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 6th day of September, 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, Finance Officer Randy Gates, Police Chief Bill Mizner, Housing Director Sheila Miller, Solid Waste Manager Gary Lund, Wastewater Plant Superintendent Todd Boling, Information Systems Manager Jim McKenzie, Administrative Secretary Bethene Hoff, Water & Sewer Director Dennis Watts, Prevention Manager Scott Cordes and Human Resources Director Sheila Schukei.

The Mayor presided and the City Clerk recorded the proceedings.

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

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

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

Agenda Motions

Councilmember Merrill moved, seconded by Councilmember Coy to approve the consent agenda as printed.

Councilmember Clausen abstained from voting on the consent agenda.

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

Councilmember Brenneman moved, seconded by Councilmember Lange 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 August 24, 2011 Special City Council meeting

Resolution No. 2011-28 approving the Premier Point Addition final plat and its subdivision agreement, a two-lot subdivision located at Riverside Boulevard and Benjamin Avenue (this is the Colonial Plaza Planned Unit Development.)

Norfolk Public Library Foundation to hold an educational class on wine and food pairings, to include wine tasting, on October 28, 2011 at the Norfolk Public Library, 308 Prospect Avenue

Special Designated Liquor License for Hy-Vee Inc. to serve wine at the Norfolk Public Library on Friday, October 28, 2011 from 6:00 p.m. to 10:00 p.m. for an educational class on wine and food pairings

Low bids from several companies to purchase computer switches and additional network upgrade equipment for a total of $67,717.00

Temporary easement from Virgil Halsey and Renee Halsey, 402 Ridgeway Drive, for $200.00 for property along 25th Street

Temporary easement and donation of road right-of-way from Doris M. Scheer, Thomas L. Scheer, Mary Caroline Scheer, James Daniel Scheer, and Kristi J. Scheer, 2600 West Maple Avenue, for property along 25th Street

Temporary easement from Brian B. Webb, 200 North 25th Street, for $1,450.00 for property along 25th Street

Temporary easement, partial acquisition contract, and warranty deed from Charles A. McCall, 2418 West Madison Avenue, for $1,820 for property along 25th Street

Temporary easement, permanent easement, partial acquisition contract, and warranty deed from The Church of Sacred Heart of Norfolk, 204 South 5th Street, for $600.00 for property along 25th Street

Temporary easement and permanent easement from Virginia E. Springfield, 926 Enz Drive, Edmond, Oklahoma, for $450.00 for property along 25th Street

Temporary easement from Jon J. Blevins and Christine A. Blevins, 2417 Westside Avenue, for $1,400.00 for property along 25th Street

Lions Club agreement for its annual parade on September 24, 2011 with a parade route from south on Riverside Boulevard/4th Street to Madison Avenue, west on Madison Avenue to 5th Street, and north on 5th Street to Walnut Avenue

Vehicle Parking District Advisory Board reappointments of John Stappert and Roger Brummels for three year terms ending in August of 2014

BSB, L.L.C., a Nebraska Limited Liability Company, (Lessor), addendum to agreement extending and modifying the terms of the lease for a portion of Lessor's building located at 105 East Norfolk Avenue

Temporary easement, partial acquisition contract, and warranty deed from William W. Alexander and Marilyn J. Alexander, 2408 West Norfolk Avenue, for $2,920.00 for property along 25th Street

Temporary easement from Jeffrey Hoffart, 608 North 25th Street, for $1,000.00 for property along 25th Street

City Personnel Rules changes to Sections 8.30 Vacation Leave, 8.100 Holidays, and 15.50 College Credit Reimbursement Policy

Norfolk Golden Girls, Inc., a Nebraska Nonprofit Corporation, agreement allowing the use of the Ta-Ha-Zouka softball fields for a coed softball tournament Saturday, October 1, 2011, and Sunday, October 2, 2011

Resolution No. 2011-29 approving the use of a portion of land owned by the City of Norfolk for construction, operation, and maintenance of a multi-use trail facility as part of the Nebraska Department of Roads project URB-6001(1), identified as 25th Street from US 275 to Benjamin Avenue

Community Acknowledgement Form for pending application for flood plain map revision for the Walter's East Knolls Additions

Resolution No. 2011-30 approving the use of a portion of land owned by the City of Norfolk for a wetland facility and buffer area as part of the Nebraska Department of Roads project URB-6001(1), identified as 25th Street from US 275 to Benjamin Avenue

Resolution No. 2011-31 approving the use of a portion of land owned by the City of Norfolk for construction, operation, and maintenance of the drainage facilities as part of the Nebraska Department of Roads project URB-6001(1), identified as 25th Street from US 275 to Benjamin Avenue

Nemaha Landscape Construction, Inc. Change Order No. 3 for the General Combination Construction contract resulting in a net increase of $102,622.49 which provides for all Blaine Street storm sewer construction

Bills in the amount of $1,776,528.72

Special Presentations

City Administrator Shane Weidner provided the Mayor and City Council with a recreation update. Work will begin next week on the Ta-Ha-Zouka Park improvements. Football is being played at Veterans' Memorial Park and construction continues on the baseball stadium. Footings are poured for the aquatics portion of the project and the concrete for the pool vessels will be poured soon.

The Mayor proclaimed September 26, 2011, as "Family Day – A Day to Eat Dinner with Your Children".

Ken Peitzmeier with The Lower Elkhorn Natural Resources District presented a $30,000 check to Finance Officer Randy Gates and Solid Waste Manager Gary Lund for the new Household Hazardous Waste Facility.

Public Hearings and Related Items

FY 2011-2012 Budget Hearings & Vehicle Parking Fund Tax Request

Public hearings were held simultaneously to review the City's FY 2011-2012 municipal budget, the FY 2011-2012 proprietary (water, sewer, solid waste) budget, and to consider changing the Vehicle Parking Fund tax request for the 2011-2012 fiscal year from the amount for the 2010-2011 fiscal year. Finance Officer Randy Gates reviewed the budget information with the Mayor and City Council.

No one appeared either in favor of or in opposition to the proposed FY 2011-2012 budgets and to changing the Vehicle Parking Fund tax request for the 2011-2012 fiscal year from the amount for the 2010-2011 fiscal year and the Mayor declared the hearings closed.

Councilmember Fauss left the meeting at 6:13 p.m.

Resolution No. 2011-32
(Vehicle Parking Fund property tax request, FY 2011-2012)

Councilmember Saunders moved, seconded by Councilmember Lange, to adopt Resolution No. 2011-32 approving the property tax request for fiscal year 2011-2012 for the Vehicle Parking Fund in an amount different than fiscal year 2010-2011.

Roll call: Ayes: Councilmembers Coy, Lange, Merrill, Clausen, Murren, Brenneman, and Saunders. Nays: None. Absent: Fauss. Motion carried. Resolution No. 2011-32 was adopted.

Ordinance No. 5176
(FY 2011-2012 appropriations and proprietary budgets)

Councilmember Lange introduced, seconded by Councilmember Merrill, Ordinance No. 5176 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA, ADOPTING THE BUDGET STATEMENT TO BE TERMED THE ANNUAL APPROPRIATION BILL; APPROPRIATING SUMS FOR NECESSARY EXPENSES AND LIABILITIES; ADOPTING THE PROPRIETARY BUDGET STATEMENT; PROVIDING FOR SEVERABILITY; PROVIDING WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND TAKE 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 Brenneman, and Saunders. Nays: None. Absent: Fauss. Motion carried. Ordinance No. 5176 passed on first reading.

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

Roll call: Ayes: Councilmembers Coy, Lange, Merrill, Clausen, Murren, Brenneman, and Saunders. Nays: None. Absent: Fauss. 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 Brenneman moved, seconded by Councilmember Saunders, that the statutory rules requiring reading on three different days be suspended and for final passage of the ordinance. The Mayor then stated the question "Shall Ordinance No. 5176 be passed and adopted?"

Roll call: Ayes: Councilmembers Coy, Lange, Merrill, Clausen, Murren, Brenneman, and Saunders. Nays: None. Absent: Fauss. 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. 5176 as required by law.

Ordinance No. 5177
(FY 2011-2012 Classification and Pay Plan)

Councilmember Lange introduced, seconded by Councilmember Coy, Ordinance No. 5177 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA, CLASSIFYING THE EMPLOYEES OF THE CITY: FIXING THE RANGES OF COMPENSATION OF SUCH EMPLOYEES: PROVIDING A PAY RANGE REPEALING ORDINANCE NO. 5128; PROVIDING FOR PUBLICATION IN PAMPHLET FORM AND WHEN THIS ORDINANCE SHALL TAKE EFFECT 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, and Saunders. Nays: None. Absent: Fauss. Motion carried. Ordinance No. 5177 passed on first reading.

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

Roll call: Ayes: Councilmembers Coy, Lange, Merrill, Clausen, Murren, Brenneman, and Saunders. Nays: None. Absent: Fauss. 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 Brenneman moved, seconded by Councilmember Merrill, that the statutory rules requiring reading on three different days be suspended and for final passage of the ordinance. The Mayor then stated the question "Shall Ordinance No. 5177 be passed and adopted?"

Roll call: Ayes: Councilmembers Coy, Lange, Merrill, Clausen, Murren, Brenneman, and Saunders. Nays: None. Absent: Fauss. 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. 5177 as required by law.

Resolution No. 2011-33
(additional 1% increase in restricted fund authority)

Councilmember Coy moved, seconded by Councilmember Lange, to adopt Resolution No. 2011-33 approving the additional 1% increase in restricted fund authority allowed upon the affirmative vote of at least 75% of the Council

Roll call: Ayes: Councilmembers Coy, Lange, Merrill, Clausen, Murren, Brenneman, and Saunders. Nays: None. Absent: Fauss. Motion carried. Resolution No. 2011-33 was adopted.

Regular Agenda

Ordinance No. 5178
(Water District 119)

Councilmember Lange introduced, seconded by Councilmember Merrill, Ordinance No. 5178 entitled: AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF BOND ANTICIPATION NOTES OF THE CITY OF NORFOLK, NEBRASKA, IN THE PRINCIPAL AMOUNT OF ONE HUNDRED EIGHTY THOUSAND DOLLARS ($180,000) FOR THE PURPOSE OF PROVIDING INTERIM FINANCING FOR THE COSTS OF WATER IMPROVEMENTS IN WATER EXTENSION DISTRICT NO. 119 PENDING THE ISSUANCE OF PERMANENT GENERAL OBLIGATION VARIOUS PURPOSE BONDS OF THE CITY; PRESCRIBING THE FORM OF SAID NOTES; AGREEING TO ISSUE THE CITY'S GENERAL OBLIGATION VARIOUS PURPOSE BONDS TO PAY THE NOTES AT MATURITY OR TO PAY THE NOTES FROM OTHER AVAILABLE FUNDS; ENTERING INTO A CONTRACT ON BEHALF OF THE CITY WITH THE HOLDERS OF SAID NOTES; AND PROVIDING FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM and moved that the ordinance be passed on first reading. Said ordinance was then read into the record by title by the City Clerk.

Roll call: Ayes: Councilmembers Coy, Lange, Merrill, Clausen, Murren, Brenneman, and Saunders. Nays: None. Absent: Fauss. Motion carried. Ordinance No. 5178 passed on first reading.

Councilmember Lange 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, and Saunders. Nays: None. Absent: Fauss. Motion carried. The motion to suspend the rules was adopted by three-fourths of the Council and the statutory rule requiring reading on three different days was suspended for consideration of said ordinance.

Thereafter Councilmember Lange moved, seconded by Councilmember 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. 5178 be passed and adopted?"

Roll call: Ayes: Councilmembers Coy, Lange, Merrill, Clausen, Murren, Brenneman, and Saunders. Nays: None. Absent: Fauss. 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. 5178 as required by law.

Ordinance No. 5179
(restricted parking on Park Avenue)

Councilmember Coy introduced, seconded by Councilmember Lange, Ordinance No. 5179 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO AMEND SECTION 24-164 OF THE OFFICIAL CITY CODE TO PROHIBIT PARKING ON A PORTION OF THE 1900 BLOCK OF WEST PARK AVENUE; TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT; AND TO PROVIDE FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM and moved that the ordinance be passed on first reading. Said ordinance was then read into the record by title by the City Clerk.

Police Chief Mizner stated the manager for Mosaic, 1904 West Park Avenue, requested the parking restriction because delivery trucks to The Meadows have difficulty accessing and exiting the property when vehicles are parked too close to the private drive of The Meadows.

Roll call: Ayes: Councilmembers Coy, Lange, Merrill, Clausen, Murren, Brenneman, and Saunders. Nays: None. Absent: Fauss. Motion carried. Ordinance No. 5179 passed on first reading.

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

Roll call: Ayes: Councilmembers Coy, Lange, Merrill, Clausen, Murren, Brenneman, and Saunders. Nays: None. Absent: Fauss. 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 Coy moved, seconded by Councilmember Lange, that the statutory rules requiring reading on three different days be suspended and for final passage of the ordinance. The Mayor then stated the question "Shall Ordinance No. 5179 be passed and adopted?"

Roll call: Ayes: Councilmembers Coy, Lange, Merrill, Clausen, Murren, Brenneman, and Saunders. Nays: None. Absent: Fauss. 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. 5179 as required by law.

Ordinance No. 5180
(Comprehensive fee schedule)

Councilmember Merrill introduced, seconded by Councilmember Murren, Ordinance No. 5180 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO AMEND

SECTION 2-5 OF THE OFFICIAL CITY CODE TO UPDATE THE COMPREHENSIVE FEE SCHEDULE; TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT; AND TO PROVIDE FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM and moved that the ordinance be passed on first reading. Said ordinance was then read into the record by title by the City Clerk.

Roll call: Ayes: Councilmembers Coy, Lange, Merrill, Clausen, Murren, Brenneman, and Saunders. Nays: None. Absent: Fauss. Motion carried. Ordinance No. 5180 passed on first reading.

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

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

Thereafter Councilmember Lange moved, seconded by Councilmember Murren, 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. 5180 be passed and adopted?"

Roll call: Ayes: Councilmembers Coy, Lange, Merrill, Clausen, Murren, Brenneman, and Saunders. Nays: None. Absent: Fauss. 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. 5180 as required by law.

Councilmember Coy moved, seconded by Councilmember Brenneman to adjourn the meeting at 6:50 p.m. Roll call: Ayes: Councilmembers Coy, Lange, Merrill, Clausen, Murren, Brenneman, and Saunders. Nays: None. Absent: Fauss. 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 Tuesday, September 6, 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)