CITY OF NORFOLK, NEBRASKA

The Mayor and City Council of the City of Norfolk, Nebraska met in regular session in the Council Chambers, 309 West Madison Avenue, Norfolk, Nebraska on the 17th day of August, 2009, 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 Councilpersons present: Coy, Lange, Van Dyke, Reeder, Wilson, Brenneman, Fauss, and Saunders. Absent: None.

Staff members present were: City Administrator Al Roder, Director of Public Works Dennis Smith, City Attorney Clint Schukei, City Clerk Beth Deck, Transportation, Building & Grounds Director Jim Koch, Finance Officer Randy Gates, Police Chief Bill Mizner, Housing Director Sheila Miller, Wastewater Plant Superintendent Todd Boling, Park Superintendent Pat Mrsny, Fire Chief Shane Weidner, Library Director Mike Caldararo, Prevention Manager Scott Cordes, Water & Sewer Director Dennis Watts, Operations Manager Gary Miller and Intern Shannon Oster.

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

Councilperson Wilson moved, seconded by Councilperson Lange to approve the consent agenda with the removal of Item 13, agreement with Bluespace Creative, Inc. Roll call: Ayes: Councilpersons Coy, Lange, Van Dyke, Reeder, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: None. Motion carried.

Councilperson Lange moved, seconded by Councilperson Coy to adopt the full agenda with the addition of Item 13, agreement with Bluespace Creative, Inc. Roll call: Ayes: Councilpersons Coy, Lange, Van Dyke, Reeder, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: None. Motion carried.

Consent Agenda Items Approved

Minutes of the August 3, 2009 City Council meeting

Resolution No. 2009-27 posting 25 mph speed limit signs on Monroe Avenue from 13th Street to 16th Street, Ta Ha Zouka Road from 13th Street to 15th Street, 15th Street from Ta Ha Zouka Road to Monroe Avenue, and 16th Street from Monroe Avenue to the Rail Road Property Line. Also, post a warning sign stating "Dangerous Intersections" and "Large Trucks" just west of 13th Street on Monroe Avenue

Resolution No. 2009-28 extending the current E911 surcharge rate through 2010

Lions Club agreement for parade on September 26, 2009; the parade route is: South on Riverside Boulevard/4th Street to Madison Avenue, west on Madison Avenue to 5th Street, then north on 5th Street to Walnut Avenue.

Resolution No. 2009-29 approving the final allocation of levy authority for the Offstreet Parking District for fiscal year 2009-2010 allowing the District to levy a property tax of $86,280 not to exceed $.35 per hundred dollars of assessed valuation

Midwest Sales and Service bid for a replacement snow blower for the Street Division in the amount of $58,990.40

Bills in the amount of $890,425.38

Regular Agenda Item

Bluespace Creative Inc. agreement
(community branding)

Mayor Fuchtman requested consideration of an agreement with Bluespace Creative, Inc. for community branding services.

Councilperson Wilson moved, seconded by Councilperson Fauss to approve an agreement with Bluespace Creative, Inc. for community branding services for the City of Norfolk in the amount of $29,500.

Councilperson Wilson requested this item be considered on the regular agenda. Wilson feels elected officials need more discussion on this item prior to approving an agreement. Wilson feels the City could save the money this year.

City Administrator Roder stated the Norfolk is lacking an identity and a brand is critical to sell the community.

Roll call on the motion to approve an agreement with Bluespace Creative, Inc.: Ayes: Councilpersons Coy, Lange, Van Dyke, Reeder, Brenneman, Fauss and Saunders. Nays: Wilson. Absent: None. Motion carried.

Public Hearings and Related Action

Property Acquisition hearing, 113 Adams Avenue

A public hearing was held to consider acquisition of property at 113 Adams Avenue. City Attorney Clint Schukei provided information to the Mayor and City Council. Acquisition of the

property will allow for the demolition of a condemned structure. Section 18-1755 of the Nebraska Revised Statutes requires that a city acquire an interest in property only after the governing body holds a public hearing. Schukei explained creditors liens must be released prior to the City acquiring the property.

No one appeared either in favor of or in opposition to property acquisition at 113 Adams Avenue and the Mayor declared the hearing closed.

Resolution No. 2009-30
(property acquisition, 113 Adams Avenue)

Councilperson Brenneman moved, seconded by Councilperson Wilson, to adopt Resolution No. 2009-30 approving the acquisition of property located at 113 Adams Avenue from Thiry Kern. Nebraska Revised Statues Section 18-1755 requires a public hearing prior to the acquisition.

Roll call: Ayes: Councilpersons Coy, Lange, Van Dyke, Reeder, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: None. Motion carried. Resolution No. 2009-30 was adopted.

Automobile and truck repair zoning hearing

A public hearing was held to consider amendments to Sections 27-182, 27-192 and 27-196 of the Official City Code to specifically include as permitted uses in Zoning Districts C-3, B-P and I-1, respectively, automobile repair services and limited truck repair services so long as any area being utilized for truck repair services does not constitute more than one-third (1/3) of the total area being utilized for automobile services; to amend Section 27-401 of the Official City Code to clarify that automobile and other motor vehicle repair services include body work.

Prevention Manager Scott Cordes provided information to the Mayor and City Council. This is a housekeeping issue since many automobile repair service garages also repair trucks, which is in violation of city code. The amendment will include limited truck repair services in zoning districts C-3, B-P and I-1 and bring those auto repair shops into compliance without having to apply for a Conditional Use Permit.

The Planning Commission held a public hearing on August 4, 2009 regarding the proposed amendments. The City Clerk read the Planning Commission's recommendation for approval into the record.

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

Ordinance No. 5087
(Automobile & truck repair zoning)

Councilperson Van Dyke introduced, seconded by Councilperson Reeder, Ordinance No. 5087 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO AMEND SECTIONS 27-182, 27-192 AND 27-196 OF THE OFFICIAL CITY CODE TO SPECIFICALLY INCLUDE AS PERMITTED USES IN ZONING DISTRICTS C-3, B-P AND

I-1, RESPECTIVELY, AUTOMOBILE REPAIR SERVICES AND LIMITED TRUCK REPAIR SERVICES SO LONG AS ANY AREA BEING UTILIZED FOR TRUCK REPAIR SERVICES DOES NOT CONSTITUTE MORE THAN ONE-THIRD (1/3) OF THE TOTAL AREA BEING UTILIZED FOR AUTOMOBILE SERVICES; TO AMEND SECTION 27-401 OF THE OFFICIAL CITY CODE TO CLARIFY THAT AUTOMOBILE AND OTHER MOTOR VEHICLE REPAIR SERVICES INCLUDE BODY WORK; 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: Councilpersons Coy, Lange, Van Dyke, Reeder, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: None. Motion carried. Ordinance No. 5087 passed on first reading.

Councilperson Brenneman moved, seconded by Councilperson Saunders, that the statutory rule requiring reading on three different days be suspended.

Roll call: Ayes: Councilpersons Reeder, Wilson, Brenneman, Fauss and Saunders. Nays: Coy, Lange and Van Dyke. Absent: None. Motion to suspend the rules failed. Ordinance No. 5087 passed on first reading only.

Regular Agenda Items

Ordinance No. 5088
(penalty for possession of marijuana)

Councilperson Van Dyke introduced, seconded by Councilperson Lange, Ordinance No. 5088 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO AMEND SECTION 14-273 OF THE OFFICIAL CITY CODE TO RECONCILE THE PENALTY FOR POSSESSION OF MARIJUANA WITH STATE STATUTE; 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: Councilpersons Coy, Lange, Van Dyke, Reeder, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: None. Motion carried. Ordinance No. 5088 passed on first reading.

Councilperson Van Dyke moved, seconded by Councilperson Saunders, that the statutory rule requiring reading on three different days be suspended.

Roll call: Ayes: Councilpersons Coy, Lange, Van Dyke, Reeder, Wilson, Brenneman, Fauss and Saunders. 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 Councilperson Van Dyke moved, seconded by Councilperson Saunders, 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. 5088 be passed and adopted?"

Roll call: Ayes: Councilpersons Coy, Lange, Van Dyke, Reeder, Wilson, Brenneman, Fauss and Saunders. 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. 5088 as required by law.

Resolution No. 2009-31
(Airport Authority final levy allocation)

Councilperson Lange moved, seconded by Councilperson Coy, to adopt Resolution No. 2009-31 approving the final allocation of levy authority for the Norfolk Airport Authority for fiscal year 2009-2010 allowing the Airport Authority to levy a property tax of $269,253.

Roll call: Ayes: Councilpersons Coy, Lange, Van Dyke, Reeder, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: None. Motion carried. Resolution No. 2009-31 was adopted.

Gordy's Towing contract

Councilperson Van Dyke moved, seconded by Councilperson Fauss, to approve a contract with Gordy's Towing and Repair for towing services for the Police Division.

Roll call: Ayes: Councilpersons Coy, Lange, Van Dyke, Reeder, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: None. Motion carried.

Councilperson Fauss moved, seconded by Councilperson Coy to adjourn the meeting at 6:09 p.m. Roll call: Ayes: Councilpersons Coy, Lange, Van Dyke, Reeder, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: None. Motion carried.

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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, August 17, 2009, had and done by the Mayor and City Council; that all of the subjects included in the proceedings were contained in the agenda for the meeting, kept continually current and available for public inspection at the office of the Clerk; that such subjects were contained in said agenda for at least twenty-four hours prior to the meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the said minutes were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; that all news media requesting notification concerning meetings of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

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Elizabeth A. Deck
City Clerk

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