

MINUTES OF THE REGULAR CITY COUNCIL MEETING  
May 2, 2023; 5:30 p.m.

CALL TO ORDER Invocation was given by Joe Sukraw 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, Woods. Rieker 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 Nisley moved and Volz seconded the motion to approve the Consent Agenda as follows:

1. Approve the Minutes of April 18, 2023.
2. Approve the application by Platte Bar, Inc. for a Special Designated License on June 16, 2023 from 8:00 a.m. to 1:00 a.m. and June 17, 2023 from 8:00 a.m. to 1:00 a.m. at Platte Bar, 119 West 6<sup>th</sup> Street for a Beer Garden.
3. Send the application of BOCHO'S LLC dba San Pedro Mexican Restaurant for a Class I Liquor License (Beer, Wine, Distilled Spirits, On Sale Only) for their location at 1002 South Jeffers Street to the Nebraska Liquor Control Commission with no recommendation.
4. The purchase of a used John Deere 524k Loader with trade-ins from Murphy Tractor & Equipment for the Street Division was removed from the Agenda.
5. Adopt the recommendation by the City Planning Commission for preliminary and final approval of Habitat 7<sup>th</sup> Replat located at 1411 and 1421 East 2nd Street.
6. Adopt the recommendation by the City Planning Commission for preliminary and final approval of Hassett 3<sup>rd</sup> Replat located at 808 Rodeo Road.

7. Adopt the recommendation by the City Planning Commission for preliminary and final approval of Iron Trail Second Subdivision located at 2001 East State Farm Road.

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

ITEM #8  
CONSENT TO  
SELL ALCOHOL  
AT MUSIC ON  
THE BRICKS

Garrick moved and Volz seconded the motion to adopt the Resolution consenting to the sale and consumption of alcoholic liquor on East 5<sup>th</sup> Street and North Dewey Street during Music on the Bricks on May 20, 2023. Roll call vote: "AYE": Nisley, Tryon, Volz, Lucas, Garrick, Flanders, Woods. "NAY": None. "ABSENT": Rieker. Motion carried.

ITEM #9  
SPECIAL  
DESIGNATED  
LICENSE FOR MUSIC  
ON THE BRICKS ON  
05-20-23

Nisley moved and Lucas seconded the motion to approve the application by GL Concepts, LLC dba Good Life on the Bricks for a Special Designated License on May 20, 2023 from 12:00 p.m. to 1:00 a.m. on East 5<sup>th</sup> Street and North Dewey Street during Music on the Bricks. Roll call vote: "AYE": Nisley, Tryon, Volz, Lucas, Garrick, Flanders, Woods. "NAY": None. "ABSENT": Rieker. Motion carried.

ITEM #10  
NEBRASKALAND  
DAYS PARADE

Volz moved and Flanders seconded the motion to approve the Resolution for the NebraskaLand Days Parade to be held on June 17, 2023. Roll call vote: "AYE": Nisley, Tryon, Volz, Lucas, Garrick, Flanders, Woods. "NAY": None. "ABSENT": Rieker. Motion carried.

ITEM #11  
CONSTRUCTION  
MANAGER AT RISK

Garrick moved and Volz seconded the motion to approve the use of the Construction Manager at Risk project delivery method for construction of an Industrial Wastewater Treatment Plant and associated wastewater required components. Roll call vote: "AYE": Nisley, Tryon, Volz, Lucas, Garrick, Flanders, Woods. "NAY": None. "ABSENT": Rieker. Motion carried.

ITEM #12  
STOP SIGNS AT  
17<sup>TH</sup> AND CODY

Garrick moved and Volz seconded the motion to adopt a Resolution to approve the placement of STOP signs at the intersection of 17<sup>th</sup> Street and Cody Avenue for eastbound and westbound traffic. Roll call vote: "AYE": Nisley, Tryon, Volz, Lucas, Garrick, Flanders, Woods. "NAY": None. "ABSENT": Rieker. Motion carried.

ITEM #13  
ORDINANCE 4119

Mayor Kelliher instructed Ordinance No. 4119 regarding an application by Barefoot Bet, LLC to rezone certain lands from an

ON 3<sup>RD</sup> READING

F-1 Floodway District to an A-1 Transitional Agricultural District located on West Koubek Road to be read by title on its third reading. Garrick moved and Volz seconded the motion to approve Ordinance No. 4119 on its third reading. Roll call vote: "AYE": Nisley, Tryon, Volz, Garrick, Flanders, Woods. "NAY": None. "ABSENT": Rieker. "ABSTAIN": Lucas. Motion carried.

ITEM #14  
ORDINANCE 4120  
ON 3<sup>RD</sup> READING

Mayor Kelliher instructed Ordinance No. 4120 action on the recommendation by the North Platte Planning Commission to adopt Ordinance No. 4120 to rezone certain lands from an R-1 Dwelling District to a B-2 Highway Commercial District located at 2620 South Willow Street to be read by title on its third reading. Garrick moved and Volz seconded the motion to approve Ordinance No. 4120 on its third reading. Roll call vote: "AYE": Nisley, Tryon, Volz, Lucas, Garrick, Flanders, Woods. "NAY": None. "ABSENT": Rieker. Motion carried.

ITEM #15  
ORDINANCE 4124  
ON 1<sup>ST</sup> READING

Mayor Kelliher declared a Public hearing on Ordinance No. 4124 annexing Parcel ID#0053626.50 (Prataria Ventures) described as Lots 3 and 4 Section 10, Township 13N, Range 30W of the 6<sup>th</sup> P.M., Lincoln County, Nebraska consisting of approximately 65.03 acres into the corporate limits of the City of North Platte.

No one appeared.

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

Mayor Kelliher instructed Ordinance No. 4124 to be read by title on its first reading. Garrick moved and Volz seconded the motion to approve Ordinance No. 4124 on its 1<sup>st</sup> reading. Roll call vote: "AYE": Nisley, Volz, Lucas, Garrick, Flanders, Woods. "NAY": Tryon. "ABSENT": Rieker. Motion carried.

ITEM #16  
ORDINANCE 4125  
ON 1<sup>ST</sup> READING

Mayor Kelliher declared a Public hearing Ordinance No. 4125 annexing Parcel ID#0053626.00 (NPPD Canal) described as Part of Lot 3 Section 10, Township 13N, Range 30W of the 6<sup>th</sup> P.M., Lincoln County, Nebraska consisting of approximately 8.93 acres.

No one appeared.

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

Mayor Kelliher instructed Ordinance No. 4125 to be read by title on its first reading. Flanders moved and Garrick seconded the motion to approve Ordinance No. 4125 on its 1<sup>st</sup> reading. Roll call vote: "AYE": Nisley, Volz, Lucas, Garrick, Flanders, Woods. "NAY": Tryon. "ABSENT": Rieker. Motion carried.

ITEM #17  
ORDINANCE 4126  
ON 1<sup>ST</sup> READING

Mayor Kelliher declared a Public hearing to adopt the recommendation by the North Platte Planning Commission to adopt Ordinance No. 4126 to rezone certain land from an A-1 Transitional Agricultural District to an R-3 Dwelling District located at 4114 Victoria Lane.

Brandon Jones, 800 Lake Drive, stated that he wanted the Council and the applicant to be aware this property is immediately adjacent to a heavy industrial site with a Conditional Use Permit on it.

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

Mayor Kelliher instructed Ordinance No. 4126 to be read by title on its first reading. Lucas moved and Volz seconded the motion to approve Ordinance No. 4126 on its first reading. Roll call vote: "AYE": Nisley, Tryon, Volz, Lucas, Garrick, Flanders, Woods. "NAY": None. "ABSENT": Rieker. Motion carried.

ITEM #18  
PONDEROSA 2<sup>ND</sup>  
SUBDIVISION, 4114  
VICTORIA LANE

Lucas moved and Garrick seconded the motion to adopt the recommendation by the North Platte Planning Commission for preliminary and final approval of Ponderosa Second Subdivision located at 4114 Victoria Lane. Roll call vote: "AYE": Nisley, Tryon, Volz, Lucas, Garrick, Flanders, Woods. "NAY": None. "ABSENT": Rieker. Motion carried.

ITEM #19  
PUBLIC HEARING  
FOR LAKEVIEW  
APARTMENTS  
PHASE 2

Mayor Kelliher declared a Public hearing to adopt the Resolution as presented in Council materials and approval of the City of North Platte Amended Redevelopment for Phase 2 of the Lakeview Apartments and approval of related actions.

Mike Bacon, Attorney for the Community Redevelopment Authority, told the Council this Redevelopment Plan is like the plan for the first phase. He said the applicants tried to get Phase 2 approved last fall, but they lost their primary investor and with the increase in prices of materials, it did not happen. He said they now have the resources and a local investor and are ready to build another 120 apartments, with some three-bedroom units for families. He stated the TIF funding has increased to fill the funding gap.

Brian Reilly, President of DP Management, asked the Council to only take public comments and not take any action on the Resolution tonight due to financial issues still being sorted through.

Gary Person, President of North Platte/Chamber, told the Council that the Chamber supports this project because the need for housing in the area is great and this is the only way we are going to attract developers. He stated that we need to do this right, consider the great effort that has been put into this project, and that a message will be sent to all other housing developers.

Garrick moved and Nisley seconded the motion to close the hearing.

Volz recused himself from voting on Ordinance No. 4123 due to a possible conflict of interest.

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

The Amended Redevelopment Plan for Phase 2 of the Lakeview Apartments was removed from the Agenda at the request of the applicant.

ITEM #20  
APPROVE  
ORDINANCE 4122

Mayor Kelliher instructed on Ordinance No. 4122 to create Paving District No. 836 on Iron Trail Drive from Twin Rivers Road west approximately 1,021.55 feet to Business Park Drive and Business Park Drive from State Farm Road north approximately 1,760.77 feet to be read by title on its first reading. Garrick moved and Volz seconded the motion to approve Ordinance No. 4122 on its first reading.

Gary Person, President of North Platte Chamber/DECVO, asked the Council to waive the three readings on the Ordinances for the

paving, water, and sewer so the project can move forward. Lucas moved and Volz seconded the motion to amend the motion to waive the three readings on Ordinance No. 4122. Roll call vote: "AYE": Nisley, Tryon, Volz, Lucas, Garrick, Flanders, Woods. "NAY": None. "ABSENT": Rieker. Motion carried.

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

ITEM #21  
APPROVE  
ORDINANCE 4123

Lucas moved that the rule requiring Ordinance No. 4123 to create Water Extension District No. 267 on Iron Trail Drive from Twin Rivers Road west approximately 1,021.55 feet to Business Park Drive and Business Park Drive from State Farm Road north approximately 1,760.77 feet to be read on three different dates be waived. Volz seconded the motion. Roll call vote: "AYE": Nisley, Tryon, Volz, Lucas, Garrick, Flanders, Woods. "NAY": None. "ABSENT": Rieker. Motion carried.

Mayor Kelliher instructed Ordinance No. 4123 to be read by title one time only. Lucas moved and Volz seconded the motion to approve Ordinance No. 4123. Roll call vote: "AYE": Nisley, Tryon, Volz, Lucas, Garrick, Flanders, Woods. "NAY": None. "ABSENT": Rieker. Motion carried.

ITEM #22  
APPROVE  
ORDINANCE 4121

Garrick moved that the rule requiring Ordinance No. 4121 to create Sanitary Sewer Connection District No. 21 a 15" P.V.C. sanitary sewer beginning at the northeast corner of Lot 1 of Iron Trail 3<sup>rd</sup> Administrative Subdivision then continuing west parallel to the north lot lines of Lot 1 of Iron Trail 3<sup>rd</sup> Administrative Subdivision, Lots 3 and 5 of Iron Trail 2<sup>nd</sup> Subdivision and the south lot line of Part of W1/2, NE1/4 & Part SE1/4 of 15-13-30 to the northwest corner of Lot 3 of Iron Trail 2<sup>nd</sup> Subdivision (approximately 2,000 feet); thence south at Business Park Drive parallel to the east lot line of Lots 1-3 of Iron Trail 2<sup>nd</sup> Subdivision and the west lot line of Lots 4-5 of Iron Trail 2<sup>nd</sup> Subdivision (approximately 1760.77 feet) to be read on three different dates be waived. Flanders seconded the motion. Roll call vote: "AYE": Nisley, Tryon, Volz, Lucas, Garrick, Flanders, Woods. "NAY": None. "ABSENT": Rieker. Motion carried.

Mayor Kelliher instructed Ordinance No. 4121 to be read by title one time only. Garrick moved and Flanders seconded the motion to approve Ordinance No. 4121. Roll call vote: "AYE": Nisley, Tryon, Volz, Lucas, Garrick, Flanders, Woods. "NAY": None. "ABSENT": Rieker. Motion carried.

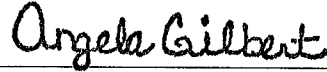
ITEM #23  
CLAIMS

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

ADJOURN

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

Adjourned at 6:43 p.m.



Angela Gilbert  
Angela Gilbert, City Clerk