

CITY OF NORFOLK, NEBRASKA

The Mayor and City Council of the City of Norfolk, Nebraska met in regular session in the Council Chambers, 309 North 5th Street, Norfolk, Nebraska on the 6th day of January, 2014, beginning at 5:30 p.m.

Following a moment of silence and the Pledge of Allegiance to the flag of the United States of America, Mayor Sue Fuchtman called the meeting to order. Roll call found the following Councilmembers present: Dale Coy, Jim Lange, Rob Merrill, Shane Clausen, Josh Moenning, Dave Fauss, and Dick Pfeil. Absent: Thad Murren,

Staff members present were: City Administrator Shane Weidner, Director of Public Works Dennis Smith, City Attorney Clint Schukei, City Clerk Beth Deck, Finance Officer Randy Gates, Police Chief Bill Mizner, Information Systems Manager Jim McKenzie, Administrative Secretary Bethene Hoff, Assistant City Engineer Mark Dolechek, Operations Manager Gary Miller, Police Captain Don Miller, Water & Sewer Director Dennis Watts and Prevention Manager Trent Howard.

The Mayor presided and the City Clerk recorded the proceedings.

The Mayor informed the public about the location of the current copy of the Open Meetings Act posted in the City Council Chambers and accessible to members of the public.

Notice of the meeting was given in advance thereof by publication in the Norfolk Daily News, Norfolk, Nebraska, the designated method of giving notice, as shown by affidavit of publication.

Notice was given to the Mayor and all members of the Council and a copy of their acknowledgement of receipt of notice and agenda is attached to the minutes. Availability of the agenda was communicated in the advance notice and in the notice to the Mayor and Council of this meeting. All proceedings hereafter shown were taken while the convened meeting was open to the public.

Agenda Motions

Councilmember Fauss moved, seconded by Councilmember Merrill to approve the consent agenda as printed. Roll call: Ayes: Councilmembers Coy, Lange, Merrill, Clausen, Moenning, Fauss and Pfeil. Nays: None. Absent: Murren. Motion carried.

Councilmember Merrill moved, seconded by Councilmember Coy to adopt the full agenda as printed. Roll call: Ayes: Councilmembers Coy, Lange, Merrill, Clausen, Moenning, Fauss and Pfeil. Nays: None. Absent: Murren. Motion carried.

Consent Agenda Items Approved

Minutes of the December 16, 2013 City Council meeting

Letter to the Nebraska Department of Economic Development requesting a 3-month extension to March 31, 2014, for the 09-CR-107 grant in order to complete the contracted activities

Nebraska Machinery, Inc. permanent easement contract and permanent easement deed for property along Monroe Avenue (Southwest Sanitary Sewer Interceptor Phase I project) for \$850.00

BBRE LLP permanent easement contract and permanent easement deed for property along U.S. Highway 81 (Southwest Sanitary Sewer Interceptor Phase I project) for \$2,160.00

NE Colorado Cellular, Inc. (Viaero Wireless) extension agreement to lease space on the City's water tower

Request proposals for an IP Phone System including software, hardware, installation, configuration and migration services, training, technical support and maintenance

Larry Hofmann farm lease for property located in the Southeast Quarter of Section 30, Township 24 North, Range 1 West of the 6th P.M., Madison County, Nebraska

Village of Winside agreement to provide building inspection services on a contract basis

Special Designated Liquor License for Fine Wine, LLC, dba Jim's Fine Wine & More, 2001 Market Lane, to serve wine at Creatively Fire Pottery & Paint, 1317 West Pasewalk Avenue, Norfolk, Nebraska, on January 30, 2014 from 4 p.m. to 9 p.m., for a sampling/tasting event

Resolution No. 2014-1 approving CVS 2nd Addition, Lot 1 inclusive, and its subdivision agreement

Bills in the amount of \$1,356,891.75

Special Presentations

City staff updated elected officials on SID #1 of Stanton County, Nebraska (Woodland Park) sewer issues. City Administrator Shane Weidner stated SID #1 is working with NDEQ on its Facility Master Plan. The City also received a quarterly report from Bryan Engineering today, which was distributed at the meeting. Public Works Director Dennis Smith updated elected officials on the status of the lift station located along Highway 275. Kirkham Michael is under contract to review the capacity of this lift station on its associated force main and is to recommend necessary improvements, mainly on a short term (5-10 year) basis, at this time. Smith hopes to have a draft report by the end of February 2014.

Public Hearings and Related Items

Public Hearing (miscellaneous special assessment)

A public hearing was held for the Mayor and City Council to sit as a Board of Equalization to levy a special assessment in the amount of \$10,166.68 against property located at 300 South 5th Street for mowing, removal of weeds, incidental litter, and debris, and for property maintenance and demolition of a structure declared as "Unfit for Human Occupancy or Use" and posted as "Condemned".

Councilmember Lange moved, seconded by Councilmember Fauss to adjourn as Mayor and City Council and convene as a Board of Equalization to hear and equalize a special assessment for mowing, removal of weeds, incidental litter, and debris, and for property maintenance and demolition of a structure declared as "Unfit for Human Occupancy or Use" and posted as "Condemned" in the amount of \$10,166.68 against property on the N 70' Lot 1 & E 11' N 70' Lot 2, Block 8, Koenigstein's First Addition (300 S 5th Street).

Roll call: Ayes: Councilmembers Coy, Lange, Merrill, Clausen, Moenning, Fauss and Pfeil.
Nays: None. Absent: Murren. Motion carried.

The public hearing is to consider levying a special assessment for mowing, removal of weeds, incidental litter, and debris, and for property maintenance and demolition of a structure declared as "Unfit for Human Occupancy or Use" and posted as "Condemned" in the amount of \$10,166.68 against property on the N 70' Lot 1 & E 11' N 70' Lot 2, Block 8, Koenigstein's First Addition (300 S 5th Street). The Health Official notified the property owner by certified mail prior to completion of the work. The property owner did not respond and the work was completed at the owner's expense. The City billed the property owner and mailed notice by certified mail of the public hearing to levy special assessment. Following adoption of a resolution to levy a special assessment, the City files a lien against the property and interest accrues in the same manner as the special assessment. This is the usual and customary way the City of Norfolk uses to assure payment and the City followed State Statutes procedures.

No one appeared either in favor of or in opposition to levying the special assessment and the Mayor declared the hearing closed.

Councilmember Merrill moved, seconded by Councilmember Fauss to adjourn as a Board of Equalization and reconvene as Mayor and City Council.

Roll call: Ayes: Councilmembers Coy, Lange, Merrill, Clausen, Moenning, Fauss and Pfeil.
Nays: None. Absent: Murren. Motion carried.

Resolution No. 2014-2

Councilmember Merrill moved, seconded by Councilmember Lange, to adopt Resolution No. 2014-2 levying a special assessment in the amount of \$10,166.68 against property on the N 70' Lot 1 & E 11' N 70' Lot 2, Block 8, Koenigstein's First Addition (300 S 5th Street) mowing, removal of weeds, incidental litter, and debris, and for property maintenance and demolition of a structure declared as "Unfit for Human Occupancy or Use" and posted as "Condemned".

Roll call: Ayes: Councilmembers Coy, Lange, Merrill, Clausen, Moenning, Fauss and Pfeil.
Nays: None. Absent: Murren. Motion carried. Resolution No. 2014-2 was adopted.

Public Hearing

(Conover zone change, 700 block Queen City Boulevard)

A public hearing was held to consider a zone change from R-1 (Single Family Residential District) to R-3 (Multi Family Residential District) in the 700 block of Queen City Boulevard at the request of Benjamin and Sarah Conover.

Ben Conover spoke during the public hearing. Conover is in the process of purchasing the parcel from the City of Norfolk and plans to build a tri-plex on the property.

On December 17, 2013, the Norfolk Planning Commission held a public hearing regarding the zone change. The City Clerk read the Planning Commission's recommendation for approval into the record.

No one else appeared either in favor of or in opposition to the zone change and the Mayor declared the hearing closed.

Ordinance No. 5277

(Conover zone change, 700 block Queen City Boulevard)

Councilmember Coy introduced, seconded by Councilmember Lange, Ordinance No. 5277 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, MADISON COUNTY, NEBRASKA; AMENDING THE ZONING DISTRICT MAP OF THE CITY OF NORFOLK, NEBRASKA; PROVIDING WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT; AND PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM and moved that the ordinance be passed on first reading. Said ordinance was then read into the record by title by the City Clerk.

Roll call: Ayes: Councilmembers Coy, Lange, Merrill, Clausen, Moenning, Fauss and Pfeil. Nays: None. Absent: Murren. Motion carried. Ordinance No. 5277 passed on first reading.

Councilmember Fauss moved, seconded by Councilmember Moenning, that the statutory rule requiring reading on three different days be suspended.

Roll call: Ayes: Councilmembers Coy, Lange, Merrill, Clausen, Moenning, Fauss and Pfeil. Nays: None. Absent: Murren. Motion carried. The motion to suspend the rules was adopted by three-fourths of the Council and the statutory rule requiring reading on three different days was suspended for consideration of said ordinance.

Thereafter Councilmember Fauss moved, seconded by Councilmember Moenning, that the statutory rules requiring reading on three different days be suspended and for final passage of the ordinance. The Mayor then stated the question "Shall Ordinance No. 5277 be passed and adopted?"

Roll call: Ayes: Councilmembers Coy, Lange, Merrill, Clausen, Moenning, Fauss and Pfeil. Nays: None. Absent: Murren. Motion carried. The passage and adoption of said ordinance having been concurred in by a majority of all members of the Council, the Mayor signed and approved the ordinance and the City Clerk attested the passage and adoption of the same and affixed her signature thereto. The Mayor then instructed the City Clerk to publish said Ordinance No. 5277 as required by law.

Regular Agenda Items

Elkhorn Paving Construction Company Change Order #3
(Concrete Improvements 2013-2)
(20th Street)

Councilmember Lange moved, seconded by Councilmember Coy, to approve Change Order No. 3 with Elkhorn Paving Construction Company, Inc. for Concrete Improvements 2013-2 (20th Street) project resulting in a net increase of \$15,987.75. Assistant City Engineer Mark Dolechek explained the change order balances estimated to actual quantities.

Roll call: Ayes: Councilmembers Coy, Lange, Merrill, Clausen, Moenning, Fauss and Pfeil.
Nays: None. Absent: Murren. Motion carried.

Ordinance No. 5278
(sale of property, Queen City Blvd, Benjamin & Sarah Conover)

Councilmember Fauss introduced, seconded by Councilmember Merrill, Ordinance No. 5278 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA, TO AUTHORIZE THE SALE OF CITY PROPERTY; TO PROVIDE THE TERMS OF SALE AND AUTHORIZE THE MAYOR TO EXECUTE AND DELIVER A QUITCLAIM DEED TO THE PROPERTY; TO PROVIDE FOR A REMONSTRANCE TO SAID SALE AS PROVIDED BY LAW; TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT; TO PROVIDE FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM and moved that the ordinance be passed on first reading. Said ordinance was then read into the record by title by the City Clerk.

Roll call: Ayes: Councilmembers Coy, Lange, Merrill, Clausen, Moenning, Fauss and Pfeil.
Nays: None. Absent: Murren. Motion carried. Ordinance No. 5278 passed on first reading.

Councilmember Fauss moved, seconded by Councilmember Moenning, that the statutory rule requiring reading on three different days be suspended.

Roll call: Ayes: Councilmembers Coy, Lange, Merrill, Clausen, Moenning, Fauss and Pfeil.
Nays: None. Absent: Murren. Motion carried. The motion to suspend the rules was adopted by three-fourths of the Council and the statutory rule requiring reading on three different days was suspended for consideration of said ordinance.

Thereafter Councilmember Fauss moved, seconded by Councilmember Moenning, that the statutory rules requiring reading on three different days be suspended and for final passage of the ordinance. The Mayor then stated the question "Shall Ordinance No. 5278 be passed and adopted?"

Roll call: Ayes: Councilmembers Coy, Lange, Merrill, Clausen, Moenning, Fauss and Pfeil.
Nays: None. Absent: Murren. Motion carried. The passage and adoption of said ordinance having been concurred in by a majority of all members of the Council, the Mayor signed and approved the ordinance and the City Clerk attested the passage and adoption of the same and affixed her signature thereto. The Mayor then instructed the City Clerk to publish said Ordinance No. 5278 as required by law.

Ordinance No. 5279
(parking restriction N. 5th Street)

Councilmember Coy introduced, seconded by Councilmember Fauss, Ordinance No. 5279 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO AMEND SECTION 24-164 OF THE OFFICIAL CITY CODE TO RESTRICT PARKING IN THE 300 BLOCK OF NORTH 5TH STREET; TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT; AND TO PROVIDE FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM and moved that the ordinance be passed on first reading. Said ordinance was then read into the record by title by the City Clerk.

Police Captain Don Miller explained the parking restriction is recommended because of concerns for vehicles exiting onto 5th Street because visibility to the north is substantially obstructed by vehicles parking along the west curb line of the Norfolk City Administration Building at 309 N 5th Street.

Roll call: Ayes: Councilmembers Coy, Lange, Merrill, Clausen, Moenning, Fauss and Pfeil. Nays: None. Absent: Murren. Motion carried. Ordinance No. 5279 passed on first reading.

Councilmember Fauss moved, seconded by Councilmember Merrill, that the statutory rule requiring reading on three different days be suspended.

Roll call: Ayes: Councilmembers Coy, Lange, Merrill, Clausen, Moenning, Fauss and Pfeil. Nays: None. Absent: Murren. Motion carried. The motion to suspend the rules was adopted by three-fourths of the Council and the statutory rule requiring reading on three different days was suspended for consideration of said ordinance.

Thereafter Councilmember Fauss moved, seconded by Councilmember Merrill, that the statutory rules requiring reading on three different days be suspended and for final passage of the ordinance. The Mayor then stated the question "Shall Ordinance No. 5279 be passed and adopted?"

Roll call: Ayes: Councilmembers Coy, Lange, Merrill, Clausen, Moenning, Fauss and Pfeil. Nays: None. Absent: Murren. Motion carried. The passage and adoption of said ordinance having been concurred in by a majority of all members of the Council, the Mayor signed and approved the ordinance and the City Clerk attested the passage and adoption of the same and affixed her signature thereto. The Mayor then instructed the City Clerk to publish said Ordinance No. 5279 as required by law.

There being no further business, the Mayor declared the meeting adjourned at 5:57 p.m.

Sue Fuchtman
Mayor

ATTEST:

Elizabeth A. Deck
City Clerk

(S E A L)

I, the undersigned Clerk, hereby certify that the foregoing is the full, true and correct original document of proceedings of Monday, January 6, 2014, had and done by the Mayor and City Council; that all of the subjects included in the proceedings were contained in the agenda for the meeting, kept continually current and available for public inspection at the office of the Clerk; that such subjects were contained in said agenda for at least twenty-four hours prior to the meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the said minutes were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; that all news media requesting notification concerning meetings of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

Elizabeth A. Deck
City Clerk

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