

MINUTES OF THE REGULAR CITY COUNCIL MEETING  
August 17, 2021; 5:30 p.m.

CALL TO ORDER

Invocation was given by Jeremy Rinke 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

Garrick moved and Carman seconded the motion to approve the Consent Agenda as follows:

1. Approve Minutes of August 3 and 10, 2021.
2. Send the application of Jenifer Lockhart-Lusk as Liquor License Manager at Ruby Tuesday located at 2320 South Jeffers Street to the Liquor Control Commission with no recommendation.
3. Approve the appointment of Jim Backenstose to the Board of Adjustment.

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

ITEM #4  
CONDITIONAL USE  
PERMIT, VICTORIA  
LANE AND EAST  
WALKER ROAD

Mayor Kelliher declared a Public hearing on a recommendation by the North Platte Planning Commission on an application by Prospect Enterprises, LLC for a Conditional Use Permit to allow a horse race track and associated improvements located in an I-1 Light Industrial District in the northeast corner of the intersection of Victoria Lane and East Walker Road.

Brian Jorde, representing North Platte Exposition and Horse Racing, told the Council they are excited about the location being

moves forward.

Gina Kuening, 201 South Maloney Drive, told the Council that to her knowledge if you are running a race track, it is illegal to run your own horses. She stated that a casino and race track would be great for North Platte, but she does not believe this is the one we want and we need to do it right the first time.

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

Rieker moved and Woods seconded the motion to find the request for a Conditional Use Permit to allow a horse race track and associated improvements located in the northeast corner of the intersection of Victoria Lane and East Walker Road does not meet the minimum standards stated in the North Platte Code of Ordinances Section 156-322 and deny the Conditional Use Permit as requested based on the following factual findings: The applicant has not met the following minimum standards stated in The North Platte Code of Ordinances Section 156-322.

Rieker moved to withdraw his motion, with the consent of Woods.

Lucas moved and Volz seconded the motion to find the request for a Conditional Use Permit to allow a horse race track and associated improvements located in the northeast corner of the intersection of Victoria Lane and East Walker Road 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 following conditions:

1. A fully executed Development Agreement with the City of North Platte must be in place prior to construction. The Development Agreement will include but not be limited to regulations regarding water, sanitary sewer, subdivision, drainage, storm water management, landscaping, parking, driveways, paving, decommissioning, traffic, electric utility layout and designated smoking areas.
2. Construction of the track and infrastructure, including utilities, drainage, and street paving must be completed within two years of the date of issuance of the conditional use approval.

3. The track must be constructed at a minimum of 5/8 of a mile meets the minimum standards stated in The North Platte Code of Ordinances Section 145-322.

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": Volz, Lucas, Garrick, Carman. "NAY": Nisley, Tryon, Rieker, Woods. Mayor Kelliher voted "AYE" and the motion carried.

ITEM #5  
PROFESSIONAL  
FINANCIAL  
ADVISORS, LLC  
FOR RETIREMENT  
SERVICES

Rieker moved and Nisley seconded the motion to authorize Administration to enter into contract negotiations with the highest-ranking firm, Professional Financial Advisors, LLC, to provide retirement services to the City of North Platte. Roll call vote: "AYE": Nisley, Tryon, Volz, Garrick, Carman, Rieker, Woods. "NAY": None. "ABSTAIN": Lucas. Motion carried.

ITEM #6  
SALE AND  
CONSUMPTION  
OF ALCOHOLIC  
LIQUOR FOR  
PRAIRIE ARTS  
CENTER

Rieker moved and Garrick seconded the motion to adopt the Resolution consenting to the sale and consumption of alcoholic liquor on property owned by the City of North Platte during the Creativity Unlimited Arts Council/Prairie Arts Center "Husker Game Tailgate" fundraiser and community event on September 18, 2021. Roll call vote: "AYE": Nisley, Tryon, Volz, Lucas, Garrick, Carman, Rieker, Woods. "NAY": None. Motion carried.

ITEM #7  
SPECIAL  
DESIGNATED  
LICENSE FOR  
PRAIRIE ARTS  
CENTER

Rieker moved and Lucas seconded the motion to approve the application by Creativity Unlimited Arts Council dba Prairie Arts Center for a Special Designated License on September 18, 2021 from 9:00 a.m. to 5:00 p.m. at Prairie Arts Center, 416 North Jeffers Street for a "Husker Game Tailgate" fundraiser and community event. Roll call vote: "AYE": Nisley, Tryon, Volz, Lucas, Garrick, Carman, Rieker, Woods. "NAY": None. Motion carried.

ITEM #8  
OLSSON  
ENGINEERING

Rieker moved and Volz seconded the motion to authorize the Mayor to enter into the agreement with Olsson Engineering for a

FOR A LANDFILL  
FEASIBILITY STUDY

Landfill Feasibility Study and sign all necessary documents. Roll call vote: "AYE": Nisley, Tryon, Volz, Lucas, Garrick, Carman, Rieker, Woods. "NAY": None. Motion carried.

ITEM #9  
APPROVE  
ORDINANCE 4071

Rieker moved that the rule requiring Ordinance No. 4071 conveying real estate property at 921 West 1<sup>st</sup> Street to Dimitrios Tryfonopoulos to be read on three different dates be suspended. Lucas seconded the motion. Roll call vote: "AYE": Nisley, Tryon, Volz, Lucas, Garrick, Carman, Rieker, Woods. "NAY": None. Motion carried. Mayor Kelliher instructed Ordinance No. 4071 to be read by title one time only. Rieker moved and Lucas seconded the motion to approve Ordinance No. 4071. Roll call vote: "AYE": Nisley, Tryon, Volz, Lucas, Garrick, Carman, Rieker, Woods. "NAY": None. Motion carried.

ITEM #10  
WESTERN  
NEBRASKA BANK  
AS A WARRANT  
LENDER

Nisley moved and Volz seconded the motion to approve the Resolution providing for the designation of Western Nebraska Bank as a warrant lender; authorizing the execution and delivery of a Warrant Purchase Agreement with such designated warrant lender and referring to and incorporating the terms and conditions of Ordinance No. 3874 relating to warrant financing. Roll call vote: "AYE": Nisley, Tryon, Volz, Lucas, Garrick, Carman, Rieker, Woods. "NAY": None. Motion carried.

ITEM #11  
ISSUE WARRANTS  
TO BEVERIDGE, INC.  
AND SHELCO  
CONSTRUCTION

Volz moved and Garrick seconded the motion to adopt Resolution approving claims and authorizing the issuance of a warrant to Beveridge, Inc. in the amount of \$56,886.20 and a warrant to Shelco Construction in the amount of \$244,014.92 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, Tryon, Volz, Lucas, Garrick, Carman, Rieker, Woods. "NAY": None. Motion carried.

ITEM #12  
CLAIMS

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

Adjourned at 8:08 p.m.

*Angela Gilbert*

Angela Gilbert, City Clerk