

## 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 21st 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: Corey Granquist, 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, Park Superintendent Pat Mrsny, Administrative Secretary Bethene Hoff, Fire Chief Shane Weidner, Building Official Steve Nordhues, Water & Sewer Director Dennis Watts, Library Director Jessica Chamberlain, and Economic Development Director Courtney Dentlinger.

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

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

### **Consent Agenda Items Approved**

*Minutes* of the July 7, 2014, City Council meeting

*Resolution No. 2014-21* directing Public Works Director of the City of Norfolk, Dennis J. Smith, to perform the duties of Street Superintendent for the City of Norfolk

*Mayor's appointment of Terry Hochstein to the Tree Board* completing the term ending September 2014 of Philip Herman who has moved from the City

*Advertise for request for qualifications* from qualified engineering firms for design of a replacement of the bridge located on Norfolk Avenue, between 1st Street and Cottonwood Street

*Elkhorn Paving Construction, Co.* of Norfolk, Nebraska contract for the Trails 2014-2 (Flood Control to Bluff Avenue) project for an amount of \$125,958.45 to furnish all labor, materials, equipment and all else necessary to properly construct the project. Four bids were received at the July 10, 2014 bid letting. The other bidders included TDK Construction Company, LLC of Norfolk Nebraska for \$133,499.75, Wragge Construction, Inc. of Plainview, Nebraska for \$134,885.05, and TR Harris Construction, Inc. of Homer, Nebraska for \$178,543.50.

*Downtown Norfolk Association, Inc.*, (a Nebraska Nonprofit Corporation) agreement to use Johnson Park on Saturday, September 27, 2014 for the Riverpoint Arts Festival to include, but not limited to, live entertainment, talent show, children's zone, art vendors and food vendors.

*Lions Club agreement* for its annual parade on Saturday, September 27, 2014

*Mayor's Library Board appointments* of Kurt Bogner, term expires July 2015, and Sue Burns, term expires July 2019, and the re-appointment of Susan Colligan, term expires July 2019.

*Purchase of two fleet vehicles:* a 2014 Chevy Equinox FWD, LS (Fire) for \$21,900, and a 2014 Chevy Equinox AWD, 1LT (Administration) for \$22,290, both from Norfolk GM Auto Center, with both amounts being below the State of Nebraska contract price

*Sacred Heart Church of Norfolk* (also known as Norfolk Catholic High School and a Nebraska Nonprofit Corporation) agreement to hold games, scrimmages, and practices on Memorial Field at Veterans Memorial Park for the 2014 football season ending November 30, 2014

*Lutheran High School Association of Northeast Nebraska, Inc.*, (a Nebraska Nonprofit Corporation) agreement to hold games, scrimmages, and practices on Memorial Field at Veterans Memorial Park for the 2014 football season ending November 30, 2014

*Lutheran High School Association of Northeast Nebraska, Inc.*, (a Nebraska Nonprofit Corporation) agreement allowing the use of the cross country course in Skyview Park for practice and meets for the 2014 cross country season, from August 18, 2014 through October 23, 2014

*Bills* in the amount of \$1,602,464.26

## **Public Hearings and Related Items**

### Public Hearings

(Comprehensive Plan amendment and zone change at 3205-3301 Koenigstein Ave)  
(Mejstrik Properties, LLC)

Public hearings were held simultaneously to consider amending the Comprehensive Plan and changing the zoning at 3205-3301 Koenigstein Avenue at the request of Mejstrik Properties,

LLC. Included also was discussion of Resolution No. 2014-22 for a preliminary plan of Green Meadow 6th Addition Planned Development. City Administrator Shane Weidner provided background information to the Mayor and City Council and a history of zoning changes for this property and the surrounding area.

Dick Johnson, Engineer for Mejstrik Properties, spoke in favor of the amendment, zoning change and planned development and stated the property owner wants to build one 4-plex, one 3-plex and one duplex, all single story units, on the property. The property owner considered rezoning to construct mini storage but withdrew the application because of opposition from neighbors.

Chris Mejstrik spoke in favor of the request stating the commercial development hasn't occurred in over 10 years in this area and feels residential development is needed in Norfolk.

Speaking in opposition:

Todd Pospisil of Flooring Solutions is concerned with a lack of commercial growth in the area if the property is rezoned to residential.

Randy Clausen, KCM, has concerns with more property being rezoned to residential in the same area.

RJ Gall, JAG Investments, recently purchased the building that was formerly Golf USA and understood the area was and would remain zoned commercial.

Richard Richardson, resident in the area since 1985, feels Koenigstein Avenue is a good dividing line for residential to the north and commercial to the south in this area.

Jed Christensen, J & J Properties, doesn't feel it is in the best interest of the City to change the zoning. Christensen feels the city has enough R-3 zoning that can be developed. Jed is also opposed to the planned development and, when asked by Councilmember Lange, Jed understands what is allowed in C-3 zoning and stated a McDonalds in that area would be fine.

Jesse Ferguson feels changing the zoning will harm the businesses already located in the area.

Courtney Dentlinger, economic development director, provided background information on the housing shortage in Norfolk.

Mayor Fuchtman read into the record letters of support from Crafts, Sue Meinke, Jay Rivest, Gary Lund, Jane Steskal, Gerry Weiland, and Jerry & Jan Camp. Fuchtman also read into the record a letter of opposition from Jeff Eisenmenger, Vice-President, Branch Leader for Farm Credit Services of America.

City Attorney Clint Schukei explained the planned development before the City Council is the second step of a four step approval process. Schukei also stated that if Ordinance No. 5300 fails on first reading, then the City Council doesn't need to consider Ordinance No. 5301 on the zoning change request or Resolution No. 2014-22 which is the preliminary plan for the planned development overlay district.

On May 20, 2014, the Norfolk Planning Commission held public hearings regarding the Comprehensive Plan amendment and zone change. The City Clerk read the Planning Commission's recommendations into the record.

No one else appeared either in favor of or in opposition to the Comprehensive Plan amendment and zone change at 3205-3301 Koenigstein Avenue and the Mayor declared the hearings closed.

Ordinance No. 5300  
(amend Comprehensive Plan, 3205-3301 Koenigstein Ave)  
(Mejstrik Properties, LLC)

Councilmember Lange introduced, seconded by Councilmember Merrill, Ordinance No. 5300 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.

Councilmember Clausen declared a conflict of interest and abstained from voting on this item.

Roll call: Ayes: Councilmember Lange. Nays: Granquist, Merrill, Murren, Moenning, Fauss and Pfeil. Abstaining: Clausen. Absent: None. Motion failed. Ordinance No. 5300 failed on first reading.

Public Hearing  
(Property purchase, south of Meadow Ridge development)

A public hearing was held to consider complying with the provision of N.R.S. 18-1755 before the consummation of the purchase of property from J Paul McIntosh located on the west side of Victory Road south of the Meadow Ridge development. Public Works Director Dennis Smith provided information to the Mayor and City Council. Smith explained the property will serve as a water detention area for property in that part of Norfolk. Funds will come from the City's capital construction budget.

No one appeared either in favor of or in opposition to the purchase of property by the City of Norfolk, Nebraska and the Mayor declared the hearing closed.

Property Purchase  
(south of Meadow Ridge development)

Councilmember Merrill moved, seconded by Councilmember Fauss, to approve a real estate purchase agreement with J. Paul and Eleanor McIntosh for a tract of property on the west side of Victory Road south of the Meadow Ridge development for an amount of \$99,500.

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

Public Hearing  
(Mutchie zone change, 3330 S Grandview Dr)

Public hearings were held simultaneously to consider an amendment to the Comprehensive Plan and a zone change at 3330 South Grandview Drive at the request of Kelly Mutchie. Fire Chief

Scott Cordes provided information to the Mayor and City Council. Mutchie wishes to build a cabin along the Elkhorn River on this parcel.

On July 8, 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 appeared either in favor of or in opposition to the Comprehensive Plan amendment and zone change at 3330 South Grandview Drive and the Mayor declared the hearings closed.

Ordinance No. 5302

(Mutchie Comprehensive Plan amendment, 3330 South Grandview Drive)

Councilmember Fauss introduced, seconded by Councilmember Moenning, Ordinance No. 5302 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.

Councilmember Clausen declared a conflict of interest and abstained from voting on this item.

Roll call: Ayes: Councilmembers Granquist, Lange, Merrill, Murren, Moenning, Fauss and Pfeil. Nays: None. Abstaining: Clausen. Absent: None. Motion carried. Ordinance No. 5302 passed on first reading.

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

Roll call: Ayes: Councilmembers Granquist, Lange, Merrill, Murren, Moenning, Fauss and Pfeil. Nays: None. Abstaining: Clausen. 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 Murren, 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. 5302 be passed and adopted?"

Roll call: Ayes: Councilmembers Granquist, Lange, Merrill, Murren, Moenning, Fauss and Pfeil. Nays: None. Abstaining: Clausen. 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. 5302 as required by law.

Ordinance No. 5303  
(Mutchie zone change, 3330 South Grandview Drive)

Councilmember Murren introduced, seconded by Councilmember Fauss, Ordinance No. 5303 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.

Councilmember Clausen declared a conflict of interest and abstained from voting on this item.

Roll call: Ayes: Councilmembers Granquist, Lange, Merrill, Murren, Moenning, Fauss and Pfeil. Nays: None. Abstaining: Clausen. Absent: None. Motion carried. Ordinance No. 5303 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 Granquist, Lange, Merrill, Murren, Moenning, Fauss and Pfeil. Nays: None. Abstaining: Clausen. 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 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. 5303 be passed and adopted?"

Roll call: Ayes: Councilmembers Granquist, Lange, Merrill, Murren, Moenning, Fauss and Pfeil. Nays: None. Abstaining: Clausen. 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. 5303 as required by law.

**Regular Agenda Items**

Ordinance No. 5297  
(amend zoning designation, 2900 Old Highway 8, Signor)

Councilmember Merrill introduced, seconded by Councilmember Clausen, 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 second reading. Said ordinance was then read into the record by title by the City Clerk.

Mayor Fuchtmann read the following: "Upon review of issues raised during the July 7, 2014 City Council meeting, it was determined that the area requested to be rezoned by Off Road Ranch extended beyond the City's current extraterritorial zoning area (ETZ). It was also determined that the balance of the Off Road Ranch property is currently zoned industrial. It has also been determined that, as the result of annexation of property on the northwest corner of US Highway 275 and Nebraska Highway 24, the entire Off Road Ranch property can be brought into the City's ETZ. Staff has begun the process to accomplish the expansion of the ETZ. The process requires Planning Commission review and recommendation. In the interim, the best solution is to amend Ordinance No. 5297 to include only the property currently included in the City's ETZ. This is accomplished by the following action. After introduction of Ordinance No. 5297 on second reading, a councilmember needs to make the following motion: *"I move that Section 1 of Ordinance No. 5297 be amended to read as follows: "That the A (Agricultural District) zoning on the following described real estate, to wit: The N ½ of the SW ¼ of the NW ¼ and all that part of the NW ¼ of the NW ¼ lying and being south of the county road commonly known and referred to as "the Stanton Road" and as "Old Highway No. 8", all in Section 6, Township 23 North, Range 1 East of the 6<sup>th</sup> P.M., in Stanton County, Nebraska is hereby changed to I-1 (Light Industrial District)."* After passage of the amendment, Ordinance No. 5297, as amended, can be approved on second reading."

Councilmember Merrill moved to amend Section 1 of Ordinance No. 5297 to read as follows: "That the A (Agricultural District) zoning on the following described real estate, to wit: The N ½ of the SW ¼ of the NW ¼ and all that part of the NW ¼ of the NW ¼ lying and being south of the county road commonly known and referred to as "the Stanton Road" and as "Old Highway No. 8", all in Section 6, Township 23 North, Range 1 East of the 6th P.M., in Stanton County, Nebraska is hereby changed to I-1 (Light Industrial District)", seconded by Councilmember Lange.

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

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

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. 5297 be passed and adopted?"

Roll call: Ayes: Councilmembers Granquist, 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. 5297 as required by law.

Ordinance No. 5304  
(amend City Code, speed limit)

Councilmember Murren introduced, seconded by Councilmember Fauss, Ordinance No. 5304 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA, TO AMEND SECTION 24-110 OF THE OFFICIAL CITY CODE TO REDUCE THE SPEED LIMIT ON NORFOLK AVENUE FROM THE WEST EDGE OF THE ROUNDABOUT AT THE JUNCTION OF NORFOLK AVENUE AND NEBRASKA HIGHWAY 35 TO CHESTNUT STREET FROM 45 MILES PER HOUR TO 35 MILES PER HOUR; 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, Murren, Moenning, Fauss and Pfeil. Nays: None. Absent: None. Motion carried. Ordinance No. 5304 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 Granquist, 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. 5304 be passed and adopted?"

Roll call: Ayes: Councilmembers Granquist, 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. 5304 as required by law.

Award Merit Mechanical contract  
(Police Division HVAC Upgrades project)

Councilmember Lange moved, seconded by Councilmember Fauss, to approve and award a contract to Merit Mechanical for the Police Division HVAC Upgrades project in an amount of \$487,300.

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



Ordinance No. 5305

(amend City Code, prohibit unlicensed travel trailers and trailers in parks  
(prohibit motorized vehicles on bike paths)

Councilmember Fauss introduced, seconded by Councilmember Merrill, Ordinance No. 5305 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO AMEND SECTION 18-11 OF THE OFFICIAL CITY CODE TO PROHIBIT UNLICENSED TRAVEL TRAILERS OR TRAILERS FROM BEING IN A CITY PARK AND TO PROHIBIT MOTORIZED VEHICLES ON SIDEWALKS AND TRAILS; 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, Murren, Moenning, Fauss and Pfeil. Nays: None. Absent: None. Motion carried. Ordinance No. 5305 passed on first reading.

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

Roll call: Ayes: Councilmembers Granquist, 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 Clausen, 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. 5305 be passed and adopted?"

Roll call: Ayes: Councilmembers Granquist, 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. 5305 as required by law.

There being no further business, the Mayor declared the meeting adjourned at 7:44 p.m.

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Dave Fauss  
Council President

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 21, 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 )