

MINUTES OF THE REGULAR CITY COUNCIL MEETING
September 20, 2022; 5:30 p.m.

CALL TO ORDER

Invocation was given by Bob Deardoff and the pledge of allegiance was recited.

ROLL CALL

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, Flanders, Rieker, Woods. Mayor Brandon Kelliher presided and City Clerk Angela Gilbert recorded the proceedings.

OPEN MEETINGS
ACT

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 Lucas seconded the motion to approve the Consent Agenda as follows:

1. Approve the Minutes of September 6 and 8, 2022.
2. Place on file Treasurer's report for July 2022.
3. Approve the contract between the City of North Platte and IBEW Local #1597 for the term October 1, 2022 through September 30, 2024.
4. Authorize and approve the renewal of the two Interlocal Agreements between the City of North Platte and Lincoln County for Maintenance of Roads.
5. Removed from the Consent Agenda.

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

ITEM #5
INTERLOCAL
AGREEMENTS
FOR THE POLICE
DEPARTMENT

Rieker moved and Volz seconded the motion to authorize and approve the renewal of the Interlocal Agreements with Lincoln County and the City of Gothenburg for Dispatch Services and an Interlocal Agreement and Memorandum of Understanding with North Platte Public Schools to provide a School Resource Officer. Roll call vote: "AYE": Nisley, Tryon, Volz, Lucas, Garrick, Flanders, Rieker, Woods. "NAY": None. Motion carried.

ITEM #6
APPROVE
ORDINANCE 4101
ON 1ST READING

Mayor Kelliher instructed Ordinance No. 4101 amending Section 116.17 of the North Platte Code of Ordinances relating to on and off sale of alcoholic beverages on Sundays from 8:00 a.m. to 1:00 a.m. to be read by title on its first reading. Lucas moved and Garrick seconded the motion to approve Ordinance No. 4101 on its first reading. Roll call vote: "AYE": Nisley, Volz, Lucas, Garrick, Flanders. "NAY": Tryon, Rieker, Woods. Motion carried.

ITEM #7
APPROVE
ORDINANCE 4100
ON 2ND READING

Mayor Kelliher instructed Ordinance No. 4100 vacating a 16' alley between 1218 North Ash Street and 505 Rodeo Road running east and west from Ash and a request to vacate a 12' alley on the west side of 1218 North Ash Street running north and south and retaining a 16' utility easement and a 12' utility easement in place of the alleys to be read by title on its second reading. Rieker moved and Lucas seconded the motion to approve Ordinance No. 4100 on its second reading. Roll call vote: "AYE": Nisley, Tryon, Volz, Lucas, Garrick, Flanders, Rieker, Woods. "NAY": None. Motion carried.

ITEM #8
USER FEES FOR
2022-2023

Garrick moved and Flanders seconded the motion to adopt the Resolution setting User Fees for fiscal year 2022-2023. Roll call vote: "AYE": Nisley, Tryon, Volz, Lucas, Garrick, Flanders, Rieker, Woods. "NAY": None. Motion carried.

ITEM #9
ISSUE WARRANTS
TO MIDLANDS
CONTRACTING, INC.
AND WESTERN
ENGINEERING CO.

Lucas moved and Volz seconded the motion to adopt the Resolution approving claims and authorizing the issuance of one warrant to Midlands Contracting, Inc. in the amount of \$204,900.30 and one warrant to Western Engineering, Co. in the amount of \$126,800.10 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, Flanders, Rieker, Woods. "NAY": None. Motion carried.

ITEM #10
CONDITIONAL USE
PERMIT, SOUTH
OLD HIGHWAY 83

Mayor Kelliher declared a Public hearing on recommendation by the North Platte Planning Commission for a Conditional Use Permit to allow a commercial strip mine operation on property located in an A-1 Agricultural District located on South Old Highway 83 and described as the NW $\frac{1}{4}$ and the S $\frac{1}{2}$, EXCEPT portion Deed to the State of Nebraska in Warranty Deed recorded April 2, 1943 in Book 81, Page 565 of Section 25, Township 13 North, Range 30 West of the 6th P.M., Lincoln County, Nebraska.

No one appeared.

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

EXECUTIVE
SESSION

Tryon moved and Rieker seconded the motion to go into Executive Session at 5:45 pm for the purpose of discussing possible litigation. Roll call vote: "AYE": Tryon, Volz, Lucas, Flanders, Rieker, Woods. "NAY": Nisley, Garrick. Motion carried.

Mayor Kelliher restated the purpose of the Executive Session to discuss possible litigation.

RETURN TO
REGULAR SESSION

Rieker moved and Garrick seconded the motion to come out of Executive Session and return to Regular Session at 6:44 p.m. Motion carried.

Nisley moved and Volz seconded the motion to find the request for a Conditional Use Permit to allow a commercial strip mine on property located on South Old Highway 83 for 10 years with the condition that any disturbance of one acre or more will require a SWPPP be submitted to the City for each project 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 requested to enter the City Attorney's opinion into the Minutes.

Roll call vote: "AYE": Nisley, Tryon, Volz, Lucas, Garrick,

Flanders, Rieker. "NAY": Woods. Motion carried.

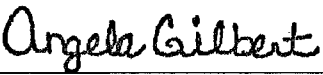
ITEM #11
CLAIMS

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

ADJOURN

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

Adjourned at 6:51 p.m.



Angela Gilbert, City Clerk