

CITY OF NORFOLK, NEBRASKA

The Council President 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 2nd day of June, 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, Council President Dave Fauss 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: Mayor Fuchtman.

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, Administrative Secretary Bethene Hoff, Prevention Manager Trent Howard, Assistant City Engineer Mark Dolechek, Economic Development Director Courtney Dentlinger and Human Resources Director Sheila Schukei.

In the absence of Mayor Fuchtman, the Council President presided and the City Clerk recorded the proceedings.

The Council President 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 Clausen 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 Lange 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 May 19, 2014, City Council meeting

Norfolk Lodge #46 IOOF agreement for a parade on Friday, July 4, 2014

Resolution No. 2014-13 releasing the utility easement located on the common lot line of Tract A and Tract B of the Lot Boundary Change between Lots 4, 5, and 6, Block 2, Carhart Second Addition to the City of Norfolk, Madison County, Nebraska and Lot 2, Block 1, Carhart Fourth Addition to the City of Norfolk, Madison County, Nebraska and more specifically located in the South 15 feet of the North 35 feet of the East 295 feet of Lot 2, Block 1, Carhart Fourth Addition to the City of Norfolk, Madison County, Nebraska being part of the SW 1/4 of the SW 1/4 of Section 20, Township 24 North, Range 1 West of the 6th P.M., Madison County, Nebraska

Change Order No. 2 with Rutjens Construction, Inc. for the Sewer Reconstruction West of WPC project resulting in a net decrease of \$1,228.25 and acceptance of substantial completion and final completion of the project

Change Order No. 1 with Vulcan Industries for grit wash equipment resulting in a net increase of \$1,898.00

Three Special Designated Liquor Licenses for Shane Taylor, dba The Whitehouse/Taylor's Bar & Grill, Pierce, NE, to serve beer, wine and distilled spirits at receptions at The Loft, 311 West Norfolk Avenue, from 4:30 p.m. to 1:00 a.m. on Saturday, June 14, 2014; Saturday, June 21, 2014; and Saturday, August 9, 2014

Two Special Designated Liquor Licenses for Shane Taylor, dba The Whitehouse/Taylor's Bar & Grill, Pierce, NE, to serve beer, wine and distilled spirits at receptions at The Loft, 311 West Norfolk Avenue, from 5:00 p.m. to 1:00 a.m. on Saturday, August 23, 2014 and Saturday, August 30, 2014

Addendum to the April 7, 2014 agreement with Christian Cross, Inc., a Nebraska Nonprofit Corporation, and Fly By Night Fireworks, L.L.C., a Nebraska Limited Liability Company to allow setting up tents on Wednesday, June 4, 2014, instead of Thursday, June 5, 2014

Christopher E. Price (doing business as Norfolk Little League Association) *agreement* to use the City's baseball field at Veterans Memorial Park to hold a baseball clinic on Thursday, June 12, 2014

Letter Agreement with Olsson Associates, Inc. to provide professional engineering services for the Victory Road Detention Cell project in an amount not to exceed \$22,600.00

Special Designated Liquor License for Fine Wine, LLC, dba Jim's Fine Wine & More, 2001 Market Lane, to serve wine at the Elkhorn Lodge in Ta-Ha-Zouka Park, 1008 McKinley Avenue, Norfolk, Nebraska, on Friday, June 27, 2014 from 4 p.m. to 9 p.m., for a sampling/tasting event in conjunction with the Mid-America Working Terrier Association event

Bills in the amount of \$1,436,269.14

Public Hearings and Related Items

Public Hearings (bufferyard code amendments)

A public hearing was held to amend Sections 27-302 and 27-345 to make minor corrections and adjustments; and to amend Section 27-306 and 27-308 to address bufferyard and screening

requirements when a zoning district is changed to allow for a less intensive use to abut an area where a bufferyard or screening is required. Preventions Manager Trent Howard provided information to the City Council.

No one appeared either in favor of or in opposition to the City code amendments to clarify that various maps required to be approved by the City are to be approved by and the Council President declared the hearing closed.

Ordinance N. 5292
(bufferyard code amendments)

Councilmember Merrill introduced, seconded by Councilmember Murren, Ordinance No. 5292 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO AMENDSECTIONS 27-302 AND 27-345 TO MAKE MINOR CORRECTIONS AND ADJUSTMENTS;TO AMEND SECTIONS 27-306 AND 27-308 TO ADDRESS BUFFERYARD AND SCREENING REQUIREMENTS WHEN A ZONING DISTRICT IS CHANGED TO ALLOW FOR A LESS INTENSIVE USE TO ABUT AN AREA WHERE A BUFFERYARD OR SCREENING IS REQUIRED; 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.

Roll call: Ayes: Councilmembers Coy, Lange, Merrill, Clausen, Murren, Moenning, Fauss and Pfeil. Nays: None. Absent: None. Motion carried. Ordinance No. 5292 passed on first reading.

Councilmember Merrill moved, seconded by Councilmember Lange, 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 Merrill 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 Council President then stated the question "Shall Ordinance No. 5292 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 Council President signed and approved the ordinance and the City Clerk attested the passage and adoption of the same and affixed her signature thereto. The Council President then instructed the City Clerk to publish said Ordinance No. 5292 as required by law.

Regular Agenda Items

Ordinance N. 5289

(2014 national electrical code & amendments)

Councilmember Lange introduced, seconded by Councilmember Murren, Ordinance No. 5289 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO AMEND SECTION 6-52 OF THE OFFICIAL CITY CODE TO ADOPT THE 2014 NATIONAL ELECTRICAL CODE; TO AMEND SECTION 6-71 TO ADD "INSTALLER" TO THE LIST OF TYPES OF LICENSES REQUIRED IN ORDER TO DO ELECTRICAL WORK; TO AMEND SECTION 6-76 REQUIRING A HOMEOWNER TO LIVE IN HIS OR HER PRINCIPAL RESIDENCE AT THE TIME HE OR SHE DOES THEIR OWN ELECTRICAL WORK; TO AMEND SECTION 6-78 TO MAKE A CLARIFICATION WITH REGARD TO ELECTRICAL CONTRACTORS; TO AMEND SECTION 6-79 TO DELETE UNNECESSARY LANGUAGE RELATED TO REGISTRATION PERIODS; 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 second 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. 5289 passed on second reading.

Thereafter Councilmember Lange 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 Council President then stated the question "Shall Ordinance No. 5289 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 Council President signed and approved the ordinance and the City Clerk attested the passage and adoption of the same and affixed her signature thereto. The Council President then instructed the City Clerk to publish said Ordinance No. 5289 as required by law.

Resolution No. 2014-14

(\$2,365,000 Economic Development Fund Bond issue)

(natural gas pipeline)

Councilmember Coy moved, seconded by Councilmember Clausen, to adopt Resolution No. 2014-14 authorizing issuance of a \$2,365,000 Economic Development Fund Bond with the intent to fund construction of a natural gas pipeline to serve customers located in and around Norfolk including Project Envy.

Roll call: Ayes: Councilmembers Coy, Lange, Merrill, Clausen, Murren, Moenning, Fauss and Pfeil. Nays: None. Absent: None. Motion carried. Resolution No. 2014-14 was adopted.

Ordinance No. 5293
(purchasing code amendments)

Councilmember Merrill introduced, seconded by Councilmember Lange, Ordinance No. 5293 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO AMEND SECTION 2-110 OF THE OFFICIAL CITY CODE TO ALLOW THE CITY TO PURCHASE SUPPLIES, EQUIPMENT, OR SERVICES FROM A VENDOR AT OR BELOW THE PURCHASE PRICE OF A STATE OF NEBRASKA CONTRACT WITHOUT THE NECESSITY OF USING THE FORMAL BID REQUIREMENTS SET FORTH IN SECTION 2-110; 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.

Roll call: Ayes: Councilmembers Coy, Lange, Merrill, Clausen, Murren, Moenning, Fauss and Pfeil. Nays: None. Absent: None. Motion carried. Ordinance No. 5293 passed on first reading.

Councilmember Coy moved, seconded by Councilmember Lange, 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 Coy 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 Council President then stated the question "Shall Ordinance No. 5293 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 Council President signed and approved the ordinance and the City Clerk attested the passage and adoption of the same and affixed her signature thereto. The Council President then instructed the City Clerk to publish said Ordinance No. 5293 as required by law.

Ordinance No. 5294
(purchasing code amendment)

Councilmember Lange introduced, seconded by Councilmember Murren, Ordinance No. 5294 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO AMEND SECTION 2-107 OF THE OFFICIAL CITY CODE TO REMOVE THE REFERENCE TO A NEBRASKA STATUTE THAT HAS BEEN REPEALED; 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.

Roll call: Ayes: Councilmembers Coy, Lange, Merrill, Clausen, Murren, Moenning, Fauss and Pfeil. Nays: None. Absent: None. Motion carried. Ordinance No. 5294 passed on first reading.

Councilmember Lange 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 Lange 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 Council President then stated the question "Shall Ordinance No. 5294 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 Council President signed and approved the ordinance and the City Clerk attested the passage and adoption of the same and affixed her signature thereto.

There being no further business, the Council President declared the meeting adjourned at 5:56 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, June 2, 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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