

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 3rd day of February, 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, Thad Murren, Josh Moenning, Dave Fauss, and Dick Pfeil. Absent: None.

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, Wastewater Plant Superintendent Todd Boling, Information Systems Manager Jim McKenzie, Administrative Secretary Bethene Hoff, Assistant City Engineer Mark Dolechek, Water & Sewer Director Dennis Watts, Prevention Manager Trent Howard, and Economic Development Director Courtney Klein.

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, Murren, Moenning, Fauss and Pfeil. Nays: None. Absent: None. Motion carried.

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

Consent Agenda Items Approved

Minutes of the January 21, 2014, City Council meeting

Mayor's reappointments of Merlin Milander and Maynard Ohl, and appointments of Bill Fisher and Barb Marsh to Planning Commission

Letter of no recommendation to the Nebraska Liquor Control Commission on the manager application for Larry D. Palmer in connection with the Class CK liquor license of Eagles Norfolk Aerie 3611, 210 West Northwestern Avenue, Norfolk, Nebraska

Resolution No. 2014-4 approving the final plat of Wyndham Hills Third Replat and subdivision agreement

Pheasants Forever Elkhorn Valley Chapter #091 (a nonprofit organization) agreement to rent the City Auditorium to exhibit or display firearms or explosive devices on the premises of the City auditorium and to hold its annual banquet on March 20, 2014

Elkhorn Valley Pheasants Forever Special Designated Liquor License to serve beer, wine and distilled spirits in the Norfolk City Auditorium on March 20, 2014 from 12:00 p.m. to 11:59 p.m. for their annual fundraiser

RDG Geoscience & Engineering, Inc., and Landeco II, agreement for installation of a monitoring well in City right-of-way near 1304 Riverside Boulevard

Patti Podliska (doing business as Mid-America Working Terrier Association) agreement to use the Vulcraft shelter, the dog park and surrounding area in the northeast corner of Ta-Ha-Zouka Park to conduct the Terrier Trials event from Friday, June 27, 2014, through Sunday, June 29, 2014

Norfolk Post 16 of The American Legion at Norfolk, Nebraska (a Chartered Unit of the Nebraska American Legion and its National Organization) agreement to use the City's baseball fields at Veterans Memorial Park and Ta-Ha-Zouka Park for baseball practice and games for the 2014 baseball season, from March 1, 2014 through October 31, 2014

Christopher E. Price (doing business as Norfolk Little League Association) agreement to use the City's baseball and/or softball fields at Veterans Memorial Park, Warren Cook Park, and Ta-Ha-Zouka Park for baseball practice and games for the 2014 baseball season from February 3, 2014 through December 31, 2014

Bills in the amount of \$1,285,017.03

Special Presentations

The Mayor proclaimed February 8, 2014, as “Student Nurses Day”, and the month of February 2014 as “JOOI OF READING MONTH”.

The Mayor stated nominations are now being accepted for the 2014 Edward I. Vrzal Outstanding Citizen Award, and will be accepted through February 28, 2014 at the City Administrator's office

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 \$10,017.48 against property located at 905 West Pasewalk Avenue for mowing, debris removal and demolition costs.

Councilmember Merrill moved, seconded by Councilmember Lange to adjourn as Mayor and City Council and convene as a Board of Equalization to hear and equalize a special assessment for mowing, debris removal and demolition costs in the amount of \$10,017.48 against property on Lot 3, Block 14 Subdivision of the Heights, Norfolk, Nebraska (905 West Pasewalk Avenue).

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

Prevention Manager Trent Howard explained the public hearing is to consider levying a special assessment for mowing, debris removal and demolition costs in the amount of \$10,017.48 against property on Lot 3, Block 14 Subdivision of the Heights, Norfolk, Nebraska (905 West Pasewalk Avenue). 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 Fauss moved, seconded by Councilmember Moenning to adjourn as a Board of Equalization and reconvene as Mayor and City Council.

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

Resolution No. 2014-5

Councilmember Merrill moved, seconded by Councilmember Lange, to adopt Resolution No. 2014-5 levying a special assessment in the amount of \$10,017.48 against property on property on Lot 3, Block 14 Subdivision of the Heights, Norfolk, Nebraska (905 West Pasewalk Avenue) for mowing, debris removal and demolition costs.

Roll call: Ayes: Councilmembers Coy, Lange, Merrill, Clausen, Murren, Moenning, Fauss and Pfeil. Nays: None. Absent: None. Motion carried. Resolution No. 2014-5 was adopted.

Public Hearing
(2014-2019 One & Six Year Street Improvement Plan)

A public hearing was held to discuss the 2014-2019 One and Six-Year Street Improvements Plan. Operations Manager Gary Miller provided information to the Mayor and City Council. The proposed 2014-2015 projects, which begin October 1, 2014, are as follows:

Miscellaneous Street Maintenance Work by Contract, \$400,000
Miscellaneous Residential Paving Districts, \$30,000
37th Street & Norfolk Avenue, \$281,997
Reconstruct Bridge on Norfolk Avenue & Cottonwood Street, \$791,000

On January 22, 2014, the Norfolk Planning Commission held a public hearing regarding the 2014-2019 One and Six-Year Street Improvements Plan. The City Clerk read the Planning Commission's recommendation for approval into the record.

No one appeared either in favor of or in opposition to the 2014-2019 One and Six-Year Street Improvement Plan and the Mayor declared the hearing closed.

Resolution No. 2014-6
(2014-2019 One and Six-Year Street Improvement Plan)

Councilmember Lange moved, seconded by Councilmember Coy, to adopt Resolution No. 2014-6 approving the 2014-2019 One and Six-Year Street Improvements Plan.

Roll call: Ayes: Councilpersons Coy, Lange, Merrill, Clausen, Murren, Moenning, Fauss and Pfeil. Nays: None. Absent: None. Motion carried. Resolution No. 2014-6 was adopted.

Public Hearing
(Torkelson zone change, 1201 N 13th St)

A public hearing was held to consider a zone change from R-1 (Single Family Residential District) to O-D (Office District) at 1201 North 13th Street at the request of LeRoy J. and Louise Torkelson. Prevention Manager Trent Howard provided information to the Mayor and City Council. Torkelson wants to sell the building that has been a veterinarian's office since 1954; however, in order to sell the property, the zoning needs to be changed to Office District to allow the potential buyer to relocate a financial planning office to this building.

On January 22, 2014 the Norfolk Planning Commission held 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 at 1201 North 13th Street and the Mayor declared the hearing closed.

Ordinance No. 5281
(Torkelson zone change, 1201 N 13th St)

Councilmember Fauss introduced, seconded by Councilmember Moenning, Ordinance No. 5281 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, MADISON COUNTY, NEBRASKA; AMENDING THE ZONING DISTRICT MAP OF THE CITY OF NORFOLK, NEBRASKA; ROVIDING 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, Murren, Moenning, Fauss and Pfeil. Nays: None. Absent: None. Motion carried. Ordinance No. 5281 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, Murren, Moenning, Fauss and Pfeil. Nays: None. Absent: None. 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. 5281 be passed and adopted?"

Roll call: Ayes: Councilmembers Coy, Lange, Merrill, Clausen, Murren, Moenning, Fauss and Pfeil. Nays: None. Absent: None. 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. 5281 as required by law.

Regular Agenda Items

Ordinance No. 5282
(replacement tag for rented parking stall)

Councilmember Coy introduced, seconded by Councilmember Fauss, Ordinance No. 5282 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO AMEND SECTION 2-5 OF THE OFFICIAL CITY CODE TO INCLUDE A FEE FOR OBTAINING A REPLACEMENT PARKING TAG FOR A RENTED PARKING STALL; 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. This change was requested by the Vehicle Parking District Board of Directors at their January 8, 2014 meeting.

Roll call: Ayes: Councilmembers Coy, Lange, Merrill, Clausen, Murren, Moenning, Fauss and Pfeil. Nays: None. Absent: None. Motion carried. Ordinance No. 5282 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, Murren, Moenning, Fauss and Pfeil. Nays: None. Absent: None. 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. 5282 be passed and adopted?"

Roll call: Ayes: Councilmembers Coy, Lange, Merrill, Clausen, Murren, Moenning, Fauss and Pfeil. Nays: None. Absent: None. 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. 5282 as required by law.

Use LB 840 funds for Project Envy/Tejas Tubular

Councilmember Merrill moved, seconded by Councilmember Fauss, to commit \$3.6 million of LB 840 funds to Project Envy/Tejas Tubular under specific terms to be determined upon completion and submittal of an LB 840 application to City of Norfolk.

Economic Development Director Courtney Klein stated Tejas Tubular, a Houston-based company, is making a multimillion dollar investment in a new manufacturing plant in Norfolk and creating more than 200 jobs. In connection with the project, Black Hills Energy has committed to building a new gas line from Bancroft west to Norfolk to accommodate Tejas Tubular and possible future industrial customers.

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

There being no further business, the Mayor declared the meeting adjourned at 6:14 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, February 3, 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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