

MINUTES OF THE REGULAR CITY COUNCIL MEETING
October 4, 2022; 5:30 p.m.

CALL TO ORDER

Invocation was given by Jeremy Rinke 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 Tryon, Volz, Lucas, Garrick, Flanders, Rieker, Woods. Nisley was absent. 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

Lucas moved and Volz seconded the motion to approve the Consent Agenda as follows:

1. Approve the Minutes of September 20 and 27, 2022.
2. Place on file Treasurer's report for August 2022.
3. Approve applications by Creativity Unlimited Arts Council dba Prairie Arts Center for Special Designated Licenses on October 22, 2022 and December 17, 2022 from 4:00 p.m. to 1:00 a.m. at D & N Event Center, 501 East Walker Road for Wedding Receptions.
4. Approve application by North Platte Jaycee's for a Special Designated License on November 19, 2022 from 4:00 p.m. to 9:00 p.m. at the D & N Event Center, 501 East Walker Road for the Soup Fur Paws Fundraiser.
5. Adopt the Resolution for Signing of the Municipal Annual Certification of Program Compliance Form 2022 and authorize the Mayor to sign the Municipal Annual Certification of Program Compliance to Nebraska Board of Public Roads Classifications and Standards 2022.
6. Authorize and approve the renewal of the Interlocal Agreement between the City of North Platte and Lincoln County for Mutual Law Enforcement Aid.
7. Authorize the Mayor to sign the Contract for Legal

Services with Brouillette, Dugan, Troshynski & Bellew, P.C., LLO.

8. Approve the appointment of Joe Staroska to the Community Redevelopment Authority (CRA), fulfilling Rob Stefka's term.
9. Approve Maline 3rd Replat located at 4321 South Willow Street on property described as Lot 1, Maline 2nd Replat and Lot 2, Maline's Subdivision, North Platte, Lincoln County, Nebraska.

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

ITEM #10
RESOLUTION OF
SUPPORT FOR
COMMERCIAL AIR
SERVICE

Volz moved and Lucas seconded the motion to approve and authorize the Mayor to sign a Resolution in support of the Constitutional Amendment regarding commercial air service on the November 8, 2022 Ballot. Roll call vote: "AYE": Tryon, Volz, Lucas, Garrick, Flanders, Rieker, Woods. "NAY": None. "ABSENT": Nisley. Motion carried.

ITEM #11
SET PROPERTY TAX
RATE FOR 2022-2023

Volz moved and Lucas seconded the motion to adopt the Resolution setting the property tax rate for fiscal year 2022-2023. Roll call vote: "AYE": Tryon, Volz, Lucas, Garrick, Flanders, Woods. "NAY": Rieker. "ABSENT": Nisley. Motion carried.

ITEM #12
ORDINANCE 4101
ON 2ND READING

Mayor Kelliher instructed Ordinance No. 4101 amending Section 116.17 of the North Platte Code of Ordinances relating to hours of 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 second reading.

Tammy Bennett, 306 West Circle Drive, stated there are already 6 ½ days during the week to sell and buy alcohol and Sunday is the Lord's Day so she urged the Council to leave the hours on Sunday the way they currently are.

Lucas moved and Volz seconded the motion to approve Ordinance No. 4101 on its second reading. Roll call vote: "AYE": Volz, Lucas, Garrick, Flanders. "NAY": Tryon, Rieker, Woods. "ABSENT": Nisley. Motion carried.

ITEM #13
ORDINANCE 4100
ON 3RD 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 third reading. Garrick moved and Rieker seconded the motion to approve Ordinance No. 4100 on its third reading. Roll call vote: "AYE": Tryon, Volz, Lucas, Garrick, Flanders, Rieker, Woods. "NAY": None. "ABSENT": Nisley. Motion carried.

ITEM #14
AMEND FUTURE
LAND USE PLAN,
CORNER OF
LAKEVIEW BLVD.
AND WEST FRONT
STREET

Mayor Kelliher declared a Public hearing to consider action on City Planning Commission's recommendation on an application by S&T LLC for an amendment to the North Platte Comprehensive Plan 2011 Future Land Use Map amending property located on the corner of Lakeview Boulevard and West Front Street from Residential-Medium Density Single Duplex and Multi-family to Industrial (Proposed Lakeview Country Estates 2nd Subdivision).

Rob Stefka, Commercial Investment Services, told the Council there will be fencing and high security similar to the ones at Philip and Industrial and Buffalo and Rodeo Road.

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

Lucas moved and Garrick seconded the motion to change the word Industrial to Commercial. Roll call vote: "AYE": Tryon, Volz, Lucas, Garrick, Flanders, Rieker, Woods. "NAY": None. "ABSENT": Nisley. Motion carried.

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

ITEM #15
ORDINANCE 4108
ON 1ST READING

Mayor Kelliher declared a Public hearing to consider action on City Planning Commission's recommendation to adopt Ordinance No. 4108 to rezone certain lands from an R-1 Dwelling District to an I-1 Light Industrial District on property located on the corner of Lakeview Boulevard and West Front Street (Proposed Lakeview Country Estates 2nd Subdivision).

Rob Stefka, Commercial Investment Services, asked the Council if a Conditional Use Permit would be necessary if the property is rezoned to a B-2 Highway Commercial District.

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

Mayor Kelliher instructed Ordinance No. 4108 to be read by title on its first reading. Garrick moved and Flanders seconded the motion to amend Ordinance No. 4108 to rezone certain lands from an R-1 Dwelling District to a B-2 Highway Commercial District and approve Ordinance No. 4108 on its first reading. Roll call vote: "AYE": Tryon, Volz, Lucas, Garrick, Flanders, Rieker, Woods. "NAY": None. "ABSENT": Nisley. Motion carried.

Garrick moved and Volz seconded the motion to find the request for a Conditional Use Permit to allow a mini warehouse storage facility located at 214 North Lakeview Boulevard 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.

Roll call vote: "AYE": Tryon, Volz, Lucas, Garrick, Flanders, Rieker. "NAY": Woods. "ABSENT": Nisley. Motion carried.

Rob Stefka, Commercial Investment Services, requested the Council waive the three readings due to the time it will take to receive the materials. He stated the 24-month time frame for Conditional Use Permits may not be enough time to complete the project.

Volz moved and Garrick seconded the motion to add the following conditions to the Conditional Use Permit: 1. Include fencing and green space of like, kind and quality as the other properties on the Northwest corner of Buffalo and Rodeo Road and the Southwest corner of East Philip and Industrial Avenue

and 2. Complete the project within 36 months. Roll call vote: "AYE": Tryon, Volz, Lucas, Garrick, Flanders, Rieker. "NAY": Woods. "ABSENT": Nisley. Motion carried.

ITEM #16
LAKEVIEW
COUNTRY ESTATES,
214 N. LAKEVIEW
BLVD.

Lucas moved and Rieker seconded the motion to approve City Planning Commission's recommendation an application by S&T LLC for Lakeview Country Estates 2nd Subdivision located at 214 North Lakeview Boulevard on property located on the corner of Lakeview Boulevard and West Front Street. Roll call vote: "AYE": Tryon, Volz, Lucas, Garrick, Flanders, Rieker, Woods. "NAY": None. "ABSENT": Nisley. Motion carried.

ITEM #17
AMEND FUTURE
LAND USE MAP,
EAST SIDE OF
SOUTH BUFFALO
BILL AVE. AND
SOUTH SIDE OF
WEST WALKER RD.

Mayor Kelliher declared a Public hearing on City Planning Commission's recommendation on an application by the City of North Platte for an amendment to the North Platte Comprehensive Plan 2011 Future Land Use Map amending property located on the east side of South Buffalo Bill Avenue and south side of West Walker Road from Parks and Recreation to Residential-Medium Density Single Duplex and Multi-family on property described as Lot 1 Doctor's Replat, North Platte, Lincoln County, Nebraska.

Gary Person, President of North Platte Chamber/DEVCO, told the Council their Board of Directors support this project and asked the Council for their approval as we need housing and there are several other recreational areas close to this location.

Fred Burke, 3365 South Parker Road, told the Council he is opposed to this project and believes it should be a park as there are no parks in this area of town, and we should do something for the kids. He stated there is plenty of private ground around town that could be used for housing.

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

Garrick moved and Volz seconded the motion to approve the amendment to the Future Land Use Map. Roll call vote: "AYE": Volz, Lucas, Garrick, Flanders, Rieker. "NAY": Tryon, Woods. "ABSENT": Nisley. Motion carried.

ITEM #18
ORDINANCE 4109
ON 1ST READING

Mayor Kelliher declared a Public hearing on City Planning Commission's recommendation to adopt Ordinance No. 4109 to rezone certain lands from an A-1 Transitional Agricultural

District to a PR-1 Dwelling District on property located on the east side of South Buffalo Bill Avenue and south side of West Walker Road and described as Lot 1 Doctor's Replat, North Platte, Lincoln County, Nebraska.

Gary Person, President of North Platte Chamber/DEVCO, told the Council their Board of Directors are in support of this rezoning.

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

Mayor Kelliher instructed Ordinance No. 4109 to be read by title on its first reading. Garrick moved and Lucas seconded the motion to approve Ordinance No. 4109 on its first reading. Roll call vote: "AYE": Volz, Lucas, Garrick, Flanders, Rieker. "NAY": Tryon, Woods. "ABSENT": Nisley. Motion carried.

ITEM #19
ORDINANCE 4110
ON 1ST READING

Mayor Kelliher declared a Public hearing on City Planning Commission's recommendation to adopt Ordinance No. 4110 to annex into the corporate limits of the City of North Platte Parcel ID Numbers 0053667.30, 0054621.20, 0054326.02 and 0054326.00 as surveyed, platted and recorded by the Lincoln County Register of Deeds; describing boundaries of land proposed for annexation as follows: Lot 1 and Lot 2 Buffalo Administrative Subdivision, Lincoln County, Nebraska including abutting South Buffalo Avenue and West Walker Road; and Lot 1 Doctor's Replat, Lincoln County, Nebraska including abutting South Buffalo Avenue and West Walker Road; and the SE ¼ NW ¼ Section 17, Township 13 N, Range 30 W of the 6th P.M., Lincoln County, Nebraska including abutting South Echo Drive.

Gary Person, President of North Platte Chamber/DEVCO, told the Council their Board of Directors are in support of annexing this property.

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

Mayor Kelliher instructed Ordinance No. 4110 be read by title on its first reading. Lucas moved and Volz seconded the motion to approve Ordinance No. 4110 on its first reading. Roll call

vote: "AYE": Volz, Lucas, Garrick, Flanders, Rieker, Woods.
"NAY": Tryon. "ABSENT": Nisley. Motion carried.

ITEM #20
REMOVED FROM
THE AGENDA

Mayor Kelliher removed a Resolution to approve and adopt a Blight and Substandard Study by the City of North Platte and approval of related actions regarding the City of North Platte, Nebraska Blight and Substandard Study – North Platte SW Study Area prepared by Marvin Planning Consultants, Inc. from the Agenda.

EXECUTIVE
SESSION

Garrick moved and Volz seconded the motion to go into Executive Session at 6:58 pm for the purpose of discussing possible litigation. Roll call vote: "AYE": Tryon, Volz, Lucas, Garrick, Flanders, Rieker, Woods. "NAY": None. "ABSENT": Nisley. Motion carried.

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

RETURN TO
REGULAR SESSION

Rieker moved and Volz seconded the motion to come out of Executive Session and return to Regular Session at 7:45 p.m. Roll call vote: "AYE": Tryon, Volz, Lucas, Garrick, Flanders, Rieker, Woods. "NAY": None. "ABSENT": Nisley. Motion carried. Motion carried.

ITEM #21
CLAIMS

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

ADJOURN

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

Adjourned at 7:47 p.m.

Angela Gilbert

Angela Gilbert, City Clerk