

MINUTES OF THE REGULAR CITY COUNCIL MEETING
April 6, 2021; 5:30 p.m.

CALL TO ORDER

Invocation was given by Deb Dishman 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, Tryon, Volz, Lucas, Garrick, Carman, Rieker, Woods. Mayor Brandon Kelliher presided and City Clerk Angela Gilbert recorded the proceedings.

Mayor Kelliher 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

Nisley moved and Rieker seconded the motion to approve the Consent Agenda as follows:

1. Approve Minutes of March 16, and 24, 2021.
2. Place on file Treasurer's report for February 2021.
3. Accept and place on file City of North Platte Audit for fiscal year ended September 30, 2020.
4. Send applications of Casey's Retail Company dba Casey's General Store #1759 and #1914 for Class D Liquor Licenses (Beer, Wine & Distilled Spirits, Off Sale Only) located at 520 Rodeo Road and 1401 East 4th Street to the Nebraska Liquor Control Commission with no recommendation.
5. Send application of Los Mariachis for a Class C Liquor License (Beer, Wine & Distilled Spirits, On and Off Sale) located at 520 East Philip Avenue, Suite 2 to the Nebraska Liquor Control Commission with no recommendation.
6. Remove approval of appointment of Sophia Klein to the Civil Service Commission at the Mayor's request due to Ordinance requirements that no more than two members of the board shall be registered electors of the same political party.
7. Approve North Platte Fire Department Annual Report for 2020.

Roll call vote: "AYE": Nisley, Tryon, Volz, Lucas, Garrick, Carman, Rieker, Woods. "NAY": None. Motion carried.

ITEM #8
CERTIFICATE
OF COMPLETION
FOR STREET
IMPROVEMENT 328

Garrick moved and Carman seconded the motion to receive Certificate of Completion for Street Improvement District No. 328 on the Downtown Enhancement Project and accept said improvements. Roll call vote: "AYE": Nisley, Tryon, Volz, Lucas, Garrick, Carman, Rieker, Woods. "NAY": None. Motion carried.

ITEM #9
APPROVE
ORDINANCE 4062

Lucas moved that the rule requiring Ordinance No. 4062 authorizing the issuance of Series 2021 General Obligation Various Purpose Bonds in the amount of \$6,665,000 to be read on three different dates be suspended. Volz seconded the motion. Roll call vote: "AYE": Nisley, Tryon, Volz, Lucas, Garrick, Carman, Rieker, Woods. "NAY": None. Motion carried. Mayor Kelliher instructed Ordinance No. 4062 to be read by title one time only. Garrick moved and Nisley seconded the motion to approve Ordinance No. 4062. Roll call vote: "AYE": Nisley, Tryon, Volz, Lucas, Garrick, Carman, Rieker, Woods. "NAY": None. Motion carried.

ITEM #10
APPROVE
ORDINANCE 4063

Lucas moved that the rule requiring Ordinance No. 4063 authorizing the issuance of Series 2021 Public Safety Tax Anticipation Bonds in the amount of \$575,000 to be read on three different dates be suspended. Volz seconded the motion. Roll call vote: "AYE": Nisley, Tryon, Volz, Lucas, Garrick, Carman, Rieker, Woods. "NAY": None. Motion carried.

Mayor Kelliher instructed Ordinance No. 4063 to be read by title one time only. Nisley moved and Volz seconded the motion to approve Ordinance No. 4063. Roll call vote: "AYE": Nisley, Tryon, Volz, Lucas, Garrick, Carman, Rieker, Woods. "NAY": None. Motion carried.

ITEM #11
CONDITIONAL USE
PERMIT, 410 EAST
LEOTA

Mayor Kelliher declared a Public hearing on recommendation by the North Platte Planning Commission for approval of a Conditional Use Permit to allow a cargo container as a permanent structure in a B-2 Highway Commercial District located at 410 East Leota.

No one appeared.

Rieker moved and Nisley seconded the motion to close the hearing. Roll call vote: "AYE": Nisley, Tryon, Volz, Lucas,

Garrick, Carman, Rieker, Woods. "NAY": None. Motion carried.

Nisley moved and Volz seconded the motion to find the request for a Conditional Use Permit to allow a cargo container as a permanent structure in a B-2 Highway Commercial District located at 410 East Leota 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 condition that all elements of the application are complied with 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.

Rieker moved and Woods seconded the motion to table the Conditional Use Permit until a determination can be made as to whether the cargo container could be moved to a different area behind the store due to parking and setbacks. Roll call vote: "AYE": Tryon, Rieker, Woods. "NAY": Nisley, Volz, Lucas, Garrick, Carman. Motion failed 3-5.

Roll call vote on the main motion: "AYE": Nisley, Tryon, Volz, Lucas, Garrick, Carman, Woods. "NAY": Rieker. Motion carried.

ITEM #12
CONDITIONAL USE
PERMIT, 601 EAST
FRANCIS

Mayor Kelliher declared a Public hearing on recommendation by the North Platte Planning Commission for approval of a Conditional Use Permit to allow living quarters situated in an office building in a B-2 Highway Commercial District located at 601 East Francis Street.

Robert Stefka, Commercial Investment Services, told the Council the church does not have any immediate plans to utilize the apartments, which are above the commercial area of the building and the church does pay property taxes on that portion of the building.

Garrick moved and Rieker seconded the motion to close the

hearing. Roll call vote: "AYE": Nisley, Tryon, Volz, Lucas, Garrick, Carman, Rieker, Woods. "NAY": None. Motion carried.

Volz moved and Garrick seconded the motion to find the request for a Conditional Use Permit to allow a living quarters situated in an office building in a B-2 Highway Commercial District located at 601 East Francis 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 condition that all elements of the application are complied with 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.

Lucas moved and Garrick seconded the motion to add the condition that the Conditional Use Permit will terminate if there is a change of ownership or sale of the property. Roll call vote: "AYE": Tryon, Volz, Lucas, Garrick, Carman, Rieker, Woods. "NAY": Nisley. Motion carried.

Roll call vote on the main motion: "AYE": Nisley, Tryon, Volz, Lucas, Garrick, Carman, Rieker, Woods. "NAY": None. Motion carried.

ITEM #13
CONDITIONAL USE
PERMIT, 206 NORTH
JEFFERS

Mayor Kelliher declared a Public hearing on recommendation by the North Platte Planning Commission for approval of a Conditional Use Permit to allow living quarters situated in an office or business building in a B-3 Downtown Commercial District located at 206 North Jeffers Street.

No one appeared.

Garrick moved and Rieker seconded the motion to close the hearing. Roll call vote: "AYE": Nisley, Tryon, Volz, Lucas, Garrick, Carman, Rieker, Woods. "NAY": None. Motion carried. Lucas moved and Garrick seconded the motion to find the request for a Conditional Use Permit to allow a living quarters

situated in an office building in a B-3 Highway Downtown Commercial District located at 206 North Jeffers 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 condition that all elements of the application are complied with and with the conditions that:

1. All building codes, fire codes and other related codes in the North Platte Code of Ordinances are followed.
2. All required building and fire code inspections are completed and approved.

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, Tryon, Volz, Lucas, Garrick, Carman, Rieker, Woods. "NAY": None. Motion carried.

ITEM #14
ORDINANCE 4060
ON 1ST READING

Mayor Kelliher declared a Public hearing on Ordinance No. 4060 and recommendation by the North Platte Planning Commission to rezone certain lands from an R-1 Dwelling District to an H-1 Hospital District located at 808 West Philip Avenue and 805 West Reid Avenue.

Robert Stefka, Commercial Investment Services, told the Council the H-1 Hospital District zone suits the area and the alley easement prohibits several types of businesses from being built on the property.

Volz moved and Rieker seconded the motion to close the hearing. Roll call vote: "AYE": Nisley, Tryon, Volz, Lucas, Garrick, Carman, Rieker, Woods. "NAY": None. Motion carried.

Mayor Kelliher instructed Ordinance No. 4060 to be read by title on its first reading. Volz moved and Rieker seconded the motion to approve Ordinance No. 4060 on its first reading. Roll call vote: "AYE": Nisley, Tryon, Volz, Lucas, Garrick, Carman,

Rieker, Woods. "NAY": None. Motion carried.

ITEM #15
ORDINANCE 4061
ON 1ST READING

Mayor Kelliher declared a Public hearing on Ordinance No. 4061 and recommendation by the North Platte City Planning Commission to rezone certain land from a B-1 Neighborhood Commercial District and a B-2 Highway Commercial District to a PB-2 Planned Highway Commercial District located at 1000 South Dewey Street and approval of the Master Plan.

No one appeared.

Tryon moved and Rieker seconded the motion to close the hearing. Roll call vote: "AYE": Nisley, Tryon, Volz, Garrick, Carman, Rieker, Woods. "NAY": None. "ABSTAIN": Lucas. Motion carried.

Mayor Kelliher instructed Ordinance No. 4061 be read by title on its first reading. Garrick moved and Carman seconded the motion to approve Ordinance No. 4061 on its first reading. Roll call vote: "AYE": Nisley, Tryon, Volz, Garrick, Carman, Rieker, Woods. "NAY": None. "ABSTAIN": Lucas. Motion carried.

ITEM #16
ORDINANCE 4059
ON 1ST READING

Mayor Kelliher declared a Public hearing on Ordinance No. 4059 and recommendation by the North Platte City Planning Commission amending the City of North Platte Code of Ordinances Chapter 156 Section 156.352 relating to design standards for parking lots, particularly regarding lighting and lighting performance standards.

No one appeared.

Volz moved and Nisley seconded the motion to close the hearing. Roll call vote: "AYE": Nisley, Tryon, Volz, Lucas, Garrick, Carman, Rieker, Woods. "NAY": None. Motion carried.

Mayor Kelliher instructed Ordinance No. 4059 to be read by title on its first reading. Volz moved and Lucas seconded the motion to approve Ordinance No. 4059 on its first reading. Roll call vote: "AYE": Nisley, Tryon, Volz, Lucas, Garrick, Carman, Rieker, Woods. "NAY": None. Motion carried.

ITEM #17
BLIGHT &
SUBSTANDARD
STUDY #4 FOR
SEWER LAGOON

Mayor Kelliher declared a Public hearing on a Resolution to approve a Blight and Substandard Study by the City of North Platte and approval of related actions regarding the City of North Platte, Nebraska Redevelopment Area #4, Blight and

AREA

Substandard Study prepared by Hanna:Keelan Associates, P.C. The proposed property includes an estimated 374 acres located along and east of South Newberry Road and North of the Interstate 80 Corridor.

Gary Person, President of North Platte Chamber/DEVCO, told the Council there is overwhelming evidence that the area qualifies as Blight and Substandard as the abandoned sewer lagoon has no value and no property taxes are currently being incurred on the property. He stated that the wetlands and wildlife habitat will not be developed and wildlife and a Blight and Substandard area can co-exist as they do in other communities such as Kearney.

Alisha Forbes, 213 ½ West 1st Street, expressed concerned about the impact this will have on the future and the tourism of the area as there are a lot of wildlife and endangered species on the land.

Dee Fugate, 1671 North Long School Road, told the Council she is not against the packing plant but it needs to be put in a different location, and the people of North Platte need more time and discussions on the subject. She also stated the lagoon is not completely dry and she fears we will do more damage to the location.

Jennifer Baker, 818 East 10th Street, asked the Council what will happen to the rivers and the wetlands area and if it will be a requirement to do an environmental study on the property.

She asked if the Blight and Substandard Study was also done on the water or just on the land.

Keith Carl, representing Hanna:Keelan Associates, P.C.; stated that his firm followed the criteria stated in the Nebraska Community Development Law and any potential developers will have to dig deeper for environmental impacts on the land.

Kent Blackman, 26070 South Highway 83, stated that the area is used by waterfowl and is not Blighted and Substandard. He told the Council they need to make sure they do the right thing and get the appropriate studies done.

Johnny Klein, 1003 East 4th Street, asked how many of the studies conducted by Mr. Carl resulted in a Blighted and Substandard Analysis. He said the lagoon is not a run-down

structure and we could sell the topsoil and concrete as they are worth money.

Doyce Williams, 1003 East B Street, expressed concern about the smell, costs and increased truck traffic in the area. He stated that we will be opening the flood gates.

Sophia Klein, 1003 East 4th Street, told the Council the community is confused on how this process works and how they can get their questions answered. She asked if other businesses would be able to submit plans to develop the land if it becomes Blighted and Substandard and what the process would be. She also asked what will happen to Golden Road if the land is developed as there are residents that use that road to access their properties.

Attorney Mike Bacon stated that if the land is acquired by the Community Redevelopment Authority, then they can request proposals and determine if a plan should move forward and a complete plan and financial ability would need to be presented by any applicants.

Chuck McCarty, 1001 East B Street, stated that if the land is so bad then they should move the project to a different location. He also said if the land is Blighted and Substandard then the developer should have to pay to build on the land and not receive free money.

Rick Freeze, 2612 Lynn Court, asked Mr. Carl if any of the previous ten Blight and Substandard assessments were in immediate proximity to wetlands and if there were migratory birds in the area when this study was done.

Bill Elliott, 120 South Buffalo, told the Council they should make their decisions based on what the people want and hopes they make the right decisions for the community.

David James, 1804 Burlington Boulevard, stated that he is interested in how this will affect the tax payers.

Jeff Hess, 1105 East Skyline Drive, told the Council he does not want them to underestimate the significance of the area and once we do something, we cannot undo it.

David Huebner, North Airport Road, told the Council he is

concerned by the proximity to his residence by heavy industrial activities. He said the area is a migratory land for wildlife and he believes the issue should be tabled so it can be put on a ballot to let the people have a say.

Melanie Standiford, Curtis, stated this is just a Blight and Substandard Study and there is still time to make decisions regarding the property.

Tom Neidhart, 1671 North Long School Road, told the Council he is concerned about other animals as well as waterfowl in the area. He asked if the Council members have contacted their constituents to see what they want.

Amanda Huebner, North Airport Road, asked that the Council take the people's concerns into consideration.

Brandon Jones told the Council the City has an opportunity to put value on the land with this project.

Travis Griebel, 3802 Sugarberry Court, encouraged the Council to vote against the issue as the lagoon might have heavy metals and other elements that will be disturbed and there is valuable wildlife in the area.

Rieker moved and Volz seconded the motion to close the hearing. Roll call vote: "AYE": Nisley, Tryon, Volz, Lucas, Garrick, Carman, Rieker, Woods. "NAY": None. Motion carried.

Rieker moved and Lucas seconded the motion to adopt the Resolution to approve a Blight and Substandard Study by the City of North Platte and approval of related actions regarding the City of North Platte, Nebraska Redevelopment Area #4, Blight and Substandard Study prepared by Hanna:Keelan Associates, P.C. Roll call vote: "AYE": Nisley, Tryon, Volz, Lucas, Garrick, Carman, Rieker, Woods. "NAY": None. Motion carried.

Volz moved and Rieker seconded the motion to adopt the Resolution consenting to the sale and consumption of alcoholic liquor on East 5th Street and North Dewey Street during Music on the Bricks on May 1, 2021, with an alternate date of May 2, 2021. Roll call vote: "AYE": Nisley, Tryon, Volz, Lucas, Garrick, Carman, Rieker, Woods. "NAY": None. Motion carried.

ITEM #18
SALE AND
CONSUMPTION
OF ALCOHOL ON
CITY PROPERTY
FOR MUSIC ON
THE BRICKS

ITEM #19
SPECIAL
DESIGNATED
LICENSE FOR
MUSIC ON
THE BRICKS

Lucas moved and Rieker seconded the motion to approve the application by Espresso Shop by Caravan for a Special Designated License on May 1, 2021 from 3:00 p.m. to 12:00 a.m. with an alternate date of May 2, 2021 from 3:00 p.m. to 12:00 a.m. on East 5th Street and North Dewey Street during Music on the Bricks. Roll call vote: "AYE": Nisley, Tryon, Volz, Lucas, Garrick, Carman, Rieker, Woods. "NAY": None. Motion carried.

ITEM #20
CLAIMS

Rieker moved and Garrick seconded the motion to approve the Claims. Roll call vote: "AYE": Nisley, Tryon, Volz, Lucas, Garrick, Carman, Rieker, Woods. "NAY": None. Motion carried.

ADJOURN

Rieker moved and Garrick seconded the motion to adjourn. Roll call vote: "AYE": Nisley, Tryon, Volz, Lucas, Garrick, Carman, Rieker, Woods. "NAY": None. Motion carried.

Adjourned at 8:21 p.m.



Angela Gilbert, City Clerk