

Regular City Council Meeting
City Council Chambers

October 16, 2012
7:00 p.m.

Present: Mayor –	Joyce Hudson
Council members	Jeff Kennedy
	Gary Fritch
	Tim Strauser
	Jeff Whiting
City Administrator	Bruce Clymer
City Attorney	Mike Bacon
City Clerk / Treasurer	Connie L. Dalrymple

Press: *Gothenburg Times* - Beth Barrett

Also present: Linda Crisman, Rex Crisman, Dwaine Oliver, Jim Purintun, Mr. & Mrs. Matthew Langley, Jim Mann, Janice Libich, Louis Bovitz, Lynn Wendelin, Craig Johnson, Steve Peterson, Greg Viergutz, Mr. & Mrs. Roger Tederman, Dawn Jobman, Eric Most, Matt Olson, Sonia Howard

Mayor Hudson opened the meeting and public hearings at 7:00 p.m. Advance notice and a copy of the agenda were given to the Council and members of the press. City Council meetings are conducted in accordance with the Open Meetings Act, a copy of which is available for public inspection on the north wall of the Council Chambers.

The public hearing continued from October 2 on a Special Use Permit request for *The Crossing* church was taken up first. The request is for a church and family life center to be constructed south of Hilltop Estates along Avenue M. The Planning & Zoning Commission held a hearing on October 9 that ended with a 3 / 3 split vote. Therefore there is no recommendation to the City Council.

Craig Johnson lives on Countryside Lane and was in attendance for his own educational purposes and wanted to know what the process is to object to the permit if he should be in opposition to the proposal.

Administrator Clymer reviewed the protest procedure as stated in the zoning and subdivision regulations.

Eric Most, representing *The Crossing*, submitted the detailed site plan to provide as much information as possible on their dream and hope for the complex but do not intend to complete it as one project. Phase I includes the church and the majority of the life center. It is two levels totaling 36,000 square feet. Phase II would be the auditorium and the pool although they understand that the pool is very expensive and they don't know if it will happen. If not, they would like the auditorium to happen as part of Phase I or shortly thereafter. They are working on a floor plan now to begin fund raising with firm costs. They want enough funds on hand before construction begins to enclose the building and finish the exterior.

One question from the Council was if the special use permit would include all shown on the site plan or just the church for now. Atty. Bacon said the permit should specify what is approved, such as the church and related auditorium, and any restrictions the Council chooses to apply. It can be detailed such as information on signage, paving, siding etc., the purpose being so adjacent property owners feel protected and are ok with what is occurring in their neighborhood. These complexes are not allowed by right in residential areas but are allowed by special permitted use. The concept can be changed based on time constraints, finances, etc. Therefore, he recommends the Council be as detailed as they feel appropriate i.e. Phase I only. After the SUP is issued, the applicant has 365 days to obtain a building permit and start construction.

Mr. Most said they are hoping to break ground next spring or summer. If they do not have funds in 365 days, the property will look exactly as it does now. The purchase of the property is conditioned upon approval of the special use permit.

Other persons from the neighborhood expressed concern about:

- Opening 23rd Street into the proposed parking area especially if the parking area is lighted. According to the site plan and the way the parking is laid out, it appears that traffic can 'short cut' from 23rd Street through the parking lot and onto Avenue M. Traffic signs are ineffective now near the apartment complex. Mr. Most stated that 23rd Street is not a big issue for them. They prefer it open to have two ways of entering and exiting the complex without having to go around several blocks. They do not want 23rd Street through their parking area to Avenue M either. They can reconfigure the parking area.
- Water runoff onto other properties. There are already good ditches on both sides of Avenue M but water runoff on a hay field is different from runoff on paving. Water issues will be addressed by the engineers during the building permit process.
- How the complex is platted. Perhaps the playground / day care area are too close to Avenue M and should be fenced. There are already six platted lots on the east side of Avenue M.
- Increased traffic on Avenue M. There is already a lot of big equipment moving on that street.
- Paved or graveled parking area. Not only is gravel hard to walk on, it creates dust and the gravel movement.

Further discussion was had and while Council favors the project they would like to address the concerns raised before issuing the permit. A meeting will be held with representatives of *The Crossing*, City Council, and neighbors to work on the concerns brought up in the hearing. Then the full Council will reconvene the public hearing at a later date with a final plan for what is being requested. The next regular meeting is November 6 which is Election Day and the Council Chambers is used as a polling place; therefore, Strauser moved, Fritch seconded, to continue the hearing to a special meeting on October 30 at 7:00 p.m. Roll call vote: Yea – Kennedy, Whiting, Strauser, Fritch. Nay – none. There will be no meeting on November 6.

The public hearing on a request from Jim Purinton for a special use permit to replace two old structures with a new one on the west side of the alley south of 14th Street on Avenue A, an R-2 zoned area, was taken up at 7:58 p.m.

The Planning & Zoning Commission has recommended approval of the permit but there was some concern about any future business in the building, even though Mr. Purinton is constructing the building for his personal storage and use.

Kennedy moved, Strauser seconded, to close the public hearing at 8:02 p.m. Roll call vote: Yea - Fritch, Whiting, Strauser, Kennedy. Nay – none.

Kennedy moved, Whiting seconded, approving the special use permit with the stipulation that no commercial business be conducted from it. Roll call vote: Yea – Strauser, Fritch, Kennedy, Whiting. Nay- none.

Kennedy moved, Strauser seconded, approving the consent agenda that included:

City Council minutes – October 2

Cemetery Board Report – July thru September

Planning & Zoning Commission minutes – October 9

Roll call vote: Yea – Whiting, Fritch, Strauser, Kennedy. Nay - none.

Kennedy moved, Whiting seconded, allowing payment of claims against the City, \$86,605.08, except #1323 and #1202; Public Works Division \$402,194.25; and the October 11 payroll of \$36,334.22. Roll Call vote: Yea – Strauser, Fritch, Whiting, Kennedy. Nay - none.

Whiting moved, Kennedy seconded, allowing payment of claims #1323 to T & T Corp and #1202 to Blasé-Strauser Memorial Chapel. Roll call vote: Yea – Fritch, Kennedy, Whiting. Nay – none.

A resolution was passed earlier to establish the REDLG revolving loan fund anticipating \$300,000 receipts and authorizing a \$60,000 deposit from the Sales Tax but the language wasn't correct. This resolution has the exact required language and authorizes the same amounts of money that will be loaned to the GIC for 10 years at no interest for development of the industrial site for job attraction. The resulting repayments will be available to the community.

Whiting moved, Strauser seconded, to pass and approve Resolution 2012-32 as amended. Roll call vote: Yea – Kennedy, Fritch, Strauser, Whiting. Nay – none.

Per area news recently, a new strip club has opened in Minden. While we cannot prohibit sexually oriented businesses we can establish laws and regulations governing their location, hours of operation, and licensing, if done prior to any such business opening. Administrator Clymer has provided a copy of North Platte's code which does attempt to control sexually explicit businesses. Council member Fritch had two citizens approach him about being proactive about the situation instead of reactive.

Atty. Bacon was asked to review the statutes and the North Platte code and draft a proposal for consideration at the November 20 meeting.

About three years ago the fruit tree owned by Rex Crisman was causing vision issues coming from the alley between 11th and 12th Streets onto Avenue I. Instead of removing the tree, Crisman was allowed to clean out the brush under the tree and trim it back. Now the tree has grown out into the alley way again. Following discussion about this and other trees, Council members agreed that if a tree is not blocking the sight line, there is no issue and the complaint would be invalid. Council is not interested in discussing individual trees and Crisman was advised to fix the tree or remove it. Mrs. Crisman agreed to trim the tree after the leaves have fallen.

Strauser moved, Kennedy seconded, to approve the Special Designated License requested by Monte Kenning of OK Bottle Shoppe for an open house event on November 1, 2012 at 1014 Lake Avenue. Roll call vote: Yea – Fritch, Whiting, Kennedy, Strauser. Nay – none.

Strauser moved, Whiting seconded, to adjourn the meeting at 8:32 p.m. Roll call vote: Yea – Kennedy, Fritch, Whiting, Strauser. Nay – none. The next meeting will be a special meeting on October 30, 2012,

Joyce Hudson, Mayor

Connie L. Dalrymple, City Clerk