

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 15th day of September, 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, 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, Information Systems Manager Jim McKenzie, Administrative Secretary Bethene Hoff, Prevention Manager Trent Howard, Solid Waste Supervisor Rob Mercer, Housing Director Julie Drahota, Water & Sewer Director Dennis Watts, Communications Manager Diane Becker, Assistant City Engineer Mark Dolechek, Water Plant Supervisor Chad Roberts 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 Fauss moved, seconded by Councilmember Moenning to approve the consent agenda as printed. Roll call: Ayes: Councilmembers Granquist, Lange, Clausen, Murren, Moenning, Fauss and Pfeil. Nays: None. Absent: Merrill. Motion carried.

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

Consent Agenda Items Approved

Minutes of the September 2, 2014, City Council meeting

Letter of no recommendation to the Nebraska Liquor Control Commission on the Class C liquor license application for The Loft, LLC, dba The Loft, 311 West Norfolk Avenue, Suite 210, and the manager application of Cari Shipp

Young Men's Christian Association of Norfolk, Nebraska (a Nebraska Nonprofit Corporation) agreement to use Memorial Field on Tuesday, September 23, 2014, and Tuesday, September 30, 2014 to hold end-of-season youth football games

Ratify approval of all agenda items on the September 2, 2014 City Council meeting agenda

WJAG Incorporated (a Nebraska Corporation) agreement to use City streets to hold a 1 mile Red Ribbon Run on Saturday, October 11, 2014

Bills in the amount of \$2,157,462.47

Special Presentations

Tree Advisory Board members Dr. G. Tom Surber, Terry Hochstein and Susan Donohue presented Faith Regional Health Services (FRHS) with the 2014 Green Leaf Award. Kelly Driscoll and John Barnes of FRHS accepted the award.

Dan Geary, on behalf of the Norfolk Airport Authority, provided information to elected officials regarding their proposed FY 2014-2015 budget. Geary discussed the future of hangars at the airport and stated board members are going to delay construction of another hangar until further studies and additional planning can be completed. Geary stated the Airport Authority is going to do the following:

- In-depth study of hangar rents
- Track hangar vacancies and monitor turnover rates
- Track inquiries into renting hangars and who is requesting the information and have follow-up phone calls to those requesting hangars
- Analyze economic benefit for an additional hangar(s)
- Analyze fuel sales
- Budget hangar income/expense in a separate fund

Geary feels the study/planning will take approximately six (6) months to complete. Geary stated the City Council adopted a resolution approving the budget authority for the Airport, and the resolution included language for two supplemental tax requests to fund with property tax the portion of a proposed new hangar and related taxiway not funded by a federal grant and a non-interest bearing loan from the Nebraska Department of Aeronautics. Geary stated the Airport Board of Directors is ok with the City Council rescinding that portion of the resolution referencing the two supplemental tax requests to fund a proposed new hangar.

City Attorney Clint Schukei stated a new resolution will be placed on the October 6, 2014 City Council meeting agenda for consideration.

Public Hearings and Related Items

Public Hearing

(Property acquisition, Section 35, Reese)

A public hearing was held to comply with N.R.S. 18-1755 to consider acquiring an undivided 1/2 interest in Tax Lot 5 located in the NE1/4 SW1/4 of Section 35, Township 24 North, Range 1,

West of the 6th P.M., Madison County, Nebraska owned by Herbert Reese Marital Trust and Mary Virginia Reese Revocable Trust. Public Works Director Dennis Smith provided information to the Mayor and City Council. This transaction involves the purchase of a half interest in an access road along the east edge of the wastewater plant.

No one appeared either in favor of or in opposition to the property acquisition and the Mayor declared the hearing closed.

Real Estate Sales Agreement, Reese

Councilmember Lange moved, seconded by Councilmember Fauss, to approve a Real Estate Sales Agreement for the City's purchase of an undivided 1/2 interest in Tax Lot 5 located in the NE1/4 SW1/4 of Section 35, Township 24 North, Range 1, West of the 6th P.M., Madison County, Nebraska, from the Trustee of Herbert Reese Marital Trust and Mary Virginia Reese Revocable Trust at a cost of \$2,520.00.

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

Public Hearing

(Property acquisition, 1004 Koenigstein Ave, James E. Treat)

A public hearing was held to comply with the provisions of N.R.S. 18-1755 to acquire property at 1004 Koenigstein Avenue (the East 62 feet of Lots 9 and 10, Block 4, Koenigstein's Second Addition to the City of Norfolk, Madison County, Nebraska). City Attorney Clint Schukei provided information to the Mayor and City Council. The property is owned by James E. Treat and the house was severely damaged by a fire. In a Stipulation from Madison County (Case No. CR 14-1096), Mr. Treat agrees to deed the property to the City of Norfolk after clearing title. The City used funds in the Fire Division budget to pay for demolition of the structure and will place the lot for sale on the open market.

No one appeared either in favor of or in opposition to the property acquisition and the Mayor declared the hearing closed.

Resolution No. 2014-30

Councilmember Fauss moved, seconded by Councilmember Moenning, to adopt Resolution No. 2014-30 approving the acquisition of property located at 1004 Koenigstein Avenue from James E. Treat.

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

FY 2014-2015 Budget Hearings

Public hearings were held simultaneously to review the City's FY 2014-2015 municipal budget and the FY 2014-2015 proprietary (water, sewer, solid waste) budget. Finance Officer Randy Gates provided information to the Mayor and City Council. The budget contains a small tax increase of approximately \$18.60 on a \$100,000 home to fund two additional police officers.

No one appeared either in favor of or in opposition to the proposed FY 2014-2015 budgets and the Mayor declared the hearings closed.

Ordinance No. 5316
(FY 2014-2015 appropriations and proprietary budgets)

Councilmember Lange introduced, seconded by Councilmember Pfeil, Ordinance No. 5316 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA, ADOPTING THE BUDGET STATEMENT TO BE TERMED THE ANNUAL APPROPRIATION BILL; APPROPRIATING SUMS FOR NECESSARY EXPENSES AND LIABILITIES; ADOPTING THE PROPRIETARY BUDGET STATEMENT; PROVIDING FOR SEVERABILITY; PROVIDING WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND TAKE 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, Lange, Clausen, Murren, Moenning, Fauss and Pfeil. Nays: None. Absent: Merrill. Motion carried. Ordinance No. 5316 passed on first reading.

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

Roll call: Ayes: Councilmembers Granquist, 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 Lange 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. 5316 be passed and adopted?"

Roll call: Ayes: Councilmembers Granquist, 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. 5316 as required by law.

Resolution No. 2014-31
(additional 1% increase in restricted fund authority)

Councilmember Lange moved, seconded by Councilmember Pfeil, to adopt Resolution No. 2014-31 approving an additional 1% increase in restricted fund authority allowed upon the affirmative vote of at least 75% of the Council.

Roll call: Ayes: Councilmembers Granquist, Lange, Clausen, Murren, Moenning, Fauss and Pfeil. Nays: None. Absent: Merrill. Motion carried. Resolution No. 2014-31 was adopted.

Public Hearing
(Vehicle Parking Fund and General Fund Tax Requests)

A public hearing was held to receive comments regarding changing the Vehicle Parking Fund and General Fund tax requests for FY 2014-2015 from the amount for FY 2013-2014 fiscal year. Finance Officer Randy Gates provided information to elected officials.

No one appeared either in favor of or in opposition to the proposed FY 2014-2015 budgets and the Mayor declared the hearing closed.

Resolution No. 2014-32
(Vehicle Parking Fund property tax request)

Councilmember Granquist moved, seconded by Councilmember Lange, to adopt Resolution No. 2014-32 approving the property tax requests for fiscal year 2014-2015 for the Vehicle Parking Fund and the General Fund in amounts different than fiscal year 2013-2014.

Roll call: Ayes: Councilmembers Granquist, Lange, Clausen, Murren, Moenning, Fauss and Pfeil. Nays: None. Absent: Merrill. Motion carried. Resolution No. 2014-32 was adopted.

Regular Agenda Items

Ordinance No. 5317
(FY 2014-2015 Classification and Pay Plan)

Councilmember Fauss introduced, seconded by Councilmember Moenning, Ordinance No. 5317 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA, CLASSIFYING THE EMPLOYEES OF THE CITY: FIXING THE RANGES OF COMPENSATION OF SUCH EMPLOYEES: PROVIDING A PAY RANGE REPEALING ORDINANCE NO. 5265; PROVIDING FOR PUBLICATION IN PAMPHLET FORM AND WHEN THIS ORDINANCE SHALL TAKE EFFECT 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, Clausen, Murren, Moenning, Fauss and Pfeil. Nays: None. Absent: Merrill. Motion carried. Ordinance No. 5317 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, 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 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. 5317 be passed and adopted?"

Roll call: Ayes: Councilmembers Granquist, 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. 5317 as required by law.

Ordinance No. 5318
(re-enact Ordinance No. 5312, solid waste)

Councilmember Fauss introduced, seconded by Councilmember Pfeil, Ordinance No. 5318 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO RE-ENACT ORDINANCE NO. 5312 PASSED BY THE NORFOLK CITY COUNCIL ON SEPTEMBER 2, 2014, ADDING DEFINITIONS FOR MUNICIPAL SOLID WASTE AND INDUSTRIAL SOLID WASTE TO SECTION 27-2 OF THE OFFICIAL CITY CODE; 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, Clausen, Murren, Moenning, Fauss and Pfeil. Nays: None. Absent: Merrill. Motion carried. Ordinance No. 5318 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, 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 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. 5318 be passed and adopted?"

Roll call: Ayes: Councilmembers Granquist, 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. 5318 as required by law.

Ordinance No. 5319
(re-enact Ordinance No. 5312)
(create Paving District No. 505, North 34th Street)

Councilmember Lange introduced, seconded by Councilmember Fauss, Ordinance No. 5319 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO RE-ENACT

ORDINANCE NO. 5313 PASSED BY THE NORFOLK CITY COUNCIL ON SEPTEMBER 2, 2014, CREATING PAVING DISTRICT NO. 505; 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, Clausen, Murren, Moenning, Fauss and Pfeil. Nays: None. Absent: Merrill. Motion carried. Ordinance No. 5319 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, 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 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. 5319 be passed and adopted?"

Roll call: Ayes: Councilmembers Granquist, 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. 5319 as required by law.

Ordinance No. 5320
(re-enact Ordinance No. 5320)
(create Paving District No. 506, Marconnit Circle)

Councilmember Fauss introduced, seconded by Councilmember Moenning, Ordinance No. 5320 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO RE-ENACT ORDINANCE NO. 5314 PASSED BY THE NORFOLK CITY COUNCIL ON SEPTEMBER 2, 2014, CREATING PAVING DISTRICT NO. 506; 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, Clausen, Murren, Moenning, Fauss and Pfeil. Nays: None. Absent: Merrill. Motion carried. Ordinance No. 5320 passed on first reading.

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

Roll call: Ayes: Councilmembers Granquist, 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 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. 5320 be passed and adopted?"

Roll call: Ayes: Councilmembers Granquist, 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. 5320 as required by law.

Ordinance No. 5321
(re-enact Ordinance No. 5315)
(create Paving District No. 507, Regency Circle North)

Councilmember Moenning introduced, seconded by Councilmember Fauss, Ordinance No. 5321 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO RE-ENACT ORDINANCE NO. 5315 PASSED BY THE NORFOLK CITY COUNCIL ON SEPTEMBER 2, 2014, CREATING PAVING DISTRICT NO. 507; 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, Clausen, Murren, Moenning, Fauss and Pfeil. Nays: None. Absent: Merrill. Motion carried. Ordinance No. 5321 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, 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. 5321 be passed and adopted?"

Roll call: Ayes: Councilmembers Granquist, 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. 5321 as required by law.

Public Comment Period

No comments were received during the public comment period.

There being no further business, the Mayor declared the meeting adjourned at 6:45 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, September 15, 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

(S E A L)