

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 15th day of October, 2012, 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, Finance Officer Randy Gates, Police Chief Bill Mizner, Information Systems Manager Jim McKenzie, Administrative Secretary Bethene Hoff, Assistant City Engineer Mark Dolechek, Wastewater Plant Superintendent Todd Boling, Water & Sewer Director Dennis Watts, Fire Chief Scott Cordes, Library Director Jessica Chamberlain, and Economic Development Director Courtney Klein-Faust.

The Mayor presided and the City Clerk recorded the proceedings.

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

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

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

Agenda Motions

Councilmember Merrill moved, seconded by Councilmember Fauss to approve the consent agenda as printed. Roll call: Ayes: Councilmembers Coy, Lange, Merrill, Clausen, Murren, Brenneman, Fauss and Saunders. Nays: None. 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 October 1, 2012, City Council meeting

Robert A. Boe and Nancy C. Boe Dedication of street right-of-way along 30th Street, part of Lot 7, Block 3, Eldorado Hills 14th Subdivision, an Addition to the City of Norfolk, Madison County, Nebraska

Medallion Construction, Co., Inc. Change Order No. 1 for the 7th Street and Norfolk Avenue Project resulting in a net increase of \$800.50

Letter of no recommendation to the Nebraska Liquor Control Commission on the manager application of Randy Dee in connection with the Class C liquor license of Norfolk Country Inn, LLC, dba Norfolk Country Inn, 1201 South 13th Street

Rutjens Construction, Inc. Change Order No. 1 for the Ta-Ha-Zouka Sewer at 5th Street, McKinley to Jackson, project resulting in a net increase of \$585.25

William W. Alexander and Marilyn J. Alexander Permanent Easement Agreement and Donation for Road Right-of-Way for property along 25th Street

WJAG Incorporated agreement (a Nebraska Corporation) to hold the 1 mile Red Ribbon Run on Saturday, October 20, 2012

Daniel R. Moore and Nancy E. Moore grant of easement for the construction and maintenance of a sanitary sewer along Lots 2 and 3, Moore's Queen City Addition

James A. McKenzie agreement to utilize a portion of the property addressed as 1301 and 1303 Norfolk Avenue for the placement of a portable message board from November 1, 2012 to April 1, 2013

Greater Norfolk Economic Development Foundation agreement (a Nebraska Nonprofit Corporation) authorizing the Police Division to use the property located at 2300 Riverside Boulevard for police training

Bills in the amount of \$1,099,261.37

Special Presentations

Economic Development Director Courtney Klein-Faust gave an Economic Development report. The Economic Development roadmap for Norfolk, per Klein-Faust, will focus on 1) business retention and expansion, and 2) business attraction. However, other areas to work on are small business assistance, entrepreneurship, workforce development and housing. Klein-Faust said there has been a great level of cooperation/good working relationships throughout the community.

Jesse Poore, Storm Water Management Consultant with Felsburg, Holt & Ullevig, gave a presentation on a proposed ordinance that would amend Chapter 26 of the Official City Code to regulate illicit discharges and illegal connection to the storm drain system, storm water discharge from construction activities, and post construction storm water quality. Poore said the ordinance will revise existing rules and standards to meet the minimum state and federal regulations that have been in place for a long time. The ordinance will also address short-term water quality aspects related to construction activity and soil disturbance and long-term water quality aspects of new development and redevelopment. The minimum requirements are enforceable authority; enforcement tools and penalties; program definitions; definition of who must comply; define best management practices (BMPs) and performance standards; require plan review; and require site inspections and reporting. Poore indicated implementing the storm water management

requirements could add 10% to 25% to the cost of a project depending on the topography of the land and the project.

The proposed ordinance will be placed on a future City Council meeting agenda for consideration.

Public Hearings and Related Items

Public Hearing (CDBG application)

A public hearing was held to consider submitting a grant application to the Nebraska Department of Economic Development for a Community Development Block Grant (CDBG) in the amount of \$10,500 to complete a needs assessment/comprehensive revitalization strategy for targeted areas of the City. Lisa Hurley, Northeast Nebraska Economic Development District, provided information to the Mayor and City Council. The City of Norfolk, Nebraska, is requesting \$10,500 of Community Development Block Grant (CDBG) funds to complete a needs assessment/comprehensive revitalization strategy for targeted areas of the city. The total project cost is \$13,500, of which \$9,000 will be utilized to complete the needs assessment/strategy, and \$1,500 will be utilized for general administration of the grant; the City of Norfolk will provide a 25% match of \$3,000 toward the project cost. This project will benefit at least 51% low-to-moderate income persons and there no persons will be displaced as a result of CDBG activities. The Needs Study is necessary to move forward with the next 3-year phase of the Community Revitalization grant funding.

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

Public Hearing (Comprehensive plan & zone change, 901 South Pine Street)

Public hearings were held simultaneously to consider an amendment to the City's Comprehensive Plan from parks and recreation to industrial and a zone change from R-1 (Single Family Residential District) to I-1 (Light Industrial District) at 915 South Pine Street. Fire Chief Scott Cordes provided information to the Mayor and City Council.

John Dopheide, owner of the property, spoke in favor of the requested comprehensive plan amendment and zoning change to be able to have an office and expand storage for the business.

The Norfolk Planning Commission recommends changing the Comp Plan and zoning from residential (R-1) to commercial (C-1) on Lots 1, 2 and 3, Dopheide's Subdivision, and changing the Comp Plan and zoning from residential (R-1) to industrial (I-1) on Lot 5, Dopheide's Subdivision.

On September 5, 2012, the Norfolk Planning Commission held public hearings regarding the City Code amendments. The City Clerk read the Planning Commission's recommendations for approval into the record.

No one else appeared either in favor of or in opposition to the comprehensive plan amendment and zone change at 915 South Pine Street and the Mayor declared the hearings closed.

Ordinance No. 5232
(amend comprehensive plan, 915 South Pine Street)

Councilmember Fauss introduced, seconded by Councilmember Lange, Ordinance No. 5232 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, MADISON COUNTY, NEBRASKA; AMENDING THE FUTURE LAND USE 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. 5232 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, 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 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. 5232 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. 5232 as required by law.

Ordinance No. 5233
(zone change, 915 South Pine Street)

Councilmember Coy introduced, seconded by Councilmember Fauss, Ordinance No. 5233 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. 5233 passed on first reading.

Councilmember Coy moved, seconded by Councilmember Fauss, 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 Coy moved, seconded by Councilmember Fauss, that the statutory rules requiring reading on three different days be suspended and for final passage of the ordinance. The Mayor then stated the question "Shall Ordinance No. 5233 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. 5233 as required by law.

Councilmember Saunders left the meeting at 6:21 p.m.

Public Hearing
(Ramada Area blight & substandard declaration)

A public hearing was held to consider a blighted and substandard declaration for the area referred to as Ramada Area for the area located generally south of Omaha Avenue and east of Highway 81. Lisa Hurley, Northeast Nebraska Economic Development District (NENEDD) provided information to the Mayor and City Council. NENEDD completed the Blight and Substandard Determination Study. State Statutes establishes a series of five quantitative, or objective, criteria. An area must meet at least one of these initial criteria. The objective criteria are: underemployment, average age of residential or commercial units in the area, per capita income, population and unimproved land. If an area meets one of the objective qualifying criteria, it is subject to further review under Subjective Criteria. If one or more of these qualifiers is met, the area is determined to be "blighted and substandard." Subjective Criteria are: a substantial number of deteriorated or deteriorating structures; the existence of defective or inadequate street layout; faulty lot layout in relation to size, adequacy, accessibility or usefulness; unsanitary or unsafe conditions; deterioration of site or other improvements; diversity of ownership; tax or special delinquency exceeding the fair value of the land; defective or unusual conditions of title; improper subdivision or obsolete platting; existence of conditions which endanger life or property by fire and other causes; or any combination of such factors that substantially impairs or arrests the sound growth of the community, retards the provision of housing accommodations, or constitutes an economic or social liability and is detrimental to the public health, safety, morals, or welfare in its present condition and use.

The Study determined that the area located generally south of Omaha Avenue and east of Highway 81 met both objective and subjective criteria of blighted and substandard as defined by State Statutes.

No one else appeared either in favor of or in opposition to the blighted and substandard declaration for the Ramada Area and the Mayor declared the hearing closed.

On October 2, 2012, the Planning Commission reviewed the Blight and Substandard Determination Study for Area Referred to as Ramada Area. The City Clerk read the Planning Commission's recommendation for approval into the record.

Resolution No. 2012-42
(blight and substandard area)

Councilmember Lange moved, seconded by Councilmember Fauss, to adopt Resolution No. 2012-42 declaring the area generally located south of Omaha Avenue and east of Highway 81, referred to as Ramada Area, as blighted and substandard and that hereinafter the blight and substandard area shall be referred to as "Southeast Corner of 13th Street and Omaha Avenue." Roll call: Ayes: Councilmembers Coy, Lange, Merrill, Clausen, Murren, Brennehan, and Fauss. Nays: None. Absent: Saunders. Motion carried. Resolution No. 2012-42 was adopted.

There being no further business, the Mayor declared the meeting adjourned at 6:29 p.m.

Sue Fuchtman
Mayor

ATTEST:

Elizabeth A. Deck
City Clerk

(S E A L)

I, the undersigned Clerk, hereby certify that the foregoing is the full, true and correct original document of proceedings of Monday, October 15, 2012, 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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