Agenda Packet

NORFOLK CITY COUNCIL MEETING

Monday, October 03, 2011
5:30 p.m.

Created 9/28/2011 3:48 PM

City of Norfolk

Elizabeth A. Deck
City Clerk
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127 North First Street
Norfolk, Nebraska 68701

NOTICE OF MEETING
CITY OF NORFOLK, NEBRASKA

NOTICE IS HEREBY GIVEN that a meeting of the City Council of the City of Norfolk, Nebraska, will be held at 5:30 p.m. on Monday, October 03, 2011, in the Council Chambers, 309 W. Madison Avenue, Norfolk, Nebraska, which meeting will be open to the public.

The Mayor and City Council reserve the right to adjourn into closed session as per Section 84-1410 of the Nebraska Revised Statutes.

An agenda for such meeting, kept continually current, is available at the office of the City Clerk, City Auditorium, 127 North 1st Street, Norfolk Nebraska, during normal business hours.

Individuals requiring physical or sensory accommodations, who desire to attend or participate, please contact the City Clerk's office at (402) 844-2000 no later than 4:30 p.m. on the Friday preceding the meeting.

Elizabeth A. Deck
City Clerk

Publish (September 30, 2011)
1 P.O.P.

EQUAL HOUSING OPPORTUNITY

AGENDA

NORFOLK CITY COUNCIL MEETING

October 03, 2011

In accordance with Section 84-1412 sub-section eight (8) of the Reissue Revised Statutes of the State of Nebraska 1943, as amended, one copy of all reproducible written material to be discussed is available to the public at this meeting for examination and copying. The Mayor and City Council reserve the right to adjourn into closed session as per Section 84-1410 of the Nebraska Revised Statutes.

CALL TO ORDER

1. 5:30 p.m. - call meeting to order
2. Inform the public about the location of the Open Meetings Act posted in the Council Chambers and accessible to members of the public
3. Moment of silence/Pledge of Allegiance to the flag of the United States of America
4. Roll call

RECOMMENDED ACTIONS

5. Approval of consent agenda. **Motion**
   All items in the consent agenda are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council member or a citizen so requests, in which event the item will be removed from the consent agenda and considered separately.
6. Approval of full agenda. **Motion**

CONSENT AGENDA

7. Consideration of approval of the minutes of the September 22, 2011, Special City Council meeting. **Motion**
8. Consideration of Mayor and City Council approval of the Stormwater Management Plan and related documents for the City of Norfolk's NPDES 5-year permit reapplication. **Motion**
9. Consideration of approval of Change Order No. 1 with Mechanical Inc. for Contract #1, pool construction, and Contract #2, pool mechanical construction, of the Norfolk Recreational Improvement Bond - Phase II project resulting in a net increase of $1,325.00. **Motion**
10. Consideration of approval of Change Order No. 1 with Penro Construction Company, Inc. for the Water Improvements 2011-1 project resulting in a net increase of $11,590.23. **Motion**

11.	Consideration of approval of a Special Designated Liquor License for Sacred Heart Parish, 204 South 5th Street, to serve beer and wine on Saturday, October 22, 2011, from 5:00 p.m. to 1:00 a.m. at Sacred Heart Parish & Activities Center, 2301 West Madison Avenue.	**Motion**
12.	Consideration of approval to advertise for bids for a replacement wheel loader for the Street Division.	**Motion**
13.	Consideration of approval to advertise for bids for two replacement salt and sand spreaders for use by the Street Division.	**Motion**
14.	Consideration of approval to advertise for bids for a replacement dump truck to be used by the Street Division.	**Motion**
15.	Consideration of approval of Change Order No. 4 with Nemaha Landscape Construction, Inc. for the General Construction contract resulting in a net increase of $31,626.00.	**Motion**
16.	Consideration of Resolution No. 2011-43 adopting a fund balance policy to comply with Governmental Accounting Standards Board Statement 54.	**Resolution 2011-43**
17.	Consideration of approval for DLR Group to advertise for bids for renovation of Ta-Ha-Zouka youth baseball fields and related concession area, which would include the adjoining parking lots.	**Motion**
18.	Consideration of approval of an agreement between the City of Norfolk and Our Savior Lutheran Church for the Harvest Hustle to be held on Saturday, October 29, 2011.	**Motion**
19.	Consideration of approval of an agreement between the City of Norfolk and WJAG Incorporated, a Nebraska Corporation, to hold the Red Ribbon Run on Saturday, October 22, 2011.	**Motion**
20.	Consideration of approval of all bills on file.	**Motion**

SPECIAL PRESENTATIONS

21.	Recreation Update	

PUBLIC HEARINGS AND RELATED ACTION

22.	Public hearing at the request of Agape Pregnancy Center for a zone change from C-1 (Local Business District) to R-3 (Multiple Family Residential District) at 1309 West Norfolk Avenue.	
23.	Consideration of Ordinance No. 5183 rezoning 1309 West Norfolk Avenue from C-1 (Local Business District) to R-3 (Multiple Family Residential District) at the request of Agape Pregnancy Center	**Ordinance No. 5183**

REGULAR AGENDA

24.	Consideration of adoption of Resolution No. 2011-41 levying a special assessment in the amount of $237.99 against property located at 1202 West Prospect Avenue for mowing and removal of weeds and litter.	**Resolution 2011-41**

25. Consideration of disallowing a bill in the amount of $1,026.52 submitted by Paul Spatz for replacement raspberry bushes on property located at 1202 West Prospect Avenue. **Motion**

City of Norfolk

127 North First Street
Norfolk, Nebraska 68701

STAFF MEMORANDUM

NORFOLK CITY COUNCIL MEETING

October 03, 2011

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RECOMMENDED ACTIONS

5. Approval of consent agenda. **Motion**
   All items in the consent agenda are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council member or a citizen so requests, in which event the item will be removed from the consent agenda and considered separately.
6. Approval of full agenda. **Motion**

CONSENT AGENDA

7. Consideration of approval of the minutes of the September 22, 2011, Special City Council meeting. **Motion**

   See Enclosure 7.

8. Consideration of Mayor and City Council approval of the Stormwater Management Plan and related documents for the City of Norfolk's NPDES 5-year permit reapplication. **Motion**

   On June 7, 2010 the Mayor and Council approved the NPDES Small Municipal Separate Storm Sewer Notice of Intent application to renew the permit coverage, expiring July 1, 2010, for another 5 years. Attached is a letter to NDEQ, Evaluation and Assessment Plan, Public Education and Outreach Strategy, Stormwater Management Plan, and Enforcement Response Plan. Staff recommend approval to forward these documents to the NDEQ to maintain compliance with the City's Storm Water Management Plan permit requirements.

   See Enclosure 8.

9. Consideration of approval of Change Order No. 1 with Mechanical Inc. for Contract #1, pool construction, and Contract #2, pool mechanical construction, of the Norfolk Recreational Improvement Bond - Phase II project resulting in a net increase of $1,325.00. **Motion**

   On June 6, 2011, the Norfolk City Council approved a contract #1, pool construction, and a contract #2, pool mechanical construction, for the Norfolk Recreational Improvements Bond - Phase II project with Mechanical Inc. in a total amount of $4,840,722.00. This change order provides for installation of a 2" recirculation line to Zone #1 and Zone #2 that tie into the top of the pump tank per request from the Nebraska Department of Health. Staff recommends approval of Change Order No. 1 resulting in a new contract amount of $4,842,047.00.

   See Enclosure 9.

10. Consideration of approval of Change Order No. 1 with Penro Construction Company, Inc. for the Water Improvements 2011-1 project resulting in a net increase of $11,590.23. **Motion**

    On May 2, 2011, the Norfolk City Council approved a contract for Water Improvements 2011-1 project with Penro Construction Company, Inc. in an amount of $295,076.30. Change Order No. 1 provides for additional items for the Park Avenue from 13th Street to 14th Street part of the project. Staff recommends approval of Change Order No. 1 resulting in a new contract amount of $306,666.53.

    See Enclosure 10.

11. Consideration of approval of a Special Designated Liquor License for Sacred Heart Parish, 204 South 5th Street, to serve beer and wine on Saturday, October 22, 2011, from 5:00 p.m. to 1:00 a.m. at Sacred Heart Parish & Activities Center, 2301 West Madison Avenue. **Motion**

    See Enclosure 11.

12. Consideration of approval to advertise for bids for a replacement wheel loader for the Street Division. **Motion**

13. Consideration of approval to advertise for bids for two replacement salt and sand spreaders for use by the Street Division. **Motion**

14. Consideration of approval to advertise for bids for a replacement dump truck to be used by the Street Division. **Motion**

15. Consideration of approval of Change Order No. 4 with Nemaha Landscape Construction, Inc. for the General Construction contract resulting in a net increase of $31,626.00. **Motion**

On March 28, 2011, the Norfolk City Council approved a General Combined Construction contract with Nemaha Landscape Construction in an amount of $3,135,600 for the renovation of Veterans Memorial Park baseball and football fields and related plaza areas. On June 6, 2011, the Norfolk City Council approved Change Order No. 1 resulting in a new contract amount of $3,187,600. On July 18, 2011, the Norfolk City Council approved Change Order No. 2 resulting in a new contract amount of $3,186,508. On September 6, 2011, the Norfolk City Council approved Change Order No. 3 resulting in a new contract amount of $3,289,130.49. Change Order No. 4 provides for modifications to the storm sewer, additional communications and electrical conduits, replacement of ductile pipe, additional cables for press box, modification of chain-link fence, and additional fill to parking lot area. Staff recommends approval of Change Order No. 4 resulting in a new contract amount of $3,320,756.49.

See Enclosure 15.

16. Consideration of Resolution No. 2011-43 adopting a fund balance policy to comply with Governmental Accounting Standards Board Statement 54. **Resolution 2011-43**

The Governmental Accounting Standards Board adopted a new Statement which affects how governmental entities report fund balance in their audited financial statements. The new fund balance classifications are: nonspendable, restricted, committed, assigned, and unassigned. As part of Statement 54, governments are required to disclose in the notes to the financial statements the actions that lead to committed and assigned fund balance and the government's policy for the order of spending restricted and unrestricted fund balance. This resolution states fund balance may be committed by formal action of the City Council (ordinance or resolution) and it delegates authority to the Finance Officer or his designee to assign fund balance. Also, this resolution adopts the policy that when an expenditure is to be made for a purpose for which amounts are available in multiple fund balance classifications within the same fund, the order in which resources will be expended is as follows: restricted fund balance, followed by committed fund balance, assigned fund balance, and lastly, unassigned fund balance.

See Enclosure 16.

17. Consideration of approval for DLR Group to advertise for bids for renovation of Ta-Ha-Zouka youth baseball fields and related concession area, which would include the adjoining parking lots. **Motion**

18. Consideration of approval of an agreement between the City of Norfolk and Our Savior Lutheran Church for the Harvest Hustle to be held on Saturday, October 29, 2011. **Motion**

    The agreement allows event participants to run on city streets but does not require any city streets to be closed.

    See Enclosure 18.

19. Consideration of approval of an agreement between the City of Norfolk and WJAG Incorporated, a Nebraska Corporation, to hold the Red Ribbon Run on Saturday, October 22, 2011. **Motion**

    The Red Ribbon Run will utilize streets near and around Sunset Plaza Mall, but will not require any streets to be closed.

    See Enclosure 19.

20. Consideration of approval of all bills on file. **Motion**

SPECIAL PRESENTATIONS

21. Recreation Update

PUBLIC HEARINGS AND RELATED ACTION

22. Public hearing at the request of Agape Pregnancy Center for a zone change from C-1 (Local Business District) to R-3 (Multiple Family Residential District) at 1309 West Norfolk Avenue.

    Agape Pregnancy Center originally requested a zone change to R-1 in this area that is predominantly C-1 and R-3. A public hearing was held on the R-1 request by the planning commission on August 16, 2011. The commission tabled the request due to a lack of support for the R-1 request. After staff contacted board members, the decision was made to re-apply for a zone change to R-3 to be more compatible with the area.

    The commissioners approved the zone change from C-1 to R-3 on a 6-0 vote.

    See Enclosure 22.

23. Consideration of Ordinance No. 5183 rezoning 1309 West Norfolk Avenue from C-1 (Local Business District) to R-3 (Multiple Family Residential District) at the request of Agape Pregnancy Center **Ordinance No. 5183**

    See Enclosure 23.

REGULAR AGENDA

24. Consideration of adoption of Resolution No. 2011-41 levying a special assessment in the amount of $237.99 against property located at 1202 West Prospect Avenue for mowing and removal of weeds and litter. **Resolution 2011-41**

    This item was tabled at the September 19, 2011 City Council meeting.

    See Enclosure 24.

25. Consideration of disallowing a bill in the amount of $1,026.52 submitted by Paul Spatz for replacement raspberry bushes on property located at 1202 West Prospect Avenue. **Motion**

    See Enclosure 25.

CITY OF NORFOLK, NEBRASKA

The Mayor and City Council of the City of Norfolk, Nebraska met in special session in the Council Chambers, 309 West Madison Avenue, Norfolk, Nebraska on the 22nd day of September, 2011 beginning at 8:00 a.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: Lange, Merrill, Murren, Brenneman, and Fauss. Absent: Coy, Clausen and Saunders.

Staff members present were: City Administrator Shane Weidner, Director of Public Works Dennis Smith, City Attorney Clint Schukei, City Clerk Beth Deck, and Transportation, Building & Grounds Director Jim Koch.

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 posting in three locations, Norfolk Public Library, Norfolk City Auditorium, and City Council Chambers, at 8:30 a.m. on Tuesday, September 20, 2011, and by emailing to elected officials, media and city staff.

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 Merrill to approve the consent agenda as printed. Roll call: Ayes: Lange, Merrill, Murren, Brenneman and Fauss. Nays: None. Absent: Coy, Clausen and Saunders. Motion carried.

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

Consent Agenda Items Approved

Minutes of the September 19, 2011 City Council meeting

Regular Agenda

Change Directive No. 1
(Nemaha Landscape)

Councilmember Lange moved, seconded by Councilmember Fauss to approve Change Directive No. 1 and to authorize the Mayor to execute a subsequent change order with Nemaha Landscape Construction, Inc. for the General Construction contract resulting in a net increase not to exceed $64,260.00.

Roll call: Ayes: Lange, Merrill, Murren, Brenneman and Fauss. Nays: None. Absent: Coy, Clausen and Saunders. Motion carried.

Public Works Director Dennis Smith explained the change order provides for a structural upgrade to the existing bleachers at Veterans' Memorial Field.

Councilmember Fauss moved, seconded by Councilmember Murren to adjourn the meeting at 8:08 a.m. Roll call: Ayes: Lange, Merrill, Murren, Brenneman and Fauss. Nays: None. Absent: Coy, Clausen and Saunders. Motion carried.

_____
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 September 22, 2011, 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)

City of Norfolk

Street Division

Phone (402)844-2180
Fax (402)644-8719

1010 South 8th Street
Norfolk, Nebraska 68701

October 4, 2011

Mr. Blayne W. Renner
Department of Environmental Quality
Water Quality Division
Stormwater Coordinator
1200 "N" Street, The Atrium, Suite 400
Lincoln, NE 68509-8922

RE: Storm Water Management Plan Permit No. NER300006 – City of Norfolk

Dear Mr. Renner,

The City of Norfolk proposes to follow an Evaluation and Assessment Plan in compliance with current Phase II MS4 Permit requirements. The purpose of this Evaluation and Assessment Plan is to monitor the implementation and effectiveness of the Stormwater Management Program implemented by our MS4. This MS4, in association with Nebraska H2O, believe that the monitoring program proposed below complies with the strict interpretation of Phase II MS4 regulations and policies and should not be amended without regulatory justification.

Approximately 11 ½ years of Nebraska history has clouded the determining language that first established criteria and gave the background for the Phase II MS4 Permit requirements to "evaluate the appropriateness of identified BMPs and progress towards achieving identified measureable goals." This text comes directly from the *Federal Register, Volume 64, No. 235, Wednesday, December 8, 1999, Rules and Regulations, page 68769*. The full section is attached to this Memorandum for reference as Attachment 1 – Evaluation and Assessment Regulations. The language is supported in other formative rules, policies and assessments regarding the Phase II MS4 program. Monitoring requirements placed on the General Phase II MS4 permittees in the Omaha Urbanized area, recent guidance from selected EPA Regions on Evaluation and Assessments, as well as anticipated changes to the MS4 rules and regulations in 2012 have largely caused this clouded understanding.

The purpose of this letter is to request that NDEQ return to and establish a strict interpretation of the regulations establishing NPDES permit requirements for Phase II MS4s. Specifically, NDEQ is asked to not require water quality samples from Phase II MS4 permits or evaluation and assessment plans unless established under four criteria clearly established in the Federal Register.

Criteria 1 – NDEQ, as the permitting authority, has established whether and what types of monitoring needs to be conducted in the watershed;

Criteria 2 – NDEQ, as the permitting authority, has established a monitoring plan appropriate to the individual watershed being discharged to and provided it to the MS4;

Criteria 3 – NDEQ, as the permitting authority, has evaluated existing physical, chemical, and biological monitoring or assessed other environmental indicators such as exceedance frequencies of water quality standards, impacted dry weather flows, and increased flooding frequency to assess data needs; and

Criteria 4 – NDEQ discusses the following watershed Objectives with the MS4 before requiring the MS4 Evaluation and Assessment Plan to include water quality monitoring of any kind. The discussion will:

- Describe the purpose of monitoring with relation to characterizing water quality and ecosystem health in a watershed over time,
- Determine causes of existing and future water quality and ecosystem health problems in a watershed and develop a watershed management program,
- Assess progress of watershed management program or effectiveness of pollution prevention and control practices,
- Documentation of compliance with permit conditions and or water quality standards.

The Federal Register language further qualifies that any water quality monitoring required of select Phase II MS4s be a "relatively limited" and within a group monitoring effort. Phase II MS4s were specifically led to believe that additional monitoring beyond monitoring that the MS4 may be already performing (which was none for most Nebraska H_2O members in 1999) was not recommended.

Transition from the first permit to the second permit was identified as an ideal time for the permitting authority to assess if "some limited ambient monitoring might be appropriately required for perhaps half of the small MS4s." Further, "EPA expects that such monitoring will only be done in identified locations for relatively few pollutants of concern. EPA does not anticipate "end-of-pipe" monitoring requirements for regulated small MS4s." We request that NDEQ return to this strict interpretation of the Federal Regulations as stated and only require ambient water quality monitoring in accordance with the four criteria established above.

Our MS4 will conduct an Evaluation and Assessment Plan as required in the Federal Register and the second General Phase II MS4 Permit term. The Evaluation and Assessment Plan will evaluate the appropriateness of identified BMPs and progress toward achieving identified measurable goals. This will be accomplished within the framework outlined in the attachment.

If you have any questions or concerns, regarding the City of Norfolk's progress, please contact me at (402)844-2181.

Sincerely,

James D. Koch
Transportation, Building and Grounds Director

Enclosure

Evaluation and Assessment Plan Objective and Purpose	*Evaluation and Assessment Plan Approach*
Document Activities: demonstrates whether the control measure is being developed and implemented as planned and on schedule.	Through general programming and administration of performance and effectiveness measures listed in the SWMP, the MS4 will demonstrate development and implementation of the SWMP as well as basic compliance with NPDES permit requirements. Many of the documented activities will provide information that is useful in evaluating other Objectives.
Raise Awareness: demonstrates whether the control measure has raised awareness and changed attitudes of a target audience.	Through education, outreach, participation and involvement, the MS4 will raise the target audience's awareness and understanding of specific stormwater quality issues within the community. The MS4 will **tabulate** information to demonstrate: - Contractors and Municipal staff are attending workshops - Approvals are obtained for construction - Plans come in with water quality designs included - Public is attending outreach events - Industries are complying with State NPDES permit (*Phase II MS4s are not require to have authority to enforce industry compliance, but education will be provided and tracking will be coordinated through NDEQ) - Reporting hotline is used The MS4 will utilize **surveys** to demonstrate: - Contractors understand erosion control requirements - Building community understands post-construction requirements - Residents understand difference between sewers and storm drains and where stormwater pollutants drain to - Municipal staff understands what constitutes an illicit discharge - Municipal staff understands what impact operations have on stormwater The MS4 will utilize **observations** to demonstrate: - Construction SWPPPs are implemented - Reported illicit discharges are validated - Storm drains are stenciled/marked - Municipal facilities are providing stormwater education to employees Prior to the conclusion of Permit-year four, the MS4 will contract an **independent evaluation and assessment** of the effectiveness of raising awareness of the target audience. This information will be used to recommend program changes prior to the subsequent MS4 Permit term.

Change Behavior: demonstrates whether control measures have motivated target audiences to change their behaviors and implement appropriate BMPs.	Through education, outreach, participation, involvement and enforcement, the MS4 will change target audience behavior which results in the implementation of recommended BMPs. The MS4 will **tabulate** information to demonstrate: - Percent construction sites in compliance obtaining approval - Percent plans returned to include BMPs implemented and maintained properly - Number participants in special waste collection events - Number of illicit discharge complaints - Number of structural and non-structural Municipal BMPs implemented - Amount of salt and sand applied to streets (Street Dept.) - Amount of pesticides and fertilizer applied to green space (Parks Dept.) The MS4 will utilize **surveys** to demonstrate: - Residents are willing to report an illicit discharge or implement BMPs such as recycling, reducing fertilizer application, picking up pet waste, sweeping lawn clippings, or diverting vehicle wash water to grassy areas. The MS4 will utilize **observations** to demonstrate: - Percent sites found in compliance during construction (inspection reports) - Structural Post-Construction BMPs are installed and maintained (inspection reports) - Municipal facilities are implementing BMPs (inspection reports) - Percentage of validated illicit discharges are removed Prior to the conclusion of Permit-year four, the MS4 will contract an **independent evaluation and assessment** of the effectiveness of changing behavior of the target audience. This information will be used to recommend program changes prior to the subsequent MS4 Permit term.
Reduce Pollution Loading: demonstrates whether amounts of pollutants associated with specific sources have been reduced from implementation or enhancement of control measures.	Through administrative and environmental indicators listed below, the MS4 will target activities and behavior changes that are necessary to reduce pollutant loading from sources leading to the storm drain system. (Focus is on individual sources) The MS4 will utilize **observations** to demonstrate: - Construction sites have prevented sediment leaving the site via runoff - Estimated quantity and type of pollutants eliminated from illegal discharges - Occurrences of dry weather discharges not composed of allowable non-stormwater flows. - Ratio of condition for installed Post-Construction BMPs as excellent, functional, needs maintenance, failure

	The MS4 will utilize **load estimations** to demonstrate: - Reduction in runoff volume due to structural BMPs (Post-Construction plans to provide) - Quantity of pollutants collected at special events - Quantity of debris collected due to clean outs - Quantity of sediment diverted from street sweeping Prior to the conclusion of Permit-year four, the MS4 will contract an **independent evaluation and assessment** of the effectiveness of reducing pollutant loading from target activities. This information will be used to recommend program changes prior to the subsequent MS4 Permit term.

Attachment 1

Evaluation and Assessment Regulations

FR, Vol 64, No. 235, Wednesday, December 8, 1999, Rules and Regulations, page 68769

Since many of the smaller MS4s designated today are "donut holes" within the geographic jurisdiction of an already regulated MS4, the larger MS4's program generally will be adequate to address the newly regulated MS4's discharges. The small MS4 applicant should consider the adequacy of the existing MS4's program to address the smaller MS4's water quality needs, but EPA is not imposing specific requirements. Where circumstances suggest that the existing program is inadequate with respect to the newly designated MS4 and the applicant does not address the issue, the NPDES permitting authority must require that the existing program be supplemented.

Commenters recommended that the application deadline for smaller MS4s designated today be extended so that existing regulated MS4s would not have to modify their permit in the middle of their permit term, provided that permit renewal would occur within a reasonable time (12 to 18 months) of the deadline. In response, EPA notes that today's rule allows operators of newly designated small MS4s up to three years and 90 days from the promulgation of today's rule to submit an application to be covered under the permit issued to an already regulated MS4. The permitting authority has a reasonable time after receipt of the application to modify the existing permit to include the newly designated source. If an existing MS4's permit is up for renewal in the near future, the operator of a newly designated small MS4 may take that into account when timing its application and the NPDES permitting authority may take that into account when processing the application.

Another commenter suggested that the rule should include a provision to allow permit application requirements for smaller MS4s designated today to be determined by the permitting authority to account for the particular needs/wants of an already regulated MS4 operator. EPA does not believe that the regulations should specifically require this approach. When negotiating whether to include a newly designated MS4 in its program, the already regulated MS4 operator may require the newly designated MS4's operator to provide any information that is necessary.

The co-permitting approach allows small MS4s to take advantage of existing programs to ease the burden of creating their own programs. The operators of regulated small MS4s, however, may find it simpler to apply for a program under today's rule, and to identify the medium or large MS4 operator that is implementing portions of its § 122.34(b) minimum measures.

d. Evaluation and Assessment

Under today's rule, operators of regulated small MS4s are required to evaluate the appropriateness of their identified BMPs and progress toward achieving their identified measurable goals. The purpose of this evaluation is to determine whether or not the MS4 is meeting the requirements of the minimum control measures. The NPDES permitting authority is responsible for determining whether and what types of monitoring needs to be conducted and may require monitoring in accordance with State/Tribe monitoring plans appropriate to the watershed. EPA does not encourage requirements for "end-of-pipe" monitoring for regulated small MS4s. Rather, EPA encourages permitting authorities to carefully examine existing ambient water quality and assess data needs. Permitting authorities should consider a combination of physical, chemical, and biological monitoring or the use of other environmental indicators such as exceedance frequencies of water quality standards, impacted dry weather flows, and increased flooding frequency. (Claytor, R. and W. Brown. 1996. *Environmental Indicators to Assess Storm Water Control Programs and Practices.* Center for Watershed Protection, Silver Spring, MD.) Section II.L., Water Quality Issues, discusses monitoring in greater detail.

As recommended by the Intergovernmental Task Force on Monitoring Water Quality (ITFM), the NPDES permitting authority is encouraged to consider the following watershed objectives in determining monitoring requirements: (1) To characterize water quality and ecosystem health in a watershed over time, (2) to determine causes of existing and future water quality and ecosystem health problems in a watershed and develop a watershed management program, (3) to assess progress of watershed management program or effectiveness of pollution prevention and control practices, and (4) to support documentation of compliance with permit conditions and/or water quality standards. With these objectives in mind, the Agency encourages participation in group monitoring programs that can take advantage of existing monitoring programs undertaken by a variety of governmental and nongovernmental entities. Many States may already have a monitoring program in effect on a watershed basis. The ITFM report is included in the docket for today's rule (Intergovernmental Task Force on Monitoring Water Quality. 1995. *The Strategy for Improving Water-Quality Monitoring in the United States: Final Report of the Intergovernmental Task Force on Monitoring Water Quality.* Copies can be obtained from: U.S. Geological Survey, Reston, VA.).

EPA expects that many types of entities will have a role in supporting group monitoring activities—including federal agencies, State agencies, the public, and various classes or categories of point source dischargers. Some regulated small MS4s might be required to contribute to such monitoring efforts. EPA expects, however, that their participation in monitoring activities will be relatively limited. For purposes of today's rule, EPA recommends that, in general, NPDES permits for small MS4s should not require the conduct of any additional monitoring beyond monitoring that the small MS4 may be already performing. In the second and subsequent permit terms, EPA expects that some limited ambient monitoring might be appropriately required for perhaps half of the regulated small MS4s. EPA expects that such monitoring will only be done in identified locations for relatively few pollutants of concern. EPA does not anticipate "end-of-pipe" monitoring requirements for regulated small MS4s.

EPA received a wide range of comments on this section of the rule. Some commenters believe that EPA should require monitoring; others want a strong statement that the newly regulated small MS4s should not be required to monitor. Many commenters raised questions about exactly what EPA expects MS4s to do to evaluate and assess their BMPs. EPA has intentionally written today's rule to provide flexibility to both MS4s and permitting authorities regarding appropriate evaluation and assessment. Permitting authorities can specify monitoring or other means of evaluation when writing permits. If additional requirements are not specified, MS4s can decide what they believe is the most appropriate way to evaluate their storm water management program. As mentioned above, EPA expects that the necessity for monitoring and its extent may change from permit cycle to permit cycle. This is another reason for making the evaluation and assessment rule requirements very flexible.

i. Recordkeeping. The NPDES permitting authority is required to include at least the minimum appropriate recordkeeping conditions in each permit. Additionally, the NPDES permitting authority can specify that permittees develop, maintain, and/or

Public Education and Outreach (PEO) Strategy

Introduction

Below is the Public Education and Outreach (PEO) Strategy to distribute targeted messages regarding stormwater pollution prevention to the Public. The intent of the PEO is to be a planning tool (living document) for the City to facilitate program management, development, funding, and distribution. At minimum, the next year's budget should be projected. All five years do not need to be projected at the beginning, however, as the program progresses; it may become beneficial to project further out. All forecasts are subject to change. Substantial changes to the PEO Strategy must be submitted to NDEQ.

The Resource Tables summarize information about each resource and the MS4's implementation plan. Not all resources will be implemented annually, but will be implemented as a comprehensive strategy to provide education and outreach to the MS4. Each resource will be targeted to the appropriate audience and will employ appropriate formats so the Education and Outreach program is effective.

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Public Education and Outreach (PEO) Strategy

Resource (Format):	**Billboards (Print or Electronic)**				
Description:	City of Norfolk will use billboards to communicate stormwater importance.				
Target Message:	Reduce litter and improve our streams and rivers from pollution caused by same. Prevent and report illegal dumping and suspicious discharge.				
Target Audience:	Citizens, youth, vendors, city employees				
Number Distributed:	One	**Frequency:**	January through December		
Estimated Recipients:	500,000	**Potential Partners:**	Citizens, Nebraska H2O, NRD, civic groups, Businesses		
Anticipated Year	2011	2012	2013	2014	2015
	X	**X**	**X**	**X**	**X**
Anticipated Cost / Year	2011	2012	2013	2014	2015
	10,000	**10,000**	**10,000**	**10,000**	**10,000**

Resource (Format):	**Movie Screen (Projection)**				
Description:	Norfolk will provide water quality protection messages on pre-movie advertisements at movie theatres.				
Target Message:	Report illegal dumping and suspicious discharges. Pickup pet waste so it does not enter local streams and lakes.				
Target Audience:	Residents, K-12 school children, visitors, citizens				
Number Distributed:	1,000 shows	**Frequency:**	January through December		
Estimated Recipients:	15,000 viewers	**Potential Partners:**	Nebraska H2O, civic groups, business owners		
Anticipated Year	2011	2012	2013	2014	2015
		X		**X**	
Anticipated Cost / Year	2011	2012	2013	2014	2015
		5,000		**5,000**	

Resource (Format):	**TV Commercial (Electronic)**				
Description:	Norfolk will provide water quality protection messages in TV commercials.				
Target Message:	Spot commercials covering many aspects of clean water				
Target Audience:	Residents, visitors, business owners, housewives, students, civic groups				
Number Distributed:	6 to 8 per day	**Frequency:**	January through December		
Estimated Recipients:	5,000 households	**Potential Partners:**	Nebraska H2O, NRD		
Anticipated Year	2011	2012	2013	2014	2015
	X	**X**	**X**	**X**	**X**
Anticipated Cost / Year	2011	2012	2013	2014	2015
	6,000	**6,000**	**6,000**	**6,000**	**6,000**

Resource (Format):	**Radio Commercial (Electronic)**				
Description:	Norfolk will provide water quality protection messages in radio commercials.				
Target Message:	Spot commercial covering many aspects of clean water.				
Target Audience:	Residents, visitors, travelers, students, retires, businesses				
Number Distributed:	6 to 8 per day	**Frequency:**	January through December		
Estimated Recipients:	3,000	**Potential Partners:**	Nebraska H2O, NRD		
Anticipated Year	2011	2012	2013	2014	2015
	X	**X**	**X**	**X**	**X**
Anticipated Cost / Year	2011	2012	2013	2014	2015
	3,000	**3,000**	**3,000**	**3,000**	**3,000**

Resource (Format):	**Newsletter (Print and Electronic)**				
Description:	City of Norfolk will provide water quality protection messages through newsletters				
Target Message:	BMP's, water quality impacts from development, nothing but stormwater goes down the drain, regulatory updates, ordinances and resolutions toward clean water				
Target Audience:	Developers, Builders, business owners, citizens, visitors, civic groups, employees				
Number Distributed:	5,000	**Frequency:**	Quarterly		
Estimated Recipients:	15,000	**Potential Partners:**	Nebraska H2O, NRD, schools		
Anticipated Year	2011	2012	2013	2014	2015
	X	**X**	**X**	**X**	**X**
Anticipated Cost / Year	2011	2012	2013	2014	2015
	1,000	**1,000**	**1,000**	**1,000**	**1,000**

Resource (Format):	**Brochure (Print)**				
Description:	City of Norfolk will construct handouts or use coalition generated items				
Target Message:	Minimize water quality impacts from development, follow required construction practices, nothing but stormwater goes down the drain, beneficial uses of water				
Target Audience:	Developers, Builders, trade contractors, business owners, civic groups				
Number Distributed:	1,000	**Frequency:**	Ongoing		
Estimated Recipients:	3,000	**Potential Partners:**	NRD, Nebraska H2O, schools		
Anticipated Year	2011	2012	2013	2014	2015
	X	**X**	**X**	**X**	**X**
Anticipated Cost / Year	2011	2012	2013	2014	2015
	200	**200**	**200**	**200**	**200**

Resource (Format):	**Newsfeed (Electronic)**				
Description:	The MS4 will provide publicly announced or formally requested opportunities to review and comment on new rules, regulations, and SWWP changes.				
Target Message:	Major SWWP updates, policy or guidance changes and additions, municipal code revisions, state and federal regulations				
Target Audience:	Elected officials, residents, businesses, developers, builders, trade contractors, city employees				
Number Distributed:	15	**Frequency:**	As needed		
Estimated Recipients:	20,000	**Potential Partners:**	Nebraska H2O, NRD		
Anticipated Year	2011	2012	2013	2014	2015
	X	**X**	**X**	**X**	**X**
Anticipated Cost / Year	2011	2012	2013	2014	2015
	100	**100**	**100**	**100**	**100**

Resource (Format):	**Website (Electronic)**				
Description:	Norfolk provides public comment opportunities				
Target Message:	Provide citizen opportunity to request changes or corrections				
Target Audience:	All who use electronic media				
Number Distributed:	Varies	**Frequency:**	Unknown, update as needed		
Estimated Recipients:	Unlimited	**Potential Partners:**	Nebraska H2O, NRD		
Anticipated Year	2011	2012	2013	2014	2015
	X	**X**	**X**	**X**	**X**
Anticipated Cost / Year	2011	2012	2013	2014	2015
	200	**200**	**200**	**200**	**200**

Resource (Format):	**Inlet Markers**				
Description:	Inlets are all marked, maintained and added to as new inlets are made				
Target Message:	"No Dumping, Drains to River"				
Target Audience:	General public, visitors				
Number Distributed:	1950	**Frequency:**	May to September		
Estimated Participants:	All	**Potential Partners:**	KNB and Local Chapter		
Anticipated Year	2011	2012	2013	2014	2015
	X	**X**	**X**	**X**	**X**
Anticipated Cost / Year	2011	2012	2013	2014	2015
	100	**100**	**100**	**100**	**100**

Resource (Format):	**Recycling Event**				
Description:	The City of Norfolk will promote and participate in pick-up events for recycling or proper disposal of household hazardous waste and e-waste pick-up events.				
Target Message:	Certain materials must be handled differently than normal every day trash and recycling. Proper handling, disposal, and recycling reduce the risk of stormwater pollution.				
Target Audience:	Residents, businesses, civic groups				
Number Distributed:	3,000	**Frequency:**	Every other year		
Estimated Participants:	5,000	**Potential Partners:**	City, KNB, Local Chapters and Other		
Anticipated Year	2011	2012	2013	2014	2015
	X	**X**	**X**	**X**	**X**
Anticipated Cost / Year	2011	2012	2013	2014	2015
	1,000	**1,000**	**1,000**	**1,000**	**1,000**

Resource (Format):	**Volunteer Stream Monitoring**				
Description:	The MS4 will promote and participate in volunteer stream monitoring events to encourage the public to reduce the risk of stormwater pollution.				
Target Message:	Monitoring streams allows for the City to better evaluate and assess for water quality improvements or impairments.				
Target Audience:	Civic Groups, 9-12 school children, university students in Natural sciences or related programs, NRDs, residents, businesses, city employees				
Number Distributed:	5	**Frequency:**	2 times during 5 year period		
Estimated Recipients:	50	**Potential Partners:**	NRD, Schools		
Anticipated Year	2011	2012	2013	2014	2015
			X		**X**
Anticipated Cost / Year	2011	2012	2013	2014	2015
			1,000		**1,000**

Resource (Format):	**Household Survey (Print and Electronic)**				
Description:	The MS4 will conduct a survey of households within the community to evaluate and assess the public outreach and education efforts.				
Target Message:	Preset questions				
Target Audience:	Residents				
Number Distributed:	2,000	**Frequency:**	Every other year		
Estimated Recipients:	2,000	**Potential Partners:**	City		
Anticipated Year	2011	2012	2013	2014	2015
		X		**X**	
Anticipated Cost / Year	2011	2012	2013	2014	2015
		1,000		**1,000**	

Resource (Format):	**Hotline (Telephone)**				
Description:	The MS4 will provide a method of communication for the public to readily provide feedback and report problems impacting stormwater quality.				
Target Message:	N/A				
Target Audience:	General Public				
Number Distributed:	N/A	**Frequency:**	Ongoing		
Estimated Participants:	Unlimited	**Potential Partners:**	NRD, Nebraska H2O		
Anticipated Year	2011	2012	2013	2014	2015
	X	**X**	**X**	**X**	**X**
Anticipated Cost / Year	2011	2012	2013	2014	2015
	100	**100**	**100**	**100**	**100**

Resource (Format):	**Meeting**				
Description:	Steering Committee				
Target Message:	All stormwater business				
Target Audience:	All citizens groups represented on committee				
Number Distributed:	2	**Frequency:**	As needed		
Estimated Participants:	30	**Potential Partners:**	N/A		
Anticipated Year	2011	2012	2013	2014	2015
	X	**X**	**X**	**X**	**X**
Anticipated Cost / Year	2011	2012	2013	2014	2015
	200	**200**	**200**	**200**	**200**

Resource (Format):	**Comment Cards (Print)**				
Description:	The MS4 will provide a hard copy method of submitting comments or questions regarding meeting information.				
Target Message:					
Target Audience:	Meeting Attendees				
Number Distributed:		**Frequency:**	Twice yearly		
Estimated Participants:	30	**Potential Partners:**			
Anticipated Year	2011	2012	2013	2014	2015
	X	**X**	**X**	**X**	**X**
Anticipated Cost / Year	2011	2012	2013	2014	2015
	100	**100**	**100**	**100**	**100**

Resource (Format):	**Illicit Discharge Training (Classroom and Electronic)**				
Description:	The MS4 will provide training on approved procedures to identify, investigate, and enforce the removal and/or cleanup of illicit connections and illegal discharges.				
Target Message:	Conducting and investigation for illegal discharges and illicit connections.				
Target Audience:	City employees				
Number Distributed:	30	**Frequency:**	Annually		
Estimated Participants:	30	**Potential Partners:**	City employees, Nebraska H2O		
Anticipated Year	2011	2012	2013	2014	2015
	X	**X**	**X**	**X**	**X**
Anticipated Cost / Year	2011	2012	2013	2014	2015
	100	**100**	**100**	**100**	**100**

Resource (Format):	Construction Stormwater Training (Classroom and Electronic)				
Description:	The MS4 will provide training on construction stormwater management.				
Target Message:	Submittal procedures, review process, site plans, standard BMPs, enforceability, compliance assistance, documentation, etc.				
Target Audience:	Applicants (developers, contractors, builders, etc.), reviewers (city employees), inspectors (city and applicant representatives)				
Number Distributed:	100	Frequency:	Annually		
Estimated Participants:	100	Potential Partners:	Nebraska H2O, NRD		
Anticipated Year	2011	2012	2013	2014	2015
	X	X	X	X	X
Anticipated Cost / Year	2011	2012	2013	2014	2015
	100	100	100	100	100

Resource (Format):	Post Construction Stormwater Training (Classroom)				
Description:	The MS4 will provide training on post-construction stormwater management.				
Target Message:	Submittal procedures, review process, site plans, standard BMPs, documentation, etc. BMP owners need to understand the function and benefits of post-construction BMPs and how to inspect and maintain BMPs.				
Target Audience:	Applicants (developers, trade contractors, builders, etc.), reviewers (city employees), inspectors (city and applicant representatives)				
Number Distributed:	50	Frequency:	Annually		
Estimated Participants:	50	Potential Partners:	Nebraska H2O, NRD, NDOR		
Anticipated Year	2011	2012	2013	2014	2015
	X	X	X	X	X
Anticipated Cost / Year	2011	2012	2013	2014	2015
	100	100	100	100	100

Resource (Format):	**Good Housekeeping Pollution Prevention Training (Classroom and Electronic)**				
Description:	The MS4 will direct GH/PP practices to be followed within the property of the municipal maintenance facilities.				
Target Message:	What are potential pollutants, GH/PP BMPs, inspections, corrective actions, documentation, proactive solutions				
Target Audience:	City Employees				
Number Distributed:	100	**Frequency:**	Annually		
Estimated Participants:	100	**Potential Partners:**	City Employees		
Anticipated Year	2011	2012	2013	2014	2015
	X	**X**	**X**	**X**	**X**
Anticipated Cost / Year	2011	2012	2013	2014	2015
	100	**100**	**100**	**100**	**100**

Stormwater Management Plan

MCM 1: Public Education and Outreach

The goal of the Public Education and Outreach MCM is to distribute messages that will result in practices by the target audience that prevent stormwater pollution.

City of Norfolk, Nebraska accomplishments through MCM#1 during the last permit term.

- The City established a steering committee which consists of 25 members from a cross-section of the community which embodies a strong interest in stormwater issues.
- The City has many articles in print from newspaper articles to newsletters and website information.
- The City has placed 30 second commercials on local cable television for the past two years.
- The City participated with other cities in placing material on other cities local television programming.
- The City has participated in parades and public presentations at home and garden shows as well as earth day.

Resources and partnerships were formed through participation in all events. More awareness seemed to be evident from the results of the survey given on the back of the city's water/sewer bills to customers. A five question survey showed advanced awareness toward stormwater issues. Most effective also is the interest shown via calls about stormwater problems that have surfaced.

Changes to be made in the new term include more emphasis on one on one participation as well as more handout material. Attempts will be made to include more interaction through our local school programs.

The City of Norfolk may conduct other activities not specifically identified in this section which contribute to MCM 1: Public Education and Outreach.

MCM 1: Public Education and Outreach

BMP 1: Stormwater Education Materials

Permit Requirement Citation: Part IV, Sections D.1.a.1 & 3, D.3.d.2.e, and D.3.f.1.b-d,

Activity: The MS4 will follow a Public Education and Outreach (PEO) Strategy to distribute targeted messages for education to the Public using *Printed Materials*, *Public Service Announcements (PSAs), the City's Stormwater Management Webpage,* and *Social Media Outlets* to communicate the importance and methods of protecting stormwater.

Objective: To ***increase*** the Public's ***awareness*** of stormwater pollution and best practices to protect water quality.

Evaluation Measures/Measurable Goals:

Performance:

1. Develop and maintain PEO Strategy
2. For each printed material, track the
   a. Number of materials distributed
   b. Frequency of distribution
   c. Estimated number of recipients
   d. Cost to the MS4
3. For each PSA, track the
   a. Distribution method: email, radio, TV, and/or social media
   b. Estimated number of viewers
   c. Cost to the MS4
4. Include local MS4 program and general stormwater information links on the City's website.

Effectiveness:

1. Target educational information to targeted audiences
2. Update educational information based upon information gained from public feedback (*MCM 2 BMP 2*).

	Permit Year				
Implementation Schedule:	**1**	**2**	**3**	**4**	**5**
Develop a PEO Strategy and submit with Annual Report	✓				
Maintain a current and accurate PEO Strategy (*Part IV, Section D.1.a.3*)		✓	✓	✓	✓
Coordinate resources needed to develop stormwater quality information	✓	✓	✓	✓	✓
Distribute, track, and report stormwater quality information made available to the public	✓	✓	✓	✓	✓

BMP Target Audience: City Employees, K-12 School Children, Developers, Builders, Trade Contractors, Residents, Business Owners, Civic Groups

BMP Target Message: *Pick up Pet Waste*, *Eliminate Over-fertilization*, *Report Illegal Discharges*, *Eliminate Cross-connections*, *Maintain Septic Systems*, *Proper Management of Household Hazardous Waste*, *Follow Required Construction Practices*, *Minimize Water Quality Impacts from Development*, *Nothing but Stormwater Goes Down the Drain, Beneficial Uses of Water*

MCM 1: Public Education and Outreach

BMP 2: Stormwater Training

Permit Requirement Citation: Part IV, Sections D.1.a.1 & 3, D.2.c, D.3.d.2, D.3.e, D.3.f.1.a, D.5.e

Activity: The MS4 will follow a Public Education and Outreach Strategy to promote and/or provide stormwater training opportunities to the Public using *Conferences*, *Workshop*, *Training Sessions*, *Webinars* and/or other *Educational Events* that teach the importance and methods of protecting stormwater.

Objective: To ***improve*** the Public's ***knowledge*** and ***skills*** needed to prevent stormwater pollution and protect water quality by using Best Management Practices.

Evaluation Measures/Measurable Goals:

Performance:

1. For each training opportunity, track the:
   a. Topic/agenda/trainer
   b. Number invited/methods used
   c. Number attended
   d. Cost to MS4

Effectiveness:

1. Target training topics to target audiences for each MCM
2. Target training methods to target audiences for each MCM
3. Use survey information (*Evaluation and Assessment Plan*) to improve training topics and methods

	Permit Year				
Implementation Schedule:	**1**	**2**	**3**	**4**	**5**
Develop a PEO Strategy and submit with Annual Report	✓				
Maintain a current and accurate PEO Strategy (*Part IV, Section D.1.a.3*)		✓	✓	✓	✓
Coordinate resources needed to develop stormwater training opportunities	✓	✓	✓	✓	✓
Promote, sponsor, (co)host, track, and report stormwater training opportunities provided to the public	✓	✓	✓	✓	✓

BMP Target Audience: City Employees, Developers, Builders, Trade Contractors

BMP Target Topics: *Reporting Illegal Discharges and Illicit Connections, Stormwater Controls for Construction Activity, Land Development Practices that Minimize Water Resource Impacts, Municipal Facility Good Housekeeping Best Management Practices, Outfall Field Screening*

Stormwater Management Plan

MCM 2: Public Involvement/Participation

The goal of the Public Involvement/Participation MCM is to engage the public into the process of developing, improving, and providing stormwater management Best Management Practices.

City of Norfolk, Nebraska has ownership of our stormwater SWMP as evidence by the following:

- The City has been proactive in forming a steering committee to deal with our stormwater plans.
- Staff has conducted meetings with public groups to include the builders association, services groups and staff.
- Public service announcements such as 30 second commercials and newsletters and newspaper articles rise to show our advance planning.
- The public survey was well taken by the participants. Some awareness of our program took place.
- A kick-off meeting was presented at a Town Hall meeting in which NDEQ staff made the main presentation at the on-set of our participation.

The following items were accomplished during the first permit term:

- The City of Norfolk had the first stormsewer website of the MS4 communities. A good deal of research went into that task.
- The City has participated in clean-up days as well as reclamation of household pesticides and paint, etc.
- Many meetings were attended by city personnel as well as participation in web presentations.

Many resources and partnerships were formed as a result of our involvement. The most effective one will surely show up in future participation.

Changes being anticipated include staff changes. We had changes during the last term and will have major changes in the future. More activities with the schools would be a positive. Closer work with the builders association is anticipated. Fewer meetings and less travel are already evident within the Coalition.

The City of Norfolk may conduct other activities not specifically identified in this section which contribute to MCM 2: Public Involvement/Participation.

MCM 2: Public Involvement/Participation

BMP 1: Public Review and Comment

Permit Requirement Citation: Part IV, Section D.1.a.2.a

Activity: The MS4 will provide the Public with publicly announced or formally requested opportunities to review and comment on new rules, regulations and SWMP changes intended to protect stormwater quality within the City.

Objectives: To ***engage*** the ***Public*** in the process to review all new stormwater –related rules, regulations, and SWMP changes that may affect residents, businesses, development, and municipal government and will ***document considerations and changes*** made to the rules and regulations as a result of the Public's comments.

Evaluation Measures/Measurable Goals:

Performance:

1. For each required or requested review, track the:
   a. Public notice provided and number of invitations sent
   b. Groups or individuals requesting review
   c. Number of individuals that participate
   d. Review type such as *Steering or Technical Committee*, *Commission or Council Meeting*, *Special Interest Group*
   e. Materials distributed
   f. Public comments submitted
   g. Cost to the MS4

Effectiveness:

1. Outreach to engage the Public demonstrates a comprehensive approach with sufficient notice given, but is also targeted to audiences specifically impacted or interested.
2. Document how public comments were taken into consideration in revisions, or provided sufficient justification for why consideration was not implemented.

	Permit Year				
Implementation Schedule:	**1**	**2**	**3**	**4**	**5**
Develop a PEO Strategy and submit with Annual Report	✓				
Maintain a current and accurate PEO Strategy (*Part IV, Section D.1.a.3*)		✓	✓	✓	✓
Coordinate resources needed to facilitate review and comment by the Public (a minimum of one Council or Commission meeting will be facilitated annually to discuss changes to stormwater rules and the SWMP)	✓	✓	✓	✓	✓
Promote, facilitate, track, and report public review opportunities	✓	✓	✓	✓	✓

BMP Target Audience: Elected Officials, Residents, Businesses, Developers, Builders, Trade Contractors, City Employees

BMP Target Topics: *Major SWMP Updates, Policy or Guidance Changes and Additions, Municipal Code Revisions, State and Federal Regulations*

MCM 2: Public Involvement/Participation

BMP 2: Public Input Resources

Permit Requirement Citation: Part IV, Sections D.1.a.2, D.2.b.1, D.3.f.2

Activity: The MS4 will maintain resources that allow the public to readily provide feedback about educational information and rules and to submit details about problems impacting stormwater quality, stream habitat, and receiving water quality.

Objectives: To ***equip*** the ***Public*** with tools to inform the City about stormwater protection ideas and concerns so the City can ***take appropriate actions*** to protect water resources and municipal assets.

Evaluation Measures/Measurable Goals:

Performance:

1. Host telephone hotline
2. Host feedback tool on website
3. Host social media network
4. Provide comment cards at public meetings, training events, and municipal buildings
5. For each comment submitted, track the:
   a. Comment provided by the Public
   b. Method comment was received
   c. Action taken by the MS4.
6. Track the cost to the MS4

Effectiveness:

1. The MS4 cannot require public feedback, but it can ensure that opportunities for providing information are readily available for the public to use.
2. Information submitted by the public is used to promptly address any stormwater problems and to make improvements to the stormwater management efforts by the MS4.

Permit Year

Implementation Schedule:	**1**	**2**	**3**	**4**	**5**
Develop a PEO Strategy and submit with Annual Report	✓				
Maintain a current and accurate PEO Strategy (*Part IV, Section D.1.a.3*)		✓	✓	✓	✓
Coordinate resources needed to host public input resources	✓	✓	✓	✓	✓
Promote, facilitate, track, and report public input provided to the MS4	✓	✓	✓	✓	✓

BMP Target Audience: Residents, Civic Groups, Municipal Employees, Developers, Builders, Trade Contractors

MCM 2: Public Involvement/Participation

BMP 3: Community Environmental Events

Permit Requirement Citation: Part IV, Sections D.1.a.2.b, D.5.d.1.b

Activity: The MS4 will promote and participate in area outreach events such as *Inlet Marking, Stream Clean-up, Household Hazardous Waste Collection, Recycling*, and *Volunteer Stream Monitoring* that encourage the public to reduce the risk of stormwater pollution.

Objective: *To* ***increase*** *the* ***organization***, ***leadership***, ***funding***, and ***participation*** for Environmental Events which promote stormwater quality and water resources protection.

Evaluation Measures/Measurable Goals:

Performance:

1. Promote and participate in area outreach events that encourage the Public to reduce the risk of stormwater pollution.
2. For each event, track the
   a. Target audience
   b. Purpose of event
   c. Number of individuals and/or groups organizing/coordinating
   d. Number of individuals attending
   e. Cost to the MS4
   f. Total Cost of the Event
   g. Stream monitoring results

Effectiveness:

1. Locations of events are selected based on the potential to have the highest impact on stormwater quality, impaired streams, and known TMDLs.
2. Annual participation in events increases during the permit term.
3. Opportunities to participate are provided in multiple locations and methods to encourage participation.
4. Feedback from the Public is used to adjust how outreach efforts are provided to improve the stormwater program.
5. *Volunteer stream monitoring information supplements the Evaluation and Assessment Plan*

	Permit Year				
Implementation Schedule:	**1**	**2**	**3**	**4**	**5**
Develop a PEO Strategy and submit with Annual Report	✓				
Maintain a current and accurate PEO Strategy (*Part IV, Section D.1.a.3*)		✓	✓	✓	✓
Coordinate resources needed to facilitate environmental events (at a minimum the MS4 will promote an inlet marking program and one other Environmental Event within the community or region annually)	✓	✓	✓	✓	✓
Promote, facilitate, track, and report participation in Environmental Events	✓	✓	✓	✓	✓

BMP Target Audience: Residents, Businesses, Civic Groups, Municipal Employees, Natural Resources District

Stormwater Management Plan

MCM 3: Illicit Discharge Detection and Elimination

The goal of the Illicit Discharge Detection and Elimination MCM is to facilitate the timely identification and removal of prohibited stormwater connections and discharges.

The City of Norfolk adopted a city ordinance Chapter 22 Article IV Stormwater System of the official city code to regulate illicit discharges and illegal connections to the storm drains in the City of Norfolk, Nebraska. Ordinance No. 5086 passed and approval on August 3, 2009.

We have discovered no violations of this ordinance to date.

We have had very few complaints as per illicit discharges. Those few that have been registered were dismissed without any further action after our investigation into the requests.

Resources and partnerships have dealt mainly with our steering committee. We had some lively discussion before the final outcome was adopted. The initial draft came from meetings with our Nebraska H2O coalition.

A dry weather field screening procedure will be drafted. Develop an enforcement response plan. Very little other changes will be made in the next permit term.

Our legal authority for preventing and eliminating illicit discharges should be very sound due to the work we put into the steps prior to passing the ordinance. Our City Attorney has been involved in every step of the process.

The City of Norfolk may conduct other activities not specifically identified in this section which contribute to MCM 3: Illicit Discharge Detection and Elimination.

MCM 3: Illicit Discharge Detection and Elimination

BMP 1: Dry Weather Inspections

Permit Requirement Citation: Part IV Section D.2.a.1.b

Activity: The MS4 will conduct a dry-weather field screening program for major stormwater outfalls that meet the minimum size requirements as defined in 40 CFR 122.26(b)(5).

Objective: To ***maximize the use of available resources*** to look for evidence of illicit discharges that can be investigated, traced, and removed to protect water quality.

Evaluation Measures/Measurable Goals:

Performance:

1. Conduct Physical Characteristics Examination or field screening annually based on the following criteria:
    a. Inside pipe diameter of 36" or greater;
    b. Other collected overland drainage of 50 acres or more;
    c. Within Industrial Zoning: Inside pipe diameter of 12" or greater;
    d. Within Industrial Zoning: Other collected overland drainage of 2 acres or more;
    e. Other priority outfalls as defined by the MS4.
2. For each field screening activity, track the
    a. Results of field screening efforts in a central database;
    b. Cost of screening efforts

Effectiveness:

1. Inspection procedures include a scan for pollutants causing known stream impairments or in a TMDL.
2. Inspections are prioritized for outfalls discharging to impaired streams.
3. Inspections are prioritized for drainage areas with previous complaints.
4. Information in the investigation records is used to evaluate future priority areas and update list of hotspots.

Permit Year

Implementation Schedule:	**1**	**2**	**3**	**4**	**5**
Adopt dry weather field screening procedures that include basis for determining priority areas and inspection criteria for field, analytical monitoring procedures, resources required, resources available, work hours anticipated, and field screening protocols.	✓ **Draft**	✓ **Final**			
Follow dry weather field screening procedures	✓	✓	✓	✓	✓
Record inspection dates, results, and observations in a database.	✓	✓	✓	✓	✓

BMP Targets: Older portions of MS4 with aging infrastructure, industrial areas, portions of MS4 with septic systems, hotspots where dumping, spills, or other illicit discharges are a common occurrence.

MCM 3: Illicit Discharge Detection and Elimination

BMP 2: Discharge Investigation and Removal

Permit Requirement Citation: Part IV, Sections C, D.2.a.1.c & d, D.2.b.2 & 3

Activities: The MS4 will develop and follow procedures to identify, investigate, and enforce the removal and/or clean up of illicit connections and illegal discharges.

Objective: ***Investigate all*** prohibited illegal discharges and illicit connections so action can be taken to ***remove and/or clean up as many as possible***.

Evaluation Measures/Measurable Goals:

Performance:

1. Maintain ordinances that prohibit illegal discharges and illicit connections.
2. Adopt and maintain an Enforcement Response Plan for illegal discharges and illicit connections
3. Adopt and maintain written protocol (i.e procedures, staff, and equipment) for investigating illegal discharges and illicit connections.
4. Investigate reports and monitoring results that indicate a possible illegal discharge or illicit connection
5. Apply Enforcement Response Plan to confirmed illegal discharges and illicit connections
6. For each illegal discharge or illicit connection, track/document the:
    a. Steps taken to investigate and resolve it;
    b. Result of enforcement action;
    c. Cost of enforcement and/or clean-up effort

Effectiveness:

1. Monitor the success rate for removing illicit connections and illegal discharges (Benchmark 100%).
2. Investigations explore locations of infiltration from sanitary sewer system and discharges from underground septic systems to eliminate sources of *E.coli*
3. Circumstances for illicit connections are reviewed with staff to determine how the municipal planning, review, and/or enforcement processes can be modified to prevent similar occurrences.
4. The PEO Strategy includes training for staff responding and conducting investigations for illegal discharges and illicit connections.

	Permit Year				
Implementation Schedule:	**1**	**2**	**3**	**4**	**5**
Develop an Enforcement Response Plan and written protocol for IDDE investigations and submit it with Annual Report	✓ Draft	✓ Final			
Maintain current and accurate ordinances, ERP, and written investigation protocol			✓	✓	✓
Follow investigation and enforcement procedures and record investigation dates, personnel involved, equipment, findings, enforcement steps, and date investigation was closed in a database.	✓	✓	✓	✓	✓

BMP Targets: Consistent Responses, Efficient Resolution, Adequate Documentation, Protect Municipal Assets, Illegal Dumping

MCM 3: Illicit Discharge Detection and Elimination

BMP 3: Storm Sewer System Mapping

Permit Requirement Citation: Part IV.D.2.a.1.a

Activity: The MS4 will maintain a current map of the storm sewer drainage system.

Objective: To ***facilitate*** the ***prioritization*** of dry-weather inspection ***locations***, ***investigation*** of sources of ***pollution*** identified and reported, ***protection*** of downstream receiving ***waters***, and ***education*** of the ***Public***.

Evaluation Measures/Measurable Goals:

Performance:

1. Require geographic reference for all new outfall locations that meet the criteria of *MCM 3 BMP 1* as well as all stormwater inlets when new development applications are submitted for review.
2. Field verify all inlet locations and each new outfall location during the final project inspection.
3. Field verify and complete the mapping of existing stormwater drainage system assets.

Effectiveness:

1. The effectiveness of storm drain system mapping is related to the ability to effectively complete *MCM 3 BMP 1 & 2.*
2. The stormwater drainage system map is used to prioritize areas for stream restoration and protection projects.
3. The stormwater drainage system map is used to prioritize areas for dry-weather monitoring.

	Permit Year				
Implementation Schedule:	**1**	**2**	**3**	**4**	**5**
Coordinate resources needed to complete mapping of all existing storm drainage system assets and their drainage areas.	✓	✓	✓	✓	✓
Develop and implement protocol to require all new development and redevelopment plans to include geographic reference for all inlets and any outfall locations on the property.	✓ **Draft**	✓ **Final**	✓	✓	✓

BMP Targets: GIS, Emergency Response Planning, New Development and Redevelopment Plans, Dry Weather Monitoring, Receiving Water Quality, Visual Public Education

Stormwater Management Plan

MCM: 4 Construction Site Stormwater Runoff Control

The Goal of the Construction Site Stormwater Runoff Control MCM is to require and oversee practices that minimize the discharge of pollutants from construction sites.

The City of Norfolk has not adopted a construction stormwater ordinance. That will be completed in the near future. The City has developed an enforcement response plan.

- The City reviews and approves construction stormwater management plans by all construction projects completed in the City.
- An erosion and sediment control ordinance has been near completion for the past three years.
- The City works closely with the building and trades industry through day to day communication as well as special presentation to the group.

Resources and partnerships would include the Northeast Nebraska Builders Association. Norfolk permits and codes have played a big role in the process.

Changes will include the passing and adoption of an erosion and sediment control ordinance and a construction stormwater ordinance and all the other work that goes with the two ordinances. Upon passage of these ordinances, our legal authority should be second to none in preventing and eliminating illicit discharges in our MS4.

The City of Norfolk may conduct other activities not specifically identified in this section which contribute to MCM 4: Construction Site Stormwater Runoff Control.

MCM 4: Construction Site Stormwater Runoff Control

BMP 1: Construction Stormwater Management Plans

Permit Requirement Citation: Part IV.D.3.a - c

Activity: The MS4 will review and approve construction stormwater management plans for projects that meet the criteria established by regulations and minimum standards in local ordinances and design guidelines.

Objective: To ***require*** compliance with ***minimum construction standards*** and ***provide compliance assistance*** in advance of land disturbance for ***enforcement*** of ***local ordinances***.

Evaluation Measures/Measurable Goals:

Performance:

1. Maintain locally approved standards for construction stormwater BMPs.
2. Adopt and follow checklist of minimum review considerations such as NDEQ NPDES general permit coverage, project phasing, erosion and sediment controls, soil stabilization, dewatering, pollution prevention measures, prohibited discharges and surface outlets.
3. Applications that are not complete or do not meet minimum erosion and sediment control plan standards are returned with comments or denied.
4. Maintain a current list of approved construction sites with status dates for *under review*, *authorized*, *active construction*, *completed*
5. All construction activity (per minimum regulations) requires approval before disturbing soil.

Effectiveness:

1. Erosion and sediment control plans require consideration of pollutants that are causing known local stream impairments or are included in a TMDL.
2. Third-party construction stormwater audits conducted for *Evaluation and Assessment Plan* help illustrate the effectiveness of the plan review process.
3. The *PEO Strategy* includes education and training for applicants designing, submitting, and following Construction Stormwater Management Plans.
4. The *PEO Strategy* includes education and training for applicants reviewing Construction Stormwater Management Plans and locally approved BMPs.

	Permit Year				
Implementation Schedule:	**1**	**2**	**3**	**4**	**5**
Adopt checklist of minimum considerations for Construction Stormwater Management Plans	✓				
Maintain locally approved standards for construction stormwater BMPs	✓	✓	✓	✓	✓
Follow checklist of minimum considerations for Construction Stormwater Management Plans	✓	✓	✓	✓	✓
Maintain current list of approved construction sites	✓	✓	✓	✓	✓

BMP Targets: Submittal Procedures, Review Process Consistency, Site Plans, Standard BMP Information, Enforceability, Compliance Assistance, Documentation

MCM 4: Construction Site Stormwater Runoff Controls

BMP 2: Construction Stormwater Inspections

Permit Requirement Citation: Part IV, Section D.3.d.1-4

Activity: The MS4 will maintain a process of municipal site inspections and applicant self-inspections for types of construction activity that meet criteria established in local regulations.

Objective: To ***conduct consistent site inspections*** that ***generate defensible and actionable documentation*** about site conditions and compliance.

Evaluation Measures/Measurable Goals:

Performance:

1. For MS4 inspections, follow checklist of minimum requirements that considers:
    a. if erosion and sediment control plan is current and accurate;
    b. if field conditions are in compliance or what corrective actions are required for findings;
    c. compliance with self-inspection requirements;
    d. compliance with local ordinances and/or permits;
    e. observations of potential discharges of pollutants;
    f. provides a report document.
2. Record the number of inspections conducted by the MS4 {Benchmark}.
3. Provide self-inspection recording instrument for project inspectors.

Effectiveness:

1. Prioritize active construction site inspections for permitted projects that:
    a. discharge to waters impaired by a pollutant of concern;
    b. have a TMDL; or
    c. have demonstrated significant violations with local regulations, inspection requirements, or erosion and sediment control standards.
2. Third–party construction stormwater audits conducted for *Evaluation and Assessment Plan* will help illustrate the effectiveness of the inspection program.
3. The *PEO Strategy* includes education and training for inspectors completing inspections by the City and the Applicant's Representative.

	Permit Year				
Implementation Schedule:	**1**	**2**	**3**	**4**	**5**
Adopt inspection procedures, priority criteria and recording instruments.	✓				
Coordinate resources required to conduct routine and complaint response inspections by the MS4 for public and private projects.	✓	✓	✓	✓	✓
Follow inspection priorities and procedures and document inspection dates, observations, and corrective actions in a database.	✓	✓	✓	✓	✓
Estimate the frequency and/or number of inspections planned for the following year and resources required to submit with Annual Report.	✓	✓	✓	✓	✓

BMP Targets: Documentation, Compliance Assistance, Education and Training

MCM 4: Construction Site Stormwater Runoff Control

BMP 3: Construction Stormwater Enforcement

Permit Requirement Citation: Part IV, Sections C, D.3.d.4

Activity: The MS4 will take enforcement action against construction activities that are in violation of local regulations and minimum standards.

Objective: To protect water quality by issuing ***timely and consistent enforcement actions*** and causing the ***quick resolution of non-compliance*** at construction sites so construction projects are ***not allowed to gain unfair advantage*** by ignoring local regulations and minimum standards.

Evaluation Measures/Measurable Goals:

Performance:

1. Maintain ordinances that prohibit construction stormwater non-compliance
2. Adopt and maintain an Enforcement Response Plan (ERP) for construction stormwater non-compliance
3. Document and track actions taken such as *verbal notice, letter of warning, consent order, stop work order, citations, and fines* for each non-compliant construction site

Effectiveness:

1. Third–party construction stormwater audits conducted for *Evaluation and Assessment Plan* will help illustrate the effectiveness of the enforcement program.
2. The *PEO Strategy* includes education and training for inspectors about how to follow the Enforcement Response Plan and how to consider the unique circumstances of a violation.
3. Monitor the success rate for bringing construction violations into compliance {Benchmark}

	Permit Year				
Implementation Schedule:	**1**	**2**	**3**	**4**	**5**
Develop an ERP and the enforcement mechanisms listed within it such as template letters, financial instruments, citations, and law enforcement protocol	✓ **Draft**	✓ **Final**			
Maintain current and accurate ordinances, ERP, and enforcement mechanisms	✓	✓	✓	✓	✓
Follow ERP and document enforcement communication dates, parties involved, actions taken, and resolution dates in a database.	✓	✓	✓	✓	✓

BMP Targets: Enforceability, Compliance Assistance, Documentation, Equality, Predictability

Stormwater Management Plan

MCM 5: Post Construction Stormwater Management Program

The Goal of the Post Construction Stormwater Management Program MCM is to require permanent measures that protect stormwater quality from new development and redevelopment projects.

Accomplishments yet to be dealt with include an ordinance for Post Construction. Also development of a standard operating procedure as part of the construction site stormwater runoff control program in new development and redevelopment. We have become familiar with the terms of the trade such as Best Management Practices (BMP), site inspections and plan revisions. Education of the public continues with regards to stormwater related information.

Partnerships formed include the building trades as well as the State of Nebraska Department of Roads. Natural Resource Districts will be a target for more involvement in the future.

Changes will be ongoing as per ordinance passage as well as education of the construction industry. New leadership is anticipated in the coming year and beyond.

Our legal authority should be strengthened with the passage of more ordinances. This should enhance our ability to prevent and eliminate illicit discharges to our MS4.

The City of Norfolk may conduct other activities not specifically identified in this section which contribute to MCM 5: Post construction Stormwater management in new development and redevelopment.

MCM 5: Post Construction Stormwater Management Program

BMP 1: Post Construction Stormwater Management Plans

Permit Requirement Citation: Part IV, Section D.4.a-e

Activity: The MS4 will apply regionally relevant Post Construction Stormwater Management guidance and require stormwater BMPs for all new development and redevelopment.

Objective: To guide and enforce local development practices that ***protect naturally occurring hydrology***, ***reduce urban pollution, preserve, restore and conserve natural landscapes, prevent erosion***, and ***control sedimentation***.

Evaluation Measures/Measurable Goals:

Performance:

1. Adopt and follow written procedures to implement a Post Construction Program to include:
   a. ordinances and locally approved standards for Post Construction stormwater BMPs that address *design, installation*, *water quality benefits, performance, inspection frequency, maintenance and cost*;
   b. submittal requirements for minimum review considerations of *site discharge volume, rate, duration, and frequency, BMP location, as-build drawings, maintenance responsibility, and BMP certifications*;
2. Return with comment or deny deficient submittals that do not meet minimum Post Construction Program standards.
3. Maintain database of Post-Construction BMP construction status locations, owners, maintenance requirements

Effectiveness:

1. Receiving waters do not demonstrate increased impairment, reduced water quality, or inhibited habitat integrity as a result of urban stormwater runoff or associated pollutants.
2. On a project basis, development sites must demonstrate consideration of pollutants that are causing or may cause known local stream impairments or are included in a TMDL.
3. On a watershed basis, urban stormwater contributions of pollutants discharging to impaired streams or included in a TMDL are reduced using nonstructural and structural BMPs.
4. The *PEO Strategy* includes information needed for BMP owners to understand the function and benefits of BMPs

	Permit Year				
Implementation Schedule:	**1**	**2**	**3**	**4**	**5**
Adopt written procedures for implementing the Post Construction Program	✓ Draft	✓ Final			
Maintain approved local ordinances and standards for Post Construction stormwater BMPs	✓	✓	✓	✓	✓
Coordinate resources required for reviewing Post Construction Management Plans of all new development and redevelopment projects	✓	✓	✓	✓	✓
Maintain current list and information about Post Construction BMPs	✓	✓	✓	✓	✓

BMP Targets: Submittal Procedures and Content, Review Process Consistency, Enforceability, Compliance Assistance, Documentation, Grandfathering Prior Approval, Easements

MCM 5: Post Construction Stormwater Management Program

BMP 2: Post Construction BMP Inspections and Maintenance

Permit Requirement Citation: Part IV, Sections D.4.d & f, D (also refers to D.5.a & d.4 which are accomplished through *MCM 6 BMP 2*)

Activity: The MS4 will require all structural water quality BMPs (both public and private) to be inspected and maintained according to their needs as defined in the local Post Construction stormwater management guidance.

Objective: To ***periodically review and document the structural condition*** of water quality BMPs designed to protect receiving waters from urban stormwater runoff and to ***take action to return BMPs to designed conditions*** when inspections demonstrate action is warranted.

Evaluation Measures/Measurable Goals:

Performance:

1. Develop and adopt Post Construction Stormwater BMP inspection and notice of required maintenance instruments.
2. Field verify all Post Construction Stormwater BMP conditions prior to providing certification.
3. Conduct on-going inspections of structural BMPs according to frequency and procedures adopted for *MCM 5 BMP 1*.
4. Require maintenance of private structural BMPs.
5. For each BMP, provide a report document that tracks the
    a. Inspection dates
    b. Inspection findings
    c. Documentation of communications made
    d. Documentation of corrective actions taken

Effectiveness:

1. Design problems, functional deficiencies, and construction-related errors are identified and help inform the Post Construction Stormwater Management Plan review process in *MCM 5 BMP 1*.
2. Easements and Maintenance Agreements for Post Construction BMPs allow the MS4 to require and, if necessary, take maintenance actions that restore the integrity of BMPs to design conditions and protect receiving water quality.
3. The *PEO Strategy* includes information needed for BMP owners to understand how to inspect and resources for maintaining BMPs.

	Permit Year				
Implementation Schedule:	**1**	**2**	**3**	**4**	**5**
Adopt inspection procedures and required maintenance notice instruments.	✓				
Coordinate resources required to conduct routine and complaint response inspections by the MS4 for public and private BMPs.	✓	✓	✓	✓	✓
Follow inspection priorities and procedures and document inspection dates, observations, communications, and corrective actions in a database.	✓	✓	✓	✓	✓
Estimate the frequency and/or number of inspections planned for the following year and resources required to submit with Annual Report.	✓	✓	✓	✓	✓

BMP Targets: Unknown Future Maintenance Needs, Documentation, Education and Training

Stormwater Management Plan

MCM 6: Good Housekeeping / Pollution Prevention

The Goal of the Good Housekeeping/Pollution Prevention Program is to engage public employees and public properties in the best practices of stormwater protection.

Meetings were held with all maintenance facilities supervisors. The meetings were directed toward good housekeeping and pollution prevention educational media bought and presented to the same groups. This is an ongoing activity and will be into the future.

Municipal storm drain system is well maintained as needed. The public continues to be informed as to the importance of keeping our drains free from pollutants. Parking lots are maintained as per BMP's. City streets are also swept on a regular basis.

Partnerships have been formed through employee training as well as occurrences.

Changes to the plan will be minor as compared to the rest of the plan. Continued work on education will take place. Written dewatering procedures should be pursued.

The City of Norfolk may conduct other activities not specifically identified in this section which contribute to MCM 6: Good Housekeeping/Pollution Prevention Program

MCM 6: Good Housekeeping / Pollution Prevention

BMP 1: Municipal Facility Operations

Permit Requirement Citation: Part IV, Sections D.5.a-c, D.5.d.2.a-b, D.5.f

Activity: The MS4 will direct Good Housekeeping/Pollution Prevention practices to be followed within the property of municipal maintenance facilities.

Objective: To ***equip employees*** with resources needed to ***prevent pollutants*** associated with maintenance facility activities ***from leaving the property*** through stormwater runoff and by ***making routine evaluation*** of Best Management Practices ***part of the routine operation***.

Evaluation Measures/Measurable Goals:

Performance:

1. Develop and maintain an accurate inventory of all municipal facilities that conduct maintenance.
2. Maintain criteria for distinguishing high priority facilities.
3. Track when and why facility conditions and priorities change.
4. Develop and maintain site-specific stormwater runoff control plans with standard operating procedures for *general good housekeeping practices, storage of de-icing materials, fueling operations, vehicle maintenance, and equipment and vehicle washing* at all high priority facilities.
5. Conduct routine and comprehensive inspections and visual monitoring at all high priority facilities.

Effectiveness:

1. Determination of High Priority facilities is based on the intensity, duration, and frequency of *Building and Grounds Maintenance, Vehicle and Equipment Maintenance, Product Material Storage, Bulk Tank Storage, and Waste Material Management*
2. Maintenance facility BMPs target measures that control all pollutants causing impairment or that are in a TMDL issued for local receiving waters.
3. Inspection and corrective action documentation demonstrates facility improvements that protect water quality.
4. The PEO Strategy includes information and training needed for facilities staff members to conduct self-inspections and to follow standard operating procedures.

Permit Year

Implementation Schedule:	**1**	**2**	**3**	**4**	**5**
Develop maintenance facility inventory with a map, assessment instrument and procedures for determining facilities that are high priority.	✓				
Conduct risk assessment of all municipal facilities that conduct maintenance and develop stormwater runoff control plans for high priority facilities.	✓				
Maintain current list of facilities and evaluation scores, noting when conditions change.	✓	✓	✓	✓	✓
Conduct routine and comprehensive inspections and visual monitoring, documenting findings and recording corrective actions taken.	✓	✓	✓	✓	✓

BMP Targets: Training, Inspections, Corrective Actions, Documentation, Proactive Solutions

MCM 6: Pollution Prevention/Good Housekeeping for Municipal Operations

BMP 2: Municipal Storm Drain System Maintenance

Permit Requirement Citation: Part IV, Sections D.5.a, D.5.d.1, D.5.d.2.a, D.5.d.4, D.5.f

Activity: The MS4 will provide maintenance for the municipal storm drain system, public structural stormwater BMPs, and public green infrastructure practices.

Objective: To ***remove material and pollutants*** that do not belong in the storm drain system or that are impacting the integrity of Best Management Practices designed to protect water quality.

Evaluation Measures/Measurable Goals:

Performance:

1. Adopt a method of material dewatering and disposal practices for waste collected during open channel, structural control and catch basin cleaning to be implemented by the MS4.
2. Conduct and track open channel, structural control, and catch basin inspections {Benchmark}.
3. Conduct and track open channel, structural control and catch basin cleaning.
4. Track amount of waste material collected, dewatered, and disposal by the City or contractor and cost to MS4.

Effectiveness:

1. The inspection and cleaning schedule prioritizes stormwater drainage systems that directly discharge to impaired streams or streams that have a TMDL.
2. The inspection findings allow the MS4 to target GHPP practices and to target education in drainage areas that experience higher frequency of pollution problems.

	Permit Year				
Implementation Schedule:	**1**	**2**	**3**	**4**	**5**
Coordinate within Departments to establish a written dewatering procedure and schedule of maintenance activities and resources that can be included in the SWMP.	✓				
Include required practices in Contractor Agreement standard language.	✓	✓	✓	✓	✓
Coordinate resources required for inspecting and cleaning open channels, structural controls and catch basins and track efforts.	✓	✓	✓	✓	✓
Estimate the frequency and/or number of inspections and maintenance efforts planned for the following year and resources required to submit with Annual Report.	✓	✓	✓	✓	✓

BMP Targets: Dewatering Practices, Tracking Methods, Prioritizing Efforts

MCM 6: Pollution Prevention/Good Housekeeping for Municipal Operations

BMP 3: Municipal Street and Parking Lot Maintenance

Permit Requirement Citation: Part IV, Sections D.5.d.2.a, D.5.d.3, D.5.f

Activity: The MS4 will develop and follow Best Management Practices for winter maintenance as well as sweeping and cleaning operations for municipal streets and parking lots.

Objective: To ***limit winter maintenance materials*** applied and to ***remove material and pollutants*** that collect on paved surfaces and would otherwise be carried into the storm drain system during rain events.

Evaluation Measures/Measurable Goals:

Performance:

1. Adopt a method of material dewatering and disposal practices for waste collected during street and parking lot sweeping to be implemented by the MS4.
2. Conduct street and parking lot cleaning and track miles covered and approximate weight of waste collected.
3. Conduct winter maintenance operations and track pre-freeze diversion and post-freeze maintenance measures, miles covered and approximate weight of material (salt and sand) distributed.

Effectiveness:

1. The winter maintenance and sweeping schedule prioritizes protection of stormwater drainage systems that directly discharge to impaired streams or streams that have a TMDL.
2. The effectiveness of the streets and parking lot maintenance program is improved through research conducted for the Evaluation and Assessment Plan to evaluate salt management methods.
3. The MS4 utilizes salt alternatives such as pre-freeze diversion measures and product substitutions for winter maintenance where public safety is not diminished.

	Permit Year				
Implementation Schedule:	**1**	**2**	**3**	**4**	**5**
Coordinate within Departments to establish a written dewatering procedure and schedule of maintenance activities and resources that can be included in the SWMP.	✓	✓			
Include required practices in Contractor Agreement standard language.	✓	✓	✓	✓	✓
Coordinate resources required for street and parking lot cleaning and winter maintenance operations and track efforts.	✓	✓	✓	✓	✓
Estimate the frequency and/or amount of activities planned for the following year and resources required to submit with Annual Report.	✓	✓	✓	✓	✓

BMP Targets: Dewatering Practices, Tracking Methods, Alternative Practices, Public Safety

CITY OF NORFOLK, NE
ENFORCEMENT RESPONSE PLAN
11/30/2010

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INTRODUCTION

Under the terms of 40 CFR Part 122.34(b)(4)(ii), the City of Norfolk is required to develop and implement adequate enforcement authority for construction activity that takes place within the boundaries of the Municipal Separate Storm Sewer System (MS4). The purpose of this Enforcement Response Plan is to communicate how the enforcement tools available to the City will be used to achieve compliance. The Enforcement Response Plan also specifies criteria by which City personnel can determine the enforcement action most appropriate to instances of non-compliance. This plan is a document of the City's procedure to be followed when a construction stormwater violation is discovered.

The procedures are developed with the following objectives in mind:

- The City is not responsible for enforcing the Nebraska Department of Environmental Quality Construction Stormwater Permit.
- Prevent pollutants from entering the MS4 and causing environmental harm.
- Ensure that violators return to compliance in a timely manner.
- Communicate definitions for non-compliance.
- Penalize non-compliant construction site operators for violations.
- Provide equitable and consistent enforcement actions to the extent possible.
- Deter non-compliance through education and compliance assistance first and, if necessary, penalties second.
- Recover costs incurred by the City due to construction site operator non-compliance.

Nothing in this plan shall affect the City of Norfolk's authority to bring enforcement actions for violations pursuant to any portion of the Municipal Code.

ACRONYMS

The following acronyms shall have the following meaning:

AF	Administrative Fine
AO	Administrative Order
CA	City Attorney
CM	City Manager
ESC	Erosion and Sediment Control
JA	Judicial Action
MS4	Municipal Separate Storm Sewer System
NPDES	National Pollutant Discharge Elimination System
NOI	Notice of Intent
NOV	Notice of Violation
PC	Personal Contact or Phone Conversation
STOP	Stop Work Order
SWPM	Storm Water Program Manager
SWPPP	Storm Water Pollution Prevention Plan

ENFORCEMENT RESPONSE GUIDE

1.0 FUNCTIONS OF GUIDE

This guide serves two main functions:

- Establish appropriate enforcement action based on the nature and severity of the violation.
- Promote consistent and timely use of enforcement remedies.

The enforcement process consists of three basic steps:

- Identify the violation
- Determine if the violation is significant or non significant.
- Select the appropriate response.

Section 2 explains how to determine whether a violation is significant or non significant.

Section 3 outlines the types of responses.

Section 4 discusses the various enforcement responsibilities for City of Norfolk personnel.

Section 5 describes the type of violations and ranges of enforcement actions for each.

Section 6 summarizes the time frames associated with various aspects of violations and enforcement actions.

2.0 CRITERIA TO DECIDE TYPE OF VIOLATION

The enforcement process begins by identifying a construction site operator's violation. Once a violation is identified it must be determined whether the violation should be considered significant or non-significant. Next, the most appropriate response is determined. Each violation must be documented even if the decision is to take no action. Documentation must explain why such action was/was not taken.

To determine if a violation is significant or non-significant the following criteria must be considered:

2.1 Magnitude

Generally, a minor isolated instance of non-compliance can be considered non-significant and dealt with by informal responses, such as a Personal Contact or Phone Conversation (PC) or notice of violation (NOV).

However, some isolated incidents may cause damage to the MS4 and/or the health and welfare of the public and city personnel. Situations like these would be significant and necessitate a formal enforcement action such as a Stop Work Order (STOP) or an Administrative Order (AO).

2.2 Duration

The construction site operator will be subject to escalated enforcement actions if violations, regardless of severity, continue over prolonged periods of time. Chronic violations and/or failures to comply with administrative orders will be considered significant violations and may result in enforcement actions including, but not limited to, termination of permits, fines and/or court orders.

2.3 Effect on the Environment

One objective of Chapter 26 Article IV of the Municipal Code is to prevent pollutants from entering the MS4 and/or entering a receiving waterbody and causing environmental harm. Environmental harm will be presumed whenever a construction site directly discharges pollutants into an adjacent receiving waterbody or fails to implement BMPs that prevent sediment form leaving the site and entering the City's MS4. These violations will be considered significant.

At a minimum, responses to these circumstances require issuance of an Administrative Order (AO) and possible issuance of Administrative Fines (AF).

2.4 Compliance History of the Operator

The industrial operator's compliance history will be an important factor in determining the appropriate remedy to apply. The city has the authority to issue informal notices for the less severe violation if the violator has a good compliance history.

Recurring violations by an industrial operator may indicate that their treatment system is inadequate or that the operator has taken a casual approach to operating and maintaining its treatment system.

Chronic compliance problems such as late reports and missing sample collections indicate a disdainful attitude and the possibility of future significant violations.

2.5 Good Faith of the Operator

`Good Faith' is defined as the operator's honest intention to remedy its non-compliance evidenced by actions which give support to this intention. Good faith shall be demonstrated by cooperation and completion of corrective measures in a timely manner. Compliance with a previous enforcement order is not in itself necessarily good faith.

The construction site operator's good faith in correcting its noncompliance is a factor in determining which enforcement response is suitable. However, good faith does not eliminate the construction site operator from enforcement action. For example, if the City must pay to install necessary Erosion and Sediment Control (ESC) measures, it should recover its costs regardless of prior good faith.

Once the severity of the violation is determined, it will then be necessary to initiate the proper response.

3.0 TYPES OF RESPONSES

There are three types of enforcement responses:
Informal - may be a telephone contact, personal contact, or a notice of violation (NOV) when violations are non-significant or when the construction site operator is cooperative in resolving the problem.

Formal - may be an Administrative Order (AO) or Administrative Fine (AF) when the construction site operator does not promptly undertake Corrective Actions (CA) or has recurring violations.

Judicial - Civil or criminal prosecution when a violation is significant and/or the construction site operator is uncooperative.

The enforcement response selected must be appropriate to the violation. For example, telephone calls are appropriate for late reports or BMPs that need maintenance, but failure to receive approval for construction activity or failing to install BMPs would require a more immediate and stringent response. Knowledge of requirements and intent to cause violation by the construction site operator should be considered when determining the severity of the action to be taken.

3.1 Informal

The City will pursue compliance assistance through multiple, informal methods whenever reasonable. These methods are appropriate for situations where education is needed, violations do not pose a significant danger to human health or the environment, or the City believes that compliance can be achieved by measures described below. Use of informal measures often establishes the documentation trail necessary for formal enforcement action and should therefore be sufficient to support the burden of proof.

3.1.1 Telephone/Personal Notification

Telephone contact or personal contact with the construction site operator may be chosen to obtain information and resolve isolated or infrequent violations. The contact will take place within **24 hours** of determining a violation. Prompt responses will demonstrate to the construction site operator that the city is serious about enforcing construction program requirements. It also helps to deter future violations.

At a minimum, the conversation shall be documented with the following information: date/time call placed; the person contacted, and the substance of the conversation.

3.1.2 Refusal of Municipal Inspections

Required inspections – such as those associated with a building permit or other approved activity – may be refused by the City Inspector when any the following conditions exist:

- the construction site does not have a posted Notice of Intent (NOI),
- perimeter controls are not installed or are dysfunctional, or
- evidence of discharged sediment or other pollutants exists outside the construction area.

At a minimum, the inspector refusing inspections will notify the Storm Water Program Manager of the situation and will document the following information: date/time inspection refused; the party notified on-site, and the substance of the conversation including what specific actions must be taken before the inspection can be conducted.

3.1.3 Notice of Violation (NOV)

The NOV is an official communication from the City to the non-compliant construction site operator which informs the party that a violation has occurred. It is issued for relatively minor or infrequent violations of the ordinance standards and requirements.

The NOV will provide the construction site operator with an opportunity to correct noncompliance on their own initiative rather than according to a schedule of actions determined by the City. It is a prompt response to violations and documents the initial attempts of the City to resolve the noncompliance.

The NOV shall contain the following information:

- the specific violation that has occurred,
- specific actions required to return to compliance, and
- warning that further enforcement action may be taken for failure to comply.

NOV's shall be sent via certified mail/return receipt or hand delivered and signed by a representative of the construction site operator within **three (3) working days** after discovery of the violation.

3.1.4 Stop Work Order (STOP)

The STOP is a notice posted by the City on the construction site which informs the operator that a violation is ongoing and no work is allowed to continue until it is resolved. It is the last tool available to the City before formal enforcement proceedings are taken. The STOP is posted for failure to respond to a NOV or for relatively moderate/significant violations of the ordinance, standards or requirements that require immediate action.

The STOP will require the construction site operator to contact the SWPM to explain what must be completed before work is allowed to continue. The STOP may not be removed by anyone other than a designated representative of the City.

The STOP shall contain the following information:

- the ordinance that has been violated,
- contact information of the SWPM,
- date by which the SWMP must be contacted, and
- warning that failure to comply will result in formal enforcement actions.

3.2 Formal

When required to address willful non-compliance by a construction site operator or immediate threats to human health and the environment, the formal procedures described below can be taken to resolve construction stormwater non-compliance.

3.2.1 Administrative Order

An administrative order will be a formal order issued by the City to the construction site operator in noncompliance. It will direct the construction site operator to undertake corrective measures or cease specified activities.

Consent orders will be issued when the construction site operator has significant discharge violations or failed to comply with other enforcement responses. In some cases judicial proceedings may be more appropriate.

There are four types of administrative orders:

- Compliance orders - A compliance order directs the operator to restore compliance by a specified date. The order will document the noncompliance and state required actions to be completed by the operator and the dates by which the actions must be completed to eliminate the noncompliance.

  The city will track the operator's performance to ensure that the operator is making acceptable progress. This will be accomplished by requiring the construction site operator to submit progress reports, conduct monitoring requirements, perform additional site inspections, etc. as necessary to verify compliance is achieved.

  Issuance of a compliance schedule does not necessarily relieve the operator of having to meet its existing erosion and sediment control commitments, nor protect the operator from having additional fines levied for other violations during the compliance schedule period.

- Consent Order - The consent order will permit the flexibility of a negotiated settlement between the City and the construction site operator. The order will be comprised of compliance schedules, stipulated fines, or other provisions as deemed necessary, and signatures of City and operator representatives.

  The consent order will be used when the operator assumes responsibility for its noncompliance and is willing, in good faith, to correct its cause. The order should address all identified and potential deficiencies in the owner's compliance status.

  The order shall not be an admission of liability or a plea of guilty. Additional enforcement actions may be pursued if the industrial operator does not comply with all aspects of the consent order.

- Cease and Desist Order - A cease and desist order shall be used in situations where the non-compliant operator's discharge could result in significant environmental harm or impact human health, safety or welfare.

A cease and desist order may be issued by telephone. A subsequent written order shall be served either in person or by registered mail to the construction site operator. If the operator fails to comply with the order, the City may pursue additional steps to halt the discharge, such as, seeking injunctive relief or blocking the invoking police power.

- Show Cause Order - An order to show cause or directs the operator to appear before the City and explain why more severe enforcement actions should not be taken (e.g.: termination of service). A hearing will be conducted by a designated City representative (i.e. Attorney, City Council or Public Works Director, a hearing officer) or by a review board.

  The hearing may be formal or informal and it may be open or closed to the public.

  The hearing shall determine if further action is warranted and, if so, its nature and extent.

3.2.2 Fines

An administrative fine is a monetary penalty assessed by the City to the construction site operator for a violation of municipal code, policy and/or standards. The fine may be assessed at the City's discretion and the amount of the fine may be determined on an individual basis.

The fine is considered punitive in nature and is not related to any specific cost borne by the City. The amount of the fine should be proportional to the harm caused by the violation. The City shall also recover damages to its MS4 or for the cost of stabilizing a construction site as stated at Section X.X of the Municipal Code.

3.2.3 Termination/Suspension

The City has the authority to revoke an approved development plan, building permit and/or other City-issued permit associated with an approved erosion and sediment control plan. These actions may be used against owners that fail to comply with previous administrative orders, or to prevent or stop discharges that are considered to pose an immediate or serious hazard or significant environmental damage.

3.3 Judicial

A judicial action is a formal enforcement action that involves a court. The action may be civil litigation, criminal prosecution, or both.

3.3.1 Civil Litigation

Civil litigation will be used as an appropriate enforcement response to the following situations:

- Injunctive relief is necessary to halt or prevent activities or non-stormwater discharges that threatens human health, the environment or the MS4,
- Efforts to restore compliance through less formal actions have failed,
- The construction site operator fails to pay assessed fines,
- The City determines it needs to recover losses due to the construction site operator's noncompliance.

The following describes three types of civil litigation:

- Consent Decrees are agreements between the City and the construction site operator reached after a lawsuit has been filed. To be binding, the decree must also be signed by the judge assigned to the case.

- Injunctions are court orders which direct parties to do something or refrain from doing something. The City may be forced to seek injunctive relief if the construction site operator refuses to comply with an administrative order or if delays in filing a civil suit would result in irreparable harm to the MS4 or receiving waterbody.

- Civil Suits may be necessary to recover costs borne by the City in responding to the operator's noncompliance.

3.3.2 Criminal Prosecution

Criminal prosecution is a formal process of charging individuals and organizations with violations of ordinance provisions that are punishable, upon conviction, by fines and/or imprisonment.

Criminal prosecution is an appropriate enforcement action when there is evidence of willful noncompliance and when criminal negligence or intent can be proven. Some examples of these are altering or falsifying reports, tampering with samples, unauthorized discharges, and violations of administrative orders.

The criminal enforcement process begins when the City has reason to believe crimes have been or will be committed. This information may be gathered during routine inspections or monitoring/sampling activities or in the form of reports from employees or the public. Citations may be issued where it is determined the operator's efforts, or lack thereof, to obtain compliance through less formal actions have failed. If crimes are suspected or known, the Public Works Director shall notify the City Attorney for proper collection of evidence.

4.0 ENFORCEMENT RESPONSIBILITIES

When a construction site operator violation is suspected or discovered, the City Inspector shall be responsible for informal actions such as:

- Identifying and documenting the violation,
- Telephone notification,
- Notice of Violation letter,
- Sampling, monitoring and inspecting,
- Follow up actions.

All significant violations and the responses shall be reported to the Storm Water Program Manager and/or the Public Works Director.

The Public Works Director and City Attorney will be copied on all formal Enforcement Responses. The Public Works Director will consult with the City Attorney and City Administrator in Judicial Actions.

5.0 VIOLATIONS AND RANGE OF ACTIONS

The Table 5.1 identifies the most common violations and indicates the potential circumstances associated with each violation. The Recommended Enforcement Response Plan, under a typical situation, is described in three levels of urgency.

Level 1 – Administrative issues with relatively low environmental risk and an infrequent record of violation by the construction site operator should cause the following enforcement sequence: **Personal Contact -> Notice of Violation -> Refusal of Municipal Inspections -> Stop Work Order -> Administrative Order -> Termination/Suspension -> Judicial Action**

Level 2 – Record keeping and site conditions that pose a relatively moderate/significant environmental risk to discharge pollutants into the MS4 or adjacent receiving waterbody should cause the following enforcement sequence: **Refusal of Municipal Inspections -> Personal Contact -> Notice of Violation -> Stop Work Order -> Administrative Order -> Termination/Suspension -> Judicial Action with Administrative Fees**

Level 3 – Any immediate threat to human health and environment or demonstrated willful non-compliance by a construction site operator should cause the following enforcement sequence: **Personal Contact -> Notice of Violation -> Termination/Suspension -> Stop Work Order -> Administrative Order with Administrative Fees -> Judicial Action with Administrative Fees**

Table 5.1 Construction Stormwater Violations

NONCOMPLIANCE	CIRCUMSTANCES OF VIOLATION	RECOMMENDED ENFORCEMENT RESPONSE PLAN
Failure to Prepare or Maintain a Storm Water Pollution Prevention Plan or Required Records	Operator is unaware of requirements to complete and maintain a SWPPP.	Level 1
	Operator is aware but does not follow requirements to prepare and maintain a SWPPP.	Level 2
Failure to Install, Maintain or Properly Select Best Management Practices per Approved Plan	Good faith effort has been demonstrated to select, install, and maintain BMPs	Level 1
	Operator has disregarded responsibilities to select, install, and maintain BMPs	Level 2
Conducting Covered Activity without Approval of Erosion and Sediment Control Plan	Operator is unaware of requirements to obtain approval for land disturbance activities.	Level 2
	Operator is aware of requirements to obtain approval for land disturbance activities but has not or has refused.	Level 3
Failure to Perform Inspections or Submit Required/Requested Reports and/or Documents	Infrequent occurrences	Level 1
	Frequent or routine occurrences	Level 2

Pollution Discharge to MS4, Contamination or Degradation of State Waters	Sediment or pollutants have left the perimeter of the construction area due to improper management of BMPs, but have caused little to no environmental damage	Level 2
	Significant accumulation of sediment or pollutants in the MS4 or receiving waterbody that result from improper management of BMPs.	Level 3
Documented Pattern of Systematic Violations of Storm Water Regulations and/or Permit Requirements	The City will consider violations on a project by project basis and an operator basis when determining awareness and good faith efforts.	Level 3

6.0 TIME FRAMES FOR ENFORCEMENT ACTIONS

Every violation must be evaluated to determine the appropriate enforcement response. Initial enforcement responses involving contact with the construction site operator and requesting information or corrective or preventative action will occur within in a timely manner. If the operator shows "good faith" in correcting the violation the City can avoid formal enforcement procedures.

Table 6.1 lists the enforcement responses, the maximum response time, and the person responsible to pursue or be informed of the action taken.

Table 6.1

RESPONSE	TIME FRAME	RESPONSIBILITY
Telephone/personal contact	Within 24 hours of inspection	SWPM
Refusal of Municipal Inspections	Immediate	Development Services Inspector, SWPM
Notice of Violation	Within 3 days of inspection	SWPM
Stop Work Order	After a NOV and prior to AO or AF whenever possible	SWPM, Public Works Director
Administrative Order - Compliance Order - Consent Order - Cease and Desist Order - Show Cause Hearing	Within 60 days of violation	SWPM, Public Works Director, City Attorney, City Manager
Administrative Fine	Within 60 days of violation	SWPM, Public Works Director, City Attorney, City Manager
Termination/Suspension	Within 30 days of violation	SWPM, Public Works Director, City Attorney, City Manager
Judicial Actions	Case by Case	SWPM

GLOSSARY OF TERMS

Administrative Fine - A punitive monetary charge unrelated to actual treatment costs assessed by the City rather than a court.

Administrative Order - A document which orders the violator to perform a specific act or refrain from an act. For example, the order may require operators to attend a show cause meeting, cease and desist discharging, or undertake activities pursuant to a compliance schedule.
Cease and Desist Order - An administrative order directing an industrial operator to immediately halt illegal or unauthorized discharges.

Civil Litigation - A lawsuit filed in a civil court. If the court rules that the defendant construction site operator violated the law the court may impose civil penalties, injunctions or other equitable remedies and/or cost recovery.

Civil Penalty - A punitive monetary award granted by a court to the City against a non-compliant construction site operator.

Compliance Order - An administrative order directing a non-compliant construction site operator to achieve or restore compliance by a date specified in the order.

Compliance Schedule - A schedule of required activities necessary for a construction site operator to achieve compliance with all stormwater program requirements.

Consent Decree - A court supervised settlement agreement, the violation of which may be considered contempt of court.

Consent Order - An administrative order embodying a legally enforceable agreement between the City and the non-compliant construction site operator designed to restore the operator to compliance status.

Criminal Prosecution - A criminal charge brought by the City against an accused violator. The alleged criminal action may be a misdemeanor or a felony and is defined as willful, negligent, knowing, and/or intentional violations. Upon conviction, punishment may include a monetary penalty, imprisonment, or both.

Fine - A punitive monetary charge for a violation of the law. Often used synonymously with "penalty", although the term "fine" generally implies the use of administrative rather than civil (judicial) procedures.

Good Faith Effort or Progress - Prompt and vigorous pollution control measures undertaken by the discharger which shows that extraordinary efforts (not a "business-as-usual" approach) have been made to achieve compliance.

Injunctive Relief - A court order which restrains or compels action by the construction site operator.

Judicial Action - An enforcement action that involves a court. (The action may either be civil or criminal in nature).

Legal Authority - The source of the City's jurisdiction and regulatory powers.

Notice of Violation - A City document notifying a construction site operator that it has violated stormwater standards and requirements. Generally used when the violation is relatively minor and the City expects the violation to be corrected within a short period of time.
Penalty - A monetary or other punitive measure usually associated with a court action. For purposes of this Enforcement Policy, the term is used synonymously with fine.

Plea Bargain - An agreement between the prosecuting attorney and a criminal defendant whereby the defendant pleads guilty to a lesser charge and/or a reduction of sentence in exchange for cooperation in investigating or prosecuting the crime (e.g., waiving a trial).

Show Cause Order - An administrative order directing a non-compliant operator to appear before the City, explain its noncompliance, and show cause why more severe enforcement actions against the operator should not go forward.

Stop Work Order - A notification posted by the City on the construction site of non-compliance warning the non-compliant operator that work is not allowed to continue until the terms of the Notice of Violation have been fulfilled. The Stop Work Order precedes formal enforcement action by the City.

Suspension of Service - A temporary stoppage of the non-compliant operator's services necessary to proceed with the project until specific conditions are met.

Additional definitions of terms may be found at Chapter 26, Article IV of the Norfolk Municipal Code.

BURBACH AQUATICS, INC.
5974 HIGHWAY 80 SOUTH* P.O. BOX 721* PLATTEVILLE, WI 53818
608-348-3262 FAX:608-348-4970
P.O. BOX 366*DILLON, CO 80435* 815-238-5243

Change Order Number 01

CHANGE ORDER formph-3.019

Project Norfolk Family Aquatic Center Date 9-12-11

Owner City of Norfolk, Nebraska Project # 2.433

Contractor Mechanical Incorporated

Description Contract #1 and #2

Changes Ordered: 1) COR #1 - Furnish and install 2" recirculation line to Zone #1 and Zone #2 that tie into the top of Pump Tank per DOH letter dated 6-24-11. Two impact type flowmeters are included.

Reason for Change Order: 1) Requested by Department of Health

CONTRACT PRICE:		CONTRACT TIME:	
___	Not Changed	X	Not Changed
X	Increased by $ 1,325.00	___	Increased by ____ Days
___	Decreased by $____	___	Decreased by ____ Days

ORIGINAL CONTRACT AMOUNT:	$ 4,840,722.00
PREVIOUS CHANGES:	$ .00
THIS CHANGE ORDER:	$ 1,325.00
CONTRACT TOTAL:	$ 4,842,047.00

The foregoing change, work affected thereby, is subject to all contract stipulations and covenants.

ENGINEER
Approval Recommended: Ken Miller Date: 9-12-11

CONTRACTOR
Accepted by: [signature] Date: 9-15-11
Title: PM

OWNER
Approved by: _____ Date: _____
Title: _____

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M E M O

TO:	Chin Chew, P.E., Chief Engineer Nebraska Department of Health	Sent: chin.chew@nebraska.gov
	Steve Jillson, Environmental Engineer II Nebraska Department of Health	Sent: steve.jillson@nebraska.gov
CC:	Dennis Smith, Public Works Director/City Engineer City of Norfolk, Nebraska	Sent: dsmith@ci.norfolk.ne.us
	Shane Weidner, City Administrator City of Norfolk, Nebraska	Sent: sweidner@ci.norfolk.ne.us
	Nancy Ronto, Project Manager Burbach Aquatics, Inc.	Sent:nancyronto@earthlink.net
	Brian Statdfield, Project Manager Mechanical, Inc.	Sent via:bstatdfield@mechinc.com
	Mike Emanuel, Project Manager Meco-Henne Contracting, Inc.	Sent via: memanuel@mecohenne.com
FROM:	David F. Burbach, P.E. Burbach Aquatics, Inc.	
DATE:	June 24, 2011	
RE:	Norfolk Family Aquatic Center	

Please take this memo as a follow up our telephone conference call of June 21, 2011 regarding the Nebraska Department of Health (DOH) review of plans, project manual, addendums and clarification; all for the Norfolk Family Aquatic Center project, located in Norfolk, Nebraska. Two plan review issues were discussed in detail. The first was emergency shut down switch location for the wave making equipment. State of Nebraska, Division of Public Health, Title 178 NAC 4 Public Swimming Pool Design and Construction Standards, Section 4-006.e2 states: "An emergency shutoff for the wave generating equipment must be provided at every lifeguard chair at a minimum. At least four (4) emergency shutoffs must be provide." Attached is a copy of a portion of plan sheet E1, which indicates the locations of the six each emergency switches for the wave equipment.

The second issue, which was extensively discussed, centers on the use of a pump tank to supply three pumps which supply water to the waterslides and water features. The Code requires that water removed from surge tanks must be treated and filtered prior to reuse. During our discussion, we all agreed that the pump tank receives water from wall grates on a gravity flow method, which would have the same water quality as suction grates connected directly to said pumps. Since the pump tanks are not surge tanks, DOH will not need to issue a variance and consequently will not charge a variance review fee.

One issue raised by DOH, in regards to the pump tank was the need to provide sanitizer to the tank in the event said pumps were not used for an extended period of time. BAI agreed and the revision shall be achieved by revising the plans as follows:

1) Zone #1 and #2 recirculation flows shall increase to 680 gpm;

2) One 2" line shall be installed from the Zone #1 pool return pipe, located downstream of filtration, pool heater, chlorine and pH injection points. Said 2" shall run to the pump tank and terminate 2" below the top of the tank. The MC shall include an opening in the top of the pump tank;

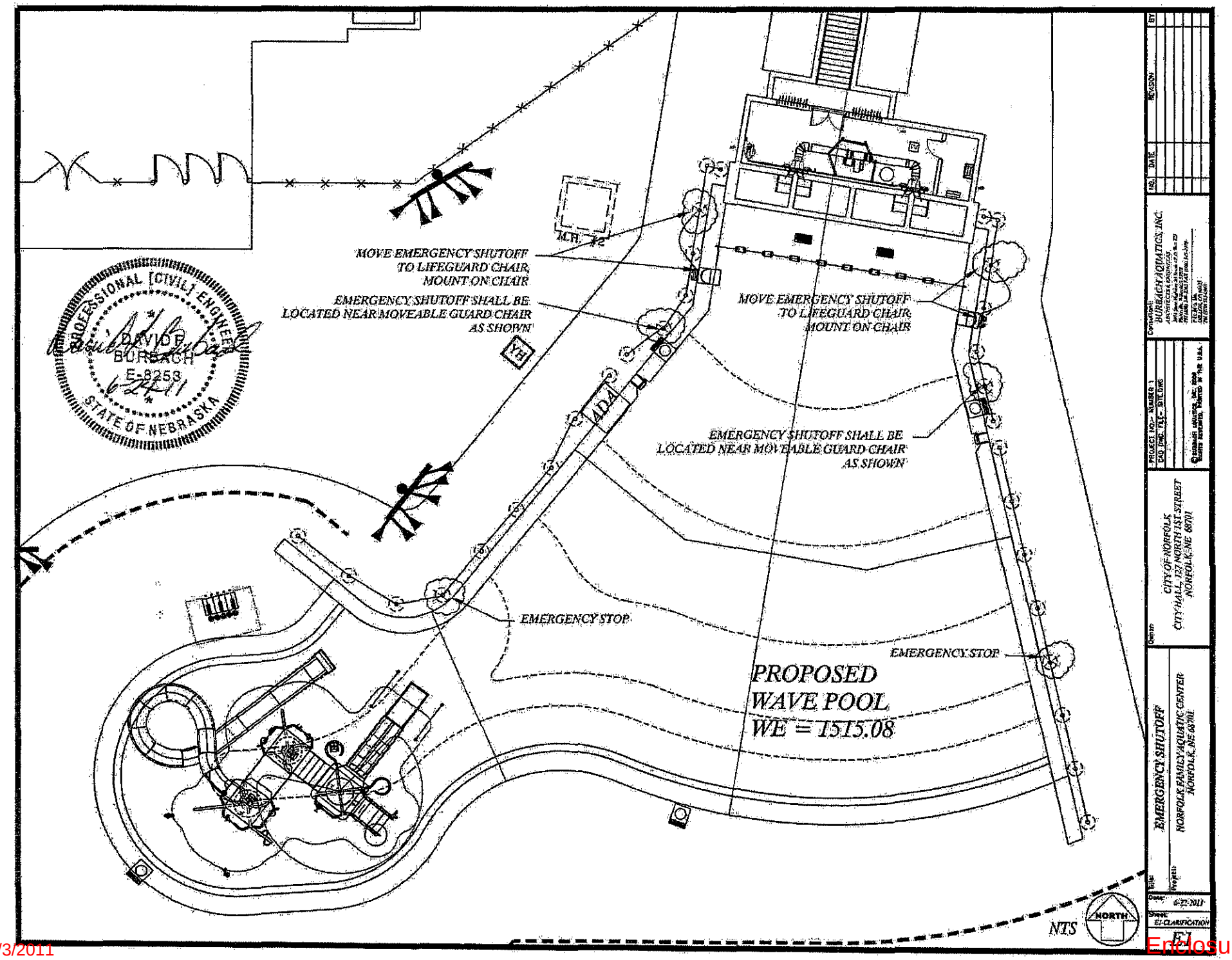
3) One 2" line shall be installed from Zone #2 pool return pipe, located downstream of filtration, pool heater, chlorine and pH injection points. Said 2" shall run to the pump tank and terminate 2" below the top of the tank. The MC shall include an opening in the top of the pump tank;

4) A blue and white flow meter shall be added to each 2" line. The flow through each 2" line shall be 40 gpm, for a total of 80 gpm.

Should the DOH need further documents prior to plan approval, please contact BAI's Platteville office.

As always, DOH's personal have been very professional and timely in the completion of their public service. DOH's removal of the need for a fourth variance was very forthright and honest. It is a pleasure working with your department.

DFB:clt
w/att.


MOVE EMERGENCY SHUTOFF TO LIFEGUARD CHAIR, MOUNT ON CHAIR
EMERGENCY SHUTOFF SHALL BE LOCATED NEAR MOVEABLE GUARD CHAIR AS SHOWN
MCH #2
MOVE EMERGENCY SHUTOFF TO LIFEGUARD CHAIR, MOUNT ON CHAIR
EMERGENCY SHUTOFF SHALL BE LOCATED NEAR MOVEABLE GUARD CHAIR AS SHOWN
ADA
EMERGENCY STOP
EMERGENCY STOP
PROPOSED WAVE POOL WE = 1515.08
NTS
NORTH
PROFESSIONAL [CIVIL] ENGINEER
DAVID BURBACH
E-8253
STATE OF NEBRASKA
EMERGENCY SHUTOFF
NORFOLK FAMILY AQUATIC CENTER
NORFOLK, NE 68701
CITY OF NORFOLK
CITY HALL 122 NORTH 1ST STREET
NORFOLK, NE 68701
BURBACH AQUATICS, INC.
6-22-2011
EI-CLARIFICATION
E1

CHANGE ORDER
NO. 1
DATED: OCTOBER 3, 2011

PROJECT: Water Improvements 2011-1

OWNER: CITY OF NORFOLK

CONTRACTOR: Penro Construction Company, Inc.

TO: Penro Construction Company, Inc.

You are directed to make the changes noted below in the subject contract:

OWNER: City of Norfolk, Nebraska

BY:

DATE:

NATURE OF THE CHANGE:

WATER IMPROVEMENTS 2011-1
PARK AVENUE (13TH STREET TO 14TH STREET)

Increase:	12. Install 3/4" Corporations	1 Each	$130.00	+	$130.00
	13. Install 3/4" Copper	163 L.F.	$26.50	+	$4,319.50
	16. Reconnect Services	1 Each	$410.00	+	$410.00
Decrease:	20. Remove 6" Concrete w/Integral Curb	34 S.Y.	$3.40	-	($115.60)
	21. Replace 6" Concrete w/Integral Curb	34 S.Y.	$37.00	-	($1,258.00)
	27a. Pipe Provided by City	4 L.F.	$12.00	-	($48.00)
Add:	24. Removal of Sanitary Sewer Manhole at Park & 14th and Replace with sewer cleanout	1 Each	$1,715.00	+	$1,715.00
	25. Remove 8" Concrete w/Integral Curb	85 S.Y.	$5.00	+	$425.00
	26. Replace 8" Concrete w/Integral Curb	85 S.Y.	$42.40	+	$3,604.00

CHANGE ORDER
NO. 1
DATED: OCTOBER 3, 2011

PROJECT: Water Improvements 2011-1

OWNER: CITY OF NORFOLK

CONTRACTOR: Penro Construction Company, Inc.

	27. Install 4" D.I.P.	22 L.F.	$39.00	+	$858.00
	28. Install 4" Sleeve	1 Each	$1,090.00	+	$1,090.00
	29. Unsuitable Soils	1 Each	$300.33	+	$300.33
	30. Trucking by Penro	4 Loads	$40.00	+	$160.00
	Total for Park Avenue (13th to 14th Streets)			+	$11,590.23
Total of this change order:				+	$11,590.23

The changes result in the following adjustment of Contract Price:

Contract price prior to this change order:		$295,076.30
Net resulting from this change order:	+	$11,590.23
Current contract price including this change order:		$306,666.53

The above changes are approved:

Penro Construction Company, Inc.

BY:

DATE:

The above changes are accepted:

CITY ENGINEER'S OFFICE

BY:

DATE:

APPLICATION FOR SPECIAL DESIGNATED LICENSE

NEBRASKA LIQUOR CONTROL COMMISSION
301 CENTENNIAL MALL SOUTH
PO BOX 95046
LINCOLN, NE 68509-5046
PHONE: (402) 471-2571
FAX: (402) 471-2814
Website: www.lcc.ne.gov/

RETAIL LICENSE HOLDERS ☐

NON PROFIT APPLICANTS ☑ **Non Profit Status (check one that best applies)**
Municipal ☐ **Political** ☐ **Fine Arts** ☐ **Fraternal** ☐ **Religious** ☑ **Charitable** ☐ **Public Service** ☐

COMPLETE ALL QUESTIONS

1. Type of alcohol to be served and/or consumed: Beer X Wine X Distilled Spirits ____

2. Liquor license number and class (i.e. C-55441)
(If you're a nonprofit organization leave blank)

3. Licensee name (last, first,), corporate name or limited liability company (LLC) name
(As it reads on your liquor license)

NAME: Sacred Heart Parish

ADDRESS: 204 South 5th Street

CITY Norfolk, NE **ZIP** 68701

4. Location where event will be held; name, address, city, county, zip code

BUILDING NAME Sacred Heart Parish & Activities Center

ADDRESS: 2301 Madison Avenue **CITY** Norfolk

ZIP 68701 **COUNTY and COUNTY #** Madison

a. Is this location within the city/village limits? YES ☑ NO ☐
b. Is this location within the 150' of church, school, hospital or home for aged/indigent or for veterans their wives? YES ☑ NO ☐
c. Is this location within 300' of any university or college campus? YES ☐ NO ☑

Recd 9-26-11 1:18 pm

5. Date(s) and Time(s) of event (no more than six (6) **consecutive** days on one application)

Date 10/22/2011 Hours From 5:00 pm To 1:00 am	Date Hours From To	Date Hours From To	Date Hours From To	Date Hours From To	Date Hours From To

a. Alternate date: n/a

b. Alternate location: n/a
(Alternate date or location must be specified in local approval)

6. Indicate type of activity to be carried on during event:
Dance ☐ Reception ☐ Fund Raiser ☑ Beer Garden ☐ Sampling/Tasting ☐ Other _____

7. Description of area to be licensed
Inside building, dimensions of area to be covered **IN FEET** 165' x 179'
Outdoor area dimensions of area to be covered **IN FEET** _____ x _____
(not square feet or acres)

INCLUDE SKETCH IF OUTDOOR AREA
If outdoor area, how will premises be enclosed?
Fence ☐ type of fence; snow fence ☐ chain link ☐ cattle panel ☐ other _____
Tent ☐
Other ☐ : explain _____

8. How many attendees do you expect at event? 450

9. If over 150 attendees. Indicate the steps that will be taken to prevent underage persons from obtaining alcohol beverages. (Attach separate sheet if needed)
This event is by invitation only. Minors are not invited and will not be present to help with this event.

10. Will premises to be covered by license comply with all Nebraska sanitation laws? YES ☑ NO ☐
a. Are there separate toilets for both men and women? YES ☑ NO ☐

11. Where will you be purchasing your alcohol? Wholesaler ☑ Retailer ☐ Both ☐ BYO ☐

12. Will there be any games of chance operating during the event? YES ☑ NO ☐
If so, describe activity cash raffle

NOTE: Only games of chance approved by the Department of Revenue, Charitable Gaming Division are permitted. All other forms of gambling are prohibited by State Law: There are no exceptions for Non Profit Organizations or any events raising funds for a charity. This is only an application for a Special Designated License under the Liquor Control Act and is not a gambling permit application.

13. Any other information or requests for exemptions: _____

14. Name and **telephone number/cell phone number** of immediate **supervisor.** This person will be at the location of the event when it occurs, able to answer any questions from Commission and/or law enforcement before and during the event, and who will be responsible for ensuring that any applicable laws, ordinances, rules and regulations are adhered to.

Print name of Event Supervisor Leisa A. Piper

Signature of Event Supervisor Leisa A Piper

Phone of Event Supervisor: Before _____ During _____

Consent of Authorized Representative/Applicant

15. I declare that I am the authorized representative of the above named license applicant and that the statements made on this application are true to the best of my knowledge and belief. I also consent to an investigation of my background including all records of every kind including police records. I agree to waive any rights or causes of action against the Nebraska Liquor Control Commission, the Nebraska State Patrol or any other individual releasing said information to the Liquor Control Commission or the Nebraska State Patrol. I further declare that the license applied for will not be used by any other person, group, organization or corporation for profit or not for profit and that the event will be supervised by persons directly responsible to the holder of this Special Designated License.

sign here _____ Pastor 9-26-11

Authorized Representative/Applicant | Title | Date

Rev. Dan Andrews

Print Name

This individual must be listed on the application as an officer or stockholder unless a letter has been filed appointing an individual as the catering manager allowing them to sign all SDL applications.

The law requires that no special designated license provided for by this section shall be issued by the Commission without the approval of the local governing body. For the purposes of this section, the local governing body shall be the city or village within which the particular place for which the special designated license is requested is located, or if such place is not within the corporate limits of a city or village, then the local governing body shall be the county within which the place for which the special designated license is requested is located.

This page is required to be completed by Non Profit applicants only.

Application for Special Designated License
Under Nebraska Liquor Control Act
Affidavit of Non-Profit Status

I HEREBY DECLARE THAT THE CORPORATION MAKING APPLICATION FOR A SPECIAL DESIGNATED LICENSE UNDER THE NEBRASKA LIQUOR CONTROL ACT IS EITHER A MUNICIPAL CORPORATION, A FINE ARTS MUSEUM INCORPORATED AS A NONPROFIT CORPORATION, A RELIGIOUS NONPROFIT CORPORATION WHICH HAS BEEN EXEMPTED FROM THE PAYMENT OF FEDERAL INCOME TAXES, A POLITICAL ORGANIZATION WHICH HAS BEEN EXEMPTED FROM THE PAYMENT OF FEDERAL INCOME TAXES, OR ANY OTHER NONPROFIT CORPORATION, THE PURPOSE OF WHICH IS FRATERNAL, CHARITABLE, OR PUBLIC SERVICE AND WHICH HAS BEEN EXEMPTED FROM THE PAYMENT OF FEDERAL INCOME TAXES AS PER §53-124.11(1).

AS SIGNATORY I CONSENT TO THE RELEASE OF ANY DOCUMENTS SUPPORTING THIS DECLARATION AND ANY DOCUMENTS SUPPORTING THIS DECLARATION WILL BE PROVIDED TO THE NEBRASKA LIQUOR CONTROL COMMISSION, THE NEBRASKA STATE PATROL OR ANY AGENT OF THE LIQUOR CONTROL COMMISSION IMMEDIATELY UPON DEMAND. I ALSO CONSENT TO THE INVESTIGATION OF THIS CORPORATE ENTITY TO DETERMINE IT'S NONPROFIT STATUS.

I AGREE TO WAIVE ANY RIGHTS OR CAUSES OF ACTION AGAINST THE NEBRASKA LIQUOR CONTROL COMMISSION, THE NEBRASKA STATE PATROL OR ANY PARTY RELEASING INFORMATION TO THE AFOREMENTIONED PARTIES.

Sacred Heart Parish
NAME OF CORPORATION

47-0380694
FEDERAL ID NUMBER

SIGNATURE OF TITLE OF CORPORATE OFFICERS

THE ABOVE INDIVIDUAL STATES THAT THE STATEMENT ABOVE IS TRUE AND CORRECT: IF ANY FALSE STATEMENT IS MADE ON THIS APPLICATION, THE APPLICANT SHALL BE DEEMED GUILTY OF PERJURY AND SUBJECT TO PENALTIES PROVIDED BY LAW. (SEC. §53-131.01) NEBRASKA LIQUOR CONTROL ACT

SUBSCRIBED IN MY PRESENCE AND SWORN TO BEFORE ME THIS 26th DAY OF September, 2011.

GENERAL NOTARY - State of Nebraska
REGINA V. LONG
My Comm. Exp. June 30, 2012

NOTARY PUBLIC SIGNATURE & SEAL

10/3/2011
Enclosure 11
Page 76 of 111

AIA® Document G701™ – 2001

Change Order

PROJECT *(Name and address)*:
Norfolk Veterans Memorial Park Improvements
700 Blain Street
Norfolk, Nebraska 68701

CHANGE ORDER NUMBER: 004
DATE: September 23, 2011

OWNER: ☐
ARCHITECT: ☐
CONTRACTOR: ☐
FIELD: ☐
OTHER: ☐

TO CONTRACTOR *(Name and address)*:
Nemaha Landscape Construction, Inc.
430 W. Pioneer Blvd.
Lincoln, NE 68522

ARCHITECT'S PROJECT NUMBER: 10-07121-00
CONTRACT DATE: March 28, 2011
CONTRACT FOR: General Construction

THE CONTRACT IS CHANGED AS FOLLOWS:
(Include, where applicable, any undisputed amount attributable to previously executed Construction Change Directives)

1.	Modify storm sewer "M" at west property area (National Guard); eliminate area inlet "M2", according to PR-03R2 dated July 5, 2011 and per Nemaha Construction's proposal dated August 8, 2011.	"No Cost Change"
2.	Install additional communications conduits to the west alley / property line, for Owner's future telephone service, according to PR-04 dated June 14, 2001 and per Nemaha's revised proposal dated July 13, 2011.	$4,925.00
3.	Modify existing manhole "J0" to accommodate new 24" storm sewer at Blaine Street and add steel flap gate, according to PR-05R dated August 19, 2001 and per Nemaha's proposal dated September 20, 2011.	$4,088.00
4.	Modify existing storm sewer structures and modify location of manhole "H0" according to PR-07 dated August 26, 2011 and per Nemaha's proposal dated September 20, 2011.	$1,117.00
5.	Provide additional metering conduit from panel HH2 at the North Ticket Booth to the Aquatics Center "EMON" system; increase conduit size to 4" to Aquatics Center, according to Nemaha's CCR-08 dated July 11, 2011.	$1,665.00
6.	Provide additional conduits from stadium electrical service to new scoreboard (future power, fiber optics and speaker wiring), according to Nemaha's CCR-09 dated July 11, 2011.	$1,755.00
7.	Replace existing ductile pipe and fittings at existing sewer line (revised length) according to Nemaha's CCR-10R dated July 14, 2011.	$1,333.00
8.	Provide and install new shielded speaker cables from existing Pressbox to new scoreboard location, according to Nemaha's CCR-11 dated July 16, 2011.	$814.00
9.	Add one 12' x 42" double chain-link gate at the southwest corner of the football infield fence, according to Nemaha's CCR-12 dated August 16, 2011.	$875.00
10.	Provide additional chain-link fencing modifications at the east property line to accommodate relocated underground utilities (NPPD power and phone) according to Nemaha's revised CCR-14R2 dated September 6, 2011.	$814.00
11.	Provide new electrical service to Owner's new scoreboard, according to Nemaha's CCR-15 dated September 6, 2011.	$1,498.00
12.	Remove existing unstable sand material at the southeast parking lot area; replace with approved structural fill, per Olsson Associates guidance and according to Nemaha's CCR-17R dated September 20, 2011.	$12,742.00
	TOTAL:	$31,626.00

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User Notes: (3B9B83291)

10/3/2011
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The original Contract Sum was	$	3,135,600.00
The net change by previously authorized Change Orders	$	153,530.49
The Contract Sum prior to this Change Order was	$	3,289,130.49
The Contract Sum will be increased by this Change Order in the amount of	$	31,626.00
The new Contract Sum including this Change Order will be	$	3,320,756.49

The Contract Time will be unchanged by Zero (0) days.
The date of Substantial Completion as of the date of this Change Order therefore is

NOTE: This Change Order does not include changes in the Contract Sum, Contract Time or Guaranteed Maximum Price which have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.

NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONTRACTOR AND OWNER.

DLR Group inc. (a Nebraska corporation)	Nemaha Landscape Construction, Inc.	City of Norfolk
ARCHITECT *(Firm name)*	**CONTRACTOR** *(Firm name)*	**OWNER** *(Firm name)*
6457 Frances Street, Suite 200, Omaha, NE 68106	430 W. Pioneer Blvd., Lincoln, NE 68522	127 North 1st Street, Norfolk, NE 68701
ADDRESS	**ADDRESS**	**ADDRESS**
BY *(Signature)*	**BY** *(Signature)*	**BY** *(Signature)*
Tod H. Ringenberg	Jeff Emanuel	Sue Fuchtman
(Typed name)	*(Typed name)*	*(Typed name)*
September 23, 2011		
DATE	**DATE**	**DATE**

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10/3/2011
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Nemaha landscape construction

430 W. Pioneers Blvd
Lincoln, NE 68522

PH: 402-434-5488
FX: 402-434-5487

August 08, 2011

DLR Group, Tod Ringenberg
400 Essex Court
Regency Park
Omaha, NE 68114-3778

Revised to "No Cost Change"
at 8/9/11 meeting w/ Owner

RE: CPR#3 Cost Proposal M Line Storm Sewer

Our Cost Proposal is ~~$60~~ for work as designated in PR3 sheets C3.1. Total cost by Subcontractor:

R Woehler & Sons - $58

Break-out of Adds and Deducts is as follows for changes:

Change MO From PVC to Concrete Manhole (Deeter 1248) - No Charge
Deduct M2 Line 44' of 10" (44 @ $21 = $924) Deduct- ($924)
Charge M2 Manhole (on Site) Add $965
Deduct M3 Line 160' of 10" (160 @ $21= $3,360) Deduct ($3,360)
Add remove area Inlet & Repair 15" RCP Line – Add $500
Add New M2 and Change PMV to Concrete Manhole (Deeter 2000) No Charge
Add New M3 Line 137' of 10" (137' @ $21) = $2,877

Switch any O manhole (Not JO) from PVC to Concrete (2' x 2' ID box 8" Wall, Base & Lid Steel 1' OC) No Charge

Net total Cost +$58.00

Myron Schellhorn

Myron Schellhorn

Nemaha Landscape Construction

Nemaha landscape construction

430 W. Pioneers Blvd
Lincoln, NE 68522

PH: 402-434-5488
FX: 402-434-5487

July 13, 2011

DLR Group, Tod Ringenberg
400 Essex Court
Regency Park
Omaha, NE 68114-3778

RE: CPR#4 Cost Proposal Site Electrical

Our Cost Proposal is $4,925 for work as designated in PR4 sheets C5.1. Total cost by Subcontractor:

Commonwealth Electric Company - $4,691

Break-out of Costs:

Labor - $2100
Subcontractor - $1,150
Material - $1,278
GC Markup - $234

Myron Schellhorn

Myron Schellhorn

Nemaha Landscape Construction

Nemaha landscape construction

430 W. Pioneers Blvd
Lincoln, NE 68522

PH: 402-434-5488
FX: 402-434-5487

September 26, 2011

DLR Group, Tod Ringenberg
400 Essex Court
Regency Park
Omaha, NE 68114-3778

RE: PR#5 (Revised) – Storm Sewer Manhole Modifications J0 and K0

This cost proposal is for the work as requested in PR5 as shown on sheets C3.1 and C6.3.

R Woehler & Sons – Break-out of original item bid credits and additional cost item:

Refund JO Basin	-$1,500.00
Refund KO Basin	-$1,500.00
Refund K1 Basin	-$1,500.00
KI Material Purchase Price (On Site)	$965.00
Build New KI 48" Manhole (Bid Price CO 3)	$2,500.00
Build New JO 60" Manhole	$3,750.00
Install 24" HD Flap Gate (Revised Standard Gate)	$1,178.00
Total Add for PR 05	$3,893.00

Total Subcontracted Work $3,893

Nemaha GC Markup - 5% - $195

Total Increase to Contract – $4,088

Myron Schellhorn

Myron Schellhorn

Nemaha Landscape Construction

Nemaha landscape construction

430 W. Pioneers Blvd
Lincoln, NE 68522

PH: 402-434-5488
FX: 402-434-5487

September 20, 2011

DLR Group, Tod Ringenberg
400 Essex Court
Regency Park
Omaha, NE 68114-3778

RE: PR#7 – Storm Sewer Modifications

This cost proposal is for the work as requested in PR7 as shown on sheets C1.1, C3.1 and C6.2.

R Woehler & Sons – Break-out of original item bid credits and additional cost item:

1. Switch HO Basin from PVC to Concrete (2'x 2' as approved in previous CO)--	NO Charge
2. Remove Existing Storm Sewer Manholes 2 @ $400 (previous CO)	$800.00
3. Remove 15" Storm Sewer 165' @ $4 (Blaine St CO)	$660.00
4. Additional 8" PVC on H1 line 20' @ $18.00	$360.00
5. Deduct 10" PVC on I1 Line 36' @ $21.00	-$756.00
Total Add for PR #07 HO MH Modification	$1,064.00

Total Subcontracted Work $1,064

Nemaha GC Markup - 5% - $53

Total Increase to Contract – $1,117

Myron Schellhorn

Myron Schellhorn

Nemaha Landscape Construction

Nemaha landscape construction

430 W. Pioneers Blvd
Lincoln, NE 68522

PH: 402-434-5488
FX: 402-434-5487

July 11, 2011

DLR Group, Tod Ringenberg
400 Essex Court
Regency Park
Omaha, NE 68114-3778

RE: CCR8 Norfolk Veterans Memorial Park

Nemaha Landscape is submitting a Contractor Change Request #8 for the addition of 1" PVC metering conduit to HH2 for the EMON System from the North Ticket Booth to Aquatics Center and a size increase to 4" Conduit from HH2 to the Aquatics Center. Cost to the owner for this change is an addition of $1,665 to the contract.

Break-out of Costs:

Labor - $529
Subcontractor (Trenching) - $735
Material - $249
GC Markup - $76

Myron Schellhorn

Myron Schellhorn

Nemaha Landscape Construction

Nemaha landscape construction

430 W. Pioneers Blvd
Lincoln, NE 68522

PH: 402-434-5488
FX: 402-434-5487

July 11, 2011

DLR Group, Tod Ringenberg
400 Essex Court
Regency Park
Omaha, NE 68114-3778

RE: CCR9 Norfolk Veterans Memorial Park

Nemaha Landscape is submitting a Contractor Change Request #9 for the addition of 2 – 2" conduits added for fiber and communication from the football electrical room to the south ticket office Hand hole 1. An additional hand hole was required since by code you can't have power and data in the same hand hole.

Cost to the owner for this change is an addition of $1,755 to the contract.

Break-out of Costs:

Labor - $353
Material - $1,318
GC Markup - $84

Myron Schellhorn

Myron Schellhorn

Nemaha Landscape Construction

Nemaha landscape construction

430 W. Pioneers Blvd
Lincoln, NE 68522

PH: 402-434-5488
FX: 402-434-5487

August 08, 2011

DLR Group, Tod Ringenberg
400 Essex Court
Regency Park
Omaha, NE 68114-3778

RE: CCR10 – Revised -Norfolk Veterans Memorial Park

Nemaha Landscape is submitting a Contractor Change Request #10 for the replacement of the Ductile Iron pipe and fittings as shown on the attached drawing. This is for cost of material only because Labor and Machine time is already included in CCR6 – Removal of 5 Manholes.

Cost to the owner for this change is an addition of $1,333 to the contract.

Break-out of Costs:

Material (R Woehler) - 40' SJ Ductile Iron pipe and Couplings - $1,270
GC Markup - $63

Myron Schellhorn

Myron Schellhorn

Nemaha Landscape Construction

Nemaha landscape construction

430 W. Pioneers Blvd
Lincoln, NE 68522

PH: 402-434-5488
FX: 402-434-5487

August 16, 2011

DLR Group, Tod Ringenberg
400 Essex Court
Regency Park
Omaha, NE 68114-3778

RE: CCR-11 Norfolk Veterans Memorial Park

Nemaha Landscape is submitting Contractor Change Request #11 for 5 sets of 16/2 new shielded speaker cable from the press box amplifier to new proposed scoreboard location. Cost for temporary installation to the old Press Box and moving to the new Press Box is not in this quote and is the responsibility of Nemaha Landscape.

This is an additional of $814 to the contract.

Break-out of Costs:

Material - $776
GC Markup - $38

Myron Schellhorn

Myron Schellhorn

Nemaha Landscape Construction

Nemaha landscape construction

430 W. Pioneers Blvd
Lincoln, NE 68522

PH: 402-434-5488
FX: 402-434-5487

August 16, 2011

DLR Group, Tod Ringenberg
400 Essex Court
Regency Park
Omaha, NE 68114-3778

RE: CCR-12 Norfolk Veterans Memorial Park

Nemaha Landscape is submitting Contractor Change Request #12 for one 12' x 42" Double Gate to be added to the South West Corner of the infield fence as requested by the Owner on 8/10/11.

This is an additional of $875.00 to the contract.

Break-out of Costs:

American Fence
Material and Labor - $833
GC Markup - $42

Myron Schellhorn

Myron Schellhorn

Nemaha Landscape Construction

Nemaha landscape construction

430 W. Pioneers Blvd
Lincoln, NE 68522

PH: 402-434-5488
FX: 402-434-5487

September 20, 2011

DLR Group, Tod Ringenberg
400 Essex Court
Regency Park
Omaha, NE 68114-3778

RE: (2nd Revision) CCR14 – Norfolk Veterans Memorial Park

Nemaha Landscape is submitting Contractor Change Request #14 for the additional cost of fence installation on the East Property Line due to relocation of utilities. Location of the power and telephone lines requires hand digging of 31 fence posts because the fence is located within 18" of these utility lines. Plans did not show re-location of these utilities in this area and therefore could not be covered in the original bid.

Break-out of Costs:

American Fence – 31 Hand digging of holes
Labor - $775

Total Subcontracted Work - $775

Nemaha GC Markup - 5% - $39

Total Increase to Contract – $814

Myron Schellhorn

Myron Schellhorn

Nemaha Landscape Construction

Nemaha landscape construction

430 W. Pioneers Blvd
Lincoln, NE 68522

PH: 402-434-5488
FX: 402-434-5487

September 6, 2011

DLR Group, Tod Ringenberg
400 Essex Court
Regency Park
Omaha, NE 68114-3778

RE: CCR15 – Norfolk Veterans Memorial Park

Nemaha Landscape is submitting Contractor Change Request #15 for the additional cost of the new power wire associated with the new scoreboard. The original drawings said to leave existing feeders in the ground, however the new scoreboard required pulling new feeders to the new pull box and up to a new disconnect on the new scoreboard pole.

Cost to the owner for this change is an addition of $1,498 to the contract.

Break-out of Costs:

Work performed by Commonwealth Electric

Labor - $796
Material - $597
GC Markup, Bonds & Insurance - $105

Myron Schellhorn

Myron Schellhorn

Nemaha Landscape Construction

Nemaha landscape construction

430 W. Pioneers Blvd
Lincoln, NE 68522

PH: 402-434-5488
FX: 402-434-5487

September 20, 2011

DLR Group, Tod Ringenberg
6457 Frances Street
Suite 200
Omaha, NE 68106

RE: CCR17-Revised – Norfolk Veterans Memorial Park

Nemaha Landscape is submitting Contractor Change Request #17 for the Stabilization of the South East Subgrade under the paving. The problem with this area was documented and by Olsson Associates and a method of Construction to address this issue has been submitted by Nemaha.

Break-out of Costs:

K Porter Construction – Remove of 6" sand, Smooth Drum Roll, Back fill 18"
Fill material Royalties - $1,200
Equipment & Labor - $3,565
Freight for Fill material - $1,870

K Porter Total Cost - $6,635

Platte Valley Precast - Additional cost for use of larger concrete pump to place concrete
Equipment time - $5,500

Platte Valley Total Cost - $5,500

Total Subcontracted Work - $12,135

Nemaha GC Markup 5% - $607

Total Increase to Contract – $12,742

Myron Schellhorn

Myron Schellhorn

Nemaha Landscape Construction

RESOLUTION NO. 2011-43

WHEREAS, the Governmental Accounting Standards Board ("GASB") has adopted Statement 54 ("GASB 54"), a new standard for governmental fund balance reporting and governmental fund type definitions that became effective in governmental fiscal years starting after June 15, 2010, and

WHEREAS, The City of Norfolk is required to implement GASB 54 requirements, and to apply such requirements to its financial statements beginning with the fiscal year 2010-2011; and

THEREFORE BE IT RESOLVED THAT the City of Norfolk hereby adopts the following policy:

FUND BALANCE POLICY

Fund balance measures the net financial resources available to finance expenditures of future periods.

Unassigned general fund balance will be maintained to provide the City of Norfolk with sufficient working capital and a margin of safety to address emergencies without borrowing.

Fund balances may be committed for a specific purpose by formal action of the City Council (ordinance or resolution). Amendments or modifications of the committed fund balance must also be approved by formal action of the City Council.

When it is appropriate for fund balances to be assigned, the Board delegates that authority to the Finance Officer or his or her designee.

In circumstances where an expenditure is to be made for a purpose for which amounts are available in multiple fund balance classifications within the same fund, the order in which resources will be expended is as follows: restricted fund balance, followed by committed fund balance, assigned fund balance, and lastly, unassigned fund balance.

PASSED AND APPROVED this _____ day of _____, 2011.

_____
Mayor

ATTEST:

_____
City Clerk

(S E A L)

Approved as to form: _____
City Attorney

AGREEMENT

This Agreement is made and entered into on this _____ day of _____, 2011, by and between the City of Norfolk, Nebraska, a Municipal Corporation, hereinafter referred to as "CITY", and Our Savior Lutheran Church, a Nebraska Nonprofit Corporation, hereinafter referred to as "CHURCH", WITNESSETH:

WHEREAS, CHURCH is desirous of holding a 5K and 1 mile Harvest Hustle run on October 29, 2011; and

WHEREAS, CHURCH is desirous of utilizing portions of the following CITY streets for the Harvest Hustle running event:

North 25th Street,
Alaska Avenue,
North 26th Street,
Hillcrest Drive,
Mulberry Drive,
Dover Drive,
North 30th Street,
Golf View Drive ,
North 37th Street; and

WHEREAS, pursuant to Norfolk City Code Section 24-261, it is unlawful for pedestrians to walk on highways and roadways where a sidewalk is provided, and

WHEREAS, the parties desire to enter into an Agreement to allow CHURCH to hold the Harvest Hustle event utilizing the CITY streets named herein.

NOW THEREFORE, in consideration of the foregoing recitals, the parties hereto agree as follows:

1. CITY shall allow CHURCH to utilize the following CITY streets for the purpose of holding the Harvest Hustle event on October 29, 2011, for the route shown on the route map attached hereto as Exhibit "A":

North 25th Street from north city limits to Alaska Avenue;

Alaska Avenue from North 25th Street to North 26th Street;

North 26th Street from Alaska Avenue to Hillcrest Drive;

Hillcrest Drive from North 26th Street to Mulberry Drive;

Mulberry Drive from Hillcrest Drive to Dover Drive;

Dover Drive from Mulberry Drive to North 30th Street;

North 30th Street from Dover Drive to Golf View Drive;

Golf View Drive from North 30th Street to North 37th Street; and

North 37th Street from Golf View Drive to north city limits.

2. CHURCH shall be allowed to begin marking the route for the Harvest Hustle event on October 29, 2011 at 6:30 a.m. CITY will not be providing CHURCH with any barricades or traffic cones for CHURCH's use in marking the course. The event is scheduled to begin at approximately 9:00 a.m. and last approximately one and one-half hour.

3. CHURCH shall not paint any CITY streets for this event.

4. CITY hereby allows participants in CHURCH's Harvest Hustle event to be in the above named city streets during the event without constituting a violation of Norfolk City Code Section 24-261.

5. CHURCH shall obtain from each participant, or in the case of a participant under the age of 19 their parent or guardian, in the Harvest Hustle event a waiver absolving CITY and holding CITY harmless for any injury, harm, loss or inconvenience in any of the activities associated with the Harvest Hustle event on October 29, 2011 which includes the following language:

> "I know that running a road race is a potentially hazardous activity that might cause personal injury or even death. I attest and verify that I am medically able and properly trained to enter and to complete this event. I agree to abide by any decision of a race official relative to my ability to safely complete the run, but no race official is responsible for determining the safety for me to participate. I assume all the risks associated with running in this event including, but not limited to falls, contact with other participants, the effects of weather, including high heat and/or humidity, traffic, conditions of the road/bridges, and the fact that the course may result in my running in the same direction as traffic, all such risks being known and appreciated by me. Having read this waiver and knowing these facts, and in consideration of your acceptance of my application, I, for myself and anyone entitled to act on my behalf, waive and release Our Savior Lutheran Church; the City of Norfolk, Nebraska; all sponsors, their representatives and successors, volunteers, contractors, and assigns organizing and conducting the Harvest Hustle 2011 event (Road Race) from all claims of liabilities of any kind, including any claims arising out of negligence, directly or indirectly, known and unknown, foreseen and unforeseen, bodily and personal injury, damage to property, and the consequences thereof resulting from my participation and

covenant not to sue for any said injuries and/or damage. If under the age of 19 a parent/guardian must sign."

6. CHURCH shall provide CITY with a certificate of general liability insurance in the following minimum amounts:

General Aggregate	$1,000,000
a. Bodily Injury/Property Damage	$1,000,000 each occurrence
b. Personal Injury Damage	$1,000,000 each occurrence
c. Contractual Liability	$1,000,000 each occurrence
d. Products Liability & Completed Operations	$1,000,000 each occurrence
e. Fire Damage	$ 100,000 any one fire
f. Medical Expense	$ 5,000 any one person

In addition, CHURCH shall name CITY as an additional insured. Said certificate shall be filed with the Norfolk City Clerk upon execution of this Agreement. In the event the certificate of insurance is not filed, then this Agreement shall be voidable at the option of CITY's operations manager.

7. CHURCH agrees to hold CITY harmless and indemnify CITY from any loss or damage or claim of loss by any third party from damage that results from holding said Harvest Hustle event as provided in this Agreement.

IN WITNESS WHEREOF, the parties hereto have executed the foregoing agreement in duplicate the day and year first above written.

CITY OF NORFOLK, NEBRASKA,
A Municipal Corporation

By_____
Sue Fuchtman, Mayor

ATTEST:

_____
Elizabeth A. Deck, City Clerk

Approved as to Form: _____
Clint Schukei, City Attorney

OUR SAVIOR LUTHERAN CHURCH,
A Nebraska Nonprofit Corporation

By_____
Its President *or* Presiding Officer
of the Board of Directors

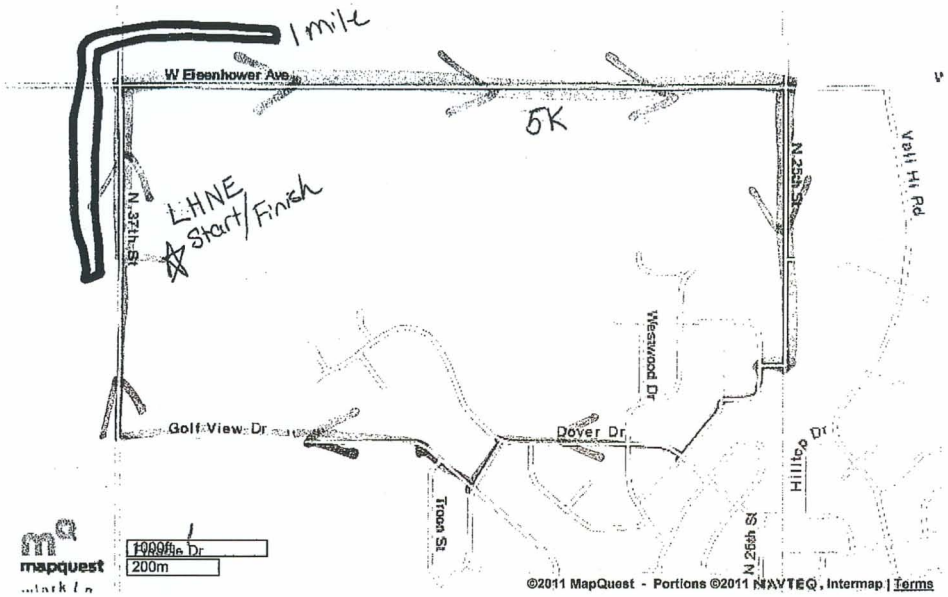
By_____
Its _____

EXHIBIT "A"

mapquest

Notes

This map doesn't contain any items.



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http://www.mapquest.com/print?a=app.core.a1441280b277b7c599b2038c 8/25/2011

AGREEMENT

This Agreement is made and entered into on this _____ day of _____, 2011, by and between the City of Norfolk, Nebraska, a Municipal Corporation, hereinafter referred to as "CITY", and WJAG Incorporated, a Nebraska Corporation, hereinafter referred to as "WJAG", WITNESSETH:

WHEREAS, WJAG is desirous of holding a 1 mile Red Ribbon Run on Saturday, October 22, 2011; and

WHEREAS, WJAG is desirous of utilizing portions of the following CITY streets for the Red Ribbon Run:

Center Drive,
South 18th Street,
Vicki Lane,
South 20th Street,
Market Lane; and

WHEREAS, pursuant to Norfolk City Code Section 24-261, it is unlawful for pedestrians to walk on highways and roadways where a sidewalk is provided, and

WHEREAS, the parties desire to enter into an Agreement to allow WJAG to hold the Red Ribbon Run utilizing the CITY streets named herein.

NOW THEREFORE, in consideration of the foregoing recitals, the parties hereto agree as follows:

1. CITY shall allow WJAG to utilize the following CITY streets for the purpose of holding the Red Ribbon Run on October 22, 2011, for the route shown on the route map attached hereto as Exhibit "A":

Center Drive from the Sunset Plaza parking lot to South 18th Street;

South 18th Street from Center Drive to Vicki Lane;

Vicki Lane from South 18th Street to South 20th Street;

South 20th Street from Vicki Lane to Michigan Avenue; and

Market Lane to the Sunset Plaza Parking Lot.

2. CITY's Police Division will provide assistance during the run by way of police escorts leading and following the participants. The event is scheduled to begin at approximately 9:30 a.m. and last approximately one-half hour.

3. WJAG shall not paint any CITY streets for this event.

4. CITY hereby allows participants in WJAG's event to be in the above named city streets during the event without constituting a violation of Norfolk City Code Section 24-261.

5. WJAG shall obtain from the parent or guardian of each participant in the Red Ribbon Run a waiver absolving CITY and holding CITY harmless for any injury, harm, loss or inconvenience in any of the activities associated with the Red Ribbon Run on October 22, 2011 which includes the following language:

> "I know that running a road race is a potentially hazardous activity that might cause personal injury or even death. I attest and verify that my child is medically able and properly trained to enter and to complete this event. I agree to abide by any decision of a race official relative to my child's ability to safely complete the run, but no race official is responsible for determining the safety for my child to participate. I assume all the risks associated with my child running in this event including, but not limited to falls, contact with other participants, the effects of weather, including high heat and/or humidity, traffic, conditions of the road, and the fact that the course may result in my child running in the same direction as traffic, all such risks being known and appreciated by me. Having read this waiver and knowing these facts, and in consideration of your acceptance of my child's application, I, for myself, my child, and anyone entitled to act on my behalf, waive and release WJAG Incorporated; the City of Norfolk, Nebraska; all sponsors, their representatives and successors, volunteers, contractors, and assigns organizing and conducting the Red Ribbon Run from all claims of liabilities of any kind, including any claims arising out of negligence, directly or indirectly, known and unknown, foreseen and unforeseen, bodily and personal injury, damage to property, and the consequences thereof resulting from my child's participation and covenant not to sue for any said injuries and/or damage."

6. WJAG shall provide CITY with a certificate of general liability insurance in the following minimum amounts:

	General Aggregate	$5,000,000
a.	Bodily Injury/Property Damage	$1,000,000 each occurrence
b.	Personal Injury Damage	$1,000,000 each occurrence
c.	Contractual Liability	$1,000,000 each occurrence
d.	Products Liability & Completed Operations	$1,000,000 each occurrence
e.	Fire Damage	$ 100,000 any one fire
f.	Medical Expense	$ 5,000 any one person

In addition, WJAG shall name CITY as an additional insured. Said certificate shall be filed with the Norfolk City Clerk upon execution of this Agreement. In the event the certificate of insurance is not filed, then this Agreement shall be voidable at the option of CITY's operations manager.

7. WJAG agrees to hold CITY harmless and indemnify CITY from any loss or damage or claim of loss by any third party from damage that results from holding said Harvest Hustle event as provided in this Agreement.

IN WITNESS WHEREOF, the parties hereto have executed the foregoing agreement in duplicate the day and year first above written.

CITY OF NORFOLK, NEBRASKA,
A Municipal Corporation

By_____
Sue Fuchtman, Mayor

ATTEST:

_____
Elizabeth A. Deck, City Clerk

Approved as to Form: _____
Clint Schukei, City Attorney

WJAG INCORPORATED, A Nebraska Corporation

By_____
Printed Name: _____
Its _____

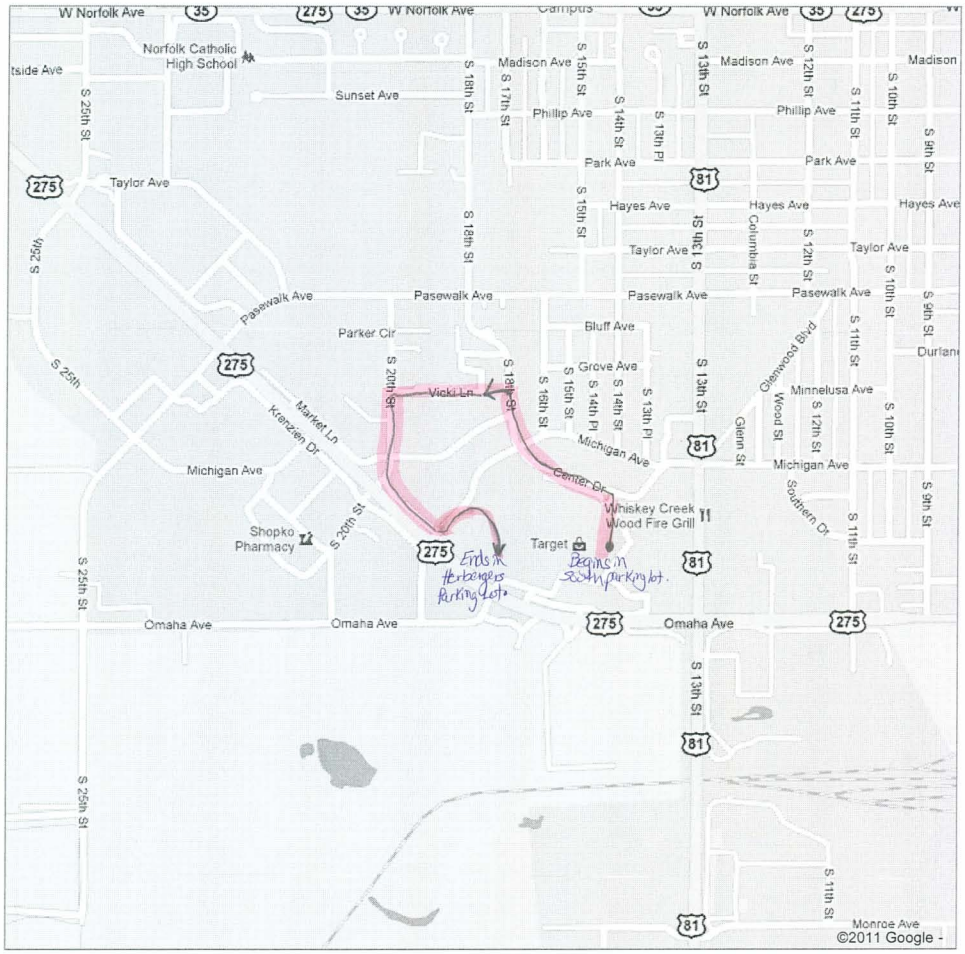
EXHIBIT "A"

Red Ribbon Run Route

Oct. 22, 2011

Google maps

Get Google Maps on your phone
Text the word "GMAPS" to 466453



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ZONING CHANGE
APPLICATION-FORM A

1. Applicant's Name Agape Pregancy Care Center, Inc
2. Applicant's Home Address 1309 W Norfolk Ave - Norfolk, NE
3. Phone Numbers:

   Home ——— Business ~~402-371-8252~~ Cell 402-750-5025 (Bill Zechman)
4. Location of Property 1309 W. Norfolk Ave Norfolk
5. Present Zoning C.1 Commercial Requested Zoning R-3 Residential
6. Legal Description RG Flemings Sub W 139 ft S 139 ft lot 4 and S 139 ft lot 5
7. Property area _____
8. Use of adjoining properties

   North Commercial South Residential

   East ? West Residential

Signature of Owner William Zechman

_____

or

Signature of _____

Authorized Agent _____

RECEIVED 7-19-11

ZONING CHANGE
JUSTIFICATION - FORM B

1. What type of development does the Norfolk Comprehensive Plan recommend for this area?

2. Does the zone change request require an amendment to the Comprehensive Plan?

3. Is the proposed property in the Flood Plan Hazard area as delineated under the Federal Flood Insurance program? Unknown

4. What is the reason for the zone change request?

   To sale property for a single family dwelling

5. How would this zoning district conform with adjacent properties' zoning?

   yes - it would fit as a residential property

6. What is the general character of the area?

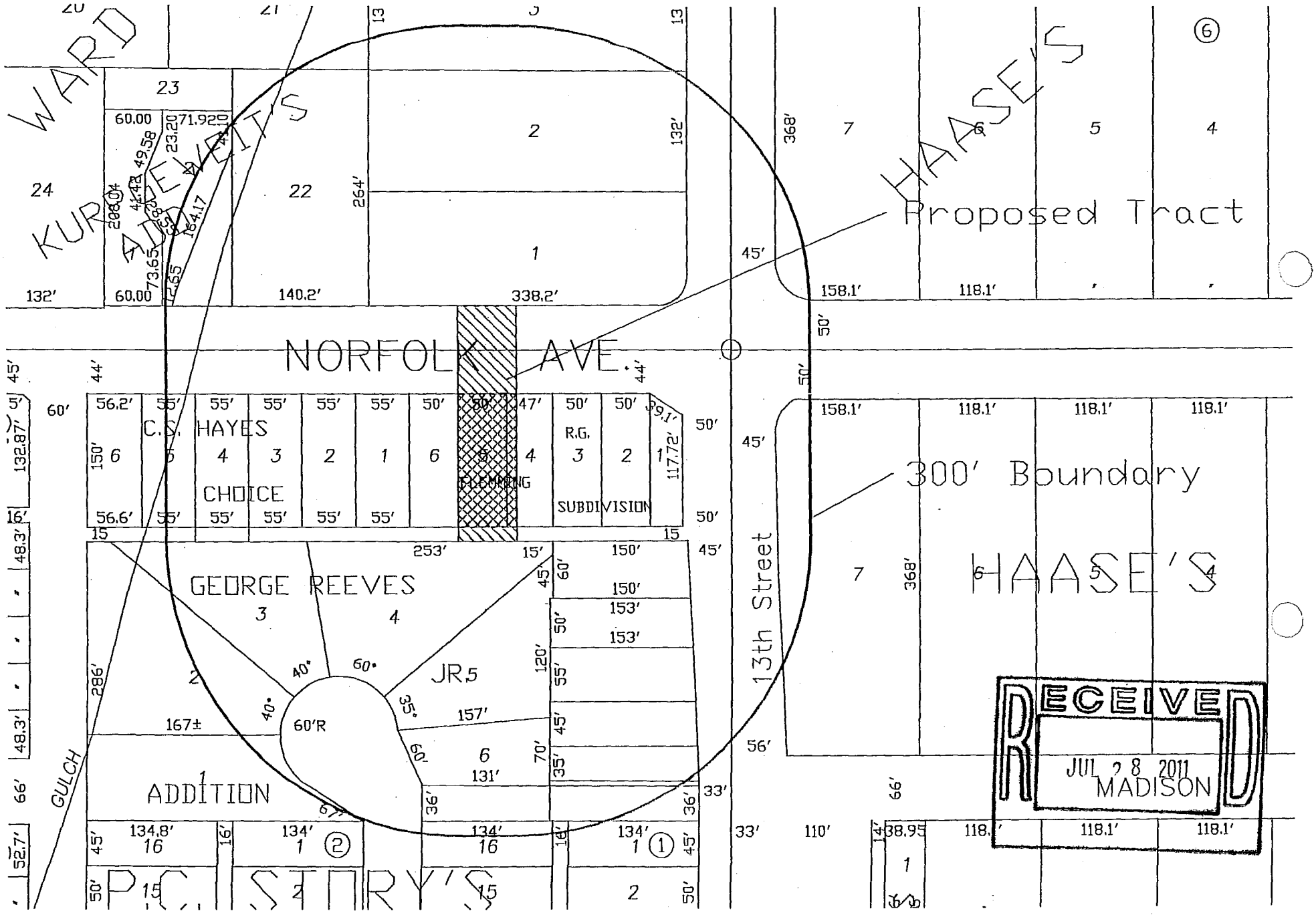
   Residential

7. Is adequate sewer and water available?

   yes

8. Does the change affect any proposed public projects?

   No


WARD
KURDEWEIT'S ADD.
HAASE'S
Proposed Tract
NORFOLK AVE.
C.S. HAYES
CHOICE
R.G.
SUBDIVISION
GEORGE REEVES
JR.
ADDITION
GULCH
13th Street
300' Boundary
HAASE'S
P.C. STORY'S
60'R
RECEIVED
JUL 28 2011
MADISON

DIVISION 5. DISTRICT R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT

Sec. 27-91. Intent - District R-1.

The Single-family Residential District (R-1) is intended for both developed and developing portions of the city. This district is typically for single-family residences but does have a larger list of potential conditional uses which may be appropriate in some areas of this district.

Source: Ord. No. 4603, § 1, 9-16-02

Sec. 27-92. Permitted uses - District R-1.

In District R-1, no building, structure, land, or premises shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed, moved, or altered as a permitted use, except for one or more of the following or as provided for in Sec. 27-401:

(1) Single-family residential (detached).

(2) Manufactured home dwellings.

(3) Churches and publicly owned and operated community buildings, public museums and public libraries.

(4) Publicly owned parks and playgrounds, including public recreations or service buildings with such parks, public administrative buildings and police and fire stations.

(5) Schools and private schools.

(6) Railroad rights-of-way not including railroad yards or buildings.

(7) Home occupations.

(8) Accessory buildings with a combined floor area less than the greater of 8% of the total lot area or 864 square feet, provided that no building shall exceed 2,000 square feet. The accessory building shall not be utilized for any non-residential use unless said use is a permitted use within the district.

(9) Soil extraction for public road purposes when meeting the requirements set forth in Section 27-293.

Source: Ord. No. 4603, § 1, 9-16-02; Ord. 4679, § 4, 8-18-03

Sec. 27-93. Conditional uses - District R-1.

In District R-1, the following conditional uses, as well as those provided for in Sec. 27-401, may be allowed. Any conditional use permit shall include as minimal conditions those conditions specifically set forth in this section for each conditional use listed. Additional conditions, stipulations, or restrictions may also be required as is deemed necessary for the protection of the public interest.

(1) Accessory buildings with a combined floor area in excess of the greater of 8% of the total lot area or 864 square feet. The accessory building shall not be utilized for any non-residential use unless said use is a permitted use within the district.

(2) Golf courses and customary accessory uses including club houses and driving ranges; except that miniature golf, driving ranges and other similar activities operated as a stand-alone business shall not be allowed.

a. No parking shall be allowed within fifty (50) feet of a property line and shall be screened from adjacent residential properties.

b. All principal or accessory structures shall be set back a minimum of one hundred (100) feet from any property line.

(3) Temporary real estate offices.

a. Such offices shall be located on property being sold and limited to the period of sale but not to exceed two (2) years.

b. Building and setback regulations and lot size requirements shall be the same as for single-family dwellings.

Source: Ord. No. 4238, § 1, 2-3-97; Ord. No. 4603, § 1, 9-16-02

Sec. 27-94. Height and Area Regulations - District R-1.

(a) In District R-1, unless otherwise specified, the maximum height and minimum lot requirements shall be as follows:

	Max Height	Front Yard	Side Yard	Rear Yard	Lot Width	Lot Area	Max Building Coverage
Single-Family Permitted Uses	35'	25'	7' See (1) below for additional requirements	See (2) below	70'	7,000 sq. ft.	40%

Other Permitted Uses	35'	25'	7' See (1) below for additional requirements	See (2) below	70'	7,000 sq. ft.	40%
Conditional Uses (3)	35'	25'	7' See (1) below for additional requirements	See (2) below	70'	7,000 sq. ft.	40%

(1) Buildings on corner lots shall provide a side yard on the street side of not less than twenty-five (25) feet; provided, however, this regulation shall not reduce the buildable width of a corner lot in separate ownership as of the effective date of this chapter to less than thirty-five (35) feet.
(2) The depth of the rear yard shall be at least twenty percent (20%) of the depth of the lot, but such depth need not be more than thirty (30) feet.
(3) Unless modified as a part of a site plan or conditional use permit.
(4) Maximum lot size shall not exceed 2 acres.

(b) Where a lot in separate ownership as of the effective date of this chapter has less area and/or width than herein required, this regulation shall not prohibit the erection of a single-family dwelling.

(c) Minimum first story size of a dwelling shall be six hundred fifty (650) square feet of living floor area.

(d) Accessory buildings and structures shall comply with the requirements of Sec. 27-287.

Source: Ord. No. 4392, § 1, 2-1-99; Ord. No. 4603, § 1, 9-16-02

City of Norfolk

PLANNING COMMISSION
701 KOENIGSTEIN AVENUE
402-844-2050 NORFOLK, NEBRASKA 68701 402-644-8748 FAX

September 20, 2011

Honorable Mayor
and
City Council

RE: Zone change from C-1 to R-3 at 1309 W. Norfolk Avenue

Dear Mayor and Council:

The Norfolk Planning Commission held a public hearing on September 20, 2011 for a zone change from C-1 (Local Business District) to R-3 (Multiple Family Residential District) at 1309 W. Norfolk Avenue at the request of Agape Pregnancy Center.

Agape Pregnancy Center originally requested a zone change to R-1 in this area that is predominantly C-1 and R-3. A public hearing was held on the R-1 request by the planning commission on August 16. The commission tabled the request due to a lack of support for the R-1 request. After staff contacted board members, the decision was made to re-apply for a zone change to R-3 to be more compatible with the area.

The planning commission voted 6-0 to recommend approval of the change.

Sincerely,

J. J. Snodgrass, Chair
Norfolk Planning Commission

ORDINANCE NO. 5183

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.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORFOLK, NEBRASKA:

Section 1. That the C-1(Local Business District) zoning on the following described real estate, to wit:

West 10 feet of the South 139 feet of Lot 4, and the South 139 feet of Lot 5, R.G. Fleming's Subdivision to Norfolk, Madison County, Nebraska

is hereby changed to R-3 (Multiple Family Residential District).

Section 2. That this ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form according to law.

PASSED AND APPROVED this_____ day of_____, 20_____.

_____
Sue Fuchtman, Mayor

ATTEST:

_____
Elizabeth A. Deck, City Clerk

(SEAL)

Approved as to form:_____
Clint Schukei, City Attorney

RESOLUTION NO. 2011- 41

WHEREAS, the City Health Director provided notice by certified mail to the property owner as per Section 17-14 of the City of Norfolk City Code for mowing and incidental litter removal from said property; and

WHEREAS, said property owner failed to comply with the notice; and

WHEREAS, failure to comply caused the mowing and incidental litter removal by City of Norfolk with the actual expense being incurred by the City of Norfolk, Nebraska.

NOW, THEREFORE, in consideration of the foregoing recitals, the Mayor and City Council of the City of Norfolk, Nebraska, hereby adopt the following resolution:

BE IT RESOLVED, that the Mayor and City Council of the City of Norfolk, following a duly authorized, legally advertised public hearing as a Board of Equalization on September 19, 2011, do levy a special assessment in accordance with Section 16-230 of the Nebraska Revised Statutes in the amount of Two Hundred Thirty-Seven and 99/100 Dollars ($237.99) against the following described property:

E 64' of Lot 7, Block 8, Verges Suburban Lots to the City of Norfolk, Madison County, Nebraska
(1202 W Prospect Avenue)

Passed and approved this _____day of September, 2011.

_____
Mayor

ATTEST:

_____
City Clerk

(S E A L)

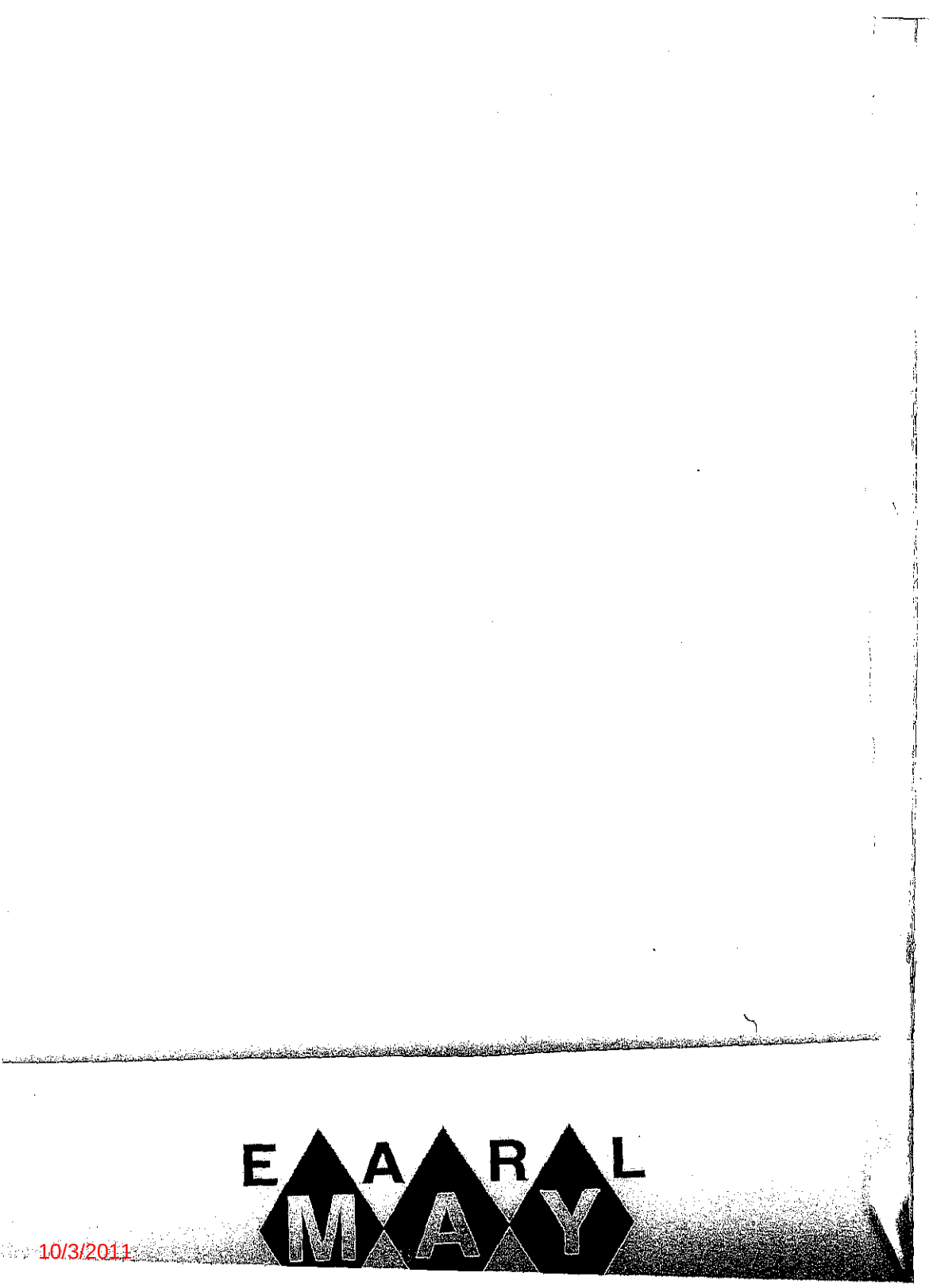
Approved as to form: _____
City Attorney

Paul Spatz
Green Acres
3683 541st Avenue
Norfolk NE 68765-5543

A/R LEDGER

City of Norfolk
127 N. 1st St
Norfolk NE

DATE	REFERENCE	DEBIT	✓	CREDIT	NEW BALANCE	PROOF
12/11	Raspberry Bath Replacement Cost 64 buckets @ $14.99/bucket with tax	1,026.52			1,026.52	Property cut down by City making action of 7/8/11 on City Invoice 67057 SC Customer No. 72751



CURRANT

Z3 **Red Lake** (H3-6 S3-6)	8" Pot	$14.99

GOOSEBERRY

Z3 **Pixwell** (H3-5, S3-4)	8" Pot	$14.99

GRAPES

Z5 **Concord Purple Seedless**	8" Pot & 1G	$14.99
Z5 **Himrod White Seedless**	8" Pot & 1G	$14.99
Z5 **Reliance Red Seedless**	8" Pot & 1G	$14.99

RASPBERRIES

Z4 **Black Bristol** (H6, S5-6)	8" Pot & 1G	$14.99
Z4 **Caroline Red** (H4-6, S4)	8" Pot & 1G	$14.99
Z4 **Cumberland Black** (H4-6, S4)	1G	$14.99
Z4 **Fall Gold** (H5-6, S5-6)	8" Pot	$14.99
Z4 **Red Heritage** (H6, S4)	8" Pot & 1G	$14.99
Z4 **Red Latham** (H5-6, S5-6)	1G	$14.99

STRAWBERRIES

Extra Sweet (Everbearing)	6-pack	$4.99
	Flat of 48 Plants	$35.00
Honeoye (June bearing)	6-pack	$4.99
	Flat of 48 Plants	$35.00

Small Fruits *SPECIAL*

Select 8" and 1G..$14.99 *5 for...$70*

Vin
1 g
1 gal

SMALL FRUITS

6-pk Strwbry xtra swt-EvrB	511980	$4.99	8 or more 4.50
6-pk Strwbry Honeoye-June	597567	$4.99	8 or more 4.50
10" fiber Patio Vegetables	508872	$19.99	2 or more $15
Fiber Salad Mix	508881	$19.99	
Herb Mix 5-ct Tray	507044	$19.99	

WATER PLANTS

Water Lettuce	514174	$3.99	
Water Hyacinths	514190	$3.99	

1 • Cross

2 • Wind

AP
Delicio
• Red

SUM
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