

CITY OF NORFOLK, NEBRASKA

The City Council of the City of Norfolk, Nebraska met in regular session in the Council Chambers, 309 North 5th Street, Norfolk, Nebraska on the 6th day of October, 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 and in the absence of Mayor Sue Fuchtman, Council President Dave Fauss called the meeting to order. Roll call found the following Councilmembers present: Corey Granquist, Jim Lange, Rob Merrill, Thad Murren, Josh Moenning, Dave Fauss, and Dick Pfeil. Absent: Mayor Sue Fuchtman and Shane Clausen.

Staff members present were: 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, Administrative Secretary Bethene Hoff; Solid Waste Supervisor Rob Mercer, Health Inspector John Kouba, Communications Director Diane Becker, Water & Sewer Director Dennis Watts, Prevention Manager Trent Howard, and Assistant City Engineer Mark Dolechek.

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

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

Consent Agenda Items Approved

Minutes of the September 15, 2014, City Council meeting

Resolution No. 2014-33 releasing the utility easement located on a tract of land addressed as 207 North 34th Street and located in Lot 5 and Lot 6, Block 2, Carhart Second Addition to the City of Norfolk, Madison County, Nebraska and in Lot 2, Block 1, Carhart Fourth Addition to the City

of Norfolk, Madison County, Nebraska at the request of JEO Consulting Group on behalf of the property owner, Farm Credit Services of America

Resolution No. 2014-34 rescinding a portion of Resolution No. 2014-29 passed on August 18, 2014 related to the Norfolk Airport Authority

Royal Management LLC Temporary Access Easement for a temporary driveway during construction of the Prospect Avenue Paving Improvements project

Lutheran High School Association of Northeast Nebraska, Incorporated (a Nebraska Nonprofit Corporation) agreement to use City streets to hold a 5K Turkey Trot on Thursday, November 27, 2014, to begin at approximately 8:00 a.m. and last approximately three hours

Advertise for bids for one, previously owned semi-tractor for the Transfer Station

Elkhorn Paving Construction Co., Inc. of Norfolk, Nebraska contract for Paving District No. 505, Fox Ridge Estates Addition Phase IV, in the amount of \$133,967.25 to furnish all labor, materials, equipment and all else necessary to properly construct all the improvements in Paving District No. 505. The only other bidder was A & R Construction of Plainview, NE at \$141,932.64.

Award contract to Elkhorn Paving Construction Co., Inc. of Norfolk, Nebraska for Paving District No. 506, Berry Hill 16th Addition, and Paving District No. 507, Andrew's Regency North Addition, in the amount of \$183,935.53 with a completion date of June 15, 2015 to furnish all labor, materials, equipment and all else necessary to properly construct all the improvements in Paving District Nos. 506 and 507. The only other bidder was A & R Construction of Plainview, NE at \$235,801.03.

Special Designated Liquor License for Jim Rutten, Jim's Fine Wine & More, 2001 Market Lane, to serve beer and wine at Creatively Fired Pottery & Paint, 1317 West Pasewalk Avenue, Norfolk, Nebraska on October 28, 2014 from 5:00 p.m. to 9:00 p.m. for a sampling/tasting event

Special Designated Liquor License for Jim Rutten, Jim's Fine Wine & More, 2001 Market Lane, to serve wine and distilled spirits at Magnolias, 2118 Market Lane, Norfolk, Nebraska on November 6, 2014 from 5:00 p.m. to 9:00 p.m. for a sampling/tasting event

Olsson Associates letter agreement for professional services for the 25th Street Wetland Mitigation Monitoring project for an amount not to exceed \$14,800.00

Resolution No. 2014-35 extending the City's LARM participation an additional year and requiring 180 day notice of intent not to extend LARM participation beyond the September 30, 2017 termination date

Bills in the amount of \$1,912,249.27

Special Presentations

The Council President proclaimed November 1, 2014, as "Extra Mile Day"; October 19 through 25, 2014 as "Teen Driver Safety Week"; and October 2014 as "International Alpha Delta Kappa Month".

Public Hearings and Related Items

Public Hearings

(special assessments)

(918 South 1st Street and 1004 Koenigstein Avenue)

Public hearings were held for the City Council to sit as a Board of Equalization to levy a special assessment in the amount of \$178.18 against property located at 918 South 1st Street for mowing, weed control, litter removal, and property maintenance and to levy a special assessment in the amount of \$13,164.72 against property located at 1004 Koenigstein Avenue for demolition of a structure.

Councilmember Lange moved, seconded by Merrill to adjourn as City Council and convene as a Board of Equalization.

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

The public hearing is to consider levying a special assessment for mowing, weed control, litter removal, and property maintenance in the amount of \$178.18 against property on the N 50 feet East 1/2 of Lot 7, Block 2, Pasewalk's Third Addition to the City of Norfolk, Madison County, Nebraska (918 S 1st Street) and to consider levying a special assessment for demolition of structure in the amount of \$13,164.72 against property on the Lot 9, Block 4, Koenigstein's Second Addition, Norfolk, Madison County, Nebraska (1004 Koenigstein Avenue). The Health Official notified the property owner by certified mail prior to completion of the work. The property owner did not respond and the work was completed at the owner's expense. The City billed the property owner and mailed notice by certified mail of the public hearing to levy special assessment. Following adoption of a resolution to levy a special assessment, the City files a lien against the property and interest accrues in the same manner as the special assessment. This is the usual and customary way the City of Norfolk uses to assure payment and the City followed State Statutes procedures.

No one appeared either in favor of or in opposition to levying the special assessment and the Council President declared the hearing closed.

Councilmember Lange moved, seconded by Councilmember Moenning to adjourn as a Board of Equalization and reconvene as City Council.

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

Resolution No. 2014-36

(special assessment, 918 South 1st Street)

Councilmember Merrill moved, seconded by Councilmember Lange, to adopt Resolution No. 2014-36 levying a special assessment in the amount of \$178.18 against property on the N 50 feet East 1/2 of Lot 7, Block 2, Pasewalk's Third Addition to the City of Norfolk, Madison County, Nebraska (918 S 1st Street) for mowing, weed control, litter removal, and property maintenance.

Roll call: Ayes: Councilmembers Granquist, Lange, Merrill, Murren, Moenning, Fauss and Pfeil. Nays: None. Absent: Clausen. Motion carried. Resolution No. 2014-36 was adopted.

Resolution No. 2014-37
(special assessment, 1004 Koenigstein Avenue)

Councilmember Moenning moved, seconded by Councilmember Merrill, to adopt Resolution No. 2014-37 levying a special assessment in the amount of \$13,164.72 against property on the Lot 9, Block 4, Koenigstein's Second Addition, Norfolk, Madison County, Nebraska (1004 Koenigstein Avenue) for demolition of a structure.

Roll call: Ayes: Councilmembers Granquist, Lange, Merrill, Murren, Moenning, Fauss and Pfeil. Nays: None. Absent: Clausen. Motion carried. Resolution No. 2014-37 was adopted.

Public Hearing
(Community Development Block Grant application)

A public hearing was held to consider submitting a grant application to the Nebraska Department of Economic Development for a Community Development Block Grant (CDBG), and the Implementation review of CDBG Projects #09-CR-107 and #11-CR-007. Tom Higginbotham, NENEDD Executive Director, provided information to the Mayor and City Council.

- CDBG Supplemental Application 14-CR-107 to the Nebraska Department of Economic Development (NDED)

The Norfolk City Council is requesting \$250,000 of CDBG funds for Comprehensive Revitalization Supplemental activities in the targeted area including \$225,000 for 12" water main reconstruction under Madison Avenue between 1st and 7th Streets and \$25,000 for general administration of the project. The City of Norfolk will provide a minimum of \$114,468 in match funds toward the water main reconstruction. All CDBG projects and match will be completed in the target area. The total estimated project cost for this phase is \$364,468. This project will benefit at least 51% low-to-moderate income individuals. There will be no persons displaced as a result of the CDBG activities.

- CDBG Project 09-CR-107 - City of Norfolk Comprehensive Revitalization Project

The City of Norfolk was awarded \$171,428.00 of CDBG funds from DED. CDBG funds expended to date include; \$23,047.97 for acquisitions and easements; \$77,005.69 for direct homebuyer assistance for two low-to-moderate income families; \$30,000 assisted four downtown commercial properties with façade improvements; \$10,055.50 was utilized for General Administration of the grant. The CDBG funds expended totaled \$140,109.16. The City of Norfolk provided local matching funds in the form of infrastructure improvements which included: \$105,700.00 for street improvements and \$24,400.00 for water and sewer improvements. Downtown property owners provided matching funds of \$57,289.84 toward façade improvements. The total project cost was \$327,495.00. The City requests \$30,874.34 be de-obligated due to lack of Direct Homebuyer Assistance applicants. As a result, the City is requesting a decrease in proposed accomplishments from four (4) Direct Homebuyer assisted families to three (3). This project required a 1:1 match on all activities except general administration. There have been 7 amendments to the grant contract due to extension requests; budget amendments; and adjustments to housing guidelines.

- CDBG Project 11-CR-107 - City of Norfolk Comprehensive Revitalization Project

The City of Norfolk was awarded \$175,000 of CDBG funds from DED for Comprehensive Revitalization activities including \$131,000 for streets, sidewalks, and other infrastructure improvements; \$30,000 for commercial rehabilitation; and \$14,000 for the general administration of the grant. The total project cost was estimated to be \$336,000. At least 50% matching funds were provided by the City of Norfolk and downtown commercial property owners in the form of street, alley and commercial rehabilitation improvements in the targeted area. The total project cost was estimated to be \$336,000. This project had one amendment which was a completion date extension due to a downtown business needing extra time to complete façade improvements. CDBG funds expended to date include: \$131,000 for Streets; \$30,000 for Commercial Rehabilitation. There was \$14,000.00 designated for General Admin of which only \$5,401.95 was used. The City contributed \$205,171.67 of street improvements with downtown commercial property owners contributing \$44,929.76 for Commercial Rehabilitation. There were seven downtown businesses which utilized Commercial Rehabilitation funds. The total project costs were \$416,503.38.

Both projects were a benefit to at least 51% low to moderate income persons. There were no persons displaced as a result of the CDBG activities. A review of the projects will be given at the public hearing.

No one else appeared either in favor of or in opposition to the grant application and the Council President declared the hearing closed.

Resolution No. 2014-38
(Community Development Block Grant application)

Councilmember Lange moved, seconded by Councilmember Murren, to adopt Resolution No. 2014-38 submitting an application in the amount of \$250,000 to the Nebraska Department of Economic Development for a Community Development Block Grant (CDBG) including \$225,000 for a 12" water main reconstruction under Madison Avenue between 1st and 7th Streets and \$25,000 for general administration of the project.

Roll call: Ayes: Councilmembers Granquist, Lange, Merrill, Murren, Moenning, Fauss and Pfeil. Nays: None. Absent: Clausen. Motion carried. Resolution No. 2014-38 was adopted.

Public Hearing
(zone change, 2705 West Prospect Avenue)

A public hearing was held to consider a zoning change from O-D to R-1 at 2705 West Prospect Avenue at the request of Robert F. Geyer and Marion E. Geyer. Mr. Geyer provided information to the City Council. The request for a zone change is to bring the property into compliance with its use, to acquire a loan and to have the ability to rebuild in the event of a majority loss of the property.

On September 6, 2014, the Norfolk Planning Commission held a public hearing regarding Robert F. and Marion E. Geyer's request. 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 zoning change and the Council President declared the hearing closed.

Ordinance No. 5322
(zone change, 2705 West Prospect Avenue, Geyer)

Councilmember Merrill introduced, seconded by Councilmember Murren, Ordinance No. 5322 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, Lange, Merrill, Murren, Moenning, Fauss and Pfeil. Nays: None. Absent: Clausen. Motion carried. Ordinance No. 5322 passed on first reading.

Councilmember Moenning 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. Absent: Clausen. 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 Moenning 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 Council President then stated the question "Shall Ordinance No. 5322 be passed and adopted?"

Roll call: Ayes: Councilmembers Granquist, Lange, Merrill, Murren, Moenning, Fauss and Pfeil. Nays: None. Absent: Clausen. 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. 5322 as required by law.

Regular Agenda Items

Penro Construction Change Order No. 2
(Southwest Water Transmission Main-2013 project)

Councilmember Merrill moved, seconded by Councilmember Lange, to approve Change Order No. 2 with Penro Construction for the Southwest Water Transmission Main-2013 project for a net decrease of \$94,038.64 resulting in a new contract amount of \$2,646,337.74.

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

Elkhorn Paving Construction Co, Inc., Change Order No. 2
(Prospect Avenue Paving Improvements)

Councilmember Lange moved, seconded by Councilmember Murren, to approve Change Order No. 2 with Elkhorn Paving Construction Co., Inc. for Prospect Avenue Paving Improvements resulting in a net increase of \$27,486.56

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

Ordinance No. 5323
(amend city code, connect to City water system)

Councilmember Lange introduced, seconded by Councilmember Merrill, Ordinance No. 5323 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO AMEND SECTION 26-11 OF THE OFFICIAL CITY CODE TO CLARIFY THE PROVISIONS RELATED TO CONNECTION TO THE CITY'S WATER SYSTEM; 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, Murren, Moenning, Fauss and Pfeil. Nays: None. Absent: Clausen. Motion carried. Ordinance No. 5323 passed on first reading.

Councilmember Lange moved, seconded by Councilmember Merrill, 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. Absent: Clausen. 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 Merrill, 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. 5323 be passed and adopted?"

Roll call: Ayes: Councilmembers Granquist, Lange, Merrill, Murren, Moenning, Fauss and Pfeil. Nays: None. Absent: Clausen. 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. 5323 as required by law.

Ordinance No. 5324

(recreational facilities and tire disposal; water and sewer connection descriptions)

Councilmember Granquist introduced, seconded by Councilmember Lange, Ordinance No. 5324 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO AMEND SECTION 2-5 OF THE OFFICIAL CITY CODE TO INCLUDE FEES FOR USE OF RECREATIONAL FACILITIES, TO INCREASE TIRE DISPOSAL FEES, TO CLARIFY WATER AND SEWER CONNECTION DESCRIPTIONS TO MATCH WORDING IN APPLICABLE CODE SECTIONS; 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, Murren, Moenning, Fauss and Pfeil. Nays: None. Absent: Clausen. Motion carried. Ordinance No. 5324 passed on first reading.

Councilmember Lange moved, seconded by Councilmember Merrill, 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. Absent: Clausen. 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 Merrill, 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. 5324 be passed and adopted?"

Roll call: Ayes: Councilmembers Granquist, Lange, Merrill, Murren, Moenning, Fauss and Pfeil. Nays: None. Absent: Clausen. 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. 5324 as required by law.

Resolution No. 2014-39
(2015-2024 Capital Improvement Program)

Councilmember Murren moved, seconded by Councilmember Merrill, to adopt Resolution No. 2014-39 approving the 2015-2024 Capital Improvement Program (CIP). Finance Officer Randy Gates reviewed the CIP with elected officials. The Planning Commission reviewed and approved the 2015-2014 CIP on September 16, 2014 and the City Clerk read the Planning Commission's recommendation for approval into the record.

Roll call: Ayes: Councilmembers Granquist, Lange, Merrill, Murren, Moenning, Fauss and Pfeil. Nays: None. Absent: Clausen. Motion carried. Resolution No. 2014-39 was adopted.

There being no further business, the Council President declared the meeting adjourned at 6:19 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, October 6, 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)