

NOTICE OF SPECIAL MEETING AND
PLANNING COMMISSION AGENDA

Notice is hereby given that the Planning Commission of the City of North Platte will hold a special meeting and public hearing on March 8, 2022 at 5:30 p.m. The meeting and public hearing will be held in the City of North Platte Council Chambers located in City Hall at 211 West Third Street, North Platte, Nebraska.

The City of North Platte is inviting you to view the meeting live on YouTube at the following link <https://www.ci.north-platte.ne.us/government/city-departments/development/planning-commission-agendas-minutes/>

The following items will be heard and all interested persons are invited to attend.

1. Roll Call.

A current copy of the open meetings act of Nebraska is posted at the back of the Council Chambers.

2. Approve the minutes of the meeting held January 25, 2022.

3. Public Hearing AM22-001 Discuss and consider action on an amendment to the City of North Platte Code of Ordinance Chapter 130 General Offenses Firearms; Fireworks Section 130.25 Discharge of Firearms.

4. Public Hearing AM22-002 Discuss and consider action on an amendment to the City of North Platte Code of Ordinances Chapter 156 Zoning adding Sections 156.260 and 156.261 relating to the establishment of the City of North Platte Public Power and Irrigation Overlay District.

5. Discussion of Zoning Code Update.

6. Old Business.

7. New Business.

8. Adjourn.

MINUTES OF THE MEETING OF THE NORTH PLATTE PLANNING COMMISSION HELD ON THE 25th DAY OF JANUARY 2022 IN THE CITY HALL COUNCIL CHAMBERS.

MEMBERS PRESENT: Jeff Bain, Don Weber, Marilyn McGahan, Angie Forbes, David Fudge,, Emily Wurl, Nelson Jett

MEMBERS ABSENT: Tristen Winder, Lee Davies

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 McGahan 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.

2. Fudge moved and Weber seconded the motion to approve the minutes of the meeting held December 28, 2021. Voting Aye: Wurl, Weber, McGahan, Forbes, Fudge, Jett, Bain. Voting Nay: None. Absent: Davies, Winder. Motion carried.
3. Public Hearing Discuss and consider action on adoption of the 2021 City of North Platte Annexation Study East 4th Street and East Highway 30 and the proposed annexation of property described in the study and more particularly described as follows;

Study Area 2021-1 (Erickson – North of Hwy 30 and West of Newberry): All of that part of Lot 2, Briggs Subdivision, North Platte, Lincoln County, Nebraska lying north of the northerly Highway 30 right-of-way and west of the westerly Newberry Access right-of-way and that part of Section 35, Township 14 North, Range 30 West of the 6th P.M., lying south of the southerly Union Pacific Railroad right-of-way, west of the westerly Newberry Access right-of-way and east of the east line of Lot 2, Briggs Subdivision. Study Area 2021-2 (Croell – North of Hwy 30 and East of Newberry): All of that part of Section 2, Township 13 North, Range 30 West of the 6th P.M., Lincoln County, Nebraska and that part of Section 35, Township 14 North, Range 30 West of the 6th P.M., Lincoln County, Nebraska lying south of the southerly Union Pacific Railroad right-of-way, east of the easterly Newberry Access right-of-way, north of the northerly Highway 30 right-of-way and west of a line described as the right bank of the North Platte River in Instrument 201900992 at the Lincoln County Register of Deeds (said tract includes Parcels 5 and 6 in said document). Study Area 2021-3 (Airport – South of Hwy 30): All of that portion of Section 36, Township 14 North, Range 30 West of the 6th P.M. and Section 1, Township 13 North, Range 30 West of the 6th P.M., Lincoln County Nebraska lying south of the southerly Highway 30 right-of-way and northeasterly of the north bank of the North Platte River (the high bank of said parcel is described in Book 61, Page 528 at the Lincoln County Register of Deeds) AND All of that part of Section 6, Township 13 North, Range 29 West of the 6th P.M., Lincoln County, Nebraska lying south of the southerly Highway 30 right-of-way and includes the accretions to Government Lots 6, 7, and 8 in said Section 6 AND All of that part of Section 31, Township 14 North, Range 29 West of the 6th P.M., Lincoln County, Nebraska lying south of the southerly Highway 30 right-of-way. AND Government Lot 1 and the accretions thereto in Section 7, Township 13 North, Range 29 West of the 6th P.M., Lincoln County, Nebraska AND Government Lots 1, 2, 3 and 4 and the accretions thereto in Section 8, Township 13 North, Range 29 West of the 6th P.M., Lincoln County, Nebraska AND All of Section 5, Township 13 North, Range 29 West of the 6th P.M., Lincoln County, Nebraska lying south of the Highway 30 right-of-way AND The West 400 Feet of that part of the Southwest Quarter of Section 4, Township 13 North, Range 29 West of the 6th P.M., Lincoln County, Nebraska lying south of the southerly Highway 30 right-of-way (said parcel described in Book 280, Page 482 at the Lincoln County Register of Deeds) AND The West 400 Feet of the Northwest Quarter, the West 400 Feet of Government Lot 1 and the accretions thereto in Section 9, Township 13 North, Range 29 West of the 6th P.M., Lincoln County, Nebraska. AND that part of Section 36, Township 14 North, Range 30 West of

the 6th P.M., Lincoln County, Nebraska including Government Lot 1 and the accretions thereto lying north of the northerly Highway 30 right-of-way and south of the southerly Union Pacific Railroad right-of-way.

Chair McGahan opened the public hearing.

On September 21, 2021, the City of North Platte received a letter from the North Platte Airport Authority requesting annexation of their property located east of North Platte city limits.

Judy briefly detailed the proposed plan. There will be limited impact by annexing these properties. It will increase lane miles which would increase state and federal funding. It would also expand ability to tap into development funds. There have been phone calls about extending the two mile jurisdiction. The city is recommending not extending that jurisdiction unless this annexation goes through. If something happens and it's overturned in court, there would be issues with the two mile jurisdiction. If the annexation is approved, the city should wait at least a year to extend the 2-mile jurisdiction.

Mike Jacobson, 3020 West Leota, was present representing the Airport Authority which is a Board set up to operate the airport and oversee the operations of the airport. They get grant funding through FAA called Airport Improvement Projects (AIP). They completed a 20 year long range plan for the airport which would include improvements to the airport. They would continue to expand airport and bring more economic development in North Platte. With the potential development happening in North Platte, anything leased at the airport does not pay property taxes. They would like to encourage private development such as hangars which would be subject to property taxes. They would like to offer Tax Increment Financing to build their own hangars

Mike Drain, Central Nebraska Public Power District, 415 Lincoln St., Holdrege, Nebraska, was present and stated Central is still in the process of looking at what the potential consequences would be to adding their property into the city of NP. They own 5 of the parcels along the river. Judy has been talking with his staff about potential issues associated with this. As of today, Central is neutral on this and is not aware of any specific negative consequence that might arise. They would like to avoid any unknown consequence. He realizes the line that follows the proposed annexation is easier to look at than one that would leave their lands out. They would like to continue discussions with Judy and maybe have questions in February at City Council level.

Gary Person, President, North Platte Area Chamber and Development Corporation, 502 S. Dewey, was present and stated this is a way for North Platte to geographically grow. It used to be once a property received city services, it would be annexed. There is potential of being able to grow the geographic footprint of North Platte and market a community that would have Twin Rivers Business Park and a rail park nearby and an air industrial park to try to attract additional investment in the community.

Bain moved and Weber seconded the motion to close the public hearing. Voting Aye: Wurl, Weber, McGahan, Forbes, Fudge, Jett, Bain. Voting Nay: None. Absent: Davies, Winder. Motion carried.

There was discussion on the boundary lines for the annexation and why they were drawn where they were.

Chair McGahan asked City Engineer Brent Burklund to speak.

Brent Burklund, City Engineer, stated that the south line was a metes and bounds description. He explained that the airport property was older so there is unusual restrictions.

Judy explained in order for someone to protest the annexation they would have to prove that the city didn't follow state statute or that it isn't contiguous to the city.

Mr. Drain explained he does not see Central protesting a decision to annex their lands. Their purpose is to talk about potential consequences. They are not looking to have anything confrontational.

Judy stated in some of her conversations with individuals in 2-mile jurisdiction they are concerned with hunting rights. The city is thinking of doing an overlay district to open it up to recreational areas being able to allow hunting. She would suggest putting the overlay district together and looking at it in February. Most of the concerns about the 2-mile jurisdiction is there will be a feedlot and small farms in that jurisdiction.

Fudge moved and Bain seconded the motion to adopt the 2021 City of North Platte Annexation Study East 4th Street and East Highway 30 and recommend approval of the proposed annexations." Voting Aye: Wurl, Weber, McGahan, Forbes, Fudge, Jett, Bain. Voting Nay: None. Absent: Davies, Winder. Motion carried.

4. Discussion of Zoning Code Update.

Judy stated that staff wants to hold a joint City Council and Planning Commission work session. The City Clerk is trying to find a date that will work for City Council. It would be good to get everyone's concerns addressed before going to public hearing. The work session will be held hopefully the first or second week of February and hopefully get the public hearing on the February Planning Commission agenda.

5. Election of Officers.

Forbes moved and Bain seconded the motion that the current slate of officers be kept for the next term. Voting Aye: Wurl, Weber, McGahan, Forbes, Fudge, Jett, Bain. Voting Nay: None. Absent: Davies, Winder. Motion carried.

Officers remain: Chair: Marilyn McGahan, Vice-Chair: Nelson Jett.

6. Old Business. There was no old business to be discussed.

7. New Business. There was no new business to be discussed.

8. Adjourn. Chair McGahan adjourned the meeting at 6:20 p.m.

Respectfully Submitted,

Michelle Bain
Recording Secretary



CITY OF NORTH PLATTE PLANNING COMMISSION STAFF SUMMARY REPORT

March 8, 2022

AGENDA ITEM TITLE:

Public Hearing: Application No. AM22-001 Discuss and consider action on an amendment to the City of North Platte Code of Ordinances Chapter 130 General Offenses Firearms; Fireworks Section 130.25 Discharge of Firearms.

EXECUTIVE SUMMARY:

Attached is a copy of proposed Ordinance No. 4090 which would amend the City of North Platte Code of Ordinances Chapter 130 General Offenses Firearms; Fireworks Section 130.25 Discharge of Firearms.

There are some special circumstances discharge of a firearm within city limits would be feasible. For example, designation of a specific time and place for hunter education, hunter safety, or concealed carry classes would be a good use of the new proposed regulations. Using the proposed language as written would provide the City with the ability to designate those areas.

Planning Staff has been in communication with Chief Reeves and he has no objections to the proposed amendments.

PRIOR RELATED PLANNING COMMISSION DISCUSSIONS/ACTIONS:

None

ACTION REQUIRED AT THIS PLANNING COMMISSION MEETING:

Hold public hearing, discuss and take action on the proposed amendment.

PROPOSED MOTION:

“I move to approve an amendment to the City of North Platte Code of Ordinances Chapter 130 General Offenses Firearms; Fireworks Section 130.25 Discharge of Firearms.”

ORDINANCE NO. 4091

AN ORDINANCE OF THE CITY OF NORTH PLATTE, LINCOLN COUNTY, NEBRASKA, ADOPTING AND ADDING SECTIONS 156.260 AND 156.261, INCLUSIVE, TO THE ZONING ORDINANCES OF THE CITY OF NORTH PLATTE, RELATING TO THE ESTABLISHMENT OF THE CITY OF NORTH PLATTE PUBLIC POWER AND IRRIGATION OVERLAY DISTRICT; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR THE EFFECTIVE DATE AND PUBLICATION THEREOF.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF NORTH PLATTE, LINCOLN COUNTY, NEBRASKA:

Section 1. That Sections 156.260 and 156.261, Chapter 156 of the Municipal Code of Ordinances of the City of North Platte be, and hereby are, adopted to provide as follows:

PUBLIC POWER AND IRRIGATION OVERLAY DISTRICT

156.260 GENERALLY.

Intent. The public power and irrigation overlay district is an overlay district designed to provide public power and irrigation districts with basic guidelines that would allow for normal and regular operations of the district to function in areas that may conflict with existing regulations. When there is a conflict, these overlay districts supersede other city regulations set forth in the City of North Platte Code of Ordinances.

Public Power and Irrigation District is defined in Nebraska Revised State Statutes §70-601, as:

(1) *District means a public power district, public irrigation district, or public power and irrigation district, organized under Chapter 70, article 6, either as originally organized or as the same may from time to time be altered or extended, and includes, when applicable, rural public power districts organized under Chapter 70, article 8, and subject to Chapter 70, article 6;*

(2) *Municipality, when used in relation to the organization or charter of a public power district or to the election of successors to the board of directors of a public power district, means any county, city, incorporated village, or voting precinct in this state;*

(3) *Governing body, whenever used in relation to any municipality, means the duly constituted legislative body or authority within and for such municipality as a public corporation and governmental subdivision. When used with reference to a voting precinct, governing body means the county board of the county in which the precinct is located;*

(4) *Irrigation works means any and all sites, dams, dikes, abutments, reservoirs, canals, flumes, ditches, head gates, machinery, equipment, materials, apparatus, and all other property used or useful for the storage, diversion, damming, distribution, sale, or furnishing of water supply or storage of water for irrigation purposes or for flood control, or used or useful for flood control, whether such works be operated in conjunction with or separately from electric light and power plants or systems;*

(5) *Power includes any and all electrical energy and capacity generated, produced, transmitted, distributed, bought, or sold, hydrogen produced, stored, or distributed, and ethanol*

produced for purposes of lighting, heating, power, and any and every other useful purpose whatsoever;

(6) Plant or system includes any and all property owned, used, operated, or useful for operation in the district's business, including the generation by means of water power, steam, or other means or in the transmission, distribution, sale, or purchase of electrical energy, hydrogen, or ethanol for any and every useful purpose, including any and all irrigation works which may be owned, used, or operated in conjunction with such power plant or system;

(7) Energy equipment includes, but is not limited to, equipment or facilities used or useful to generate, produce, transmit, or distribute power, heated or chilled water, or steam for use by the district or the district's commercial and industrial customers; and

(8) Public power industry means public power districts, public power and irrigation districts, municipalities, registered groups of municipalities, electric cooperatives, electric membership associations, joint entities formed under the Interlocal Cooperation Act, joint public agencies formed under the Joint Public Agency Act, agencies formed under the Municipal Cooperative Financing Act, and any other governmental entities providing electric service.

§156.261 DESIGNATED PUBLIC POWER AND IRRIGATION OVERLAY DISTRICTS

Central Public Power and Irrigation District Area. The area, as shown on the official zoning map of the city, encompassing approximately 86.32 acres and more specifically delineated by the map prepared by the City of North Platte Planning Department entitled "Central Public Power and Irrigation Overlay"

(1) Hunting is permitted and regulated by Central Public Power, Nebraska Game and Parks and any other governmental agencies charged with enforcing hunting regulations in the State of Nebraska.

(2) Structures may be built if those structures are necessary for operations. Storage of supplies and equipment or any other operations are also permitted providing they adhere to any other governmental agencies charged with enforcing regulations located in or around the flood plain and river channel.

(3) The owner or occupant shall keep the property well maintained, however, are considered exempt from North Platte Code of Ordinances §95.02 and §95.03 regarding height of vegetation, tree piles and stagnant water, provided that trees, shrubs, vines or flowers growing upon or near any public road or public road right-of-way be maintained in such a fashion as to not cause an obstruction or impede public travel.

Central Public Power and Irrigation Overlay is hereby designated under Sections 156.260 and 156.261 of the City of North Platte, Nebraska Code of Ordinances.

Section 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3. This ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

Section 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion

shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

PASSED AND APPROVED THIS _____ DAY OF _____, 2022.

ATTEST:

City Clerk

Mayor



CITY OF NORTH PLATTE PLANNING COMMISSION STAFF SUMMARY REPORT March 8, 2022

AGENDA ITEM TITLE:

Public Hearing: Application No. AM22-002 Discuss and consider action on an amendment to the City of North Platte Code of Ordinances Chapter 156 Zoning adding Sections 156.260 and 156.261 relating to the establishment of the City of North Platte Public Power and Irrigation Overlay District.

EXECUTIVE SUMMARY:

Attached is a copy of proposed Ordinance No. 4091 which would amend the City of North Platte Code of Ordinances Chapter 156 Zoning adding Sections 156.260 and 156.261 relating to the establishment of the City of North Platte Public Power and Irrigation Overlay District.

Over the past several months the City has been working on annexations under our 2021 City of North Platte Annexation Study East 4th Street and East Highway 30. One of the proposed annexations includes property owned by Central Nebraska Public Power and Irrigation District (CNPPID).

Through the annexation process CNPPID has voiced a few concerns with some of the City's current zoning and enforcement regulations regarding their current operations. To help alleviate those concerns, the City Engineering and Planning Department is proposing a Public Power and Irrigation Overlay District.

The intent of the proposed public power and irrigation overlay district is to provide public power and irrigation districts with basic guidelines that would allow for normal and regular operations of the district to function in areas that may conflict with existing regulations. When there is a conflict, these overlay districts supersede other city regulations set forth in the City of North Platte Code of Ordinances.

Planning Staff has no objections to the proposed establishment of the City of North Platte Public Power and Irrigation Overlay District.

PRIOR RELATED PLANNING COMMISSION DISCUSSIONS/ACTIONS:

None

ACTION REQUIRED AT THIS PLANNING COMMISSION MEETING:

Hold public hearing, discuss and take action on the proposed amendment.

PROPOSED MOTION:

"I move to approve an amendment to the City of North Platte Code of Ordinances Chapter 156 Zoning adding Sections 156.260 and 156.261 relating to the establishment of the City of North Platte Public Power and Irrigation Overlay District."

ORDINANCE NO. 4090

AN ORDINANCE OF THE CITY OF NORTH PLATTE, LINCOLN COUNTY, NEBRASKA, AMENDING CHAPTER 130 GENERAL OFFENSES; FIREARMS; FIREWORKS SECTION 130.25 DISCHARGE OF FIREARMS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR THE EFFECTIVE DATE AND PUBLICATION THEREOF IN PAMPHLET FORM.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF NORTH PLATTE, LINCOLN COUNTY, NEBRASKA:

CHAPTER 130: GENERAL OFFENSES; FIREARMS; FIREWORKS

§ 130.025 DISCHARGE OF FIREARMS.

(A) Prohibited; exceptions. It shall be unlawful for any person, except an officer of the law in the discharge of his or her official duty, to fire or discharge any gun, pistol or other fowling piece within the city; ~~provided that this section shall not apply to licensed shooting galleries, nor shall it apply when necessary for the carrying on of any business or the presentation of any play, theatrical or stage performance or public spectacle or exhibition duly authorized or licensed.~~

(B) ~~Penalty. Any person who violates this section shall be guilty of a misdemeanor and shall be punished as provided in § 130.999(A)(1).~~ Exceptions. The provision of this section shall not apply to:

_____ (1) Areas approved by the governing body

_____ (2) Licensed shooting galleries or

_____ (3) Carrying on of any business or the presentation of any play, theatrical or stage performance or public spectacle or exhibition duly authorized or licensed.

(C) Penalty. Any person who violates this section shall be guilty of a misdemeanor and shall be punished as provided in § 130.999(A)(1).

Section 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3. This ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

Section 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

PASSED AND APPROVED THIS _____ DAY OF _____, 2022.

ATTEST:

City Clerk

Mayor