

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 17th day of November, 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, Finance Officer Randy Gates, Police Chief Bill Mizner, Wastewater Plant Superintendent Todd Boling, Park Superintendent Pat Mrsny, Information Systems Manager Jim McKenzie, and Administrative Secretary Bethene Hoff.

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 November 3, 2014, City Council meeting

Mayor's appointment of Jessica Gordon, the re-appointment of Brad Love, and the movement of Lacey Porn from alternate board member to board member of the Vehicle Parking District Advisory Board for three-year terms ending August 2017

Buddy Hovland appointment to the Vehicle Parking District Loan Advisory Board for a four-year term ending October 2018

Mayor's appointment of Dick Pfeil to the Vehicle Parking District Loan Advisory Board for a four-year term ending October 2018

Letter of no recommendation to the Nebraska Liquor Control Commission on the Class C liquor license application for Norfolk Country Inn, LLC, dba Time Square Event Center, 1905 Vicki Lane, and the manager application of Wendy K. Eggers

Letter of no recommendation to the Nebraska Liquor Control Commission on the manager application for Wendy K. Eggers in connection with the Class C liquor license of Norfolk Country Inn, LLC, dba Norfolk Country Inn/Bistro Lounge, 1201 South 13th Street, Norfolk, Nebraska

Letter of no recommendation to the Nebraska Liquor Control Commission on the Class I liquor license application for Amber Behrens & Michael Behrens II, dba Black Cow Fat Pig & Steak Restaurant, 702 & 704 West Norfolk Avenue

Mayor's appointment of Thad Murren and Jim Curry to the Library Renovation and Expansion Committee

Bills in the amount of \$1,140,352.70

Special Presentations

The Mayor proclaimed the week of November 16-22, 2014 as, "National Nurse Practitioners Week"

Public Hearings and Related Items

Public Hearing (CDBG #11-HO-5033 review)

A public hearing was held to review Community Development Block Grant #11-HO-5033 owner/occupied housing rehabilitation activities as a requirement of the grant.

Judy Joy, Northeast Nebraska Economic Development District, provided information to the Mayor and City Council. This is the second public hearing, as required by the grant, to explain the outcome of the grant. The City of Norfolk received \$375,476 of CDBG Grant Funds for owner/occupied housing rehabilitation of which \$289,776 was allocated for housing rehabilitation of 14 homes; \$37,500 allocated for housing administration; \$18,200 for lead based paint testing/risk assessments/clearance testing activities; and \$30,000 for general administration of the grant. Matching funds in the amount of \$33,574 was also provided utilizing the City's CDBG housing program income funds. One amendment was granted for a six month extension to complete projects and lead clearance inspections. During the course of the grant a total of 17 homes were be rehabilitated with all project funds being expended. This grant has benefited low to moderate income persons and no persons were displaced as a result of the CDBG housing activities.

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

No action was necessary on this item.

Public Hearing

(Amend City Code)

(above ground floor residential use, soil extraction, land use matrix)

Public hearings were held simultaneously to consider amending Sections 27-162 and 27-163 to allow a residential use located above the ground floor as a permitted use rather than a conditional use in zoning District C-2 and to remove soil extraction for public road purposes from the list of permitted uses in District C-2; and to consider amending the land use matrix in Section 27-401 to change dwelling in a nonresidential structure from a conditional use to a permitted use in a C-2 zoning district and to remove quarrying dirt for public road purposes as a permitted use in a C-2 zoning district.

Prevention Manager Trent Howard provided information to the Mayor and City Council. These amendments will permit residences above the ground floor in C-2 zoning. Previously, this required a Conditional Use Permit (CUP). The number of requests for 2nd floor dwellings has increased and, when studying those requests, it was determined that a CUP doesn't fit the use. The establishment of residences above the ground floor in the central business district would be regulated by building and fire codes along with other city, state and federal laws, which would cover any conditions that could be placed in a CUP. The amendment also addresses soil extraction for public road purposes from District C-2. Dirt and soil extraction is typically done in zoning districts other than District C-2, thus justifying its removal from code. The proposed amendment to the land use matrix correlates changes in Section 27-401 with the proposed amendments to Sections 27-162 and 27-163.

On November 4, 2014, the Norfolk Planning Commission held public hearings regarding the proposed 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 City Code amendment and the Mayor declared the hearing closed.

Ordinance No. 5326

(Amend City Code)

(above ground floor residential use, soil extraction)

Councilmember Lange introduced, seconded by Councilmember Fauss, Ordinance No. 5326 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO AMEND SECTIONS 27-162 AND 27-163 OF THE OFFICIAL CITY CODE TO ALLOW A RESIDENTIAL USE LOCATED ABOVE THE GROUND FLOOR AS A PERMITTED USE RATHER THAN A CONDITIONAL USE IN ZONING DISTRICT C-2 AND TO REMOVE SOIL EXTRACTION FOR PUBLIC ROAD PURPOSES FROM THE LIST OF PERMITTED USES IN DISTRICT C-2; 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. 5326 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, 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 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. 5326 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. 5326 as required by law.

Ordinance No. 5327

(Amend City Code, land use matrix)

(dwelling in nonresidential structure, permitted use; remove quarrying dirt)

Councilmember Fauss introduced, seconded by Councilmember Moenning, Ordinance No. 5327 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO AMEND THE LAND USE MATRIX IN SECTION 27-401 TO CHANGE DWELLING IN A NONRESIDENTIAL STRUCTURE FROM A CONDITIONAL USE TO A PERMITTED USE IN A C-2 ZONING DISTRICT AND TO REMOVE QUARRYING DIRT FOR PUBLIC ROAD PURPOSES AS A PERMITTED USE IN A C-2 ZONING DISTRICT; 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. 5327 passed on first reading.

Councilmember Fauss moved, seconded by Councilmember Moenning, 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 Moenning, 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. 5327 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. 5327 as required by law.

Regular Agenda Items

HunTel Communications, Inc. contract

Councilmember Merrill moved, seconded by Councilmember Lange to approve a contract with HunTel Communications Inc. for a replacement phone system, installation, training, and extended warranty in the amount of \$99,086.10.

Information Systems Manager Jim McKenzie stated the existing 3Com phone system was installed in 2001, is no longer supported by the vendor, and hardware and software support has been discontinued. Requests for proposals were issued and the City received six (6) responses with HunTel determined to be the lowest total bid.

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

Ordinance No. 5328

(vacate lots in Carhart First and Second Additions)

Councilmember Lange introduced, seconded by Councilmember Murren, Ordinance No. 5328 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO VACATE A PORTION OF THE PLAT CARHART SECOND ADDITION , AND A PORTION OF THE PLAT CARHART FOURTH ADDITION, ALL IN MADISON COUNTY, NEBRASKA, LOCATED IN THE SW ¼ OF SECTION 20, TOWNSHIP 24 NORTH, RANGE 1 WEST OF THE 6TH P.M., CITY OF NORFOLK, MADISON COUNTY, NEBRASKA, 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, Clausen, Murren, Moenning, Fauss and Pfeil. Nays: None. Absent: None. Motion carried. Ordinance No. 5328 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, 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 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. 5328 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. 5328 as required by law.

Ordinance No. 5329
(bond anticipation notes)
(Paving Districts 505, 506 & 507)

Councilmember Merrill introduced, seconded by Councilmember Lange, Ordinance No. 5329 entitled: AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF BOND ANTICIPATION NOTES OF THE CITY OF NORFOLK, NEBRASKA, IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED THREE HUNDRED FORTY THOUSAND DOLLARS (\$340,000) FOR THE PURPOSE OF PROVIDING INTERIM FINANCING FOR THE COSTS OF STREET IMPROVEMENTS FOR PAVING DISTRICT NOS. 505, 506 AND 507 PENDING THE ISSUANCE OF PERMANENT GENERAL OBLIGATION VARIOUS PURPOSE BONDS OF THE CITY; PRESCRIBING THE FORM OF SAID NOTES; AGREEING TO ISSUE THE CITY'S GENERAL OBLIGATION VARIOUS PURPOSE BONDS TO PAY THE NOTES AT MATURITY OR TO PAY THE NOTES FROM OTHER AVAILABLE FUNDS; ENTERING INTO A CONTRACT ON BEHALF OF THE CITY WITH THE HOLDERS OF SAID NOTES; AUTHORIZING OFFICERS OF THE CITY TO MAKE ARRANGEMENTS FOR THE SALE OR PLACEMENT OF THE NOTES AND TO DESIGNATE THE FINAL TERMS, RATES AND MATURITY SCHEDULE FOR SAID NOTES WITHIN STATED PARAMETERS; AND PROVIDING FOR 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. 5329 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, 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 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. 5329 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. 5329 as required by law.

Ordinance No. 5330
(public safety tax anticipation bonds)

Councilmember Fauss introduced, seconded by Councilmember Pfeil, Ordinance No. 5330 entitled: AN ORDINANCE AUTHORIZING THE ISSUANCE OF PUBLIC SAFETY EQUIPMENT TAX ANTICIPATION BONDS OF THE CITY OF NORFOLK, NEBRASKA, IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED ONE MILLION THREE HUNDRED FORTY THOUSAND DOLLARS (\$1,340,000) FOR THE PURPOSE OF PURCHASING AND MAINTAINING PUBLIC SAFETY VEHICLES AND PUBLIC SAFETY EQUIPMENT AND MISCELLANEOUS COSTS ASSOCIATED THEREWITH; DIRECTING THE APPLICATION OF THE PROCEEDS OF SAID BONDS; PRESCRIBING THE FORM OF SAID BONDS; PROVIDING FOR THE LEVY AND COLLECTION OF TAXES TO PAY THE SAME; PROVIDING FOR THE SALE OF THE BONDS; AUTHORIZING THE DELIVERY OF THE BONDS TO THE PURCHASER; AUTHORIZING OFFICERS OF THE CITY TO MAKE ARRANGEMENTS FOR THE SALE OR PLACEMENT OF THE BONDS AND TO DESIGNATE THE FINAL TERMS, RATES AND MATURITY SCHEDULE FOR SAID BONDS WITHIN STATED PARAMETERS; AND ORDERING THE ORDINANCE PUBLISHED 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. 5330 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, 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 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. 5330 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. 5330 as required by law.

Ordinance No. 5331
(sales and use tax)
(Library renovation/expansion)

Councilmember Merrill introduced, seconded by Councilmember Murren, Ordinance No. 5331 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO ADOPT AND IMPOSE AN ADDITIONAL SALES AND USE TAX FOR A PERIOD OF THIRTY-SIX (36) MONTHS TO BE UTILIZED FOR LIBRARY RENOVATION, EXPANSION, AND EQUIPMENT, EFFECTIVE ON AND AFTER APRIL 1, 2015 OF ONE-HALF OF ONE PERCENT (0.5%) IN ADDITION TO THE EXISTING LOCAL SALES AND USE TAX OF ONE AND ONE-HALF PERCENT (1.5%) UPON THE SAME TRANSACTIONS WITHIN THE CORPORATE LIMITS OF THE CITY OF NORFOLK, MADISON COUNTY, NEBRASKA, ON WHICH THE STATE OF NEBRASKA IS AUTHORIZED TO IMPOSE SUCH A TAX PURSUANT TO THE PROVISIONS OF THE NEBRASKA REVENUE ACT OF 1967, AS AMENDED, AND THE LOCAL OPTION REVENUE ACT OF 1969, AS AMENDED; TO PROVIDE FOR THE ADMINISTRATION, ASSESSMENT, COLLECTION, CLAIMS, REMEDIES, PENALTIES AND DISPOSITION OF SUCH SALES AND USE TAX; TO REPEAL ALL ORDINANCES INCONSISTENT HEREWITH; AND TO PROVIDE FOR 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. 5331 passed on first reading.

Councilmember Fauss moved, seconded by Councilmember Moenning, 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 Moenning, 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. 5331 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. 5331 as required by law.

There being no further business, the Mayor declared the meeting adjourned at 6:07 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, November 17, 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)