

## **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 July, 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: 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, Prevention Manager Trent Howard, Communications Director Diane Becker, Wastewater Plant Superintendent Todd Boling, Assistant City Engineer Mark Dolechek, Water & Sewer Director Dennis Watts, Park Superintendent Pat Mrsny, Economic Development Director Courtney Dentlinger, Information Systems Director Jim McKenzie, Fire Chief Scott Cordes, Administrative Secretary/Personnel Technician Deb Johnson and Police Chief Bill Mizner.

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.

City Clerk Beth Deck administered the oath of office to Corey Granquist, newly appointed official for Ward 1.

Roll call found the following Councilmembers present: Corey Granquist, Jim Lange, Rob Merrill, Shane Clausen, Josh Moenning, Dave Fauss, and Dick Pfeil. Absent: Thad Murren.

### **Agenda Motions**

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

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

### **Consent Agenda Items Approved**

*Minutes* of the June 30, 2014, Special City Council meeting

*Special Designated Liquor License for Sacred Heart Church*, 204 South 5th Street, to serve beer and wine at an annual Alumni Reunion Reception at Sacred Heart Parish Center, 2301 West Madison Avenue, on Friday, July 25, 2014 from 5:00 p.m. to 1:00 a.m.

*Resolution No. 2014-20* releasing the utility easement over the west 3 feet of the east 10 feet except the north 5 feet of Lot 10, Block 1, Sunrise Acres Addition, a Replat of Lot 2 of H. Pufahl's Replat of Lot 2 of H. Pufahl's Subdivision in the North 1/2 of the Northwest 1/4 of the Southwest 1/4 of Section 24, Township 24 North, Range 1 West of the 6th P.M., Madison County, Nebraska

*Omaha World Herald Company, a Delaware Corporation, agreement* to use Skyview Park facility for a family healthy-living outdoors event from 6:00 a.m. to 2:00 p.m. on Saturday, August 2, 2014

*Young Men's Christian Association of Norfolk, Nebraska* (a Nebraska Nonprofit Corporation) Easement to allow construction and maintenance of a trail located north of Georgia Avenue from 3rd Street to the North Fork of the Elkhorn River

*Change Order No. 1 with TDK Construction, LLC* for Concrete Improvements 2013-3 (Sunset Avenue and 18th Street) resulting in a net increase of \$107.14

*Special Designated Liquor License for Fine Wine, LLC*, dba Jim's Fine Wine & More, 2001 Market Lane, to serve beer and wine at Sacred Heart Parish, 2300 West Madison Avenue, Norfolk, Nebraska, on Sunday, September 7, 2014 from 12:30 p.m. to 10:00 p.m., for a sampling/tasting event

*Bills* in the amount of \$1,526,902.88

### **Public Hearings and Related Items**

#### Public Hearing

(zone change, 2900 Old Highway 8)

The public hearing, continued from the June 16, 2014 City Council meeting, was held to consider a zone change from A (Agricultural District) to I-1 (Light Industrial District) at 2900 Old Highway 8, at the request of Kevin Signor (Off Road Ranch, LLC).

Brian Signor, Off Road Ranch applicant, spoke in favor of the zoning change. Off Road Ranch operates as a racetrack, recreational vehicle park and concert venue, which all operate under Conditional Use Permits. Off Road Ranch wants to establish a bar and grill at the site and the zone change will allow the applicant to apply for a liquor license. In the past, Off Road Ranch has received special liquor licenses for events. Signor also stated a private group wants to build an indoor hitting facility on a portion of the property.

Ed Ferris has property located north of Off Road Ranch and spoke in opposition to the zoning change and a liquor license but is not opposed to the indoor facility.

Scott Magnussen stated Signor is donating land for an indoor hitting facility, which will be owned by Nebraska Baseball Area Foundation (NBAF), a non-profit organization established by Dr. Chris Price.

Stacey Ertzner explained the NBAF is supported by the Greg Medford Foundation and the facility will benefit children and may grow into a practice field as well. The facility will be used for Legion, Little League and Steel baseball, as well as high school, with the Steel Baseball board governing use of the building.

LaLene Bates, Stanton County Zoning Administrator, is not against the ATV track or the RV parking at Off Road Ranch but is opposed to a liquor license, especially when Off Road Ranch can get a special liquor license for events.

Mike Unger, Stanton County Sheriff, has law enforcement concerns with Off Road Ranch being able to have a liquor license other than special liquor licenses. Unger cited jurisdictional issues with law enforcement and suggested interlocal agreements to help with law enforcement.

Jerry Weatherholt, Stanton County Commissioners Chair, spoke in opposition to the zoning change and said special liquor licenses allow Stanton County to require security for events at the Off Road Ranch.

Bill Price owes the security company providing security at Off Road Ranch and said there haven't been any issues at the site.

Weidner stated Norfolk can follow up and have formal discussions on law enforcement concerns expressed by Unger.

Mayor Fuchtman read a letter, dated July 7, 2014, into the record from Duane Wolff: *"I, Duane Wolff, own the property immediately east of the Off Road Ranch. As a farmer, I oppose changing the zoning status from agricultural to light industrial. As a neighbor, I oppose allowing Offroad Ranch to open a bar and grill just down the road from where we live. I personally see no benefit to Stanton County, the City of Norfolk, or to me in having a liquor establishment out in the country. Only worries about what could happen if there was one."*

Councilmembers Clausen and Fauss questioned whether more information is needed on the "extent of the bar and grill".

Councilman Lange stated zoning affects land and not buildings.

Mayor Fuchtman stated the Planning Commission makes recommendations to the City Council regarding zoning issues and voted 8-0 in favor of the zoning change. No one appeared before the Planning Commission in opposition to this request.

On June 3, 2014, 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 to and the Mayor declared the hearing closed.

Ordinance No. 5297

(Signor zone change, 2900 Old Highway)

Councilmember Fauss moved, seconded by Councilmember Moenning to take Ordinance No. 5297 off the table (Ordinance No. 5297 was tabled at the June 16, 2014 City Council meeting).

Roll call: Ayes: Councilmembers Granquist, Lange, Merrill, Clausen, Moenning, Fauss and Pfeil. Nays: None. Absent: Murren. Motion carried. Ordinance No. 5297 passed on first reading.

Councilmember Moenning introduced, seconded by Councilmember Lange, Ordinance No. 5297 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 Granquist, Clausen, Moenning, Fauss and Pfeil. Nays: Lange and Merrill. Absent: Murren. Motion carried. Ordinance No. 5297 passed on first reading only.

**Regular Agenda Items**

Riverside Convenience, Inc. Class D liquor license application

Councilmember Lange moved, seconded by Councilmember Merrill, to approve forwarding a letter of no recommendation to the Nebraska Liquor Control Commission on the Class D liquor license application for Riverside Convenience, Inc., dba Riverside Convenience, 1100 Riverside Boulevard, and the manager application of Amy J. Carter.

Councilmember Fauss abstained from discussion and voting on this item since he sold the property to Riverside Convenience.

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

Comprehensive Plan Update and Industrial Site Identification Analysis Contract  
(Olsson Associates)

Councilmember Merrill moved, seconded by Councilmember Lange, to approve City staff entering into Comprehensive Plan Update and Industrial Site Identification Analysis contract negotiations with Olsson Associates for an amount not to exceed \$100,000.

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

Resolution No. 2014-19  
(Country Club Estates 3rd Addition final plat & subdivision agreement)

Councilmember Merrill moved, seconded by Councilmember Lange, to take Resolution No. 2014-19 off the table. Resolution No. 2014-19 was tabled at the June 16, 2014 City Council meeting.

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

Prevention Manager Trent Howard explained the plat, dated April 29, 2014, included in the agenda packet was incorrect, and Howard distributed the correct plat which is dated May 12, 2014. Howard stated the Planning Commission approved the May 12, 2014 plat on a 7-1 vote with the removal of an easement.

Schukei explained the May 12, 2014 plat is consistent with the grading provisions in the subdivision agreement which states that after Lot 2 is developed, the developer will get rid of the existing drainage easement and will grant another easement to the City of Norfolk.

Public Works Director Dennis Smith explained the subdivision agreement included in the agenda packet to be considered pursuant to Resolution No. 2014-19 needs to be amended under General Conditions, paragraph 3 (Water Supply) by adding the following language after the last sentence: *“For Lot 2, the Developers agree that they will pay a connection fee provided for in Norfolk City Code at the time of connection. The connection fee is currently addressed in Section 26-11 of the Norfolk City Code. The parties agree that Lot 1 has previously paid a water assessment. There will be no cost to the City for water service in the addition.”*

Councilmember Lange explained that the property Medelman is purchasing isn't any different than if it is was a new addition or any other addition in Norfolk that has a water line running by it; the water would be assessed against the property.

Johnson doesn't feel the Norfolk City Code, as written, authorizes paying a connection fee.

Medelman feels the City Code definition doesn't say connection to water. Medelman paid an assessment on the property abutting on Country Club Road and doesn't feel an assessment is owed for the property along Benjamin Avenue.

Smith explained Medelman is creating an additional lot that needs separate water and sewer. Typically, an assessment goes back 200-300 feet from a water main and the balance of the property would have water and sewer from some other direction.

Councilmember Merrill moved, seconded by Councilmember Lange to amend the subdivision agreement included in the agenda packet pursuant to Resolution No. 2014-19 under General Conditions, paragraph 3 (Water Supply) by adding the following language after the last sentence: *“For Lot 2, the Developers agree that they will pay a connection fee provided for in Norfolk City Code at the time of connection. The connection fee is currently addressed in Section 26-11 of the Norfolk City Code. The parties agree that Lot 1 has previously paid a water assessment. There will be no cost to the City for water service in the addition.”*

Roll call: Ayes: Councilmembers Granquist, Lange, Merrill, Moenning, Fauss and Pfeil. Nays: Clausen. Absent: Murren. Motion to amend the subdivision agreement carries.

Councilmember Lange moved, seconded by Councilmember Clausen, to adopt Resolution No. 2014-19 approving the final plat, dated May 12, 2014, and the accompanying subdivision agreement, as amended, for Country Club Estates 3rd Addition.

Roll call: Ayes: Councilmembers Granquist, Lange, Merrill, Clausen, Moenning, Fauss and Pfeil. Nays: Murren. Absent: None. Motion carried. Resolution No. 2014-9, with the subdivision agreement as amended, was adopted.

Ordinance No. 5299

(parking restrictions, Queen City Boulevard & South 4th & 5th Streets)

Councilmember Lange introduced, seconded by Councilmember Fauss, Ordinance No. 5299 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO AMEND SECTION 24-164 OF THE OFFICIAL CITY CODE TO RESTRICT PARKING ON QUEEN CITY BOULEVARD FROM GEORGIA AVENUE TO 100 FEET SOUTH OF GEORGIA AVENUE; TO LIMIT THE HOURS WHEN PARKING IS ALLOWED ON SUNDAYS WHERE OTHERWISE PROHIBITED; 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 Granquist, Lange, Merrill, Clausen, Moenning, Fauss and Pfeil. Nays: None. Absent: Murren. Motion carried. Ordinance No. 5299 passed on first reading.

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

Roll call: Ayes: Councilmembers Granquist, 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 Lange moved, seconded by Councilmember Fauss, 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. 5299 be passed and adopted?"

Roll call: Ayes: Councilmembers Granquist, 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. 5299 as required by law.

TDK Construction contract  
(Tahazouka Trails 2014-1)

Councilmember Lange moved, seconded by Councilmember Fauss, to approve adding approximately 200 feet of trail in Ta-Ha-Zouka Park to the Trails 2014-1 contract with TDK Construction Company, LLC for an approximate increase of \$11,000. Weidner explained Keno funds will pay for the trail project.

Roll call: Ayes: Councilmembers Granquist, Lange, Merrill, Clausen, Moenning, Fauss and Pfeil. Nays: None. Absent: Murren. Motion carried. Resolution No. 2014-9 was adopted.

There being no further business, the Mayor declared the meeting adjourned at 7:30 p.m.

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Sue Fuchtman  
Mayor

ATTEST:

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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, July 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.

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Elizabeth A. Deck  
City Clerk

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