

CITY OF NORFOLK, NEBRASKA

The Mayor and City Council of the City of Norfolk, Nebraska met in regular session in the Council Chambers, 309 West Madison Avenue, Norfolk, Nebraska on the 3rd day of October, 2011, beginning at 5:30 p.m.

Following a moment of silence and the Pledge of Allegiance to the flag of the United States of America, Mayor Sue Fuchtman called the meeting to order. Roll call found the following Councilmembers present: Coy, Lange, Merrill, Clausen, Murren, Brenneman, Fauss, and Saunders. Absent: None.

Staff members present were: City Administrator Shane Weidner, Director of Public Works Dennis Smith, City Attorney Clint Schukei, City Clerk Beth Deck, Transportation, Building & Grounds Director Jim Koch, Police Chief Bill Mizner, Information Systems Manager Jim McKenzie, Administrative Secretary Bethene Hoff, Senior Accountant Sheila Rios, Prevention Manager Scott Cordes, Building Official Steve Nordhues, and Health Inspector John Kouba.

The Mayor presided and the City Clerk recorded the proceedings.

The Mayor informed the public about the location of the current copy of the Open Meetings Act posted in the City Council Chambers and accessible to members of the public.

Notice of the meeting was given in advance thereof by publication in the Norfolk Daily News, Norfolk, Nebraska, the designated method of giving notice, as shown by affidavit of publication.

Notice was given to the Mayor and all members of the Council and a copy of their acknowledgement of receipt of notice and agenda is attached to the minutes. Availability of the agenda was communicated in the advance notice and in the notice to the Mayor and Council of this meeting. All proceedings hereafter shown were taken while the convened meeting was open to the public.

Agenda Motions

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

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

Consent Agenda Items Approved

Minutes of the September 22, 2011, Special City Council meeting

Stormwater Management Plan and related documents for the City of Norfolk's NPDES 5-year permit reapplication

Mechanical Inc. Change Order No. 1 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

Penro Construction Company, Inc. Change Order No. 1 for the Water Improvements 2011-1 project, located on Park Avenue from 13th Street to 14th Street, resulting in a net increase of \$11,590.23

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

Advertise for bids as follows: wheel loader; two replacement salt and sand spreaders; and a replacement dump truck -- all items will be used by the Street Division

Nemaha Landscape Construction, Inc. Change Order No. 4 for the General Construction contract resulting in a net increase of \$31,626.00

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

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

Our Savior Lutheran Church Harvest Hustle agreement to be held on Saturday, October 29, 2011

Red Ribbon Run agreement with WJAG Incorporated, a Nebraska Corporation, for Saturday, October 22, 2011

Bills in the amount of \$1,951,303.93

Special Presentations

Public Works Director Dennis Smith provided the Mayor and City Council with a recreation update. Smith stated more parking has been made available on the south side of the National Guard Armory; work has begun on the backstop wall and baseball stadium footings, as well as lighting for the baseball field. Also, about 40% of the pool vessels have been poured and masons have started work on the multi-purpose facility.

Public Hearings and Related Items

A public hearing was held to consider a zoning change from C-1 (Local Business District) to R-3 (Multiple Family Residential District) at 1309 West Norfolk Avenue at the request of Agape Pregnancy Center. Fire Chief Scott Cordes provided information to the Mayor and City Council. The Planning Commission initially tabled a request to rezone the property from C-1 to R-1 because of a lack of support from Commissioners. The owner then decided to re-apply for a zoning change from C-1 to R-3 which is more compatible with the area.

Bill Zechman, 3202 Mach 1 Drive, spoke in favor of the zoning change. Agape Pregnancy Center has a buyer for the property who wants to use it as a single-family residence.

On September 20, 2011, the Norfolk Planning Commission held a public hearing regarding Agape Pregnancy Center's request. The City Clerk read the Planning Commission's recommendation for approval into the record.

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

Ordinance No. 5183
(zone change, 1309 West Norfolk Avenue)

Councilmember Coy introduced, seconded by Councilmember Lange, Ordinance No. 5183 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, MADISON COUNTY, NEBRASKA; AMENDING THE ZONING DISTRICT MAP OF THE CITY OF NORFOLK, NEBRASKA; PROVIDING WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT; AND PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM and moved that the ordinance be passed on first reading. Said ordinance was then read into the record by title by the City Clerk.

Roll call: Ayes: Councilmembers Coy, Lange, Merrill, Clausen, Murren, Brenneman, Fauss and Saunders. Nays: None. Absent: None. Motion carried. Ordinance No. 5183 passed on first reading.

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

Roll call: Ayes: Councilmembers Coy, Lange, Merrill, Clausen, Murren, Brenneman, Fauss and Saunders. Nays: None. Absent: None. Motion carried. The motion to suspend the rules was adopted by three-fourths of the Council and the statutory rule requiring reading on three different days was suspended for consideration of said ordinance.

Thereafter Councilmember Fauss moved, seconded by Councilmember Coy, that the statutory rules requiring reading on three different days be suspended and for final passage of the ordinance. The Mayor then stated the question "Shall Ordinance No. 5183 be passed and adopted?"

Roll call: Ayes: Councilmembers Coy, Lange, Merrill, Clausen, Murren, Brenneman, Fauss and Saunders. Nays: None. Absent: None. Motion carried. The passage and adoption of said ordinance having been concurred in by a majority of all members of the Council, the Mayor signed and approved the ordinance and the City Clerk attested the passage and adoption of the same and affixed her signature thereto. The Mayor then instructed the City Clerk to publish said Ordinance No. 5183 as required by law.

Regular Agenda Items

Resolution No. 2011-41
(levy special assessment, 1202 West Prospect Avenue)

Councilmember Coy moved, seconded by Councilmember Lange, to remove from the table Resolution No. 2011-41 approving the levying of 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. This item was tabled at the September 19, 2011 City Council meeting.

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

City Administrator Shane Weidner spoke with neighbors in the area of 1202 West Prospect Avenue who were thankful to the City of Norfolk for mowing the overgrown lot. City staff followed City Code, which mirrors State Statutes, during the process. Weidner stated the City is not in the mowing service.

Paul Spatz, owner of the property, distributed copies of phone records from the last six month with highlighted phone calls to the City although Spatz was not able to remember who he talked to or what the discussions were about. Spatz would not discuss the dilapidated garage on the property. Spatz offered to pay \$100.00 for the mowing completed by the City. Spatz did not respond when asked why the property didn't get mowed when the City sent the notification.

Councilmember Lange said there are consequences to a landowner who doesn't take care of the property.

Councilmember Coy did not mean to imply a negative connotation against City staff when the item was tabled. Coy stated City staff is very professional; the City is not in the lawn mowing business; and the billing is for man hours not the amount of area mowed.

Roll call on the motion to adopt Resolution No. 2011-41 approving the levying of 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. Ayes: Councilmembers Coy, Lange, Merrill, Clausen, Murren, Brenneman, Fauss and Saunders. Nays: None. Absent: None. Motion carried. Resolution No. 2011-41 was adopted.

Councilmember Lange moved, seconded by Councilmember Merrill to disallow 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.

Roll Call: Ayes: Councilmembers Coy, Lange, Merrill, Clausen, Murren, Brenneman, Fauss and Saunders. Nays: None. Absent: None. Motion to disallow the claim carried.

Councilmember Fauss moved, seconded by Councilmember Saunders to adjourn the meeting at 6:17 p.m. Roll call: Ayes: Councilmembers Coy, Lange, Merrill, Clausen, Murren, Brenneman, Fauss and Saunders. Nays: None. Absent: None. Motion carried.

Sue Fuchtman
Mayor

ATTEST:

Elizabeth A. Deck
City Clerk

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I, the undersigned Clerk, hereby certify that the foregoing is the full, true and correct original document of proceedings of Monday, October 3, 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

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