

MINUTES OF THE REGULAR CITY COUNCIL MEETING
October 3, 2023; 5:30 p.m.

CALL TO ORDER

Invocation was given by Jean Anderson 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

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

1. Approve the Minutes of September 19, 2023.
2. Place file Treasure's Report for August 2023.
3. Approve re-appointments of Cynthia Gutschenritter, Don Staroska, and Diane Morales to the Animal Control Commission.
4. Adopt Resolution for Signing of the Municipal Annual Certification of Program Compliance 2023 and authorize the Mayor to sign the Municipal Annual Certification of Program Compliance to Nebraska Board of Public Roads Classifications and Standards 2023.
5. Authorize and approve the renewal of a two (2) year interlocal agreement with Network Services between the City of North Platte and Lincoln County.

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

ITEM #6
CHARLES SARGENT
IRRIGATION FOR
NEW WATER WELL
AT THE AIRPORT

Garrick moved and Nisley seconded the motion to approve bid in the amount of \$365,895.00 and authorize Mayor to sign contract for New Water Well at the Airport with Charles Sargent Irrigation, Inc of Broken Bow, Nebraska. Roll call vote: "AYE":

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

ITEM #7
MAINTENANCE
AGREEMENT 20

Flanders moved and Rieker seconded the motion to accept and authorize the Mayor to sign renewal of the City Maintenance Agreement No. 20 with the Nebraska Department of Transportation. Roll call vote: "AYE": Nisley, Tryon, Volz, Lucas, Garrick, Flanders, Rieker, Woods. "NAY": None. Motion carried.

ITEM #8
REVISED
ORDINANCE 4137
ON 1ST READING

Mayor Kelliher instructed revised Ordinance No. 4137 to Add Chapter 119 "Games of Skill" to Title XI "Business Regulations" to the Code of the City of North Platte, relating to Games of Skill to be read by title on its first reading. Lucas moved and Garrick seconded the motion to approve Ordinance No. 4137 on its first reading.

Randy Schwarting, owner of a skill casino in North Platte, told the Council he is against the restricted hours because some people do play these types of machines in the middle of the night, including shift workers and travelers. He stated that the skill casinos are ran completely different now than in the past, North Platte is the only town that will have a curfew and the State is changing their laws to make them more restrictive.

Tryon moved and Woods seconded the motion to remove § 119.04 HOURS OF OPERATION. Roll call vote: "AYE": Tryon, Woods. "NAY": Nisley, Volz, Lucas, Garrick, Flanders, Rieker. Motion failed.

Roll call vote on the main motion: "AYE": Nisley, Volz, Lucas, Garrick, Flanders, Rieker. "NAY": Tryon, Woods. Motion carried.

ITEM #9
ANNEX 1617 EAST
RAILROAD STREET

Mayor Kelliher declared a Public hearing on Ordinance No. 4149 annexing 1617 East Railroad Street, described as All of Lot 119 and the W 114' of Lot 120 Neville Subdivision, Lincoln County, Nebraska consisting of approximately 3.12 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, Rieker, Woods. "NAY": None. Motion carried.

Mayor Kelliher instructed Ordinance No. 4149 to be read by title on its first reading. Garrick moved and Volz seconded the motion to approve Ordinance No. 4149 on its first reading. Roll call vote: "AYE": Nisley, Volz, Lucas, Garrick, Flanders, Rieker. "NAY": Tryon, Woods. Motion carried.

ITEM #10
MURPHY TRACTOR
COMMERCIAL
REDEVELOPMENT
PLAN

Mayor Kelliher declared a Public hearing to adopt the Resolution and approval of the City of North Platte Murphy Tractor Commercial Redevelopment Plan and approval of related actions.

Mike Bacon, attorney for the Community Redevelopment Authority, told the Council it will cost a million dollars of site prep to make the land usable, but they are not going to use all of the land for the 28,597 square foot building. He said the plan provides for significant public infrastructure, including a new public frontage road and a paved parking lot. He stated that Mr. Person told him that the location has been looked at several times but with the cost of infrastructure it has yet to be developed.

Troy Moellinger, Director of Real Estate Finance for Murfin, Inc., told the Council the current Murphy Tractor operates off of a lease and has a need to expand. He stated there will be six additional jobs added and they are looking to be an anchor in the community.

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

Garrick moved and Volz seconded the motion to adopt the Resolution as presented in council materials and approval of the City of North Platte Murphy Tractor Commercial Redevelopment Plan and approval of related actions. Roll call vote: "AYE": Nisley, Volz, Garrick, Flanders. "NAY": Tryon, Lucas, Rieker, Woods. Mayor Kelliher voted "AYE" and the motion carried.

CLOSED SESSION

Flanders moved and Garrick seconded the motion to go into Closed Session at 6:53 p.m. for the purpose of contract discussions. Roll call vote: "AYE": Nisley, Tryon, Volz, Lucas, Garrick, Flanders, Rieker, Woods. "NAY": None. Motion carried.

Mayor Kelliher restated the purpose of the Closed Session to discuss contracts.

RETURN TO
REGULAR SESSION

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

Mayor Kelliher stated that only contract discussions were discussed during the Closed Session.

ITEM #10A
SALE OF THREE
LOTS IN PROSPECT
DRIVE

Philip Hamilton, 818 Reid, told the Council that he and Mr. Wayne Schmeckle are wanting to purchase three of the lots along Prospect Drive. He said they plan to build two 80 x 150 buildings now and one in the future on the furthest lot to the south and put businesses in them exactly like the ones in the Twin Rivers Industrial Park. He stated that there is an urgency on the time frame so they can order the buildings and have them up by January of 2024.

The following conditions were offered to Mr. Hamilton on the sale of the properties:

1. The proposed purchaser agrees not to request any further City incentives regarding this project.
2. If the proposed purchaser fails to develop the property within 3 years from the date of closing on the purchase from the City, the purchaser shall return ownership of the property to the City at the end of the 3-year period.
3. If the proposed purchaser sells or otherwise transfers the property within 3 years from the date of closing on the purchase from the City, the Purchaser shall pay the City the market value of the lot(s) sold.
4. The proposed purchaser shall have prepared, at its own expense, a Phase 1 environmental study for the property.
5. The City declines to offer the purposed purchaser a right of first refusal on any additional lots within the City's Industrial Park.

Mr. Hamilton said the conditions were fine with him and he would contact Mr. Schmeckle after the meeting to make sure he was fine with them too.

Garrick moved and Rieker seconded the motion to authorize the City Attorney to draft an Ordinance for the next Council Meeting for the sale of three of the City Industrial lots along Prospect Drive. Roll call vote: "AYE": Nisley, Tryon, Volz, Lucas,

Garrick, Flanders, Rieker, Woods. "NAY": None. Motion carried.

ITEM #11
CLAIMS

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

Adjourned at 7:59 p.m.

Angela Gilbert

Angela Gilbert, City Clerk