

MINUTES OF THE REGULAR CITY COUNCIL MEETING

March 5, 2024; 5:30 p.m.

- CALL TO ORDER Invocation was given by Joe Sukraw, Hope Embraced 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 Renee White, Deputy City Clerk recorded the proceedings.
- 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.
- OPEN MEETINGS ACT 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 February 21, 2024.
  2. Send the application of Creativity Unlimited Arts Council dba Prairie Arts Center for a Class CK Liquor License (On and Off Sale and Catering) located at 401 North Jeffers to the Nebraska Liquor Control Commission with no recommendation.
  3. Send the application of North Platte Pizza Ranch for a Class C Liquor License (On and Off Sale) located at 201 East 6<sup>th</sup> Street, Suite 1 to the Nebraska Liquor Control Commission with no recommendation.
  4. Approve the application by North Platte Area Habitat for Humanity for a Special Designated Liquor License on March 22, 2024, from 6:00 p.m. to 10:00 p.m., at North Platte Community Playhouse at 301 East 5th Street for a fundraiser.
  5. Approve the application by Pals Brewing Company for a Special Designated Liquor License on May 24, 2024, from 8:00 a.m. to 12:00 a.m., and May 25, 2024, from 8:00 a.m. to 12:00 a.m. at D&N Event Center, 501 East Walker Road for a Bucking Bull Bash.
  6. Place on file Treasurer's report for January 2024.
- Roll call vote: "AYE": Nisley, Tryon, Volz, Lucas, Garrick, Flanders, Rieker, Woods. "NAY": None. Motion carried.
- ITEM #7 FOUR-WHEEL DRIVE LOADER Garrick moved and Rieker seconded the motion to approve the purchase of one 2024 John Deere 624 P-Tier wheel loader from Murphy Tractor & Equipment for the low bid of \$184,200 and authorize the Mayor to sign all necessary documents. Roll call vote: "AYE": Nisley, Tryon, Volz, Lucas, Garrick, Flanders, Rieker, Woods. "NAY": None. Motion carried.
- ITEM #8 LIBRARY COOLING SYSTEM Rieker moved and Garrick seconded the motion to authorize the Mayor to award and sign necessary documents for the replacement of the Cooling system at the North Platte Public Library, not to exceed \$220,000 from the General Fund Contingency Fund. Roll call vote: "AYE": Nisley, Tryon, Volz, Lucas, Garrick, Flanders, Rieker, Woods. "NAY": None. Motion carried.
- ITEM #9 MICROTIF B ON THE BRICKS Garrick moved and Flanders seconded the motion to adopt a resolution to approve a MicroTif project for B on the Bricks, LLC for rehabilitation of a Commercial and Multi-family structure located at 520-522 North Dewey Street. Roll call vote: "AYE": Nisley, Tryon, Volz, Garrick, Flanders, Rieker. "NAY": Woods. "ABSTAIN": Lucas. Motion carried.
- ITEM #10 ORDINANCE NO. 4160 ON 3<sup>RD</sup> READING Mayor Kelliher instructed Ordinance No. 4160 annexation into the corporate limits of the City of North Platte, Parcel ID #0055596.50 and 0055596.57 described as Part of Lot 3 Quality Properties 1st Subdivision and Lot 3 Quality Properties 4th Subdivision, North Platte, Lincoln County, Nebraska, into the corporate limits of the City of North Platte consisting of approximately 21.51 acres be read by title on its third reading. Rieker moved and Garrick seconded the motion to adopt Ordinance No. 4160 on final reading. Roll call vote: "AYE": Nisley, Volz, Lucas, Garrick, Flanders, Rieker. "NAY": Tryon, Woods.

ITEM #11  
ORDINANCE NO.  
4162 ON 2<sup>ND</sup>  
READING

Mayor Kelliher instructed Ordinance No. 4162 to be read by title on its second reading. Garrick moved and Rieker seconded the motion to adopt Ordinance No. 4162 authorizing the conveyance of all of Block 3, in Industrial Park 3rd Subdivision, North Platte, Lincoln County, Nebraska, by the City of North Platte to Midwest Land Development, LLC on second reading.

Rieker moved and Garrick seconded the motion to approve the modifications highlighted in yellow as presented. Roll call vote: "AYE": Nisley, Tryon, Volz, Lucas, Garrick, Flanders, Rieker, Woods. "NAY": None. Motion carried.

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

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

ITEM #12  
PARKING  
REGULATIONS

Flanders moved and Garrick seconded the motion to adopt the Resolution to approve Schedule I of Chapter 78 of the Code of Ordinances of the City of North Platte relating to parking regulations. Roll call vote: "AYE": Nisley, Tryon, Volz, Lucas, Garrick, Flanders, Rieker, Woods. "NAY": None. Motion carried.

ITEM #13  
CONDITIONAL  
USE  
2<sup>ND</sup> DWELLING

Mayor Kelliher declared a Public Hearing on an application by Mary and Savannah Cudzilo for a conditional use to allow a 2nd dwelling on property located at 3411 South Bare Avenue in an A-1 Transitional Agricultural District and described as a tract of land in the NE ¼ of Section 18, Township 13 North, Range 30 West of the 6th P.M., Lincoln County, Nebraska.

Mary Cudzilo, 3411 South Bare Avenue, introduced herself to the council.

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

Volz moved and Lucas seconded the motion that we find the request for a conditional use permit to allow a 2nd dwelling on property located at 3411 South Bare Avenue meets the minimum standards stated in the North Platte Code of Ordinances Section 156.322 and approve and grant with the condition that all elements of the application are complied with based on:

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

ITEM #14  
AMEND LAND  
USE PLAN

Mayor Kelliher declared a Public Hearing to discuss and consider action on an amendment to the City of North Platte Comprehensive Plan 2011 Future Land Use Map amending certain lands from Agricultural/Vacant, Parks and Recreation, and Industrial to Residential-Medium Density Single, Duplex and Multifamily on property described as Tracts B and C of North Platte Farms Subdivision of Lots 1 and 2 in Section Ten (10); Lots 5 and 6, the North Half of the Southwest Quarter (N 1/2 SW 1/4) and the Southeast Quarter (SE 1/4) of Section 3, All in Township 13 North, Range 30, West of the 6th P.M., in Lincoln County, Nebraska, together with adjoining accretion land; A tract of land in the Southwest Quarter (SW 1/4) of Section 3, Township 13 North, Range 30, West of the 6th P.M., in Lincoln County, Nebraska; That part of the Northeast Quarter of Section 10, Township 13 North, Range 30, West of the 6th P.M., Lincoln County, Nebraska, which lies North of the South Platte River and South of the Industrial Park Third Subdivision of part of Section 3 and Section 10, Township 13 North, Range 30, West of the 6th P.M., Lincoln County, Nebraska between a point 200 feet West of the Suburban Spillway, and the East line of Tract C of North Platte Farms Subdivision of the South Half of Section 3 and the East Half of Section 10, Township 13 North, Range 30, West of the 6th P.M., in Lincoln County, Nebraska and Block 3, in Industrial Park 3rd Subdivision to North Platte, Lincoln County, Nebraska.

Aaron Edwards, 810 E 12<sup>th</sup> St., voiced his strong support for this overall project. This is one of many great things coming to North Platte.

Greg Fritz, 2308 Teakwood, Fremont, Nebraska, born and raised in North Platte. Father and Grandfather owned and worked on the Fritz family farm which is about 158 acres of the project. Because of what this project can do for this town we love; we were willing to sell this land to developers. I encourage you to dream big and take a little risk.

David Briggs, 1009 S Dewey, spoke in support and thanked those who worked on this project.

Gary Person, President North Platte Area Chamber and Development Corporation, 502 S Dewey, project is well vetted, fills a giant community need and strong supporter of overall project. Thanked all those who helped move this project forward over the past year.

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

Garrick moved and Rieker seconded the motion to adopt the recommendation by the North Platte Planning Commission for an amendment to the City of North Platte Comprehensive Plan 2011 Future Land Use Map to amend certain land from Agricultural/Vacant, Parks and Recreation, and Industrial to Residential-Medium Density Single, Duplex and Multifamily. Roll call vote: "AYE": Nisley, Tryon, Volz, Lucas, Garrick, Flanders, Rieker, Woods. "NAY": None. Motion carried.

ITEM #15  
ORDINANCE NO.  
4163 ON 1<sup>ST</sup>  
READING

Mayor Kelliher declared a Public Hearing to discuss and consider an application by KOW, LLC to rezone certain land from an A-1 Transitional Agricultural District, I-1 Light Industrial District and F-1 Floodway District to PR-3 Planned Residential District on property described as Tracts B and C of North Platte Farms Subdivision of Lots 1 and 2 in Section Ten (10); Lots 5 and 6, the North Half of the Southwest Quarter (N 1/2 SW 1/4) and the Southeast Quarter (SE 1/4) of Section 3, All in Township 13 North, Range 30, West of the 6th P.M., in Lincoln County, Nebraska, together with adjoining accretion land; A tract of land in the Southwest Quarter (SW 1/4) of Section 3, Township 13 North, Range 30, West of the 6th P.M., in Lincoln County, Nebraska; That part of the Northeast Quarter of Section 10, Township 13 North, Range 30, West of the 6th P.M., Lincoln County, Nebraska, which lies North of the South Platte River and South of the Industrial Park Third Subdivision of part of Section 3 and Section 10, Township 13 North, Range 30, West of the 6th P.M., Lincoln County, Nebraska between a point 200 feet West of the Suburban Spillway, and the East line of Tract C of North Platte Farms Subdivision of the South Half of Section 3 and the East Half of Section 10, Township 13 North, Range 30, West of the 6th P.M., in Lincoln County, Nebraska and Block 3, in Industrial Park 3rd Subdivision to North Platte, Lincoln County, Nebraska.

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

Mayor Kelliher instructed Ordinance No. 4163 to be read by title on its first reading. Rieker moved and Volz seconded the motion to waive the three required readings on Ordinance No. 4163 and adopt Ordinance No. 4163 to rezone certain land from an A-1 Transitional Agricultural District I-1 Light Industrial District and F-1 Floodway District to a PR-3 Planned Dwelling District. Rieker and Volz withdrew their motion.

Rieker moved and Volz seconded the motion to adopt Ordinance No. 4163 to rezone certain land from an A-1 Transitional Agricultural District I-1 Light Industrial District and F-1 Floodway District to a PR-3 Planned Dwelling District on first reading.

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

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

ITEM #16  
MIDWEST LAND  
DEVELOPMENT

Mayor Kelliher declared a Public Hearing to discuss and consider action on a resolution regarding Midwest Land Development, LLC Redevelopment Plan on property described as Tracts B and C of North Platte Farms Subdivision of Lots 1 and 2 in Section Ten (10); Lots 5 and 6, the North Half of the Southwest Quarter (N1/2SW1/4) and the Southeast Quarter (SE1/4) of Section 3, All in Township 13 North, Range 30, West of the 6th P.M., in Lincoln County, Nebraska, together with adjoining accretion land; A tract of land in the Southwest Quarter (SW1/4) of Section 3, Township 13 North, Range 30, West of the 6th P.M., in Lincoln County, Nebraska, more particularly described as follows: Beginning at the Northwest Quarter of Tract B

North Platte Farms Subdivision, thence easterly along the North line of Tracts B and C of said Subdivision, a distance of 1,389.2 feet, more or less, to its intersection with the North-South centerline of said Section 3, thence Northerly along said North-South centerline a distance of 54 feet, more or less, to a point which is 33 feet southerly from the center point of said Section 3; thence westerly parallel with the East-West centerline, a distance of 1,389.2 feet, more or less, to the point of intersection with the West line of said Tract B extended; thence southerly to the point of beginning, That part of the Northeast Quarter of Section 10, Township 13 North, Range 30, West of the 6th P.M., Lincoln County, Nebraska, which lies North of the South Platte River and South of the Industrial Park Third Subdivision of part of Section 3 and Section 10, Township 13 North, Range 30, West of the 6th P.M., Lincoln County, Nebraska between a point 200 feet West of the Suburban Spillway, and the East line of Tract C of North Platte Farms Subdivision of the South Half of Section 3 and the East Half of Section 10, Township 13 North, Range 30, West of the 6th P.M., in Lincoln County, Nebraska; said tract of land having been formerly described as follows: All that part of the Northeast Quarter of Section 10, Township 13 North, Range 30, West of the 6th P.M., 200 feet West of the Suburban Spillway south of irrigation ditch and north of South Platte River to east line of Tract C, North Platte Farms Subdivision, described as follows: Along narrow strip of land comprising approximately 10 acres adjoining Tract C of North Platte Farms Subdivision land in the South Half of Section 3 and the East Half of Section 10, Township 13 North, Range 30, West of the 6th P.M., in Lincoln County, Nebraska, on the east, commencing on the south bank of Suburban Irrigation Canal, thence south to north bank of South Platte River, thence east along north bank of South Platte River to a point 200 feet west of center of Suburban Irrigation spillway, thence north to said Suburban Irrigation Canal, thence west along said canal to place of beginning, which is north line; Tract B, North Platte Farms Subdivision; and Tract C, North Platte Subdivision, Block 3, in Industrial Park 3rd Subdivision to North Platte, Lincoln County, Nebraska, East Francis from the existing East Francis Right-of-way starting at the southeast corner of Parcel ID 0030945.00, described as Opportunity Sub Blk 5, 0.41 Acres, Devco Avenue starting from the existing paved street located in Devco Avenue Right Of Way, approximately at the southeast corner of Parcel ID 0021448.25, described as Kleewein 4th Replat Lot 1 1.54 acres (of Industrial Park 7th Replat Lot 2) pursuant to Nebraska Community Development Law and passage of appropriate resolution.

Austin Hillis, 3051 Ash St., Ashland, Nebraska, on behalf of Midwest Land Development gave council an overview along with receiving and answering questions about the project and thanked all those involved.

Mike Bacon, 416 10<sup>th</sup> St., Gothenburg, Nebraska, on behalf of the Community Redevelopment Authority (CRA) gave council a detailed overview of the project.

Eric Seacrest, 109 S. Malony Dr., tax increment financing was created by the states and is being used in 48 out of 50 states. It is a local decision with this council making the final decision.

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

Garrick moved and Nisley seconded the motion to adopt the resolution as presented in council materials and approval of Midwest Land Development, LLC Redevelopment Plan and approval of related actions. Roll call vote: "AYE": Nisley, Volz, Lucas, Garrick, Flanders. "NAY": Tryon, Rieker, Woods. Motion carried.

ITEM #17  
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 Nisley seconded the motion to adjourn. Roll call vote: "AYE": Nisley, Tryon, Volz, Lucas, Garrick, Flanders, Rieker, Woods. "NAY": None. Motion carried.

Adjourned at 6:47 p.m.

  
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Renee White, Deputy City Clerk