

## **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 18th 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, Police Chief Bill Mizner, Wastewater Plant Superintendent Todd Boling, Administrative Secretary Bethene Hoff, Assistant City Engineer Mark Dolechek, Prevention Manager Trent Howard and Fire Chief Scott Cordes.

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 Merrill moved, seconded by Councilmember Fauss 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 Coy moved, seconded by Councilmember Lange 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 February 3, 2014, City Council meeting

*Advertise for bids for armor coating* of designated areas at Skyview Park, Ta-Ha-Zouka Park, and locations throughout the City

*Exclude a tract of land located on West Monroe Avenue in the South 1/2 of the North 1/2 of Section 34, Township 24 North, Range 1, West of the 6th P.M., Madison County, Nebraska, from the designated county industrial tract at the request of Brian Gibbs*

*Resolution No. 2014-7 providing for the Mayor to sign and approve the Professional Construction Services Agreement between the City of Norfolk and The Schemmer Associates, Inc. for the Norfolk Elkhorn River Trail project, which the NDOR has designated as Project No. ENH-59(22), Control Number 32154*

*Plans, specifications and engineer's estimate on file in the City offices for Concrete Improvements 2014-1 (5th Street from Madison Avenue to Phillip Avenue) project and authorization for the City Clerk to advertise for bids*

*Mayor's appointment of electrical contractor Mark Johnson to the Property Maintenance Board of Appeals and the Construction Board of Appeals completing the term ending February 2017 vacated due to the death of Rod Kanter*

*Resolution No. 2014-8 releasing the sewer easements in the SW 1/4 of the SE 1/4 of Section 35, Township 24, North of Range 1, West, and the NW 1/4 of the NE 1/4 of Section 2, Township 23, North of Range 1, West, in Madison County, Nebraska*

*Southwest Sanitary Sewer Interceptor Phase I contracts and easements  
for property along Jackson Avenue or Monroe Avenue as follows:*

*Ray T. Clausen permanent easement contract and permanent easement deed for \$2,120.00*

*Daniel R. Vogel and Toni A. Vogel permanent easement contract and a permanent easement deed for \$1,860.00*

*Gary Becker partial acquisition contracts, warranty deeds, permanent easement contracts, and permanent easement deeds for two tracts of property for \$13,475.00*

*TKJ, LLC permanent easement contract and permanent easement deed for \$3,200.00*

*William J. Schaller permanent easement contract and permanent easement deed for \$2,790.00*

*Medallion Construction Company permanent easement contract and permanent easement deed for \$2,790.00, and a leaseholder contract from Quick Draw Tarpaulin Systems, Inc. for \$250.00*

*Medallion Construction Company permanent easement contract, a temporary easement contract, and permanent easement deed for \$4,970.00, and a leaseholder contract from Black Hills Utility Holdings Inc. for \$250.00*

*Agreements as follows:*

*Scott Orwig (doing business as Impact Softball) to use Ta-Ha-Zouka Park and Liberty Bell Park for softball practice and games for the 2014 softball season from the date of signing the agreement through December 31, 2014*

*Norfolk Golden Girls, Inc.* (a Nebraska nonprofit corporation) to use softball fields in Ta-Ha-Zouka Park and Liberty Bell Park for practices and games for the 2014 softball season from the date of signing this Agreement through December 31, 2014

*Norfolk Golden Girls, Inc.* (a Nebraska nonprofit corporation) to use softball fields in Liberty Bell Park, Ta-Ha-Zouka Park, and Warren Cook Park to hold a softball tournament Friday, June 6, 2014, through Sunday, June 8, 2014

*Susan Cooper (doing business as Norfolk Bruizin' Bettys)* to use the City Auditorium to hold roller derbies on the following dates: March 1, 2014; March 29, 2014; April 12, 2014; and April 26, 2014

*WJAG, Inc.* (a Nebraska Corporation) to use the northern area of Ta-Ha-Zouka Park to host an Easter Egg Hunt on Sunday, April 13, 2014

*Luis Cortez* (doing business as Norfolk Adult Soccer League) to use the soccer fields located in North Pine Park for the 2014 summer/fall soccer season from April 27, 2014 through September 28, 2014

*Norfolk Soccer Club, Inc.* (a Nebraska Nonprofit Corporation) to use the soccer fields located in North Pine Park, Winter Park, Warren Cook Park, and green space at Liberty Bell Park for soccer practice up to three (3) days per week designated by the park superintendent, from April 1, 2014 through November 1, 2014

*Sacred Heart Church of Norfolk*, (also known as Norfolk Catholic High School and a Nebraska Nonprofit Corporation) to use Memorial Field at Veterans Memorial Park to hold practice and games for the 2014 soccer season through May 20, 2014

*Lutheran High School Association of Northeast Nebraska, Incorporated* (a Nebraska Nonprofit Corporation) to use Memorial Field at Veterans Memorial Park to hold practices and games for the 2014 soccer season through May 20, 2014

*School District No. 2 of Madison County, Nebraska* (also known as Norfolk Public Schools and a Political Subdivision of the State of Nebraska) to use Memorial Field at Veterans Memorial Park to hold soccer practices and games for their 2014 soccer season

*School District No. 2 of Madison County, Nebraska* (also known as Norfolk Public Schools and a Political Subdivision of the State of Nebraska) to use baseball fields at Veterans Memorial Park and Ta-Ha-Zouka Park for baseball practices and games for the 2014 baseball season

*Bills* in the amount of \$906,416.26

### **Special Presentation**

The Mayor proclaimed February 25, 2014 as "SPAY DAY USA".

## **Public Hearings and Related Items**

### Public Hearings

(Comprehensive Plan amendment and zone change)  
(south of 1305 Elkhorn Street)

Public hearings were held simultaneously to consider amending the Comprehensive Plan from Elkhorn River Corridor to Industrial and changing the zoning from I-3 (Limited Industrial District) to I-1 (Light Industrial District) on property located south of 1305 Elkhorn Street at the request of Daniel E. and Connie J. Geary. Prevention Manager Trent Howard provided information to the Mayor and City Council.

Connie Geary, 1707 N 13th Street, spoke in favor of the Comprehensive Plan amendment and zoning change. The Geary's want to sell a portion of the property, which requires the amendment and zoning change.

On February 4, 2014, the Norfolk Planning Commission held public hearings regarding the Comprehensive Plan amendment and zone change south of 1305 Elkhorn Street. The City Clerk read the Planning Commission's recommendations for approval into the record.

No one else appeared either in favor of or in opposition to the Comprehensive Plan amendment and zone change south of 1305 Elkhorn Street and the Mayor declared the hearings closed.

### Ordinance No. 5283

(amend Comprehensive Plan, south of 1305 Elkhorn Street)

Councilmember Merrill introduced, seconded by Councilmember Fauss, Ordinance No. 5283 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, MADISON COUNTY, NEBRASKA; AMENDING THE FUTURE LAND USE 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, Murren, Moenning, Fauss and Pfeil. Nays: None. Absent: None. Motion carried. Ordinance No. 5283 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, 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 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. 5283 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. 5283 as required by law.

Ordinance No. 5284  
(change zoning, south of 1305 Elkhorn Street)

Councilmember Lange introduced, seconded by Councilmember Clausen, Ordinance No. 5284 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, Murren, Moenning, Fauss and Pfeil. Nays: None. Absent: None. Motion carried. Ordinance No. 5284 passed on first reading.

Councilmember Fauss moved, seconded by Councilmember Coy, 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 Coy, 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. 5284 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. 5284 as required by law.

**Regular Agenda Items**  
(replacement hazmat response trailer)

Councilmember Fauss moved, seconded by Councilmember Murren, approval to accept the bid of \$45,985 received from Midway Trailers for a replacement hazmat response trailer to be used by the Fire Division.

Fire Chief Scott Cordes explained the hazmat response trailer is being purchased entirely with grant funds. The trailer will replace a trailer that was purchased used over 10 years ago and will be better suited for the purpose intended.

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 5:51 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 Tuesday, February 18, 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.

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Elizabeth A. Deck  
City Clerk

( S E A L )