #390 located at 3211 South Newberry Road to the Liquor Control Commission with no recommendation.
4. Approve application by Lazy RW Enterprises LLC for a Special Designated License on December 5, 2020 from 2:00 p.m. to 7:00 p.m. at Brittany's in the Platte River Mall, 1000 South Dewey Street for a Tasting Event.

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

CLOSED SESSION

Lucas moved and Petersen seconded the motion to go into Closed Session at 5:35 p.m. for the purpose of discussing real estate. Roll call vote: "AYE": Nisley, Backenstose, Petersen, Lucas, Lee, Carman, Rieker, Ostendorf. "NAY": None. Motion carried.

Mayor Livingston restated the purpose of the Closed Session to discuss real estate.

RETURN TO
REGULAR SESSION

Lee moved and Petersen seconded the motion to come out of Closed Session and return to Regular Session at 6:05 p.m. Roll call vote: "AYE": Nisley, Backenstose, Petersen, Lucas, Lee, Carman, Rieker, Ostendorf. "NAY": None. Motion carried.

ITEM #5
AMENDMENT TO
COMPREHENSIVE
PLAN 2011 FOR 720
WEST FRONT AND
617 NORTH OAK

Mayor Livingston declared a Public hearing to adopt recommendation by the North Platte Planning Commission for an amendment to the North Platte Comprehensive Plan 2011 Future Land Use Map to amend certain lands from Residential – Medium Density Single, Duplexes, and Multi-Family to Industrial located at 720 West Front Street and 617 North Oak Street as indicated on the map provided.

Micheal Streeter, applicant and owner of Streeter Electric LLC, told the Council his small business is currently located in Sutherland and he would like to build a shop and office on the empty lot in North Platte. He said that other lots along Front Street have been rezoned to Industrial and he sees the trend continuing. He stated the traffic should not increase as they are only going to store parts and materials there because they do most of their work away from the shop.

Elaine Mulvaney, neighbor, told the Council she is opposed to the project as it will increase the traffic and noise and there is no benefit to the neighborhood. She urged them to keep the lot as residential.

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

Lee moved and Lucas seconded the motion to amend the North Platte Comprehensive Plan 2011 Future Land Use Map. Roll call vote: "AYE": Nisley, Backenstose, Petersen, Lucas, Carman, Rieker, Ostendorf. "NAY": Lee. Motion carried.

ITEM #6
APPROVE ORD 4049

Mayor Livingston declared a Public hearing to adopt recommendation by the North Platte Planning Commission on Ordinance No. 4049 to rezone certain lands from an R-2 Dwelling District to an I-1 Light Industrial District located at 720 West Front Street and 617 North Oak Street.

Elaine Mulvaney, neighbor, told the Council the rezoning is not fair to the neighbors and not right for the neighborhood.

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

Mayor Livingston instructed Ordinance No. 4049 to be read by title on its first reading. Lee moved and Lucas seconded the motion to approve Ordinance No. 4049 on its first reading. Roll call vote: "AYE": Nisley, Backenstose, Petersen, Lucas, Lee, Carman, Rieker, Ostendorf. "NAY": None. Motion carried.

ITEM #7
AMENDMENT TO
COMPREHENSIVE
PLAN 2011

Mayor Livingston declared a Public hearing to adopt recommendation by the North Platte Planning Commission for an amendment to the North Platte Nebraska Comprehensive Plan 2011 Chapter 10 Land Use and Development and Chapter 11 Annexation.

Scott Erickson and Joe Staroska, owners of Weathercraft Companies of North Platte at 2401 East 8th Street, told the Council they are opposed to the annexation of their property as it is an industrial business that belongs outside the City limits. They said the annexation will increase their property and sales taxes and they will potentially become less competitive if they have to raise their prices.

Theresa Kelly, owner of Kelly's Custom Pack at 1600 East 8th Street and TK's Welding and Fabrication at 1621 East 8th Street, told the Council she is opposed to the annexation of her businesses as they will have to charge City sales tax to their customers. She also stated that it is against City Ordinances to shoot and slaughter animals inside City limits and does not believe she will be able to sell her business in the future due to these Ordinances.

Ed Maline, owner of EJ's Outdoor Sports at 1711 East 8th Street, told the Council he does not want to be annexed into the City because he owns a small business and adding more taxes will hurt his business.

Penny Billingsley, owner of Garden Glove and the Coffee Bin at 1800 East 12th Street, told the Council they do not want to be

inside City limits as they own very small businesses and there is no benefit to them being annexed. She said it will increase their costs to customers and it will be harder to compete with other similar businesses.

Keith Marvin, Marvin Planning Consultants Inc., told the Council they are not annexing any land right now and are only fulfilling state statutes by adopting a map showing where they may annex land in the future. He said when they do annex land, they will be required to notify property owners and have three readings of an Ordinance. He stated that in addition to sales and property taxes, annexation gives more land area for blight and substandard percentages for possible development in the future.

Zane Zalud, 821 East 10th Street, told the Council he does not need to be annexed and does not want the animals near his property disturbed.

Lee Durand, 1021 North Roosevelt, told the Council there is nothing in that area to be developed and there is no benefit to the City besides more taxes.

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

Lee moved and Lucas seconded the motion to approve the amendment to the North Platte Nebraska Comprehensive Plan 2011 Chapter 10 Land Use and Development and Chapter 11 Annexation.

Lucas moved and Lee seconded the motion to amend the Comprehensive Plan 2011 to move the East 8th Street section of the map from Annexation Priority 1 to Annexation Priority 2.

Lucas withdrew his motion, with the consent of Lee.

Rieker moved and Lucas seconded the motion to amend the Comprehensive Plan 2011 to move the East 8th Street section of the map from Annexation Priority 1 to Annexation Priority 3. Roll call vote: "AYE": Nisley, Backenstose, Petersen, Lucas, Lee, Carman, Rieker, Ostendorf. "NAY": None. Motion carried.

Roll call vote on the main motion as amended: "AYE": Nisley,

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

ITEM #8
ANNUAL REPORT
ON CONDITIONAL
USE PERMIT AT 2000
WEST EUGENE

Planning Administer Judy Clark gave an Annual Report on a Conditional Use Permit granted to Justin Warner on September 17, 2019 allowing a wholesale nursery and green house with accessory retail in an A-1 Transitional Agricultural District located at 2000 West Eugene Avenue. She stated that Mr. Warner has applied for a Fence Permit and is in the process of putting up his fence and has cleaned up some weeds and junk on the property.

Justin Warner told the Council he did apply for a Flood Plain permit as he was requested to do.

Michael Cook, 1906 West Eugene, told the Council that Mr. Warner has not complied with several of the conditions set in his Conditional Use Permit and asked that his permit be revoked.

No action was taken.

ITEM #9
ISSUE WARRANTS
TO PAULSEN, INC.
AND ML&W

Lee moved and Rieker seconded the motion to adopt Resolution approving claims and authorizing the issuance of a warrant to Paulsen, Inc. in the amount of \$101,586.40 and a warrant to Municipal Light & Water in the amount of \$765.00 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, Carman, Rieker, Ostendorf. "NAY": None. Motion carried.

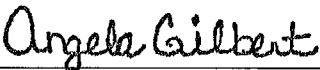
ITEM #10
CLAIMS

Backenstose 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

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

Adjourned at 8:12 p.m.



Angela Gilbert, City Clerk