

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 7th day of April, 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, Shane Clausen, Thad Murren, Josh Moenning, Dave Fauss, and Dick Pfeil. Absent: Rob Merrill.

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, Park Superintendent Pat Mrsny, Prevention Manager Trent Howard, Solid Waste Supervisor Rob Mercer, Assistant City Engineer Mark Dolechek, Water & Sewer Director Dennis Watts and Administrative Secretary Bethene Hoff.

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 Coy moved, seconded by Councilmember Lange to approve the consent agenda as printed.

Councilmember Fauss declared a conflict of interest because of involvement with the Norfolk Softball Association (NSA) and abstained from voting or discussion on the consent agenda.

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

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

Consent Agenda Items Approved

Minutes of the March 17, 2014, City Council meeting

Resolution No. 2014-9 approving the final plat of Conover First Subdivision, located along Queen City Boulevard, and its subdivision agreement

Christian Cross, Inc. (a Nebraska Nonprofit Corporation) and *Fly By Night Fireworks, L.L.C.* (a Nebraska Limited Liability Company) agreement to use Skyview Park for various activities in conjunction with a Christian Cross Festival on June 6 and 7, 2014

The Norfolk Softball Association, a Nebraska Nonprofit Corporation, (NSA) agreement to use the softball fields at Ta-Ha-Zouka Park for softball practice and games from Monday, April 14, 2014 through Wednesday, October 15, 2014

The Norfolk Softball Association, a Nebraska Nonprofit Corporation, (NSA) agreement to use softball fields #1, #2, #3, A, and B at Ta-Ha-Zouka Park to hold a 14Under ASA Girls Youth Fastpitch Class D State softball tournament from Friday, June 27, 2014 through Sunday, June 29, 2014; and a 16Under and 18Under ASA Girls Youth Fastpitch Class B State softball tournament Friday, July 11, 2014 through Sunday, July 13, 2014

Norfolk Lions Club, Inc. (a Nebraska Nonprofit Corporation) agreement to use Skyview Park and Lake for a fishing derby on Saturday, May 31, 2014

Sacred Heart Church of Norfolk, (also known as Norfolk Catholic High School and a Nebraska Nonprofit Corporation) agreement to use Skyview Park for a "Kolor Me Krazy" color run on Saturday, September 6, 2014

VFW Winter-Munson Post No. 1644 agreement for the annual Loyalty Day Parade on Thursday, May 1, 2014

Sacred Heart Parish agreement to have a parade on Sunday, June 22, 2014 from Sacred Heart Church to Saint Mary's Church

Advertise for bids for one gas fired Incinerator to use at the Transfer Station

Special Designated Liquor License for Shane Taylor, dba The Whitehouse/Taylor's Bar & Grill, Pierce, NE, to serve beer, wine and distilled spirits at a reception at The Loft, 311 West Norfolk Avenue, from 4:00 p.m. to 1:00 a.m. on Saturday, April 26, 2014

Advertise for bids for one Municipal Solid Waste Transfer Trailer for the Transfer Station

Norfolk Softball Association, a Nebraska Nonprofit Corporation, (NSA) agreement to operate the concession stand at the Ta-Ha-Zouka Park adult complex from Tuesday, April 15, 2014 until Wednesday, October 15, 2014

Merle Alswager agreement to use the horseshoe courts in Ta-Ha-Zouka Park for a horseshoe tournament on Sunday, May 25, 2014

Nebraska Central Railroad, Inc. agreement for construction, maintenance, and use of a pedestrian and vehicular crossing on the flood control north of Benjamin Avenue with an estimated total cost of \$10,819.37

Morrissey Engineering, Inc. proposal to design and coordinate the Police Division building HVAC upgrades for a lump sum fee of \$29,500.00 and designated reimbursable expenses

Red Beacon Communications, L.L.C. (a Nebraska Limited Liability Company) agreement to hold the "Laugh-and-a-Half Marathon" in Norfolk on Saturday, June 14, 2014

Request proposals for a consulting firm to update the City's Comprehensive Plan, conduct an analysis, and provide recommendations of alternatives for industrial development

Parent to Parent Network (a Nebraska Nonprofit Corporation) agreement to use Central Park for a Children's Mental Health Awareness event on Friday, May 30, 2014

Tina Kassmeier (doing business as Kelly's Softball Association) agreement to hold a softball camp at the softball facilities in Ta-Ha-Zouka Park on Wednesday, June 25, 2014

Bills in the amount of \$1,243,655.31

Public Hearings and Related Items

Public Hearings

(1920 Glenn Street Comprehensive Plan & zone change)

Public hearings were held simultaneously to consider an amendment to the Comprehensive Plan from County Industrial District to Industrial and a zone change from I-3 to I-1 at the request of Brian Gibbs. Prevention Manager Trent Howard provided information to the Mayor and City Council. The building (former Arkfeld Manufacturing) houses an automobile restoration business (Bronco) and the zoning is not compatible with the business use.

Brian Gibbs, owner of the property, spoke in favor of the comp plan amendment and zoning change.

On March 18, 2014, the Norfolk Planning Commission held public hearings regarding the City Code amendments. 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 at 1920 Glenn Street and the Mayor declared the hearings closed.

Ordinance No. 5287

(Amend Comprehensive Plan, 1920 Glenn Street)

Councilmember Fauss introduced, seconded by Councilmember Murren, Ordinance No. 5287 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, Clausen, Murren, Moenning, Fauss and Pfeil. Nays: None. Absent: Merrill. Motion carried. Ordinance No. 5287 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, Clausen, Murren, Moenning, Fauss and Pfeil. Nays: None. Absent: Merrill. 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. 5287 be passed and adopted?"

Roll call: Ayes: Councilmembers Coy, Lange, Clausen, Murren, Moenning, Fauss and Pfeil. Nays: None. Absent: Merrill. 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. 5287 as required by law.

Ordinance No. 5288
(Zone change, 1920 Glenn Street)

Councilmember Lange introduced, seconded by Councilmember Coy, Ordinance No. 5288 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, Clausen, Murren, Moenning, Fauss and Pfeil. Nays: None. Absent: Merrill. Motion carried. Ordinance No. 5288 passed on first reading.

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

Roll call: Ayes: Councilmembers Coy, Lange, Clausen, Murren, Moenning, Fauss and Pfeil. Nays: None. Absent: Merrill. 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 Lange, 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. 5288 be passed and adopted?"

Roll call: Ayes: Councilmembers Coy, Lange, Clausen, Murren, Moenning, Fauss and Pfeil. Nays: None. Absent: Merrill. 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. 5288 as required by law.

Regular Agenda Items

Elkhorn Paving Construction Co, Inc. contract (Concrete Improvements 2014-1 Project)

Councilmember Coy moved, seconded by Councilmember Pfeil, to approve a contract with Elkhorn Paving Construction Co., Inc. of Norfolk, Nebraska for the Concrete Improvements 2014-1 project (5th Street from Madison Avenue to Phillip Avenue) in an amount of \$182,653.85.

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

Ordinance No. 5285 (Annex property, near 1230 W Monroe Ave, Brian Gibbs)

Councilmember Lange introduced, seconded by Councilmember Coy, Ordinance No. 5285 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA, TO ANNEX TO SAID CITY A PART OF THE SOUTH ½ OF THE NORTH ½ OF SECTION 34 AND PART OF THE NORTHWEST ¼ OF SECTION 34, ALL LOCATED IN TOWNSHIP 24 NORTH, RANGE 1 WEST OF THE 6TH PRINCIPAL MERIDIAN, MADISON COUNTY, NEBRASKA. REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE THAT THIS ORDINANCE SHALL BE PUBLISHED IN PAMPHLET FORM and moved that the ordinance be passed on third reading. Said ordinance was then read into the record by title by the City Clerk.

Roll call: Ayes: Councilmembers Coy, Lange, Clausen, Murren, Moenning, Fauss and Pfeil. Nays: None. Absent: Merrill. Motion carried. Ordinance No. 5285 passed on third reading.

Administrative Reports (CAFR presentation)

Finance Officer Randy Gates gave a presentation of the Comprehensive Annual Financial Report for the fiscal year ended September 30, 2013, along with the related Single Audit Report and auditor's letter.

There being no further business, the Mayor declared the meeting adjourned at 6:01 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, April 7, 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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